

TO:- Standards and Resources Committee

Councillor Barry Bond M.B.E. , Councillor Diane Holmes , Councillor Penny Allen , Councillor John Brindle , Councillor Gary Burnett , Councillor Mike Davies , Councillor Philip Davis , Councillor Sue Duncan , Councillor Dr Paul Harrison M.B.E. , Councillor Dan Kinsey B.E.M , Councillor Robert Reade , Councillor Sue Szalapski

Notice is hereby given that a meeting of the Standards and Resources Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Thursday, 14 September 2023

Time: 14:30

Venue: Council Chamber, Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|---|---------------|
| 1 | Minutes
To approve the minutes of the Standards and Resources committee meeting of 8 June 2023. | 1 - 2 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Outcome of the 2023 Combined Local Elections
Report of the Elections and Executive Support Manager | 3 - 6 |
| 5 | Local Government Ombudsman Annual Review Letter
Report of the Corporate Director of Governance | 7 - 30 |

6	Data Protection Policy Update Report of the Corporate Director of Governance	31 - 50
7	Report on Work Programme/Complaints Report of the Monitoring Officer (Corporate Director of Governance)	51 - 54

RECORDING

Please note that this meeting will be recorded.

PUBLIC ACCESS TO AGENDA AND REPORTS

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to www.sstaffs.gov.uk/council-democracy.

Minutes of the meeting of the **Standards and Resources Committee** South
Staffordshire Council held in the Council
Chamber Community Hub,
Wolverhampton Road, Codsall, South
Staffordshire, WV8 1PX on Thursday, 08
June 2023 at 14:30

Present:-

Councillor Gary Burnett, Councillor Mike Davies, Councillor Philip Davis, Councillor Sue Duncan, Keith Elder, Lisa Emery, Councillor Dr Paul Harrison, Councillor Dan Kinsey, Councillor Robert Reade, Mary Roberts, Richard Taylor

01 ELECTION OF CHAIRMAN FOR THE MEETING

As the Chairman and Vice-Chairman were not in attendance nominations for Chairman were sought and Councillor Phil Davis chaired the meeting.

02 MINUTES OF PREVIOUS MEETING

RESOLVED: that the minutes of the Standards and Resources meeting held on 9 March 2023 were approved and signed by the Chairman.

03 APOLOGIES

Apologies were received from Councillors P Allen, B Bond MBE, D Holmes and C Taylor.

04 DECLARATIONS OF INTEREST

There were no declarations of interest.

05 MONITORING OFFICER - UPDATE REPORT

RESOLVED: that the Standards and Resources Committee notes the contents of the update on Code of Conduct and Complaint Matters.

06 DATA PROTECTION POLICY UPDATE

This item was withdrawn from the agenda with the consent of the Chairman.

The Meeting ended at: 14:40

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**STANDARDS AND RESOURCES COMMITTEE – 14 SEPTEMBER 2023****OUTCOME OF THE 2023 COMBINED LOCAL ELECTIONS****REPORT OF THE ELECTIONS AND EXECUTIVE SUPPORT MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

- 1.1 To update the Committee on the outcomes of the 2023 combined District and Parish Elections for South Staffordshire.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Delivering a successful election is key to the delivery of all the priorities in the Council Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Not applicable – information report only
	Has a Data Protection Impact Assessment been completed?	
	No	Not applicable – Information report only.
SCRUTINY POWERS APPLICABLE	No	Not applicable – report to Standards and Resources Committee
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	Not applicable.	
FINANCIAL IMPACT	No	Elections are funded via a dedicated budget with recharges being applied as set out in the report.
LEGAL ISSUES	No	Compliance with the legislative requirements around elections is mandatory.
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable	Not applicable.	
IMPACT ON SPECIFIC WARDS	No	Not applicable.

PART B – ADDITIONAL INFORMATION

3. INFORMATION

3.1 Combined Parish and District Elections for South Staffordshire were held on 4th May 2023 with a total of 42 District and 293 Parish seats up for election.

3.2 Combined Local Elections in numbers.

- All 42 District seats were contested.
- 48 Parish seats were contested across 7 parishes.
- Over 350 members of staff were employed either at a Polling Station or as part of the verification/count process.
- 73,209 electors were eligible to vote in person at a Polling Station.
- Over 20,000 ballot papers were issued at Polling Stations.
- 78 Polling Stations were used.

Preparation for this election started in November 2022 and was continuously reviewed until election day. The Elections Team worked tirelessly to deliver a successful election given the pressures of the voter identification requirements and to implement the changes in accordance the Local Government Boundary Review.

3.3 Voter ID in numbers

- There were 67 electors recorded who had applied for but were not issued with a ballot paper due to insufficient or unaccepted Photo ID.
- 42 of those 67 electors later returned with an accepted form of Photo ID and were issued with a ballot paper.
- Over 100 electors applied for a Voter Authority Certificate in South Staffordshire.

3.4 Awareness and engagement

The election website pages were refreshed to make it easier for candidates/agents and electors to quickly find information in relation to nomination forms and guidance. Social media was a key mechanism to share information with the electorate with a number of Parish Council's re-sharing the posts.

Like many Councils, South Staffordshire followed the national advertising campaign in respect of Voter ID which followed a standardised format of advertising which was effective. In addition, we worked with Parish Councils across the district to ensure that they had the tools to do their own advertising and were able to sign post any individuals that needed the required identification.

In respect to Poll Cards, we followed national legislation by incorporating Voter ID information onto the back of the card. We also sent out household notification letters to all properties in the district which included information on their voting options including information about how to apply for a voter authority certificate.

Our experience from previous elections shows that electors can sometimes find instructions or information by video better than written text. This year, we incorporated YouTube videos onto our website showing examples of the relevant voter identification including a British Sign Language option.

3.5 Nominations

The nomination period was opened earlier than required, on the 22nd March instead of 27th March to enable more time to deal with the processing of the nomination papers and this enabled candidates sufficient time to have their papers informally checked over and make any adjustments.

The nomination packs were tailored accordingly for Parish and District candidates and also included a full copy of the Electoral Commission's Guide for Agents and Candidates including the return of expense forms.

3.6 Verification and the Count

For the purposes of counting multi-member seats, we used a system of block voting and grass skirts. We held a number of training sessions with head and assistant counters and the training proved invaluable. On count day, we were able to balance back on all tables to the number of ballot papers that had been verified ahead of the predicated time.

The count process was smoothly carried out with only one ward area subject to a requested recount. This slightly delayed the finalisation of all declared results for both district and parish seats.

3.7 Polling Stations

After each election, we always review the Polling Station Inspectors log books, Presiding Officer log books and any complaints that we have received. Whilst the majority of comments related to equipment or miscellaneous queries, there were a number of stations which were considered by the staff working there 'too small' or 'unsuitable'. Prior to the next scheduled election, a polling station review will be carried out to ascertain best use of potential stations within locality areas.

3.8 Post-election – Parish Re-charges

For the 2023 Combined Elections, it was agreed by the Returning Officer that if an election was uncontested, then the Parish re-charge would be £70 fee per ward and that the costs of production and delivery of the Poll Cards would be shared 50/50 with the District Council.

The £70 fee covers the early management of an election including nomination packs, taking receipt of the nomination packs and various notices. For those areas where

there was a contested election, the team produced a detailed breakdown of the costs for Parish Council level approval.

3.9 Police and Crime Commissioner Election will be held on Thursday, 2 May 2024.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Not applicable.

5. PREVIOUS MINUTES

Not applicable.

6. BACKGROUND PAPERS

Not applicable.

7. RECOMMENDATIONS

7.1 That, the outcomes of the 2023 Combined Local Elections are noted.

Report prepared by:
Elections and Executive Support Manager
Matt Powis

SOUTH STAFFORDSHIRE COUNCIL**STANDARDS AND RESOURCES COMMITTEE – 14 SEPTEMBER 2022****LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER****REPORT OF THE CORPORATE DIRECTOR OF GOVERNANCE****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To bring the Local Government Ombudsman's Annual Review Letter to the attention of Members.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Effective oversight of complaint matters assist with the Council's ability to deliver the services required.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Not required – report for information.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	N/A	
FINANCIAL IMPACT	No	
LEGAL ISSUES	No	
OTHER IMPACTS, RISKS & OPPORTUNITIES	None	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

- 3.1 The Local Government & Social Care Ombudsman (LGO) offers an independent, impartial and free service to any member of the public dissatisfied with the way the Council has dealt with their complaint. Each year the Ombudsman writes to the Chief Executive commenting on the Council's performance. The Standards and Resources Committee has oversight responsibility in respect of complaint matters.

- 3.2 The Council had 8 complaints referred to the LGO in the period covered by the 2023 Letter with half (4) related to Planning and Development. This is consistent with previous years both in terms of overall number of complaints and the main service area. This is not unexpected as planning is a contentious and emotive area that gives rise to strong views and thus to a higher number of complaints than other service areas. Outside of adult and childrens care complaints (which are not functions of South Staffordshire Council), planning and development is the second largest complaint area nationally (after housing). The other complaint areas were Benefits & Tax and Environmental Services & Public Protection & Regulation (2 each).

However, it is important to note **no cases** were decided against the Council. Four cases were referred back for local resolution; three of these cases were classed as a premature decision and advice given and in one case it was a premature enquiry. Two cases were closed by the LGO after the initial enquiry. In one case the complaint was not upheld and no fault was found. There is a discrepancy in numbers between cases received in the time period and cases decided. In total 7 cases were decided in the period; one case was still undergoing assessment by the LGO at year end.

Nationally, the LGO upholds around three quarters of all the complaints investigated.

The Annual Review Letter for 2022/23 for South Staffordshire is attached as Appendix 1.

Complaints and enquiries received:

Planning and Development	Benefits & Tax	Environmental Services & Public Protection & Regulation	Total
4	2	2	8

LGO Decisions made:

Referred back for local resolution	Closed after initial enquiry	Advice Given	Not Upheld	Upheld	Total
4	2	0	1	0	7
1 Planning & Development; 2 Benefits & Tax; 1 Environmental Services & Public Protection & Regulation	1 Planning; 1 Environmental Services & Public Protection & Regulation		Planning & Development		

- 3.3 In his foreword to the Review of Local Government Complaints 2022-23 (Appendix 2), the Interim Ombudsman, Paul Najsarek, again raises concerns with regard to the general operation of complaints systems. The Council co-operates fully with the LGO and responds to requests for information in a timely manner.

Within South Staffordshire Council, no issues with regard to the operation of the complaints system have been raised by the Ombudsman. The complaints system at the Council has clear visibility on the website and within correspondence. The Ombudsman has not raised any concerns with the Council in respect of capacity to respond to complaints or to cases being handled by the Ombudsman.

The Council is currently reviewing and refreshing its Customer Feedback Policy (Comments, Compliments and Complaints) and will ensure any recommendations from the LGO Review are taken into account.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

5. PREVIOUS MINUTES

None

6. BACKGROUND PAPERS

LGSCO Annual Review Letter 2022/23 dated 19 July 2023
LGSCO Review of Local Government Complaints 2022-23

7. RECOMMENDATIONS

- 7.1** That the Standards and Resources Committee notes the contents of the Local Government Ombudsman Annual Review Letter.

Report prepared by: Lorraine Fowkes, Corporate Director of Governance

Local Government & Social Care OMBUDSMAN

19 July 2023

By email

Mr Heywood
Chief Executive
South Staffordshire District Council

Dear Mr Heywood

Annual Review letter 2022-23

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

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

Complaint statistics

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

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

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

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

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

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

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

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

Supporting complaint and service improvement

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

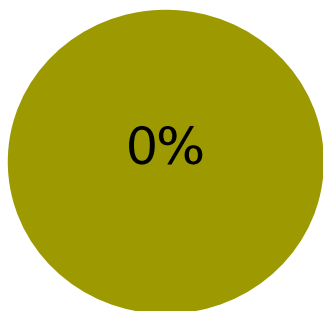
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops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

Yours sincerely,



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

Complaints upheld



0% of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

0
upheld decisions

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

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the organisation

The Ombudsman did not uphold any detailed investigations during this period

Review of Local Government Complaints 2022-23

July 2023

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Ombudsman's foreword



I was delighted to be appointed to the role of interim Ombudsman in April 2023 and am pleased to be able to look back on the year and present our Review of Local Government Complaints for 2022-23.

This report reflects on the complaints we have investigated about the sector during the year and, importantly, highlights the value to be gained from complaints as a tool for learning and service improvement. Complaint oversight is core to good corporate governance and it is the responsibility of Elected Members, Chief Executives, Monitoring Officers, and Statutory Officers to identify patterns of complaint and drive improvement.

Together, with the data we publish alongside the report, I hope you are able to gain insight into your own organisation's strengths and challenges around complaint handling and to learn from the approach of others.

Our complaint statistics for 2022-23 tell us:

- > We received and upheld more complaints about Education and Children's services than any other service area
- > We recommended more service improvements than ever before, with 2,412 recommendations focused on delivering policy change, procedure review or staff training
- > We published 38 public interest reports, with Education and Children's Services, Adult Care Services and Housing the subject matter in most cases
- > Compliance with our recommendations was 99.3%

We continue to find the highest proportion of fault in complaints about Education and Children's Services, and they remain some of our most high-profile cases, featuring in more than half of our public interest reports. The themes of these reports are all too familiar – failure to properly provide for Special Educational Needs and Education, Health and Care plans are common features. While we are aware of the challenges authorities face, at the heart of many of these complaints are children and young people going without the support they are entitled to, and we will continue to hold authorities to account for what they are required to provide.

Like many organisations we have, in recent years, been focused on doing the most we can with the resources we have, prioritising cases where it is in the public interest to investigate. As a result, we are less likely to carry out investigations into 'borderline' issues and are finding a higher proportion of fault as a result. While allowing a more sustainable way for us to work, the change means that our uphold rate has increased seven percentage points from last year to 74%. We have reported a steadily increasing uphold rate for several years, but this year's increase is not wholly attributable to the nature of the cases that came to us and so comparison with previous years carries a note of caution.

The recommendations we make to remedy complaints remains a key focus for us – we made more service improvement recommendations during the year than ever before. Where we find fault, we will always ask authorities to put things right for the person that has brought the complaint and will also consider others that may have been similarly affected or will make recommendations to improve services for future users.

Evidence points to the importance of attending to the experience of residents and the need to invest in and support their complaint functions – it is a false economy not to.

These recommendations can be hugely impactful, resulting in significant changes to how services are delivered; we detail some cases later in this report. We track the impact of these recommendations with interest – a single resident’s recent complaint about a council’s use of fixed penalty notices for fly-tipping resulted in 191 fines being cancelled or refunded to residents. I commend authorities that accept and carry out these recommendations to their fullest, despite challenging circumstances.

Our system of redress relies on compliance with our recommendations, which are non-binding. It is therefore pleasing to note a 99.3% compliance rate. However, we continue to see around a fifth of our recommendations implemented outside of agreed timescales. Delay in carrying out agreed actions further frustrates complainants and is an ineffective use of resources. I urge authorities to review their mechanisms for considering and implementing our recommendations to ensure they are efficient and effective.

During our investigations, it is not uncommon for us to uncover poor complaint handling practices by authorities. We see evidence of authorities

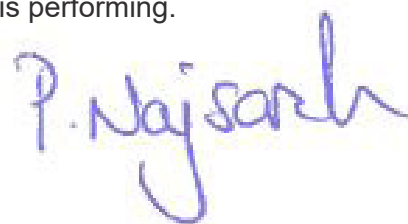
failing to correctly signpost to our service or to use the statutory children’s complaints process appropriately. Issues with timeliness and communication are often evident in both local complaint handling and authorities’ liaison with us.

While I am aware of the demanding context within which authorities are working, this evidence points to the importance of attending to the experience of residents and the need to invest in and support complaint functions – it is a false economy not to. Putting people who use services at the centre of the complaints system is important for achieving good outcomes and we want to support authorities to do this.

As such, we have continued to work with colleagues at the Housing Ombudsman Service to support authorities to focus on the fundamentals of complaint handling. A joint complaint handling code will provide a standard for authorities to work to. We will consult on the code and its implications later in the year.

Working with our partners both nationally and locally to share the wealth of data and intelligence we gather from our casework to help improve services is a key focus for us. Equally, we are committed to our own continuous improvement and have commissioned a peer review of our work focusing both on our efficiency and effectiveness, which will be published later in the year.

Alongside this report, we publish our complaints data at local authority level, and upload annual data to the [your council’s performance](#) map. Now with five years’ worth of data on councils’ complaint outcomes and commitments to improve, I encourage you to take a look at how your organisation is performing.



Paul Najsarek
Interim Local Government and
Social Care Ombudsman
July 2023

Putting things right

2,548

cases with
recommendations to
put things right

15,488

complaints and
enquiries received

2,412

recommendations
to improve services
for everyone*

12%

upheld cases where
we agreed with the
authority's remedy

4,907

recommendations
to remedy
personal injustice*

** In many cases, we will recommend more than one type of remedy. For example, we may recommend an authority makes an apology, pays a sum of money, and reviews a policy or procedure.*

Compliance with recommendations

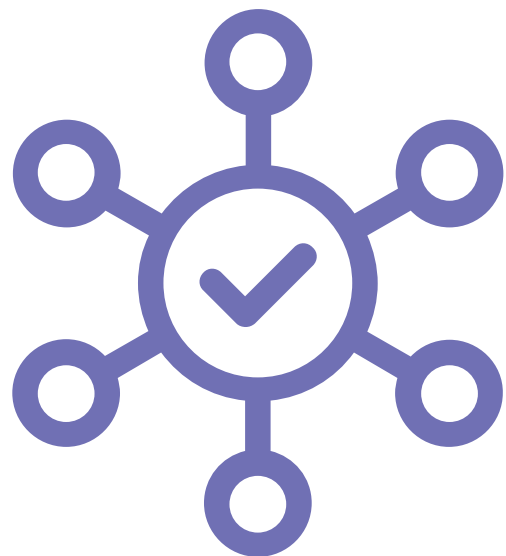


Our recommendations to put things right are non-binding and in most cases authorities agree to comply with our remedies.

We were satisfied with authorities' compliance with our recommendations in 99.3% of cases. But, in 19% of cases, compliance was not within the agreed timescales and was late. To ensure remedies are implemented on time, authorities should consider:

- > The timescales proposed at the draft decision stage for implementing recommendations to ensure they are achievable
- > Keeping track of agreed recommendations and keeping in touch, informing us of any delays
- > Letting us know promptly when a remedy is completed, including providing the requested evidence
- > Establishing clear processes that allow for swift action of apologies and payments to complainants; these should be simple actions to complete on time

There were 17 cases where we were not satisfied that the authority had complied with our recommendations. When an authority fails to implement our recommendations, we can consider a range of actions, including issuing a public interest report and opening a new investigation into the authority's failure to provide the agreed remedy. Non-compliance is also reported publicly on our website.



Learning from complaints

Focus reports

Our casework provides a unique insight into the concerns of people who use local services. Where we identify recurrent problems across authorities, we will publish a focus report to feed back the learning from the complaints we investigate to the sector. These reports shine a spotlight on issues and help authorities learn from others' mistakes and improve services. The reports also act as a useful tool for elected members; we include suggested questions councillors can use as part of their role to scrutinise services.

In addition, our good practice guides set out what we expect from local complaint handling and how we will approach investigations about common areas of complaint.

These were the topics we commented on during the year:

Equal Access: Getting it right for people with disabilities



The Equality Act 2010 requires organisations to ensure people with disabilities can access their service easily; often this will involve making 'reasonable adjustments'. Our report shares the learning from cases where councils got things wrong in dealing with reasonable adjustments and offers opportunities for others

to learn. It is vital that local authorities anticipate people's needs, as the law requires, and proactively seek to find out about any help people may need.

Out of School, Out of Sight?



Our report finds that, all too often, children are being robbed of the chance to fulfil their potential, because some councils are not putting in place alternative education when they need it. We find fault in nearly 9 out of 10 investigations about alternative education and commonly find

that councils can be unclear of their duty and seek to pass responsibility to schools. We are clear of councils' obligation to properly consider alternative education options and plan for children who cannot receive education because of illness, exclusion or otherwise

Equal justice: learning lessons from complaints about people's human rights



Our report highlights the expectation that we should all expect to be treated with fairness, respect and dignity when receiving public services. We urge councils to take a rights-based approach when developing services and making day-to-day decisions on how they are delivered.

The report highlights cases where people's rights basic rights were infringed when receiving public services

More Home Truths: learning lessons from complaints about the Homelessness Reduction Act



Five years after the Homelessness Reduction Act came into force, our report highlights where things are still going wrong. The Act gave local housing authorities additional duties to help people at risk of homelessness, but, too often, our investigations uncover problems with

councils not getting the basics right, like not considering the individual circumstances of the applicant, or turning people away if they haven't yet been issued with a warrant for their eviction.

Good practice guides

We issued two good practice guides aimed at helping authorities to get things right before cases get escalated to us.



Section 117 Aftercare

This guide, produced with the Parliamentary and Health Service Ombudsman (PHSO), sets out the common mistakes we find in complaints about the aftercare of patients receiving support under

the Mental Health Act. The guide is aimed at both councils and Clinical Commissioning Groups (and their successor Integrated Care Boards) who have joint responsibilities to provide Section 117 aftercare services.



Deprivation of Capital

This guide focuses on the often-complex issue of deprivation of capital decisions. Particularly helpful to financial assessment practitioners, it sets out our approach to investigating complaints from people where their

local authority has decided they have intentionally deprived themselves of capital when assessing how much they should contribute to their care fees.

Decisions and reports

We are one of the only Ombudsman schemes to publish the decisions we make. We do this to share learning and be transparent.

Our decisions are published at www.lgo.org.uk/decisions and can be searched by theme, key word, category, decision outcome, date and organisation.

Cases that raise serious issues or highlight matters of public interest are given extra prominence and issued as public interest reports. We published 38 public interest reports during the year.

Our press releases highlight our public interest reports and can be found at www.lgo.org.uk/information-centre/news



Education & Children's Services

1,263 detailed investigations
84% upheld

21 published reports

[Birmingham CC: Children's Disabled Facilities Grants](#)

[Birmingham CC: SEND provision and EHC plans](#)

[Cambridgeshire CC: SEND provision and EHC plans](#)

[Dorset Council: SEND provision and EHC plans](#)

[Hampshire CC: School Transport](#)

[Hertfordshire CC: SEND provision and EHC plans](#)

[Liverpool City Council: Children's Services - Disabled Child](#)

[LB Croydon: Children's Services - Disabled Child](#)

[LB Croydon: Children's Services - Looked After Children](#)

[LB Ealing: Children's Services - Statutory Complaints Procedure](#)

[Milton Keynes Council: Family and Friends Carers](#)

[Northumberland CC: School Transport](#)

[North Yorkshire CC: SEND provision and EHC plans](#)

[Nottinghamshire CC: Education - Nursery Fees](#)

[Oxfordshire CC: SEND provision and EHC plans](#)

[Redcar and Cleveland Council: Children's Services - Disabled Child](#)

[Sheffield CC: Children's Services - Disabled Child](#)

[Suffolk CC: SEND provision and EHC plans](#)

[Suffolk CC: Education - Alternative Provision](#)

[Surrey CC: SEND provision and EHC Plans](#)

[West Northamptonshire Council: SEND provision and EHC plans](#)



Adult Care Services

898 detailed investigations
73% upheld

8 published reports

[Birmingham CC: Charging](#)

[Bradford MBC: Assessment and Care Planning](#)

[LB Croydon: Assessment and Care Planning](#)

[Leeds CC: Residential Care](#)

[Leicestershire CC: Assessment and Care Planning](#)

[Slough BC: Disabled Facilities Grants](#)

[Warrington Council: Charging](#)

[Worcestershire CC: Direct Payments](#)

Decisions and reports



Housing

535 detailed investigations

78% upheld

5 published reports

[Birmingham CC: Homelessness](#)

[LB Croydon: Homelessness](#)

[Liverpool CC: Homelessness](#)

[Shropshire Council: Homelessness](#)

[West Berkshire Council: Homelessness](#)



Highways & transport

233 detailed investigations

63% upheld

No reports published



Corporate & other

89 detailed investigations

70% upheld

1 published report

[Teignbridge DC: Councillor Conduct Standards](#)



Benefits & tax

240 detailed investigations

79% upheld

No reports published



Planning & development

438 detailed investigations

48% upheld

No reports published



Environment & public protection

394 detailed investigations

74% upheld

3 published reports

[Birmingham CC: Refuse and Recycling](#)

[Coventry CC: Antisocial Behaviour](#)

[Ribble Valley CC: Equality Act](#)

The impact of a single complaint



A single complaint can make a difference to many people. During our investigations, we will assess if others could be affected by the same issue and recommend ways for services to improve. The most positive outcomes are achieved when authorities commit to our service improvements and the case summaries below are great examples of this. By sharing them here, we are giving all authorities the opportunity to learn and check their own practice in these areas.

Full details of these cases can be found by clicking on the links, or you can search the case reference numbers at www.lgo.org.uk/decisions



Council's 'dual contract' arrangements with care homes ended after investigation
Case reference: [20 013 485](#)

Our investigation found that Leeds City Council allowed a private care provider to put a second contract in place with a family whose relative was placed in a care home. The dual contract meant the family were required to pay the difference between the council's rate for a placement and the provider's private rate.

We found the arrangements confusing and contrary to Government guidance; service users whose care is arranged by a council should not pay more than the council's contracted rate for care.

We recommended, and the council agreed, to apologise to the complainant and arrange for repayment of the fees paid. It also agreed to revisit its contract arrangements and end this practice with all care providers in its area.



**82% of residential
care complaints
upheld**

Service improvements

***The council agreed to revisit its
contract arrangements and end this
practice with all care providers in its
area***



Remedies for families affected by delays to Education, Health and Care plans

Case reference: [21 005 558](#)

Our investigation found delays in the Education, Health and Care (EHC) plan process at North Yorkshire County Council was caused by difficulty recruiting educational psychologists - a key requirement of the EHC plan statutory process. We know this is a national issue and have seen similar difficulties across large areas of England.

However, as the timescales are set in law, we found the council took between three and four months too long to issue the child's EHC plan, delaying the family's right to appeal to the Special Educational Needs (SEN) and Disabilities Tribunal. It meant the child also missed out on the specialist provision they should have received at mainstream primary school.

As a result of our investigation, the council agreed to apologise and pay £700 for the injustice caused to the parent and child.

We also asked the council to review where others' may have been similarly affected. It reviewed 26 other complaints that it upheld in 2020 about similar issues to see if those families were due a remedy in line with our recommendations. The council agreed to make payments in 20 of those cases for lost special educational provision.

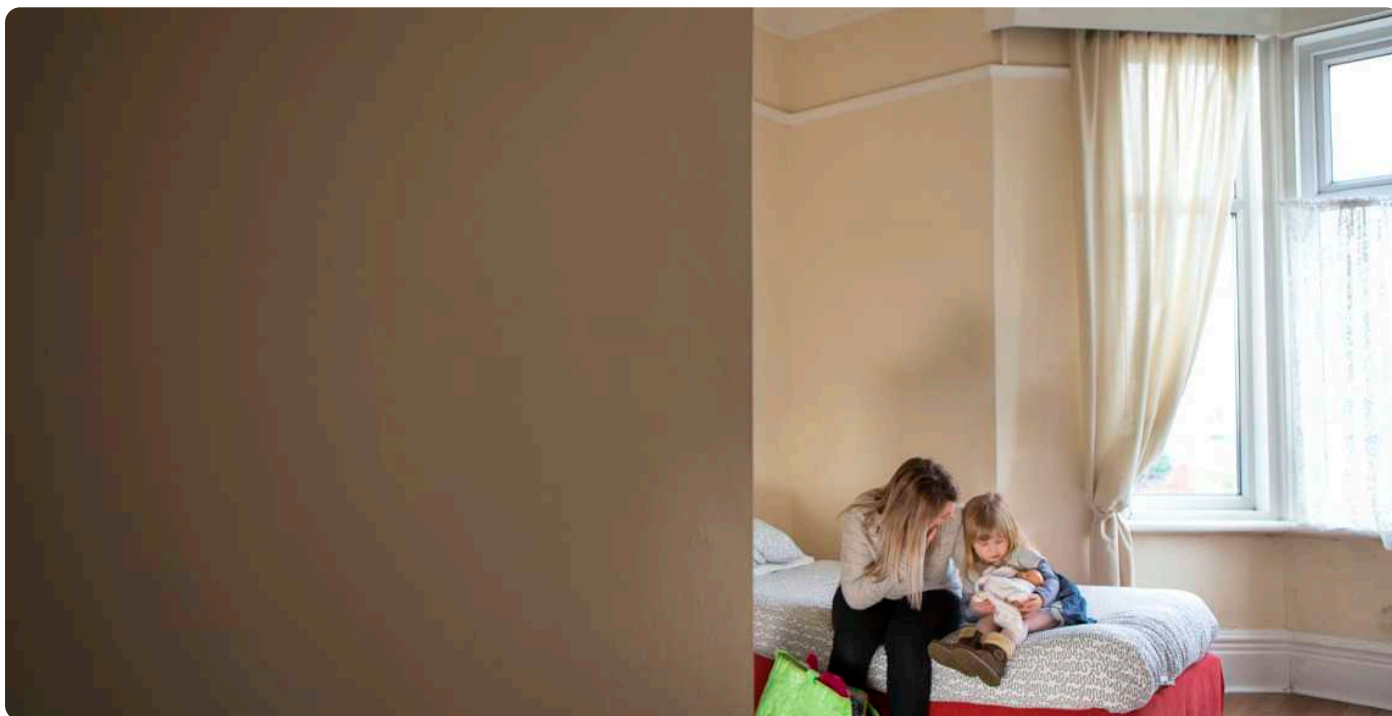


**92% of SEN provision
and EHC plan
complaints upheld**

Remedies for others affected

***Payments were made to 20 other
families where they had lost SEN
provision***

The impact of a single complaint



Process review prompted by failure to support homeless woman
Case reference: [21 014 573](#)

An investigation into West Berkshire Council's handling of a homelessness application from an applicant fleeing violence in another council area found it did not offer interim accommodation and failed to properly consider whether it owed a relief duty.

The council agreed to our recommendations that it apologise and pay the complainant £500 for the frustration and uncertainty caused.

It also agreed to review its processes, and train relevant staff, to ensure it accepts homelessness applications and provides interim accommodation in line with the law and guidance.



87% of homelessness complaints upheld

Service improvements

The council agreed to review its processes, train relevant staff, and provide interim accommodation in line with the law and guidance

The impact of a single complaint



Education for out of school pupils reviewed

Case reference: [19 018 501](#)

Our investigation found Central Bedfordshire Council failed to provide alternative education to a young boy who was unable to attend regular school, meaning he missed out on a year of education.

We recommended payments to the boy's family and a review of its policy for pupils out of school to ensure that decisions and actions about non-attendance are taken quickly, named officers are assigned to cases and alternative education provision is made available.

In light of the complaint, the council also agreed to review the cases of other pupils out of school who may have been similarly impacted.



**90% of alternative
education provision
complaints upheld**

Remedies for others affected

The council also agreed to review the cases of other pupils who may have been similarly impacted

Raising the profile of complaints

Listening to public concerns is an essential component of a well-run, accountable authority that is committed to public engagement, learning and improvement. We encourage officers and elected officials to use the information we publish to determine the health of their local complaints system.

Complaints officers can use the range of information we publish to support their own complaint handling, learning from cases we have published and the remedies we have recommended. They can raise the profile of complaints in their authority by feeding relevant information into service areas, management teams and to elected members.

Elected members have important roles in scrutinising local performance and retain the final decision on whether to accept our non-binding remedies and service improvements. They can champion the voice of complainants and use local democratic processes to hold officers to account where appropriate.

Resources to use

- > Our [council performance map](#) places all our council complaint statistics in a single, interactive hub. It is a mine of searchable information and allows comparisons to be made between similar councils.
- > Each council page also includes our annual review letters, links to decisions we have made, public interest reports published, and every service improvement the council has agreed to make. Annual review letters of other authorities can be found here.
- > We also publish [data tables](#) providing complaints information at local authority level, which can be freely analysed and segmented.

What to look for

- > **Uphold rates** show the proportion of investigations in which we find some fault and can indicate problems with services. How does your authority compare against the national averages or other similar authorities?
- > **Offering a suitable remedy** for a complaint before it comes to us is a good sign your authority can accept fault and offer appropriate ways to put things right. How often does your authority do this, and how does it compare with others?
- > **Compliance rates** show the proportion of cases in which we are satisfied our recommendations have been implemented (based on the evidence authorities give us). Compliance below 100% is rare. Does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?
- > **Service improvement recommendations** show what your authority agrees to do to make things better for everyone. Do you track the service improvements your authority agrees to make? How are they being implemented, and their impact monitored?

We want authorities to operate, and benefit from, excellent complaint systems. Where support is needed to achieve this, we offer online complaint handling training.

To find out more visit www.lgo.org.uk/training.

Local Government and Social Care Ombudsman

PO Box 4771
Coventry
CV4 0EH

Phone: 0300 061 0614
Web: www.lgo.org.uk
Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)

SOUTH STAFFORDSHIRE COUNCIL**STANDARDS AND RESOURCES COMMITTEE – 14 SEPTEMBER 2023****DATA PROTECTION POLICY UPDATE****REPORT OF CORPORATE DIRECTOR OF GOVERNANCE****PART A – SUMMARY REPORT****1.0 SUMMARY OF PROPOSALS**

- 1.1 The Council's Data Protection Policy has been reviewed and refreshed to ensure it remains up to date and fit for purpose. The report also provides an update with regard to data protection compliance matters.

2.0 SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Having an effective and efficient Council underpins the delivery of the Council Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	No significant changes to the policy so no implications that have not been considered previously.
SCRUTINY POWERS APPLICABLE	Report to Standards and Resources Committee	
KEY DECISION	No	
TARGET DATE	14 September 2023	
FINANCIAL IMPACT	Yes	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	There are no direct legal implications arising from this report. Compliance with the data protection legislation is a legal requirement.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

3.0 BACKGROUND

- 3.1 The Council's Data Protection Policy has been reviewed and refreshed to ensure it is up to date and fit for purpose. No significant changes were required as the policy was found to be fit for purpose. The policy can be seen at Appendix 1. Member approval is sought. The Council's Data Retention Policy and an example privacy notice are also attached for

information. The Council's Data Retention Schedule is currently being updated and will be added to the data protection information available on the website shortly.

- 3.2 There have been no reportable data breaches arising within South Staffordshire Council since the last report. There was a data incident, which was widely reported in the press, involving Capita and this did include some South Staffordshire information. The Council did notify the Information Commissioner regarding this matter, although the responsibility rested with Capita. The investigation undertaken by Capita was unable to establish if the data had been subject to unauthorised access. The Council provided updates to residents via the Council's website.
- 3.3 More recently, the Electoral Commission has been subject to a cyber-attack, with access to copies of electoral registers from 2014-2022 being obtained. Information on this is available on the Council's website for residents.
- 3.4 The Council has invested in strengthening its cyber security provision and is moving to a cloud-based solution where possible. Regular vulnerability testing is undertaken.
- 3.5 There have been a number of small-scale data breaches within the Council. These are usually down to human error, with an email or letter being sent to the wrong recipient. None of these incidents have been reportable or posed a risk of harm to the data subjects such that notification to them was necessary. It is an indication of the high awareness of data protection requirements within the workforce that there are reported incidents. Such incidents are reported to the Data Protection Officer in a timely manner, allowing an assessment of risk to be undertaken, mitigation measures to be employed and a decision on notification to be taken within the 72-hour statutory timescale.
- 3.6 Training was provided to members on data protection shortly after the May 2023 elections. A session on data protection is scheduled for managers within the Council in October 2023. This is in addition to the mandatory training module that all staff are required to complete on a two-yearly basis. Regular reminders on data protection are also given in the Council's News Round-Up to ensure awareness is maintained.

5.0 IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

6.0 PREVIOUS MINUTES

None

7.0 BACKGROUND PAPERS

Data Protection Policy, Data Retention Policy, Privacy Notice, Data Retention Schedule

8.0 RECOMMENDATIONS

- 8.1 That Members approve the policy attached as Appendix 1.

Report prepared by Lorraine Fowkes – Corporate Director of Governance (Data Protection Officer)



South Staffordshire Council

Data Protection Policy



www.sstaffs.gov.uk



Data Protection Policy

Opening statement

South Staffordshire District Council ('the council') is committed to complying with data protection legislation. This includes the UK version of the General Data Protection Regulation 2016, the Data Protection Act 2018 and the Privacy and Electronic Communication Regulations 2003.

This policy sets out the council's approach (primarily through its employees and members) to the handling of personal data.

As a council we recognise that the correct and lawful treatment of people's personal data will maintain their confidence in us and will provide for successful operations.

Protecting the personal data of individuals is something that the council takes extremely seriously. The council is potentially exposed to substantial fines depending on the nature and severity of the infringement for failure to comply with data protection legislation. It is of particular importance now that data is stored electronically and available to officers who are homeworking as part of our new ways of working.

Anyone who processes personal data on behalf of the council such as employees, members, contractors and suppliers must comply with this policy. For ease of reading the above categories will be referred to simply as 'employees' in the rest of this policy.

Compliance with this policy is mandatory. Related policies and procedures/guidelines are available to assist employees in complying with legislation including a Document Retention Policy.

Any breach of this policy or the related policies and procedures/guidelines may result in disciplinary action, termination of contracts or action under the council's Code of Conduct.

This policy applies to all personal data the council processes regardless of the media on which that data is stored.

The law (and this policy) applies to:

- 1. Personal data processed by automated means such as computers, phones, tablets, CCTV, swipe cards etc. or,**
- 2. (structured) personal data held in a 'relevant filing system' for example an employee's personnel file or it is intended to form part of such a file or,**
- 3. unstructured personal data such as paper records that are not held as part of a filing system.**

Data Protection Policy

Definitions

The following expressions are used in this policy:

Personal data - this is any information relating to an identified or identifiable (from information in the possession of the council or when put together with other information the council might access) living individual.

Special category personal data is that about an individual's race/ ethnicity, political opinions, religious or philosophical beliefs, membership of a trade union, their genetic/biometric data (if used to identify them), health information or information about their sex life or sexual orientation.

Processing includes receiving information, storing it, considering it, sharing it, destroying it etc.

A **Processor** is a third-party individual/organisation who process personal data on the council's behalf - to its instructions.

The council is the **Controller** of people's personal data as it determines what is collected, why and how it is used.

The individual who is the focus of the importance is known as the Data Subject.

Consent means any freely given, specific, informed and unambiguous indication of a person's wishes by which he/she/they/them, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

A **data breach** means a breach of council security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored, or otherwise processed.



Data Protection Policy

Commitment to the principles

The council **MUST**:

(a) process personal data **fairly, transparently** and only if there is a **legal basis** to do so.

To comply with this, employees must provide individuals when collecting their personal data (concisely and using clear and plain language so that they understand) with the following information:

1. that the council is the “controller” of their personal data;
2. the council’s contact details;
3. why the council is processing their personal data and in what way the law allows it;
4. if the council [this will be rare] relies on its ‘legitimate interests’ or those of a third party for processing personal data what those interests are;
5. the identity of any person/ organisation to whom their personal data may be disclosed;
6. whether it is intended to process their personal data outside the United Kingdom;
7. how long their personal data will be retained for; and,
8. their rights.

Privacy information should be tailored to the recipient so that they clearly understand what is happening with their data and their rights.

(b) only collect personal data for **specified, explicit and legitimate** purposes.

Employees must not further process any personal data in a manner that is incompatible with the original purposes; Employees should be clear as to what the council will do with a person’s personal data and only use it in a way they would reasonably expect.

(c) ensure that the personal data it collects is **adequate, relevant and limited** to what is **necessary** to carry out the purpose(s) it was obtained for;

Employees should think about what the council is trying to achieve in collecting personal data. Employees must only collect the personal data that they need to fulfil that purpose(s) and no more. Employees must ensure that any personal data collected is adequate and relevant to the intended purpose(s).

(d) ensure that the personal data it processes is **accurate** and, where necessary, **kept up to date**.

Employees must check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Employees must take all reasonable steps to destroy or amend inaccurate or out-of-date personal data.

Data Protection Policy

(e) keep personal data in a form that identifies individuals for no longer than is necessary for the purpose(s) that it was obtained.

Employees should periodically review what personal data is held and erase/destroy or anonymise that which is no longer needed.

(f) process personal data (whatever the source) in a manner that ensures appropriate security of the same including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

This is elaborated upon in the council's information security policy/procedures/guidelines.

Accountability

The council is responsible for and must be able to demonstrate that it complies with all the above principles. Employees should always be mindful of the need to be able to prove that processing is in accordance with the above principles.

Member Responsibility

Members will receive, consider, and share the personal data of residents as necessary during the course of their duties. Information may also be received by members as part of their role as a member of a committee or the cabinet. Information may be received about residents e.g. an extract of the electoral roll for the purposes of canvassing.

Members must when dealing with personal data uphold the data protection principles as set out above.

Legal basis for processing ordinary personal data (article 6)

The council (through its employees) must process personal data ONLY if one or more of the following circumstances exist:

- a.** Where an individual has given valid [see definition] consent;
- b.** Where necessary to perform a contract to which the individual is a party or to take steps at their request prior to entering into a contract;
- c.** Where processing is necessary for the council to comply with its legal obligations;
- d.** Where processing is necessary for the performance of a task carried out in the public interest by the council or it is in the exercise of official authority vested in the council;
- e.** To further the council's [this will be rare] legitimate interests or those of a third party except where such interests are overridden by the privacy interests of the individual who is the subject of the information especially if they are a child.

Data Protection Policy

****Employees must always ensure that they have a lawful basis to process personal data on behalf of the council before they process it. No single basis is 'better' or more important than the others. Employees should consider and document what basis they are processing the personal data under. If an employee is unsure as to what basis they can rely upon then the advice of the Data Protection Officer should be sought****

Special category personal data (article 9)

The council (through employees) **MUST** not process this kind of information unless circumstances exist such as:

- a.** the individual has given explicit consent for one or more specified purposes;
- b.** it is necessary for employment/ social security/social protection law purposes;
- c.** it is necessary in relation to legal claims, or,
- d.** it is necessary for reasons of substantial public interest.

Other grounds are potentially available.

****Again, if an employee is unsure as to how to lawfully process special category personal data, then the advice of the Data Protection Officer should be sought****

Criminal offence data

To process personal data about criminal convictions or offences, the Council must have a lawful basis under article 6 (above) and legal authority or official authority. For further advice speak with the Data Protection Officer.

Data Protection Policy

Data protection rights

Individuals have rights when it comes to how the council handles their personal data. These include rights to:

- a. withdraw consent to processing at any time;
- b. receive certain information when the council collects their information or receives it from a third party;
- c. request access to their personal data;
- d. have the council correct inaccurate information;
- e. ask the council to erase their personal data;
- f. restrict the way the council uses their information;
- g. be notified about any recipients of their personal data when they have asked for rectification, erasure or restriction;
- h. object to any processing undertaken by the council in the public interest/exercise of official authority or its legitimate interests or those of another;
- i. object to direct marketing by the council, and, to
- j. be notified by the council of a personal data breach where it is likely to result in a “high risk” to their rights and freedoms.

Rights are not absolute. They are fact specific, and **the council can say no to the request**. They should normally be dealt with within a month of receipt and free of charge. Procedures exist (which should be followed) if a person seeks to exercise any of the above rights. If an employee receives a request by an individual to exercise a right the advice of the Data Protection Officer should be sought.

Individuals can exercise their rights to access the information that the council holds about them by e-mailing their request to **dpo@sstaffs.gov.uk**

Restrictions

In certain circumstances the council is permitted to restrict the above rights and its obligations as well as depart from the principles. Any restriction will be in accordance with the law. For further advice speak with the Data Protection Officer.

Data Protection Policy

Data protection by design and default

Considering available technology, the cost of implementation of it and the nature, scope, context and purposes of the processing as well as the privacy risks to individuals the council **MUST both at the time it decides how to process personal data and at the time of the processing itself**, implement appropriate technical and organisational measures (such as pseudonymisation) so as to ensure that any processing is in accordance with the law. This is to protect the privacy of individuals.

The council must also implement appropriate technical and organisational measures to ensure that, by default, only personal data which are **necessary** for each specific purpose of the processing activity are processed. That obligation applies to the amount of personal data collected, the extent of the processing, the period of storage and its accessibility to individuals.

****For any new projects that involve the processing of personal data the advice of the Data Protection Officer must be sought, no later than the commencement of the project planning stage, so that compliance with data protection law can be built in at the earliest opportunity. ****

Joint controllers

Where the council and another controller jointly determine why and how personal data should be processed the council will be regarded as a 'joint controller'. If this is the case, then the appropriate employee must work with their 'opposite number' to determine the respective responsibilities of the controllers for compliance with data protection, for instance the exercise of any rights by an individual and the controllers' respective duties to provide privacy information. The arrangement must reflect the respective roles and relationships of the joint controllers towards the individual(s). The essence of the arrangement should be made available to any individual.

Data Protection Policy

Council use of data processors

These are external people/organisations who process personal data on the council's behalf to its order.

Employees **MUST** ensure that any processor it is proposed to use:

- a. has provided **sufficient guarantees** of having implemented appropriate technical and organisational measures to satisfy the council that personal data will be processed in accordance with the law and,
- b. that it **will not engage another processor** without the council's written authorisation.

In addition, any processing **MUST** be governed by a contract that is binding on the processor. It should set out the subject-matter and duration of the processing, nature and purpose of the processing and the type of personal data and categories of individuals.

The contract **MUST** set out that:

- a. The processor will only process the personal data on documented instructions from the council.
- b. Any person or organisation authorised to process personal data have committed themselves to confidentiality.
- c. That the processor puts in to place appropriate security measures.
- d. The processor assists the council in meeting its obligations as regards requests by people to exercise their data protection rights.
- e. The processor assists the council in complying with its personal data security obligations, notifications to the Information Commissioner's Office and to affected individuals and in respect of Data Protection Impact Assessments.
- f. The processor deletes or returns all personal data to the council after the end of the provision of the processing services.
- g. The processor makes available to the council all information necessary to demonstrate compliance with the above and to allow for and contribute to audits, including inspections etc.

Data Protection Policy

Records of processing activities

The council is obliged to maintain a record of its processing activities. The record will contain, amongst other matters, information about:

- a. why the council processes personal data;
- b. the categories of individuals whose personal data is processed and the categories of personal data;
- c. the categories of recipients to whom personal data have been or will be disclosed to;
- d. the envisaged time limits for erasure of the different categories of data;
- e. (generally) the technical and organisational security measures that the council has in place.

****If employees are aware of any changes in the above, they should inform the Data Protection Officer who will make the required changes to the record****

Personal Data Breaches

In certain situations, the council will be obliged to report breaches to the Information Commissioner's Office and affected individuals.

All suspected or actual breaches must be reported to the Data Protection Officer as soon as an employee becomes aware of it. The Data Protection Officer will acknowledge receipt of the report and will, where appropriate, liaise with other employees such as Digital Services, public relations, insurance and legal in responding to the breach. Any report to the ICO (which should be within 72 hours of discovery of the breach) or to affected individuals will be upon the authority of the Chief Executive or Corporate Director in their absence.

Any report to the ICO will provide:

- a description of the personal data breach
- a description of steps taken as a consequence of a breach
- the contact details of the DPO, or other point of contact
- a description of measures taken to mitigate any possible breaches

Any breaches reported to the Data Protection officer will also be recorded on the council's Personal Data Breach register.

Data Protection Policy

Data Protection Impact Assessments

Where a type of processing of personal data, using new technology, and considering the nature, scope, context, and purposes of the processing, is likely to result in a high risk to the privacy of individuals then employees **MUST prior to the processing**, carry out an assessment of the impact of the envisaged processing operations on the individuals. As part of this process employees **MUST** seek the advice of the Data Protection Officer.

Data Protection Officer (DPO)

The council's designated DPO is Lorraine Fowkes. The DPO **MUST** be involved, properly and in a timely manner, in all issues which relate to the protection of personal data. The council will support the DPO in performing her [this list is not exhaustive] tasks which are:

- a. to inform and advise the Council of its legal obligations under all data protection laws;
- b. to monitor the council's compliance with GDPR and other data protection laws and the council's compliance with its internal policies and procedures and to assign responsibilities, awareness-raising and training of staff involved in processing operations, and related audits;
- c. to provide advice were requested about any data protection impact assessment and monitor its performance;
- d. to cooperate with the Information Commissioner;
- e. to act as the contact point for the Information Commissioner on issues relating to the processing of personal data, including data protection impact assessments and consultations and where appropriate, any other matter.

Transfers outside the United Kingdom

If an employee proposes to send personal data outside of the UK, then the advice of the DPO should be sought before transfer to ensure that it is done so lawfully.

Marketing

Employees must ensure that they always have a legal ground under data protection legislation to market to individuals. Where marketing is carried out electronically (text, email etc.) then employees must adhere to the privacy regulations (2003) and ensure that they have consent unless the 'soft' opt-in applies e.g., when signing up for a council service such as leisure membership or green waste. Further advice can be sought from the DPO.

Data Protection Policy

Further information

Corporate Leadership Team are responsible for ensuring that this policy and the related documents are complied with. However, if you have any questions about the policy or data protection generally, please speak with the Data Protection Officer.

Changes to this policy

The council reserves the right to change this policy at any time. If it does, it will draw any changes to the attention of employees.

Related Policies and Procedures

Document Retention Policy & Document Retention Schedule

Digital Services Security & Acceptable Use Policy

Ways of Working Policy

Business Continuity Plan

Any other IT Security and Data Related Policies produced and retained on the Intranet

Version 3

Review date (by) 1 November 2024



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SOUTH STAFFORDSHIRE DISTRICT COUNCIL DATA RETENTION POLICY

1. Introduction

- 1.1 The Council gathers information, records and data from both individual members of the public and external organisations. Data is important to how the Council carries out its functions and duties, meets its operational needs and manages its employees and in order to have information available when it is needed.
- 1.2 There are legal and regulatory requirements for the Council to retain certain data, usually for a specified amount of time. However, it does not need to retain all data indefinitely, and retaining data can expose the Council to risk and costs.
- 1.3 This Data Retention Policy explains the requirements to retain data and to dispose of data and provides guidance on appropriate data handling and disposal.
- 1.4 Failure to comply with this policy can expose the Council to fines and penalties, adverse publicity, difficulties in providing evidence when it is needed and meeting the operational needs of the Council.
- 1.5 Compliance with this policy is mandatory and any breach may result in disciplinary action. It may be amended at any time.

2. Error! Bookmark not defined.SCOPE OF POLICY

- 2.1 This policy covers all data that the Council holds or have control over. This includes physical data such as hard copy documents, contracts, notebooks, letters and invoices. It also includes electronic data such as emails, electronic documents, audio and video recordings and CCTV recordings. It applies to both personal data and non-personal data. In this policy this information and these records are collectively referred to as "data".
- 2.2 This policy covers data that is held by third parties on our behalf, for example cloud storage providers or offsite records storage.
- 2.3 This policy explains the differences between our formal or official records, disposable information, confidential information belonging to others, personal data and non-personal data.

3. GUIDING PRINCIPLES

- 3.1 Through this policy, and data retention practices, the Council aims to meet the following commitments:
 - To comply with legal and regulatory requirements to retain data.
 - To comply with data protection obligations, in particular to keep personal data no longer than is necessary for the purposes for which it is processed (storage limitation principle).
 - To handle, store and dispose of data responsibly and securely.
 - To create and retain data where this is needed to operate effectively, but not to create or retain data without good business reason.
 - To allocate appropriate resources, roles and responsibilities to data retention.

- To regularly remind employees of their data retention responsibilities.
- To regularly monitor and audit compliance with this policy and update this policy when required.]

4. Error! Bookmark not defined.**ROLES AND RESPONSIBILITIES**

4.1 **Responsibility of all employees** to aim to comply with the laws, rules, and regulations that govern the Council and with recognised compliance good practices. All employees must comply with this policy, the Record Retention Schedule, any communications suspending data disposal and any specific instructions from the Data Protection Officer. Failure to do so may subject the Council and its employees, and contractors to serious civil and/or criminal liability. It is therefore the responsibility of everyone to understand and comply with this policy.

4.2 **Data Protection Officer.** The Council's Data Protection Officer (DPO) is responsible for advising on and monitoring compliance with data protection laws which regulate personal data.

5. **TYPES OF DATA AND ITS RETENTION**

5.1 **Formal or official records.** Certain data is more important and is therefore listed in the Record Retention Schedule with a specified retention period. This may be because there is a legal requirement to retain it, or because it may be need as evidence of the Council's financial transactions, or because it is important to the operation of the Council.

5.2 **Disposable information.** Disposable information consists of data that may be discarded or deleted at the discretion of the relevant service manager once it has served its temporary useful purpose and/or data that may be safely destroyed because it is not a formal or official record. The Record Retention Schedule will not set out retention periods for disposable information. This type of data should only be retained as long as it is needed for business purposes. Once it no longer has any business purpose or value it should be securely disposed. Examples may include:

- Duplicates of originals that have not been marked or amended.
- Preliminary drafts of letters, memoranda, reports, worksheets, and informal notes that do not represent significant steps or decisions in the preparation of an official record.
- Books, periodicals, manuals, training binders, and other printed materials obtained from external sources and retained primarily for reference purposes.
- Spam and junk mail.

5.3 **Personal data.** Both formal or official records and disposable information may contain personal data; that is, data that identifies living individuals or information relating to a living individual that can identify (directly or indirectly) from that data alone or in combination with other identifiers. This includes special categories of personal data such as health data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour. Data protection laws require personal data to be retained for no longer than is necessary for the purposes for which it is processed (principle of storage limitation). Where data is listed in the Record Retention Schedule, account has been taken of the principle of storage limitation balanced against the requirements to retain the data.

5.4 **Confidential information belonging to others.** Any confidential information that may have been obtained from a source outside of the Council, must not, so long as such information remains confidential, be disclosed or used. Unsolicited confidential information submitted should be refused, returned to the sender where possible, and deleted, if received via the internet.

5.5 **What to do if data is not listed in the Record Retention Schedule.** If data is not listed in the Record Retention Schedule, it may be that it should be classed as disposable information. In the first instance guidance should be sought from the service manager with the relevant operational knowledge.

6. STORAGE, BACK-UP AND DISPOSAL OF DATA

6.1 **Storage.** Data must be stored in a safe, secure, and accessible manner. Any documents and financial files that are essential to the Council's operations during an emergency must be duplicated and/or backed up at least once per week and maintained off site in accordance with the Business Continuity Plan.

6.2 **Destruction.** The destruction of confidential, financial, and employee-related hard copy data must be conducted by shredding if possible. Non-confidential data may be destroyed by recycling. The destruction of electronic data must be co-ordinated with Digital Services.

6.3 The destruction of data must stop immediately upon notification from the Data Protection Officer, the Legal Services Team **or** Finance Team that preservation of documents for contemplated litigation, or compliance with government investigation or audit is required (sometimes referred to as a litigation hold).

7. WHERE TO GO FOR ADVICE AND QUESTIONS

7.1 **Questions about the policy.** Any questions about retention periods should be raised with your service manager/team manager. Any questions about this policy should be referred to the Data Protection Officer, Lorraine Fowkes, who is in charge of administering, enforcing, and updating this policy.

8. OTHER RELEVANT POLICIES

8.1 This policy supplements and should be read in conjunction with other policies and procedures in force from time to time, including without limitation the:

- Data Protection Policy
- ICT security and acceptable use policy
- Ways of Working Policy
- Business continuity policy
- And any other IT, security and data related policies, which are available on the intranet

REVIEW DATE (by) 1 November 2024

ANNEX A RECORD RETENTION SCHEDULE

Online payments privacy notice

You will be asked to enter your name, contact details, any reference number etc. as part of our online payment forms – this is classed as your personal data. We will process the data you provide in to ensure that your payment is properly allocated/recorded.

How we will process your data

The law allows us to process your personal data in order to enter into a contract with you, to provide a service to you, or in the exercise of official authority by us. It also allows us to send service-related messages to you that are in the public interest – such as service delays etc.

Will we share your data?

The data you provide will automatically be stored in our income management system. Our customer services, finance and specific service teams will have access to the data you provide to deliver the contract/service you have requested, process your payment and respond to any queries you may have.

How long will we store your data?

Your personal data will be stored by the council for as long as is necessary to deliver you with the contract/service you have requested, and for up to seven years, after which point it will be deleted from our systems.

Your rights in brief

You have the following rights: a right of access to your information, a right to correct inaccurate information, a right to restrict our processing of your data, a right to have your personal data erased or to object to any processing by us on public interest grounds. If you wish to exercise any of these rights, please contact our customer services team on 01902 696000.

Who is the data controller?

South Staffordshire Council (Council Offices, Codsall, South Staffordshire, WV8 1PX, [tel:01902 696000](tel:01902696000)) is the data controller.

Any questions or concerns?

If you any questions, please email our data protection officer at dpo@sstaffs.gov.uk in the first instance, or if you have concerns about the way we have processed your personal data, please contact the Information Commissioner's Office (ICO).

SOUTH STAFFORDSHIRE COUNCIL**STANDARDS AND RESOURCES COMMITTEE – 14 SEPTEMBER 2023****REPORT ON WORK PROGRAMME/COMPLAINTS****REPORT OF MONITORING OFFICER (CORPORATE DIRECTOR OF GOVERNANCE)****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To inform and update Members in respect of Code of Conduct and Complaint matters.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The work of the Committee underpins the work of the Council and delivery of the Council Plan objectives
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Not required.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	Standards and Resources Committee 14 September 2023	
FINANCIAL IMPACT	No	None
LEGAL ISSUES	No	None
OTHER IMPACTS, RISKS & OPPORTUNITIES	None	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION**3.1 *Code of Conduct/Disclosable Pecuniary Interest Forms***

3.2 There are currently no active Code of Conduct complaints.

- 3.3 One further complaint received since the last meeting was dismissed at the initial assessment stage. This complaint related to a parish member.
- 3.4 Training has been provided to members and at the recent parish summit.

Local Government Ombudsman (LGO)

- 3.5 There have been no new decisions from the Local Government Ombudsman since the last meeting.

Formal Complaints

- 3.6 In terms of complaints that have gone to stage 2 of the Council's own complaints procedure (which is the step before an Ombudsman complaint) we have had 0 complaints upheld in the municipal year 2023/24 to date.

Data Protection

- 3.7 A full update in respect of data protection is on the committee agenda today.

Work programme

- 3.8 The work programme for 2023/24 is set out below:

8 June 2023

- Setting of work programme - COMPLETED

14 September 2023

- Review of Conduct/Complaints/Work Programme – ON AGENDA
- Annual report of the Local Government Ombudsman (b/f from Nov Meeting) – ON AGENDA
- Elections report post May 2023 elections – ON AGENDA
- Data Protection report – ON AGENDA

23 November 2023

- Review of Conduct/Complaints/Work Programme
- Elections Act 2022 update

25 January 2024

- Review of Conduct/Complaints/Work Programme
- Elections Act 2022 Update

28 March 2024

- Annual Corporate Health and Safety Update
- Review of Conduct/Complaints/Work Programme

- Employment trends

If Members have any items they wish to add to the work programme they should let the Monitoring Officer know. A report updating on progress against this programme will come to each meeting of the Committee and identifying any potential additional items or changes to the programme.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

6. PREVIOUS MINUTES

None

7. BACKGROUND PAPERS

None

8. RECOMMENDATION

- 8.1** That the Standards and Resources Committee notes the contents of the update on Code of Conduct and Complaint Matters.

Report prepared by: Lorraine Fowkes – Corporate Director of Governance (Monitoring Officer)

