



ADJUDICATION AND REVIEW SUB COMMITTEE AGENDA

7.30 pm

Tuesday
22 May 2012

Town Hall

Members 10: Quorum 4

COUNCILLORS:

Conservative Group
(6)

Residents' Group
(2)

Labour Group
(1)

**Independent
Residents' Group**
(1)

Osman Dervish
(Chairman)

Barbara Matthews
(Vice-Chair)

Denis O'Flynn

Michael Deon Burton

Frederick Thompson
(Vice-Chair)

John Mylod

Robert Benham

Eric Munday

Barry Oddy

Linda Trew

Ian Buckmaster
Committee Administration & Member Support Manager

For information about the meeting please contact:
Grant Soderberg 01708 433091
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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(if any) – receive.

3 DECLARATIONS OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting of the Adjudication and Review Sub-Committee held on 26 October 2011 and to authorise the Chairman to sign them.

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

An oral report and presentation of the management of complaints and enquiries from Members and MPs.

6 SCHOOL APPEALS - SUMMARY OF ACTIVITY, 2010/11 (Pages 7 - 14)

The Sub-Committee is responsible for ensuring that the Council meets its obligations with regard to the hearing of appeals by parents against the refusal of admission of their children to schools of their preference, and against the decisions of governing bodies to confirm the permanent exclusion of pupils. Members are invited to note the report for that activity during 2010 -11

7 STAGE 3 ESCALATIONS AND LGO ACTIVITY 2011 - 2012 (Pages 15 - 44)

This report is to provide Members with an overview of appeals by individuals for a Hearing or where the Local Government Ombudsman has been involved.

Ian Buckmaster
Committee Administration &
Member Support Manager

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW SUB COMMITTEE
Town Hall
26 October 2011 (7.30 - 9.30 pm)**

Present:

COUNCILLORS

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

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

Labour Group Denis O'Flynn

Apologies were received for the absence of Councillor Robert Benham.

All decisions were taken with no votes against.

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

1 MINUTES

The Chairman reminded Members that the Minutes of the meeting held on 27 April 2011 were those of the Adjudication and Review **Committee** and had been agreed by the Governance Committee on 2 June. They were here only as a reminder of what had taken place at that meeting, but Members were invited to comment if they so wished.

2 ADULT SOCIAL CARE ANNUAL COMPLAINTS, COMMENTS AND COMPLIMENTS REPORT 2010 - 2011

The Sub-Committee received the Annual Complaints, Comments and Compliments Report from Adult Social Care for the year 2010 – 2011. This report had been presented to the Individuals Overview and Scrutiny Committee on 19 July 2011. Members were informed about the changes taking place within the service and about the impact changes to service provision were having on complaints.

Members commented on the detail of the information presented to them – which they found comprehensive enough – but expressed a desire for the service to review how it was presented in future asking for less detail and for there to be greater concentration on outcomes as they considered that it was more important for them to understand what lessons had been learned

(and what changes had flowed from those lessons) than simply to be presented with raw data.

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

3 **SOCIAL CARE AND LEARNING (CHILDREN AND YOUNG PEOPLE'S SERVICES) ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2010 / 11**

This report had yet to be presented to the Children's Overview and Scrutiny Committee and Members were informed about the proposed changes in the way in which Children's and Adult Social Services was likely to impact on the Service. Members were also provided with details concerning complaints recorded during the past year and observed that there was far too much concentration on the presentation of raw data and nothing about outcomes. Members asked whether it would be possible for future reports to provide less statistical material and more outcomes. The Sub-Committee was of the view that it was more important for Councillors to know how the Service incorporated lessons learnt into its processes, procedures and policies than simply receive streams of detail.

A Member asked why the Report made no mention – within the costs associated with Ombudsman investigations – of a significant sum paid to a complainant as part of a settlement. On being informed that this cost was not directly associated with Children's Services (a refund of school fees), it was pointed out that because the matter fell within the (then) Social Care and Learning directorate, its omission was, at the least misleading as the proper OSC for receiving that information was Children's and it seemed as though this was an oversight which dramatically affected the overall figures. The Sub-Committee asked for this to be addressed.

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

4 **CRM DEVELOPMENT**

Will Edge (current Transformation Programme Manager) introduced his colleague Cheryl Bennett who would be taking over the role of TPM within the next few days and then provided the Sub-Committee with a review of the changes already brought about under Phase One of the programme and the scope of Phase Two which included Members' Correspondence, Housing, Adult Social care and Development and Building Control among others due for completion before the end of April 2012. Phase Three would then work on the remaining services during the remainder of 2012. Members were informed that in Phase One, some 71 processes had already been "transformed" with back-office functions being moved to the Contact Centre and service delivery being reviewed and in many cases rationalised. In discussion, the Sub-Committee was reminded that there were in excess of a thousand distinct "processes" making up the current

range of service delivery. A number of Members expressed an interest in learning more about this.

Members' understanding of the changes they had previously sought was updated with the information that work on the website was making access to all aspects of the Council easier whilst the intention to place contact with the Council on a 24 hour footing was being developed and different options and models explored.

Members wished to know how all these changes impacted on staff and whether they were being demoralised or encouraged. In reply they were assured that the rate of change was being managed to ensure that staff could absorb the new ways of working in a manner which was neither threatening nor overwhelming. Ms Bennett observed that the current programme represented a "huge change for staff" and so it had to be managed carefully, but that now the systems being used were better understood, staff were becoming more confident and new processes could be added without the system – or individuals – being stressed.

The oral report was **accepted**.

Mr Edge was thanked by the Sub-Committee for the presentation and wished well for the future. Ms Bennett was welcomed and asked to provide a similar report at the next meeting.

5 CRM STATISTICAL UPDATE

The Customer Services Manager reported that after a disappointing (but not an entirely unexpected) drop in the completion of Stage One complaints during July and August (due to staff holidays), the success rate was back at 93% for September. He explained that the new Contact Centre (located in Mercury House and equipped with state of the art telephony) was now passed its "settling down" phase and, as members of staff became familiar with the processes and technology being used the Centre was improving the way in which it managed complaints. Staff were able to cope with a higher turn-over of cases and as they became more familiar with the routines, were able to increase productivity so that some 28,000 calls could be handled by three fewer staff than could previously manage 20,000.

The new CRM system continued to be rolled-out across the Council and the intention was for service areas hitherto outside the corporate complaints system (in particular Social Services) to be brought within the corporate profile, as the service processes were evaluated and updated, and that in due course, more of the corporate aspects of their work would be handled by the Contact Centre.

A Councillor observed that the Sub-Committee had been presented with a very large amount of raw data, but whilst it was necessary for the purpose of understanding the scale or focus of issues being reported, there was nothing to show Members what the outcomes were – what, in fact had been learned by the services involved and what (if any) changes had come about

because of that learning process. Other members agreed with this point and the Customer Services Manager was asked to, in future, provide formal reports which focused on outcomes and changes made to the way the Council delivered its services and that data provision was reduced to show only salient issues and support of the conclusions in the report. This was particularly important now that Adjudication and Review was only likely to meet a couple of times a year. The Customer Services Manager confirmed that this request would be met for all future meetings.

The oral report was **accepted**.

6 THE LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER 2010 - 2011

The Clerk introduced this item and reminded the Sub-Committee of the significance of the LGO Annual Letter, what its purpose was and how it was likely to be changing. He explained that the Ombudsman had not been immune to public sector cuts and had lost some 37% of her grant. This was bound to have an impact of the manner in which the LGO delivered its service even though part of the cut reflected the shift of housing repair complaints from the Local Government to the Housing Ombudsman.

A further factor which was likely to have an impact on the next annual letter was the recent introduction of a new computer system which had “not gone according to plan” (he said that this statement had been made earlier that day by a senior Investigator from the London LGO office to a meeting of the Public Sector Complaints Network) which he had attended. In addition, the content of the Annual Letter was being challenged by a number of authorities where it was felt that it was neither informative nor particularly helpful. The letter remained, however, the principle means by which the LGO interacted with councils (apart from her decisions in individual cases).

The Sub-Committee **noted** the report

7 LOCAL GOVERNMENT OMBUDSMAN - STATISTICS 1 APRIL - 30 SEPTEMBER 2011

The Clerk provided the Sub-Committee with an oral report of the Ombudsman statistics for the past six months. He explained how the investigations had resulted (so far) in very few findings against the Council (three local settlements where a penalty had been applied, one without) compared with 26 in which the Ombudsman either did not commence an investigation or withdrew having found no fault with the Council.

The Clerk then announced that within the past few days, the Council had received notice of the closure of a number of investigations which meant that, at the time of the meeting, there were only two investigations “open” – one of which already had a “Provisional View” and so was in its final stage – while two complaints had been referred by the Advice Team for

consideration by the Council (although neither were corporate complaints as they were both Social Services and both covered by statutory process). He added that this meant that at that moment in time, involvement of the Ombudsman in Council matters was at the lowest level on record. In summary, during September and October, 13 cases had been closed and only five notified.

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

Chairman

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ADJUDICATION & REVIEW SUB-COMMITTEE

REPORT

22 May 2012

Subject Heading:

SCHOOL APPEALS – SUMMARY OF
ACTIVITY, 2010/11

CMT Lead:

Ian Burns

Report Author and contact details:

Ian Buckmaster,
Committee Administration & Member
Support Manager
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Romford RM1 3BD
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Policy context:

The Sub-Committee has oversight of the
school admissions and exclusion appeals
processes

Financial summary:

There are no specific financial implications

The subject matter of this report deals with the following Council Objectives

- | | |
|---------------------------------------------------------------------------------|-------------------------------------|
| Ensuring a clean, safe and green borough | <input type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns and villages | <input type="checkbox"/> |
| Valuing and enhancing the lives of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input checked="" type="checkbox"/> |

SUMMARY

The Sub-Committee is responsible for ensuring that the Council meets its obligations with regard to the hearing of appeals by parents against the refusal of admission of their children to schools of their preference, and against the decisions of governing bodies to confirm the permanent exclusion of pupils.

This report reviews the working of the processes in the school year 2010/11.

RECOMMENDATIONS

That the Sub-Committee note the contents of the report.

REPORT DETAIL

Outline

- 1 Parents have a statutory right to express a preference as the school at which their child is to be educated. It should be noted that this is not a right to choose; although there is an obligation to comply with the preference if space is available at the school, the Admission Authority is entitled to refuse to comply if no places are available in the Year in question.
- 2 Such a refusal triggers the right for the parent to appeal to an Independent Appeals Panel (“Panel”). In Havering, Democratic Services provides the Education Appeals Secretariat, which is used by all but one of the schools in the borough (albeit in the cases of the Abbs Cross and Sacred Heart Schools, as a back up to their own Appeals processes; the only school not using the Council’s service is the Drapers’ Academy).
- 3 Parents whose children are permanently excluded from school also have a right to appeal against the exclusion decision.
- 4 Panels for admission appeals consist of three members – an “experienced” person (usually a school governor), a “lay” person (i.e. someone who has no active connection within any school) and a chairman, who may come from either category. Panels for exclusion appeals also consist of three members, though the composition is somewhat different – a school governor, a Headteacher and a chairman who is a “lay” person.
- 5 Both types of appeal are processed in accordance with Codes and guidance issued by the Secretary of State.
- 6 The nature of appeals for admission to Reception classes and to Year 7 on secondary transfer, means that some cannot be heard before the start of the school year and it is sometimes not possible to deal with them all until almost the Christmas holiday begins.

Admission appeals

- 7 There are two categories of appeal:
 - “casual” appeals for admission in-year to any school Year (including sixth form for schools that have one); and

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- Appeals for first admission, to Reception Year, to Year 7 on transfer to secondary school, or to sixth form.
- 8 Casual appeals are dealt with at all times of the year, while first admission appeals are dealt with in the period between the Easter and Summer holiday breaks.
- 9 The Appendix gives statistics relating to the number of appeals dealt with during the school year 2010/11.

Exclusion appeals

- 10 There are very few appeals against permanent exclusion from school; in 2010/11, there were three appeals, none of which was successful.

Provision of Appeals Service

- 11 The Council is obliged to ensure that an Appeals Service is available for admissions to, and exclusions from, Community Schools (i.e. those directly maintained by the Council) and is able to provide the same service to Voluntary Aided and Foundation Schools (mainly those of a religious background) and Academies (now all but one of the borough's secondary schools). Democratic Services has a service level agreement with all schools and a contract with every Academy (other than the Drapers' Academy).
- 12 It should be noted that, in the school year 2010/11, there were no Academies in the Borough and so all costs were borne directly by the Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

Since the financial year 2011/12, the costs of providing the appeals services for schools directly maintained by the Council and Voluntary Aided and Foundation Schools have been met from the Direct Schools Grant. The costs of providing the service to Academies under contract are met by fees charged to the Academies for the services rendered.

In the financial year 2010/11, there were no Academies and the cost of the service was borne entirely by the Council.

Legal implications and risks:

There are none directly associated with this report. Parents who disagree with the outcome of an appeal may exercise their right to challenge it through either the Local Government Ombudsman or by Judicial Review.

Human Resources implications and risks:

There are none associated with this report.

Equalities implications and risks:

There are none associated with this report.

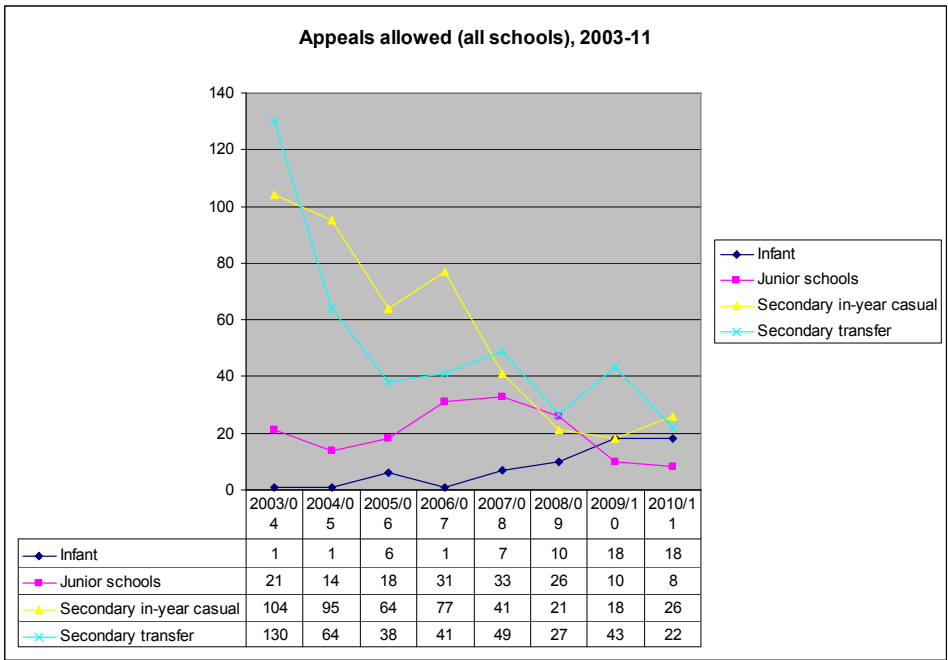
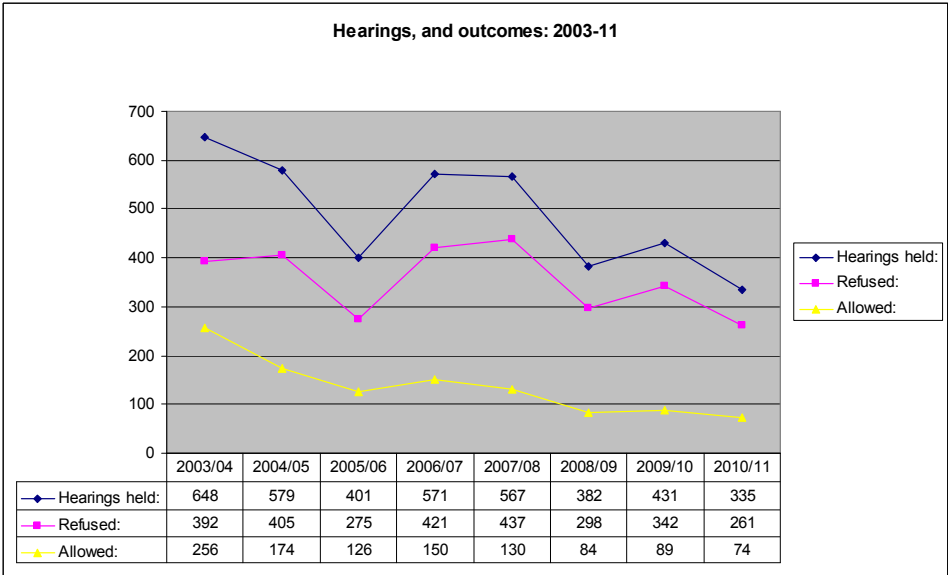
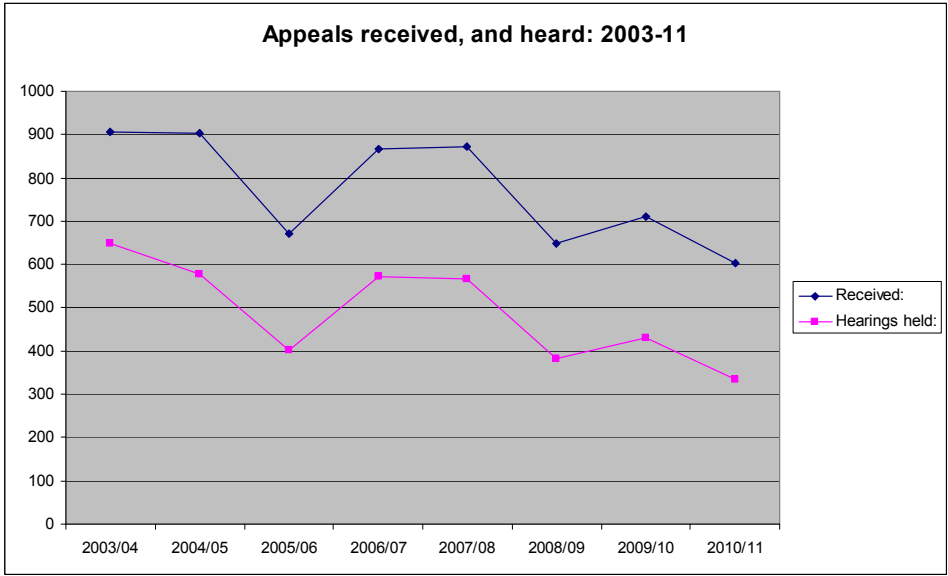
BACKGROUND PAPERS

None

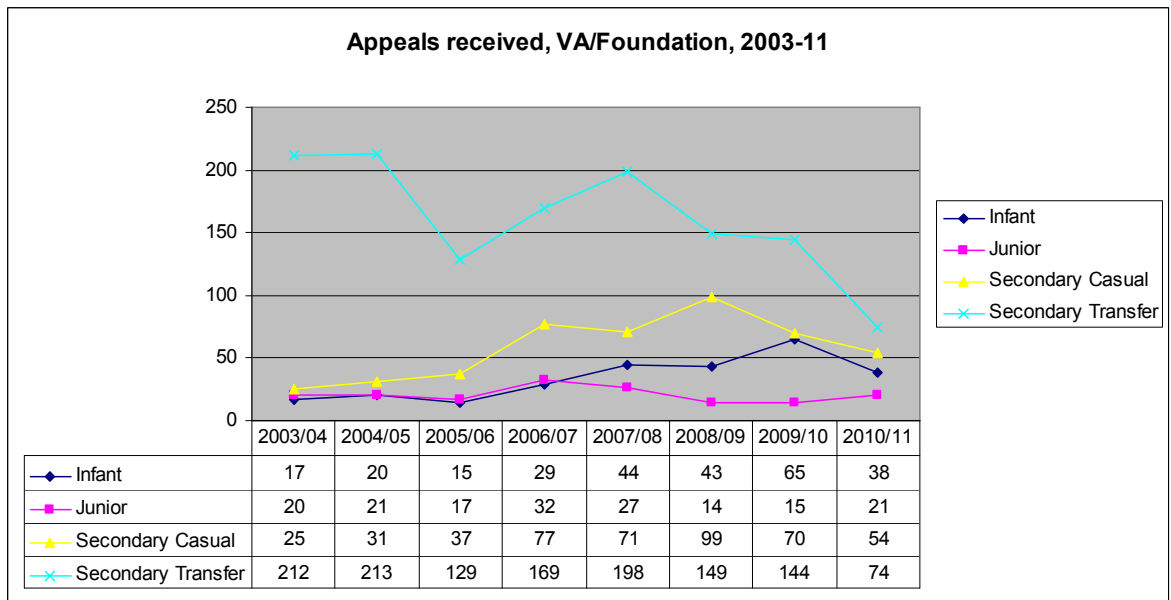
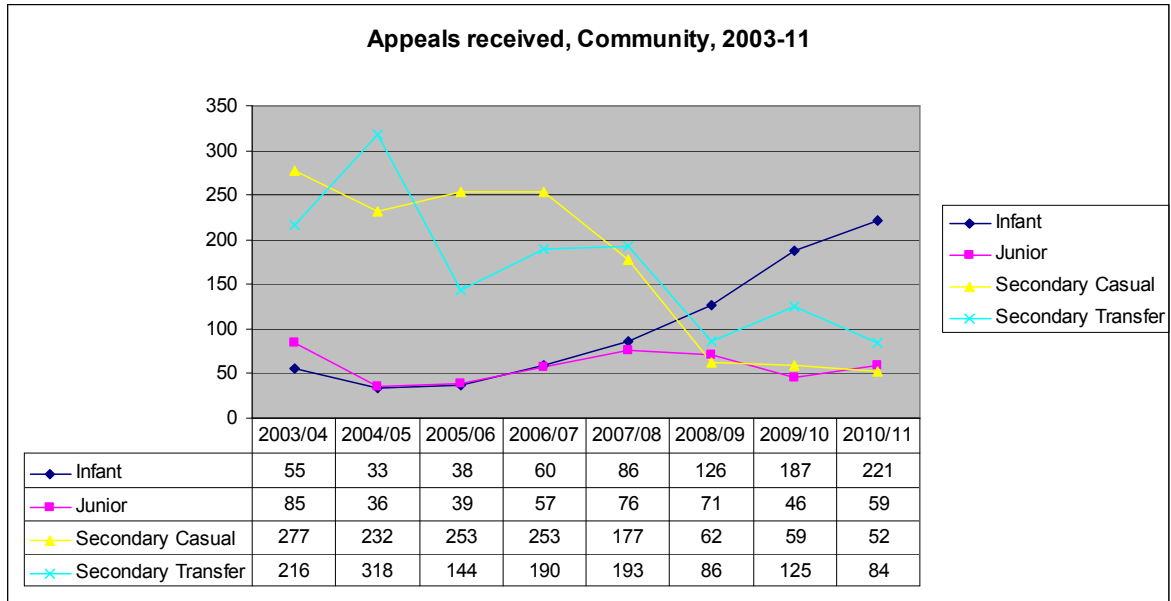
Admission Appeal Statistics, 2010/11

<u>Primary</u>	Community Schools	Voluntary Aided and Foundation Schools	Combined totals
Infant classes			
Received:	221	38	259
Withdrawn:	109	7	116
Refused:	103	22	125
Allowed:	9	9	18
<i>Success rates (percentages)</i>			
Of appeals received	4.07%	23.68%	6.95%
Of appeals heard	8.04%	29.03%	12.59%
Junior classes			
Received:	59	21	80
Withdrawn:	25	8	33
Refused:	29	10	39
Allowed:	5	3	8
<i>Success rates (percentages)</i>			
Of appeals received	8.47%	14.29%	10.00%
Of appeals heard	14.71%	23.08%	17.02%
<u>Secondary</u>			
Casual (in-year) admissions			
Received:	52	54	106
Withdrawn:	22	20	42
Refused:	20	18	38
Allowed:	10	16	26
<i>Success rates (percentages)</i>			
Of appeals received	19.23%	29.63%	24.53%
Of appeals heard	33.33%	47.06%	40.63%
Secondary transfer admissions (for following school year)			
Received:	84	74	158
Withdrawn:	58	19	77
Refused:	20	39	59
Allowed:	6	16	22
Of appeals received	7.14%	21.62%	13.92%
Of appeals heard	23.08%	29.09%	27.16%

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Adjudication & Review Sub-Committee, 22 May 2012



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ADJUDICATION & REVIEW SUB-COMMITTEE

REPORT

22 May 2012

Subject Heading:

STAGE 3 ESCALATIONS AND LGO
ACTIVITY 2011 - 2012

CMT Lead:

Ian Burns

Report Author and contact details:

Grant Söderberg,
Committee Administration
Town Hall
Romford RM1 3BD
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Policy context:

Corporate Complaints escalations and
LGO involvement with the Council

Financial summary:

There are no specific financial implications

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

This report is presented with a view to providing Members with an overview of the number and range of complaints residents (and some non-residents) of Havering have either considered needing the intervention of an appeal either to councillors or to panels of Independent Persons, or where they have taken their complaints to the Local Government Ombudsman and asked her to intercede with the Council on their behalf.

RECOMMENDATIONS

That the Sub-Committee note the contents of the report and decide whether there are any changes to the processes described to enhance the delivery of the complaints process.

REPORT DETAIL

1. INTRODUCTION.

- 1.1. At Annual Council, June 2011, it was announced that the Adjudication and Review Committee should be abolished and reconstituted as a Sub-Committee of the Governance Committee and that instead of meeting on a regular basis, it should meet only as required.
- 1.2. Because of the infrequency and ad-hoc nature of this arrangement, it has been considered prudent for Members to receive more formal reports on how the Corporate Complaints Process itself is faring and, where members of the public wish to request a hearing, for summaries of these appeals to be presented to them in order that Members could consider whether recommendations need to be made to services to ensure that as a result of the process, lessons learned were reflected in the evolution of the processes and procedures being used by those services to the benefit of residents and enhancement of the service. In addition, the informal briefings hitherto provided to Members on the activity of the Local Government Ombudsman, should be more formally presented, in order that Members have written records for reference.
- 1.3. During 2011, the Government moved to transfer powers of investigation of housing matters (such as repair and maintenance issues) in the public sector from the Local Government Ombudsman (LGO) (the Ombudsman) to the Housing Ombudsman and although during the year under consideration this has not commenced, the fact that it will start at some point in the near future means that Members should be aware of the additional Ombudsman route which will, in due course, fall to them to monitor.

2. STAGE 3 ESCALATIONS - BACKGROUND

- 2.1. During 2011, there was a marked upturn in the number of complaints being referred to Democratic Services with a request for a hearing. At the outset it was discovered that the referral process lacked cohesion. During 2010, the Council began a transition from one Customer

Relations Monitoring (CRM) system to a newer, more flexible version. The three-stage process was published on the Council's web site and appeared to suggest that if a complainant was dissatisfied with an answer received from staff, a simple request for the next stage would suffice. There did not appear to be any audit of the first stage to check whether such an escalation was warranted and it was found that stage two responses very often merely reiterated those given at stage one.

- 2.2. The transition from stage two to stage three had always been robust in that a complainant who wished to appeal had to complete a form giving reasons why an appeal was required and not only showing how they had suffered injury, but what remedy they were seeking. This simple filtering was found to be inadequate in sifting out appeals which had no prospect of resolution or which were inappropriate for Members to consider. During 2011, the Adjudication and Review Sub Committee approved the addition of an Initial Assessment Panel (IAP) modelled on that used by the Standards Committee.
- 2.3. With two Members sitting informally to review and decide whether there were grounds for a hearing request to be formally heard, it soon became apparent that the already focused stage three Hearing Request form and associated procedure needed further refinement – the largest single impediment to the process being the discovery that in a significant percentage of cases, the original complaint (which had been addressed by officers at stages one and two) was no longer the same as that which the complainant wanted to place before Members. As stage three is a straight appeal against (perceived) wrong or inadequate answers provided by officers **to an original complaint**, this lack of congruency had to be addressed and the escalation process was revised and re-worded so that complainants were more clearly informed that they had to provide reasons **why** their complaint should be escalated and cite which points had not been addressed in order that, at stage two, senior officers could concentrate on specific areas and, if the complainant sought to escalate the matter further, good reason why had to be shown as well as congruency with the earlier stages.
- 2.4. Democratic Services sought to ensure that the CRM records showed a clear audit trail between all stages and, where that was found not to be the case, the IAP had a mechanism to return the matter to the complainant along with reasons for rejection and advice (if appropriate) in order that the most appropriate course of action could be taken to resolve the issue(s).

3. STAGE 3 ESCALATIONS – 1 April 2010 – 31 March 2011

- 3.1. It was during 2010 that the process for escalating complaints to Members was revised, but during the year 1 April 2010 to 31 March 2011, three complaints were referred to Stage 3. The first was an appeal under the Children Act and so Members were not involved. The second was notified in February 2011 and involved a planning matter

which had already been considered – and rejected – by the LGO, but which the appellant still wished Members to consider.

- 3.2. This came before the IAP in April and a partial decision reached. The IAP had further questions for the Head of Development and Building Control and met again in May to consider the responses to its enquiry and deliver its final decision, which was to dismiss the hearing request as much of the complaint fell outside the Council's authority and should have been taken to court. What was left had either been appropriately dealt with by officers or lacked congruency. Having received the IAP's decision, the appellant went back to the LGO in July. The Council responded in August (providing the material considered by the IAP along with its decisions and reasoning). A Provisional View was received in September finding no fault in the way the Council had handled the complaint or in the appeal process and this was confirmed in October, thereby confirming the validity of the new appeal format and procedure.
- 3.3. The third hearing request (received in early March 2011) was held in abeyance for much of 2011 at the request of the appellant with the IAP not meeting until October and deciding that it should not be referred to a hearing as it lacked congruency – the stage 3 request being considerably different to the issues considered by officers at stages one and two. The appellant was advised to take the matters complained of back to the service at stage 2, whilst the remainder of the appeal had, in the opinion of the IAP, already been appropriately addressed or lay outside the scope of a hearings panel to remedy. To date there has been no request for the remaining issues to come back before Members.

4. STAGE 3 ESCALATIONS – 1 April 2011 – 31 March 2012

- 4.1. As stated above, during 2011 itself, there was (in terms of recent history) a significant increase in hearing request referrals. In summary they were:
 - 4.1.1. October 2011: Introductory Tenancy Hearing. Not upheld
 - 4.1.2. November 2011: IAP Private Sector Leasing issues. Rejected, lacked congruency. No further action.
 - 4.1.3. Hearing request received in October concerning issues relating to housing allocations (request to exchange properties). Notices issued, then Housing changed its stance and allowed the exchange to proceed. No further action.
 - 4.1.4. Complainant concerned about the status of the road in which he lived was being changed illegally. Letters were exchanged, but the complainant withdrew. No further action.

- 4.1.5. Hearing request received in November in respect of a Housing Register complaint. Papers were received, but then the complainant did not proceed. No further action.
- 4.1.6. In December, a hearing request was received in respect of Housing Needs. The IAP met in February and considered that further information was required. Having made the request, Housing Services made the complainant an offer which has recently been accepted. No further action.
- 4.1.7. Also in December, a hearing request was received in respect of Private Sector Leasing issues. The IAP met in February and decided that the complainant had provided no evidence to warrant a hearing.
- 4.1.8. In February, the Council received a complaint about the behaviour of Wardens. The IAP did not sit until April and decided that the complainant's central issue had not been adequately addressed. It adjourned in order that Housing Services could deal with that and report back. It met in early May and considered that this report was inadequate and that the matters contained in the original complaint ought to be investigated by an Independent Investigating Officer and a further report submitted to it. The IAP adjourned again for this to take place and is due to reconvene in June.
- 4.1.9. During 2011/12, Homes in Havering held two Stage 3 hearings. Both were held in July and both concerned complaints about repairs and maintenance. In one the complaint was partially upheld, in the other it was fully upheld.

5. STAGE 3 ESCALATIONS – Changes to the Process

- 5.1. Since the beginning of the revised procedure in which the Initial Assessment Panel began considering the merits of hearing requests, no cases have (to date) been considered by a hearings panel. In each case, the subject has been found to fail the test for a formal hearing.
- 5.2. It is acknowledged that there is a fine line between the IAP determining whether the subject matter has merit and actually making decisions. To date, this balance has been achieved in each case, and the decision by the Chairman to be partnered by different committee members for each referral, was aimed at ensuring that Members obtain exposure to the complaint process and have experience in handling them.
- 5.3. During the same time, it has been necessary for the process to "evolve". This has been achieved by modifying parts of the written information provided as guidance to Members and in the manner in which complainants are kept informed about developments. A copy of the current documentation used is appended to this report (**Appendix A**).

6. OMBUDSMAN ACTIVITY – 1 April 2011 – 31 March 2012

- 6.1. During the past year the LGO has faced similar cuts to her finances as any in the public sector, whilst projected expansion – notified to Members previously (such as involvement with the internal management of schools) has been rescinded since the last General Election and the widespread creation of Academies over which the LGO has no jurisdiction. On the other hand, the Ombudsman’s powers have been increased in areas such as adult and child social care, whilst at the same time, the move to empower the Housing Ombudsman with repair and maintenance responsibility for social housing continues to move slowly in the background.
- 6.2. It has been interesting to note that over the past twelve months, the LGO has had less cause to contact the Council than hitherto (see **Appendix B**). In particular (and in light of the Ombudsman’s “Council First” presumption, rather surprising) was the fall-off in “Premature” cases or referrals to Council for processing through the corporate complaints procedure. In general, the amount of compensation paid out by the Council in “local settlement” awards, has been lower than in previous years, but this was counter-balanced by the large award made to a complainant in a housing case in which the Ombudsman found maladministration.
- 6.3. Whilst that held true for most of the year, the Council experienced a multi complainant challenge (concerning Will Perrin Court) from a number of residents (10) and, as the Ombudsman wished to pursue enquiries with both Planning and Housing, the number of enquiries rose sharply by 20 – even though this represented one issue.
- 6.4. The Council continues to enjoy good relations with the Ombudsman’s various investigators which has proved to be a valuable factor in ensuring that the Council’s arguments are given serious consideration and it is good to be able to report that overall, the response times from all services has been (generally) very good; the only exceptions being in cases where more than one service was involved or where the issues were unusually complex.
- 6.5. Recently, the Ombudsman has sought to change the content of her Annual Letter as this is considered to be “the” formal communication with individual Chief Executives across the country. At a briefing earlier this year, she announced that she would be using the letter as a means of sign-posting changes in good practice and providing more support and feed-back – as opposed to the previous diet of critical statement. It remains to be seen whether this change to a dialogue approach is actually implemented this year. Draft figures have already been received - and challenged where necessary (with results usually in the Council’s favour) – and the Annual Letter itself should be with the Council some time in July and will be presented to the next Sub-Committee meeting.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are none associated with this report, though the Council could be exposed to a wide range of financial penalties as a consequence of Ombudsman decisions – and those of Hearings Panels. It is therefore of paramount importance that Staff and Councillors ensure that members of the public receive high quality service in all instances and that any dispute is resolved swiftly and at the point of contact wherever possible.

Legal implications and risks:

There are none directly associated with this report, though there could be outcomes and consequences arising from complaints which might impact on the legality of how the Council delivers its services.

Human Resources implications and risks:

There are none associated with this report, but staff need to receive training in how to deal with all customers and how to assess and address complaints and middle and senior management need to be supportive and be able to be imaginative and show sensitivity when proposing resolutions to the problems of individuals – which itself could require training to develop the necessary skills commensurate to their responsibility.

Equalities implications and risks:

There are none associated with this report, though a number of the issues which were brought to Members' attention either by the Ombudsman or by way of the appeal process have highlighted procedures and policies which have either not been applied appropriately or have been rigidly adhered to even when there was clear evidence that officers had the scope to use discretion and did not do so.

BACKGROUND PAPERS

None

Stage 3 Documents:



LONDON BOROUGH OF HAVERING

Adjudication and Review Procedures: Members' hearing

If you need help to complete this form please contact Grant Söderberg in Committee Administration Telephone: (01708) 433091

It is **ESSENTIAL** that you use this form as it will help us to deal with your complaint more effectively.

This form should be returned, completed, within **28 days** of the date on this form.

Any request for additional time needs to be made in writing to the Committee Administration & Member Support Manager at the address below.

Continue your answers on a separate sheet if there is not enough space on this form.

When you have filled in **and signed** this form, send it to the Committee Administration & Member Support Manager at Havering Town Hall, Main Road, Romford RM1 3BD

Mr / Ms / Mrs / Miss / Other _____

(BLOCK CAPITALS) First Name: _____

(BLOCK CAPITALS) Surname: _____

Your address: _____

Postcode: _____

Daytime phone number: _____

Mobile phone number: _____

E-mail address: _____

This is a request for a Hearing by Councillors. As such, it is an **appeal against a decision** made at a Stage 2 review of a Stage 1 complaint. In order to ensure that the issues can be fully and properly addressed, you need to complete the remainder of this form as accurately as possible.

PLEASE **DO NOT** INTRODUCE ANY NEW ISSUES OR MATERIAL WHICH HAS NOT ALREADY BEEN CONSIDERED BY OFFICERS AT STAGE 2 AS IT WILL **NOT** BE CONSIDERED BECAUSE IT WAS NOT PART OF YOUR STAGE 2 REVIEW.

(a) Please indicate which **Service** you are complaining about

(b) What is the name and job title (if known) of the person who dealt with your Stage 2 review?

(c) When did you first complain?

(d) Have you received a written reply? **Yes / No**

(e) Did the response address **all** the issues you complained about? **Yes / No**

*(If the answer to (e) is 'yes', please explain **why** you want your complaint to be heard by Councillors?)*

*(If the answer to (e) is 'no', please state which parts have **not** been addressed and **why** you think that the response was not acceptable). Please enclose a copy of the reply sent to you with this form in either case.*

What specific issue(s) have **NOT** been addressed in the Stage 2 response? *(Please continue on a separate sheet if necessary)*

What do you think the service ought to have done to remedy the problem? *(Please continue on a separate sheet if necessary)*

Have you already complained in writing to a Councillor? **Yes / No**
(You do not have to have done so, but if you have, it helps us if we know to whom you wrote as they might have information which could be helpful to your appeal)

If "yes": (a) To which Councillor did you write and when?

(b) Have you received a response? (Please enclose a copy if available)

How have you been affected by the Council's actions? *(Please continue on a separate sheet if necessary)*

What do you want the Council to do to put things right?
What remedy are you seeking? *(Please continue on a separate sheet if necessary)*

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Havering
LONDON BOROUGH

HEARINGS PANEL PROCEDURE

GUIDANCE NOTE FOR COMPLAINANTS

These notes set out for your information and guidance details relating to the procedure before, and at, the hearing and of related matters.

My representative will be pleased to clarify any general points that may be unclear but please note that s/he cannot discuss issues relating to the subject of your complaint.

So that we can deal with your complaint fully and fairly you will need to complete the attached Hearing Request form and return it to Committee Administration within **28 days of the form being sent to you** in order that the time taken to process your complaint fully is not unduly delayed. If you require additional time to complete the form, this needs to be requested in writing and reasons given. Additional time will be given in exceptional circumstances.

The Hearing Request form is an important document as it gives you the opportunity to explain what your complaint is about in a way which can be easily followed by Councillors and, and you also have the chance to supply any background and other papers in support of your case (in particular, details of the complaint you asked to be considered at Stage 2 of the corporate complaints process and the response you received from the Council to it. Please provide original copies of all such documents (if possible) - they will be copied and returned to you as soon as practicable (but not necessarily straightaway).

Please note:

you **CANNOT** not raise **new** issues for consideration as this is an appeal.

Generally, you may send papers in at any time but the nearer to the Hearing date that is, the more likely it will be that consideration of your complaint may be delayed. It may not be possible to deal with papers that are produced only on the day of the Hearing.

Complaints are normally dealt with at a formal hearing by the Hearings Panel at which you attend in person. You do, however, have the right to request that your complaint be considered through the "written representations procedure" instead.

The first part of the process is a procedural one. Once we have received your completed Hearing request form and any accompanying documents, a Panel of Councillors will be convened to consider it as well as the views of the Service complained about – including what measures have been taken to resolve the problem(s) at Stages 1 and 2. **This meeting is for Councillors only.** A Chairman and another member of the Adjudication and Review Sub-Committee will consider, in private, the basis on which an Appeal Panel could be convened. This Panel (the Initial Assessment Panel [IAP]) has the task of filtering hearings requests which either do not follow-on from the Stage 2 complaint and response (congruency), need, in its opinion, further officer consideration or do not fall within the legal and/or procedural powers of Councillors to determine – due to legal restrictions or national or local policies. If

any of the above occur, a formal hearing would not be recommended and you would be advised accordingly.

Should it be decided to proceed to a hearing, we aim to convene the Hearings Panel within twenty-eight days of this decision but that may not always be possible and if there is likely to be a delay, we will contact you and explain why.

Prior to the hearing, we will send to you and the members of the Panel copies of the following papers:

- (a) Notice of the hearing
- (b) An agenda for the meeting, incorporating a written report about your complaint and supporting papers
- (c) The written representations made by you (or on your behalf)

The Hearings Panel consists of 3 Members of the Adjudication & Review Sub-Committee (different from those who formed the IAP) and an Independent Person, who is not a Councillor or employed by the Council. My representative, who will be in attendance to assist the Panel, is independent of the Service responding to your complaint and will have had no connection with the subject matter of your complaint and will not take part in the determination of it.

Hearings take place at Havering Town Hall, Romford. These will be held either during the daytime or in the evening. If you choose to attend a Hearing in person, please indicate on the enclosed form at what time of the day you would prefer the Hearing to be held.

Procedure for a Hearing in Person

1. You may be accompanied, or represented, by one other person. You may also call other people to give evidence on your behalf if you feel that they could help your case - *but please note that you cannot in any circumstances request specific members of the Council's staff to attend.*
2. It will not normally be necessary for you to engage the services of a professional advocate - for example, a solicitor - to represent you but you are free to do that if you wish: **please note, however, that the Council will not provide financial assistance towards any cost you incur in that respect.**
3. A waiting room will be provided, if available, for your use, and for use by any person accompanying or representing you, and any witnesses you may wish to call on your behalf.
4. Any "witnesses" nominated by you to attend, must wait either outside the room, or, if a waiting room has been provided, wait there until they are called. Once they have given their evidence and have been questioned and dismissed by the Panel, they must leave the room and should return to the waiting room and wait there for the hearing to conclude. On no account should they leave the building as the Panel might need to recall them if it feels further clarification is required.

At the hearing

5. Apart from the members of the Panel and my representative, those present at the hearing will be yourself, any person accompanying or representing you and any witnesses appearing on your behalf (when called), and the staff representing the appropriate Service together with their witnesses (if any). The proceedings will be kept as informal as possible but it is necessary to maintain a logical approach and the procedure adopted at the hearing will normally be as follows:
- (a) **Opening remarks** and introductions by the Chair
 - (b) **The conduct of the Hearing.**
Because the process is "*Inquisitorial*" (which means that the hearing will be conducted by the Panel asking questions), there will be no reason for you to repeat the information you have already provided in written form ahead of the hearing (which will form part of the agenda papers) and which the Panel will have already read and considered.
 - (c) The Panel may start the process by asking either you (or your representative) or the Service representative for information and, depending on the answers provided, the Hearing will continue in a question and answer fashion until the Panel members are satisfied that they have sufficient information on which to form the basis of their decision.
 - (d) Both you and the Service representative will have a chance to make closing statements to the Panel.
6. At the close of the proceedings you, anyone accompanying you, and the Service's representative(s), will be asked to withdraw. The Panel will then consider the points made on both sides and agree on their decision and the reasons for it.

The Decision: what the Panel will do

Whether you opt for the Written Representations procedure or a Hearing in person, the Panel will consider your complaint on the basis of the written information before it and in the light of what it has heard if you have had a hearing in person. The Panel will make **recommendations** to the Service as to the action required to deal with your complaint. The Panel can:

- (a) dismiss your complaint wholly or in part – in which case no further action will be taken on those elements dismissed; or
- (b) uphold your complaint wholly or in part – in which case, the Panel will decide what action is needed to put those elements upheld, right.

If the complaint is upheld wholly or in part, the Panel will decide what action is needed to put the matter right.

PLEASE NOTE, HOWEVER, THAT IN PLANNING DISPUTES, THE PANEL CANNOT REVOKE A PLANNING PERMISSION THAT HAS ALREADY BEEN GRANTED – OR RECOMMEND REVOCATION.

During this process, the Panel may seek advice and guidance from my representative at the meeting but, as indicated earlier, s/he will not take part in the decision. If, during the course of the Panel's deliberations, further information is required you (and those accompanying you) and the Service's representative(s) will be invited either to appear before the Panel again on another occasion, or to respond in writing to the Panel's questions without needing to appear again.

A **Decision Letter** - which is a brief written statement setting out the Panel's recommendations to the Service and giving its reasons - will be sent to you within **5 working days** of the hearing. Minutes – which provides a formal record of the Hearing itself - will be produced within 28 days of the hearing and signed by the Chairman. A copy will be sent to you on request.

Ian Buckmaster
Committee Administration &
Member Support Manager

Aide Memoire for Initial Assessment Panellists

The purpose of an IAP is to “sift” requests made to Councillors for a Stage 3 Hearing within the Council’s current Corporate Complaints Procedure. In order that a resident can have his or her complaint considered by Councillors (but without the administrative input or cost of a full hearing), it was felt appropriate to employ a mechanism based on that used by the Standards Committee to determine whether the request should proceed to a hearing, be referred back to the Service for further action or rejected.

In order that this process should be consistent, the process has been split into discrete sections in order that it can be shown that all aspects have been properly considered and decisions emanating from them, recorded.

The IAP should:

Part 1; Validating the Appeal Request

- 1] Decide whether it has been provided with sufficient information in order to proceed. If it feels it hasn’t, the Panel may either:
 - a. Ask the clerk to provide the Panel with the information it feels necessary and proceed once it has considered it.
 - b. Adjourn the meeting and ask for the material to be provided and for a new date to be set.
- 2] Decide whether the Appellant has met the congruency test for appeals which is that the elements in the appeal request form either:
 - a. Flow directly from the Stage 2 complaint and the response to that by a senior officer (part of the papers sent to IAP members)
 - b. Are elements in the Stage 2 complaint that were not addressed (or not addressed adequately – in the opinion of the Appellant)
 - c. Are **essentially** the same as those addressed at Stage 2, although phrased or expressed differently or
 - d. The issues set out in the hearing request form are fundamentally different from what was addressed at Stage 2 and therefore can be considered to be a new complaint.
- 3] If the Panel is of the opinion that the request for a hearing falls under **d** above it must decide whether to reject the appeal by:
 - a. Referring the matter back to the Appellant and directing that s/he approach the Service at either Stage 1 or Stage 2
 - b. Referring the matter back to the Service with a direction that it provide the Appellant with a full response on those issues or
 - c. Consider whether the Service has addressed – to its satisfaction – the points on the appeal request form in its response.
- 4] The Panel must give reasons for its decisions which will be communicated to the Appellant and the Service in the Decision Notice

Part 2: Consideration of the merits of the Appeal

- 1] If the Panel has accepted that the Appellant’s request for a hearing conforms to the requirements, it moves to deliberating whether the elements for consideration and the remedies requested fall within the remit of Councillors to be able to meaningfully engage with and resolve.

- 2] The Panel must satisfy itself that:
 - a. The matter(s) before it are not subject to another form of action (e.g. Planning Inspectorate, Rent Tribunal etc.)
 - b. Does not conflict with legislation (e.g. local or national taxation)
 - c. Does not conflict or run counter to current Council policies
 - d. Does not directly involve specific staff disciplinary issues or
 - e. Would not lead to decisions or actions which would be ultra-vires in nature or effect
- 3] The Panel must give reasons for its decisions which will be communicated to the Appellant and the Service in the Decision Notice

Part 3: Determination of Hearing Request

- 1] The Panel must now determine whether to:
 - a. Allow the request and direct that a hearings panel be convened
 - b. Refuse the request on the grounds that there are issues outstanding which it considers the Service has yet to address and adjourn the meeting for further action to be taken by the Service within a set time frame at the end of which the matter shall return to the Panel for further consideration, or
 - c. Reject the Hearing request.
- 2] The Panel shall give reasons for its decisions which will be communicated to the Appellant and the Service in the Decision Notice.

Aide Memoire for IAPs – Members’ notes for subsequent meetings of the IAP

The initial session of the IAP determined that there were further elements which remained unaddressed, or not adequately dealt with. This meeting is to receive the response from the Service along with any other relevant material and to decide whether that information is, or is not, sufficient for a final decision to be made.

Whilst it is possible for a complaint to be dismissed at this stage, if Members are in **any doubt whatsoever** about whether the issue(s) have been adequately dealt with, they should err on the side of caution and recommend that the matter be placed before a Hearings Panel.

Part 1: Consideration of the material received

- 1] The Panel should say whether the information it has received has addressed its original concerns. If not, the Panel may:
 - Adjourn the meeting and ask for the material to be provided and for a new date to be set.

- 2] If the information requested addresses the outstanding issue(s), the Panel should decide whether:
 - a. The response has fully addressed the issues and a decision can be made
 - b. There are any other elements which the response has raised and which further enquiries need to be made, or
 - c. It has not provided the answer(s) and a further request needs to be made

- 3] If the Panel is of the opinion that the outcome of its request for further action / information falls under **a** above, it must decide whether to:
 - a. Refer the matter to a Hearings Panel of
 - b. Reject the complaint as having been adequately dealt with

Part 2: Consideration of the merits of the Appeal

- 1] If the Panel has accepted that the Appellant’s request for a hearing still conforms to the requirements, it moves to deliberating whether the elements for consideration and the remedies requested fall within the remit of Councillors to be able to meaningfully engage with and resolve.

- 2] To do this, the Panel must satisfy itself that:
 - a. The matter(s) before it are not subject to another form of action (e.g. Planning Inspectorate, Rent Tribunal etc.)
 - b. Does not conflict with legislation (e.g. local or national taxation)
 - c. Does not conflict or run counter to current Council policies
 - d. Does not directly involve specific staff disciplinary issues or
 - e. Would not lead to decisions or actions which would be ultra-vires in nature or effect

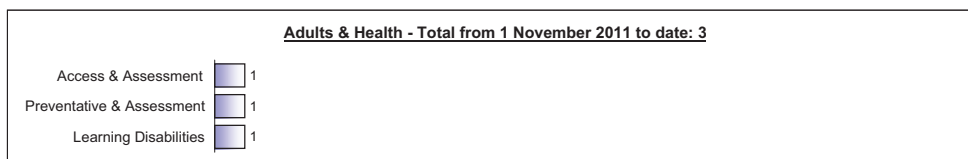
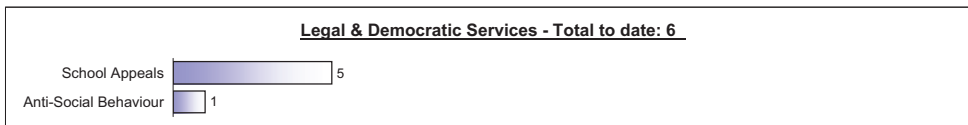
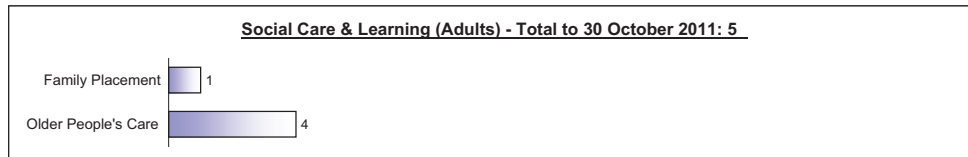
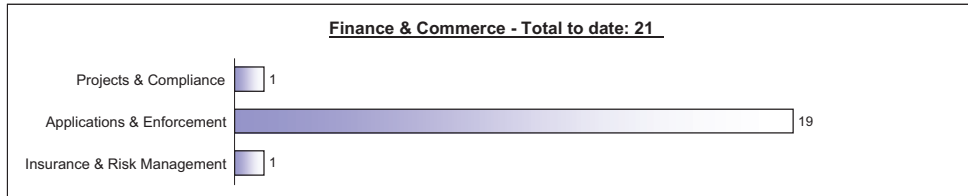
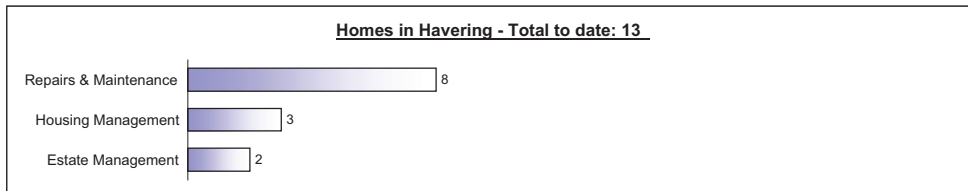
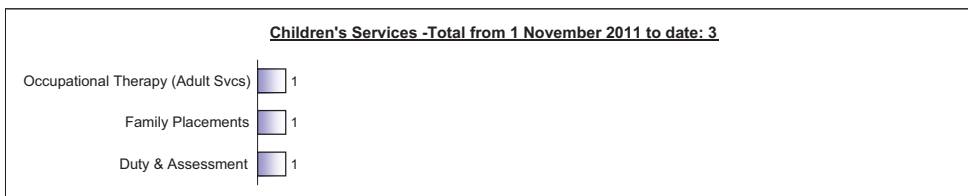
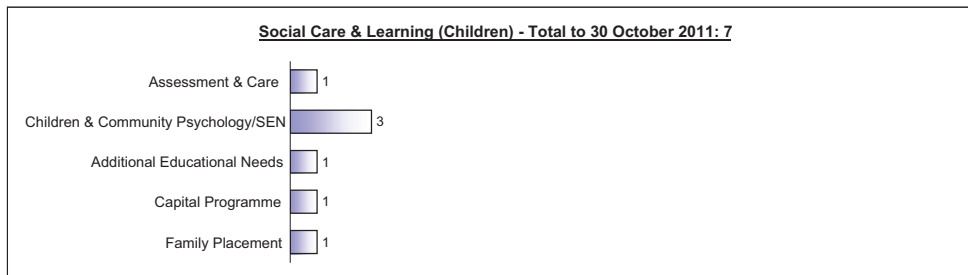
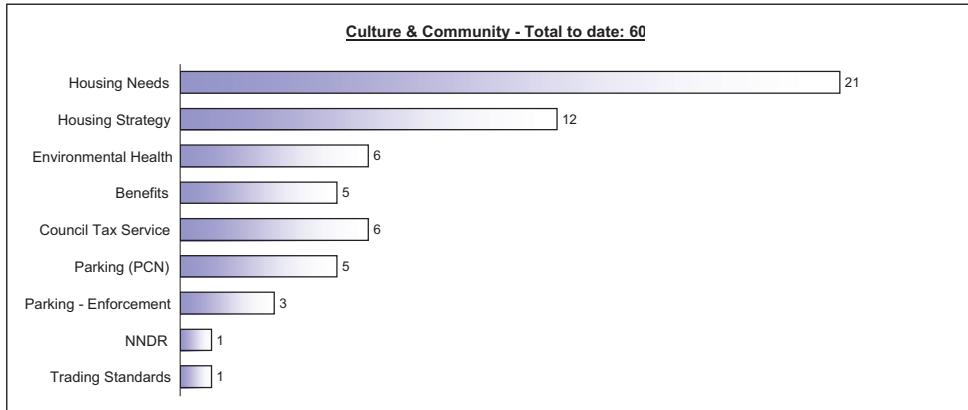
Part 3: Determination of Hearing Request

- 1] The Panel must now determine whether to:
 - a. Allow the request and direct that a hearings panel be convened
 - b. Refuse the request on the grounds that there are issues outstanding which it considers the Service has yet to address and adjourn the meeting for further action to be taken by the Service within a set time frame at the end of which the matter shall return to the Panel for further consideration, or
 - c. Reject the Hearing request.

Local Government Ombudsman Statistics:

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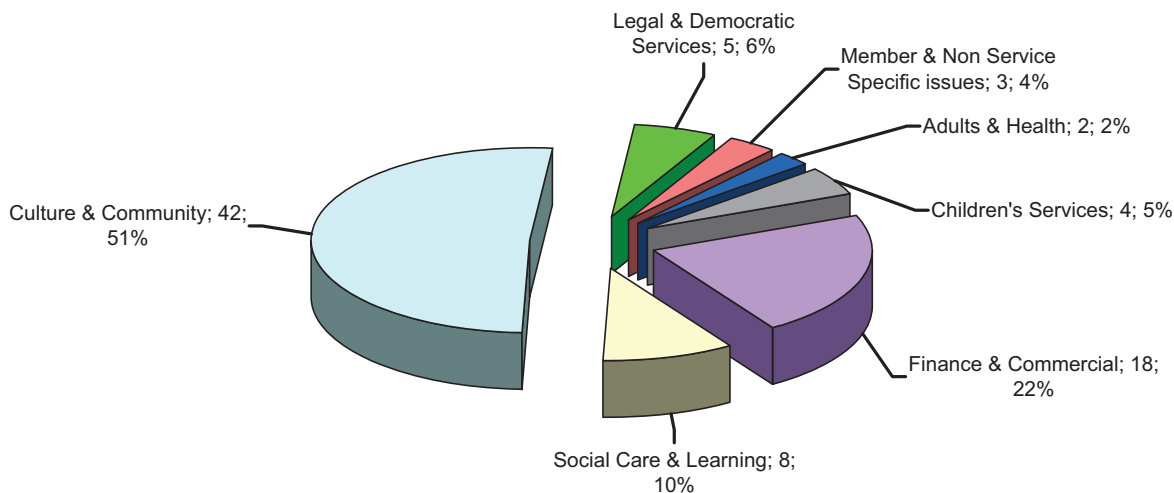
Ombudsman investigations: By Service Area in Group Directorates
To 31 March 2012



Evaluation of Ombudsman Activity

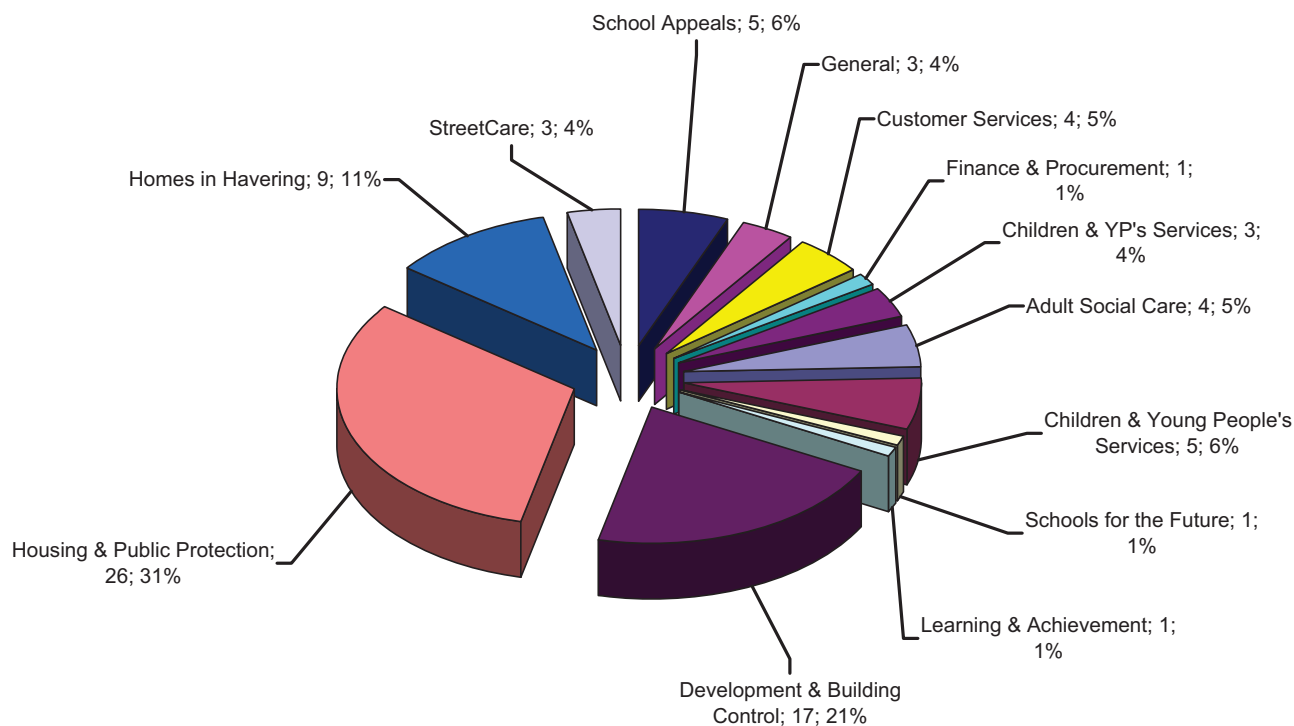
Directorate Involvement - Total of complaints from the LGO (whether *investigated* or not) to 31 March 2012: 82

Referrals from the Ombudsman dealt with as Corporate Complaints (Prematures) are not shown



Service Area Involvement - Total of complaints from the LGO (whether *investigated* or not) to 31 March 2012: 82

Referrals from the Ombudsman dealt with as Corporate Complaints are not shown



Ombudsman Activity: Service Area by Ward

Detailed summary of Ombudsman activity by service delivery area, within wards. Wards not shown have no Ombudsman activity within them. Wards and services highlighted contain the highest activity to 31 March 2012

Service Delivery Area	Brooklands	Cranham	Elm Park	Emerson Park	Gooshays	Hacton	Harold Wood	Heaton	Hylands	Mawneys	Rainham & Wennington	Romford Town	South Hornchurch	Squirrels Heath	St Andrews	Upminster	O/S Borough	Grand Total
Environmental Health			3								2			1				6
Housing Needs				7	1	2	2	1	1	1	3	3	1	1			1	20
Housing Strategy												1	11					12
Trading Standards				1									1					1
Anti-Social Behaviour																		1
Estate Management	1																	2
Housing Management										1		1						3
Repairs & Maintenance				2	1		2	1				1		1				8
Projects & Compliance				1														1
Applications & Enforcement				1	2		2	2			3	1	11					19
Benefits				1			1										3	5
Council Tax Service	2										1	1		1			1	6
NINDR				1														1
Learning Disabilities											1							2
Carer People's Care												2				1		4
Preventative & Assessment		1						1										2
Assess & Assessment																		1
Children & Community Psychology/SEN							1		1									3
Assessment & Care					1													1
Duty & Assessment																	1	1
Occupational Therapy (Adult Svcs)						1												1
Family Placement (pre November)																		1
Family Placements (post October)																		1
Additional Educational Needs																		1
Capital Programme												1						1
School Appeals	1	1								1	1							5
Insurance & Risk Management																		1
Parking - Enforcement								3										3
Parking (PCN)			1				1								2			5
General												3	2					5
Grand Total	4	2	4	3	12	2	9	8	1	3	11	13	29	6	2	2	12	123

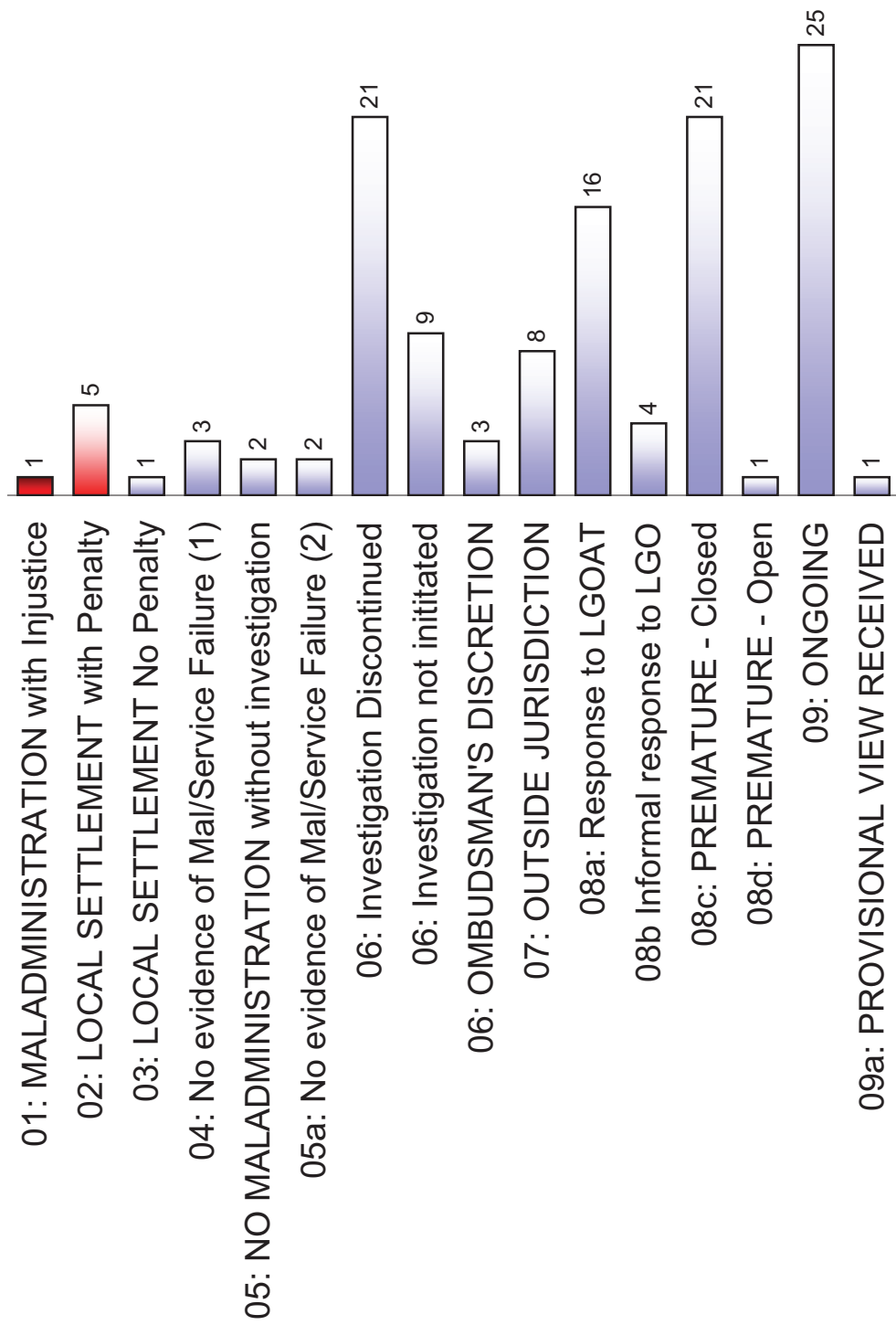
The complainants within the two "frames" are linked and represent 10 complainants but ONE issue.

Ombudsman Investigations: overall position

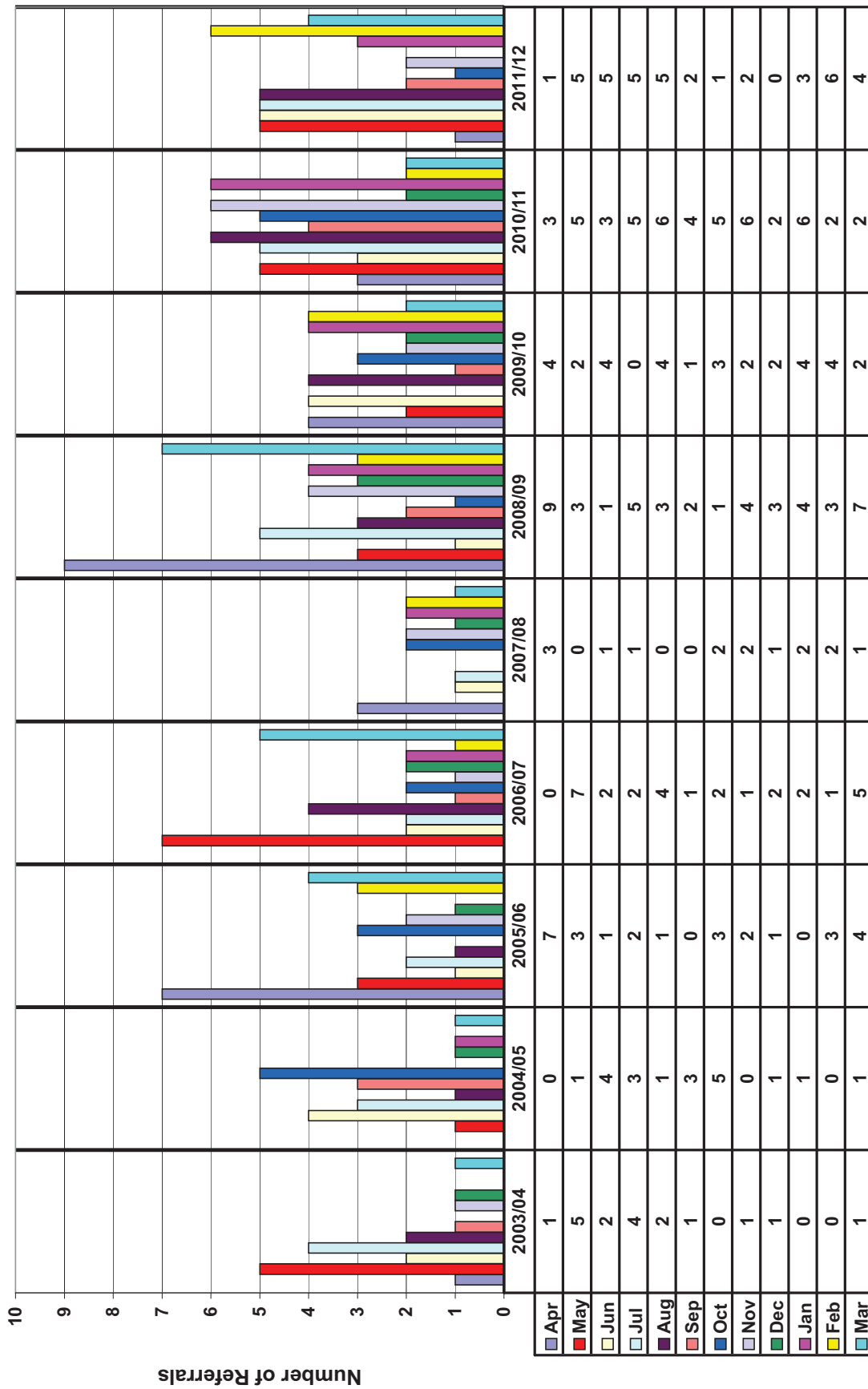
Total of ALL complaints received between 1 April 2011 & 31 March 2012: 112

(including Premature complaints referred back to the Council & dealt with under the Corporate Complaints Procedure)

Plus: complaints brought forward from 2010/11: 11



LGO Referrals - Premature Complaints - year-on-year



Year	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	Grand Total
Prematures:	18	20	27	29	15	45	32	49	39	274
Cases Referred:	51	60	52	83	71	46	59	45	59	526
Total:	69	80	79	112	86	91	91	94	98	800

Local Government Ombudsman Complaint Elements - by Service 1 April 2011 to 31 March 2012:
 (Includes 11 complaints elements (10 cases) brought forward from 2010/11)
 2011/12 BVPI target for maladministration is 0 and for local settlement (with penalty) is no more than 8
 NB: Change in directorates as 31 October - Social Care & Learning splits into Adults and Health & Children's Services

	Culture & Community				Children's Services			Adults & Health		Finance & Commerce		General: Member & non 'Service specific' issues						
	Legal & Democratic Services	Culture & Leisure	StreetCare	Customer Services (CT Issues, Benefits & NDR)	Housing & Public Protection	Homes in Havering	Children and Young People's Services	Learning & Achievement	Schools for the Future	Adult Social Care	Insurance & Risk		Development & Building Control					
Complaints under investigation - "A":	0	0	0	0	11	0	1	0	0	1	0	13	0	26	1	54	42	123
Provisional Views Received - "B":	0	0	0	1	0	0	0	0	0	0	0	0	0	26	1	54	42	123
Complaints determined:																		
Maladministration	0	0	0	0	1	0	0	0	0	0	0	0	0					
Local Settlement with Penalty	0	0	0	0	3	2	0	0	0	0	0	0	0					
Local Settlement no Penalty	0	0	0	0	0	1	0	0	0	0	0	0	0					
No Evidence of Mal/Svce Failure (1)	0	0	0	0	0	0	1	0	1	0	0	1	0					
No Evidence of Mal/Svce Failure (2)	1	0	0	0	1	0	0	0	0	1	0	0	1					
Investigation not started / Investigation Discontinued	4	0	3	2	9	4	4	0	0	2	0	3	1					
Outside Jurisdiction	0	0	0	1	1	2	1	1	0	0	1	0	1					
Complaint Elements Completed - not Premature - "C":	5	0	3	3	15	9	6	1	1	3	1	4	3					
Prematures & informal LGO & LGOAT enquiries - "D":	1	0	5	8	13	4	2	0	0	4	0	3	2					
Totals - A, B, C & D:	6	0	8	12	39	13	9	1	1	8	0	1	20					

1
5
1
3
4
32
8
54

Local Government Ombudsman Referrals : 1 April 2011 – 31 March 2012 - Analysed by Month

108 Cases referred by the Ombudsman (may contain more than one COMPLAINT element)

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
10 Cases (Investigations) were b/fwd from 2010/11	4	9	9	13	12	3	2	9	4	6	19	8
98 New Cases were reported from 1 April 2011 to date - by month	1	5	5	5	5	2	1	2	0	3	6	4
Of which 39 were Premature - normally L2 (but incl. LGO/LGOAT informal enquiries)	1	3	2	2	1	0	0	5	0	1	1	0
16 were not investigated (decisions already made by the LGO: OSJ, Omb's Discretion etc.)	4	2	3	3	3	6	6	0	2	1	4	4
and 38 Investigations completed (or Provisional Views received) - analysed by month:												
Leaving 15 Cases currently Ongoing (not Prematures) or to be c/fwd (if open at 31 March)												

During the year to date **49** new cases have been responded to in an average of **24.14** calendar days

There has/have also been **23** new cases which have not needed any response at all

There is/are currently **2** complaints (including L2 referrals) awaiting initial response

The Ombudsman's anticipated response time is currently **28** calendar days

The **10** cases brought forward from 2010/11, were responded to in an average of **23** days

The average of all **59** investigations requiring a response is **23** days

6 Cases (Investigations) were b/fwd from 2009/10

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
94 New Cases were reported from 1 April 2010 to date - by month	5	7	5	14	10	7	9	9	4	10	8	6
Of which 49 were Premature - normally L2 (but incl. LGOAT 10 day enquiries)	3	5	3	5	6	4	5	6	2	6	2	2
19 were not investigated (decisions already made by the LGO: OSJ, Omb's Discretion etc.)	0	0	2	5	2	1	1	0	0	4	2	2
and 21 Investigations were completed overall - analysed by month:	2	0	1	0	5	3	3	1	2	2	1	1
Leaving 11 Cases (Investigations) currently ongoing or to be c/fwd (if open at 31 March)												

During the year to date **26** new cases have been responded to in an average of **24** calendar days

There has/have also been **21** new cases which have not needed a response

There is/are currently **2** complaints - including L2 referrals - awaiting initial response

The Ombudsman's anticipated response time is currently **28** calendar days

The **6** cases brought forward from 2009/10, were responded to in an average of **21** days

The average of all **32** investigations requiring a response is **23** days

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