

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall
22 May 2012 (7.30 - 9.30 pm)**

Present:

COUNCILLORS

Conservative Group Osman Dervish (Chairman), Frederick Thompson (Vice-Chair), Eric Munday and Barry Oddy

Residents' Group Barbara Matthews (Vice-Chair) and John Mylod

Labour Group Denis O'Flynn

Apologies were received for the absence of Councillors Robert Benham, Linda Trew and Michael Deon Burton.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

8 MINUTES

The Minutes of the Meeting held on 26 October 2011 were agreed and signed by the Chairman. There were no matters arising.

9 CORPORATE COMPLAINTS, MP / MEMBERS' ENQUIRIES OCTOBER 2011 - MARCH 2012

The Head of Customer Services provided Members with an oral report of corporate complaints for the six month period October 2011 to March 2012. He said that during that period, 78% of the 487 complaints received had been dealt with within 10 working days (the target was 90%). He stated that the majority of customers complained about Housing and Public Protection (150), Customer Services (131) and StreetCare (107). This was to be expected because these three service areas between them reflected the broadest "outward facing" of Council services.

He drew attention to the fact that the majority of complaints were about quality of service (116) followed by service failure (81) and explained that this could be seen as a natural effect of the government cuts to Council funding where some services were either no longer being provide, or that routine tasks were now provided on a necessity basis. On a more positive note, he was please to be able to report that the bulk of resolutions were satisfactory outcomes for the complainants.

A Member observed that there were two figures which caused some concern: 39 complaints were unresolved and 44 were blank. In response, he was informed that the blank outcome had been due to a programming error which allowed officers to close a complaint without completing it properly. This was currently being addressed and in future it would no longer be possible to do this. With regard to the unresolved element, his experience was that some complainants would never be satisfied with the answers they received, whatever was proposed. Some cases were genuinely impossible to resolve because of their unique circumstances and in others, the complainant had simply discontinued the complaint or had sought to pursue it through some other agency: tribunal, courts or Ombudsman.

Members learned that there had been an increase in the number of complaints recorded in the last six months (487) compared to the previous six months period (376). It was explained that this did not necessarily mean that there were a lot more customers complaining (residents and also from those living outside the borough), but that as the CRM system was more widely applied and staff became more familiar with its use, more complaints were being recorded. The reality of “more complaints” was somewhere between the two figures – but this was a trend which Members had asked to be informed about. He did concede that the resolution of complaints within 10 working days was fewer now than the previous six months, but attributed this, in part, to growing complexity in the nature of some of the issues – and the pressure on resources to provide a satisfactory resolution quickly.

In addition to monitoring complaints, the CRM process recorded Mp and Member enquiries. The Sub-Committee was reminded that there was a distinction between a complaint (where something was perceived to be wrong) and a Member enquiry (where a Member was seeking information) – though it was also pointed out that both were vital in providing indicators to services as to where actual and potential problem areas existed. In answer to a question, the Head of Service said that in addition to receiving complaints, the CRM system was capable of recording compliments and that although initially this element had not been used, it was appreciated that staff morale would benefit from receiving compliments and so this element was now being promoted as well as the effective recording of complaints.

He concluded by informing the Sub-Committee that improvements in the management of complaints was on-going and that policies and procedures were kept under review, training was a feature of staff development and a complaint “champions” group had been set up to co-ordinate the application of the corporate complaints procedure across all service delivery areas, provide feed-back from those services and monitor the quality of complaints handling within their areas as well as contributing to the identification of possible improvements to the complaints process.

A Member asked why there were no figures for Adult Social Care and was reminded that currently Social Services did not record complaints on the Corporate system (the service used its own CRM record), but that this was a position that was to change. Another Member observed that he hoped that it

time more processes would become “joined up” in order to make service delivery more straight-forward. Members also asked whether complaints were considered by the Overview and Scrutiny committees and were informed that currently only the Value OSC received regular reports.

The Sub-Committee **noted** the oral report and recommended that:

1. Chairs of all of the Overview and Scrutiny committees be contacted and invited to consider adding an item to their agendas for receiving and considering complaints pertinent to their areas of responsibility on a regular basis and
2. The Sub-Committee continue to receive reports on complaints whenever it convened and that those reports identified trends, particular issues and provided Members with an update on developments within the management of the complaints process and more importantly, what the individual services/the Council was learning from it.

10 **SCHOOL APPEALS - SUMMARY OF ACTIVITY, 2010/11**

The Principle Committee Officer presented the report concerning school appeals considered by independent appeals panels during the year 2010/11. He explained how the changes in demography across the borough impacted on the demand for school places. He drew Members’ attention to the statistics which showed a drop in demand for secondary school transfers (at year 7) and an increase in appeals for places in reception – as recent rises in the birth-rate brought children to school age – and which had grown steadily over the past two years and was now acute.

He reminded Members of the difference between “in-year” and “transfer” appeals and showed how the numbers of the former had been increasing over time and suggested that this reflected current migratory trends both locally (because Havering was a receptor borough as it had some of the lowest social housing costs), across London as a whole and nationally.

He reported that appeals panels were now a regular feature throughout the year, but that during the “normal round” they sat almost constantly for several weeks, often with two panels sitting on the same day. He concluded by reporting that whilst appeals for places in schools were high, the number of exclusions being heard were low, with only three for the 2010/11 academic year. He attributed this to the efforts of schools, governors and the admission authorities working together to resolve issues internally, with only extreme problems facing this sanction.

Members enquired about the apparent discrepancy between “successful” appeals for voluntary aided (VA) schools and community schools. They were informed that this was largely due to a difference of perception between appellant parents: With VA schools, parents typically appealed for that specific school and so their arguments were focussed on getting their child into it (this was also the intention of the appeals legislation). Parents

appealing for community schools brought a far broader range of reasons to the appeal, very often citing bullying at a different school (if a casual appeal) or that they were not happy with the school allocated. Whilst the former reason might be a valid reason if properly evidenced, the latter argument carried very little weight (particularly if the school allocated had been one of the preferred schools). For both classes of school (VA and community), there were appeals on medical and social grounds, but in general, appeals for VA school admission were more focused than those for community school admission.

The Sub-Committee **noted** the report.

11 **STAGE 3 ESCALATIONS AND LGO ACTIVITY 2011 - 2012**

The clerk, in his role of co-ordinator of Stage 3 Hearing requests and Ombudsman activity, provided a the Sub-Committee with a résumé of Ombudsman activity during the previous year as well as outlining some of the changes and impact (as the procedure evolved) of the complaints process as it moved from Stage 2 to Stage 3. Members were reminded that it was after Adjudication and Review changed from being a Committee (which sat several times a year) to a Sub-Committee (which had no fixed meeting schedule and might only meet once or twice a year) that the presentation of complaints statistics could not continue in its informal format and that Members asked for more formal reporting of complaints issues with more of an emphasis on trends and how the process was being managed. Part of the process of change involved changes to the Stage 3 format and the addition of a “screening” stage ahead of any full hearing (modelled on that used by the Standards Committee) was put in place and came into effect during 2010.

Since its introduction, the Initial Assessment Panel (IAP) comprising two Councillors (one of whom was the Chair of the Sub-Committee) and a clerk (and in one instance, a planning lawyer), had met on five occasions. During the same period Homes in Havering had had two Stage 3 Hearings and there had been an introductory tenancy Hearing. Of the five meetings, only one was referred to a Hearing, but that did not take place as the Service found that it was able to satisfactorily address the complainant’s issues. One complaint was currently still open. The IAP had already convened twice and a third meeting was needed to ensure that an Independent Investigation could be conducted and a report put before it.

Members asked why there were only two Members and were informed that this had been considered to be the minimum to ensure flexibility in arranging the panel meetings, which were designed to be informal. There was some concern that two Members might have difficulty in resolving any disagreement and the clerk agreed to address this concern. In addition, Members asked for clarification about the concept of “congruency” and the clerk explained that in the past it had too often the case that a complaint, by the time it came before Councillors, was not the same as the one raised – and addressed by officers – at stages 1 and 2. This meant that Members

were being asked to adjudicate on issues which might not have come before officers.

In order to ensure that Councillors' time was used wisely, the complaints process had been modified in a way which required complainants to identify which parts of their original complaint had not been fully addressed, tell the Council what effect this had had on them and say what it was they wanted the Council to do to put matters right for them. This had for a number of years been applied at the transition between stages 2 and 3, but had now been cascaded down to the Stage 1 / 2 as well as the Stage 2 /3 transition.

Congruency was a test the IAP applied to see whether the complaint was essentially the same as that at Stage 1 and whether the officer responses sent to the complainant at stages 1 and 2 had in fact addressed the complaint issues fully. The fact that, to date, only one recommendation for a Stage 3 hearing had been reached by an IAP from the five considered showed that it was a useful step in ensuring that only cases with merit came before a full Hearing.

Members' attention was then drawn to the Ombudsman statistics for the year 2011/12. The clerk explained that the final numbers had been skewed towards the end of the year when 11 residents chose to approach the Ombudsman about a certain development in their neighbourhood. The Ombudsman had taken the view that he needed to investigate both the Planning element and the Housing aspect. As complaints were then being recorded against each service area, for one issue, the records had 22 "investigations". The clerk added that he had just been informed that this complaint had been closed a week or so previously – with no fault by either service being found. He also added that the records for 2012/13 had been changed to record Ombudsman activity differently.

Members **noted** the report and recommended that:

1. The IAP be reconstituted to have three Members and
2. The documents should be reviewed and a full written procedure of the Stage 3 element of the complaints process be provided to it at its next meeting.
3. Confirmation to be provided that Councillor "decisions" at Stage 3 were not simply "recommendations" but had some force.

Chairman