
Governance Committee: Review of Scrutiny and Proposed Delegation to Standards Committee

Review of Scrutiny

- 1** Following a request from the Performance and Finance Select Committee and a motion approved by the Council at its meeting on 7 June, the Committee has agreed to a review of scrutiny in the light of new national guidance and best practice on scrutiny. The review will be undertaken by a panel of seven members of the Council, nominated by group leaders, including one member from each of the minority parties. It will also consider the review in light of the recent Ofsted inspection of Children's Services and the output of the Member Day scheduled to address scrutiny arrangements and to be held on 4 September 2019. It will report to the Governance Committee on 25 November 2019.
- 2** The new national guidance suggests different ways of carrying out scrutiny and the Governance Committee is interested in exploring other ways of working as part of the review. It has decided to badge the member group charged with the review of scrutiny as a standing panel but, in constitutional terms, the panel will follow the arrangements for task and finish groups.

Proposed Delegation to Standards Committee

Background and context

- 3** If a customer is not satisfied with the response of the County Council to a complaint 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 an allegation of maladministration.
- 4** 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.
- 5** 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.

Proposal

- 6** 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.

- 7 As the Standards Committee's terms of reference do not explicitly provide for it to provide the forum for the determination of the County Council's response to Ombudsman report recommendations it is proposed to make provision for this.
- 8 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 decision on cases where 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.'

Risk Management Implications

- 9 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.

Recommended

That the terms of reference of the Standards Committee be amended to include the delegation set out in paragraph 8 above.

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Chairman of the Governance Committee

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Background Papers

None