

**MINUTES** of the meeting of the **STANDARDS COMMITTEE** held at 10am on Monday 9 May 2011 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting.

**Members:**

- +\* Mr Simon Edge (Chairman)
- + Ms Karen Heenan (Vice-Chairman)
- \* Eber Kington
- +\* Mrs Sally De la Bedoyere
- \* Mr Geoff Marlow
- \* Mr David Munro
- +\* Mrs Marion Roberts
- X\* Mrs Dorothy Ross-Tomlin
- \* Mrs Lavinia Sealy
- \* Mr Colin Taylor

+ = Independent Representatives

\* = Present

x = Present for part of the meeting

Officers present:

Ann Charlton (Monitoring Officer)

Rachel Crossley (Deputy Monitoring Officer)

**PART 1**  
**IN PUBLIC**

**9/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Mrs Karen Heenan.

**10/11 MINUTES OF THE LAST MEETING: 13 DECEMBER 2010 [Item 2]**

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

**11/11 DECLARATIONS OF INTEREST [Item 3]**

There were no declarations of interest.

**12/11 QUESTIONS AND PETITIONS [Item 4]**

There were no questions or petitions.

## **13/11 WORK PROGRAMME AND ACTION TRACKER [Item 5]**

### **Declarations of Interest:**

There were no declarations of interest.

### **Officers present:**

Ann Charlton (Monitoring Officer)

### **Key Points Raised During the Discussion:**

- The Monitoring Officer informed the Committee that the staff consultation on the revised Member/Officer had been delayed due to the Public Value Review and subsequent restructuring of the Chief Executive's Office Directorate. The Monitoring Officer agreed to liaise with HR to determine the next steps.
- It was noted that actions 4 and 5 on the actions tracker had now been completed.

### ***Dorothy Ross-Tomlin joined the Committee at 10.04am***

- The Monitoring Officer advised the Committee that until further guidance and a formal date for the abolition of the Standards regime, the Committee should continue as normal.

### **Actions/Further Information to be Provided:**

None.

### **Resolved:**

The Actions Tracker and Work Programme, as amended, be noted.

## **14/11 DECISION OF STANDARDS SUB COMMITTEE: APPEAL TO UPPER TRIBUNAL [Item 10]**

### **Declarations of Interest:**

There were no declarations of interest.

### **Officers present:**

Ann Charlton (Monitoring Officer)

### **Key Points Raised During the Discussion:**

- The Monitoring Officer introduced the report and advised that it included an update following the decision of a Determination Sub Committee of the Standards Committee, to uphold one complaint about Councillor Chris Pitt. Following the Sub Committee meeting on 23 July 2010, the Committee asked Mr Pitt to write a letter of apology to the complainant, the then Deputy Head of Finance. In August 2010, Mr Pitt appealed the

decision of the Sub Committee to the First Tier Tribunal. For an appeal to be permitted, the judge must be satisfied that there would be a reasonable prospect of success. In this case, the judge refused an appeal tribunal. Mr Pitt then decided to appeal against the decision of the First Tier Tribunal to refuse permission to appeal, by applying to the Upper Tribunal. The Monitoring Officer reported that the Regulations governing the process for appealing against a refusal of leave to appeal to the First Tier and Upper Tribunals were relatively new and not as tight as they might be. Mr Pitt had subsequently sought Judicial Review of the First Tier Tribunal to the Administrative Court, and has appealed the decision of the Upper Tribunal. The Administrative Court had remitted the matter to the Upper Tribunal, where the judge had requested submissions from both parties. The Standards Committee response was due by 11 May 2011, after which Mr Pitt has a further month to respond. The Committee were advised that the Upper Tribunal were treating this as a test case. It was noted that the Upper Tribunal would make a decision on whether or not Mr Pitt had the right to appeal and that the process still had not looked at the merits of the Sub Committee decision. The Monitoring Officer asked that the Committee delegated the response to her; in consultation with the Standards Committee Chairman and that they endorse a minimalist approach. The Committee were provided with a flowchart to help illustrate the process (see Annex A).

- The Committee agreed to endorse a minimalist approach and queried whether the response to the court could acknowledge the direction, but make no comment. The Monitoring Officer advised that she had been asked to cooperate as an officer of law and the Committee agreed that they should take the Monitoring Officer's advice and respond to the direction, but that regret could be expressed within their submission about the cost of the process.
- Members concern about the lengthy and costly process as a result of badly drafted Standards Committee legislation was noted.

**Actions/Further Information to be Provided:**

None.

**Resolved:**

The Committee noted the report and delegated to the Monitoring Officer in consultation with the Chairman of the Standards Committee conduct of proceedings going forward.

The Committee agreed to a minimalist approach in dealing with proceedings.

**Next Steps:**

The Monitoring Officer, in consultation with the Chairman of the Standards Committee to respond to the directions issued by the Upper Tribunal judge, dealing with the case, by 11 May 2011.

## 15/11 CORPORATE COMPLAINTS ANNUAL SUMMARY REPORT 2010/11

[Item 6]

### **Declarations of Interest:**

There were no declarations of interest.

### **Officer present:**

Julia Montalbetti, Customer Relations Manager

### **Key Points Raised During the Discussion:**

- The following adjustments to the report were noted:
  - The annual performance figure for Adult Social Care and Children's Schools and Families services, listed in the table on page 1, should have read "70%" and not "74%". The overall Surrey County Council complaint performance figure should have read "82%" and not "84%".
  - The figures recorded in the table at paragraph six of the report for the amount of Stage 2 complaints needing a response, should have read 70 for 2008/09, 110 for 2009/10 and 136 for 2010/11. It was noted that the percentages were correct.
- There was a new, challenging performance target to respond to 90% of Stage 1 complaints within 10 working days. All corporate services had stayed above the target, but the overall figure for the Council was below target at 82%.
- Surrey Highways and Estates Planning and Management performance had significantly improved. Surrey Fire and Rescue Service had a performance figure of 100%.
- Proportion of complaints being escalated to Stage 2 had increased significantly from 41% in 2009/10 to 65% in 2010/11. It was thought that this was a direct reflection of the new target and work was underway to look at how this could be improved.
- Members queried whether the target would change for 2011/12. The Customer Relations Manager advised that there was no plan to change the target, but that a detailed analysis would be completed and could be reported back to Standards Committee at the next meeting.
- The Committee were concerned that the rigorous targets were making teams more target driven, rather than service driven. The Customer Relations Manager agreed that there was quite a lot of pressure on teams from the challenging target, but that it was important to resolve matters at the earliest possible stage. However, the figure of 65% of Stage 2 complaints being upheld was concerning and this matter warranted further investigation.
- It was noted that consideration should be given to more sensitive targets, if investigation proved that the challenging target was the cause of the increase in the number of Stage 2 complaints being upheld.
- Members commented that the compensation figure was surprisingly low. It was clarified that this figure was for compensation and not for claims.
- The Committee Chairman queried the timing of the annual complaints report, as figures were subject to revision at the time of publication. The Customer Relations Manager advised that there were statutory reporting deadlines for some services that were as late as the end of July. In addition, if the report had been compiled later it could have included information from the Local Government Ombudsman. It was agreed that in the future, the Committee

should receive the annual complaints report at a time when it would better fit with statutory deadlines.

**Actions/Further Information to be Provided:**

The Customer Relations Manager to report back at a future meeting on results of the investigation into why the number of Stage 2 complaints being upheld had risen so significantly.

**Resolved:**

The Committee noted the report and agreed to receive future annual reports so that they coincide with statutory deadlines.

**Next Steps:**

None.

**16/11 ADULT SOCIAL CARE ANNUAL COMPLAINTS SUMMARY REPORT 2010/2011 [Item 7]**

**Declarations of Interest:**

There were no declarations of interest.

**Officer present:**

Chris Whitty, Senior Business Support Manager

**Key Points Raised During the Discussion:**

- Since January 2011, complaints reporting for Adult Social Care was being handled directly by the directorate. The whole complaints handling process for the directorate was currently being revised in line with legislative and business changes. There had been a reallocation of resources internally to provide more of a focus on complaints.
- It was noted that performance had increased to 94% in Quarter 4.
- There was a responsibility to respond to all complaints within a six month time period, response due date being agreed with the customer.
- Target has been set at 90%, but the aim was to achieve 100%.
- There was now a dedicated resource proactively managing complaints within the directorate. A key focus was on identifying learning points from all complaints received.
- It was clarified that the six month period to respond to the complaint started from the day that the complaint was received.
- When a complainant has agreed a timescale for a response, that individual target would be monitored.
- It was noted that a new reporting process on complaints would be launched in May 2011, which should identify particular trends in terms of where complaints come from and what they were about.

**Actions/Further Information to be Provided:**

None.

**Resolved:**

The Committee noted the report.

**Next Steps:**

None.

**17/11 CUSTOMER COMPLAINTS REPORT – CHILDREN'S, SCHOOLS AND FAMILIES DIRECTORATE [Item 8]**

**Declarations of Interest:**

There were no declarations of interest.

**Officer present:**

Jessica Brooke, Customer Relations Officer

**Key Points Raised During the Discussion:**

- Majority of complaints investigated within the statutory process.
- Target timescale for Stage 1 complaints was ten days, although could be extended to twenty days on agreement.
- In 2010/11, 9% of Stage 1 complaints went on to Stage 2. There had been a reduction in the number of complaints reaching Stage 2, which was noted as a sign that the quality of responses to Stage 1 complaints was increasing.
- Advocacy and Participation Services had been brought in house, following the closure of the contract with NYAS. More young people in care were making complaints, demonstrating that they felt more empowered.
- Ten day target was not met, but can prove that the process is working by looking at the fewer number of complaints escalating to Stage 2.
- To improve learning from complaints, all complaints are considered, even those that are not upheld. The Families Customer Relations Team were working with service managers to address learning points.
- Highlights were: increase in the number of Stage 1 complaints, decrease in number of Stage 2 complaints, decrease in the number of Local Government Ombudsman enquiries, good communication with young people in care and improved learning from complaints.
- Members queried whether any work was underway to discover if the fault found by the Local Government Ombudsman on a SEN Transport case, resulting in a £2,500 redress, would have an impact on other ongoing cases. The Customer Relations Officer advised that this was her colleague's remit and she would report back to the Committee.
- It was noted that the quality of responses was high, but performance in terms of timescales was below target. Members queried how this was

justified to management. The Customer Relations Officer advised that performance figures are reported to the Directorate Leadership Team on a monthly basis and discussions were regularly held on how improvements could be made. For example, managers were being invited to one-to-one coaching sessions on how to improve performance.

- The Customer Relations Officer thought that 80% was an achievable target if all managers were engaged.
- The increase in the number of complaints from looked after young people and young people in need was a result of the removal of the 'Stage 0' from the complaints process. In the past, complainants could make an informal 'Stage 0' complaint with NYAS, however, now they would make a complaint directly to the Council. Informal discussions were still facilitated and a complaint could be withdrawn and dealt with informally where relevant.
- The Committee congratulated the Families Customer Relations Team on the improvements that had been made.

**Actions/Further Information to be Provided:**

The Customer Relations Officer to report back to the Committee on whether the finding of fault by the Local Government Ombudsman in a SEN Transport case could have an impact on other, ongoing cases.

**Resolved:**

The Committee noted the report.

**Next Steps:**

None.

**18/11 NOMINATION OF CHAIRMAN [Item 9]**

**Declarations of Interest:**

There were no declarations of interest.

**Officers present:**

Ann Charlton, Monitoring Officer

The Chairman of the Committee handed the Chair to Mr Geoff Marlow to take this item.

The Monitoring Officer reminded the Committee that all members of the Committee had a right to vote on the Chairmanship. The Chairman would need to be an independent representative and the nomination would go to Council for ratification on 10 May 2011.

Mr David Munro nominated Mr Simon Edge to continue in his role as Chairman of the Standards Committee. This was formally seconded by Mrs Lavinia Sealy, and unanimously agreed.

Mr Simon Edge took the Chair and nominated Mrs Marion Roberts as Vice Chairman. This was unanimously agreed.

Mr Eber Kington thanked the Chairman for a year of challenging and concise meetings and thanked Mrs Karen Heenan for her Chairmanship of the Standards Sub Committee B. Mr Simon Edge thanked the Committee for re-electing him as Chair and seconded thanks to Ms Karen Heenan in her role as Vice Chairman of the Committee.

**19/11 DATE OF NEXT MEETING**

4 July 2011.

Apologies were noted from Mrs Lavinia Sealy for this meeting.

**MEETING CLOSED: 11.16am**

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**Chairman**