



STANDARDS COMMITTEE
30 November 2009

GUIDANCE ON MEMBERS' CORRESPONDENCE

PURPOSE OF REPORT:

To decide on guidance to Councillors on correspondence and to explicitly add a criterion into the Assessment Criteria for considering complaints.

Introduction:

- 1 The most frequent cause of complaints the Monitoring Officer has received to date is the way that a member has handled correspondence. The Committee has previously looked at the lessons learned from these complaints and asked the Monitoring Officer to provide guidance for Councillors
- 2 The Committee also agreed that it would not regard a failure to respond to correspondence, in the absence of any other factor, as a breach of the Members' Code of Conduct. This should be formalised in the Assessment Criteria.

Guidance on Members' Correspondence

- 3 The Monitoring Officer has considered the complaints received to date about correspondence and noted that these fall into two categories, the first is a failure to reply to letters or emails, the second is about sharing correspondence, or information in correspondence inappropriately
- 4 The Committee has previously noted that Customer Services is the appropriate recipient for complaints about the Council's services and that it is they who record complaints and produce statistics which can inform both officers and members.
- 5 The attached draft guidance (Appendix A) encapsulates these points and the Committee is asked to endorse it. It is proposed that the Chairman should then circulate this to all Members of the Council and it will be published on the Standards Committee's pages on SNet.

- 6 The Assessment criteria for complaints should also be revised to reflect the Committee's decision regarding correspondence and it is proposed that the words shown in bold are added as a final sentence to criterion 5 as shown below:

Trivial, malicious or tit for tat complaints: In deciding whether to refer a complaint for investigation or further action the Assessment Sub-Committee will take into account the seriousness of the alleged breach of the Code. Where it decides that the alleged conduct even if proven to have occurred is insufficiently serious to warrant further action none will be taken. Similarly where a complaint appears to be malicious, politically motivated or a tit for tat complaint the Sub-Committee may decide that no further action should be taken. **Where the only substance of a complaint is a failure to reply to correspondence the Committee will regard this as insufficiently serious to warrant further action.**

Financial and value for money implications

- 10 Providing guidance on correspondence and setting clear Assessment Criteria will assist in reducing complaints received and avoid the need for unnecessary meetings

Equalities Implications

- 11 There are none

Risk Management Implications

- 12 Setting a clear assessment criterion about failure to answer correspondence reduces the risk that the Committee will be deemed to have made an unreasonable decision

Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

- 13 None

Recommendations:

That the Committee:

- (a) endorse the Guidance on Members' correspondence and the action proposed in paragraph 5 above

- (b) Agree the addition to the Assessment Criteria

Next steps:

The Chairman will write to all members and the guidance will be published on SNet. The revised Assessment Criteria will be applied to all future complaints. This will enable the Monitoring Officer, to deal with any complaint arising solely from the lack of a reply by dealing with the member concerned rather than reporting this to the General Purposes Sub Committee

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Sources/background papers: Minutes of Standards Committee: 3 July 2009

Appendix A

Standards Committee Guidance on Member Correspondence

The Standards Committee recognises that Members of the Council receive a considerable volume of correspondence by letter and email. There have been several complaints to the Committee based on a member's approach to correspondence and, whilst in the main complaints have not been upheld the following guidance is offered to help members avoid such complaints

Answering correspondence

1. You should try to answer correspondence promptly. When you are away it is good practice to activate the out of office assistant on lotus notes. This will put people on notice that they will not be receiving a prompt reply. You may wish to include the name of an alternative contact in your out of office message
2. The Council's Customer Services team is a useful resource for members. If you receive a complaint from a constituent about the service they have received from the Council you should refer it to:

Customer Relations Team

Third Floor Conquest House

Wood Street

Kingston Upon Thames

Surrey KT1 1AB

Phone: 020 8541 9100

Fax: 020 8541 9575

Email: county.complaints@surreycc.gov.uk

This will enable it to be properly recorded and investigated

3. The Committee recognises that there are occasions when members may find themselves overwhelmed by the sheer volume of correspondence, particularly when a controversial decision arises. The Standards Committee has decided that it would not regard a failure to answer correspondence as a breach of the Members' Code of Conduct in the absence of any other complaint about the member's conduct.

4. The Committee also recognises that members may find that some correspondents, perhaps because they do not receive the reply they are seeking, repeat the same request in a series of emails or letters. Again the Committee would not regard a simple failure or refusal to continue to correspond as a breach of the Code. It however recommends that the member send a polite final response, making it clear that they regard the correspondence as at a close.

5. Confidentiality

Think before copying a reply to a letter or email to another person. Even when a letter is not marked confidential it may contain confidential or personal information, which the writer may not wish you to share with a third party. Bear in mind that people may not be happy to let others know their home address.

6. Blind copying email (bcc)

If you are copying an email you write to other people, you should do so openly. There will only be very rare occasions when it is acceptable to conceal one or more recipients from other correspondents.

7. Guidance on Correspondence

Although directed mainly at staff, you may find the house style guide useful. This is available on Snet.