

# Monitoring Officer Report 2020/21

Audit and Governance Committee  
30 September 2021

## 1. Role of the Monitoring Officer

- 1.1 The Monitoring Officer has the specific duty of ensuring that the Council, its officers, and its elected members maintain the highest standards of conduct in all that they do.
- 1.2 The legal basis for the Monitoring Officer's role is found in Section 5 of the Local Government and Housing Act 1989.
- 1.3 There are three main aspects to the role:
  - To report on matters that he/she believes are, or are likely to be, illegal or amount to maladministration;
  - To be responsible for matters relating to the conduct of Councillors and officers; and
  - To be responsible for the operation of the Constitution
- 1.4 The Monitoring Officer is required to prepare a report to the Authority if it appears that any proposal, decision or omission by the Authority has given rise to, or is likely to, or would give rise to:-
  - a) A contravention of any enactment or rule of law
  - b) Maladministration or failure as described in Part 3 of the Local Government Act 1974
- 1.5 Maladministration or failure under the 1974 Act is a reference to a finding of such made by the Local Government Ombudsman following an investigation undertaken by him/her.
- 1.6 Additionally, Part III of the Local Government Act 2000 makes the Monitoring Officer responsible for maintaining a Register of Member Interests. The Monitoring Officer also operates the procedures for dealing with Code of Conduct complaints against Cheshire East Borough Council Members, and Members of Town and Parish Councils in its area.
- 1.7 Under the requirements set out above, the Monitoring Officer ultimately assumes responsibility for the lawfulness of decision-making processes and a number of other governance controls, some of which are the subject of bespoke delegations in the constitution. These key additional functions are covered in this report. By a combination of these measures and responsibilities, the Monitoring Officer has a key role to play in ensuring sound corporate governance and in informing the production of each Annual Governance Statement.
- 1.8 The Monitoring Officer must be designated by Full Council and cannot be the Chief Executive (Head of Paid Service) or the Director of Finance

/Section 151 officer. The duties of the Monitoring Officer must be performed by him/her personally unless he or she is unable to act by reason of illness or absence, in which case a deputy/deputies, appointed by the Monitoring Officer, may act on his or her behalf.

- 1.9 Irrespective of illness or absence, where the Monitoring Officer is of the view that he or she ought not to perform functions relating to a Code of Conduct matter personally, s/he may delegate those functions to a person nominated by her/him as Deputy Monitoring Officer for that purpose.

## 2. Member's Code of Conduct

- 2.1. Cheshire East Council's current Code of Conduct came into force on 1 January 2018. It is the responsibility of the Audit and Governance Committee to monitor the operation of this Code as part of the Committee's responsibility for promoting high standards of ethical behaviour.
- 2.2. The Monitoring Officer undertakes a preliminary assessment of each complaint received, consulting one of the Independent Persons where appropriate, before making and notifying the Complainant of his/her decision on whether and how the complaint should proceed. This 'triage' process enables complaints which do not engage the Code or are trivial, vexatious or 'Tit for Tat' to be rejected, without the need to convene an assessment meeting.
- 2.3. Detail of the complaints received in 2020/21 is shown in the table below.

<b>Part A: General Obligations</b>		
<b>No. received</b>		
	Borough	Town Parish
Selflessness	6	27
Integrity	4	43
Objectivity	6	39
Accountability	1	32
Openness, sub paragraph (a) transparency	4	21
Openness, sub paragraph (b) disclosure	2	19
Honesty, sub paragraph (a) declaring interests	0	8
Honesty, sub paragraph (b) use of resources	1	7
Respect for others, sub paragraph (a) courtesy	4	55
Respect for others, sub paragraph (b) equality	1	15
Respect for others, sub paragraph (c) impartiality	4	22
Respect for others, sub paragraph (d) bullying	4	51
Leadership	5	51

Gifts and hospitality	0	0
Failure to register or declare an interest	1	9

*Note: the numbers may not tally with the number of complaints received as a Complainant may identify none or more than one paragraph in their complaint.*

- 2.4. The decision of the Monitoring Officer in respect of the complaints received was as follows:

Complaint:	2020/21		2019/20		2018/19	
	Borough	Town Parish	Borough	Town Parish	Borough	Town Parish
Rejected at preliminary assessment stage; failed to meet the assessment criteria	6	37	3	1	11	7
Concluded at Initial Assessment Meeting (breach or no breach)	3	22	7	12	10	2
Referred for formal external investigation	0	11	0	0	*not reported in 18/19	*not reported in 18/19
Referred to Standards hearing Sub Committee	0	11	0	0	*not reported in 18/19	*not reported in 18/19
Complaint ongoing	0	11	0	0	*not reported in 18/19	*not reported in 18/19

- 2.5. Over the course of the last two years, 55 cases progressed beyond the preliminary assessment stage, and of the complaints received in this period, 18 complaints were upheld.

### 3. Register of Member's Interests

- 3.1. Cheshire East Borough Council Members, and Members of Town and Parish Councils in its area, are required to declare and register certain classes of interests with the Monitoring Officer. They must then conduct themselves accordingly in relation to any interest that arises when transacting business on behalf of their Authority.

- 3.2. Registerable interests are explained in the Code of Conduct and include for all Members, Disclosable Pecuniary Interests. Additionally, there is a requirement to declare personal and other interests as set out in the individual Council's Code of Conduct.
- 3.3. A failure to declare an interest, and act accordingly in relation to the same, is capable of amounting to a breach of the Code of Conduct. In relation to Disclosable Pecuniary Interests, it can also amount to a criminal offence.
- 3.4. The relevant registers are available on, or through, the Council's website. There is a requirement to register upon taking office, and it is each Member's responsibility to ensure their register remains up to date as and when interests change.
- 3.5. Other than the Code of Conduct complaints (referred to above) which have involved an allegation of a failure to properly register an interest, there have been no issues arising through the year in respect of the registration of interests.
- 3.6. Training in respect of Member interests is covered below.

**4. Register of Gifts and Hospitality**

- 4.1. Cheshire East Borough Council Members are required to register with the Monitoring Officer details of any gifts or hospitality received where the value is considered to be in excess of £100.
- 4.2. The register of gifts and hospitality is maintained by the Monitoring Officer and is available for inspection by appointment at the Council's Office in Westfields.
- 4.3. Gifts and hospitality received by Members were declared to the Monitoring Officer in the following numbers;

2020/21	2019/20	2018/19	2017/18
1	2	1	3

- 4.4. Training in respect of gifts and hospitality is covered below.

**5. Member Training and Development**

- 5.1. The Member's Code of Conduct is recognised in Cheshire East Council's Member Training and Development Programme as being mandatory and

will be repeated on an annual basis, with a date to be confirmed for 2021/22. For any member who is elected as a result of a by election a one-to-one briefing session will be provided.

- 5.2. Following Council elections Code of Conduct training is delivered as part of the Induction programme for newly elected Members, with a wider, all Councillor briefing held in the 28 day period between the date of election and the deadline for completion of Members' Register of Interest Forms. Typically, further sessions would be held at regular intervals during the year, although this has not been possible during the last year due to the Covid pandemic. These sessions will recommence during 2021/22.
- 5.3. Plans are in place in relation to training over the coming year as part of the Council's four-year cycle of training and development. These plans take into account the earlier recommendations of the Committee on Standards in Public Life, as set out in its report on Local Government Ethical Standards published in January 2019. Training content will reflect the Council's recent transition to a committee system form of governance, with a particular focus on the Members Code of Conduct and the arrangements for dealing with Member complaints. Both the Code and the adopted arrangements will be reviewed during the 2021/22 in light of the recently released Local Government Association's Model Code of Conduct 2020, and in the context of the new Constitution, with training tailored and timed to suit.
- 5.4. In respect of Town and Parish Councils, a training programme has been devised in association with the Cheshire Association of Local Councils (CHaLC) and has been delivered by CHaLC since the elections in May 2019, with attendance by the Monitoring Officer when required.

## **6. Dispensations**

- 6.1. The Monitoring Officer is empowered to grant dispensations enabling Cheshire East Council Members to take part in council business in which they would otherwise have an interest which would prevent their dispensation.
- 6.2. There are a number of "standing" or general dispensations which apply to all Cheshire East Council Members. These are set out through in Chapter 4, Part 1 of the Constitution at the end of the Member Code of Conduct.
- 6.3 During the course of 2020/21, general dispensations were granted in relation to remuneration arising from directorships on Council owned companies, and in relation to participation in the current Community

## 7. Information and Data Protection

### Data Protection Requests

7.1. The table below outlines the number of requests (individual rights and disclosure requests) received under Data Protection legislation during the financial year 2020/21 compared with 2019/20. It also shows the percentage of requests which were responded to within the statutory timescales (one calendar month).

*Table 1 - Data Protection Requests*

	2020/21	2019/20
Data Protection Requests	1094	1462
Percentage responded to within statutory timescales	88%	93%

7.2. Data Protection rights requests into the Council typically originate from individuals, including care leavers requesting access to their social care records. Disclosure requests come from a range of third party agencies including the Police, DWP, Home Office, solicitors, other local authorities, and regulatory bodies as well as commercial organisations such as insurance companies requesting CCTV footage.

7.3 Requests have decreased on the previous year and the response rate within statutory timescales has declined. The drop in compliance rate is primarily due to capacity in the team and it should be noted that information gathered in response to subject access requests and requests for disclosure is often complex and voluminous. Every page in every document must be carefully reviewed and redacted before it is released to the requester.

### Freedom of Information/Environmental Information Requests

7.3. Tables 2, 3, 4 and 5 below outline the number of requests received under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations (EIR) 2004. They also detail the type, source and number of requests made to the Council, the response times for individual services and the request outcomes.

7.5 Cheshire East Council increased its compliance rate for FOIA and EIRs cases to 97%. This was achieved despite the extra constraints placed upon services by the Covid 19 Pandemic; and compares well to many public authorities who paused all FOIA and EIRs activities in April 2020 due to the pandemic.

7.6 There was a noticeable decrease in new requests during the first 2 to 3 months of the pandemic and during the later lockdowns which accounts for the fall in requests. The Information Commissioners Office also took a pragmatic and proportionate approach to their regulatory function during the pandemic. As stated in 7.5, many public authorities paused all FOIA and EIRs activities in the Spring and Summer of 2020. However, they then had a backlog to process in the Autumn. Cheshire East Council did not do this and maintained a compliance rate of 97% for the fiscal year.

*Table 2 – Requests Received under FOIA and EIR's*

Type of Request	2020/21	2019/20
FOIA/EIR Requests	1,474	1,648
EIR Requests to Land Charges <sup>1</sup>	2,735	2,809
<b>Total FOIA/EIR Requests</b>	<b>4,209</b>	<b>4,457</b>

*Table 3 – Source of FOI/EIR Request*

Source	2020/21	2019/20
Commercial	32%	27%
Councillor	1%	1%
Individual	40%	45%
MP	1%	<1%
Other	<1%	<1%
Press or media	9%	11%
Pressure Groups	4%	4%
Public Sector	1%	1%
Researchers	2%	2%
What do they know? <sup>2</sup>	9%	8%

*Table 4 – Percentage of requests handled within 20 working days per Directorate (excluding requests directly made to Land Charges)*

Directorate	2020/21	2019/20
Corporate Directorate	97%	97%
People Directorate	98%	97%
Place Directorate	95%	96%
<b>Total</b>	<b>97%</b>	<b>96%</b>

<sup>1</sup> Personal Search Companies make EIR requests directly to the Land Charges Team, who respond directly to the requester. The requests are all completed within the statutory deadline of 20 working days.

<sup>2</sup> 'What do they know?' is a website used to make FOI and EIR requests

- 7.7 The Council provides full information to the requester in 58% of cases.
- 7.8 In 131 cases (see Table 6) the requests were refused, as the information was already publicly accessible to the applicant without the need to make a request through either FOIA or the EIR's. Ordinarily, links are provided to the location of the published information. Responses are also routinely published in the authority's FOI Disclosure Log. Requesters are advised to look there before making a new request.
- 7.9 Table 5 details the number of cases where the information has not been released or has not been released in full.

*Table 5 – FOI/EIR Outcomes – 2019/20*

<b>Outcomes</b>	<b>2020/21</b>	<b>2019/20</b>
All information sent	856	888
Information not held	107	192
Ongoing Request at year end (outcome not known)	26	29
Some information sent but not all held	105	137
No information sent - all held but exempt	219	200
Some information sent but part exempt	86	106
Exceeds appropriate limit (18 hours) - refused <sup>3</sup>	9	20
Request lapsed – (clarification sought but not provided by requester)	36	46
Some information sent and exceeds appropriate limit	23	23
Neither confirm nor deny information held	6	2
Vexatious request	0	1
Repeated request	0	1
Part exempt and exceeds appropriate limit	1	1
Some information sent, part exempt and exceeds limit	0	2
<b>Total</b>	<b>1,474</b>	<b>1,648</b>

- 7.10 As shown in Table 6 below, 298 FOI Exemptions and EIR Exceptions were applied to refusals issued during 2020/21.

<sup>3</sup> The 'appropriate limit' is 18 hours, i.e., if it will take more than 18 hours to fulfil the request, then it can be refused. If a requester wishes to pursue the request and the response, then a fees notice can be issued. In most cases the requester will issue a new revised and reduced request.

Table 6 – FOI/EIR Refusal Notice Reasons

<b>Refusal Notices issued</b>	<b>2020/21</b>	<b>2019/20</b>
EIRs Regulation (12)(5)(f) Information in Confidence	0	3
EIRs Regulation 12(3) Personal Information	2	34
EIRs Regulation 12(4)(a) Information Not Held	4	6
EIRs Regulation 12(4)(b) Manifestly Unreasonable	1	15
EIRs Regulation 12(4)(c) Formed in too general a manner	0	1
EIRs Regulation 12(4)(d) Draft Information	0	2
EIRs Regulation 12(4)(e) Internal Communications	0	2
EIRs Regulation 12(5)(b) Course of Justice	0	9
EIRs Regulation 12(5)(c) Intellectual Property Rights	0	0
EIRs Regulation 12(5)(d) Confidentiality of Proceedings	0	2
EIRs Regulation 12(5)(e) Commercial Interests	0	1
EIRs Regulation 12(5)(g) Protection of Environment	0	1
EIRs Regulation 6(1)(b) Publicly Accessible	52	71
FOIA Section 12(1) Compliance Exceeds 18 Hours	9	20
FOIA Section 21 Publicly Accessible to applicant	79	82
FOIA Section 22 Intended for Future Publication	6	31
FOIA Section 23 Information from or relating to security bodies	0	0
FOIA Section 30 Investigations & Proceedings	15	1
FOIA Section 32 Court Records etc.	0	0
FOIA Section 31 Law Enforcement	68	15
FOIA Section 33 Audit Functions	0	0
FOIA Section 36 Prejudicial to conduct of public affairs	1	0
FOIA Section 38 Health & Safety	0	0
FOIA Section 40 Personal Information	43	33
FOIA Section 41 Information Provided in Confidence	10	5
FOIA Section 42 Legal Professional Privilege	1	1
FOIA Section 43 Commercial Interests	7	20
<b>TOTAL</b>	<b>298</b>	<b>355</b>

7.11 It should be noted that the number of exemptions/exceptions does not match with the number of requests refused (Table 4) because more than one exemption/exception may be used in a refusal notice.

## Internal reviews and referrals to the Information Commissioner's Office

- 7.12 Should a requester be unhappy with the initial response to their request, they have the right to request an internal review. This is conducted by someone independent of the initial response and usually by a senior officer within the Compliance and Customer Relations Team.

*Table 7 - Internal Reviews and Outcomes*

<b>Outcome</b>	<b>2020/21</b>	<b>2019/2020</b>
Not upheld (in favour of Council)	40	46
Ongoing review at end of year	0	3
Upheld – full (in favour of requester)	13	11
Upheld – partial (in favour of requester)	19	10
Withdrawn	1	0
<b>Total</b>	<b>73</b>	<b>70</b>

- 7.13 Should a requester remain unhappy following the internal review, he/she may appeal to the Information Commissioner's Office for a decision. Table 8 below outlines the outcomes for those requests which were referred to the ICO.

*Table 8 – Referrals to the Information Commissioner's Office (ICO)*

<b>Complaints to the ICO</b>	<b>2020/21</b>	<b>2019/20</b>
Late Notification	0	0
Ongoing at year end	6	1
Withdrawn	0	0
Complaint Upheld	0	1
Complaint Not Upheld	1	7
<b>TOTAL</b>	<b>7</b>	<b>9</b>

## 8. Complaints including Local Government and Social Care Ombudsmen Referrals

- 8.1. Appendices 1, 2(a) and 2(b) outline the number of cases of formal feedback received from customers during 2020/21 and administered under the Council's Corporate Compliments, Suggestions and Complaints Policy, as well as the Council's Adults and Children's Social Care Complaints Policies. A summary of the cases closed during 2020/21 by the Local Government and Social Care Ombudsman is also provided. Figures for 2019/20 are also included for comparison.

- 8.2. During 2020/21 the Council received 2824 instances of customer feedback – 887 were compliments, 184 were suggestions and 1753 were complaints. Details are attached in Appendix 1.
- 8.3. Complaints have decreased by 25% in 2020/21 compared with the previous year, when 2345 were received. This decrease can be partly attributed to the decrease in complaints relating to Waste & Recycling (drop of 41%), Special Educational Needs (drop of 35%) and Highways Operations (drop of 29%). However, it is also worth highlighting that Development Management and Enforcement saw an increase of 34%.
- 8.4. The number of recorded compliments in 2020/21 was 887, compared with 1087 in 2019/20; a large portion of these relate to the Waste and Recycling Service and Business Rates. The Council also recorded 184 suggestions (145 in 2019/20). These are neither complaints nor compliments, but often suggested changes to policy or working practice.

#### Stage 2 Corporate Complaints

- 8.5. Of the 1631 corporate (i.e., non-social care) complaints received in 2020/21, 113 cases were escalated to a Stage 2 investigation and 24 went straight to Stage 2; for example, in cases where there may have already been lengthy correspondence exchanged between the service and the customer.
- 8.6. This compares with 2019/20, when 127 complaints were escalated to a Stage 2 investigation and 12 were considered directly at Stage 2. The main areas which received requests for Stage 2 investigations were Highway Operations, Development Management & Enforcement and Waste & Recycling.

#### Children's Social Care Complaints

- 8.7. 32 new complaints were received in 2020/21, compared with 87 in 2019/20. Of the 32 complaints, 7 were dealt with at Stage 2, compared with 9 in 2019/20. Two complaints in 2020/21 were considered at Stage 3 of the Children's social care complaints procedure.

#### Adult Social Care Complaints

- 8.8. 90 new complaints were received in 2020/21, compared with 109 in 2019/20. Of the 90 complaints, 22 complaints were dealt with at Stage 2, compared with 4 in 2019/20.

#### Local Government and Social Care Ombudsman (LGSCO) referrals

- 8.9. All customers are offered the opportunity to appeal to the LGSCO if they are unhappy with the way in which the Council has handled their complaint.

- 8.10. Appendices 2a and 2b show the number of Decision Notices issued to the Council during 2020/21 (64) and 2019/20 (73). For comparison during 2018/19 the Council received 78 Decision Notices and 91 during 2017/18.
- 8.11. During 2020/21, the LGSCO issued Decision Notices on 64 cases. 31 of these cases were closed after the LGSCO conducted their initial enquiry and carried out detailed investigations on 33 cases. In 21 of these cases the detailed investigation found maladministration and upheld the complaint in the complainant's favour. In 12 cases the detailed investigation found no fault with the Council's actions and were not upheld. This gives the authority an uphold rate of 64% of the detailed investigations decided by the LGSCO in 2020/21 which is an increase from the 59% uphold rate in 2019/20. However, this compares to an average of 63% in similar authorities. It is worth noting that the number of cases upheld (21) represents just over 1% of the total number of complaints (1753) the Council received during 2020/21.
- 8.12. However, it is worth highlighting that of the 21 upheld cases, 8 (38%) cases relate to the Special Education Needs Service. The common theme in these cases are delays in issuing Education Health and Care Plans (EHCP). The service has since launched the first phase of the wider SEND training and development programme, which they anticipate will help address the issues identified by the LGSCO investigations.
- 8.13. There are several cases which the Ombudsman received which are rejected on receipt (for example, because they are premature, are recorded as advice calls or because the LGSCO has no jurisdiction over a particular type of complaint). The Council is not always notified of these cases and these figures are published in the LGSCO's annual report, which is usually issued by the end of July following the end of the financial year.
- 8.14. The LGSCO's Annual Review Letter was received on 21 July 2021. This stated that in 100% of cases they were satisfied that the council had successfully implemented their recommendations. Failure to comply with recommendations from the Ombudsman is rare.

At the end of March 2020, the Ombudsman took the unprecedented step of temporarily stopping their casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. They restarted casework in late June 2020, after a three month pause.

After listening to feedback from local authorities, the Ombudsman decided it was unnecessary to pause their casework again during further waves of the pandemic. Instead, they have encouraged authorities to talk to them on an

individual basis about difficulties responding to any stage of an investigation, including implementing recommendations.

In their formal enquiries, the Ombudsman can request a significant amount of information, and therefore we do make requests on a case by case basis for additional time to provide the amount of detail and documentation that is being requested.

## **9. Regulation of Investigatory Powers (RIPA) Act**

9.1. The Council occasionally needs to use directed surveillance and obtain communications data to carry out its enforcement functions effectively, e.g., planning enforcement, licensing enforcement, trading standards, environmental health, and community enforcement. RIPA provides a regulatory framework to enable public authorities to obtain information using certain covert investigatory techniques.

9.2. It is imperative that, when investigating alleged wrongdoing, certain conditions are met in each case in order that successful prosecutions can be made. It is essential that covert surveillance is only used when it is necessary and proportionate to do so. Therefore, this must be properly authorised and recorded, the tests of necessity and proportionality must be satisfied, and the potential for collateral intrusion must be considered and minimised.

9.3. The Council's Authorising Officers/Designated Persons are:

### Place Directorate

Andrew Ross, Director of Highways & Infrastructure

Peter Skates, Director of Growth & Enterprise

Paul Bayley, Director of Environment & Neighbourhood Services

### Corporate Directorate

Alex Thompson, Director of Finance & Customer Services

### People Directorate

Jill Broomhall, Director of Adult Social Care Operations

Nichola Thompson, Director of Commissioning

Kerry Birtles, Director of Children's Social Care

9.4. Once authorised, all applications need the approval of a Justice of the Peace/Magistrate, as required by the Protection of Freedoms Act 2012. The Act also restricts the use of RIPA authorised surveillance to the investigation of offences which attract a custodial sentence of six months or more. The Director of Governance and Compliance Services assumes responsibility for

the integrity of the process to ensure that the Council complies with the legislation.

#### Use of Covert Human Intelligence Source (CHIS)

- 9.5. Covert human intelligence sources may only be authorised if there are certain additional arrangements in place, including an employee of the Council being responsible for the source's security and welfare and a Senior Officer with general oversight of the use made of the source. Use of a CHIS must be authorised by the Chief Executive before it is approved by a Justice of the Peace/Magistrate.

#### Applications Authorised

- 9.6. The table below shows the number of applications authorised during 2020/21, compared with previous years.

	<b>Directed surveillance</b>	<b>Communications Data</b>	<b>CHIS</b>
2020/21	0	0	0
2019/20	2	0	0
2018/19	1	1	0

## **10. Whistleblowing**

- 10.1 Cheshire East has an established whistleblowing policy and detailed supporting guidance available on both the Centranet and the Council's website. The current policy was introduced in March 2018 following a review of the Council's arrangements by Public Concern at Work (now known as Protect), the leading advocate for whistleblowing in the UK.
- 10.2 The policy is based on the model policy recommended by Protect but has been adapted to meet Cheshire East's specific requirements such as members of Audit and Governance Committee being designated contacts under the policy. The policy is kept under review and any changes required to ensure that it remains in line with best practice will be brought back to the Committee for approval and adoption.
- 10.3 It can be difficult to determine whether an organisation's whistleblowing arrangements are effective as it is important to take into consideration more than simply the volume of reports received. This is because a single, well founded concern received over a number of years more than justifies maintaining the whistleblowing arrangements.

- 10.4 It is therefore important to ensure that employees, members and external parties working for the Council are aware of the arrangements and provided with assurance that any concerns raised will be taken seriously and that anyone raising concerns will be protected from suffering any detriment as a result of “blowing the whistle”.
- 10.5 To achieve this, the following work has been undertaken since the policy was adopted:
- Publicity and signposting of the policy and supporting information in Team Voice and on Centranet.
  - Development and launch of detailed guidance for officers and members in the event that they are approached with a concern.
  - Training delivered to Audit and Governance Committee
  - Training delivered to Wider Leadership Team, Finance and HR staff.
  - Promotion of the Whistleblowing arrangements under the Brighter Futures Culture Workstream communications and events.
- 10.6 In order to ensure that staff and members are aware of the Whistleblowing Policy and what they should do in the event that someone raises a concern with them, further promotion of the policy and development of the online resource will take place during 2021/22. In addition, an e-learning module is currently being developed which will further improve the knowledge and awareness of whistleblowing throughout the Council.

Referrals Received

- 10.7 The table below shows the number of referrals received during 2020/21 along with a breakdown of the outcome and comparative figures for 2019/20. The figures include all referrals via the online reporting tool and to the dedicated whistleblowing email account.

	2020/21	2019/20
<b>No of Referrals Received</b>	8	7
<b>Met criteria and action taken:</b>		
Unfounded after testing concerns	0	0
Referred for investigation after testing concerns	1	1
<b>Did not meet criteria and action taken:</b>		
Referred to other Council service for resolution	7	2
Referred for disciplinary investigation	0	1
Rejected after testing concerns	0	3

- 10.8 It is pleasing to note that all of the concerns raised were as a result of what appears to be genuine unease on the part of our staff, and that sufficient information was provided to allow for the concerns raised to be tested in each case.
- 10.9 Although only a small number of concerns were raised through the whistleblowing policy in both 2019/20 and 2020/21, there is no evidence that staff failed to report concerns because of fear that it would be detrimental to them.

## **11 Constitution/Decision Making Process in operation**

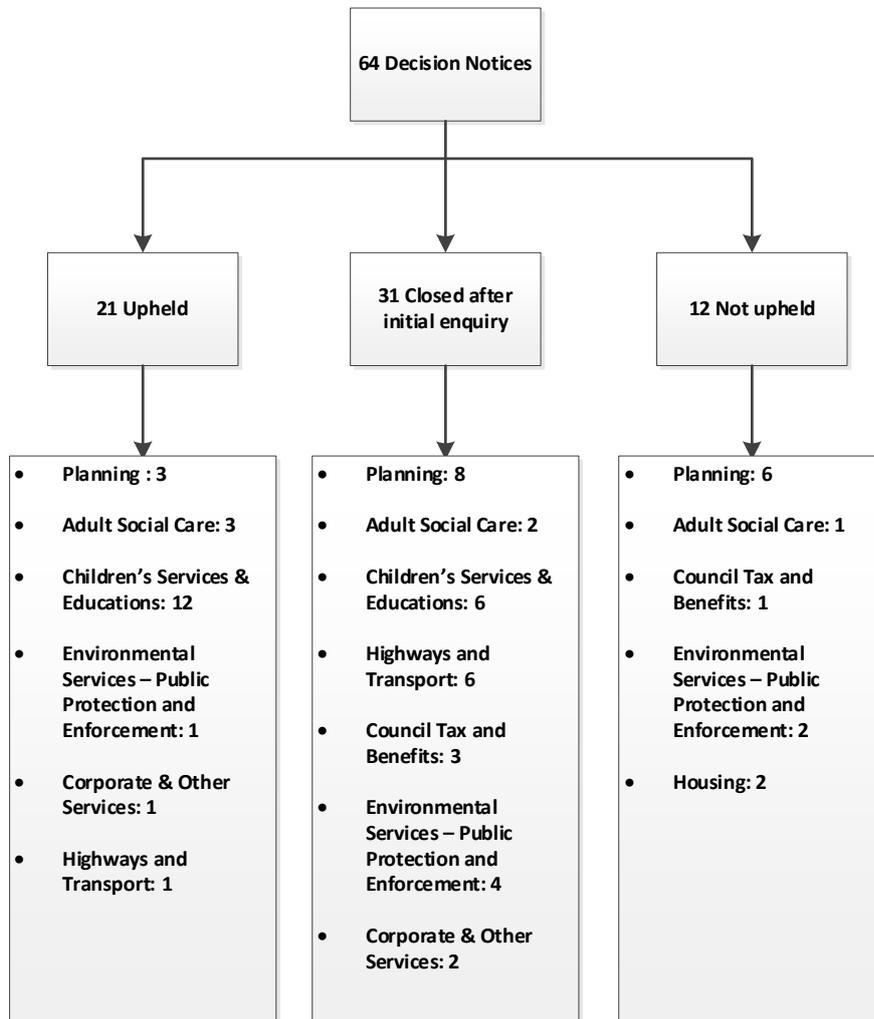
- 11.1 The Constitution is monitored and reviewed at officer level by the Monitoring Officer and at member level by the Constitution Committee. Significant changes are submitted to Council for approval. Minor changes can be made by the Committee or by the Monitoring Officer in consultation with the Chairman and Vice-Chairman of the Committee.
- 11.2 During 2020/21, a completely rewritten Constitution was produced to support the Council's transition to a committee system form of governance. The new Constitution was the product of extensive work undertaken by the Monitoring Officer and members of the Constitution Committee. The new Constitution was in place in time for the commencement of the new arrangements. A review is currently being carried out to identify any further updates or enhancements that may be necessary now that the new Constitution has been in operation for a period of time.
- 11.3 In terms of formal meetings during 2020/21, of the total number of meetings held, there were approximately 30 closed Committee sessions held under Schedule 12A of the Local Government Act 1972. These included Cabinet, Audit & Governance Committee, Appeals Sub-Committee, Special Staffing and Staffing Appeals Committees, General Licensing Sub- Committee, ASDV Shareholder Committee, LA School Governor Nomination Panel, and the Corporate Parenting Committee.
- 11.4 There was 1 closed Overview and Scrutiny Committee during 2020/21; this was a meeting of the Corporate Overview and Scrutiny Committee.

Feedback Received – Appendix 1

Service Area	Complaints Received 2020 / 2021	Complaints Received 2019 / 2020	Compliments Received 2020 / 2021	Compliments Received 2019 / 2020	Suggestions Received 2020 / 2021	Suggestions Received 2019 / 2020
Waste & Recycling	598	1014	110	61	29	24
Highway Operations	251	353	21	27	28	17
Development Management & Enforcement	151	113	0	3	21	2
Children's Services*	127	123	65	23	37	28
Council Tax & Billing	107	137	199	130	4	2
Adult Services*	91	112	105	539	1	14
Parking Services	88	78	2	3	2	5
Special Educational Needs	55	85	0	18	15	0
Transport	24	24	0	0	0	3
Grounds Maintenance	23	29	82	63	2	11
Mixed Service Area	22	29	7	23	2	2
Environmental Protection	22	18	1	0	3	0
Housing	19	4	2	0	1	1
Business Rates & Billing	19	2	132	56	1	0
Customer Services	17	34	56	78	11	9
Benefits	16	29	4	6	1	2
Education	15	9	0	2	0	1
Building Control	12	15	0	0	0	0
Street Cleansing	10	16	29	22	1	2
Community Safety	9	28	13	2	4	0
Electoral Registration	9	19	1	0	0	0
Assets	9	7	4	0	2	1
Licensing	8	8	0	1	1	1
Regeneration & Economic Development	7	0	2	0	1	2
Public Rights of Way	5	2	3	0	2	0
Bereavement	4	5	0	0	0	0
Legal Services	4	3	0	0	0	0
Ranger Service	4	0	1	1	2	1
Commercial Services	3	4	0	0	0	0
Trading Standards	3	3	0	3	0	0
Animal Welfare	3	2	0	0	0	0
Leisure	3	1	0	2	0	0
Democratic Services & Compliance	3	0	2	1	1	2
Gypsies and Traveller Service	2	11	1	0	2	1
Library & Cultural Services	2	10	34	18	4	2
Spatial Planning	2	4	0	0	1	1
Revenue Recovery	2	0	0	0	0	0
Visitor Economy incl. Tatton Park	1	2	0	0	0	0
ICT	1	1	0	0	0	3
Communications & PR	1	0	0	1	1	0
Business Intelligence & Performance	1	0	0	1	0	0
Highways Strategy	0	6	0	0	1	1
Facilities	0	1	0	1	0	0
Markets	0	1	0	0	0	0
Partnerships Business	0	1	0	0	0	0
Registration	0	1	0	1	0	1
Emergency Planning	0	1	0	0	0	0
HR	0	0	0	0	0	1
Public Health	0	0	11	1	3	4
Fleet Management	0	0	0	0	0	1
<b>Total</b>	<b>1753</b>	<b>2345</b>	<b>887</b>	<b>1087</b>	<b>184</b>	<b>145</b>

LGSCO Decision Notices 2020/21 – Appendix 2a

---



LGSCO Decision Notices 2019/20 – Appendix 2b

