



## Standards and General Purposes Committee agenda

Date: Thursday 2 December 2021

Time: 2.00 pm

Venue: The Paralympic Room, Buckinghamshire Council, Gatehouse Road, HP19 8FF

### Membership:

T Broom (Chairman), M Baldwin, R Carington, B Chapple OBE, S Chhokar, P Gomm, T Green, S Lambert, R Matthews, H Mordue, C Oliver, L Smith BEM, M Smith and D Thompson

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies</b>	
<b>2 Minutes</b> To approve as a correct record the Minutes of the meeting held on 7 October 2021, copy attached.	<b>3 - 8</b>
<b>3 Declarations of Interest</b> Members to declare any interests.	

- |          |   |                |
|----------|---|----------------|
| <b>4</b> | <b>Local Government and Social Care Ombudsman Report</b><br>To consider the attached report.<br><br>Contact Officer: roger.goodes@buckinghamshire.gov.uk                          | <b>9 - 22</b>  |
| <b>5</b> | <b>Code of Conduct and Social Media Policy</b><br>To consider the attached report.<br><br>Contact Officer: maria.damigos@buckinghamshire.gov.uk                                   | <b>23 - 28</b> |
| <b>6</b> | <b>Standards Complaints Update</b><br>The Principal Governance Solicitor will provide a verbal update.<br><br>Contact Officer: maria.damigos@buckinghamshire.gov.uk               |                |
| <b>7</b> | <b>Constitution Working Group (update)</b><br>The Service Director: Legal and Democratic will provide a verbal update.<br><br>Contact Officer: nick.graham@buckinghamshire.gov.uk |                |
| <b>8</b> | <b>Work Programme</b>   | <b>29 - 30</b> |

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Clare Gray - [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk) on , email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



## Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 7 October 2021 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 2.00 pm and concluding at 3.10 pm.

### Members present

T Broom, M Baldwin, B Chapple OBE, S Chhokar, T Green, H Mordue, C Oliver, L Smith BEM and M Smith

### Apologies

R Carington, P Gomm, S Lambert, R Matthews and D Thompson

### Agenda Item

#### 1 Minutes

RESOLVED That the minutes of the meeting held on 7<sup>th</sup> July 2021 be approved as a correct record.

#### 2 Declarations of Interest

There were no declarations of interest.

#### 3 Code of Conduct - Breaches of the Code and Freedom of Expression

The Committee received a report on the Code of Conduct regarding breaches of the code and freedom of expression. The reason for the report was to inform Members of recent case law involving a legacy council R (Robinson) V Buckinghamshire Council. In summary, the allegation was that a Parish Councillor had misrepresented a fellow councillor's intentions by alleging that they were keen to see building in the green belt. The then Monitoring Officer, after an investigation, concluded that this showed a lack of respect and brought the Council into disrepute. The Councillor challenged the decision and the Court concluded that the Councillor's comments attracted the 'enhanced protection afforded to political speech and debate under Article 10 of the European Convention of Human Rights'.

The Service Director Legal and Democratic Services summarised the key principles from the case law and asked for Member comments on whether the guidance should be amended to reflect them.

During discussion the following points were made:-

- A Member referred to the use of social media by councillors during meetings. The Service Director reported that councillors were permitted to ‘tweet’ during meetings. The social media guidance had been reviewed prior to May 2020. Another Member commented that it would be helpful to refer to the social media guidance in the code of conduct to make a clear link between the two in terms of expected behaviour. Whilst the guidance referred to the code the code did not refer to the guidance. If the person was posting a comment in a personal capacity not as a ‘councillor’ then the code would not necessarily apply but it would depend on the content of what information was posted. The Service Director reported that they would look to amend the code to make reference to the social media guidance and would bring it back to the Committee for discussion. Another Member suggested it would be helpful to have an annex to the code of conduct on the do’s and don’ts of social media. The Service Director reported that the guidance covered this.
- In relation to a Member making a personal derogatory comment about a named individual this could be subject to challenge.
- The law does make a distinction between comments made as a councillor and comments made in a personal capacity. The Service Director referred to a previous case involving Ken Livingstone. Context was important in terms of private and public life.

**RESOLVED that the legal principles be noted that apply when giving consideration to freedom of expression and Code of Conduct issues and that a report be submitted to the next meeting on linking the social media guidance into the code of conduct.**

#### **4 Standards Complaints Monitoring Report**

The Committee received a report which gave an overview of the number and nature of the complaints received about Members under the Code of Conduct from April 2021 along with details of other complaints which were being processed or have been concluded. In terms of complaints received since April 2021 the Monitoring Officer had received 15 complaints. Six of these related to a Buckinghamshire Council Member. There remained five complaints opened against a Buckinghamshire Council Member although it was expected that these would be resolved and closed shortly.

The Principal Governance Solicitor reported that whilst some complaints covered more than one theme, the majority of new complaints related to behaviour at meetings and interests/bias. Bullying or respect was mentioned in 7 complaints with 4 complaints relating to misleading information. One complaint related to failure to respond to enquiries. Appendix 1 of the report provided a summary of the complaints. Appendix 2 showed a breakdown of complaints. In terms of those under initial assessment it showed 12, however 5 of those complaints have now been closed. One complaint had been left open against a unitary councillor and another complaint was expected to be received. All the other complaints related to town and parish councillors. There were 7 stage 3 complaints but this related to one issue. This would proceed to a Hearings Sub-Committee.

During discussion the following points were made:-

- A Councillor suggested it would be helpful to break down the information between unitary and parish and town councillors. He also asked a question on whether town and parish councils could be recharged the cost of administering complaints. In response it was noted that this was not allowed. Another councillor emphasised the importance of showing the breakdown as complaints had now increased to 22 (this was now 17 as 5 cases had been closed). This would be undertaken for the next report.
- A further question was asked about malicious/vexatious complainants. The Principal Governance Solicitor reported that the Council could refuse to accept malicious complaints after an initial assessment had been undertaken.
- Complaints were administered by the Service Director and the Principal Governance Solicitor. Some of the complaints could be quite detailed and involve witnesses. The Council was bolstering support in the governance area in particular to help deal with Member complaints, and was currently going through a recruitment process.
- Concern was raised with regard to the number of outstanding cases at the end of each month. The Principal Governance Solicitor reported that this could be related to how numbers were reported eg 7 complaints had been recorded against one councillor on the same issue. There was no control over town and parish councillor complaints. Complaints could also be made by members of the public. There were very few complaints that go past Stage 1. Stage 3 involved a formal investigation. In terms of the process once the complaint has been received it was logged, it could then take a while to clarify the complaint with the complainant and then obtain a response from the councillor. Some Parish Councils have relationship issues and therefore this would increase the likelihood of formal complaints being made.
- Another Member made reference to the number of outstanding complaints and suggested that there was a resource issue. There was a range of complaints between 0-8 a month and it could be helpful to look at streamlining the process and prioritising more serious complaints. In response it was noted that complaint figures would also look high because complaints rolled forward from one month to the next while they were waiting for a response from the subject councillor. They were given four weeks to reply. Complaints would usually take two months as once a response had been received from the subject councillor then this response would then need to be considered by the complainant where they were given another four weeks.
- A Member asked whether Parish Councils tried to sort out the situation locally. They could try and resolve issues informally however it was a right to complain to the Monitoring Officer. The Council had no jurisdiction over Parish Council decisions just conduct issues.
- A Member asked a question about what role political groups played in the complaints process. The Service Director reported that each political group had their own disciplinary process. All Members of Buckinghamshire Council

were in a political grouping. The Group Leader had a responsibility for maintaining high standards of conduct. There could also be some areas where the Group could take action over an individual which was not covered by the Code e.g. making a comment in their private life. Officers would speak to Group Leaders if they had any concern about the behaviour of an individual councillor.

- A question was asked about the number of Stage 3 complaints where an investigation was required. The Principal Governance Solicitor reported that this was the first Stage 3 that the Council had looked at which only related to one complaint. Most complaints were dealt with at Stage 1. The Stage 3 complaint was a complex case.

Members suggested that it would be helpful to look at why the Council presented all complaints on one case as several complaints. It would also be helpful to have an average time on how long complaints spent on each stage of the process to look at the framework of reporting.

**RESOLVED that the report be noted relating to dealing with complaints against councillors for the period April 2021 to October 2021.**

## **5 Local Government Boundary Commission for England Electoral Review Update**

The Committee received a report on the Boundary Commission's review. In February 2021 the Committee submitted its response to the first part of the Boundary Commission's Review on Council size indicating that it considered that the number of councillors appropriate to ensure long-term effective governance of Buckinghamshire Council was 120 Members.

The Service Director Legal and Democratic reported that the Commission had now given consideration to that submission and had concluded that it needed more evidence to ensure that its decision was robust. The Commission have decided to undertake a public consultation to ask local people and organisations for their views on having 120 councillors, 98 councillors or 80 councillors. The consultation had started and would run for eight weeks closing on 1 November 2021. Phase 2 of the review would involve looking at the ward boundaries.

In response to a question the Service Director commented that the report needed to be amended as 98 councillors had been proposed by the legacy County Council and a report commissioned by Buckinghamshire Business First suggested a range of 65-80 councillors. A Member commented that he believed that Bucks Business First had previously received some funding by the legacy County Council.

A Member commented that the 120 figure was not unanimous and that it was important to obtain feedback through the consultation. In response another Member commented that it was important for Members of the public and businesses to understand the amount of work that councillors undertook and that there had been detailed analysis of their workload before the 120 figure had been proposed to the Boundary Commission.

A further comment was made that Buckinghamshire was a large geographical area and often the Commission looked at numbers rather than area. There was a lot more work and travelling involved with a unitary authority.

**RESOLVED that the progress of the Electoral Review and the recent consultation undertaken by the Boundary Commission be noted.**

**6 Election Petition Update: a challenge to the result of the election in Totteridge & Bowerdean Ward (Wycombe area) on the 6 May 2021**

The Committee received a verbal update from the Service Director Legal and Democratic on the election petition relating to the Totteridge and Bowerdean Ward. The thrust of the petition was that there should be a recount and an investigation as to whether the spoilt ballot papers had been improperly interfered with. The Service Director had reported at the last meeting that he was confident all the correct procedures had been followed.

The Service Director reported that last week directions were issued by the High Court for the way that the trial would proceed and it would need to take place near the ward in question but not before 1 December 2021. Other directions were given including for witness statements and the Court also ordered that there be a recount of the ward's ballot and that recount took place straight away after the directions were given. The details were confidential. A report would now go to the Commissioner who would consider the matter.

The report was noted.

**7 Constitution Working Group (update)**

The Service Director Legal and Democratic reported that the Constitutional Working Group had to be postponed as the Chairman of the Audit and Governance Committee was unwell and a future date was being arranged. They would look at suggested changes to the constitution such as the Community Boards, the constitutional matters that relate to the Health and Wellbeing Board, some planning issues and Member questions and the notice procedure used by Cabinet and Full Council.

The report was noted.

**8 Work Programme**

The draft Work Programme was noted. In addition there could be a Commissioner report on the election petition, a report from the Boundary Commission and also an update from the Constitutional Working Group.

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## Report to Standards and General Purposes Committee

**Date:** 2 December 2021

**Title:** Local Government & Social Care Ombudsman Report for 2020/21

**Author:** Kate Mitchelmore

**Recommendations:** Members to note the Local Government & Social Care Ombudsman Report for 2020/21.

### 1. Background

- 1.1 The Committee was presented with the 2020/21 Compliments and Complaints report for the Council in July. At that time we did not report on the Local Government & Social Care Ombudsman (LG&SCO) cases as we had not received the annual review letter from him.
- 1.2 This report supplements the report presented in July and covers just the LG&SCO decisions made by the ombudsman for 2020/21 for Buckinghamshire Council. It also includes some cases for the legacy councils.
- 1.3 The new Customer First strategy makes the commitment that complaints, compliments and customer feedback will be fed into dashboards owned by each service. As a result, learning can be tracked more efficiently and it will help demonstrate greater accountability for complaints learning across the organisation.

### 2. Main content of report

#### 2.1 Annual Review Letter

Each year the Ombudsman sends an annual review letter to the Chief Executive of the Council with the summary of complaints they have received. As well as the summary it gives an overview of the Ombudsman's year. The letter (Appendix 1) for 2020/21 reflects the unprecedented decision made to stop work on their complaints between March and June 2020 due to the pandemic.

2.2 The table below shows all LG&SCO Determinations for 2020/21 and as a comparison the figures for the five former Councils. These are decisions that they have made on complaints they have received about the Council.

<b>LG&amp;SCO Category</b>	<b>Number of Decisions 2019/20 (includes data for all 5 Councils)</b>	<b>Number of Decisions 2020/21</b>
<b>Adult Care Services</b>	23	12
<b>Benefits &amp; Tax</b>	11	5
<b>Corporate &amp; Other Services</b>	5	4
<b>Education &amp; Child Services</b>	28	23
<b>Environmental Services &amp; Public Protection &amp; Regulation</b>	36	11
<b>Highways &amp; Transport</b>	14	15
<b>Housing</b>	8	10
<b>Planning &amp; Development</b>	20	24
<b>Other</b>	2	0
<b>Total</b>	147	104

2.3 The following table shows the LG&SCO's classification decisions. It should be noted that where the ombudsman has upheld the complaint, we may also have come to that decision in our complaints process so this doesn't always reflect overturned decisions.

<b>2020/21 Decision Classification</b>	<b>Outcomes for 2020/21 (2019/20 in brackets)</b>		<b>Comments</b>
<b>Upheld</b>	17	(20)	Fault found by LGO in the service we provided. (NB The fault may have already been previously satisfactorily remedied by the Council.)
<b>Not Upheld</b>	9	(8)	No fault found by LGO.
<b>Advice given</b>	0	(1)	No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.
<b>Closed after initial enquiries</b>	46	(60)	Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons, such as that the matter falls outside of the LGO’s statutory jurisdiction, or there was insufficient maladministration and/or injustice found).
<b>Incomplete/Invalid</b>	6	(6)	No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO.
<b>Referred back for local resolution</b>	26	(67)	The Council is not aware of all of these cases, however we can assume that some were where the LGO told the complainant to contact the Council, but the complainant chose not to pursue the matter. In other cases, the LGO asked us to put the complaint through the relevant complaint procedure.
<b>Total</b>	104	(160)	

2.4 The following table shows the number of LG&SCO upheld decisions for some other unitary councils for comparison with Buckinghamshire Council.

	<b>LG&amp;SCO Decisions</b>	<b>Upheld Decisions</b>	<b>Population</b>
<b>Wiltshire</b>	63	9 (14%)	500,024
<b>Durham</b>	100	21 (21%)	530,094
<b>Bristol</b>	95	19 (20%)	463,377
<b>Cornwall</b>	125	18 (14%)	569,578
<b>Buckinghamshire</b>	104	17 (16%)	547,100

2.5 During the year the Ombudsman has noted a public report they made about Buckinghamshire Council and the provision of school transport which related to a complaint from the previous year. The remedy was to refund costs to the customer and a recommendation that the Council review the Home to School Transport Policy. This was done and remedied to the Ombudsman’s satisfaction. The policy was re-written and training given to staff on its application.

2.6 The Ombudsman also notes in his annual review letter his concern over what he calls the erosion of effective complaint functions in local authorities, although this did not specifically refer to Buckinghamshire Council. He explains that this is no doubt due to budgetary pressures but that this will drive poor complaint handling in authorities. In order to help address the situation he is developing a new programme of work which will help utilise complaints to drive service improvement.

### **3. Next steps and review**

3.1 2020/21 was for everyone a busy year and as a new team the Complaints and Improvements Team has been looking at improvements to our processes as well as wider learning from the LGO&SCO complaints

3.2 Table of Improvements

<b>Improvement/Learning</b>	<b>Action Taken</b>	<b>Expected Results</b>
The development of a more robust process around escalating compliance with Ombudsman Decisions	A notification process put in place and extra checkpoints put into our system giving earlier alerts to both LG&SCO Link Officers	Complete compliance with LG&SCO decisions where appropriate

	and to Service Directors	
Creating more consistency and developing more robust stage 1 responses		To ensure that more stage 1 responses remedy the problem where appropriate.
Creating more robust stage 2 responses	To ensure more resolution at stage 2 but also giving clear responses that the Ombudsman can review easily	To ensure more resolution at stage 2 and also more favourable LG&SCO outcomes. This has already proved fruitful with more direct decisions for the Ombudsman (where they can adjudicate without a full investigation)
Offering time and trouble payments where appropriate earlier on in the process	This links to a number of decisions that have been made where the Ombudsman has awarded payments for cases that we have upheld at stage 2.	To ensure more compliance with the Ombudsman's view of a satisfactory outcome.
Autism training for Adult Social Care Staff	This links to 2 upheld ombudsman complaints made by people with Autism	To ensure all staff have a clear understanding of how to work well with people with Autism to improve the experience for the customer

- 3.3 The Information Management Team is in the process of implementing a new system for recording cases across all our processes, complaints, FOI, MP Enquiries, Data Protection, SARs. Etc. This system, will give more automation which will particularly help in ensuring that the Ombudsman's requirements are adhered to in a timely manner. In addition, the reporting will give a clearer picture of all cases allowing better management of workflow and escalation of problems where necessary.

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21 July 2021

*By email*

Mrs Shimmin  
Chief Executive  
Buckinghamshire Council

Dear Mrs Shimmin

### **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

As noted last year, there are a small number of cases I am due to report about authorities abolished in April 2020 and I have included separate statistics for Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, and Wycombe District Council in this letter. There is no data to report for South Buckinghamshire District Council.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our 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. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

### **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities 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 authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

During the year, we published a public report about Buckinghamshire County Council's provision of school transport. Our investigation found the Council had failed to cover the full costs for a family who were providing transport for their two children, both of whom had special education needs and were eligible for free transport.

The Council maintained the arrangement was voluntary, but we found the family had no choice but to provide the transport themselves in the absence of any alternative. We also found flaws in the appeals process and transport policy.

To remedy the injustice identified, we recommended reimbursing the cost of the transport the family had provided to date and making an ongoing payment until alternative transport could be offered. We also recommended the Council review its transport policy and identify other families who may have been similarly affected and reimburse these where appropriate. We also asked it to address the lack of suitable transport in its area.

Disappointingly, we had to chase the Council for evidence of compliance and of press notices, which are required to be published when we issue a public report. We were forced to consider taking further action against the Council in the absence of the evidence we had requested. I am pleased further action was ultimately unnecessary and the information was eventually provided, and I was able to confirm satisfaction with the actions taken.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

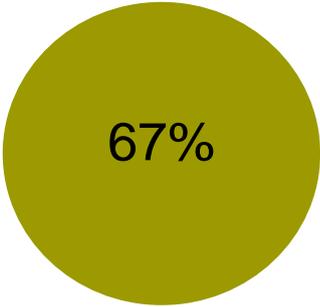
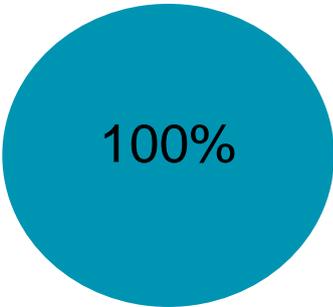
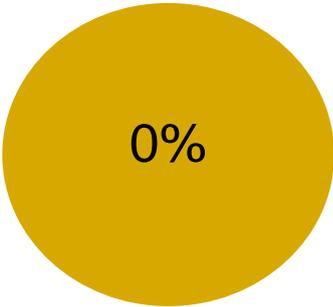
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

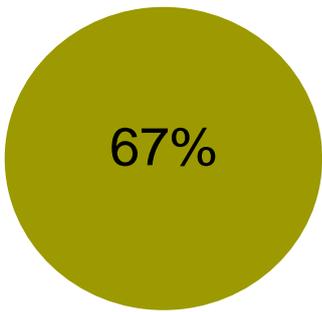
A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>67%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>63%</b> in similar authorities.</p>	<p><b>2</b> upheld decisions</p> <p>Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of <b>99%</b> in similar authorities.</p>	<p>Statistics are based on a total of 1 compliance outcome for the period between 1 April 2020 to 31 March 2021</p>
<ul style="list-style-type: none"><li>• Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li></ul>		
Satisfactory remedy provided by the authority		
	<p>In <b>0%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>10%</b> in similar authorities.</p>	<p><b>0</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

**Complaints upheld**



**67%** of complaints we investigated were upheld.

This compares to an average of **53%** in similar authorities.

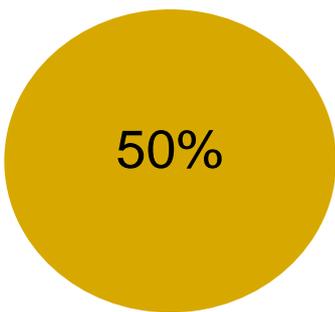
**4**  
upheld decisions

Statistics are based on a total of 6 detailed investigations for the period between 1 April 2020 to 31 March 2021

**Compliance with Ombudsman recommendations**

No recommendations were due for compliance in this period

**Satisfactory remedy provided by the authority**



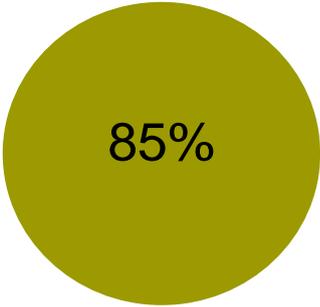
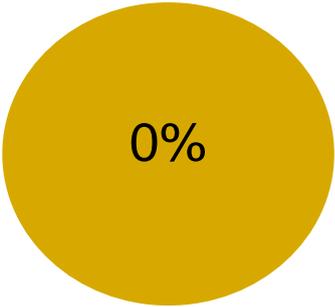
In **50%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **16%** in similar authorities.

**2**  
satisfactory remedy decisions

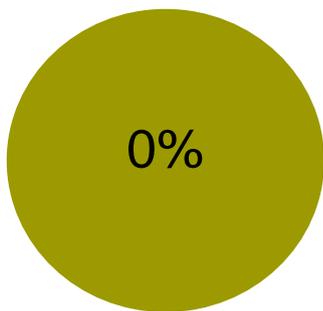
Statistics are based on a total of 6 detailed investigations for the period between 1 April 2020 to 31 March 2021

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Complaints upheld		
	<p><b>85%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>71%</b> in similar authorities.</p>	<p><b>11</b> upheld decisions</p> <p>Statistics are based on a total of 13 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
<p>No recommendations were due for compliance in this period</p>		
Satisfactory remedy provided by the authority		
	<p>In <b>0%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>8%</b> in similar authorities.</p>	<p><b>0</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of 13 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

**Complaints upheld**



**0%** of complaints we investigated were upheld.

This compares to an average of **53%** in similar authorities.

**0**  
upheld decisions

Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021

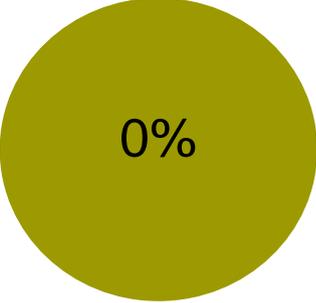
**Compliance with Ombudsman recommendations**

No recommendations were due for compliance in this period

**Satisfactory remedy provided by the authority**

The Ombudsman did not uphold any detailed investigations during this period

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Complaints upheld	
	<p><b>0%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>53%</b> in similar authorities.</p> <p><b>0</b> upheld decisions</p> <p>Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations	
No recommendations were due for compliance in this period	
Satisfactory remedy provided by the authority	
The Ombudsman did not uphold any detailed investigations during this period	

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.



## Report to Standards and General Purposes Committee

**Date:** 2 December 2021

**Title:** Code of Conduct and Social Media Policy

**Author and/or contact officer:** Maria Damigos, Principal Governance Officer, Legal and Democratic Services [maria.damigos@buckinghamshire.gov.uk](mailto:maria.damigos@buckinghamshire.gov.uk)

**Ward(s) affected:** none specific

**Recommendations:** The committee is asked to:-

- 1. Consider the best way to promote the suggested guidance to councillors relating to social media and resolve on the next steps required**

**Reason for decision:** To review the Code of Conduct to ensure promotion and maintenance of high standards of conduct by members and co-opted members of the Council in relation to use of social media and associated platforms.

### Background

- 1.1 On 10 December 2020 this Committee noted and reviewed the guidance documents approved by the Shadow Executive as they relate to councillors and social media and which were contained in the Social Media Strategy and the Social Media Policy.
- 1.2 On 21 July 2021 full Council accepted recommendations from this Committee and adopted an amended version of the Local Government Association Model Code of Conduct as set out in the report to full Council.
- 1.3 At the meeting on 7 October 2021 during a discussion on the Code of Conduct the Committee asked that a report was submitted on linking the social media guidance into the Code of Conduct.

## Content of report

- 1.4 The Code of Conduct confirms that the Code will apply when councillors are acting in their capacity as a councillor and this will include when their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor. It also makes it clear that the Code can apply when a councillor is using social media.
- 1.5 Appendix A sets out the guidance to councillors detailed in the Social Media Strategy and the Social Media Policy.
- 1.6 It is suggested that the details in Appendix A are annexed to the Code and referred to in the introduction of the Code by inserting reference as follows:

### **Application of the Code of Conduct**

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments – for further guidance only please see the Social Media Protocol inserted for reference at the Code of Conduct.

- 1.7 It is suggested that the annex is specifically excluded from the Constitution so that it can be changed and updated as required and in line with the Social Media Strategy and Social Media Policy.
- 1.8 It is considered that this would then allow the Monitoring Officer to use delegated powers to amend the Constitution to bring the guidance to the attention of those considering or looking at the Code of Conduct.
- 1.9 If the Committee considers Appendix A should become part of the Constitution, this will require a recommendation to this effect to be made to full Council.

## Other options considered

- 1.10 As detailed in the body of the report

## Legal and financial implications

- 1.11 The Committee is required to promote and maintain standards of councillor conduct. Having a reference in the Code of Conduct would promote the guidance and standards of conduct.

## Corporate implications

- 1.12 The effectiveness of the Councils standards arrangements is necessary for good governance and contributes to the effectiveness of the Members, the Council and helps ensure proper and legal decision-making.

## Consultation and communication

- 1.13 As detailed in the body of the report.

## Next steps and review

Depending on the decision of the Committee to reference the guidance in the Constitution or report to Council.

## *Appendices*

**Annex A**          Proposed Annex

## Background papers

*Social Media Strategy*

*Social Media Policy*

## Appendix A

### Social Media Protocol for Councillors

Please note the following are extracts from the Council's Social Media Strategy and Social Media Policy – they are included for reference and guidance only and do **not** form part of the Constitution

#### Social Media Strategy

##### Members' use of social media

- Members are encouraged to establish and manage their own social media accounts. This helps members to engage with residents and be open, transparent and democratically accountable to them.
- Members will be offered social media training organised by the Communications Team and given the social media policy and guide for reference.
- To foster a sense of community, Buckinghamshire Council corporate accounts may share or engage with posts from Members on social media.
- Members are responsible for their own social media accounts and must adhere to the Members' Code of Conduct at all times. This is covered in more detail in the social media policy

#### Social Media Policy

A number of councillors have their own social media accounts with which to communicate with residents, share their own views and connect with the community proactively. This enables councillors to listen to what people are saying and engage with them on an equal footing, focusing on two-way communications rather than simply delivering messages via press releases and newsletters.

Given the high profile of councillors in representing local communities, there are some important points that need to be considered:

- Misuse of social media may be in breach of the Code of Conduct for members.
- Social media is a very public communication channel and, as a Buckinghamshire Council member, anything you post or share can reflect on yourself and the organisation both positively and negatively. It can also be shared in seconds to a huge audience and cannot be controlled.
- Your social media content is likely to be connected to your role as a councillor and, while some councillors try to make it clear on their social media pages that their

comments are their personal views, it is rarely a defence for well-known public figures. Inevitably, your personal views will be associated with your position as a councillor.

- Ask yourself whether you would say the same thing at a public meeting or to a reporter as you would post on social media. It could well amount to the same thing and, once posted, you can assume it's permanent.
- Avoid engaging with someone who is argumentative.
- Social media content should be accurate, appropriate, respectful, must not be open to misinterpretation and must not breach copyright law. Any content which fails in this is likely to damage the reputation of you and the Council and could risk breaching the Code of Conduct for members.
- You must not disclose confidential Council information, documents you only have access to as a councillor, or information which has been told to you by a resident or other party in confidence (even if you try to anonymise by removing names). Privacy must be respected.
- The best engagement comes from posts that are clear, jargon-free and give useful or interesting information for your followers. Posts also have more impact where they are accompanied by a picture or video.

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**BUCKINGHAMSHIRE COUNCIL**

**STANDARDS AND GENERAL PURPOSES COMMITTEE**

**WORK PROGRAMME**

**2021/2022**

## Work Programme

### 2.12.21

- Local Government Ombudsman Annual Report
- Code of Conduct and Social Media Policy
- Constitution Working Group update
- Standards Complaint Update

### 14.04.22

- Annual Review of Code of Conduct and Complaints Procedure
- Local Government Boundary Commission for England – Electoral Review of Buckinghamshire Council
- Update on election petition
- Constitution Working Group update
- Draft Work programme for 2022/23