



STANDARDS COMMITTEE  
2 February 2009

**Chairman's Report on meeting the Local Government Ombudsman**

**PURPOSE OF REPORT:** for information

**SUMMARY:**

This report provides a summary outline of the Chairman's meeting with the Local Government Ombudsman.

**INTRODUCTION:**

1. Members will recall that at the September meeting it was agreed that I should meet Mr Tony Redmond, the Local Government Ombudsman (LGO) for the South East area, to discuss some concerns arising from his annual Letter to the County Council and the response to it, and to talk about the proposed changes in the relationship between the LGO and Standards Committees.
2. Mr Redmond and I met on 11th December and enjoyed a constructive discussion. The matters I raised with him were:
  - How he expects to use the new powers available to him (in the Local Government and Public Involvement in Health Act 2007) to investigate complaints from the public about the process, administration and decision making of Standards Committees;
  - Following the discussion at the last meeting, what his views were on whether scrutinising the Council's complaints procedure was a sensible role for the Standards Committee;
  - Whether robust representations by Council officers in respect of matters raised in the Letter should be viewed as a cause for concern by the LGO when there is a sound basis for them, and the findings are accepted in any event;
  - What the relationship will be between the LGO and the Standards Board for England (SBE), where there are clearly overlapping areas and we are anxious not to have to be looking two ways at once.

**VIEWS OF THE LGO:**

3. The legislation in the LG&PIHA 2007 has not yet been enabled, but there is anyway in place the usual basis for an LGO investigation – that a complainant alleges that the Standards Committee did not handle a complaint properly and that as a result the complainant suffered. If the complaint is about a fault in procedure the matter will be considered by the SBE: if it is that the fault caused suffering or injustice it will be for the LGO to deal with it. Having had the point raised, Mr Redmond is considering writing to Standards Committees to clarify the matter.
4. The LGO likes responsibility for complaints to be at member level. Procedures vary widely across authorities. The most common arrangement is that Overview and Scrutiny Committees deal with it. The next is the Surrey model, where the Standards Committee is responsible, and this is the one preferred by the LGO because of the element of independence conferred. Third is an executive member being responsible; fourth is the Cabinet; fifth is the full Council. Mr Redmond had not come across an Audit and Governance Committee having responsibility, and considers that the role does not sit easily with that Committee.
5. In respect of differences between the Council and the LGO over his findings and recommendations, Mr Redmond expects that there will be occasions when perceptions differ. Where (as in the Special Educational Needs report which has been the subject of discussion in Committee) there are legal matters which the Council officers believe prevented them from doing what the LGO is recommending, or are the reasons for actions which the LGO criticises, Mr Redmond wants to be personally involved in future. He takes a somewhat relaxed view of matters where differences can be understood, but he does not take it well when his recommendations for compensation are resisted.
6. He reminded me that the number of complaints he receives about Surrey is somewhat more than the average for County Councils and is pleased that the Committee is taking the active approach that it is in overseeing them. Nigel Bartlett-Twivey comments that the LGO calculates on absolute, not relative, numbers, and he suggests that the number of complaints reaching the LGO should be seen in the context of how many we receive and deal with through our own process, and per head of the 1.06m Surrey population. Our policy is to encourage complaints from the public and this will also affect the number reaching the LGO. So being above the average is not necessarily a bad thing.
7. The relationship between the LGO and the SBE has recently been codified by the agreeing of a Memorandum of Understanding. This Memorandum sets out the basis for dealing with complaints, especially where the complaint crosses SBE/LGO boundaries, is attached to this report for your information (as Annexe 1), and will clarify the concerns expressed to me by Nigel Bartlett-Twivey, who was unsure what was happening in this area.

## Item 5

8. Having dealt with the planned items, Mr Redmond told me that he will be very pleased to attend one of our meetings if we want to discuss further anything in his remit which is causing concern. He also raised a point himself: although not enough to cause concern yet, there have been some complaints to Standards Committees which involve one or more of the organisational partnerships which are now becoming more common following legislation – health and social care, for example. He would like to see machinery in place for dealing with such complaints. I am encouraged to learn from Nigel Bartlett-Twivey that formalised arrangements are already in place for Surrey Waste Management and Surrey Wildlife Trust, and that we are currently working with Highways and with Passenger Transport to develop compliant arrangements for their partners.

### **RECOMMENDATIONS:**

1. Standards Committee agrees to keep the way Surrey deals with complaints as it is, and that we look at whether there is a need to change the arrangements for responsibility at Executive in conjunction with the Member responsible;
2. The Director for Children, Schools and Families should write personally to Mr Redmond explaining where he finds that statutory arrangements either compelled him to do or prevented him from doing what the LGO's report recommended;
3. Standards Committee should begin to think about the implications of partnership-related complaints and see whether we need to generate a framework for dealing with them.

### **NEXT STEPS:**

To follow up any recommendations made by the Committee.

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**REPORT AUTHOR:** *Simon Rutter (Chairman, Standards Committee)*

**CONTACT DETAILS:** via Cheryl Hardman  
020 8541 90075  
cherylh@surreycc.gov.uk

**Sources/background papers:**  
Local Government Ombudsman's Annual Letter 2007/08