



**STANDARDS COMMITTEE
29 OCTOBER 2010**

STANDARDS COMMITTEE ROLE IN COMPLAINTS

PURPOSE OF REPORT: To consider the role of the Standards Committee in ensuring the Council's complaints procedures operate effectively.

Background:

1. At its meeting on 3 September, the Standards Committee received the quarterly complaint performance report. During the discussion on this item, members of the committee raised concerns that they did not feel it was entirely appropriate for them to monitor the complaints system and that this should be done by the appropriate Select Committee.
2. The committee resolved at its meeting that the role of the Standards Committee in the monitoring of customer complaints be considered at any review and this will be taken forward as and when a review of the council's committee structure is undertaken.
3. In the short-term, this report reviews the current roles of both the Standards Committee and Select Committees in monitoring the complaints process and makes recommendations on the best approach going forward, to meet the duties within the Constitution whilst reducing unnecessary duplication.

Proposal:

4. Article 9 of the Constitution outlines the role and functions of the Standards Committee. This includes, in paragraph 9.04, the following role:
"(h) ensuring that the Council's complaints procedures operate effectively and receiving reports upon them, and upon findings of maladministration by the Local Government Ombudsman, and including the power to make payments."
5. This gives the Standards Committee a key role in reviewing the Council's overall policy in dealing with complaints and any failures within the council to adhere to these procedures or in cases of maladministration, as found by the Local Government Ombudsman.
6. In addition to the role of the Standards Committee as outlined above, it is important to consider the select committee's role in relation to performance management. Article 7 of the Constitution states that the specific role of select committees (7.01(b)) includes:

“iii) Performance Management

- *Reviewing and commenting on draft service delivery plans and budgets including priorities, targets and performance indicators.*
- *Undertaking quarterly in-depth performance reviews with the relevant Cabinet Member, Strategic Director and Heads of Service.*
- *Monitoring service risk management measures and identifying to the Leader, Deputy Leader or Cabinet Members significant risks and concerns;*
- *Anticipating and advising the Leader/Cabinet or Council on areas of performance which give rise to concern.”*

7. Performance targets for complaints are included in all service delivery plans. This is monitored and subject to scrutiny in a number of ways:
 - a. At an officer level, Directorate Management Teams review their service plans on a quarterly basis.
 - b. The performance, finance and risk task group for each select committee looks at performance data quarterly and reports formally to the select committee on areas requiring further scrutiny as necessary.
 - c. The Leader of the Council holds quarterly accountability meetings with each Cabinet Member to review performance within their portfolio areas.

8. Given the above management and scrutiny processes, there is potential that a quarterly performance report on complaints to the Standards Committee is duplicating work already in place. This view was raised by members of the committee themselves at the last meeting, when considering the underperformance within families.

9. Recognising this concern regarding duplication, it is suggested that an alternative approach be adopted by the committee as follows:
 - The Standards Committee receives an annual report on the complaints process, which includes:
 - i. Summary of the performance data for the year along with details of any work undertaken during the year (by officers or select committees) to improve results where performance is falling below the corporate target.
 - ii. Summary of ombudsman complaints upheld and lessons learned.
 - iii. any recommendations for changing the procedures based on performance and feedback.

 - In addition to the annual report, the following issues would be reported to the committee as necessary during the year:
 - i. All Local Government Ombudsman published reports.
 - ii. Local Government Ombudsman findings (via LGO Statements of Reason), which have led to significant corrective actions and/or remedy. For example large compensation payments and policy change. Proposals for changes to the complaints procedure arising in year.
 - iii. Areas of concerns that need to be drawn to the attention of the committee for immediate action (for example, where corrective action has not been taken by the relevant management team within a reasonable time.)

10. The above approach would ensure the Standards Committee continues to meet its duties under the Constitution while not duplicating the work already being undertaken by officers and select committees. In addition, it will eliminate the need for a routine quarterly report to the committee and move the focus to reports coming when a decision is needed from the committee, making better use of both officer and the committee's time.
11. Performance data will continue to be collected by the Council and used by officers on an ongoing basis. The Corporate Complaints Team collates and shares key learning and trend information from complaints on a quarterly basis and sends to all County Councillors for information. This information could also be shared with independent representatives on the Standards Committee.

Recommendation:

That the Standards Committee continues to fulfil its duty to ensure the Council's complaints procedure operate effectively and requests that it receive:

- an annual report on the complaints process at the end of each financial year, and
- additional reports as and when necessary in relation to:
 - a. All Local Government Ombudsman published reports
 - b. Local Government Ombudsman findings (via LGO Statements of Reason), which have led to significant corrective actions and/or remedy. For example large compensation payments and policy change.
 - c. Proposals for changes to the complaints procedure arising in year.
 - d. Areas of concerns that need to be drawn to the attention of the committee for immediate action.

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Sources/background papers:
The Council's Constitution