

# Standards Committee

30 June 2008

## Councillors

W J Davies  
Ann McLachlan  
S L Rowlands

Karen Hayes  
Sarah Quinn  
Mrs P M Williams

## Independent members

Brian Cummings  
Ken Jones

Ken Harrison MBE

### 1 **APPOINTMENT OF CHAIR (AND VICE-CHAIR)**

The Acting Monitoring Officer and Proper Officer requested nominations for the position of Chair and, if considered appropriate, Vice-Chair.

#### **Resolved –**

**(1) (8:0) That Mr Brian Cummings be appointed Chair for the current municipal year.**

**(2) That Mr Ken Harrison be appointed Vice-Chair.**

Following his appointment, Mr Cummings took the Chair.

### 2 **DECLARATIONS OF INTEREST**

The members of the Committee were asked to consider whether they had a personal or prejudicial interest in connection with any of the items on the agenda and, if so, to declare it and state the nature of such interest. The following declaration was made:

Councillor Rowlands - a personal interest in minute 6 (Ombudsman's report) by virtue of his having been acquainted with the case at an earlier stage.

### 3 **MINUTES and MATTERS ARISING**

The Committee was advised that the minutes of the previous meeting, held on 31 March 2008, had been accepted by the Council on 21 April 2008.

**Resolved - That the minutes be received.**

### 4 **UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

The Acting Monitoring Officer and Proper Officer sought endorsement of minor amendments to the Council's policies on unreasonably persistent complainants and unreasonable complainant behaviour, approved by the Council on 21 May 2007.

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The amendments were felt to be necessary in order to make the Council's position clearer.

**Resolved** - That the proposed amendments to the policies on unreasonably persistent complainants and unreasonable complainant behaviour, as set out in Appendices 3 and 4, be endorsed as far as this Committee is concerned and forwarded to the Cabinet and the Council for formal approval.

### 5 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Further to minute 40 (31/3/08), the Acting Monitoring Officer and Proper Officer reported that five places at the Annual Assembly had been booked for the Council's representatives.

**Resolved** - That members confirm as soon as possible whether or not they will be available to attend.

### 6 OMBUDSMAN REPORT - REPORT NO 07/C/03447

The Committee considered a detailed report by the Director of Children's Services in relation to the Local Government Ombudsman's report, issued on 10 April 2008, regarding Mr H and his child S. In his report, also circulated, the Ombudsman had made a finding of maladministration and injustice against the Council. On behalf of the Director, Peter Edmondson, Head of Branch (Participation and Inclusion), explained the background to the complaint, the Ombudsman's findings and recommendations, and the local authority's views and concerns about the Ombudsman's conclusions, which had led to its obtaining advice as to the feasibility of a legal challenge.

The Ombudsman had made five recommendations, that the Council should:

- (i) accept that it had no justification for its claim not to be responsible for S;
- (ii) discuss and agree with the school and S's parents whether there was any additional provision that could be made to help S "catch up" on the year's schooling that he had missed;
- (iii) reserve a sum of money equivalent to the cost of educating S at the school in question for a year in a fund until he has completed year 11 and then deploy the fund on any additional educational provision that the school and an educational psychologist might recommend as being beneficial;
- (iv) pay £1,000 to Mr H in recognition of the anxiety, stress, time and trouble caused to him; and
- (v) make a payment of £655 to Mr H to reimburse what he paid for private tutoring for S during 2007.

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The Director's response to the draft report had pointed out that the Council had accepted responsibility for S's education from what it considered to be the appropriate date; action under (ii) had already been taken; in respect of (iii) the authority did not see the rationale for that recommendation in view of the provision that would be made for S; that much, if not all, of the "stress, anxiety and time and trouble" could have been avoided if Mr H been open in his dealings with the Council; and recommendation (v) had not been included in the draft report, which meant that the Council had not had an opportunity to comment on it prior to the report being published, nor had it received any details of the form the tutoring took, who provided it or any evidence that the cost quoted was actually incurred.

Various members of the Committee expressed their support for the approach the Director had taken, both in dealing with the case and in his response, and their own concern at the manner in which the Ombudsman had reached her conclusions and the fact that a one-sided view of the case had been reported in the national press. They felt that the Director had been almost entirely vindicated by the opinion of Counsel, as reported to the meeting. The Acting Monitoring Officer and Proper Officer reported on how practicable it would be to mount a legal challenge, in terms of the possible financial outcome and the amount of officer time required (in addition to the considerable time already spent in dealing with the case).

### **Resolved - That**

**(1) the Committee notes the findings from the Ombudsman's report and the concerns expressed in the Director's report about the Ombudsman's approach in this case; and**

**(2) whilst the Committee also notes the proposed meeting between the Director of Children's Services and the Ombudsman, the Acting Monitoring Officer and Proper Officer be authorised to respond to the Ombudsman stating that the Council will implement the recommendations contained in her report, at the same time drawing her attention to the content of the Director's report and to the strength of feeling among the members of this Committee's, as expressed in this minute;**

**(3) the Committee receive a report back on the outcome the Director's meeting with the Ombudsman.**

## **7 LOCAL ASSESSMENT**

Further to minute 39 (31/3/08), the Acting Monitoring Officer and Proper Officer reported on the implications of the changes to ethical framework for local government. The relevant provisions had come into force on 8 May 2008. The Annual Meeting of the Council had approved the necessary amendments to the terms of reference of the Standards Committee (set out in appendix 4 to his report). The report also set out for the Committee's consideration the impact of the changes and sought approval for the various steps to implement the requirements of the Local Government and Public Involvement in Health Act 2007.

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They included the requirement to set up panels to consider local assessment; agreeing the format for publicising complaints processes and the criteria to be applied in considering whether a complaint should be investigated (including access to information considerations); establishing a protocol for dealing with complaints; and training for members on local assessment. He also alerted members to the possible financial implications for the Corporate Services Department in dealing with local assessment.

### **Resolved - That**

- (1) the amended terms of reference of the Standards Committee be noted;**
- (2) the establishment of the sub-committees to deal with complaints, namely:  
(a) the Initial Assessment Panel;  
(b) the Review Panel; and  
(c) the Hearings Panel  
be approved with the terms of reference contained in Appendix 5, and a flow diagram be produced in order to provide a clear guide to the various stages of the complaints procedure;**
- (3) the documentation to be placed on the Council's website in order to publicise the procedure (Appendix 6) be endorsed;**
- (4) the assessment criteria contained within Appendix 7 be approved;**
- (5) the protocol for dealing with complaints set out in Appendix 8 be approved;**
- (6) having considered the practical implications of the proposed procedure, the Committee believes that it would be appropriate to increase the number of elected members from six to nine (which still maintains the requirement to have 25% of the membership as independent members);**
- (7) the terms of reference of the sub-committees, the assessment criteria and the protocol for dealing with complaints, together with the request for an increase in the membership of the Committee, be referred to the Cabinet and the Council as part of the current review of the Constitution; and**
- (8) the proposal to seek to establish a Merseyside forum for independent members be approved and the Committee receive a report on progress;**
- (9) the Committee accepts that it will not be practicable to proceed with the training event proposed for 16 July, and the Acting Monitoring Officer and Proper Officer be requested to arrange an alternative date convenient to the largest number of members as early as possible.**

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### 8 LOCAL COMPLAINT

The Acting Monitoring Officer and Proper Officer reported that he had received a complaint about the conduct of an elected member, which would have to be dealt with in accordance with the new procedures set out in minute 7 above.

**Resolved - That the Acting Monitoring Officer and Proper Officer make the necessary arrangements to convene a meeting of the Initial Assessment Panel within the required timescale.**

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