

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10am on Friday 17 April 2009 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 3 July 2009.

Members:

*+ Mr SFI Rutter (Chairman)
x Mrs Angela Fraser DL (Vice-Chairman)

* Mr Victor Agarwal
*+ Mr Nicolas Davies LVO JP DL
*+ Mr Simon Edge
+ Ms Karen Heenan
* Mr Geoff Marlow
* Mr Chris Slyfield
* Mrs Jean Smith
* Mrs Christine Stevens

+ = Independent Representatives
* = Present
x = Present for part of the meeting

PART 1

IN PUBLIC

14/09 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Ms Karen Heenan.

The Chairman informed the Committee that Ann Charlton, the Council's Monitoring Officer and Head of Legal Service, had also sent her apologies due to sickness. As the meeting would have been Ann's last Standards Committee meeting before leaving Surrey County Council, the Chairman suggested, and it was agreed, that he would send a letter of thanks to Ann on behalf of the Committee.

15/09 MINUTES OF THE PREVIOUS MEETING: 13 March 2009 [Item 2]

The minutes were agreed as an accurate reflection of the meeting.

16/09 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

17/09 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

18/09 COMPLAINTS HANDLING PERFORMANCE – YEAR END 2008/09 [Item 5]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Nigel Bartlett-Twivey (Customer Relations Manager, Customers and Communities Directorate)

Belinda Newth (Customer Relations Service Manager, Families Safeguarding Service, Children, Schools and Families Directorate)

Key Points Raised During the Discussion:

- The Customer Relations Manager highlighted the continued improvements being seen in complaints handling. In particular, Highways were now exceeding the target of 85% of Stage 1 complaints being sent a response within 20 working days. The target would be 88% in 2009/10 but Highways would still meet or exceed that target on current performance. The Council would also reduce the response time to 18 working days.
- Customer Services would be communicating with customers to establish what they feel the response time should be. It was likely that customers would feel that ten working days was sufficient and so the Council would be moving towards reducing response times to ten working days.
- Members queried a decline in the performance of Children's Service and Adults' Service. Officers highlighted the changes being carried out during that time in the Children, Schools and Families Directorate.

- The Committee discussed the quality of the Highways service's responses to complaints. There was concern that complainants were not receiving the resolution that they sought and that the time taken to address the reason for complaints was too long. There was also a view that the number of complaints appeared to be surprisingly few. The Customer Relations Manager explained that only customer complaints that are logged as such are subject to the reporting by Customer Relations. He informed the Committee that a lot of feedback to Highways was categorised as "reports", which could be followed by "chaser calls" if the customer did not see action. It could be argued that chaser calls could be categorised as complaints; however, there were too many to deal with through the complaints procedure. Current arrangement was for a second chaser call to be categorised as a complaint and put through the procedure. The recently introduced performance indicator NI14 requires the Council to reduce avoidable contacts. There was a clear focus on that work going forward. Members continued to be concerned that the statistics on complaints handling were showing a success for Highways when the content of the response to complainants could be perceived as a failure. It was felt that there was a risk to the Council's reputation if the Highways service's substantive responses were not addressed.
- The Customer Relations Manager clarified that it was Council policy that complaints were encouraged in any form, not just in writing. However, there was a complaints form if people wished to use it.
- The Committee discussed the interface between Standards Committee and the Executive Member for Safer and Stronger Communities who has oversight of complaints handling across the Council, apart from for the Children, Schools and Families directorate. Christine Stevens explained that when she held the portfolio for Safer and Stronger Communities she saw her role as raising the profile of complaints handling. The Executive receives a regular performance report that contains information on complaints handling. There was a dotted line to Standards Committee, which has a clear and separate role to the Executive Member. The Chairman informed the Committee that he would be meeting with the Executive Member for Safer and Stronger Communities following the Committee meeting to discuss the link with the Executive.

- Members raised an issue that was identified at the previous Standards Committee meeting. There had appeared to be a disconnect in the number of complaints that the Families Service had counted as opposed to the number that the corporate team had logged for the Families Service. The Customer Relations Manager stressed that going forward this would not be a problem. From 1 April 2009, all complaints about the Children, Schools and Families directorate would sit with their directorate complaints team. The Customer Relations Service Manager for that team would produce their report which would then be brought to Standards Committee alongside the corporate team's report. The Customer Relations Manager assured the Committee that there were no concerns about data discrepancies with other services. The County Council Management Team receive a monthly report on performance and were satisfied with the data. The Customer Relations Service Manager from the Children, Schools and Families directorate explained to the Committee that the information collated by her team was for a statutory report to be produced at the end of the year. The boundaries were slightly different to the data collated by the corporate complaints team.

Actions/Further Information to be Provided:

None.

Resolved:

1. That the Chairman should write to the Chief Executive, Executive Director for Environment and Infrastructure, and the Executive Member for Transportation to ask how substantive responses by the Highways service to complainants are being improved.
2. That Standards Committee would invite the Executive Director for Environment and Infrastructure, the Executive Member for Transportation, and the Head of Highways to the meeting of 3 July 2009 to discuss the ways in which the Highways service can improve their substantive responses to complaints and the apparent discrepancy between the formal complaints recording and Members' perception of the number of informal complaints.

Next Steps:

None

19/09 FAMILIES DIRECTORATE STATUTORY COMPLAINTS ANNUAL REPORT 2007/08 [Item 6]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Belinda Newth (Customer Relations Service Manager, Families Safeguarding Service, Children, Schools and Families Directorate)

Key Points Raised During the Discussion:

- The Customer Relations Service Manager for Children, Schools and Families directorate explained that the Committee was only seeing the 2007/08 Annual report now due to the difficulties of getting the report through management at the end of 2008. The report was on complaints received up to the end of March 2008, and could not be finalised until the complaints had been completed. The report had been through Select Committees and was coming to Standards Committee for information.
- The Customer Relations Service Manager for Children, Schools and Families directorate highlighted the 2005/08 spending breakdown, which indicated a reduction in the cost of Independent Workers at a time when there has been increased activity by Independent Workers. The cost reduction was due to improved processes, which have reduced the time that an investigation takes. Administration is also now undertaken in-house rather than by the Independent Workers.
- The Customer Relations Service Manager informed the Committee that timescales were not good enough but that the standard of response was good. There was also an intention to see a reduction in the number of cases referred to the Local Government Ombudsman. Heads of Service were being approached to open a discussion on offering remedies where injustice may have been committed, rather than waiting for the Ombudsman to find against the Council.
- The Committee queried whether the service had met requirements by finalising the Annual Report in December 2008. Officers explained that there were no timescales and CSCI had not questioned the time taken. The main reason for the delay was the absence of senior management in late 2008. For 2008/09, the service will need to ensure that complaints received by the end of March 2009 are closed. Most are but some are at Stage 1 and could continue. The service will aim to complete the bones of the report by May and decide whether to report on some complaints as outstanding. The Customer Relations Service Manager would aim to bring a report to Standards Committee on 3 July 2009 pending clearance through management.

- Members queried whether inadequacies in the Children's Service as identified by Ofsted had been reflected in complaints. Officers explained that the Joint Area Review had mainly found inadequacies in internal processes and that service users would not have identified those problems.
- Members queried whether links were being made between the JAR Action Plan and the Statutory Complaints Annual Report. The Customer Relations Service Manager informed the Committee that the Joint Area Review had not inspected complaints handling in detail. The Annual Report could however be linked into the JAR Improvement Board. The Customer Relations Service Manager offered to discuss this with the Strategic Director for Children, Schools and Families.
- The Customer Relations Service Manager assured the Committee that while the Children's Service faces clear financial restraints, her team's budget had not been touched.

Actions/Further Information to be Provided:

- The Customer Relations Service Manager to discuss the forging of links between the Families Directorate Statutory Complaints Annual Report and the Joint Area Review Action Plan with the Strategic Director for Children, Schools and Families.

Recommendations:

None.

Next Steps:

- To receive the Families Directorate Statutory Complaints Annual Report 2008/09.

20/09 MAKING EXPERIENCES COUNT [Item 7]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Nigel Bartlett-Twivey (Customer Relations Manager, Customers and Communities Directorate)

Belinda Newth (Customer Relations Service Manager, Families Safeguarding Service, Children, Schools and Families Directorate)

Key Points Raised During the Discussion:

- The Committee agreed that the requirements as detailed in paragraph 6.3 of the report was the right approach and considered whether it could be applied more broadly across other services. The Customer Service Manager for the Customers and Communities directorate suggested that a review be undertaken after six months of the procedure being in operation to identify any learning that can be applied elsewhere. He informed the Committee that although there was a formal process for complaints, the complaints team often intervened to ensure that a resolution is found that is meaningful.
- Members queried whether the service would be agreeing a plan of action with the complainant or establishing a plan of action for the complainant. The Customer Relations Service Manager for Children, Schools and Families directorate explained that this was an issue that was exercising complaints managers across the country. It was unclear what would happen if a plan of action could not be agreed with the complainant. Complaints managers needed to show reason and sensitivity but also manage expectations. It was important to engage the complainant in discussion, as it was often an underlying issue that is the cause of the problem. The six month review could address what has happened where a plan of action cannot be agreed.
- The Committee queried whether the NHS was co-operating as required by the new legislation. The Customer Relations Service Manager assured the Committee that a Surrey-wide complaints managers group, which includes NHS complaints managers, was working well.

Actions/Further Information to be Provided:

- A review of the changes to the Statutory Complaints procedure in Adult Social Care to be undertaken after six months and reported to Committee, with the aim of extracting learning to be applied elsewhere.

Resolved:

The Committee noted the changes to the Statutory Complaints procedure in Adult Social Care.

Next Steps:

- On 30 November 2009, to receive a report on the review of the changes to the Statutory Complaints procedure in Adult Social Care to be undertaken after six months.

**21/09 REPORT UNDER THE LOCAL GOVERNMENT & HOUSING ACT 1989,
SECTION 5A – COMPLAINT BY “MRS BROWNING” [Item 8]**

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Alan Warren (Director of Adult Health and Social Care Services, East Surrey)

Key Points Raised During the Discussion:

- Standards Committee has a constitutional responsibility to endorse compensation in cases of maladministration found by the Local Government Ombudsman.
- There is one Monitoring Officer for all disabled facilities grants in progress.
- Members queried how much additional expenditure has been incurred due to the delay. Officers informed the Committee that no additional cost was included for delay.
- The Committee enquired as to whether the £5,000 compensation is paid from the service's budget or through insurance. Officers explained that Councils could not insure against maladministration and that the cost is taken from the budget.

Actions/Further Information to be Provided:

None.

Resolved:

1. That it received the report of the finding of maladministration by the Local Government Ombudsman; and
2. That it endorses the compensation already paid.

Next Steps:

A report of the Executive's response to the Ombudsman's recommendations will be prepared.

**22/09 REPORT UNDER THE LOCAL GOVERNMENT & HOUSING ACT 1989,
SECTION 5A – COMPLAINT BY “MR EDWARDS” [Item 9]**

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Janice Anastasi (Senior Policy and Public Affairs Manager, Policy and Performance Directorate)

Key Points Raised During the Discussion:

- The Executive has agreed to send a letter of apology to Mr Edwards and his son Joseph.
- The Education Management System was being used to track all excluded young people. Reports can be extracted which can identify if waiting times for Fair Access Panels are too long. If so, emergency provisions to allow decisions to be made between Panel meetings have been agreed.
- The Committee enquired whether further claims could be made in future, claiming ongoing harm to life chances. The Principal Legal Assistant explained that there was nothing to prevent the child himself making such a claim and that there was a three-year timescale for negligence claims from when he turned 18, any previous claim and compensation paid should be taken into account.
- The Committee asked in what way was commissioning undertaken locally. Officers explained that funding was devolved to schools who commissioned together with the Surrey Alternative Learning Programme locally. If they do not feel that a Pupil Referral Unit (PRU) does not have what is needed, this can be discussed with the PRU and if necessary the service may be commissioned elsewhere.
- Members enquired whether a reserve should be set aside in case costs of additional tuition exceed the sum of £4160. Officers responded that the figure was too small to reserve.

Actions/Further Information to be Provided:

- The Principal Legal Assistant to the Head of Legal Services to clarify whether the role of the Standards Committee with regard to findings of maladministration by the Local Government Ombudsman was statutory or constitutional or both, and advise Members of the answer.

Resolved:

1. That it received the report of the finding of maladministration by the Local Government Ombudsman; and
2. That it endorses the compensation already paid.

Next Steps:

None.

23/09 SUB-COMMITTEE A RECOMMENDATIONS [Item 10]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Key Points Raised During the Discussion:

- The written information for Borough Councillors and the undertaking was requested by Area Directors to allay confusion. The existence of the documents will protect the County Council's interest.
- The Committee discussed inconsistencies regarding the ability to appoint substitute members. The Principal Legal Assistant informed the Committee that the Deputy Leader designate had indicated that there would be a review of the Local Committees after the election.
- Members raised an issue with Borough Members of Local Committees not receiving travelling expenses when on Local Committee work although County Councillors do.
- It was suggested that all Members should attend training on the Code of Conduct prior to sitting on a Committee.
- The Principal Legal Assistant advised the Committee that Area Directors would roll out the documents appended to the report immediately after Standards Committee agrees them. However, the documents could still be amended at a later stage, for example if the rules on substitutes are changed.
- Training for Borough Members of Local Committees on the Code of Conduct was discussed. The Principal Legal Assistant explained that officers were planning to attend the first meeting of each local committee to carry out training. Training needed to be carried out by Surrey County Council officers to ensure that there is clarity over the ownership of local committees.

Actions/Further Information to be Provided:

- The Monitoring Officer to establish the situation with regard to expenses and to advise Area Directors of her findings.

Resolved:

1. That all co-opted Members on Surrey County Council Local Committees be required to undertake training on the processes and policies applicable to the conduct of Local Committees. Training should include a focus on the specific difficulties associated with Traffic Regulation Orders and Rights of Way.
2. That further training of Members on the Code of Conduct needs to be undertaken as a matter of priority as there is a clear lack of understanding on some of the implications associated with the Code of Conduct, particularly in relation to the Local Committee.
3. That there needs to be an improved process for assisting members to understand their role, to identify issues well in advance of any meeting, and to ensure that Meetings of the Council are conducted to high standards in accordance with the Local Protocols.
4. That in the course of the investigation it became apparent that Members may not have a complete understanding of the two categories of personal interest, in particular the registerable interests, as is evidenced by the failure to register membership of the SCC Local Committee. Further training of Members on personal and prejudicial interests needs to be undertaken as a matter of urgency.
5. That the draft procedure and undertaking form appended to the report be approved, subject to amendments by the Chairman.

Next Steps:

None.

24/09 INDUCTION FOR NEW COUNCILLORS AND RAISING AWARENESS OF THE ETHICAL STANDARDS REGIME [Item 11]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Geraldine Newbold (Principal Legal Assistant to the Head of Legal Services)

Key Points Raised During the Discussion:

- The induction should be used to raise awareness of the ethical standards regime and raise the profile of the Standards Committee.

- The Committee supported the Chairman of Standards Committee having a role in the induction of new Members. However, it was felt that the PowerPoint presentation appended to the report was not helpful. The presentation should be personalised, with local examples. It was suggested that Members should then be asked how they wish to receive further training, and that training should be personalised.
- The Committee requested that new Members were not given too much information during the induction.
- There were varying views over whether it was worthwhile for the Chairman to attend the buffet lunch on 8 June 2009 but the majority felt that it would be useful for the Chairman to network.

Actions/Further Information to be Provided:

None.

Resolved:

1. That Members' induction packs should include the Standard Board's Pocket Guide to the Code of Conduct and a letter from the Chairman of the Standards Committee.
2. That the Chairman of the Standards Committee should join the Member/Officers buffet lunch on 8 June.
3. That the Chairman should be involved in presenting training on 15 June 2009, and that the Chairman would review the presentation material with officers taking account of the Committee's views.
4. That Members be asked how they wish to receive training, and that the Chairman consider how to take this forward with officers.
5. That the Chairman consider with officers how to measure the effectiveness of training.

Next Steps:

None.

25/09 DATES OF FUTURE MEETINGS [Item 12]

The next meeting of the Committee will be on 3 July 2009 at 10am.

Future meetings will be on:

Friday 2 October 2009

Monday 30 November 2009

[Meeting ended: 12.40pm]

Chairman