

## North York Moors National Park Authority Finance, Risk, Audit and Standards Committee

28 May 2019

### Annual Standards and Ethical Review 2018/19

<p>1. <b>Purpose of the Report</b></p> <p>1.1 To provide Members with the annual review of the Authority's performance on Standards and Ethical Issues.</p>
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2. **Background**

- 2.1 The Scheme of Delegation to this Committee says that on at least one occasion each year, FRASC should undertake a review of standards issues and report matters of any significance to the full Authority.
- 2.3 The actions proposed in the draft Annual Governance Statement, which is presented elsewhere on the agenda, have been based on Members' and Officers' considerations as this paper was prepared.
- 2.4 The Authority's Values are an integral part of the culture of the organisation and influence the way in which Members, volunteers as well as the staff carry out their work. The Values have been in place since 2010 and Officers are mindful that the organisation has changed considerably since then.
- 2.5 Members continue to receive training in governance, standards and ethics issues when appropriate and a significant paper on ethical standards is included in the agenda for this meeting.
- 2.6 The Authority is subject to regular review by both internal and external auditors who advise on the adequacy of systems to mitigate the risk of fraud. There are a large number of other ways in which the Authority is open to external review and these were detailed in a paper presented to FRASC at the September 2018 meeting.
- 2.7 Members will be aware that the Authority has an excellent record in achieving, maintaining and improving performance against the assessment criteria for both Charter Mark (over a fifteen year period) and Customer Service Excellence over the last six years, for the whole organisation. This serves as an external validation of the Authority's approach to customer service and the 2018 assessment resulted in the Authority being fully compliant across all 57 criteria and retaining its 'best practice' assessment in 10 of these. As far as we are aware the NPA has the longest and deepest record of achievement of any organisation in the country in terms of CM/CSE, given that our awards are across the entire organisation not just one part of it.
- 2.8 Sections 3 to 7 below detail statistics which demonstrate that the Authority is operating in a way that is consistent with its Codes of Conduct and Ethical Framework.

3. **Complaints and Compliments**

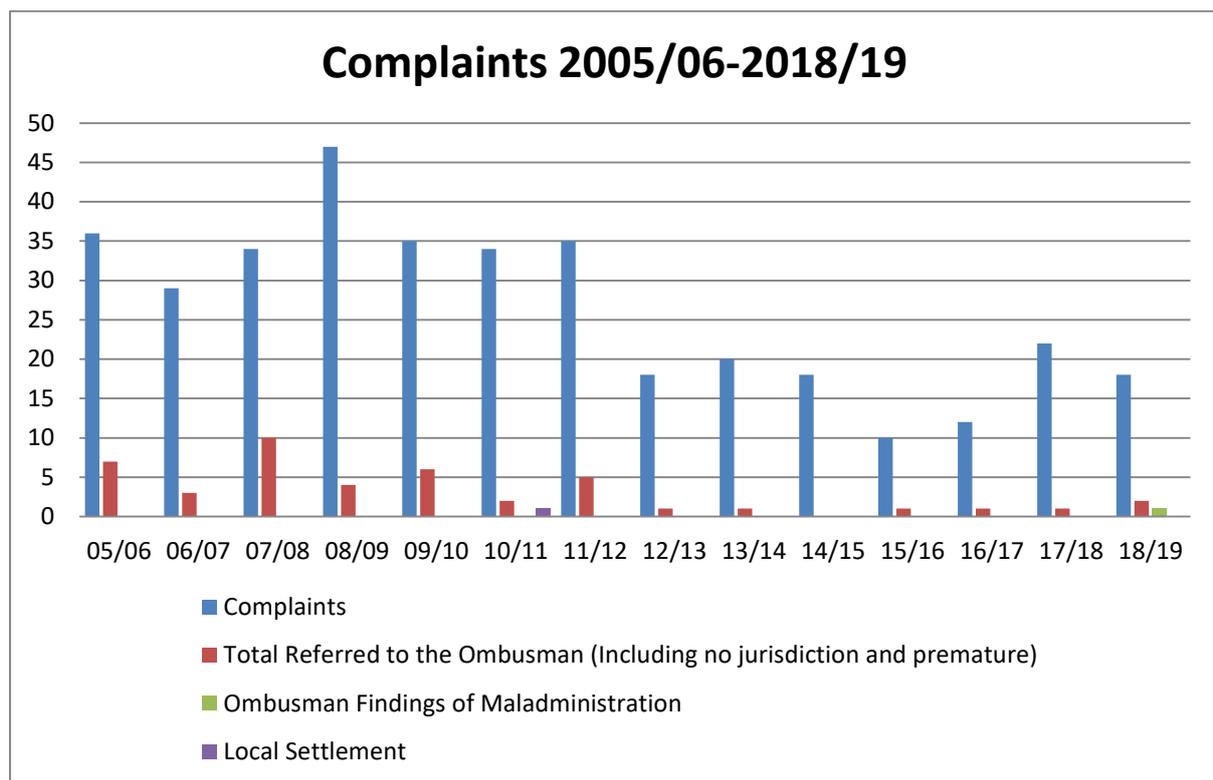
3.1 Officers report quarterly on Complaints and Compliments which have been received during the year and also report on complaints to the Local Government Ombudsman. The graph below details the Complaints registered between 2004/05 and 2018/19 and the Ombudsman Complaints. The volume of complaints is, with some variations, relatively low and during this long period of time the Ombudsman has only found against the Authority's position on two occasions

3.2 The total number of compliments received over the same period is nearly 1,600. While there have been changes in the criteria for recording correspondence as a compliment which makes year on year comparisons difficult, the continued high volume of compliments should be seen as highly encouraging.

3.3 In 2018/2019, the Authority received 18 complaints, down from 22 in the previous year. Of these, 4 were partially justified and 3 were fully justified, compared with 2 partially justified and 3 fully justified in 2017/18. In the same time period the Authority also received 76 compliments. The Local Government Ombudsman reported on 2 complaints;

- *Complaint Ref: 17007580* - Report issued: upheld; maladministration and injustice (note: complaint began in 2017 but concluded in 2018).
- *Complaint Ref: 18001118* – Report issued: not upheld.

3.4



3.5 Despite the small decrease in complaint numbers in 2018/19, the overall trend in recent years is upwards and this is despite the cessation of the NPA's Moorsbus. The CEO and Committees Officer commented on this in a paper to members at the November 2018 meeting of FRASC. Briefly, the main issues were considered to be;

- Firstly, public expectations; these are still tending to rise despite the reductions in core resources available to the Authority. As the Authority becomes more established and better known there are more people demanding services and responses from it. In addition, there is a general tendency across society to complain more readily than was previously the case;

- Secondly, the increase in workload is leading to more rushed events and initiatives and the likelihood of errors is increased (these extra items do bring compliments of course!); and
- Thirdly the traditional emphasis on customer services which was a hallmark of the Authority in the 2000s across all of its functions has been partially displaced in the response to austerity and fundraising. A renewed focus on customer service and a willingness to set manageable workloads is important if our high levels of satisfaction are to be retained.

3.6 The Authority continues to be committed to delivering excellent customer service. The CSE assessment this year will be undertaken by a new assessor, having previously been done by the same person for many years. Officers see this as an opportunity to have fresh external insight into how service is delivered. Officers are also undertaking a review of how administrative work, in its broadest sense, is undertaken and one of the key outcomes of this work will be to consider how customer service can be improved.

3.7 Dealing with Freedom of Information Act (Fol) requests are a regular feature of the Authority's work (21 were responded to in 2017/18 and 31 in 2018/19). While these are usually straightforward, there are inevitably more complex requests as well. In answering requests, the Authority is obliged (with certain exceptions) to provide the information that it holds which means that data management systems should be efficient at both retaining and disposing of information. In addition, all staff and Members need to be aware that care should be exercised in the content, tone and language used in all communications as these may need to be released in responding to an FOI request. Guidance is provided in the Clear Communications Guide and regular reminders on this subject are provided.

3.8 The law with regard to personal data changed significantly in May 2018 with the General Data Protection Regulations. Officers undertook a significant, but proportionate, amount of work to prepare for this. 2 Subject Access Requests were received under these Regulations during the year.

#### 4. **Member Complaints**

4.1 The Authority has a Member Code of Conduct which substantially exceeds the minimum requirements of the legislation. The Monitoring Officer and Independent Person reviewed the Code of Conduct, making a number of clarifications were proposed which were approved by the Authority in September 2014. In addition, a revised 'Making a Complaint about an Authority Member' guide was approved by the Authority on 25 March and adopted from 1 May 2019. .

4.2 One of the 18 complaints mentioned in Paragraph 3.3 was a formal Member complaint. In accordance with the Member Complaints procedure the Deputy Monitoring Officer carried out an initial assessment of the allegations to determine whether or not they merited a formal investigation. The assessment was that no breach of the Code of Conduct or other applicable rules had occurred, that no parts of the complaint merited formal investigation, and that no further action was necessary. The Independent Person was also involved with and supportive of this assessment. The Complainant submitted further information in support of the complaint. The assessment of that information was that the initial assessment was not altered. The Complainant was notified and the matter ended.

4.3 Notwithstanding the outcome of this Member complaint, it serves as a useful reminder that the behaviour of Members is often subject to close scrutiny, particularly in public meetings and in relation to declarations of interests.

#### 5. **Health, Safety and Well Being**

- 5.1 In terms of the benefit to public health the positive impact that connecting with nature has on people's mental and physical health and wellbeing is widely accepted. The role that National Parks play in this is increasingly recognised and work has been done on behalf of the Authority by The York Management School, University of York using the "Social Return on Investment" (SROI) model as a means of assessing the social benefits of an investment.
- 5.2 The study and report was completed in 2018 and the headline conclusion is that every £1 invested in the National Park Authority by DEFRA funding, results in approximately £7 of health and wellbeing benefits. Officers believe that this represents excellent use of public funding.
- 5.3 The number of working days lost to sickness is usually considered to be an indicator of the working environment within an organisation. The Authority's sickness absence has historically been low compared to the rest of the public sector and most of the private sector. The national picture is, however, changing quickly and the most recent data available from the Office for National Statistics (July 2018) reported that average sickness absence across the UK has fallen sharply to 4.1 days per person. The public sector average is 5.6 days per person while the 2018/19 figure for the Authority remains low at 3.8 days.
- 5.6 Detailed Health and Safety reports are provided to Members at each FRASC meeting (see agenda item 6) and annually to NPA in March. The report elsewhere on this agenda deals with performance with regard to accidents and progress on the 2019/20 action plan.

## 6. **Planning Performance**

- 6.1 The Authority monitors the number of planning appeal decisions allowed against the Authority's decision to refuse planning applications as this can be an indicator of the quality and consistency of its decision making. Members are regularly updated on this indicator and the chart below illustrates the results on a quarterly basis over recent years. The national average varies from year to year but is normally about 33-35%.
- 6.2 The Authority's target is to strive to avoid more than 33% of appeal decisions being allowed. In 2018/19, the number allowed was 2 out of 5, giving the percentage of appeals allowed as 40% and outside the target. Whilst this may appear to be a poor result, it should be noted it is based on a very small number caution. Historically the Authority dealt with a peak of 35 planning appeals in 2009/10 although it has been consistently around the 15-20 mark since then but this dropped to 5 in 2018/19 and we have only received one to date in 2019/20 to continue the theme of low numbers of planning appeals.
- 6.3 The Planning Customer Satisfaction Survey is undertaken biennially. Results have historically been strong and the Authority's performance indicator for satisfaction with the planning service is set at a high level of 85%. The result from the 2017 survey gave an overall satisfaction rating of 90% based on 30 responses. This means that the challenging target had again been met and is particularly noteworthy following a year in which pre-application advice charging was increased from the modest the introductory levels.
- 6.4 Questionnaires will be sent out in October this year to all those receiving a planning decision notice April – September 2019 inclusive seeking responses on their customer satisfaction levels with the overall service, questions about how service levels have changed if they have applied before and enquiring about views on increasing electronic working between applicants/agents and the Planning Department.

## 7. **Media Coverage**

- 7.1 The Authority monitors all mentions of the National Park both in print and online. Officers receive daily email alerts of new media coverage, allowing them to inform colleagues of developing stories and draft responses as necessary.
- 7.2 The vast majority of media coverage (in the region of 99%) continues to be rated as 'neutral' or 'positive'. In 2018, the most positive coverage generated as a result of press releases included Dark Skies, the apprentice awards, and the health and wellbeing 'social return on investment' report. Additional positive coverage was generated by the Captain Cook Festival, and through several different stories that appeared in The Telegraph, The Telegraph online and the BBC Countryfile magazine.
- 7.3 Coverage assessed as 'negative' included stories on hydraulic fracturing ('fracking'), those relating to birds of prey persecution and the Campaign for National Park's report into the condition of SSSIs in English National Parks. In March 2019, The Ecologist published an article on an RSPB report that accused National Parks of 'failing dismally' to protect areas for wildlife. This was followed a few weeks later by an article in the Sunday Times entitled 'National Parks: Where wildlife goes to die'. While the headline was particularly damning, the article also commented on cuts to grants and a lack of legal powers being behind National Parks inability to protect habitats and improve wildlife.

## 8. **Staff Code of Conduct and Ethical Framework**

- 8.1 Both of these documents were reviewed, amendments proposed and subsequently approved by Members at the March 2015 meeting of the National Park Authority. Work was done during 2018/19 to promote the staff code and, in particular, to ensure that Officers declared all relevant interests.

## 9. **Volunteer Strategy**

- 9.1 Members approved a new Volunteers Strategy in early 2015, reviewed progress in 2016 and a considerable amount of work has been undertaken to implement this. One of the outcomes has been closer engagement with volunteers, including a number of them attending staff meetings (a volunteer is now a member of the Health and Safety Group) and engaging in staff training days. This involvement has proved to be very useful as volunteers are effectively 'semi-independent' and they have been able to stimulate good debate with their comments and questions.
- 9.2 The outcome of the 2018/19 Volunteering Survey showed an improvement on previous surveys and the Volunteering Team has a number of actions as a result to help continue to improve matters further. Just under 23,000 volunteering days were worked in 2018/19 across a wide range of activities. Particularly pleasing has been the sharp increase in numbers of associate volunteering groups – these are mainly community groups and provide opportunities for local residents and disabled/special needs volunteers to undertake work in their National Park.

## 10. **Annual Governance Review**

- 10.1 The Authority formally approves an Annual Governance Statement for publication alongside the Statement of Accounts. This includes a summary of governance related actions undertaken in the financial year ending on 31 March. It also indicates areas to be addressed in the forthcoming year to further enhance the governance arrangements. The full draft AGS is included elsewhere in the agenda
- 10.2 The work planned to be undertaken in 2018/19 was as follows;

- Completion of the work and associated training in relation to the Finance Regulations, Scheme of Delegation and Standing Orders;
- Prepare the Authority's systems for the implementation of the General Data Protection Regulations in May and associated training for staff;
- Ensure that all new staff in particular are familiar with the Officers' Code of Conduct and fully comply with their obligations.
- Given the continued expansion of the Authority's operations, notably in delivering a variety of externally funded projects, ensure that the resources deployed in key areas are sufficient to support the greater volume of legal and corporate support work

10.3 Good progress has been made on all of these items. The Finance Regulations, Scheme of Delegation and Standing Orders have been revised and approved; the work required for the implementation of GDPR was completed successfully; reminders and guidance about the Code of Conduct have been given to all staff; and, additional corporate support has been provided to support externally funded projects.

10.4 In terms of the actions for 2019/20 to be included in the Annual Governance Statement, Officers suggest the following areas of work;

- Further publicity for the Officers' Code.
- A planned programme of external scrutiny by the Monitoring Officer to ensure that the officers' and Members' codes of conduct are being properly followed.
- Small group training for Members in the light of the report of the Committee on Standards in Public Life, published in January 2019 on Ethical Standards in Local Government;
- Work will be undertaken to procure a revised Legal Services contract to commence on 1 April 2020 to ensure that both continued high quality and good value for money legal support is in place for Members and Officers.
- Organise the elections for Parish members of the Authority;
- Pursue the points raised about governance in the National Parks Review consultation, particularly in terms of the timeliness of appointing Secretary of State members;
- Take advice from the Monitoring Officer about potential clarification of the wording of the members' complaints process;
- Consider the implications of any recommendations coming from the National Parks Review with reference to governance;
- Light touch review of our Values in light of significant organisational changes over recent years with this helping to inform revisions to the Codes of Conduct and Ethical Framework in 2020/21.

11. **Financial and Staffing Implications**

11.1 There are no direct additional financial or staffing implications arising from this report.

12. **Legal Implications**

12.1 There are no legal or sustainability implications arising from this report.

13. **Recommendation**

13.1 That Members note the contents of the report and make comments on the Annual Governance Review to be incorporated into the final version of the Annual Governance Statement in July.

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**Background documents to this report**

**File Ref.**

November 2018 – FRASC Compliments and Complaints