



STANDARDS COMMITTEE
15 February 2010

Guidance on Members' Correspondence - Feedback

PURPOSE OF REPORT: to consider feedback

Introduction:

- 1 At its meeting on 30 November 2009, the Standards Committee agreed Guidance on Member's Correspondence. This was circulated to all Members by email on 11 December 2009. This short paper brings to the Committee's attention the feedback that has been received.

The Guidance

- 2 The most frequent cause of complaints the Monitoring Officer has received to date is the way that a Member has handled correspondence. The Committee had previously looked at the lessons learned from these complaints and asked the Monitoring Officer to provide guidance for Councillors.
- 3 On 30 November 2009, the Committee agreed the attached Guidance on Members' Correspondence (Annexe 1). This was circulated to Members by email on 11 December 2009 and also via the January Surrey Standards Brief.

Feedback

- 4 On 13 December 2009, the following feedback was received:

"With reference to point 4 of the Note, the Local Government Ombudsman has issued guidance on a policy and procedure for dealing with 'unreasonable and unreasonably persistent complaints'. A number of Local Authorities have adopted such policies and procedures, including for instance Surrey Heath. The advantage of the Authority itself dealing with such cases is that it is not left to the individual Member to decide whether a complaint or a series of complaints falls into the category and therefore does not leave the Member open to criticism and possible censure which could be the case if his or her decision were to be called into question. The Standards Committee could be involved in such a decision if it so wished. In my experience at Surrey Heath these

sorts of affairs occur quite rarely, but when they do, by their nature, they can put Members under great pressure.

With reference to point 1 of the Note, it might be worth mentioning the idea of sending a prompt holding reply which could include an estimate of when a fuller reply will be provided”.

The Guidance from the Local Government Ombudsman is attached as Annexe 2.

The Customer Relations Team has clarified that Surrey County Council already has Unreasonable Complainant Behaviour Guidance (attached as Annexe 3), which is in line with the Local Government Ombudsman guidance. This guidance is intended to help services identify and manage unreasonable complainant behaviour. It defines what is unacceptable or unreasonable complainant behaviour, how to identify it and options for how to manage it constructively and consistently. It is worth noting that although the guidance is for services, there are occasions when the actions and behaviours of unreasonable and unreasonably persistent complainants may have an impact on a Member, as the example of an unreasonable behaviour, from the guidance, below highlights:

“Refusing to work solely with the nominated investigator and/or adopting a 'scattergun' approach: pursuing a complaint or complaints with the Council and, at the same time, with a Member of Parliament/a councillor/the Standards Board/local police/solicitors/the Ombudsman”.

- 5 On 21 December 2009, the following question was asked:

“I wonder if you could let me know if there is any guidance given regarding correspondence from residents outside an individual Member's Division”.

The Monitoring Officer informed the Member that the same advice applies to correspondence from people outside his division. If a Member does not feel it appropriate to deal with it they could send a polite reply, explaining that the Councillor for the correspondent's division is X and that they would be best placed to handle the matter.

Conclusions:

- 6 The Chairman of Standards Committee requested that feedback be brought to Committee for consideration.

Financial and value for money implications

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

Equalities Implications

8 None

Risk Management Implications

9 None

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

10 None

Recommendations:

Standards Committee to consider the feedback from Members to its Guidance on Members' Correspondence.

Next steps:

To be decided.

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Sources/background papers:

Minutes of Standards Committee: 3 July 2009, 30 November 2009