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17 June 2019

Governance Committee

Members are hereby notified that the Chairman of the Governance Committee has agreed that the following supplementary item be added to the agenda for the meeting to be held at **2.15 pm on Monday, 24 June 2019** at County Hall, Chichester.

Tony Kershaw
Director of Law and Assurance

Supplementary Agenda

7(a) Proposed Delegation to Standards Committee (Pages 3 - 6)

Report by Director of Law and Assurance.

The Committee is asked to agree to ask the County Council to amend the Standards Committee' terms of reference to include a delegation to receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.

The Ombudsman has recently asked the County Council to review its decision to not accept the recommendations, so it was timely to enable Governance Committee to consider this delegation prior to County Council on 19 July 2019.

To all members of the Governance Committee

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Governance Committee

24 June 2019

Part I

Proposed Delegation to Standards Committee

Report by Director of Law and Assurance

Recommendation

- (1) That the County Council be asked to amend the Standards Committee's terms of reference to include:
 - '18. To receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.'

Proposal

1. Background and Context

- 1.1 If a customer is not satisfied with the response of the County Council to a complaint that they have submitted, they have a right to complain to the Local Government and Social Care Ombudsman, who may agree to investigate the complaint as allegations of maladministration.
- 1.2 Several complaints are submitted to the Ombudsman about the County Council each year. Some of these are not upheld but, on some occasions the Ombudsman finds fault with the County Council and issues recommendations to the County Council in relation to the matter or to the Council's arrangements more generally. The County Council has a long-established track record of accepting recommendations made by the Ombudsman.
- 1.3 The County Council needs to clarify how it should deal with a situation where, having received a report from the Ombudsman, it is not considered appropriate to accept the recommendations set out in the report. The County Council has to demonstrate that it has fully considered the recommendations of the Ombudsman and has done so at an appropriate level, in the most suitable forum and with the right level of objectivity.

2. Proposal

- 2.1 The Standards Committee is the County Council's committee that seeks to promote and maintain high standards of ethical conduct across the County Council. Part of its remit is to monitor and advise upon the County Council's complaints procedure including the Council's exercise of its powers to settle any claims for maladministration.

2.2 As the Standards Committee's terms of reference do not explicitly provide for it to provide the final forum for the determination of the County Council's response to Ombudsman report recommendations it is proposed to make provision for this.

2.3 It is therefore proposed that an explicit delegation be added to the terms of reference of the Standards Committee for it to provide the County Council's final decision on cases where it is likely that the Council may wish to consider not accepting recommendations made by the Ombudsman. The proposed wording is as follows:

'18. To receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.'

3. Resources

3.1 None.

Factors taken into account

4. Consultation

4.1 Not applicable.

5. Risk Management Implications

5.1 On the rare occasions that the County Council does not accept the recommendations of the Ombudsman, there is a risk of reputational damage to the County Council. Ensuring that the Standards Committee has a clear delegation will ensure that proper consideration is given by this Committee before deciding whether or not to accept the recommendations.

6. Other Options Considered

6.1 None.

7. Equality Duty

7.1 None directly arising from this proposed delegation.

8. Social Value

8.1 Not applicable.

9. Crime and Disorder Act Implications

9.1 Not applicable.

10. Human Rights Implications

10.1 None arising from this proposed delegation.

Tony Kershaw

Director of Law and Assurance

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Background Papers: None.

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