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Tuesday, 24 November 2015

To: The Members of the **Performance and Finance Scrutiny Committee**
(Councillors: David Allen (Chairman), Wynne Price (Vice Chairman), Dan Adams, Bill Chapman, Edward Hawkins, Paul Ilnicki, Oliver Lewis, Jonathan Lytle, Alan McClafferty, Max Nelson, Robin Perry, Chris Pitt, Darryl Ratiram, Victoria Wheeler and John Winterton)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Substitutes: Councillors Rodney Bates, Rebecca Jennings-Evans, Katia Malcaus Cooper, Ian Sams and Valerie White

Dear Councillor,

A meeting of the **Performance and Finance Scrutiny Committee** will be held at Surrey Heath House on **Wednesday, 2 December 2015 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Chairman's Announcements	
3 Minutes	3 - 8
To confirm and sign the minutes of the meeting held on 30 September 2015.	
4 Declarations of Interest	

Members are invited to declare any interests they may have with respect to matters which are to be considered at the meeting. Members who consider that they may have an interest are invited to consult the Monitoring Officer or Democratic Services Officer prior to the meeting.

- | | | |
|----------|---|----------------|
| 5 | Scrutiny of Portfolio Holders - Corporate | 9 - 12 |
| 6 | Report on Equalities | 13 - 26 |
| 7 | Report on Complaints and the Report of the local Government Ombudsman | 27 - 38 |
| | Report to follow. | |
| 8 | Working Groups | |
| | To consider the reports of any task and finish working groups and/or the need to establish any. | |
| 9 | Work Programme | 39 - 42 |

**Minutes of a Meeting of the
Performance and Finance Scrutiny
Committee held at Surrey Heath House
on 30 September 2015**

+ Cllr David Allen (Chairman)
+ Cllr Wynne Price (Vice Chairman)

+ Cllr Dan Adams	+ Cllr Max Nelson
+ Cllr Bill Chapman	+ Cllr Robin Perry
+ Cllr Edward Hawkins	+ Cllr Chris Pitt
- Cllr Paul Ilnicki	+ Cllr Darryl Ratiram
+ Cllr Oliver Lewis	+ Cllr Victoria Wheeler
+ Cllr Jonathan Lytle	+ Cllr John Winterton
+ Cllr Alan McClafferty	

+ Present

- Apologies for absence presented

Substitutes: Cllr Valerie White (In place of Paul Ilnicki)

In Attendance: Cllr Ian Sams, Lee Brewin, Julia Hutley-Savage, Kelvin Menon and Tim Pashen

13/PF Minutes

The minutes of the meeting held on the 29 July 2015 were agreed and signed by the Chairman.

14/PF Update on Joint Waste Collection Contract

It was noted that it would not be appropriate for the 'Scrutiny of Portfolio Holder' item to be considered at this meeting due to the sensitive nature of the Joint Waste Collection Contract negotiations.

The Committee was advised that at the meeting of the Executive on 3 December 2013, it was resolved that the Council jointly procure a new waste collection and street cleansing contract. It was noted that the current waste collection service provided by the Council had a 99% satisfaction rate but it was an expensive service to maintain.

The Committee was advised that a joint venture would provide substantial savings, involving cross boundary working. The Joint Waste Collection Contract partners were Elmbridge Borough Council, Mole Valley District Council, Surrey Heath Borough Council and Woking Borough Council. It was hoped that once the new contract began, there would be a seam less transition for customers.

It was noted that 14 suppliers had expressed an interest in the contract and 5 had agreed to proceed to the pre-qualification stage. The partners would be looking for innovation as well as value for money during the current stage of the process of the competitive dialogue stage.

Some Members felt that a consultation process launched by Surrey County Council regarding waste and recycling, could be counter intuitive as the consultation gave an impression that people would have to pay to recycle. It was agreed that the format could have been improved. It was made clear that domestic collections would be free but there could be a charge for certain materials.

It was also noted that close scrutiny of policies would need to take place so they would be consistent across all partner authorities.

Some Members sought clarification as to whether striving to remain top of the tables regarding waste had a cost implication and would there be any penalties for being a little further down the list. It was advised that with regard to some materials, the Council received recycling credits so it was beneficial to maintain the high level of success.

Regarding the new contract, Members were advised that the emphasis would be on minimising residual waste rather than maximising recycling.

Members noted that some recycling collections had been rejected due to contamination. These materials would then be transferred to landfill or sent for incineration. Therefore the focus would be reducing contamination and improving quality.

Resolved that the report be noted.

15/PF Update on Emergency Planning and Business Continuity

The Committee received a report on the Council's resilience to respond to emergencies and considered the Corporate Resilience Policy which outlined various objectives to be met. It was noted that this was a statutory function.

The main focus over the last six months had been on Business Continuity and a multi- agency flood plan. There would also be more training and an exercise provided in the near future. The Council also had an agreement with Rushmoor Borough Council where the civic offices would be a secondary centre.

The Committee discussed flooding and the work of the Council's drainage engineer Wayne Purdon was commended. Some Members also considered the security of the electrical supply and it was agreed that information regarding this would be forwarded to the Committee.

Some Members had concerns about a care home in Lightwater, during the water supply shortage this year, which had not had any contact from the Council. Members were advised that the Council maintained a list of vulnerable people and it was important that this was kept up to date. Nevertheless, it was noted that the responsibility on that occasion rested with the water supplier.

It was also mentioned that the skills of the Royal Logistics Corps in Deepcut could be called upon in emergencies. Members were advised that the Ministry of Defence were part of the emergency planning process.

Resolved that the following be noted:

- i) All Services had produced, validated and tested service business continuity plans and that the agreed Critical Activities had been incorporated onto a Corporate Incident Plan.**
- ii) The Surrey Heath Multi-Agency Flood Plan had been completed and approved.**

16/PF Update on Independent Living

Members received a report on Independent Living in the borough and were advised that all the services within this area were discretionary. The various services on offer were to allow people to stay independent in their homes for as long as possible.

The only provision which was statutory was the disabled facilities grants (DFG).

The Committee discussed the Windle Valley Centre, community transport, community alarms, meals at home and the Home Improvement Agency. All these services helped to maintain independence which resulted in less cost overall. It was noted that the Council subsidised services for independent living by £804,000 (which included DFGs). Currently the Council had 2000 clients, each subsidised by £402. Members were advised that, for comparison, an elective in patient stay excluding excess bed days in 2012/13 cost £3366; a non-elective in patient short and long stay cost £1489. This clearly illustrated that it would cost less to maintain independence in the home.

It was also suggested that the Council's Community transport could be used to ferry people to and from hospital. This was being investigated but there would need to be a charge made as no claim could be made for using bus passes.

Resolved that the following be noted:

- i) the wide range of services provided by the council to promote independent living;**
- ii) the opening of the wellbeing centre at the Windle Valley centre;**
- iii) the increased number of customers receiving the Community Alarm and Meals at Home services;**
- iv) the number of properties which had been adapted to meet the needs of disabled and frail residents;**
- v) the aim to increase the numbers of people receiving these valuable services while at the same time decreasing the Council's subsidy.**

17/PF Air Quality Monitoring

The Committee received a report on the air quality in the borough. Monitoring of air quality had been carried out for over 15 years, measuring the levels of Nitrogen Dioxide and dust at 35 sites. The results of the monitoring would have to be reported to central government.

The various levels of NO2 and dust in the borough in certain areas could impact on residents, particularly those who suffer with asthma. The Council was looking into setting up a text system to alert asthma sufferers when the pollution increased.

Members were advised that the Director of Public Health had majored on Air Pollution. It was agreed that the paper would be forwarded to Members of the Committee.

Some Members also asked to what extent air quality was taken into account when considering planning applications. A response to this would be emailed to Members.

The committee thanked the Executive Head – Community for his detailed reports.

Resolved that the current air quality monitoring programme be maintained and reviewed following the conclusions of future statutory Air Quality reports submitted to DEFRA.

18/PF Annual Report on the Treasury Management Service and Actual Prudential Indicators for 2014/15

The Committee received a report on the Treasury Management Service and Actual Performance Indicators for 2014/15. This was a statutory function.

Members were advised that investment income from treasury activities had fallen but it had started to pick up again. This was due to diversifying investments, moving away from banks and investing in money markets, equity property and corporate bonds funds. In addition, the introduction of the 'bail in' directive this year had driven the Council to find other investment opportunities other than banks. The 'bail in' directive stated that if a bank became insolvent, depositors would be asked to bail in to make up any shortfall. Individual investors would be protected up to £85,000 but Local Authorities would have no protection at all.

Members were advised that the Council had complied with all Prudential Indicators. Some Members asked how the Council compared to other Local Authorities, and it was agreed that a chart illustrating this would be emailed to the Committee.

Some Members sought clarification on investments 'available for sale' on the spreadsheet for Treasury Related Investments Balances as at 31 March 2015 set out in the report. It was explained that these were money market funds which could be cashed in at any time. It was noted that some investments had been made in other Local Authorities and although the return was quite low, it was higher than banks and Central Government.

Members commended the change in investment to diversify.

It was noted that £17.9 million had been borrowed in relation to property, but it had been taken out in the new financial year and was fixed for 50 years at 4-5%. This would provide certainty for purchasing assets.

Resolved that the report on Treasury Management including compliance with the 2014/15 Prudential Indicators be noted.

19/PF Work Programme

The work programme for the remainder of the municipal year 2015/16 attached at Annex A, was considered and agreed by the Committee.

Resolved that the work programme as attached at Annex A, be agreed.

Chairman

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Title: Scrutiny of Portfolio Holders - Corporate

Portfolio	Corporate
Ward(s) Affected:	All

Purpose

To provide a background for the scrutiny of the Corporate Portfolio Holder as part of the scrutiny of Portfolio Holders.

Background

1. The Executive considered, at its meeting on 20th October 2009, a referral report from the Performance and Audit Scrutiny Committee in respect of a change of the Committee work programme to incorporate the scrutiny of portfolio holders.
2. Whilst accepting the Committee recommendations, the Executive also agreed that it would be useful for the Executive to review the progress made by the Scrutiny Committee in relation to achieving the objectives identified in their annual work programmes.
3. The Executive agreed (minute 073/E of 2009/10 refers) that:
 - (i) the change to the (then) Policy and Audit Scrutiny Committee work programme to incorporate the scrutiny of portfolio holders' performance in relation to capital spend elements and specific financial strategies be agreed; and
 - (ii) progress against the targets set in the work programmes of the scrutiny committees be reviewed by the Executive at a future meeting and the Chairmen of those Committees be invited to attend.
4. Councillor Josephine Hawkins, the Corporate Portfolio Holder has been invited to attend this meeting for the portfolio holder scrutiny. A breakdown of the areas within the portfolio holder's purview are attached at Annex A.

Proposal

5. It is proposed that a period of 30 minutes is allocated to a question and answer session involving the Corporate Portfolio Holder, with further time allocated for Committee deliberations.

Resource Implications

6. The Committee emphasised at previous meetings that it was not intended that officers would be called to address the issues covered, though key officers may attend to assist the Portfolio Holder. As such, the only resource implications would be the commitments of the individual portfolio holders, in this case, Transformation, and any Committee Member preparation time.

Options

7. There are no options attached to this report.

Recommendation

8. The Committee is advised to allocate thirty minutes to a question and answer session with the Corporate Portfolio Holder and to allow further time thereafter for deliberations.

Background Papers: None

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Head of Service: Richard Payne

CORPORATE PORTFOLIO

Charities
Children Champion
Community Grants
Complaints Processes/ Ombudsman Matters
Communications & Marketing
Contact Centre
Democratic Services
Elections
Equalities
Human Resources
Post & Payments

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Equality Update 2015

Portfolio	Corporate
Ward(s) Affected	All

Purpose

To update Members on the work undertaken in 2015 to meet the Equality Act 2010 and the Council's Equality Strategy.

Background

1. The Council has continued to work to meet the legislative requirements of the Public Sector Equality Duty (PSED), with our programme of Equality Impact Assessments and implemented recommendations from the Equality Strategy Action Plan which has also been updated and is attached as Annex A. An explanation of the Equality Act is contained in Annex B.

Current Position

2. The Council is still following the requirements to publish sufficient information to demonstrate our compliance with the General Equality Duty. The Council does this by undertaking Equality Impact Assessments demonstrating analysis of the effect that the Council's policies and practices have had on people from equality/protected groups and publishing these on the Council's Equality and Diversity web pages.

Equality Strategy Action Plan

3. The actions completed from the Equality Strategy Action Plan (see Annex A) in 2015 include:
 - Officer and Member dementia awareness training undertaken;
 - The opening of the Wellbeing (Dementia) Centre and development of the Memory Garden;
 - The establishment of the Saturday Club at Windle Valley Centre for carers and the cared for with dementia;
 - Capital works have been progressed to make improvements to the gypsy/traveller sites;
 - Surrey Heath Faith Forum Lunch held 18 November 2015;
 - The appointment of an internal voluntary minority ethnic group staff representative;
 - The appointment of two internal voluntary staff disability mentors; and
 - The review of four Equality Impact Assessments by the Officer Working Group as set out below.

Equality Impact Assessments

4. The programme of Equality Impact Assessments has been undertaken in 2015. Four internal policies have been completed including reviewing the Disciplinary Policy; Grievance Policy; Data Protection Policy; Smoking policy and Exceptional Payments Policy.

Disability Two Ticks

5. As an accredited organisation, the Council is required to implement and annually review practices that meet the scheme's five commitments in relation to recruitment, employment, retention and career development of people with a disability.
6. The Council have ensured that recruitment adverts confirm commitment to the disability two ticks and the Council are advertising on a wider range of sites. The Council is also ensuring that all existing policies are applied reasonably and fairly in order to make reasonable adjustments without avoidable detriment to the affected individual. The Council has also delivered Deaf Awareness training and Mental Health Awareness training.

Surrey Heath Faith Forum

7. The third Surrey Heath Faith Forum Lunch was held on 18 November 2015 at High Cross Church Camberley. The aim was to encourage different faith groups in Surrey Heath to work together and strengthen inter faith relationships. A number of faiths were represented by people from the Sikh community, Buddhist community, Hindu community, Muslim community, Jewish community, Christian community and Baha'i community. The event was hosted by Surrey Heath Borough Council, Surrey Police, Churches Together in Camberley, and Surrey Faith Links. The event was held as part of the National Inter-Faith Week.

Dementia

8. The Council is working closely with Surrey County Council (Adult Social Care) and the Surrey Heath Clinical Commissioning Group with respect to dementia. In February 2014, a number of members of staff attended a dementia cascade course. This provided them with information which they can pass onto colleagues. Also several members of staff and elected members are dementia friends and some have become dementia champions. The wellbeing centre opened in Bagshot late last year which is being used by a number of partners including the Alzheimers Society; Carers Support; and song for life (singing for carers and the cared for with dementia). The Saturday club at the Windle Valley continues to grow with a good mix of carers and the cared for with dementia. The Council is currently funding a befriending pilot in Heatherside to provide help and friendship to people who have recently being diagnosed with dementia.

Gypsies and Travellers

9. The Council manages two permanent traveller sites for Surrey County Council under an agency agreement. One site is located in Bagshot and the other is in Chobham with each having 15 pitches. The site in Chobham is about to undergo major refurbishment which should create one additional pitch. This is subject to planning permission. The old electricity meters on the Bagshot site which operate using prepayment cards purchased from the post office are being replaced by new meters connected directly to the supplier.

Options

10. Members are asked to note the update on the work to meet the Equality Act 2010 and the Council's Equality Strategy.

Proposal

11. That members note the update on the work to meet the Equality Act 2010 and the Council's Equality Strategy.

Resource Implications

12. The resource to continue improvement of equality practice at the Council has been reduced but limited on-going work is being achieved within existing staff resources and through work with partners.

Recommendation

13. That members note the update on the work to meet the requirements of the Equality Act 2010 and the Council's Equality Strategy and Action Plan.

Background Papers: Nil

Annexes: Annex A Equality Strategy Action Plan
Annex B The Equality Act Explained

Author: Belinda Tam / HR Manager
Sarah Groom Transformation Team Manager

Heads of Service: Louise Livingston, Interim Executive Head of Corporate
Tim Pashen, Executive Head of Community
Richard Payne, Interim Executive Head of Transformation

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Equality Strategy Action Plan (Recommendations from Diversity Peer Challenge – September 2010)

Annex A

Recommendation	Areas to consider	Council Action	Completion date	Responsible officer
Access to Services				
For effective service planning that is capable of meeting changing customer needs and expectations there should be better use made of base data to analyse and compare service take-up – this will be achieved by improved service equality monitoring.	Services to make more use of data and intelligence about the borough when considering their priorities.	Officers to raise with Service Heads the issue of using data more effectively during their 1-1 performance meetings October 2011	Completed 2011	Community Development/ Service Heads
	There are data gaps in relation to changes in the local population.	Update SH Evidence Base using 'Surrey I' database ('Surrey i' now used as main source of data)	Completed	Community Development
	Need to make more use of qualitative data about the borough – speak to voluntary and community sectors.	Approach Voluntary Services, CAB etc. Using qualitative data from CAB etc. to learn more about the local community (e.g. meeting with CAB on the advice that is being sought from the Nepalese community)	Completed	Community Development
	Some equality champions worry that they have insufficient time to champion equality issues within departments. A clearer corporate approach across all departments to data collection, quality, monitoring and review needs to be achieved	See above. Officers will also ask Service Heads to ensure Equalities is a standing item on team meeting agendas, areas to be discussed – equality hot topics and discussing what equality and diversity means with new staff. Also discussed at Equality Action Group 19 th October 2011 – members to update their team meetings on work of the group.	Completed 2011	Community Development/ Equality Action Group/Service Heads
		Officer and Member dementia awareness training undertaken.	Completed 2014	Community Services

		The opening of the Wellbeing (Dementia) Centre and development of the Memory Garden	Garden officially opened Spring 2015	Community Services
		The establishment of the Saturday Club at Windle Valley Centre for carers and the cared for with dementia	Completed 2014	Community Services
Engagement with Communities				
Examine engagement methods used in the Heatherside project to see if best practice can be used elsewhere. Continue to explore new innovative ways of engaging such as the mobile diary room (MIPOD) and youth football tournaments, while bearing in mind that different methods of engagement may suit different communities. Thus, all the council needs to be aware that 'one size doesn't fit all'.	<u>Engagement:</u> Cultural Engagement Strategy to demonstrate a more systematic approach to consultation and engagement	Media and Marketing Department to draw up a template reflecting the best practice used during the Heatherside consultation to be rolled out to the rest of the authority as the model for consultation exercises in the future. (Draft template created, to be developed and rolled out). Surrey-wide Prevent Strategy, The Council does not wish to adopt the new strategy and will continue with its own Cultural Engagement Strategy. (Executive Equality Group decided to continue with the Cultural Engagement Strategy) Cultural Engagement Strategy to be reviewed by Surrey Heath Partnership (SHP) (strategy now part of the Partnership Action Plan)	Completed and ongoing. Nov 2013 The template will be amended depending on the appropriate communication methods for each consultation Completed Completed	Media and Marketing Team Community Development Community Development

	Fast track the plan to hold regular meetings and lunches with faith leaders.	Churches Together Camberley to be approached to take a lead on this. To be organised by a working group made up of the Surrey Faith links, Churches Together Camberley, Surrey Police, Surrey Minority Ethnic forum.	Completed	Police/ Churches Together Camberley
	More clarity and awareness about the spectrum of engagement activity available.	Success in engaging with groups; Muslim Association, Nepalese/Gurkha communities, Buddhist, Hindu and Christian faiths through the Faith lunch. The Faith lunch has led to other opportunities for groups to engage e.g. Baha'i faith. Engagement with the Gurkha community to utilise the Gurkha Re-settlement Fund. Islamic Cultural Open Day 30 June 2013. Faith lunches held and very successful with many people attending.	Completed	Partners
	Scope for improving the range of joint engagement activity through the pooling of resources from relevant stakeholders.	Discussions on-going with Surrey Heath Clinical Commissioning Group (CCG) and other partners with regard to joint areas of work particularly through the Old Dean Priority Group looking at mental health and wellbeing. Joint engagement with the Old Dean community continuing through the Old Dean Community Group.	Completed On-going	SH CCG / SCC
	More effort could be expended on developing systematic engagement	Nepalese representative now on Surrey Heath Partnership but not attending. Representatives from the protected groups to be invited to have a stand	Completed, On-going	Community Development

	<p>mechanisms with black and minority ethnic (BME) groups.</p> <p>Use example of recent work to provide a joined-up Council service to Gypsies as a good example for developing effective engagement with other communities.</p>	<p>raising awareness of their faith, culture etc at an event open to staff, councillors and partners. To be held during the afternoon and evening. Could be part of Member induction training.</p> <p>Use methods from Heatherside project to see if best practice can be used elsewhere.</p> <p>Consultation on the capital works plans have been progressed to make improvements to the gypsy/traveller sites.</p>	<p>2015</p> <p>Ongoing 2015</p>	<p>Member Eq. Working Group</p> <p>Member Induction</p> <p>Community Services/ Media and Marketing Team</p> <p>Community Services</p>
Make more use of current/existing community development officers to help identify needs of hard-to-reach local communities.	Work with VSNS and other community partners to develop new engagement initiatives. Make use of their intelligence networks to tailor engagement methods.	<p>Discussions with VSNS and ODCoG taken place. More residents encouraged to join ODCOG at AGM in March 2012. ODCOG has developed a Facebook page and is sending out a newsletter to all Old Dean households.</p> <p>St Michael's group re-established in January 2012.</p> <p>Care Co-ordinator Role in place as well as Lightwater hub pilot.</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>	<p>Community Development / Voluntary services</p> <p>VSNS</p> <p>Community Services</p>
Make use of the current goodwill and enthusiasm of voluntary sector partners to engage in community led initiatives. This	Work with SHVS and other community partners to develop new engagement initiatives. Make use of their intelligence networks to tailor engagement methods.	The Surrey Heath Show Management Group encouraged more voluntary groups to participate in the Surrey Heath Show through increased promotion. Voluntary services have visited different areas/communities to promote volunteering opportunities.	Completed	Voluntary Services/ Community groups, Youth services

movement will inevitably create a range of new contributors, each of whom will have their own expectations about involvement.				
Use the results of satisfaction surveys to find out whether different communities are more or less satisfied than others, and increasingly refine the survey process.	Link with consultation programme.	Satisfaction survey conducted with clients of Windle Valley Older People's Centre. Satisfaction surveys to be included in the Consultation programme.	Completed Sept 2013	Media and Marketing Team
Workforce/Positive Culture				
Explore ways of making working for the Council an attractive career and work experience proposition for younger people.	Progress work experience, apprenticeships	<p>Working with SHAPE on behalf of local secondary schools to place students on work experience at the Council. In Sept 2013 the Council accommodated 8 work experience students in different services. In April/May 2014 the Council accommodated four work experience students in different services from Collingwood and in September 2014 ten from Tomlinscote</p> <p>Council has developed its own Apprenticeships Scheme.</p> <p>The Apprenticeship Scheme was rolled out in 2012. (An apprentice has been appointed in ICT and Green spaces; more will be employed in other services).</p>	<p>Completed/ On-going</p> <p>Completed</p> <p>Completed, On-going</p>	<p>HR</p> <p>HR</p> <p>HR</p>

		The ICT apprentice was successful in getting a temporary job in ICT.		
Consider how all staff can be kept informed about equality and diversity news, developments and initiatives, perhaps through a newsletter, staff magazine or the Intranet.	StaffScene, Intranet updates	<p>To action Staff Scene and intranet options.</p> <p>Use Staff Notice Boards to promote equality information. (New Equality Objectives displayed on notice boards from May 2012)</p> <p>Equality Action group, Chief Exec, HR, Legal, Service Heads consulted on Public Sector Equality Duty Review consultation.</p> <p>The Council was awarded the 2 ticks disability symbol in January 2015 and the Council has recently appointed 2 internal volunteer Disability Mentors.</p>	<p>Completed, On-going</p> <p>Completed - May 2012 and on-going</p> <p>Completed - March 2013</p> <p>Completed</p>	<p>Media and Marketing</p> <p>Community Development</p> <p>HR</p>
Review equality and diversity training and tailor it to meet the different needs of new officers, members and partners. Introduce e-learning equality and diversity modules to train staff and partners at any time or location. Consider making training on equality and diversity a mandatory requirement for both staff and members.	As per recommendation	<p>Member and staff training conducted in spring/summer 2011.</p> <p>HR to roll out e-learning modules on Introduction to Diversity, Equality and Discrimination (equality and diversity modules now available to staff on Escene)</p> <p>Equality and Diversity e-learning modules to form part of the staff induction process</p>	<p>Completed</p> <p>Completed Roll out in autumn 2013 and refresher training in 2015.</p> <p>Completed</p>	<p>HR</p> <p>HR</p> <p>HR</p>

2 March 2015

Check that monitoring of, and reporting on all HR activity e.g. applicants for posts, disciplinaries, grievances, leavers etc. complies with current legislation and the new public sector Equality Duty. Regular reviews of HR practice should ensure compliance is maintained.	As per recommendation	HR to lead. (All policies being reviewed including the Disciplinary and Grievance policies are equality impacted assessed).	Completed	HR
		Staff Equality Monitoring survey completed and data published on SH Equality and Diversity web pages by 31 January 2012.	Completed	HR
		Staff equality survey completed winter 2014/15	Ongoing	HR
Involve the trade unions in the Corporate Equality Group, and ensure the widest representation within the group.	As per recommendation	Unison rep formally acknowledged.	Completed	Community Development
		New Minority Ethnic group and Disability Mentor representative joined the group.	Completed	HR

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What is the Equality Duty?

Background

On 5 April 2011, the public sector equality duty (the equality duty) came into force. The equality duty was created under the Equality Act 2010.

The equality duty replaced the race, disability and gender equality duties. The first of these duties, the race equality duty in 2001, came out of the Macpherson Report on the murder of the black teenager, Stephen Lawrence. Following failures of the investigation of Lawrence's murder, the report revealed institutional racism in the Metropolitan Police. It was clear that a radical rethink was needed in the approach that public sector organisations were taking towards addressing discrimination and racism.

Prior to the introduction of the race equality duty, the emphasis of equality legislation was on rectifying cases of discrimination and harassment after they occurred, not preventing them happening in the first place. The race equality duty was designed to shift the onus from individuals to organisations, placing for the first time an obligation on public authorities to positively promote equality, not merely to avoid discrimination.

Following the introduction of the race duty, it was clear that progress could also be made on other areas of equality through the introduction of similar duties. The disability equality duty came into force in 2006, followed by the gender equality duty in 2007.

The Equality Duty

The equality duty was developed in order to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The equality duty covers the nine protected characteristics: **age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.**

Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first aim of the duty applies to this characteristic but that the other aims (advancing equality and fostering good relations) do not apply.

Purpose of the Duty

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect.

This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

Compliance with the general equality duty is a legal obligation, but it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is more productive. Many organisations have also found it beneficial to draw on a broader range of talent and to better represent the community that they serve. It should also result in better informed decision-making and policy development. Overall, it can lead to services that are more appropriate to the user, and services that are more effective and cost-effective. This can lead to increased satisfaction with public services.

ITEM 6**COMPLAINTS MONITORING**

Portfolio:	Corporate
Ward(s) Affected:	All

Purpose

To report on the Council's corporate complaints monitoring arrangements, lessons learned from complaints and Local Government Ombudsman complaints received for the financial year 2014/2015.

Background

1. The Performance and Finance Scrutiny Committee receives a comprehensive annual report on the Council's complaints monitoring arrangements, lessons learned from complaints received and complaints received by the Local Government Ombudsman (LGO).

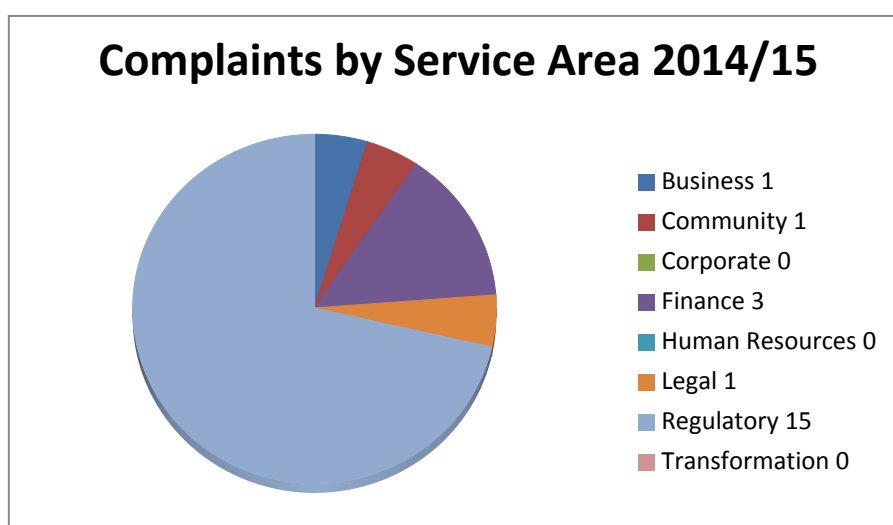
Current Position

2. Most complaints received are dealt with informally under Stage 1 of the Council's complaints policy. Stage 2 complaints are formal complaints normally identified when the complainant is unhappy with the outcome of the informal complaint. These complaints are dealt with by the relevant (Executive) Head of Service. Should a complainant be dissatisfied with the outcome of a Stage 2 complaint, they can request the matter is considered by the Chief Executive under Stage 3 of the complaints policy.
3. In 2014/15, 21 formal complaints were made to the Council at Stages 2 and 3. This number should be viewed in the context of Surrey Heath supplying services to 87,000 residents and 2,600 businesses. Although a small number of complaints related to service issues, a significant number arise from complainants disagreeing with the application of either legislation or policy.
4. The table below details the formal complaints made for the period 1st April 2014 – 31st March 2015, by quarter year and dealt with in accordance with the Council's complaints policy.
5. The figures for the same period in 2013/14 have also been included in the table for Comparison:

	2013/14	2014/15
Total for Quarter 1 (April – June)	4	7
Total for Quarter 2 (July – September)	10	4
Total for Quarter 3 (October to December)	0	3
Total for Quarter 4 (January – March)	3	7
Total for year	17	21

6. The complaints were recorded against the following Council service areas.

<u>Business Area</u>	<u>Number of complaints received 14/15</u>
Business	1
Community	1
Corporate	0
Finance	3
Human Resources	0
Legal Services	1
Regulatory	15
Transformation	0



7. The Service Area complaints relate to the following business areas:

	Stage 2	Stage 3
Planning	12	1
Housing	1	1
Revenues and Benefits	2	1
Car Parks	1	
Environmental Health	1	
Legal	1	

8. Whilst complaints in Planning appear relatively high compared to other services this figure should be considered against a total of 1220 planning applications being determined or closed in 2014/15, less than 1% of the total applications received.
9. Of the 21 complaints, 3 were dealt with by the Chief Executive at Stage 3.
10. Comparison of Chief Executive Complaints 2013/14 to 2014/15

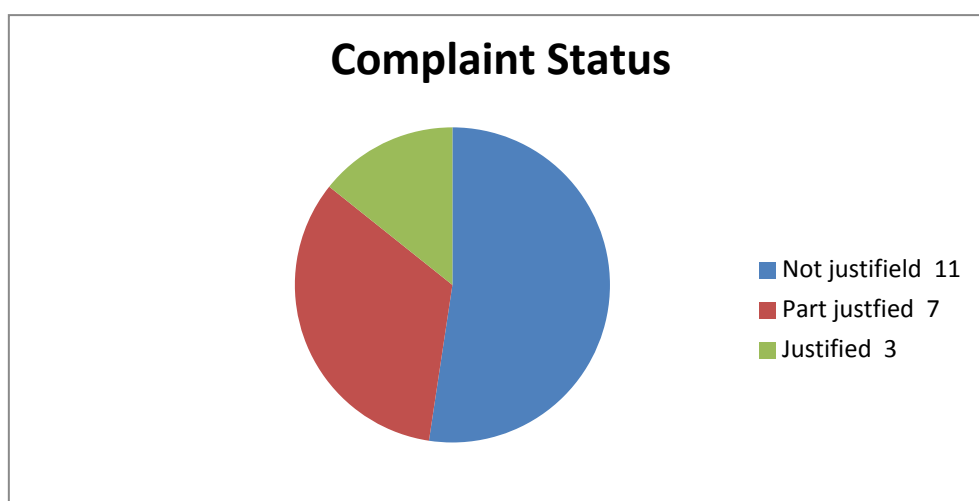
Service	2013/14	2014/15
Regulatory	3	2
Finance		1

11. Of the 21 complaints received:

- All were acknowledged within 2 days.
- 14 were resolved within 10 days.
- 5 complaints took longer than 10 days to investigate, however the customers were made aware of the reason for delay.
- 2 complaints exceeded the standard in terms of response:
 - Complaint 1. This was referred to Legal, who classified this as a Legal issue rather than a complaint, as it related to a procurement challenge. Numerous contacts were attempted with the customer, but no response was ever received back from the customer. The case has subsequently been closed.
 - Complaint 2. This was referred to Revenues' and Benefits, who accept that there was a delay in replying due to work pressures. An apology was sent to the customer

12. Status of the 21 complaints received: (See Annex 1 for a detailed breakdown)

- 11 were unjustified
- 7 were part justified
- 3 were justified.



13. Lessons learned

- All Managers to ensure there is adequate delegation in place, to ensure the timely response to complaints during periods of absence or when business needs dictate.
- Planning and Enforcement to improve contingency arrangements for the tree service when the Arboriculture officer is away or absent. This has involved work with the Contact Centre to improve registration of

enquiries and an improved use of the tree 'inbox'. In exceptional circumstances this may require appointing an Arboriculture consultant to provide tree advice.

- Review internal Enforcement processes, which is already underway, as part of a service review.

Ombudsman Complaints

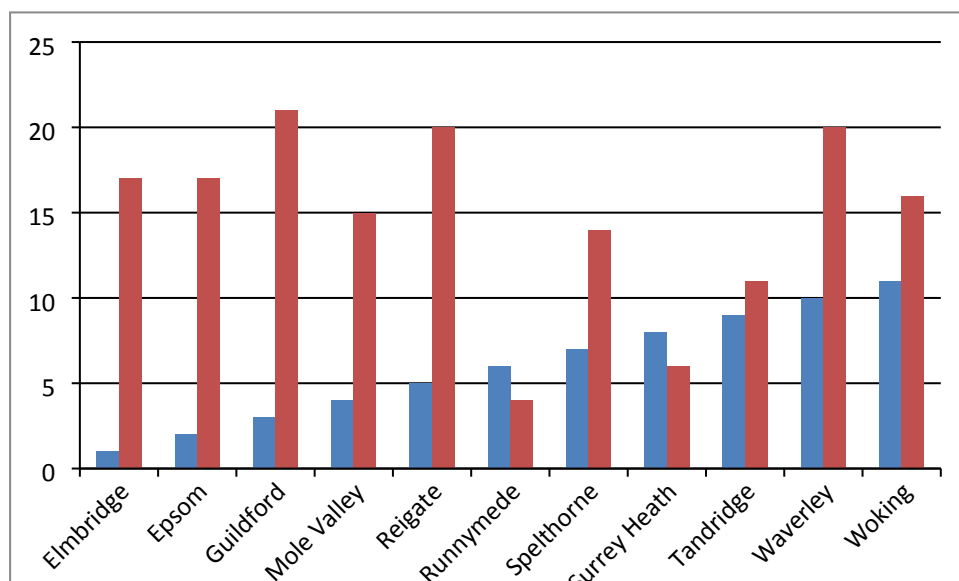
14. The annual review letter from the LGO was received in June 2015 and a copy is attached at Annex 2.
15. In 2014/15 the LGO made a decision on 6 complaints and enquiries about Surrey Heath Borough Council.
16. Of the 6 complaints:
 - 1 was closed after an initial enquiry
 - 3 were referred back to the Council for local resolution
 - 1 was upheld
 - 1 was not upheld.
17. Comparison to 2013/14

	2013/14	2014/15
Number of LGO complaints	17	6
Closed after initial enquiry	8	1
Referred back to Council for local resolution	7	3
Upheld	2	1
Not Upheld		1

18. Complaint Upheld
 - The complaint related to a Planning Enforcement case regarding the development of land. The specifics of the complaint were not upheld but the Council was found to be at fault in terms of their communication. The communication element has been upheld.
 - This complaint was fact specific. In dealing with the complainant since then, the Council has ensured it has had timely communication regarding the various planning matters, and will continue to do so in order to seek compliance with the terms of the High Court Order.

19. Comparison with other authorities

- The chart below shows the number of complaints referred to the ombudsman for all the Surrey Districts. It can be seen that Surrey Heath has one of the lowest referral rates in the County.



Resource Implications

20. There are no additional resource implications.

Recommendation

21. The Committee is advised to consider and comment on the complaints figures reported for 2014/15.

Background Papers

None

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Head of Service:

Louise Livingston
Executive Head of Corporate

Detailed Breakdown Of Each Complaint.

Part justified

Complaint 1

This related to an enforcement complaint relating to a part change of use of a dwelling house to business use. The planning/enforcement officers deemed that no breach had occurred but the residents were not happy with this decision and hence the complaint escalated.

The complaint process then involved meetings with the residents, ward councillor and the MP and with agreement to further monitor site activities. After further periods of monitoring and review of the decision taken, with significant resource thrown at the case, it was deemed that a breach had occurred and so enforcement action was taken with a Notice served. This Notice is now the subject of an appeal.

Complaint 2

This complaint related to a request for a reserved housing site to have a Tree Preservation Order imposed. This culminated in senior officers meeting with the complainant to discuss the situation. There were delays in initially responding and so in this respect the complaint was part justified.

Complaint 3

This complaint related to the granting of empty property relief on a business property which the complainant disagreed with. Although there was a delay in the initial response to the complainant, subsequent letters were responded to promptly. The complainant ultimately accepted that the Council's judgement in this matter was correct.

Complaint 4

This related to a tree felling complaint and Freedom of Information request. Following this complaint, the complainant submitted a planning application which was granted. The part justification was in respect of the time taken to respond.

Complaint 5

This related to a complaint by an owner/occupier relating to the proposed development of a property in Camberley. The complaint was over the consultation process and decision made. The part justification was around delays on communication.

Complaint 6

This related to a low priority enforcement case. Action appeared to include a meeting. A senior officer provided a draft response, however an initial lack of

acknowledgement was the cause of the part justification. A review of the internal enforcement processes is underway.

Complaint 7

The complainant originally lodged a Council Tax appeal to which there was no response. The complainant then lodged a stage 1 complaint and again had no response, so it was escalated to stage 2. The complainant received a letter from a senior officer apologising for the lack of response and then went on to address the issue. The matter was resolved to the complainant's satisfaction.

Justified

Complaint 1

This related to the refusal of planning permission for a new dwelling which subsequently went to appeal. The appeal was dismissed. The officer made an error during the application process and only on appeal was it discovered by the case officer that the dwelling was actually sited within 400 metres of the Special Protection Area. Hence, the complaint was justified. The action taken was to write to the complainant to apologise for this mistake.

Complaint 2

This related to a delay in responding to an application for the felling of a tree. Action taken was to write to the complainant and apologise for not determining the application within the required timescales.

Complaint 3

This complaint originated as a commercial noise complaint. Following what the complainant felt was a lack of action, a stage 1 complaint was received. This was then escalated to a stage 2 when the complainant did not receive a response. The key issue was the failure to follow up on the message left on the complainant's answer phone by email or letter.

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18 June 2015

By email

Ms Karen Whelan
Chief Executive
Surrey Heath Borough Council

Dear Ms Whelan

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Surrey Heath Borough Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Surrey Heath BC	0	1	0	0	1	0	1	3	6

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Decisions made

	<u>Detailed investigations carried out</u>						
Local Authority	Upheld	Not Upheld	Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
Surrey Heath BC	1	1	0	1	0	3	6

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Committee Work Programme 2015/16

Portfolio	Corporate
Ward(s) Affected:	n/a

Purpose

To consider the Committee work programme for the municipal year 2015/16.

Background

1. The Performance and Finance Scrutiny Committee was appointed by the Council at its Annual Meeting on 20 May 2015.
2. The Committee considered and set a work programme for 2015/16 at its 11 June 2015 meeting.
3. The work programme will develop through the year, to meet new demands and changing circumstances and the Committee will be expected to review its work programme from time to time and make minor amendments as required.
4. One of the tasks given to the Committee is to carry out pieces of work requested by the Council and/or the Executive.
5. The following further meeting have been scheduled for the remainder of the municipal year 2015/16:

27 January 2016
23 March 2016

Proposal

7. It is proposed that Members consider a work programme for the remainder of the municipal year 2015/16.

Resource Implications

11. Subject to any decisions relating the work programme, there are no resource implications which have not already been factored in, with those mainly involving officer time.

Recommendation

12. The Scrutiny Committee is advised to consider a work programme for the remainder of the 2015/16 municipal year.

Background Papers: None

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**PERFORMANCE AND FINANCE SCRUTINY COMMITTEE
WORK PROGRAMME 2015/16**

DATE	TOPIC	OFFICER
27 January 2016		
1	Scrutiny of Portfolio Holders – Business	Andrew Crawford
2	Half Year Treasury Management Report	Katie Jobling
3	Half Year Finance Report	Katie Jobling
4	Update on the Car Parks Strategy	Leigh Thornton
5	Update on the Theatre Performance to end December	Leigh Thornton
6	Regulation of Investigatory Powers Act 2000	Jessica Hooton-Harris
7	Committee Work Programme	Andrew Crawford
23 March 2016		
1	Scrutiny of Portfolio Holders - Leader and Finance	Andrew Crawford
2	Third Quarter Finance Report	Katie Jobling
3	Corporate Risk	Kelvin Menon
4	Committee Work Programme 2014/15	Andrew Crawford

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