

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10am on Monday 30 November 2009 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 15 February 2010.

Members:

- *+ Mr Simon Edge (Chairman)
- *+ Ms Karen Heenan (Vice-Chairman)

- *+ Mr Nicolas Davies LVO JP DL
- * Mrs Angela Fraser DL
- * Eber Kington
- * Mr Geoff Marlow
- x Mr David Munro
- *+ Mr SFI Rutter
- Mrs Lavinia Sealy
- x Mr Colin Taylor

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

PART 1

IN PUBLIC

59/09 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Mrs Lavinia Sealy.

60/09 MINUTES OF THE LAST MEETINGS: 2 October 2009 [Item 2]

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

61/09 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

62/09 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

63/09 STANDARDS CONFERENCE: REPORT BACK [Item 5]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- Karen Heenan was the Member delegate to Standards Conference. She reported:
 - The conference was a useful opportunity to meet counterparts from other Standards Committees.
 - There were no big messages from Standards for England, although it did seem likely it would need to scale down to match its current functions
 - Standards for England launched its Annual Report, introduced its new DVD on the local assessment process, and promoted its online forum.
 - The breakout sessions were very useful, particularly sessions on determinations and other action. All the materials were available on the Standards for England website and could prove useful for inhouse training exercises.
- Cheryl Hardman was the officer delegate to Standards Conference. She reported:
 - That the Monitoring Officer was considering putting on a seminar in the new year to show the DVD and consider Standards for England's Annual Report.
 - The Annual Report found that Standards Committees were referring a lot of complaints for investigation that resulted in a finding of no breach of the Code of Conduct. Concern was expressed about cost and Standards for England were now reviewing proportionality in the application of local standards framework.
 - A revised Code of Conduct was due to be published shortly and would come into effect in May 2010.
- Nicolas Davies had attended as a delegate from Waverley Borough Council. He reported:
 - The Local Government Minister had been unable to attend but had sent a video message of support.

- The Chairman of Standards for England had reported on the Conservative Party's stated intention of disbanding the organisation if it achieves power in the 2010 General Election.

Actions/Further Information to be Provided:

None.

Resolutions:

None

Next Steps:

None

David Munro and Colin Taylor joined the meeting at 10.15am.

64/09 JOINT STANDARDS COMMITTEE GUIDANCE [Item 6]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- Members felt that a simple definition of Joint Standards Committees would have been useful.
- Delegates to the Standards Conference highlighted the issue of Police Authorities not receiving any complaints and therefore not developing experience. It was queried whether it would be more efficient to have a joint Standards Committee in Surrey for this reason.
- Members reported that some Borough and District Councils were exploring the benefits of joint committees. It was also suggested that there were other neighbouring authorities that would make a good fit. There was a perceived benefit from Joint Standards Committees enabling Members not to sit in judgement on people they know. However, there were concerns that a Joint Committee could result in an extra layer of bureaucracy.
- Concern was expressed that the Committee should avoid appearing predatory were it to at some point in the future consider putting out feelers amongst neighbouring and partner authorities. There was also concern that a large Joint Committee could require extensive resource to support it.

Actions/Further Information to be Provided:

Officers to assess the options for a Joint Committee within Surrey or with other neighbouring authorities.

Resolved:

That Standards Committee note the Joint Standards Committee Guidance.

Next Steps:

None

65/09 TERMS OF REFERENCE OF THE GENERAL PURPOSES SUB-COMMITTEES [Item 7]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- It was suggested that paragraph 1.2.1 begin “receive and assess”.
- There was a discussion about whether the terms of reference should outline when a meeting will be held in public and when in private. It was argued that the Chairman of the Sub-Committee should retain the flexibility to decide within the law whether an item should be considered in public or private. It was agreed that there should be clarity over the issue but that it was a process matter not a matter for the terms of reference.
- It was suggested that the Sub-Committees be renamed as Standards Sub-Committees to provide clarity over their function.
- Members queried whether investigators’ reports should conclude whether the Subject Member has breached the Code of Conduct as in other Tribunals facts alone are put before the Tribunal. The Monitoring Officer informed the Committee that the regulations require the investigator to come to a conclusion.

Actions/Further Information to be Provided:

Officers to consider how to improve clarity over when a meeting will be held in public and when in private.

Resolved:

- a) That Standards Committee approved the Terms of Reference subject to amendments.
- b) That the General Purposes Sub-Committees be renamed Standards Sub-Committees.

Next Steps:

Council will be asked to amend Article 9 of Part 2 of the Constitution of the Council to include the new Terms of Reference of the Sub-Committees.

66/09 GUIDE TO THE INVESTIGATION PROCESS [Item 8]**Declarations of Interest:**

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Sarah Baker (Head of Legal Services Assistant)

Key Points Raised During the Discussion:

- Members suggested the following amendments to the Guidance:
 - That it be spelled out that the investigator must reach a conclusion on whether the Subject Member has complied with the Code of Conduct because this is required by the regulations.
 - That it be explained why the Subject Member does not attend the consideration hearing.
 - That the Guidance be updated to use the newly agreed name for the Sub-Committees.
 - That it be explained when a hearing is likely to be held in public or private session.
 - That “or” be changed to “of” in the second paragraph under “Timescales”.
 - That it be explained where to find the information on the Council website.
- The Monitoring Officer asked the Committee if it prefers to use “you” in the document or “the Subject Member”. She felt that the use of “you” felt aggressive. The Committee agreed and endorsed use of “the Subject Member”.

Nicolas Davies left the room at 11.05am.

- The Head of Legal Services Assistant suggested the officers could produce a similar guide to consideration and determination hearings. This was endorsed by the Committee.

Nicolas Davies returned to the room at 11.07am.

Actions/Further Information to be Provided:

Officers to produce a guide to consideration and determination hearings.

Resolved:

That Standards Committee approved the Guide to the Investigations Process subject to amendments.

Next Steps:

The agreed briefing note to be provided to Members subject to an investigation into an allegation that they have breached the Code of Conduct.

67/09 RECRUITMENT OF INDEPENDENT REPRESENTATIVES [Item 9]**Declarations of Interest:**

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- The Democratic Services Officer tabled an advert drafted by the Council's advertising agency and amended by the Chairman (attached as Annexe 1).
- It was suggested that applicants needed to be flexible in their availability for meetings. However, concern was expressed that the pool of potential applicants not be restricted to the unemployed, retired and self-employed. It was suggested that recruitment material stress that required attendance dates could fluctuate each month and that a person could be needed at short notice. It should also be noted that it is anticipated that successful applicants would become Chairman of Standards Committee and/or a Sub-Committee during their term in office.
- There was a discussion about the size and make-up of the selection panel. The Chairman expressed concern that the size of the panel used in 2008 had been daunting for candidates. The Monitoring Officer confirmed that political proportionality was not required on the selection panel. It was suggested that the panel be made up of one Independent Representative and two elected Councillors who sit on Standards Committee. The Monitoring Officer would support the selection panel in an advisory role.
- Members queried why candidates should not be members of lobbying groups. The Monitoring Officer confirmed that this was not a legal restriction but in the past the Committee had been concerned about a lack of independence. The Committee agreed to remove this exclusion. Candidates would need to prove they could meet the competency criteria "Able to be objective, independent and impartial".

- It was requested that it be clarified within the information pack that a quorum for a meeting of the Committee is three Members of which at least one must be an Independent Representative **and one must be an elected Councillor**. Standards Committees also now start at 10am rather than 10.30am.
- It was suggested that officers approach the People, Performance and Development Committee to ensure that it does not feel that Standards Committee is infringing on its role.

Actions/Further Information to be Provided:

1. Officers to amend the advert and respond to the advertising agency.
2. Officers to amend the information pack.
3. Officers to approach the People, Performance and Development Committee to ensure that it does not feel that Standards Committee is infringing on its role.

Recommended:

That Council delegates responsibility to a selection panel of Standards Committee to shortlist and interview applicants to the position of Independent Representative of Standards Committee.

Resolved:

1. That the selection panel consist of one Independent Representative and two elected Councillors who sit on Standards Committee. The Monitoring Officer would support the selection panel in an advisory role.
2. That the restriction on members of lobbying groups applying to be an Independent Representative be removed.

Next Steps:

Members to volunteer to sit on the selection panel. Dates to be agreed for shortlisting and interviews.

68/09 GUIDANCE ON MEMBERS' CORRESPONDENCE [Item 10]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Key Points Raised During the Discussion:

- The Committee was satisfied that as complaints had been made about correspondence with Members, the Committee should address this through guidance to Members.

- It was suggested that the main sanction for Members not responding to correspondence was not being re-elected.
- The Monitoring Officer queried how to address complaints about correspondence that are insufficiently serious to refer to a Sub-Committee. The Monitoring Officer would informally approach the Subject Member as a matter of course. She suggested also approaching Group Leaders. There was a number of suggestions of people to contact within different groups. The Monitoring Officer suggested that she ask the appropriate Group Leader on the occasion of a complaint who should be approached.
- The Committee felt that the Guidance and revision to the Assessment criteria should be refined so that it does not suggest that Members have a blanket dispensation to not respond to correspondence. For example, gross repeated refusal to respond to a reasonable correspondent could be regarded as treating that person with disrespect. General withdrawal from interaction with residents is another issue that Standards Committee would consider as a potential breach of the Code of Conduct. The Committee noted that Members only have a responsibility to respond to the people they represent.

Actions/Further Information to be Provided:

None

Resolved:

1. That the Committee endorses the Guidance on Members' Correspondence and the addition to the Assessment Criteria subject to amendments.
2. That the Chairman of Standards Committee should circulate the Guidance on Members' Correspondence to all Members of the Council and that it should be published on the Standards Committee web pages.

Next Steps:

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 Standards Sub-Committee.

69/09 COMPLAINTS HANDLING PERFORMANCE [Item 11]

11a) Complaints Handling Performance: June to October 2009

Declarations of Interest:

There were no declarations of interest.

Officers present:

Loulla Woods (Customer Relations Manager, Customers and Communities Directorate)

Mona Saad (Customer Relations Officer, Children, Schools and Families Directorate)

Jessica Brooke (Customer Relations Officer, Children, Schools and Families Directorate)

Key Points Raised During the Discussion:

- The Customer Relations Manager reported that the corporate customer relations team continued to monitor whether corrective actions were being delivered on time. Each service lead produces a monthly report on progress and chases actions to be delivered more promptly.
- On 1 April 2010 the corporate response standard would be shortened from 18 working days to 10 working days to bring it into line with other high achieving authorities. The change would be introduced slowly to help services to get used to the new response standard. From 1 January 2010, the response standard would be shortened to an interim 14 working days. The target for responding to stage 1 complaints is likely to be increased to 90% responded to in time (up from 88%). The new response times brings challenges to the services. The corporate customer relations team would be meeting with service leads shortly to discuss how the team can support services through the change. There is particular concern to ensure that quality of responses does not drop.
- Members expressed some concern that certain complaints are too complex to be responded to within ten working days. Officers agreed that the new response times would affect services differently. The complaints process would be reviewed to prevent the quality of responses falling.
- Members suggested that data be included on whether acknowledgments have been made on time in future reports, if the data is readily available.
- In response to a query about how responses are made, the Customer Relations Manager informed the Committee that the Council responds in kind if the complaint comes via email or letter. If the complaint is made over the phone, the complainant is asked how they would like to receive their response. Letters are sent by second-class post unless there is a reason for it to be sent first-class.

- There was a view that shortened response times would bring dividends for the Council in terms of resident satisfaction. However, a cultural change of attitude would be required within the Council.
- The increase in the number of complaints recorded by Surrey Highways was noted. It was queried whether the Committee's interest had led to a reclassification of some requests for service as complaints. The Customer Relations Manager highlighted that the previous report had provided two months of data, while the current report provides five months of data. However, she was working closely with the service leads in Surrey Highways to drive the message across about recording complaints.
- The Customer Relations Officers from Children, Schools and Families Directorate reported that Children's Service were receiving an increased number of complaints and performance in meeting timescales had fallen. This could be due to the ongoing reorganisation. Performance in meeting negotiated timescales had also fallen in Adults Service. A review detailed in the Item 12 report suggests that officers were not always recording when timescales had been renegotiated. Complainant satisfaction is higher when timescales are renegotiated to ensure that complaints are dealt with properly.
- Members raised residents concerns that officers have left Children's Service or moved position and complaints have not been followed through. Officers reported that the situation was improving and that complaints were being handed over to other officers. Customer Relations Officers had offered to provide support to teams to ensure that the problem is rectified.
- In response to queries about the number of complaints to Schools and Learning during the school admission period, officers explained that appeals about school allocation are not recorded as complaints. They are dealt with in a separate appeals process.

Actions/Further Information to be Provided:

Data to be included on whether acknowledgments have been made on time in future reports, if the data is readily available.

Resolved:

That Standards Committee notes the report.

Next Steps:

To continue to monitor complaints handling performance at future meetings.

11b) Surrey Highways: Standards Committee Concerns About Responses to Complaints

Declarations of Interest:

Mr David Munro declared a personal and prejudicial interest in Item 11b "Surrey Highways: Standards Committee Concerns About Responses to Complaints" as he was the Executive Member for Transportation during the period under scrutiny and withdrew from the meeting.

Officers present:

Loulla Woods (Customer Relations Manager, Customers and Communities Directorate)

Key Points Raised During the Discussion:

- The Customer Relations Manager informed the Committee that discussions were ongoing on how chaser calls are defined. However, the key issue was ensuring that information is shared with the customer.
- Members were unhappy that they did not receive responses when they raised an issue via the Contact Centre.

Actions/Further Information to be Provided:

Customer Relations Manager to raise the issue of response to Members with the Contact Centre.

Resolved:

Standards Committee to note the letter from the Chairman of Standards Committee to the Head of Customer Services.

Next Steps:

An update has been scheduled for 12 April 2010.

David Munro returned to the meeting at 12.30pm.

Simon Rutter and Karen Heenan left the room at 12.30pm.

70/09 ADULTS SOCIAL CARE COMPLAINTS PROCESS REVIEW [Item 12]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Mona Saad (Customer Relations Officer, Children, Schools and Families Directorate)

Jessica Brooke (Customer Relations Officer, Children, Schools and Families Directorate)

Simon Rutter returned to the room at 12.33pm. Karen Heenan returned to the room at 12.37pm.

Key Points Raised During the Discussion:

- Officers informed the Committee that if a complaint can be resolved within 24 hours, it is not logged as a complaint. Therefore the system does not present a true and complete picture of complaints handling. However, a learning sheet was being implemented for complaints and this could be used for complaints that are not logged.
- In response to a query, officers explained that complainants will receive one response from the Council and can then approach the Local Government Ombudsman.
- Officers explained that performance against timescales were low for a number of reasons. A key reason was that there had been a short window between statutory guidance being published in February/March 2009 and the process having to be implemented from April 2009. There was not much time to roll out the process and train staff. The service had decided to retain a 20 day standard timescale but some people were using this as a default timescale rather than negotiating specific ones. Customer Relations Officers were meeting with service managers to explain that the 20 days is just a guide timescale and officers need to negotiate directly with complainants. It had also been found that officers may not be recording renegotiated timescales although the complainant had accepted a new timescale for a response.
- The Committee felt that the process being used in Adults Service was to address very specific types of complaints. While it might be possible to roll out the principles of “listen, respond and improve”, it was unlikely that the process could be rolled out across the Council.

Actions/Further Information to be Provided:

None

Resolved:

Standards Committee noted the report and agreed that the approach to complaints in Adults Service was not suitable for rolling out across the Council.

Next Steps:

None.

71/09 ACTIONS TRACKER AND WORK PLAN [Item 13]

The Actions Tracker and Work Plan were noted.

72/09 DATES OF FUTURE MEETINGS [Item 14]

The next meeting of the Committee will be on 15 February 2010 at 10am.

Future meetings will be on:

Monday 12 April 2010

Karen Heenan gave apologies for the meeting on 15 February 2010.

[Meeting ended: 12.50pm]

Chairman