



Haverling

LONDON BOROUGH

ADJUDICATION AND REVIEW COMMITTEE AGENDA

7.30 pm	Thursday 30 January 2014	Town Hall Main Road Romford
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Members 10: Quorum 4

COUNCILLORS:

Conservative (5)	Residents' (2)	Labour (1)	Independent Residents' (1)	UKIP Group (1)
Frederick Thompson (Vice-Chair) Robert Benham Rebecca Bennett Pam Light Barry Oddy	Barbara Matthews (Vice-Chair) John Mylod	Denis O'Flynn	Michael Deon Burton	Ted Eden (Chairman)

**For information about the meeting please contact:
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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 DISCLOSURES OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interests in any of the items on the agenda at this point of the meeting. Members may still disclose a pecuniary 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 held on 17 October 2013 and to authorise the Chairman to sign them

5 ADULT SOCIAL CARE ANNUAL REPORT (COMPLAINTS & COMPLIMENTS) 2012-13 AS PRESENTED TO INDIVIDUALS OSC (Pages 7 - 26)

The attached report is for Members to note

6 CHILDREN & YOUNG PEOPLE'S SERVICES ANNUAL COMPLAINTS & COMPLIMENTS REPORT 2012-13 AS PRESENTED TO CHILDREN'S SERVICES OSC (Pages 27 - 46)

The attached report is for Members to note

7 LEARNING & ACHIEVEMENT COMPLAINTS REPORT 2012-13 AS PRESENTED TO CHILDREN'S SERVICES OSC (Pages 47 - 64)

The attached report is for Members to note.

8 HOUSING SERVICES REPORT AND UPDATE OF PROGRESS IN THE RE-UNIFICATION OF THE COMPLAINTS HANDLING PROCESS (Pages 65 - 74)

Members are asked to note the contents of this report

9 CRM & CORPORATE COMPLAINTS & STATISTICAL UPDATE

Presentation by Head of Exchequer Services – material to follow if and when available.

10 REPORT ON THE GOVERNMENT REPORT ON PROPOSED CHANGES TO THE ORGANISATION OF THE LGO SERVICE IN ENGLAND (Pages 75 - 112)

Members to note the recent Government report.

11 REPORT ON THE UPDATE ON LGO ACTIVITY FOR THE YEAR TO DATE (Pages 113 - 132)

Members are invited to note and comment on the details of the report

12 UPDATE ON STAGE THREE ACTIVITY FOR THE YEAR TO DATE & SUGGESTED CHANGES (Pages 133 - 140)

Members are invited to note the review and decide whether the proposed changes to the Stage Three process should be implemented.

**Andrew Beesley
Committee Administration
Manager**

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**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall
17 October 2013 (7.30 - 9.00 pm)**

Present:

COUNCILLORS

Conservative Group	Frederick Thompson (Vice-Chair), Barry Oddy, Pam Light and +Lesley Kelly
Residents' Group	Barbara Matthews (Vice-Chair) and John Mylod
Labour Group	Denis O'Flynn
Independent Residents Group	Michael Deon Burton
UKIP Group	Ted Eden (Chairman)

Apologies for absence were received from Councillors Robert Benham and Rebecca Bennett.

+Councillor Lesley Kelly substituted for Councillor Rebecca Bennett

The Chairman reminded Members of the action to be taken in an emergency. There were no declarations of pecuniary interest.

21 MINUTES

The Minutes of the meeting held on 11 April 2013 were agreed and signed by the Chairman

22 HOUSING COMPLAINTS

The Housing Needs and Strategy Manager provided Members with an update of the number and outcome of complaints and Member Enquiries for housing services over the recent twelve month period. Since the return of the ALMO (Homes in Havering) to the Council there had been a phased integration of all housing services. In respect of the logging of complaints and Member Enquiries full integration onto a single system had yet to be completed.

The report integrated information (where possible) though in some cases the information was not comparable. He added that where the information was separate, data for the former ALMO was identified as "H&H" and for the former Retained Housing as "RH".

The Committee was informed that during the past twelve months 1296 complaints had been received by H&H which was a marginal increase on the previous twelve months (1273). Complaints had peaked twice during the year. The first was during the start of the autumn when complaints about damp and heating started to increase. The second was at the end of the financial year (March/April) and may have been due to programmes coming to an end or delayed starts.

During that period H&H had 35 complaints escalating to Stage Two which accounted for less than 3% of all complaints received. In the same period the former Retained Housing (RH) service also received a significant number of complaints. During that time, 310 complaints were received at Stage One. Of these 13 escalated to Stage Two which equated to 4% of complaints received.

Very few complaints escalated to Stage Two of the process which demonstrated that the procedure for H&H and RH was robust for resolving issues. Across the Council a total of 1571 Informal/Stage One complaints were received between October 2012 and September 2013. Members were informed that H&H had – and continued to have – difficulty in returning answers to complaints at Stage Two within the corporate time-scale of 10 working days – 77% for RH and only 43% achieved by H&H which was significantly short of the corporate target of 85%. This shortfall was attributed to the added complexity of Stage Two responses, both in the amount of additional research and ensuring that a thorough response was provided to the complainant by a senior officer. On average, Stage Two responses took 13.5 days for H&H.

On the positive side, Members were reminded that a only a small minority of complaints which were addressed at Stage Two proceeded to Stage Three and of those, most were rejected by the Initial Assessment Panel and only a couple of complaints had been considered by Members at a formal hearing.

The Committee was informed that of twelve enquiries received from the Housing and Local Government Ombudsmen during the six months from 1 April, most were either dealt with through the Corporate Complaints system or were outside the Ombudsman's jurisdiction. This reflected very positively on the professionalism and consistency of the service as a whole.

Members were reminded that the complaints process also allowed for compliments to be recorded and over the past twelve months, the service had received 176 by H&H. Since May, the RH side of the service had recorded ten.

Finally, Members were informed that over the past twelve months there had been 436 Member enquiries received by H&H and 602 by RH. The corporate response target (10 working days) was 95% and whilst H&H 's response rate was 98%, RH could only manage 76%. This disparity could, in some part be explained by the resources deployed at H&H (the Quality Assurance team) and at RH (a complaints officer).

The Committee was asked to note that since the move of Housing to the Children, Adults and Housing Directorate under Joy Hollister, the future of complaints handling was going to change and that the Quality Assurance team would be expanded but become a directorate resource, not simply one concentrating on housing issues and would be under the management of the new Business and Performance Service. Restructuring was likely to take place in January 2014.

The Committee **noted** the report and asked for a further report to be provided at a future meeting once the full integration of the housing services had been completed.

23 **CORPORATE COMPLAINTS - MEMBERS/MPS ENQUIRIES**

The Head of Exchequer Services (who retained responsibility for oversight of the complaints process and CRM system) provided Members with an oral report of corporate complaints and MP/Member enquiries for the period 1 April to 31 August 2013.

Members were informed that during that period the Council had received 596 complaints of which 425 were completed within ten working days. The Committee's attention was drawn to the concentration of complaints within the Housing and StreetCare services. This was to be expected – though it was noted that the two peak areas of concern were – for Housing when the new policy relating to housing allocation was launched (and in that instance the “complaints” were in essence “appeals”). With regard to StreetCare, the major area of local concern was about potholes (and this was at its worst after the winter period).

Apart from complaints relating to policy issues, the largest single category was that involving challenges to Council decisions. A further category “disputed decisions” was also high and it appeared that complainants had a tendency to question – through the complaints system – Council actions. The positive side of this was that the services could use the feed-back and, where appropriate, change priorities or review policy and redirect resources.

The Committee was reminded that whilst the corporate target was to keep escalations from Stage One to Stage Two of the complaints process to 10%, since April, that figure had only been 7%. The only negative element to note was that the percentage of complaints completed within ten working days had decreased from 75% to 71% - but that had been influenced by a combination of factors: a sudden high number of complaints in a short space of time and limited staff resources to address them.

The Committee was informed that between 1 April and 31 August, 1,695 Member and MP enquiries had been recorded on the CRM system, 1,288 of which were completed within ten working days and of the total of enquiries received, 1,164 related to StreetCare.

It was explained that whilst the process was called “enquiries” the majority of contacts were to request a service (on behalf of a resident) or was

seeking information. The total number of enquiries logged had increased from 1,437 in the period April to August 2012 to 1,695 for the same period in 2013. On the negative side, over the same period, the number of those enquiries completed within ten working days had decreased from 84% to 76%. Whilst this appeared to be moving the wrong way, the first three months (a period of heightened activity) produced the poorest results, this had been reversed recently and figures indicated a far more positive trend.

The Committee **noted** the oral report

24 **LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER JUNE 2013**

The Clerk presented the report and the Committee was informed that the Annual Letter from the LGO for the year 2012/13 was very limited in its content due, the letter said, to the change of software during the year which would render more detailed analysis unreliable. The Clerk informed Members that he had sought some clarification from the LGO in respect of the number of complaints she said had been received during the year against the Authority – 57.

The Clerk reported that he could not verify that figure from the information he had amassed during the year and referred Members to a summary chart which showed all contact with the LGO and outcomes of cases considered and completed by 31 March 2013. He informed Members that whatever basis of assessment he used, he could not agree the LGO figure of 57.

He added that having received a response to his enquiry from the LGO which merely reiterated that no further information would be available, he had been left with nothing more to provide the Committee. He hoped that it would accept his statistics – collected and recorded as they occurred throughout the year – as the true record for Havering, in which case – if the Council applied the LGO's own formula (which excluded enquiries and premature complaints from the totals) he could confirm that the Council only received 44 complaints that were either investigated or had a decision (whether outside jurisdiction or not) provided at the point the Authority was notified about them. If this figure was accepted, Havering would certainly be in the top quartile of the London boroughs (and probably one of those with the least Ombudsman activity among the outer boroughs.

The Committee **noted** the report and that the LGO's Annual Letter was of limited benefit and directed that:

- a. The letter should be sent to each of the relevant Overview and Scrutiny chairmen for their committees to consider and
- b. A letter, from the Chairman and Adjudication and Review Committee should be sent to the Local Government Ombudsman, Dr Jane Martin expressing its disappointment with the Annual Letter's content and inviting her to explain what purpose it was meant to convey.

25 **LOCAL GOVERNMENT OMBUDSMAN STATISTICAL UPDATE: 1 APRIL - 30 SEPTEMBER 2013**

The Clerk introduced this report by explaining its purpose to be two-fold:

- To provide Members with a summary of Ombudsman activity for the past six months and
- To enquire whether they wished to receive the same information every month and if so, by what means.

The Clerk explained that the information contained in the charts and graphs presented to them represented different ways of presenting the same information so that the directorates and Services could see at a glance what was happening within their spheres of responsibility. Among the charts, Members would recognise two which were placed on Calendar Brief each month showing Ombudsman activity by Ward.

He drew Members attention to a new chart – one which succinctly demonstrated the relationship between LGO enquiries, complaints referred back to the Council as premature and those cases which the LGO chose to investigate. In the six months to the end of September, it showed (by service area in directorate) that there had been a total of 59 “contacts” relating to 46 complainants.

Members were also provided with a ward summary for October which showed a further seven contacts had been received since the start of the month. The Committee was informed that since the LGO had her funding seriously reduced (some 37%), the Council was finding far more enquiries being made of it and far more decisions being given (mostly that the matter was not within the LGOs’ jurisdiction) without the complaint being formally investigated or the Council being invited to respond.

The Committee **noted** the report and asked that in future its members should receive the same information which was currently being made available to the Corporate Leadership Team and the Heads of Service.

26 **STAGE THREE ACTIVITY 1 APRIL - 30 SEPTEMBER 2013 - ORAL UPDATE**

This report was presented by the Clerk who reminded the Committee of the background to the current Stage Three process and explained that since 1 April 2013 (when there were six complaints open and being processed) and during the past six months a further nine cases had been escalated consideration at Stage Three (though two of those were appeals under the Children Act and as such, Councillors were not eligible to sit on the Panels hearing the matter).

The Committee was informed that the introduction of the Initial Assessment Panels – following in the wake of other reforms, such as changing hearings from an adversarial format to inquisitorial (which reduced the time a hearing

took and simultaneously put Members firmly in control of it by allowing them to use their questioning skills to obtain the answers necessary to form an opinion) and ensuring that only those hearing requests which had remained constant through the other two stages were considered at Stage Three – had considerably enhanced the Stage Three process.

In the past, Panel hearings were often long and frequent and the subject matter frequently either beyond the power of Members to rectify or ought to have been addressed through a different medium (possibly a court or other appeal process). The IAP now ensured that complainants would have their complaint considered by Members, but in a far less costly and swifter manner.

Whilst the principal function of the IAP was to review the complaint and the service response to determine whether it was a matter suitable for a formal hearing, it could also – should it consider no useful purpose would be served by recommending a hearing – make a determination on the basis of what the complainant and service had written.

Complaints had continued to be referred to formal hearings – though now they only represented a very small proportion of those considered by IAPs. Because IAPs were now scheduled on a regular monthly basis, no complainant would have to wait long for a Stage Three decision.

The most recent change to the process was to move away from the process focusing on the hearing by changing it to a “Member Review”, thereby placing the IAP centrally in the Stage Three process whilst Member hearings would only be required if an IAP was of the opinion that a formal hearing was the only way to resolve the matter.

The Committee was invited to say whether it wished to have regular updates of cases submitted to it at each meeting or only an annual review.

The Committee **noted** the report and asked for case summaries to be presented on a meeting by meeting basis, but that a summary report be presented annually to it.

Chairman

ADJUDICATION & REVIEW COMMITTEE 30 JANUARY 2014

Subject Heading:

Adult Social Care Complaints Annual
Report 2012-13

CMT Lead:

Joy Hollister

Report Author and contact details:

Veronica Webb, Senior Complaints &
Information Officer,
Mercury House, Mercury Gardens
Romford RM1 3SL
Telephone: 01708 432589

Policy context:

Adult Social Care Statutory Complaints Policy
& Procedure

SUMMARY

This report is for information and refers to the report presented to Individuals Overview & Scrutiny Committee on the 10 December 2013, which is attached. Please note there were two points of correction on the Overview & Scrutiny report paragraph 5 in the report to Individuals OSC & within the Annual Report and should read:

'home care 31% and residential/nursing homes 40%.

RECOMMENDATIONS

The Committee to note the attached report

REPORT DETAIL

Please see attached report

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this cover report

Legal implications and risks:

None associated with this cover report

Human Resources implications and risks:

None associated with this cover report

Equalities implications and risks:

None associated with this cover report

BACKGROUND PAPERS

None



INDIVIDUALS OVERVIEW AND SCRUTINY COMMITTEE

10 December 2013

Subject Heading:

Adult Social Care Complaints Annual Report 2012-13

CMT Lead:

Joy Hollister

Report Author and contact details:

Veronica Webb, Senior Complaints & Information Officer,
Mercury House, Mercury Gardens
Romford RM1 3SL
Telephone: 01708 432589

Policy context:

Adult Social Care Statutory Complaints Policy & Procedure

SUMMARY

The 'Annual Report 2012-13 Adult Social Care Complaints, Comments & Compliments' attached as Appendix 1 is for consideration and outlines the complaints, enquiries, compliments and Members correspondence received during the period April 2012 – March 2013.

RECOMMENDATIONS a

1. That Members note the contents of the report and the continued work in resolving and learning from complaints and the challenges faced by the service with ever increasing pressure on budgets.
2. That Members note the actions identified to improve services are fed back to services and are monitored to ensure these are implemented to evidence service improvements.

REPORT DETAIL

3. Appendix 1 shows that complaints have decreased year on year with a 18% decrease from 2011-12. Local Government Ombudsman referrals continue at the same level as last year, and this is representative of the change in how the Local Government Ombudsman report on enquiries to the local

Individuals Overview And Scrutiny Committee 10 December 2013

authority.. The number of formal complaints have increased slightly from last year.

4. External provider complaints have decreased across both home care and residential/nursing homes from last year, with continued efforts in ensuring quality standards are maintained and improved where necessary. There has been increases in complaints within Adult Community Team North, Commissioning and Preventative Team.
5. The reasons for complaints have mainly been quality of service which is linked to disputing a decision and finance reasons. Although quality of service has increased overall from last year, there has been a decrease for external providers i.e. home care 11.6% and residential/nursing homes 1.5% from last year. However there has been an increase for Commissioning of 11.1% that reflects where quality of service and disputing decisions are linked. It does highlight where explanations and apologies are given as the main outcomes that staff need to ensure clear and concise information is given.
6. Response times have improved from last year for both formal and informal complaints responded to within 10 working days. There has been a slight increase in formal complaints responded to over 20 working days.
7. There has been an increase in complaints involving people between the ages of 25-74 and have decreased for those between the ages of 75-85+ from the previous year. Complaints involving people with physical disabilities and those of white british has dropped from last year. It is noted however that there has been an increase in monitoring information not being recorded.
8. The preferred methods of contact during 2012-13 were letters and emails, followed by telephone, with there being an increase in emails, but decrease in both letters and telephone.
9. Expenditure for complaints has increased substantially during 2012-13 which is mainly due to the increase in the number of independent investigations undertaken (7) and two compensation payments.
10. With the decreasing number of complaints year on year, there has been an increase in compliments. Many compliments are for the good service and help and support provided by staff.
11. The number of members enquiries responded to within the 10 working day timescale has decreased during 2012-13 by 15%, which will need to be addressed..
12. Complaints continue to help and assist in informing improvements within the service and staff need to be encouraged to continue to try and deal with complaints at an early stage and the confidence to do so.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications to this reports, which is for information only. Costs incurred through complaints will be contained within Adult Social Care allocated budgets.

Legal implications and risks:

There are no apparent direct legal implications arising from noting of this reports.

Human Resources implications and risks:

Adult Social Care are supporting a personalised approach to customer needs in the Havering community, targeted training around the required skills to effectively undertake this new focus will be important in ensuring that existing customers and potential customers receive the highest quality of service delivery possible.

As monitoring data from the complaints process will be used as an indicator of how well Adult Social Care is delivering its services to the community, continued upskilling of frontline and support staff in the new teams will be a key requirement to maintaining, and improving on, service standards. This will be an area included in the new workforce development plan for Adult Social Care staff and will be delivered with support from HR professionals from Internal Shared Services (ISS).

Equalities implications and risks:

We are regularly monitoring the equalities profile of our customers. The most recent monitoring information has evidenced that a small number of ethnic minorities are accessing the complaints process. We will therefore continue working towards raising awareness of and improving the access to our Complaints, Comments and Compliments Policy and Procedure.

BACKGROUND PAPERS

1. None

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ANNUAL REPORT 2012-2013

ADULT SOCIAL CARE

Complaints, Comments and Compliments

**Prepared for: Director of Children, Adults & Housing
Joy Hollister**

**Interim Head of Adult Social Care
Paul Grubic**

**Prepared by: Veronica Webb
Senior Complaints & Information Officer**

ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

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ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

1. Executive Summary

There have been a number of changes across the local authority with the increasing pressures on budgets and making savings, which is envisaged to continue for the next few years.

This does not mean that standards might fall or that how we deal with complaints should be diminished in any way. Central to the understanding of how well or poor a service is being delivered is the perception of the Service User themselves, and it is this vital outcome measure that drives both the shape and the performance of the service being delivered.

How we address complaints informs us beyond the individual activity itself, but also how the service as a whole performs and within that its culture and values. Where there are common themes, these may have implications both for the providers and commissioners of services which need to be understood and acted upon.

With the recent changes in the health authority, it is important that the necessary links/relationships are made in order to ensure that future complaints continue to be dealt with in a coordinated and cooperative way. It is even more important that where complaints cover both Adult Social Care and Health that identifies areas for improvement that this is fed back through the appropriate channels to ensure change.

Public Health has now come under the responsibility of the local authority and with the recent changes in complaints regulations for Public Health this now reflects the Adult Social Care and Health complaints regulations. Consideration will need to be given on how complaints relating to Public Health will be dealt with.

2. Introduction

Under the National Health Service and Community Care Act 1990 and Children Act 2004, it is a requirement for local authority Adult Social Care and Children's Services to have a system of receiving representations by, or on behalf of, users of those services. Havering Adult Social Care welcomes all feedback, whether this is a comment on improving the service, complaint on what has gone wrong with the service or compliment about how well a service or individual has performed.

Havering has adopted the statutory guidelines for complaints management as outlined by the Department of Health and good practice principles of the Local Government Ombudsman and has encompassed this within its new procedures as follows:

- Informal - where a complaint involves a regulated service, or is a minor concern which can be dealt with within 5 working days, or where a complainant does not wish to take it through the formal process.
- Formal - **Local resolution** – where the complaint is considered low-medium risk aim to respond within 10 working days where possible. Where a complaint is considered medium – high risk aim to respond within 10-20 working days. Where a complaint is considered complex and may require an independent investigation, aim to respond within 25-65

ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

working days. Timescales may vary in agreement with the complainant.

Although there is no longer a Stage 3 Review Panel in the regulations, it has been agreed within Havering to have an option for complaints to be reviewed by a Hearings Panel.

Complainants who remain dissatisfied will have the right to progress to the Local Government Ombudsman.

The time limit for complaints to be made has remained at 12 months

ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

3. Complaints Received

3.1 Ombudsman referrals

The two cases resulting in local settlement included one case from last year. Two cases were not investigated, due to one being outside of the timescale, the other no fault in the decision. There were two cases where no evidence of administrative fault following investigation. One of these cases the investigation was discontinued as it was recognised that the local authority had taken appropriate actions to improve services.

The informal enquiries are counted as contacts by the Local Government Ombudsman, and therefore may refer to cases that were subsequently reported on.

	Apr 12- Mar 13	Apr 11- Mar12	Apr10- Mar11	Apr09 - Mar10
Maladministration				
Local settlement with penalty	2			3
No maladministration after investigation		1		1
Ombudsman discretion			1	1
-Cases under investigation/ongoing		1		
-Investigation not started/discontinued	2	2		
No evidence of maladministration/service failure	2			
Cases completed not premature		3	1	
Premature/Informal enquiries	4	4		
Total	10	10	2	4

3.2 Total number of complaints

The total number of complaints received for Adult Social Care during April 2012 – March 2013 were 115 which includes complaints which cover more than one area.

Total Number of Complaints			
2012/13	2011/12	2010/11	2009/10
115	123	141	192

3.3 Stages

Informal complaints have decreased quite significantly from last year from 97 in 2011/12 to 68 in 2012/13, while formal complaints have increased from 23 in 2011/12 to 34 in 2012/13. There were 9 enquiries and 4 joint health and adult social care formal complaints this year.

	Enquiry	Formal	Informal	Joint health and adult social care formal complaint
Apr 12 – Mar 13	9	34	68	4
Apr11-Mar12	5	23	97	3

ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

3.4 Teams

There has been an overall decrease in complaints across the board. It is particularly encouraging to see that complaints against external provider agencies have continued to decrease from year to year. The total number of clients receiving homecare during April 2012 to March 2013 was 3019 service users, with the total commissioned hours being 846,029. There has been an increase in the number of service users and a decrease in the number of commissioned hours from last year i.e. 2% increase and 6% decrease. This may be attributed to the increase in clients going through reablement resulting in less intensive care packages. Complaints involving those on either ISF or Direct Payment totalled 23 for this year. This is an increase in last year of 2, and this could be reflecting the increase in service users moving to direct payments or ISF.

There has been an increase in the number of complaints for Adult Community North, Commissioning, Preventative & Assessment and Preventative Team. A number of complaints involving Commissioning resulted from debt recovery action taken against historic debts. Changes have been made to debt recovery processes to avoid this problem.

	Apr 12 – Mar 13	Apr11 - Mar12
Adult Protection Team (Safeguarding Adults)		
Access & Assessment	5	5
Adult Community Team North	9	4
Adult Community Team South	3	7
Adult Social Care Customer Services (Front Door)	5	8
Appointee and Receivership	0	0
Commissioning	20	16
Day centres	1	0
Direct Payments	1	1
External Homecare	17	27
External Nurs/Res	12	20
Hospital Discharge Team	6	9
LD Team	6	12
Mental Health	2	
MH CMHT Romford	-	2
MH MHAIT Team	-	2
MH Mental Health Provider Team	-	0
Meal on Wheels	-	0
Non Social Services	1	3
PD Yew Tree Lodge DC	1	-
Preventative & Assessment	4	2
Preventative Team	13	7
Reablement	8	16
Royal Jubilee Court	-	6
Supported Living	1	

ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

3.5 Reasons

There is a significant increase in the number of complaints regarding quality of service. This is reflected in a number of complaints received that are linked where a decision is disputed in relation to finances. Quality of service has increased across all services, however external homecare, external nursing/residential homes and commissioning have the highest increases. However, when comparing this as percentages, against last year external homecare reduced by 11.6%, external nursing/residential homes by 1.5% and commissioning increased by 11.1%.

As stated above, dispute decisions has increased by 37.9% and although has been linked with finances, there has been an increase in those disputing decisions in relation to residential/nursing placements.

It should be noted that the number of complaints relating to behaviour of staff has decreased from last year by 39%.

	Access to Information	Behaviour of Staff	Change of Service	Closure of Service	Data protection	Delay in Decision Making	Delay to implement a Service	Dispute decision
Apr 12 – Mar 13	-	16	3	--	2	-	1	22
Apr11-Mar12	1	25	3	1	3	2	3	13
	Eligibility	External to Social Services	Financial Issues	Incorrect Information	Incorrect Invoicing	Incorrect assessment	Lack of Communication	Level of Service
Apr 12 – Mar 13	-	-	15	-	-	-	14	9
Apr11-Mar12	5	3	14	1	12	3	17	9
	Need of Service	Non Delivery of a Service	Quality of Service	Safeguarding Issues	Welfare Concerns			
Apr 12 – Mar 13	4	1	54	2	4			
Apr11-Mar12	9	3	32	6	1			

3.6 Outcome

The highest outcome was explanation given which reflects the next highest apology which tended to be linked. Again this year, staff need to be clear about information being given and that users of the service and their family or carers' expectations are managed.

	Apology given	Assessment to be carried out	Assistance to find alternative services	Change in Practices	Change in Procedures	Change of Provider	Change of Social Worker	
Apr 12 – Mar 13	34	3	2	5		1		
Apr11-Mar12	14	6	3	9	0	1	0	
	Compensation Offered	Complaint Withdrawn	Explanation given	Financial Assistance awarded	Fees Waivered	Hours increased	Information given	
Apr 12 – Mar 13	1	1	57	1	1		2	
Apr11-Mar12	2	1	47	0		0	1	

ADULT SOCIAL CARE ANNUAL REPORT 2012 -2013

					1		
	Meeting offered	No further action required	Progressed to Formal	Re-Imbursement	Services Reinstated	Training Identified	Other
Apr 12 – Mar 13	2	2		2		3	
Apr11-Mar12		2	0	0	0	1	1

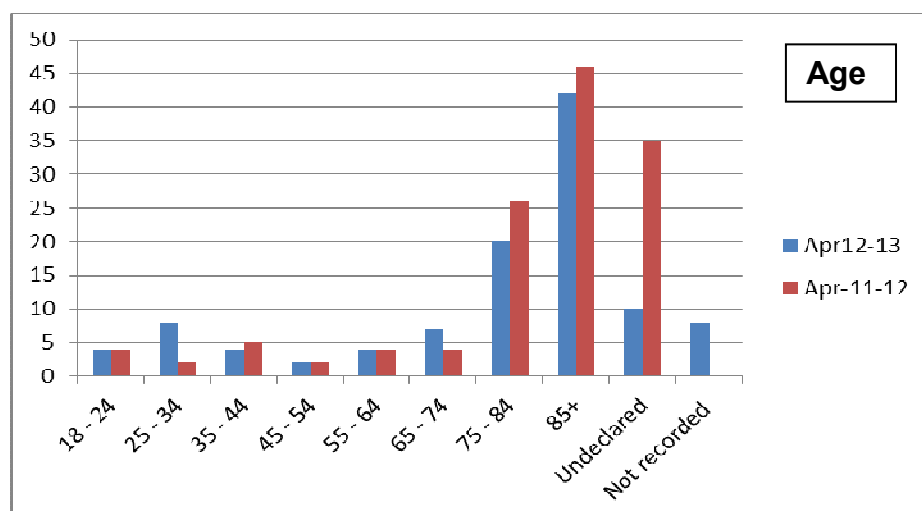
3.7 Response times

There has been an improvement in the number of complaints that have been responded to within 10 days both formally and informally. There has also been an improvement overall for responses to informal complaints. However, although the number of formal complaints that have been responded to within 10 working days has improved, there has been a slight increase in the number of formal complaints being responded to over 20 days.

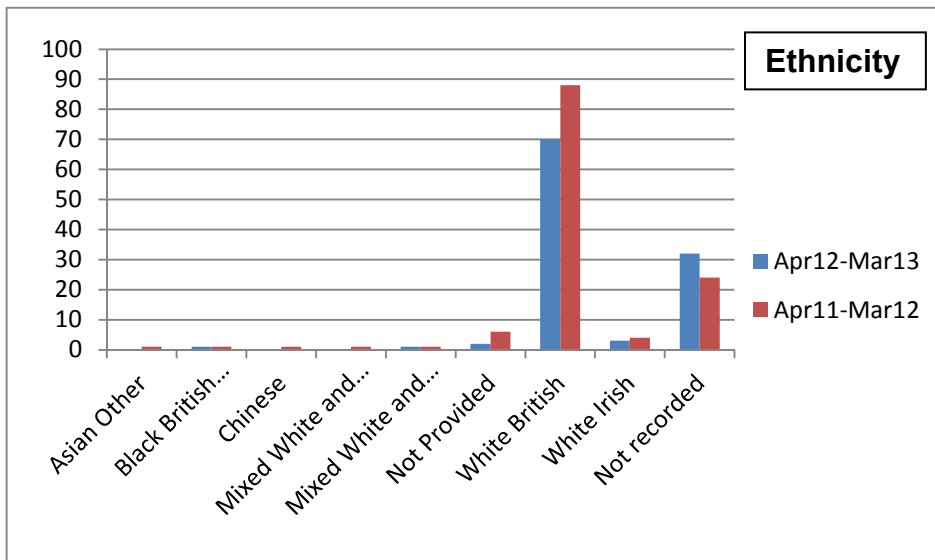
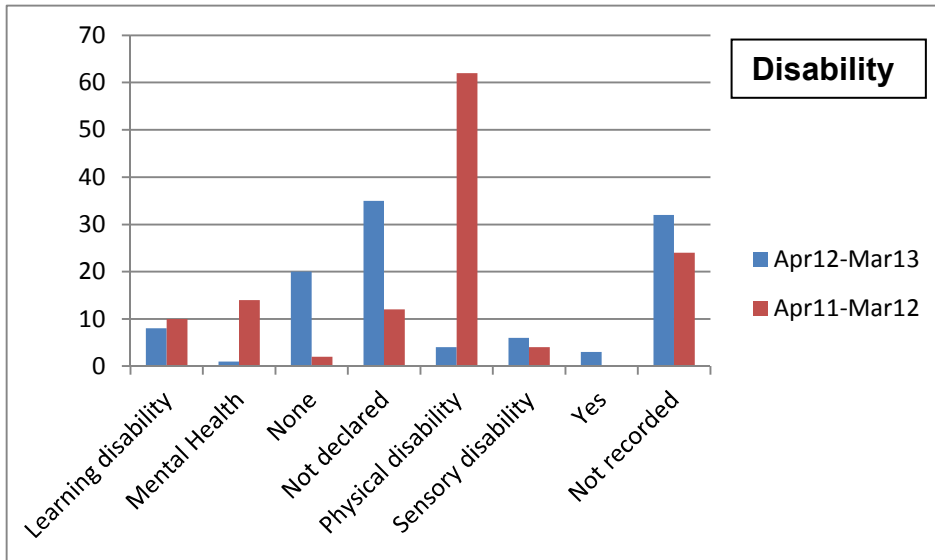
	Within 10 days		10-20 days		Over 20 days	
	Apr12-Mar13	Apr11-Mar12	Apr12-Mar13	Apr11-Mar12	Apr12-Mar13	Apr11-Mar12
Informal	51%	44%	19%	16%	30%	40%
Formal	22%	18%	12%	19%	66%	63%

3.8 Monitoring information

There have been slight decreases in complaints received involving those aged between 75-84 and 85+. However there have been increases in complaints involving those aged between 25-34 and 65-74. A significant drop in complaints involving those with a physical disability from last year and a small drop in complaints involving those from a White British background. It should be noted however that there has been a decrease in the number of service users disclosing their equalities profile and this will need to be addressed.



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4. How complainants contacted us

Emails and letters are the preferred method of contact and are fairly even. There has been a drop in those contacting us by telephone and a slight rise in those preferring to use either online forms, complaint leaflets or wishing to make their complaint in person.

	Complaint Card or Leaflet	E-Mail	In Person	Letter	Online	Survey	Telephone
Apr12 – Mar13	12	34	2	39	3	-	20
Apr11 - Mar12	10	29	-	53	1	-	37

5. Expenditure

There were a total number of 7 complaints which required an independent investigation during April 2012 – March 2013. Two complaints investigated by the Local Government Ombudsman resulted in compensatory payments. One was from an ongoing investigation

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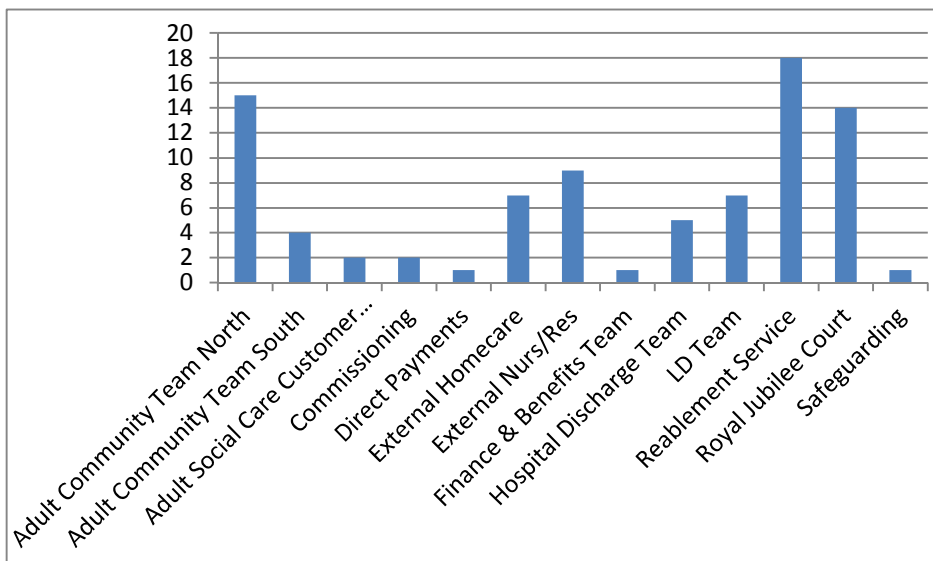
from the previous year, the other was a compensatory payment offset against an outstanding debt.

	Compensation	Independent investigators
April 2012 – March 2013	£1,700	£9,219.70

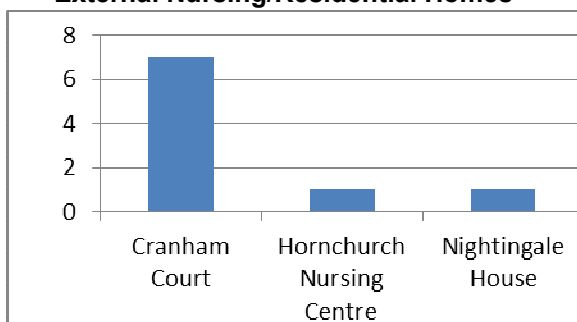
6. Compliments

There were a total of 65 compliments for the period April 2012 – March 2013, an increase from last year (56). The main reasons given for compliments were for the good service provided and the help and support given. External home care and external nursing/residential homes compliments have been broken down to the relevant agency/residential/nursing home for those recorded.

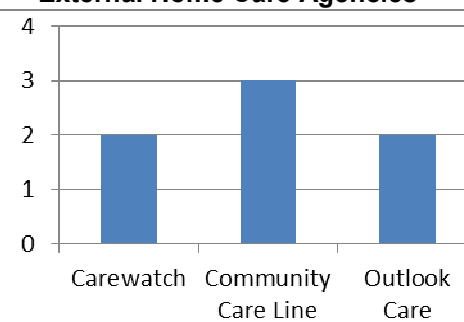
Compliments that have highlighted particularly outstanding work either by a team or an individual are reported in the Complaints, Information & Communication's newsletter or within the Corporate newsletter 'Inside Havering'.



External Nursing/Residential Homes



External Home Care Agencies



A few examples of some of the compliments received are given below:

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A social worker is thanked by a daughter 'from the bottom of my heart for the kind professional way you handled my mum' – Adult Community Team

A niece writes in to thank a worker on providing advice regarding her aunt for her 'time, effort and patience in talking to me over the phone'.

A manager of an out-of-borough home writes in to praise our 'Charging for Care Services leaflet' stating 'it is by far the most clear and informative leaflet we have had from any London Borough or any County Council , it's a shame they don't all follow in your footsteps when providing information.'

A mother writes in to thank the Learning Disability Team for helping her through a difficult time 'you have been there to answer my call and share my worries allaying my anxieties'.

7. Members Enquiries

The total number of members' enquiries received for Adult Social Care during April 2012 – March 2013 was 60. Of these 39 (65%) were responded to within the 10 day timescale. This is a decrease from last year where 80% of members' enquiries were responded to within the 10 day timescale.

8. Conclusion

Complaints have continued to play an important role in identifying areas that need improving within the service. Quality of service still remains the highest area of concern and this may be reflective of changes within the service. It is refreshing to note that across the external providers that the number of complaints relating to quality of service has reduced from last year. The continuation of the Quality & Suspension meetings has made a significant impact in driving forward quality within our external providers.

This year has shown an increasing number of complaints in which decisions have been disputed, mainly around charges, or where residential/nursing placements has not been the outcome wanted by family/carers.

There has been a steady decrease in the number of complaints over the years, and as staff become more confident in dealing with complaints and resolving issues at an early stage this will hopefully continue to decrease. However there should not be complacency and steps should be taken to explore whether people are sufficiently informed about how to make a complaint.

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9. Complaints Action Plan

Issues Identified	Lessons Learnt	Action to be taken	Department	Timescale	Review
Communication regarding discharge arrangements is poor	<ul style="list-style-type: none"> Improvements for discharge arrangements Closer working needed between social care and health. 	<ul style="list-style-type: none"> Social workers to be more proactive at early stage District nurses to work alongside social workers to identify support for those who will require it on discharge. 	<ul style="list-style-type: none"> Hospital Discharge Team 	Ongoing	The SW Team from Havering works very closely with BHRUT Discharge Team. There are very clear protocols in place to deal with inappropriate discharges or delays in transfer of care. SW and Community Therapists work alongside each other in the safe and timely discharge of patients.
Information not being sent appropriately	<ul style="list-style-type: none"> Documents to be sent securely Information to be sent to appropriate contact 	<ul style="list-style-type: none"> All documents to be sent externally to be PDF All confidential documents to be sent via Egress. 	<ul style="list-style-type: none"> All service areas 	Immediate	Staff have been advised, although need to review to ensure embedded for all staff within Adult Social Care Continue to highlight with staff, via team meetings, supervision and informal discussion.
Disabled Freedom Pass procedure not clear	Disabled freedom passes to include assessment where applicant does not fall within benefits criteria.	<ul style="list-style-type: none"> Assessments to be undertaken 	<ul style="list-style-type: none"> Preventative Team 	Ongoing	Assessments are being taken for all of those who do not have the mobility element in their DLA.
Gaps in care provided over holiday period	Care should not be transferred or end over holiday period <ul style="list-style-type: none"> 	<ul style="list-style-type: none"> Team managers/senior practitioners to be advised of service users' last day of service. 	<ul style="list-style-type: none"> All service areas 	Ongoing	Staff continue to be aware of issues regarding holiday periods and weekends. We try to avoid discharges or change to service over these periods. On-going theme.
Inappropriate handling of	<ul style="list-style-type: none"> Recording on case notes need 	<ul style="list-style-type: none"> Training of staff/volunteers in day centres re safeguarding 	<ul style="list-style-type: none"> All Service areas 		Nason Waters, now Avelon Road Centre, was refurbished and amalgamated with

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safeguarding incident and delay in complaints process	<p>to be improved</p> <ul style="list-style-type: none"> • Clear process to be established where complaints involve safeguarding 	<p>procedures.</p> <ul style="list-style-type: none"> • Training for staff on effective writing for recording, assessments, etc. • Protocol to be produced for dealing with complaints involving safeguarding • Case file audits to look at recording of information 	<ul style="list-style-type: none"> • All Service areas • Complaints/ Safeguarding • All Service areas Senior Managers 	<p>Western Road during 2012. During this change period all staff received Safeguarding of Vulnerable Adults Awareness Training in March 2012. There is an ongoing programme in place to ensure all staff have regular up to date Safeguarding training, this is monitored through supervision and PDR process</p> <p>Majority of teams attended the effective report writing etc. Issues are picked up within supervision and staff are given regular feedback regarding assessment reports.</p> <p>Review of Safeguarding being undertaken with complaints input to be included.</p>
<p>Inadequate advice and guidance for self-funders.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 26</p>	Hands on advice/assistance at initial stage.	<ul style="list-style-type: none"> • Staff to be reminded through supervision/team meetings in providing adequate support for families/carers 	<ul style="list-style-type: none"> • Adult Social Care Customer Services 	<p>This has been highlighted within team meetings and informal discussions. The team is clear regarding its responsibilities to provide appropriate information and guidance to people whether they are self funders or not. Information packs are given to people routinely. On-going theme which will continue to be discussed.</p>
	•	•	•	

**ADJUDICATION & REVIEW
COMMITTEE
30 JANUARY 2014**

Subject Heading:

Children, Adults & Housing: Children &
Young People's Services Annual
Complaints & Compliments Report
2012/13

CMT Lead:

Joy Hollister

Report Author and contact details:

Coral Hayden, Complaints, Information &
Communication Manager
Mercury House, Mercury Gardens
Romford RM1 3SL
Telephone: 01708 432589

Policy context:

Service Quality and Customer Service

SUMMARY

This report is for information and refers to the report presented to Children & Learning Overview & Scrutiny Committee on the 5 December 2013, which is attached.

RECOMMENDATIONS

The Committee to note the report

REPORT DETAIL

Please see attached report

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this cover report

Legal implications and risks:

None associated with this cover report

Human Resources implications and risks:

None associated with this cover report

Equalities implications and risks:

None associated with this cover report

BACKGROUND PAPERS

None



**Children's Services Overview
& Scrutiny Committee
19 November 2013**

REPORT

Subject Heading:

Children Adults & Housing (Children and Young People's Services) Annual Complaints and Compliments Report 2012/13

Report Author and contact details:

Coral Hayden
Complaints, Information & Communication Team Manager

Policy context:

Tel: 01708 433056
Service Quality and Customer Relationships

SUMMARY

The report provides information about the numbers and types of complaints handled by the Children and Young People's Service during 2012/3 and how they were dealt with to minimise the impact of justifiable concerns and to reduce the likelihood of future complaints.

RECOMMENDATIONS

To note the content of the report and the attached appendix 1 that sets out the position for 2012/13.

REPORT DETAIL

1.0 Introduction

The separate Appendix 1 contains the summary report on the position regarding service complaints handled in relation to the Children and Young People's Services during the period 1 April 2012 to 31 March 2013. It also shows the compliments received.

2.0 Key Issues

The reason for reporting complaints on Children and Young People's Services separately is because they are handled under specific regulations that individually define the statutory process into 3 formal stages (Stage 1, 2 and 3). Havering introduced an informal Pre Stage 1 process in 2005 to support a better complaints practice and avoid complaints escalating to statutory processes.

Some of the key messages that arise from the report during 2012/13 are that:

- The overall number of complaints are around 180 and within this figure 46 matters raised by MP's and Councillors
- The Pre Stage 1 process (27) has been very successful in resolving many initial concerns, with 5 escalating to the formal stage 1 process.
- Matters raised through a Councillor or MP are monitored through their own individual corporate processes (page 5 of appendix 1, see table 1 on page 10).
- The overall number of Stage 1 complaints has decreased by 5. There has been a consistent approach with complaints made by the Children's Advocacy Service (pages 6-7 of appendix 1, see table 1 – 4 on page 10 - 12).
- The number of Stage 1 complaints, that escalated to a Stage 2 complaint had increased in 2012/13 by 1 (page 7 of appendix 1, see tables 1, 2, 3 and 4).

- There was one Stage 3 complaint for the financial year 2012/13 This Stage 3 complaint will roll over into 2013/14 (page 8 of appendix 1, see tables 1 – 3 on page 10 -11).
- For 2012/13 43 Compliments were received, these are in relation to the good work Children and Young People's Services have carried out (page 9 of appendix 1 and tables 1 and 7 on page 10 & 13).
- 5 complaints were submitted to the Local Government Ombudsman (LGO). The outcomes from these complaints were: 2 referred back as a premature complaint and investigated locally as a statutory Stage 1 complaint. 1 outside LGO jurisdiction, 1 informal enquiry, 1 complaint was investigated by the LGO with local settlement.
- Most complaints are initiated by parents and very few by children and young people.
- The majority of complaints relate to the quality of service, alleged behaviour of staff and disputed decision (on appendix 1, page 6 provides examples).
- A number of future actions have been identified as a result of the Annual Complaints and Compliments Report 2012/13. These are set out on page 10 of the appendix 1. Most are continuous development matters, but with one or two specific new actions. Key is the continuation of a staff training programme.

3.0 Future Arrangements

Currently, the Council has a corporate complaints model that captures non social care complaints, principally education, children services activity. Attached to that are separate regulated processes, for the Children's Social Care and Adult Social Care (inc. health aspects) Service. These complaints systems are statutory and have separate defined and differing regulated processes.

IMPLICATIONS AND RISKS

Financial implications and risks:

There is a Complaints, Information and Communication team within the Directorate. This team addresses complaints received and manages associated resource implications, which are funded from within overall service budgets. There are no new financial implications or risks arising from this report, which is for information purposes.

Legal implications and risks:

There are no apparent legal implications from noting this Report. The complaints process is governed by the Children Act 1989 Representations Procedure (England) Regulations 2006.

Human Resources implications and risks:

There are no new HR implications or risks arising from this report.

Equalities implications and risks:

The report demonstrates that there is a transparent and structured (both informal and formal) route for concerns or complaints, including those relating specifically to bullying, harassment, unfair treatment and/or discrimination against young people, guardians, parents or carers,, to be registered for review and action where required.

The Council monitors the diversity profile of complainants and service users against relevant protected characteristics such as age, disability, ethnicity, etc. This data is captured on the CRM system and forms part of the Complaints Annual Report.

In line with the Council's corporate policy on translation and interpreting services, this service also offers information in other languages and alternative formats on request.

We will continue working towards raising awareness on equality and diversity related issues and improving the access to our Complaints, Comments and Compliments policy and procedure.

BACKGROUND PAPERS

Appendix 1 attached which draws on the electronic and paper recording systems held within the Social Care and Learning Directorate.

APPENDIX 1

Children, Adults & Housing: Children and Young People's Services

Annual Report 2012 – 2013 Complaints and Compliments

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Prepared for:

Joy Hollister, Group Director – Children, Adults & Housing

Kathy Bundred, Head of Children and Young People's Services

**Prepared by: Coral Hayden Complaints, Information & Communication Team Manager
Natalia Knock, Complaints & Information Officer**

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1. Introduction:

This report covers the complaints, representations and compliments received about children and young people services (C&YPS). It covers complaints made by children or young people. It also applies to parents, foster carers and people in which the local authority consider have a sufficient interest in the child or young person's welfare to warrant his/her representations being considered by them, under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations 2006. '

The report sets out the types of complaints/compliments received and the effectiveness of our services in meeting statutory requirements, including timescales, independence and the processes set out in the regulations. However, services are striving towards improvements by using the lessons learnt from complaints to help inform change. The development of the new Customer Relations Management (CRM) system will link actions and recommendations to outcomes and this will assist in evidencing service improvements and having a more joined up service with all data being stored in one place, with integration to other line of business systems.

There are a number of different codes (attributes) which can be used to identify the nature of Children and Young People's Services complaints. Only those that relate to the specific data recorded over the reported year (1 April 2012 – 31 March 2013) are used here. Tables are included at the end of the report.

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The requirements are set out in the Children Act 2004 and Every Child Matters guidance that govern the way in which C&YPS social services complaints are recorded and managed.

Stage 1 - Local Resolution

The complaints procedure requires complaints at stage 1 to be responded to within 10 working days (with a further 10 days for more complex complaints or additional time if an advocate is required); After this deadline the complainant can request consideration at Stage 2 if he/she so wishes. The Complaints Manager should inform the complainant that they have the right to move on to Stage 2 if the time scale has elapsed for Stage 1 and the complainant has not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if the reason that resolution is delayed due to a key person's availability, so this period can be extended with the complainant's agreement or request. If the matter is resolved, the local authority must write to the complainant confirming the agreed resolution and the Complaints Manager should be informed of the outcome as soon as possible. Otherwise, a letter should be sent by the local authority to the complainant (or a meeting offered, if this is more appropriate) responding to the complaint. Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. There is a time-limit in which a complainant must request this, which is within 20 working days so that momentum in resolving the complaint is not lost. The local authority is under a duty to operate expeditiously throughout the complaints handling process.

Stage 2 – Formal Investigation

The formal investigation is undertaken by an Independent Investigating Officer and Independent Person. The Head of Service adjudicates on the findings. The timescale for investigation is 25 working days. Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to a maximum of 65 working days. All extensions should be agreed by the Complaints Manager. The important thing is to maintain dialogue with the complainant and where possible reach a mutual agreement as to what is reasonable where a response in 25 working days is not feasible.

Stage 3 – Review Panel

A Review Panel is managed independently of Children and Young People's Services and conducted by Havering's Democratic Services. The panel consists of an independent Chairperson and two independent members. The Panel will review the complaint within 30 working days of the complainants request to go to Stage 3. The complainant will receive a letter of finding and recommendations from the chairperson of the panel within 5 working days. The Group Director must consider the recommendations together with the Independent Person and formulate the Authority's response within 15 working days.

Page 32. Complaints that relate to Children and Young People's Services that do not fall within the statutory requirements are recorded on the Council's Corporate CRM system.

2. Corporate Complaints:

The Corporate Complaints Procedure has been in existence since September 2008. All service areas complaints/compliments are recorded on the Corporate Customer Relations Management System (CRM) and responded within 10 working days. All complaints outstanding for more than 10 working days are reviewed by the Head of Service. All complaints outstanding for more than 20 working days are reviewed by the Group Director and Chief Executive.

The number of corporate complaints received from 1 April 2012 to 31 March 2013 was 49 in comparison with the previous year where there were 8. The reason for this high number was 39 parents made a complaint in relation to the closure of certain groups held at the Children Centre's. These complainants were not technically eligible to make a complaint under the Statutory Complaints Procedure, but could do so in relation to a service received by Children and Young People's Services e.g. a complaint against a children centre.

3. Members Correspondence:

Procedures for members correspondence from MP's and Councillors has been in effect since February 2010. These procedures ensure managers are directly accountable for Members enquiries in their area and set a challenging timetable for responding and dealing with

correspondence effectively, 10 working days. All correspondence not dealt with within 20 days is referred to the appropriate Group Director and the Chief Executive.

The number of Members correspondence in 2012/13 was 46 compared to the previous year 2011/12 when there were 36. The increase resulted from the proposed closure of some of the services within Children's Centres.

4. Pre Stage 1 Enquiries:

Since 2005 Children and Young People's Services have continued to be successful with the Pre Stage 1 Enquiry system. They deal with complainant's issues at an early stage, enabling the services to achieve a quick resolution. Although it is not a statutory requirement to resolve dissatisfaction at Pre Stage 1 this process has been found to be very effective in reaching a speedy resolution to concerns and avoid matters escalating into formal complaints.

The number of enquiries received at Pre Stage 1 in 2012/13 was 27 in comparison with the previous year 2011/12 where there were 29.

The majority of Pre Stage 1 enquiries were about welfare concerns and Quality of Service.

- Out of the 27 Pre Stage 1 complaints there were 7 enquiries recorded against welfare concerns. An example of a complaint against welfare concerns was the complainant had concerns in relation to a young person in the care of LBH.
- 6 enquiries were against quality of service. An example of a complaint against quality of service was where a complainant was unhappy that a social worker arranged a meeting but did not turn up

5 Pre Stage 1 Complaints escalated to a Stage 1 Complaint.

5. Stage 1 Complaints:

From 1 April 2012 to 31 March 2013 the Complaints Section recorded 43 Stage 1 complaints, compared to 48 in the previous year.

The majority of Stage 1 complaints were about quality of service, incorrect information and the alleged behaviour of staff.

- Out of the 43 Stage 1 complaints there were 21 complaints recorded against the quality of service – 7 was upheld (either fully or partially). It is evident that many complaints of this type arise because of the nature of the service interventions rather than the way issues are handled.

An example: One of the complaints that was upheld was where a complainant was unhappy about the fact the family have had various social workers

- 3 direct complaints and there were 6 complaints involved an issue relating to incorrect information – 0 were upheld (either fully or partially).

An example of a complaint against incorrect information is where a complainant claims her children's core assessment has incorrect information on it.

- 5 complaints were against behaviour of staff - 0 were upheld (either fully or partially).

An example of a complaint against behaviour of staff was where a complainant was unhappy that the social worker contacted one of the child's parents as the complainant had sole custody

Of the 43 complaints:

Page 17 were upheld (either fully or partially)
21 were not upheld
32 Withdrew
83 On-going

During 2012/13 43 complaints were received, 24 complaints were responded to within the 10 working days timescale, 10 complaints were responded to within 20 working days, 4 outside the timescale. 2 complaints withdrew and 3 are on-going and rolled over to 2013-14. Those complaints that were dealt with within 20 working days, or went outside of timescale the complaints team sent out relevant holding letters.

The majority of complaints were made by parents and only 2 were made by children/young people directly. The Children Advocacy Service made 6 complaints on behalf of young people.

5. Outcomes and Recommendation from Stage 1 Complaints – 2012-13

Below is a list of outcomes and recommendations which have come from the Stage 1 complaints. In all cases the complainant would receive an explanation and majority of cases would receive an apology. The apology may not be for the failure of the service but for how they felt the service was received.

Explanation Given	Change of social worker	Apology Given	Hours Increased
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6. Stage 2 Complaints:

From 1 April 2012 to 31 March 2013 there were 5 Stage 2 complaints that fell within the Statutory Complaints Process. This being an increase of 1 in comparison to the previous year (2011/12) when there were 4 Stage 2 complaints.

Within 2012-13 there was 1 Stage 1 request to go to a Stage 2 however this was dealt with locally.

2 Stage 2 Investigations have rolled over into the next financial year 2013/14 due to the complexity of the complaints, and remains on going.

1 Stage 2 complaint rolled over from 2011/12.

6. Outcomes and Recommendation from Stage 2 Complaints – 2012-13

Below is a list of outcomes, recommendations and lessons learnt which have come from the Stage 2 complaints. In all cases the complainant would receive an adjudication letter from the Heads of Service along with the Independent Investigators Officers and Independent Persons Reports. In the adjudication letter it would address each individual complaint points and suggested outcomes or recommendations.

Explanation Given	To convene a face-to-face meeting with complainants to talk through how they might best work together with the Local authority in the future to ensure the child's best interests
Apology Given	To commission a children's advocate to undertake a piece of work with the young person & their parents
Pathway Plan to be completed	To consider using an alternative telephone contact with siblings
Meaningful participation work	Direct contact sessions to be supported where possible by the same contact workers
To produce a clear timetable for contact	To feedback to complainants that they have recently agreed to contact supervised by one worker and this is a positive step forward.

7. Stage 3 Review Panels:

- No Stage 3 Review Panel was held in 2012-13.
- One Stage 2 complaint has escalated to a Stage 3 Review Panel but this data will roll over to 2013/14.

8. Local Government Ombudsman complaints, enquiries and decision:

There were 5 complaints submitted, compared to 10 in 2011/12. The significant decrease is as a result of SEN complaints no longer falling under Children and Young People's Services. Please see the table below which sets out the details/outcomes:

Service Area	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Outside Jurisdiction	Investigation Discontinued	No Maladministration after Investigation	Investigation with Local Settlement	Informal Enquiry
Duty and Assessment Team		1				1	
Looked After Children Team			1				1
Children with Disabilities Team		1					
TOTAL	-	2	1	-	-	1	1

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9. Expenditure on Investigation of Complaints:

There are on-going costs attached to the delivery of an effective complaints service in line with government regulation. The major part of the costs are associated with the staff resource time spent receiving, handling and resolving complaints which include the hidden cost of social work staff. There are thus service and budgetary benefits from reducing complaints. A small budget is held separately to commission Independent People to carry out investigations and determine outcomes at the later stages. Expenditure in 2012/13 for independent people was £7,712.72 against a budget £14,460.

10. Compensation Payments:

The Council can provide compensation if, after a complaint has been investigated, or as an outcome of a Local Government Ombudsman's investigation (LGO), it is concluded that:

- the Ombudsman finds that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

Within 2012/13 Children and Young People's Services incurred compensation totalling £6,000.00 compared to £1,180.00 in the previous financial year 2011/12. The reason for this high compensation is due to a very complex complaint and this was the remedy advised by the Local Government Ombudsman.

11. Compliments:

In 2012/13 43 compliments were received, compared to 34 in 2011/12. 10 of these compliments were included in the Corporate Complaints regarding Children Centre's. Staff have been reminded the importance of making the Complaints Team aware of any compliments which they have received in relation to their Service. This also can include professional staff complimenting another staff member, altogether there were 10 internal compliments and 4 external staff compliments.

12. Future Actions to Learn and Improve from Complaints:

As a result of the annual review of complaints and compliments:

- To continue training/supporting new and existing staff.
- The complaints section to continue working with service teams by monitoring and reviewing the implementation of all recommendations made at Stage 1 and 2.
- Continuation of the internal Service Improvement Report which will examine more closely data in detail around themes, trends and gaps. This report will assist the service and highlight specific areas that need to be improved.
- The Head of Service will continue to monitor the effectiveness of the adjudication meetings with the Independent People on their investigation findings to identify any gaps in service and future needs.
- DPA awareness has raised the need for all data to be sent securely when sending correspondence via email.

TABLES RELATING TO 2012/13 COMPLAINTS AND COMPLIMENTS

13. Table 1 – Complaint Activity:

Complaint Stage	2011/12	2012/13
Corporate Complaints	8	49
Members Correspondence (from MP's & Cllrs)	36	46
Pre-Stage 1 Enquiries	29	27
Pre Stage 1 escalated to a Stage 1	-	3
Direct Stage 1 Complaints	48	43
Stage 1 escalated to Stage 2	2	5
Direct Stage 2 Complaints	1	
Stage 2 Withdrawn	1	-
A Stage 2 rolled over from 2011/12 into the financial year of 2012/13		1
Stage 2 escalated to Stage 3	-	1
Stage 3 Review Panel	1	-
Local Government Ombudsman	10	5
Compliments	34	43

14. Table 2 – Outcome of Complaints

Stages	Upheld (either fully or partially)	Not upheld	Withdrawn
Pre Stage 1	As this is not a statutory requirement this is not recorded.		
*Stage 1	17	21	2
**Stage 2	2	1	
***Stage 3	-	-	-

*Three Stage 1 complaints are still on-going due to the nature of the complaint.

** 2 Stage 2 investigations are still on-going due to the nature of the complaint.

***A Stage 2 complaint has escalated to a Stage 3 Review Panel but this data will roll over to 2013/14.

15. Table 3 – Response Times of Complaints

	Stage 1	Stage 2	Stage 3
Within 10 Working Days	24	-	-
Within 20 Working Days	10	-	-
Within 25 Working Days	-	1	-
Within 30 Working Days	-	-	-
Within 65 Working Days	-	-	-
Outside of Timescale	4	2	-
Withdrawn	2	-	-
On-going	3	2	1

16. Table 4 – Stage 1 Complaint's – Nature of Complaint against the Team:

	Children In Need	Family Link	Duty and Assessment Team	Children with Disabilities Team	Leaving Care	Looked After Children Team	Intensive Family Intervention Team	Safeguarding & Service Standards Unit	IFIT/ DAAT	St Kilda's Children Centre/ DAAT	TOTAL
Behaviour of Staff	1		1				2		1		5
Delay to Implement a Service	1	1									2
Quality of Service	3		4	2	5	3	1	2		1	21
Dispute Decision				1	3						4
Level of Service				1		2					3
Incorrect Information			2			1					3
Access to Information						1					1
Lack of Communication					1	1					2
Incorrect Assessment			1								1
Welfare Concerns						1					1
TOTAL	5	1	8	4	9	9	3	2	1	1	43

17. **Table 5 – Stage 2 Complaints – Nature of Complaint against the Team:**

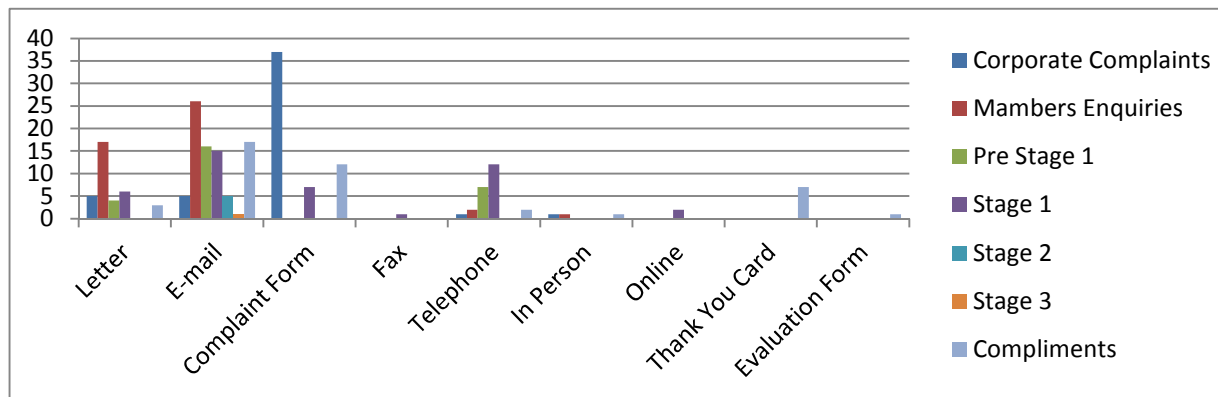
	Looked After Children	Leaving Care	Children with Disabilities Team	Duty and Assessment Team	Total
Quality of Service			2		2
Dispute Decision		1			1
Incorrect Information				1	1
Level of Service	1				1
Total	1	1	2	1	5

18. **Table 6 – Compliments - Nature of Compliment against the Team:**

	Leaving Care Team	DAAT	YISP	CWDT	Adoption	LAC	Chippenham Road Children Centre	Rainham Village Children Centre	Elm Park Children Centre	St Kilda's Children Centre	Collier Row Children Centre	S&SU	Ingrebourne Children Centre	TOTAL
Level of Service			1						9	1	1	1	1	14
Help and Support			9	3	1		1		1			1		16
Professional Staff	1	1	1	1		1		1	4	1				11
Quality of Service										1	1			2
TOTAL	1	1	11	4	1	1	1	1	14	3	2	2	1	43

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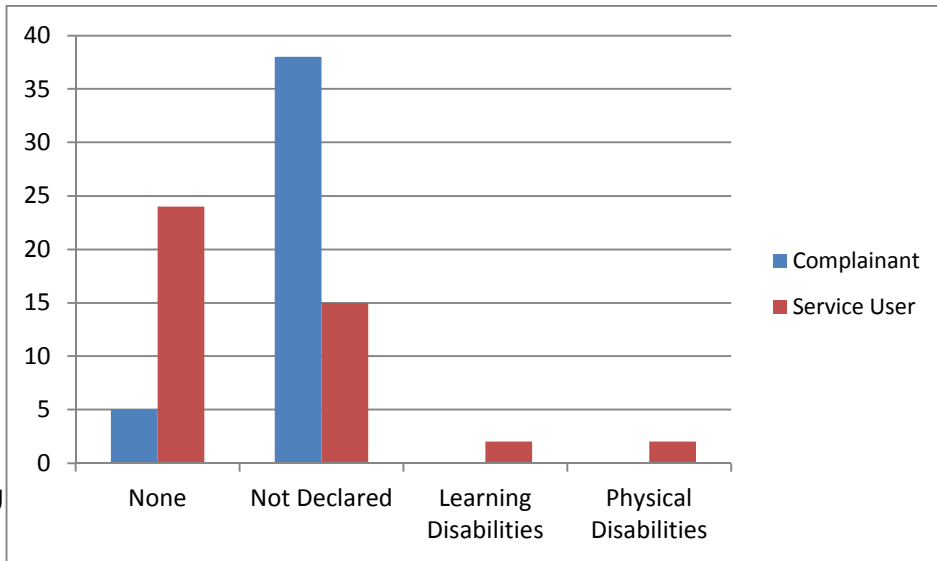
19. **Table 7 – How Complaints & Compliments were Received**



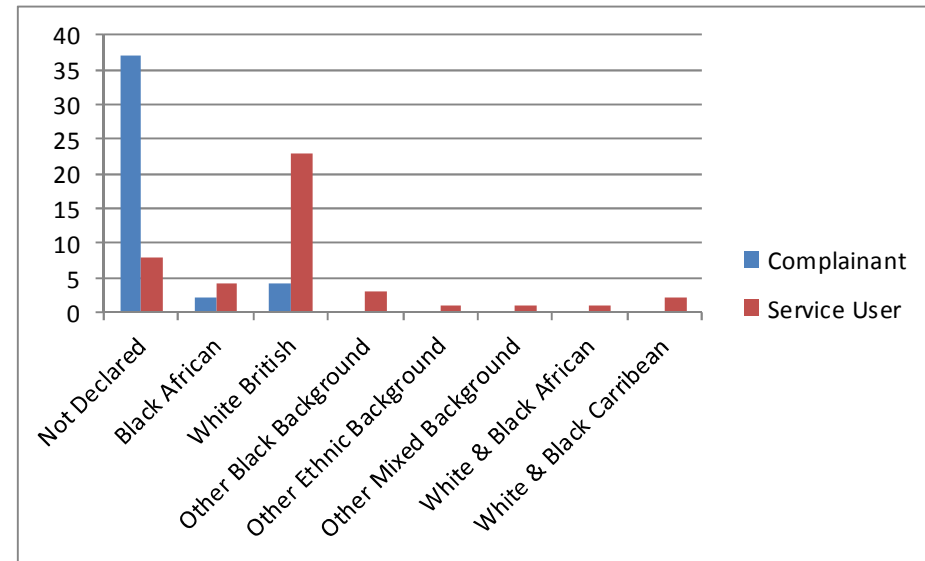
20. **Table 8 – Disability, Ethnicity and Age for both Complainant and Service User for Stage 1 Complaints**

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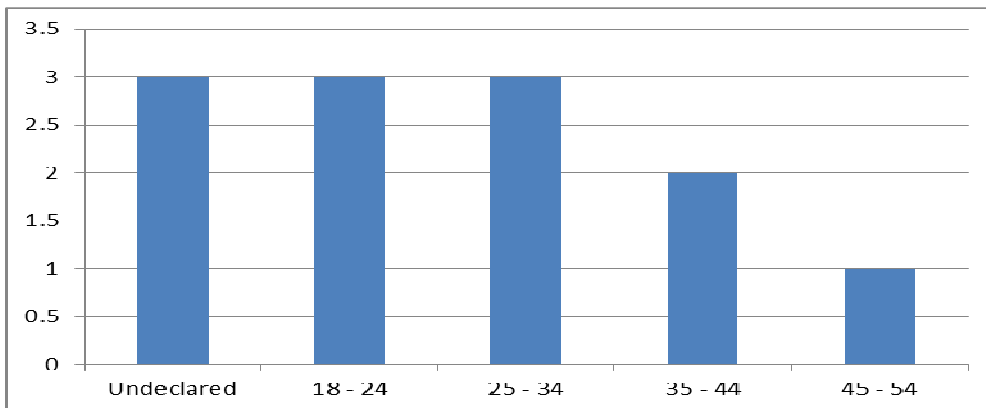
Disability



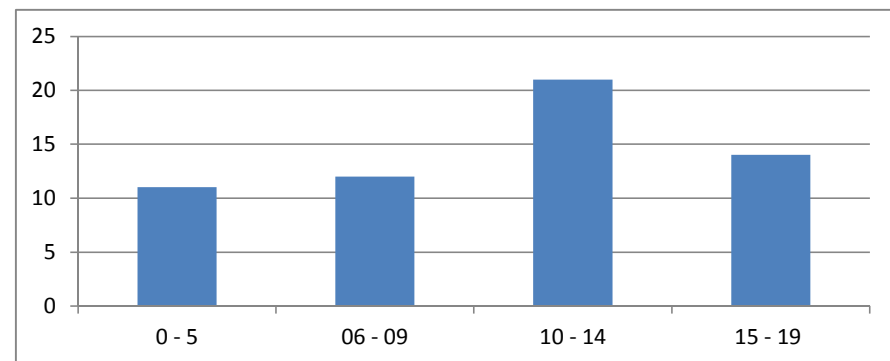
Ethnicity



Age of Complainant's



Age of Service User



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**ADJUDICATION & REVIEW
COMMITTEE
30 JANUARY 2014**

Subject Heading:	Children, Adults & Housing: Learning & Achievement Complaints Report 2012/13
CMT Lead:	Joy Hollister
Report Author and contact details:	Coral Hayden, Complaints, Information & Communication Manager Mercury House, Mercury Gardens Romford RM1 3SL Telephone: 01708 432589
Policy context:	Service Quality and Customer Service

SUMMARY

This report is for information and refers to the report presented to Children & Learning Overview & Scrutiny Committee on the 5 December 2013, which is attached.

RECOMMENDATIONS

The Committee to note the report

REPORT DETAIL

Please see attached report

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this cover report

Legal implications and risks:

None associated with this cover report

Human Resources implications and risks:

None associated with this cover report

Equalities implications and risks:

None associated with this cover report

BACKGROUND PAPERS

None



**Children's Services Overview
& Scrutiny Committee
October 2013**

REPORT

Subject Heading:

Children, Adults & Housing:- Learning & Achievement

Report Author and contact details:

Complaints Report 2012/13

Coral Hayden

Complaints Information & Communication

Team Manager

Tel: 01708 433056

Policy context:

Service Quality and Customer

Relationships

SUMMARY

The report provides information about the numbers and types of complaints handled by the Learning & Achievement during 2012/13 and how they were dealt with to minimise the impact of justifiable concerns and to reduce the likelihood of future complaints.

RECOMMENDATIONS

To note the content of the report and the attached appendix 1 that sets out the position for 2012/13.

REPORT DETAIL

1.0 Introduction

The separate appendix 1 contains the summary report on the position regarding service complaints handled in relation to the Learning and Achievement for the period 1 April 2012 - 31 March 2013.

2.0 Key Issues

This report excludes:-

- **Social Care & Learning, Pupil Services - School Admissions & Exclusions Appeals**, which are a statutory requirement and are dealt with by Committee Administration within Legal & Democratic Services. There is a separate report that goes to Committee in relation to school appeals and this data is submitted to the Department for Education (DfE) on a yearly basis
- **Maintained Schools** – The 2002 Education Act determined that all governing bodies must have complaints procedures in place by September 2003 and must have regard to guidance given by the Secretary of State, which included a model process. The London Borough of Havering, in consultation with schools decided to recommend a different model and the Department for Education (DfE) subsequently confirmed that it met statutory requirements. Most governing bodies adopted this model. However, in the light of outcomes of specific cases this model has now been revised to assist governing bodies when they review their current arrangements.
- **Complaints about Free Schools and academies**

The Secretary of State will consider complaints similar to those made about maintained schools and may include where:

- There has been undue delay, or the complaints procedure does not comply with statutory requirements, or has not been followed. For example, there is no independent member involved at the final stage of the complaint.

- There is a breach of the funding agreement. For example, there is no religious education or requirements for provision of information are not being met.
- A statutory duty has not been met, unless another organisation is better placed to investigate. For example, child protection matters would be for the local authority; exam malpractice would be for Ofqual;

The Secretary of State is not required to intervene in every case that is brought to his attention but he must always consider whether, in light of the information provided to him by a complainant, he should exercise his powers.

Some of the key messages that arise from the report during 2012/13 are that:

- All corporate complaints are captured on the Customer Relations Management System (CRM) Please refer to page 4,5,10 & 11.
- Matters raised through Councillor or MP routes are now monitored through the new processes (pages 5,6,7,10 & 11 of appendix 1).
- The Pre Stage 1 – This process is used within Children and Young People's Services who have been using a Pre Stage 1 enquiries system since 2005 and continues to be a very successful process. This process has now been adapted to incorporate education enquiries. (Page 7,8,9,10 &11 of appendix 1).
- 5 complaint has been submitted to the Local Government Ombudsman (LGO) and this is an on going investigation.
- The majority of complaints relate to the quality of service.
- A number of future actions have been identified as a result of producing this report. These are set out on page 10 of the appendix 1.

3.0 Future Arrangements

Currently, the Council has a corporate complaints model that captures non-social care complaints which captures complaints/compliments received by Learning and Achievement.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications or risks arising from this report.

Legal implications and risks:

There are no apparent legal implications from noting this Report.

Human Resources implications and risks:

There are no new HR implications or risks arising from this report.

Equalities implications and risks:

The report demonstrates that there is a transparent and structured (both informal and formal) route for concerns or complaints, including those relating specifically to bullying, harassment, unfair treatment and/or discrimination against pupils, guardians, parents or carers, to be registered for review and action where required. The Council monitors the diversity profile of complainants and service users against relevant protected characteristics such as age, disability, ethnicity, etc. This data is captured on the CRM system and forms part of the Complaints Annual Report.

In line with the Council's corporate policy on translation and interpreting services, this service also offers information in other languages and alternative formats on request.

We will continue working towards raising awareness on equality and diversity related issues and improving the access to our Complaints, Comments and Compliments policy and procedure.

BACKGROUND PAPERS

Appendix 1 attached which draws on the electronic and paper recording systems held within the Children, Adults & Housing Directorate.

APPENDIX 1

**Children, Adults & Housing: Learning & Achievement
Education Report 2012 - 2013
Complaints**

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Prepared for:

Joy Hollister, Group Director, Children, Adults & Housing

Mary Pattinson, Head of Learning & Achievement

Prepared by:

Coral Hayden Complaints, Information & Communication Team Manager

Natalia Knock, Complaints & Information Officer

	<u>Contents</u>	<u>Pages</u>
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1. Introduction:

The report provides information about the numbers and types of complaints handled by Learning & Achievement Department within Children, Adults & Housing. With regards to service areas data this has been captured for the last year (1 April 2012 – 31 March 2013).

The report sets out the types of complaints/compliments received and the effectiveness of our services in meeting requirements, including responses within timescales. However, services are striving towards improvements by using the lessons learnt from complaints to help inform change. The development of the new Customer Relations Management (CRM) system will link actions and recommendations to outcomes and this will assist in evidencing service improvements and having a more joined up service with all data being stored in one place, with integration to other line of business systems.

This report excludes:-

- **Social Care & Learning, Pupil Services - School Admissions & Exclusions Appeals**, which are a statutory requirement and are dealt with by Committee Administration within Legal & Democratic Services. There is a separate report that goes to Committee in relation to school appeals and this data is submitted to the Department for Education (DfE) on a yearly basis.

Under Section 29 of the Education Act 2002, the governing body of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be publicised. Copies of the school complaints procedure are available on the schools individual websites. However the following would apply:-

- If a complaint remains unresolved by teaching staff or the head teacher, the complaint will go to the school's governing body or trustees as part of the school complaints process.
- If the complaint cannot be resolved at school level or if it is felt that the complaint has not been given fair consideration due to a conflict of interest - complaints can be forwarded to the Department for Education, using the online [school complaints form](#) available on the DfE website. :

➤ **Complaints about maintained schools**

The Education Act 1996 Sections 496 and 497 were amended with effect from 1 August 2012 to enable the Secretary of State to consider complaints relating to schools. This is likely to have an impact on the complaints process for the current year 2012/13

For the Secretary of State to intervene in a maintained school following a complaint, he needs to be sure either that:

- the school has acted or is proposing to act unreasonably in the exercise or performance of its functions under certain legislation;
or
- The school has failed to discharge a duty at all under certain legislation.

➤ **Complaints about Free Schools and academies**

The Secretary of State will consider complaints similar to those made about maintained schools and may include where:

- There has been undue delay, or the complaints procedure does not comply with statutory requirements, or has not been followed. For example, there is no independent member involved at the final stage of the complaint.
- There is a breach of the funding agreement. For example, there is no religious education or requirements for provision of information are not being met.
- A statutory duty has not been met, unless another organisation is better placed to investigate. For example, child protection matters would be for the local authority; exam malpractice would be for Ofqual.

The Secretary of State is not required to intervene in every case that is brought to his attention but he must always consider whether, in light of the information provided to him by a complainant, he should exercise his powers.

The Secretary of State cannot intervene just because he would have made a different decision to that of the school and will only do so where he is of the view that there is some practical value or worth or purpose to be served in doing so.

The Secretary of State may consider other options to intervention to help you to resolve a complaint if appropriate, for example it may be possible to resolve the issue by agreement.

More information about school complaints can be found at:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

2. Corporate Complaints:

Since September 2008 the Council implemented a Corporate Complaints Procedure whereby all service areas complaints/compliments are recorded on the Corporate Customer Relations Management System (CRM). The manager of the service area is responsible for ensuring that complaints are dealt with quickly and appropriately. All complaints outstanding for more than 10 working days are reviewed by the Head of Service and escalate to the Group Director and Chief Executive if outstanding for more than 20 working days

If the customer remains dissatisfied after receiving responses through the Corporate Complaints Procedure, the Customer or Service can request that a Hearings Panel look into the complaint.

Hearings Panels are entirely independent of the service about which you are complaining. A panel consists of up to three elected Councillors sitting with an independent person. The Panel will meet at the Town Hall and give the customer an opportunity to explain the problems and to question council staff responsible for the service complained about. The Panel will then decide what action to take and will inform the customer of that decision in writing.

If a customer would like their case considered for a panel hearing they must request this via the person dealing with their complaint owner. This would usually only be considered once the complaints procedure had been fully exhausted. The case should be considered first by the Head of Service to make sure he/she is satisfied there is nothing further that can be done to resolve the situation before proceeding to a hearings panel.

In 2012/13 there were 8 complaints, compared to the previous year 2011/12 we received 20 and 1 of these complaints were against Commissioning (Schools).

Service Area	Number of Complaints
Learning & Achievement	8

How these complaints were received:

	Learning & Achievement
Complaint Form	1
E-Mail	1
Telephone	3
Online Form	1
Letter	2

Reason of Complaint:

Reason	Number
Quality of Service	3
Challenge Council Decision	2
Dispute Decision	1
Council is Unreasonable	1
Policy Issue	1

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Nature of Complaint

Summary of Complaint	TOTAL
The detriment and damage of an e-mail sent	1
Situation of a steel container within the grounds of a school	1
Secondary School transfer	1
Unhappy with the Service received from SEN	1
Closure of Bretons Preschool	1
Using non-qualified teachers	1
Various issues with Harold Court Primary School	1
Unhappy with the treatment from Havering RE child's school situation	1

3. Members Correspondence:

In February 2010 the Council adopted new procedures for dealing with correspondence from MP's and Councillors. These procedures now ensure managers are directly accountable for Members enquiries in their area and set a challenging timetable for responding and dealing with correspondence effectively, 10 working days. All correspondence not dealt with within 20 days is referred to the appropriate Assistant / Group Director and the Chief Executive.

This is a corporate requirement, not statutory and data is captured on to the Corporate Customer Relation Management (CRM) System to ensure a uniformed approach across directorates and the compliance of timescales.

The number of Members correspondence in 2012/13 was 50 as compared to the previous year 2011/12 when there were 49.

Enquiries broken down into Teams:

Team	Learning & Achievement
Education and Schools	17
School Admissions	22
Early Years	1
Special Educational Needs	1
Speech and Language Therapy (SALT)	2
Commissioning (Schools)	7

How these were received:

Method of Contact	Learning & Achievement
Letter	17
E-Mail	32
Telephone	1

Reason of Enquiry:

Reason for Enquiry	Learning & Achievement
Service Required	10
Quality of Service	5
Comments or Feedback	3
Information Requested	32

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Nature of Enquiry:

Learning & Achievement	TOTAL
Advice on school transfer	3
Position of a Pre School & Children Centre	1
Bullying Issues	1
School Issues	7
School Placement/Appeals	17
Future of Europe Centre	1
Future of RAGS	2
Issue on oversubscribed schools	1
Information requested on school insurance	1
Information on New funding formula's on schools	1
Issue raised RE Admission – possible national scandal	1
Impact from a briefing	1
Issues RE Speech and Language Therapists	2
Special Educational Needs issues	1
Radical changes at Rise Park School	1
Expanse of Branfill School	3
Management of asbestos in schools	1
Closure of Elm Park School	1

Who made the Enquiry:

Who made the Enquiry	Learning & Achievement
Councillor	23
MP	27

4. Pre Stage 1 Enquiries:

Children and Young People's Services have been using a Pre Stage 1 enquiries system since 2005 and it continues to be a very successful process. This process has now been adapted to incorporate education enquiries, whereby service areas at times can cut across directorates. In implementing this process captures data and aims for the service to achieve an early resolution.

The number of Pre Stage 1 Enquiries in 2012/13 was 20 as compared to the previous year 2011/12 when there were 11.

Service Area	TOTAL
Education & Schools	17
Commissioning (Schools)	1
Psychology Service	2

Enquiries broken down into Teams:

Team	Education & Schools	Commissioning (Schools)	Psychology Service
Learning & Achievement	17	1	2

How these were received:

Method of Contact	Education & Schools	Commissioning (Schools)	Psychology Service
Letter	7		1
E-Mail	8	1	1
Telephone	2		

Reason of Enquiry:

Reason for Enquiry	Education & Schools	Commissioning (Schools)	Psychology Service
Lack of Communication	1		
Quality of Service	8		1
Change of Service		1	
Dispute Decision			1
Behaviour of Staff	2		
Safeguarding Issues	1		
Welfare Concerns	3		
Need of Service	1		
Access to Information	1		

Nature of Enquiry:

Learning & Achievement	TOTAL
Lack of communication contacting the children's licence officer	1
Complaint against a Head Teacher	2
Information on Bower House School	1
Treatment from a school	6
Request with help with their tuition fees	1
Bullying Issue	2
An unhelpful meeting held at a school	1
Issue with sex education held in year 6 at Branfil School	1
Expansion of Branfil School	1
Complainant feels parents request & wishes are being ignored	1
Concerns with a safeguarding matter at a reception class	1
Disputes the decision that their child does not fit the criteria for a sixth form placement at their school	1
Concerns with their child's placement within the school	1

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Local Government Ombudsman (LGO) complaints, enquiries and decisions

There were 5 complaints submitted, compared to 1 in 2011/12. The significant increase is as a result of SEN complaints falling under Learning and Achievement. Please see the table below which sets out the details/outcomes:

Service Area	Enquiry	Ongoing Investigation	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Local Settlement with a Penalty	No Investigation	No Maladministration after Investigation
Special Education Needs	1	0	0	1	1	0	0
Learning & Achievement	0	0	0	0	0	2	0
TOTAL	1	0	0	1	1	2	0

6. Compliments:

In 2012/13 there was 10 compliments received as compared to the previous year 2011/12 when there were 1. The reason for the increase is the Complaints, Information and Communication Team attends regular Team Meetings where the reporting of compliments are raised.

7. Compensation Payments:

The Council can provide compensation if, after a complaint has been investigated, or as an outcome of a Local Government Ombudsman's investigation (LGO), it is concluded that:

- the Ombudsman finds that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

For the period of 1 April 2012 to 31 March 2013 SEN incurred compensation totalling £300.00 compared to £0 in the previous financial year 2011/12.

8. Future Actions:

As a result of pulling this data together it has been agreed to enforce the following action points:-

- Continuation of the internal Service Improvement Pack which will examine more closely data in detail around themes, trends and gaps. This report will assist the service and highlight specific areas that need to be improved.
- To continue training/support to new and existing staff.
- The complaints section will continue to work with service areas by monitoring and reviewing the implementation of all recommendations made.
- DPA awareness has raised the need for all data to be sent securely when sending correspondence via email.

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TABLES RELATING TO 2011/12 ENQUIRIES/COMPLAINTS AND COMPLIMENTS

9. Table 1 – Complaint Activity:

Complaint Stage	2011/12	2012/13
Members Correspondence (from MP's & Cllrs)	49	50
Corporate Complaints	20	8
Pre-Stage 1 Enquiries	11	20
Compliments	1	10
Local Government Ombudsman	2	5

10. Table 2 – Response Times of Complaints

	Members Correspondence	Corporate Complaints
Within 10 Working Days	41	5
Outside of Timescale	9	3

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**ADJUDICATION & REVIEW
COMMITTEE
30 JANUARY 2014**

Subject Heading:	Complaints Handling following the Merger of Homes in Havering and the Retained Housing Service
CMT Lead:	Joy Hollister – Group Director, Children, Adults and Housing
Report Author and contact details:	Jonathan Geall Housing Needs and Strategy Manager tel: 01708 434606 e-mail: jonathan.geall@havering.gov.uk
Policy context:	Valuing and enhancing the lives of our residents
Financial summary:	No specific financial implications arising from this report

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 type="checkbox"/>

SUMMARY

This report updates members of the Adjudications and Review Committee on actions taken to unify the complaints processes established by the former Homes in Havering and retained Housing Service following the reintegration of Homes in Havering.

Furthermore, this report outlines the proposal to restructure the complaints handling within the Children, Adults and Housing directorate which would see the complaints handling function moved from the Homes and Housing Service and repositioned in a single, directorate wide complaints team.

RECOMMENDATIONS

That the Committee note that:

1. The two complaints teams within the former Homes in Havering and the retained Housing Service have now been combined.
2. Consultation is currently under way on the proposal to form a Children, Adults and Housing directorate-wide complaints function by moving the Housing Complaints Team from the Homes and Housing Service into the Business and Performance Service within the Children, Adults and Housing Directorate.
3. The draft Service Level Agreement (SLA), between Homes and Housing and Business and Performance is considered and observations made which can then be considered during the SLA's finalisation.

REPORT DETAIL

Context

1. The former Arm's Length Management Organisation, Homes in Havering, was formally reintegrated with the Council in October 2012. This triggered a series of reviews of how best to provide services and unify policies and procedures.
2. A major review of functions and structures culminated in a series of restructuring proposals covering the whole service. The proposals were consulted on during the summer of 2013 and agreed in their final form in September 2013.
3. During this time, work started to bring together the two previously separate complaints functions within Homes in Havering and the retained Housing Service – see below for more details. During the early stages of the preparation of the restructuring proposals, however, the Children, Adults and Housing directorate management team decided to bring together the various complaints handling functions across the directorate into one central, directorate-wide service. The consultation on this proposal is following a different timetable to the Homes and Housing restructure and so progress to realise the benefits of reintegration of the two housing services is aligned the new proposals affecting the whole department.

Work to date to realise the benefits of the reintegration of Homes in Havering

4. The Homes and Housing Service, regardless of where exactly the housing-related complaints function is placed, has been very keen to build on the best practice aspects of the former Homes in Havering and retained Service's way of dealing with complaints. As a result:
- the two teams have come together under one fifth tier manager. The former Homes in Havering Quality Assurance Manager has been assimilated into this post; this will ensure continuity of service
 - the Homes and Housing restructure, in advance of the move of the complaints team out of the service, established, under the manager, seven permanent posts
 - existing complaints staff on fixed term contracts were assimilated into the permanent posts to ensure maintenance of skills and experience. NOTE: two posts are currently covered by an internal secondment and a more recent fixed term contract pending recruitment
 - the officers in the new team now work across all areas of Homes and Housing, although there still remains some specialism within the team reflecting the previous split. It is anticipated that complete generic working will commence once the team relocates to the new director-wide service and is brought together in Mercury House
 - performance figures are now available at the Homes and Housing Service level.
5. The more 'joined up' way of working, which commenced in earnest in July 2013, has seen a steady increase in performance across the service, both in terms of complaints handled on time, albeit with a temporary dip in November, and responses to members' and MPs' enquiries on time.

Month	% of complaints responded to within 10 working days	% of members' / MPs' enquiries responded to within 10 working days
2013/14 quarter 1	79.5%	70.8%
July	84.0%	90.9%
August	84.7%	100.0%
September	93.6%	98.6%
October	92.7%	92.6%
November	79.8%	93.9%
December	85.0%*	100.0%
* Latest figure available; final figure will be higher		

Proposed restructure to create a directorate wide complaints service

6. The reintegration of the Arm's Length Management Organisation (ALMO) Homes in Havering back into the Council took place in October 2012. The senior management restructure that took place in early 2013 moved the Homes and Housing service from the Culture and Community directorate into Children, Adults and Housing. After this, a further decision was made in summer 2013 that the performance, complaints and information governance functions of the former ALMO and the Council's retained Housing service should transfer into the Business and Performance Division of Children's Adults and Housing in order to centralise all of the directorate's performance and complaints resources and expertise into a single service in which best practice can be shared for the benefit of all.
7. The proposal currently out to consultation is that the complaints team currently sitting within Homes and Housing will move into the Complaints, Information and Communications team within Business and Performance, with the Complaints Manager reporting to the Complaints, Information and Communications Team Manager. The Complaints Manager role will be re-designated as the Senior Complaints and Information Officer (Homes and Housing).
8. The officers working on housing-related complaints are entirely funded from the Housing Revenue Account, HRA. There is no proposal to reduce the number of staff working on housing complaints or to require these staff to work on non-housing complaints, which would breach the HRA ring fence. There are no HRA efficiencies accruing from this restructure.

Service Level Agreement between Homes and Housing the directorate team

9. In order to minimise any difficulties associated with having responsibility for responding to housing-related complaints move from the Head of Homes and Housing to the Head of Business and Performance, Children, Adults and Housing Directorate, a detailed Service Level Agreement, SLA, will be agreed between the two services. The current draft of the SLA is attached at Appendix 1.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications arising from the contents of this report.

Legal implications and risks:

There are no proposals to amend the way or timescales in which housing-related complaints are handled. Therefore, there are no specific legal implications arising from the contents of this report.

Human Resources implications and risks:

There are no specific human relations implications arising from the contents of this report.

Equalities implications and risks:

There are no proposals to amend the way or timescales in which housing-related complaints are handled. Therefore, there are no specific equalities implications arising from the contents of this report.

BACKGROUND PAPERS

None

Appendix 1: SLA between Homes and Housing and Directorate Complaints Team: DRAFT v1

1. Stage 1 and 2 formal complaints – 10 days target time

	Number of day to complete tasks	Cumulative days from receipt
Complaint received by Directorate Complaints Team	0	0
Request for information made by Directorate Complaints Team to relevant officer(s) within Homes and Housing	1	1
Information passed back from Homes and Housing	5	6
Directorate Complaints Team produce a draft response and send to appropriate Head of Homes and Housing	1	7
Sign off / amendments from Head of Homes and Housing	2	9
<i>If amended version requires subsequent Homes and Housing sign off – (a) Directorate Complaints Team sends amended draft to Homes and Housing, (b) Homes and Housing sign off on same day and (c) Directorate Complaints Team sends out same day</i>	1	10
<i>If no amendments required to first draft, Directorate Complaints Team sends out</i>	1	10

2. Stage 3 formal complaints and Ombudsman cases – target time provided by Democratic Services (table assumes 10 days target, but could be up to 15 days)

	Number of day to complete tasks	Cumulative days from receipt
Complaint received by Directorate Complaints Team	0	0
Request for information made by Directorate Complaints Team to relevant officer(s) within Homes and Housing	1	1
Information passed back from Homes and Housing	5*	6
Directorate Complaints Team produce a draft response and send to Head of Homes and Housing and appropriate third tier manager in Homes and Housing	1*	7
Sign off / amendments from Head of Homes and Housing and appropriate third tier manager in Homes and Housing	2*	9

Adjudication & Review Committee, 30 January 2014

<i>If amended version requires subsequent Homes and Housing sign off – (a) Directorate Complaints Team sends amended draft to Homes and Housing, (b) Homes and Housing sign off on same day and (c) Directorate Complaints Team sends out same day</i>	1*	10
<i>If no amendments required to first draft, Directorate Complaints Team sends out</i>	1	10

* If Democratic Services gives a longer target time, some/all of these deadlines can be extended

3. Member/MP enquiries and FOI requests – 10 days target time

	Number of day to complete tasks	Cumulative days from receipt
Complaint received by Directorate Complaints Team	0	0
Decision by Directorate Complaints Team on whether there is a need to gather information from Homes and Housing to Request for information made by Directorate Complaints Team to relevant officer(s) within Homes and Housing	1	1
<i>If no, send response</i>	9	10
<i>If yes, follow the remaining steps (note: at any of the following steps the Directorate Complaints Team may decide that further Homes in Housing involvement / sign off is not required)</i>		
Request for information made by Directorate Complaints Team to relevant officer(s) within Homes and Housing		
Information passed back from Homes and Housing	5	6
Directorate Complaints Team produce a draft response and send to Homes and Housing third tier manager	1	7
Sign off / amendments from appropriate third tier manager in Homes and Housing	2	9
<i>If amended version requires subsequent Homes and Housing sign off – (a) Directorate Complaints Team sends amended draft to Homes and Housing, (b) Homes and Housing sign off on same day and (c) Directorate Complaints Team sends out same day</i>	1	10
<i>If no amendments required to first draft, Directorate Complaints Team sends out</i>	1	10

4. DPA requests – 10 days target time

	Number of day to complete tasks	Cumulative days from receipt
Complaint received by Directorate Complaints Team	0	0
Directorate Complaints Team interrogates Homes and Housing systems and/or directly approaches Homes and Housing staff and send copies of the file	10	10

5. Homes and Housing third tier managers

The following managers will be deemed the ‘appropriate third tier manager within Homes and Housing’ for the following areas of service.

Marina Crofts Community Support Services Manager	<ul style="list-style-type: none"> • Community engagement and resident involvement – council tenants • Support and social activities provided in the Council’s sheltered housing schemes • The condition of communal grounds on HRA land • Matters relating the BETRA, DELTA and PETRA tenant management organisations
Peter Doherty Housing Services Manager	<ul style="list-style-type: none"> • Rent collection and arrears collection – council tenants • Tenancy matters including enforcement of tenancy conditions • Evictions and other legal action taken against council tenants • Right-to-buy requests and processing of right-to-buy sales • Leaseholder issues (where the Council is the freeholder), including complaints regarding charges made to leaseholders • Anti-social behaviour relating to council tenants
Jonathan Geall Housing Needs and Strategy Manager	<ul style="list-style-type: none"> • Applying for council / housing association housing • Management of the Housing Register (sometimes referred to as the Waiting List) • All matters relating to the allocation of council or housing association, including choice based lettings • Homelessness • Hostels • Private rented accommodation provided and/or managed by the Council, including complaints from or about tenants placed in private rented properties by the Council • New build housing and development sites where the

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	<p>building is being carried out by the Council or a housing association</p> <ul style="list-style-type: none">• Disabled Facilities Grants• Any grants and/or advice provided to an owner to bring an empty property back into use• Careline, telecare or telehealth• The Council's out-of-hours call-handling service, provided by GDIT• The Council's out-of-hours public building alarm call monitoring, provided by Custodian
Kevin Hazlewood Director of Property Services	<ul style="list-style-type: none">• Decent Homes programme• Improvements to HRA properties• Day-to-day repairs to HRA properties• Works carried out to void HRA properties• Gas maintenance of HRA properties• The conduct of contractors carried out works to HRA properties

Jonathan Geall

Housing Needs and Strategy Manager

November 2013

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**ADJUDICATION & REVIEW
COMMITTEE**

30 January 2014

Subject Heading:

**GOVERNMENT REPORT ON
PROPOSED CHANGES TO THE
ORGANISATION OF THE LOCAL
GOVERNMENT OMBUDSMAN IN
ENGLAND**

CMT Lead:

Ian Burns, Acting Assistant Chief
Executive

Report Author and contact details:

Grant Soderberg, Committee Officer
01708 433091
grant.soderberg@havering.gov.uk

Policy context:

The effective and efficient provision of
public services

Financial summary:

None associated with this report

**Has an Equality Impact Assessment
(EIA) been carried out?**

Not required.

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 type="checkbox"/>

SUMMARY

The Government – in its programme of review and revision of public services – has commissioned a review of the Local Government Ombudsman’s service. The report is appended

RECOMMENDATIONS

That the Committee note the report and the content of the Government review of the Local Government Ombudsman Service.

REPORT DETAIL

1. In November 2013, Robert Gordon CB published his report on his governance review of the Local Government Ombudsman Service. He had been invited by the Secretary of State for Communities and Local Government to undertake this at this time because the organisation was in a process of change brought about in no small part by the significant reduction in its funding and that the original three independent Ombudsmen model was by now considered to be less than fit for purpose. In the wake of Tony (now Sir Tony) Redman's retirement and the long-term sickness absence of Ms Seex (the second Ombudsman of the triumvirate) – the time seemed opportune for a reappraisal of the service, its governance arrangements and its structure in order that it could efficiently and effectively discharge its functions in the future.
2. The review was conducted within 15 days and produced five recommendations. The Report will now be considered by Parliament and, if the recommendations are accepted, the structure of the LGO in future will be more like its counterparts in Scotland, Wales and Northern Ireland in that there will be a single Ombudsman overseeing a countrywide organisation which will encompass a much broader jurisdiction to ensure that, as the boundaries between public services and an increasing range of "partners" become increasingly blurred, the public are provided with a more seamless Ombudsman service with a single point of contact that was more transparent and accountable as well as providing cost-effective public scrutiny of local government complaint handling processes.
3. The five recommendations are that:
 1. There should in future be **one** Local Government Ombudsman presiding over an integrated process for handling complaints against bodies within the jurisdiction of the Local Government Ombudsman Service. (Paragraph 22)
 2. An early opportunity is found to make the limited legislative changes to provide for a single local government ombudsman in England. (Paragraph 23)

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3. In recognition of actual, proposed and likely future changes to public service delivery and taking account of pressure on public finances, consideration should be given to the creation of a unified public services ombudsman in the medium term. (Paragraph 33)
4. The Local Government Ombudsman Service and the Parliamentary and Health Service Ombudsman continue to build on their current commitment to closer joint working proactively engaging in substantial initiatives to achieve economies, to harmonise processes and to provide the public with a clearer route to redress. (Paragraph 35) and
5. The Commission for Local Administration in England should be strengthened by administrative action. (Paragraph 37)
4. The full report sets out the reasoning for the proposed changes, but if the proposals are accepted by Parliament, the Council – along with all councils across England – will see considerable changes in the way in which it relates to the Ombudsman. One area which will have to be addressed (if the proposal to join the LGO with the Parliamentary and Health Service Ombudsman [PHSO] proceeds) will be the time it takes for decisions to be “signed-off”.
5. Havering has had (to date) very little exposure to the workings of the PHSO, but in the couple of cases where there have been joint investigations, the Council has had to wait for several months (in one case, about a year), before the LGO could provide the Council with a final decision it had arrived at much sooner, but was unable to communicate until the PHSO report had been presented to Parliament.
6. There is currently a joint investigation which commenced in April 2013 and I was informed by the LGO investigator on 1 August that her part had been completed, but that she could not tell the Council anything until the PHSO had presented its report. We are still waiting.
7. There will undoubtedly be changes coming – and this report indicates that those changes are likely to be coming sooner than initially anticipated – and when those changes become clearer, the Committee may need to consider reviewing the manner in which the Council handles Ombudsman cases.

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report. Though there may be cost implications if the recommendations of the Parliamentary report are implemented.

Legal implications and risks:

There are no direct legal implications from this report.

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



Department for
Communities and
Local Government

Governance Review of the Local Government Ombudsman Service

A report for the Secretary of State for Communities and
Local Government

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Introduction

1. I was delighted to receive and pleased to accept the invitation to be the senior independent person to carry out this governance review of the Local Government Ombudsman Service¹ for the Secretary of State for Communities and Local Government.

2. Prior to this review I had had no involvement with the Local Government Ombudsman Service. I have familiarity with and enthusiasm for public service reform acquired during my civil service career in Scotland. I played a part in the consideration of ombudsman arrangements following devolution there which led to the establishment of the Scottish Public Services Ombudsman (combining the work of three pre-existing offices). As part of a later change initiative I successfully advocated the transfer of the work of the Scottish Prisoner Complaints Commissioner to the Scottish Public Services Ombudsman.

3. Much has been written about and for the Local Government Ombudsman Service in recent years. Many of the issues that the organisation needs and wants to address have been analysed thoroughly in perceptive, thoughtful and well-argued documents. A very significant programme of change is underway as the Local Government Ombudsman Service implements its transformation plan² (building on the Strategic Business Review³ undertaken by Baroness Rennie Fritchie DBE). This plan also goes with the thrust of recommendations of the House of Commons Communities and Local Government Committee⁴ and the External Evaluation⁵ of the Local Government Ombudsman in England carried out by Richard Thomas CBE, Jim Martin and Richard Kirkham.

4. In addressing the terms of reference set for this review, in Annex A, I have sought to draw where appropriate on that prior work and avoid going over again already well tilled ground. I have also taken account of more recent developments - for instance early evidence of the transformation programme beginning to deliver the desired results, literally over the period while this review has been in gestation and underway. So, much is being achieved; yet many further substantial challenges and opportunities remain.

¹ I have referred throughout this report to the Local Government Ombudsman Service and have used that term to embrace the holders of the office of Local Government Ombudsman, the Commission for Local Administration in England and the organisation based in Coventry, London and York save where it has been necessary to distinguish among these elements, in which case I have made the distinction clear.

² Transformation Plan:

<http://www.lgo.org.uk//GetAsset.aspx?id=fAAxADUAOAA4AHwAfABGAGEAbABzAGUAfAB8ADAAfAA1>

³ Strategic Business Review:

<http://www.lgo.org.uk//GetAsset.aspx?id=fAAxADUAOAA3AHwAfABGAGEAbABzAGUAfAB8ADAAfAA1>

⁴ Third Report of 2012-13

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/431/43102.htm>

⁵ External Evaluation:

<http://www.lgo.org.uk//GetAsset.aspx?id=fAAxADcANwA3AHwAfABGAGEAbABzAGUAfAB8ADAAfAA1>

5. I recommend short and medium term institutional and governance changes to modernise accountability with the objective of ensuring that reform continues and gathers pace; that public ombudsman services are organised to support radical changes in public service delivery with efficient and holistic complaints handling and redress; and that such public resource as can be afforded for ombudsman work is deployed to greatest beneficial effect. (For convenience the five recommendations in the report are listed in paragraph 38).

6. In the course of this review I have had some 40 meetings with a wide range of busy people - almost all of them with much greater experience and expertise in complaint handling and dispute resolution than me. I am indebted to all I have met for their courtesy, candour and willingness to engage with my sometimes deliberately provocative questioning. Interlocutors have been open and frank in identifying the shortcomings in previous and current arrangements and inventive and constructive in suggesting improvements for the future. Among those I have met have been management and staff of the Local Government Ombudsman Service in Coventry, London and York. Other reviewers (notably Dame Rennie Fritchie and Richard Thomas and colleagues) have paid tribute to their commitment and dedication. I too was greatly impressed by their energy and enthusiasm over the opportunities presented by the recent changes in leadership and ways of working to deliver a better ombudsman service. This bodes well for the future given the further operational and financial challenges that lie ahead.

7. I have been supported very thoughtfully and conscientiously throughout this review by Andrew Morris a recent recruit to the Department for Communities and Local Government. He is to be commended for his perceptive grasp of the issues and his skilful management of the logistics of the exercise. But he bears no responsibility for the report and the recommendations.

Approach to the Review

8. My terms of reference require me to have regard to some specified documents as well as all other relevant information and material available to me. I have received and considered a wealth of written material. Much of it has been valuable in helping me understand the background to this exercise and in assisting me to plot a way forward. For completeness the documents I have considered are listed in Annex B.

9. Alongside this consideration of written material I have – as noted above - sought to hear from a wide cross section of expert opinion - ombudsmen (mostly current but including some former) in England and elsewhere in the UK, and civil servants, parliamentary officials and others with an interest in the governance and accountability arrangements applied to ombudsman services and the like. I have been greatly assisted by evidence of what works well (and less well) in different places and different areas of business. A list of those with whom I have had discussions is at Annex C.

10. In the light of discussion and reading and taking account of changes underway, I re-examined my terms of reference. Despite their length they actually turn on two key questions:

Does the current structure and governance of the Local Government Ombudsman Service (as provided in statute and as operated in practice) encourage or inhibit the provision of a redress service which meets the generally accepted principles of good complaint handling? ⁶

What would be the best structures and governance to secure a long-term sustainable local ombudsman service taking account of the likely future pattern of public service delivery and availability of public finances?

11. In the following pages I consider each question in turn and take in these supplementary issues from the terms of reference:

Whether a single Local Government Ombudsman structure would be best

The scope for combining or merging the recommended institution with other public sector ombudsmen

⁶ <http://www.ombudsmanassociation.org/docs/BIOAGovernanceGuideOct09.pdf>

Current Structure and Governance

Does the current structure and governance of the Local Government Ombudsman Service (as provided in statute and as operated in practice) encourage or inhibit the provision of a redress service which meets the generally acknowledged principles of good complaint handling?

12. The institutional structures and governance arrangements that apply to the Local Government Ombudsman Service, representing policy thinking from the late 1960s, were enacted in the Local Government Act 1974. Briefly, the Commission for Local Administration in England is an independent body funded by the Government to support the activities of the Local Government Ombudsmen (or Local Commissioners). The Commission comprises the Local Government Ombudsmen and the Parliamentary Commissioner for Administration. Its functions are to enable the Ombudsmen to investigate complaints (in particular by allocating them staff, offices and facilities) and to provide bodies within jurisdiction with advice and guidance on good administrative practice. The Local Government Ombudsmen are Crown appointments with individual authority to investigate and decide complaints. In doing this they have wide discretion. Traditionally the jurisdiction of the Ombudsmen has been allocated on a geographical basis. The Secretary of State (for Communities and Local Government) appoints one Ombudsman as Chair and another as Vice-Chair of the Commission.

13. Since 1974 some pragmatic changes have been made and consideration has been given to more radical overhauls of these arrangements - including amalgamation and abolition - over the years. An informative table summarising the key events in the history of the Local Government Ombudsman Service is contained in Annex A to the External Evaluation⁷. But the key institutional feature throughout has been an organisation with more than one - in practice no more than three - independent appointees working with their staffs to provide an ombudsman service in geographically defined jurisdictions across England. Throughout this period a small Commission made up of these ombudsmen and the Parliamentary Commissioner for Administration has provided an element of corporate governance.

14. This arrangement of multiple, independent appointee, ombudsmen not accountable to a chief ombudsman differs from the organisation of all other ombudsman schemes in the UK (although I am told it is paralleled in some other parts of the world). It is also regarded by observers and those who have been required to operate in it, including the current ombudsmen, as problematic. I decided to seek to understand the rationale for these structures and arrangements because I wanted, despite the apparent consensus that they should be replaced, to establish whether there was anything of value in them that was being overlooked. Examination of Ministry of Housing and

⁷ Richard Thomas, Jim Martin and Richard Kirkham's *External Evaluation* page 83-85
<http://www.lgo.org.uk/GetAsset.aspx?id=fAAxADcANwA3AHwAfABGAGEAbABzAGUAfAB8ADAAfAA1>

Local Government files reveals proposals from 1968-9 that each local authority should appoint their own ombudsman:

“The council of each main authority shall appoint an officer as ombudsman, and staff to help him, to investigate allegations of maladministration made by inhabitants of the authority’s area.”⁸

15. But this option was soon rejected due to the practical difficulties of finding 80 people of such “high calibre”. The main consideration became one of geography. Into how many regions of ombudsman jurisdiction would England have to be divided so that none would be too large as to be practical for carrying out investigations?:

“If it is to be reasonably easy for them to have discussions with their investigating staff and for the staff to study files and interview complainants on the spot, there must be a fair number of commissioners.”⁹

The argument for fewer commissioners was mainly “to avoid wide variations in practice”. The conclusion was that “the number should, if anything, be on the small side initially, with expeditious means of increasing it.”

16. Rather than specify a high number of ombudsmen and find that there were not enough cases to keep them busy, the legislation allowed for flexibility. There seems to have been an assumption, however, that at least two would be needed to cover the whole of England to enable them to travel around the country interviewing witnesses and examining files. There also seems to have been an assumption of quite extensive personal involvement of ombudsmen in deciding cases rather than, as is the case today, operating with systems of extensive delegation to experienced and proven staff within clear policy and practice guidelines.

17. But even if the model provided for in the 1974 legislation did not in practice lead to the appointment of a great many ombudsmen to deal with cases in localities across England, did the multiple ombudsman institutional structure contribute to or present barriers to the independence, fairness, consistency, effectiveness and efficiency, openness, transparency, and accountability of the local government ombudsman service? These characteristics set out in my terms of reference draw on (but do not reflect precisely) the Ombudsman Association principles of good governance.¹⁰ In considering this question I am asked to have regard to how these institutional structures have been operated in practice by the current ombudsmen.

18. This review is taking place while the Local Government Ombudsman Service is undergoing fundamental change as a new operational structure is introduced as the key component of a transformation plan to allow the Service to function with a significantly reducing budget. The new business model

⁸ Briefing for the Minister of Housing and Local Government 1968

⁹ Directorate files for the Ministry of Housing and Local Government (1969?)

¹⁰ <http://www.ombudsmanassociation.org/docs/BIOAGovernanceGuideOct09.pdf>

effectively substitutes an integrated "single Local Government Ombudsman" operation for the previous fragmented arrangements. Because the change was well underway by the time of this review it was not possible to observe or test how the pre-existing arrangements had operated in practice. Discussion with current and former ombudsmen in England and in other parts of the UK and examination of written material (notably the External Evaluation) lead me to three conclusions. Prior to the transformation plan reforms, the service operated without an overall leader who was clearly in charge both of the internal operation and of the external engagement. Consistency of practice and decision making was difficult to achieve when ombudsmen operated autonomously in their own territories. Agreement to change systems, ways of working and the like was very difficult to secure because local managements including Ombudsmen and Deputy Ombudsmen were accustomed to running their offices to a greater or lesser extent independently of one another. Additionally, in relation to the Commission for Local Administration in England I conclude that, perhaps because of its composition, it had, over the years, been unable to drive energetic action to reform the service, to harmonise procedures and to ensure consistency in decision making across the service.

19. There is urgency, focus and drive in the Transformation Plan (drawing on the independent Strategic Review) emphasising the need for common processes and integrated management to achieve the cost savings and productivity improvements to live within budget and continue to provide an effective ombudsman service. This is in contrast to what went before. That is also the impression formed by the External Evaluation which comments on the environment of change the evaluation team found in the spring of 2013 and observes that "there are some indications that the Local Government Ombudsman Service has been somewhat dysfunctional in recent years". I would echo that on the basis of what I have heard and read.

20. The External Evaluation considers in commendable and painstaking detail¹¹ whether the transformed Local Government Ombudsman Service meets the Ombudsman Association criteria. It concludes that the redesigned business structure meets the criteria for membership of the Association and makes some recommendations for further refinement of the Service's approach, primarily aimed at enhancing the integrity of the scheme.

21. So action has been taken or is underway administratively to deliver a Local Government Ombudsman Service which meets objective external criteria and is showing early signs of meeting the aspirations in the transformation plan. But there is still a disconnect between this integrated organisation with a unified management team under the leadership of one ombudsman (in the long term sick absence of the second ombudsman) and the statutory position. The transformation plan¹² offered a solution whereby

¹¹ External Evaluation sections B1-B6

<http://www.lgo.org.uk//GetAsset.aspx?id=fAAxADcANwA3AHwAfABGAGEAbABzAGUafAB8ADAAfAA1>

¹² "The recruitment of a third Ombudsman has been halted. Nevertheless, comparison with other Ombudsman schemes suggests that LGO is unique in having more than one Ombudsman with individual crown authority for decisions as well as collective and corporate authority as members of a Commission. In other schemes the authority lies with one Ombudsman (Parliamentary & Health

the two ombudsmen and the senior executive team would work to a professional services "partnership" model but in practice the service has operated effectively with a single ombudsman.

22. Given the widely held view that the preferred institutional structure for the Local Government Ombudsman Service is a single ombudsman leading the whole service and given that this is the manner in which the service is being led at present **I recommend that there should in future be one Local Government Ombudsman presiding over an integrated process for handling complaints against bodies within the jurisdiction of the Local Government Ombudsman Service.**

23. Additionally, I consider that while this position is currently being achieved administratively, there would be merit in amending the 1974 legislation to put the new arrangement on a proper statutory footing. **I further recommend that an early opportunity is found to make the limited legislative changes to provide for a single local government ombudsman in England.**

24. As well as this structural change, there is a need to address the fitness for purpose of the Commission for Local Administration in England. If the legislation is tidied up as I recommend, its membership will be one Local Government Ombudsman and one Parliamentary Commissioner for Administration. This does not have the makings of a credible 21st Century governance model with a Board (statutory or advisory) holding the Service to account and providing challenge, assurance and support. I will make a recommendation on the future composition of the Commission in the next section.

Service/Housing/Wales/Scotland/Northern Ireland/Ireland) or one Chief Ombudsman (Legal Ombudsman). To reflect these circumstances the leaders would work to a professional services 'partnership' model, based on the senior executive team working closely with the Ombudsmen to meet their needs to investigate complaints effectively and efficiently." (Transformation Plan Page 25)

Structures and Governance for the Future

What would be the best structures and governance to secure a long-term sustainable local ombudsman service taking account of the likely future pattern of public service delivery and availability of public finances?

25. In considering the best institutional and operational structures and governance arrangements for the future I am asked to have regard to the likely future for public services and finances. On public services, the proliferation of service delivery arrangements, the integration of previously discrete services, the partnering of delivery agents from different backgrounds and sectors, the blurring of institutional boundaries, the commitment to innovate and the energetic pursuit of better value for money are some of the most distinctive current developments. These innovations call into question traditional boundaries and jurisdictions including for ombudsman services.

26. These are not entirely new phenomena. The review of the public sector ombudsmen in England by the Cabinet Office published in April 2000 found after wide consultation that there was “general agreement that the public sector ombudsmen must respond to the changing face of public service delivery. To do this they need to operate in a different structure which removes divisions in their jurisdictions, powers and processes. They must work more flexibly and more closely with other organisations.”¹³ While there was support for the far reaching changes recommended in this thorough and well-argued review, the report was not implemented. I believe the arguments for change are now even more compelling. The following boxes illustrate the quickening pace of public service delivery change.

¹³ *Collcutt Review Executive Summary*

Integrated Services

The direction of travel for the provision of services across all Whitehall departments and local authorities is towards integration, increasingly blurring the lines between services. This is most visibly demonstrated by the new government website¹⁴, which brings all departments under one online roof creating a single point of access and demonstrating a joined up approach. The argument is that it is more effective, more efficient, better value and easier to understand for the user.

In the Community Budgets¹⁵ initiative, the Department for Communities and Local Government worked closely with four pilot areas to produce proposals to make this more holistic approach to services a reality.

Following on from these pilot projects, the new Public Service Transformation Network, made up of people with experience and expertise from across government departments, councils and local agencies, will aim to secure improved outcomes by co-designing better services.

And the same approach is what is driving the Troubled Families¹⁶ initiative to turn around the lives of 400,000 families beset by unemployment and mental health problems, involved in crime and anti-social behaviour, with children regularly missing school.

In the recent spending round (26 June 2013), the Chancellor announced the creation of a pooled fund of £3.8bn to help local authorities put into place their own schemes for integrating health and social care in their areas, investing in prevention and early intervention: "I want to make sure everyone gets a properly joined up service where they won't have to worry if that service is coming from the NHS or the local council. Let's stop the tragedy of people being dropped in A&E on a Friday night to spend the weekend in hospital because we can't look after them properly in social care. By 2015-16, over £3 billion will be spent on services that are commissioned jointly and seamlessly by the local NHS and local councils working together."¹⁷

¹⁴ www.gov.uk

¹⁵ <https://www.gov.uk/government/policies/giving-local-authorities-more-control-over-how-they-spend-public-money-in-their-area--2/supporting-pages/community-budgets>

¹⁶ <https://www.gov.uk/government/policies/helping-troubled-families-turn-their-lives-around>

¹⁷ <https://www.gov.uk/government/speeches/spending-round-2013-speech>

Health and Social Care working together

Torbay and Southern Devon Health and Care NHS Trust provide community health services and commission adult social care services in Torbay. Their mantra is the right care, in the right place, at the right time.

They have identified the essential features of a joined up service to an individual as having:

Professionals that talk to each other

A single point of contact

Quick and responsive services

The need for the patient to only have to tell their story once

Health and social care coordinators act as the main point of contact for referrals, working closely with nurses, health professionals and social care staff. Data is shared between organisations to enable the coordinators to put together the most suitable care packages and support.

In addition, the integrated management structure of Torbay Care Trust saved approximately £250,000 in the first year. This money was used to develop services.¹⁸

Other regions are being encouraged and incentivised to emulate this success, bringing together health and social care into one coherent service. As Minister for Care and Support, Norman Lamb, commented, "People don't want health care or social care, they just want the best care."¹⁹

27. The Local Government Ombudsman Service and the Parliamentary and Health Service Ombudsman already have some experience of dealing with cases which straddle their jurisdictions. All the indications are that such cases will become more common as the service delivery reforms gather pace particularly in the health and social care areas. The following box describes current practice. To their credit, the ombudsmen are already reviewing their procedures for joint working as part of their commitment to closer working. For me the issue is to wonder whether even well thought through and operated joint working will be enough efficiently to deliver timely decisions and redress.

¹⁸ The Kings Fund: Integrating Health and Social Care in Torbay, page 19
<http://www.tsdhc.nhs.uk/aboutus/Documents/Integrating-health-social-care-Torbay-case-study-Kings-Fund-March-2011.pdf>

¹⁹ <http://www.bbc.co.uk/news/health-22515978>

Joint Investigations

The Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 enables the Local Government Ombudsman Service and the Parliamentary and Health Service Ombudsman to work together on investigations where the complaint involves both health and social care providers, spanning the jurisdiction of both ombudsman services. The order enables the sharing of data between the two organisations.

The Local Government Ombudsman Service provides selected investigators with specialist training to conduct these joint investigations.

Where a complaint appears to include elements of both health and social care, the case will be run by whichever of the two organisations the nature of the complaint most prominently sits with. That organisation will take the lead, and consult the other where needed.

In rarer cases where the case has very significant components of both health and social care, both ombudsmen will need to formally decide to initiate a joint investigation, with a joint report. A lead investigator will be appointed from the organisation under whose jurisdiction the majority of the case lies, but responsibilities for the investigation will be shared between the organisations. By their nature, these are always more complex and time-consuming investigations. Work is being done by both organisations to streamline this process.

If the Intake team receives a case in which no aspect is within the jurisdiction of the Local Government Ombudsman Service, then it is treated in the same way as any other complaint which is not for the Local Government Ombudsman Service - the complainant is advised to contact the most relevant body and given the contact details to do so.

28. In this changing public service climate, I consider first that providers need to have and publicise well to the users of their services, easily accessible, readily intelligible, swift and fair complaints handling arrangements. Ombudsman services have a major role to play in seeing that such systems are in place and it is an important part of their function to provide advice and guidance on good administrative practice. There are differences of view among ombudsmen in different parts of the UK about the role they can appropriately play in mandating, approving or advising on complaints arrangements in public bodies. There is a wealth of guidance on effective complaint handling available to bodies providing public services. Annex D gives further details of how ombudsman services have advised and engaged with this issue.

29. In some jurisdictions the ombudsman has gone beyond issuing or endorsing guidance to engage more directly in the development or approval of bodies' schemes. For instance, in Scotland, following independent reviews of complaint handling which concluded that there was a clear need for a quicker, more consistent, more user focused approach to handling complaints, the Scottish Public Services Ombudsman established the Complaints Standards Authority to work with public bodies to standardise and simplify complaints handling procedures and to help drive improvement. Legislation gives the Scottish Public Services Ombudsman the power to publish standard complaints handling procedures for most public authorities including local authorities and the NHS. He is also under a duty to monitor and promote best practice in complaints handling. Standard complaints handling procedures across delivery bodies yield comparable data and can make performance evaluation easier.

30. Second, I think developments in service delivery could create an increased requirement for citizens with complaints or seeking redress to be assisted to find the appropriate delivery body to address their complaint to in the first instance. This should be met in part by sustained efforts to improve bodies' complaint handling procedures including taking determined steps to ensure they are readily accessible. However the signposting assistance which ombudsmen already provide will continue to be needed. The question is whether it can be provided most efficiently, effectively and intelligibly to citizens - with a complaint and experiencing difficulty in finding the right body with whom to pursue it - by different ombudsmen services with separate jurisdictions. The creation of a single well publicised, joined up contact point to give advice and direction to citizens no matter the subject of their complaint seems to be more in step with the overall thrust of the public service reforms the Government is pursuing. Additionally, at the next stage, when the complainant has exhausted the complaints procedure of the body delivering the service and wishes to register a complaint with the ombudsman, I think a single intake point is the only credible arrangement in keeping with the contemporary emphasis on joined up public services. Passing the complainant on to another telephone intake operation or web or postal address, no matter how efficiently, professionally and courteously done, smacks more of administrative convenience than exemplary public service.

31. Third, and most importantly in my view, the pace of integration of public service delivery across sectors argues strongly for simple and holistic redress arrangements that do not rely on protocols, goodwill, and invention to circumnavigate different jurisdictions, powers, procedures and organisational cultures.

32. Turning to finances, public spending is set to be constrained for the foreseeable future. The Local Government Ombudsman Service faces further budget reductions in the period to 2015 and downward pressure on public spending is likely to continue beyond that. The reductions in funding set against the continuing need to provide effective arrangements to provide redress to those experiencing maladministration in the delivery of local services – irrespective of provider – argue for arrangements that ensure that

such resources as the public purse devotes to this activity are allocated so as to deliver the greatest benefit to the citizen and incur least cost in administrative and governance overheads.

33. Taking account of the organisation of ombudsman services in other parts of the United Kingdom, the appetite for much closer and productive working that is developing between the Local Government Ombudsman Service and the Parliamentary and Health Service Ombudsman and the views of many of those I have met in the course of my review, **I recommend that in recognition of actual, proposed and likely future changes to public service delivery and taking account of pressure on public finances, consideration should be given to the creation of a unified public services ombudsman in the medium term.**

34. I acknowledge that this possible change requires more careful analysis than I am able to give it here. Such a change requires detailed and thoughtful consideration and the engagement of a wide range of interests to address issues such as the appropriate structure, governance and accountability for an integrated modern ombudsman service; the bodies and services to come within scope²⁰; and the optimal method of operation taking account, for instance, of technological and other advances. This consideration needs to take account of the recent experience of existing ombudsman schemes in the UK and further afield and determine how to accommodate the challenge of a much more diverse service delivery landscape than in the past and the likelihood of constrained resourcing for the foreseeable future. The current inquiries by the Public Administration Select Committee into complaints handling and the Parliamentary and Health Service Ombudsman may provide an appropriate forum in which to progress at least some of this further consideration.

35. In advance of decisions on the medium term **I recommend that the Local Government Ombudsman Service and the Parliamentary and Health Service Ombudsman continue to build on their current commitment to closer joint working proactively engaging in substantial initiatives to achieve economies, to harmonise processes and to provide the public with a clearer route to redress.** I understand that recent developments have included a joint meeting of the Local Government Ombudsman Service and Parliamentary and Health Service Ombudsman boards and the establishment of machinery to oversee the delivery of agreed initiatives. I hope that the collaboration can be radical and energetic in examining areas where efficiencies can be made through sharing or by adopting common processes building on the strengths of each organisation.

36. In paragraph 24 above I raised reservations about the fitness of the Commission for Local Administration in England with a reduced membership of two to provide appropriate high level corporate governance for the Local

²⁰ Drawn from among the bodies within the jurisdictions of the local public services ombudsmen in England, the bodies within the UK jurisdiction of the Parliamentary Commissioner for Administration and any local services in England not currently within the jurisdiction of an ombudsman.

Government Ombudsman Service. Similar reservations are expressed strongly in the External Evaluation.²¹ A Commission of two - one executive, one non-executive - sits uneasily with the prevailing guidance on corporate governance in Government Departments²² much of which is commended and applicable to Arms Length Bodies. The constraints on formal membership of non-executive members imposed by the 1974 Act (and considered in detail in the External Evaluation) could be addressed as part of the proposed amending legislation recommended in paragraph 23 to put the single Local Government Ombudsman on a statutory footing should an appropriate early legislative vehicle be found.

37. However, in the immediate term, I consider that the governance and accountability²³ of the Local Government Ombudsman Service should be strengthened administratively (and this may suffice ahead of the more radical legislative changes required to bring into being the single redress body recommended for the medium term) by equipping the Commission for Local Administration in England to operate as a high level leadership board performing effectively the roles for which it has responsibility:

- under the 1974 Act (to enable the investigation of complaints by allocating resources and to facilitate the provision of advice and guidance on good administrative practice)

- under the recently agreed framework document with the Department for Communities and Local Government (which sets out the corporate responsibilities of Commission members and the roles of Chairman and Vice Chairman)

- under the note on delegated executive arrangements for the management of the Local Government Ombudsman at Annex E (which lists the decision the Commission has reserved to itself within a scheme of delegation of other matters to its Audit and Remuneration Committees and Executive Management Team)

There is a range of business here which calls for a range of perspectives to be brought to bear in reaching decisions. The Chair of the Commission for Local Administration in England's Audit Committee already attends meetings of the Commission on a non statutory basis and acts as a non executive board member. To broaden this external contribution to help drive performance, delivery and further reform, **I recommend that the Commission for Local Administration in England should be strengthened by administrative action.** I suggest this should be achieved

²¹ External Evaluation sections B6.4.iv-v

<http://www.lgo.org.uk/GetAsset.aspx?id=fAAxADcANwA3AHwAfABGAGEAbABzAGUAfAB8ADAAfAA1>

²² Her Majesty's Treasury (2013) Managing Public

Money https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212123/Managing_Public_Money_AA_v2_-_chapters_annex_web.pdf

²³ The Service has accountability to Parliament and its expectation is that the Ombudsman and senior management will appear annually before the Communities and Local Government Committee. The Service also has accountability to DCLG set out in detail in the framework document.

by adding one or two members. Given the likelihood of further structural change in the medium term the member or members might be drawn from the membership of the Parliamentary and Health Service Ombudsman's Board or the Commission for Local Administration in England's Remuneration Committee. The Commission Board is proposed to meet 4 times in 2014. The cost of this enhanced governance would represent a very modest share of the saving arising from reducing to one ombudsman (as recommended in paragraph 22).

38. There follows a list of the five recommendations in this report.

Recommendations

1. I recommend that there should in future be one Local Government Ombudsman presiding over an integrated process for handling complaints against bodies within the jurisdiction of the Local Government Ombudsman Service. (Paragraph 22)
2. I further recommend that an early opportunity is found to make the limited legislative changes to provide for a single local government ombudsman in England. (Paragraph 23)
3. I recommend that in recognition of actual, proposed and likely future changes to public service delivery and taking account of pressure on public finances, consideration should be given to the creation of a unified public services ombudsman in the medium term. (Paragraph 33)
4. I recommend that the Local Government Ombudsman Service and the Parliamentary and Health Service Ombudsman continue to build on their current commitment to closer joint working proactively engaging in substantial initiatives to achieve economies, to harmonise processes and to provide the public with a clearer route to redress. (Paragraph 35)
5. I recommend that the Commission for Local Administration in England should be strengthened by administrative action. (Paragraph 37)

Annex A

Governance Review of the Local Government Ombudsman service

Terms of Reference

A review to examine, and to make recommendations to the Secretary of State about, the institutional structures and accountability of the Local Government Ombudsman service.

This review will include consideration of the present institutional structures and governance arrangements of the Local Government Ombudsman service, including an examination of how these have been operated in practice by the current members of the Commission for Local Administration in England.

The review is to consider two particular questions:

1. How have the present institutional structures –
 - contributed to the independence, fairness, consistency, effectiveness, efficiency, openness and transparency, and accountability of the Local Government Ombudsman service; and
 - presented, if any, barriers to the independence, fairness, consistency, effectiveness, efficiency, openness and transparency, and accountability of the Local Government Ombudsman service?

In considering this question, regard is to be had in particular to how these institutional structures have been operated in practice by the current members of these institutions.

2. Having regard to the likely future for public services and finances, what would be the best institutional and operational structures, and governance arrangements, for securing a long-term sustainable local ombudsman service, which acting independently, fairly, consistently, effectively and efficiently, and which being open, transparent and accountable, could be relied upon to provide redress to those experiencing maladministration in the delivery of local services?

In considering this question, regard is to be had in particular to:

- whether an institutional structure comprising of a single ombudsman would provide the greatest likelihood of securing the above;
- if so, what would be the most effective governance arrangements for such an institution; and
- what is the scope for combining or merging such an institution with other public sector ombudsmen.

The review will be undertaken in not more than 15 days by a senior independent person, supported by an official from the Department for Communities and Local Government.

In undertaking the review the independent person will have regard to:

- the report of the CLG Select Committee on the work of the Local Government Ombudsman;
- the Response of the Local Government Ombudsman to that report;
- the external evaluation chaired by Richard Thomas, Chair of AJTC, following the recommendation of the CLG Select Committee; and
- all other information and material available to him which he considers relevant, such as staff survey results

The independent person will report to the Secretary of State for Communities and Local Government, making recommendations for the future.

For the purposes of the above the present institutions of the Local Government Ombudsman service are:

Each Local Government Ombudsman (formally known as 'Local Commissioner'); and

The Commission for Local Administration in England (the organisation that supports the work of the Local Commissioners).

Annex B

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Annex C

Acknowledgements

Marie Anderson, Deputy Northern Ireland Ombudsman
Philip Barber, Arms Lengths Bodies Reform and Governance, Department for Communities and Local Government
Tony Boorman, Deputy Chief Executive and Deputy Chief Ombudsman, Financial Services Ombudsman
Prof Alice Brown CBE, General Secretary, The Royal Society of Edinburgh and former Scottish Public Services Ombudsman
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Dame Julie Mellor, Parliamentary and Health Service Ombudsman and ex-officio CLAE board member
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Paul Rowsell, Deputy Director, Democracy, Department for Communities and Local Government
Anne Seex, Local Government Ombudsman and Vice-Chairman of CLAE

Sir Jon Shortridge, Chairman of LGO Audit Committee and PHSO Audit Committee

Karen Sykes, Assistant Ombudsman, LGO

Richard Thomas CBE, Author of External Evaluation

Peter Tyndall, Public Services Ombudsman for Wales

Sanjiv Vedi, Director of Governance, Welsh Government

Patrick White, Director, Local Government Policy and Productivity,
Department for Communities and Local Government

Annex D

Complaints Handling Guidance

Local Government Ombudsman

The Local Government Ombudsman Service provides the following principles on complaint handling procedures:

1. Accessibility
2. Communication
3. Timeliness
4. Fairness
5. Credibility
6. Accountability

The following explanation is provided to accompany this guidance:

“This note does not describe a single ideal complaints system. It offers guidance on what to consider in order to construct and maintain a system that best serves the needs of the council and its service users... What we recommend is a clear, accessible and flexible process that forms part of service provision”²⁴

Northern Ireland Ombudsman

Principles of good complaint handling:

1. Accessible and simple
2. Fair and impartial
3. Timely, effective and consistent
4. Accountable
5. Delivers continuous improvement

The ombudsman offers a framework²⁵ to help organisations set up complaints procedures. This recommends that a procedure should have no more than two or three stages, though is not prescriptive about them.

²⁴ “Running a Complaints System: ” <http://www.lgo.org.uk/publications/advice-and-guidance#guidance>

²⁵ *Right, Responsibilities and Redress: A Framework for Effective Complaint Handling*

The Parliamentary and Health Service Ombudsman

Principles of good complaint handling:

1. Getting it right
2. Being customer focused
3. Being open and accountable
4. Acting fairly and proportionately
5. Putting things right
6. Seeking continuous improvement

Like the Local Government Ombudsman Service, the Parliamentary and Health Service Ombudsman, does not promote a specific process. However, guidance for the handling of NHS and social care complaints is provided by the NHS & Social Care Complaints Regulations 2009²⁶. It sets out that:

- Complaints are dealt with efficiently;
- Complaints are properly investigated;
- Complainants are treated with respect and courtesy;
- Complainants receive, so far as is reasonably practical - assistance to enable them to understand the procedure in relation to complaints; or advice on where they may obtain such assistance;
- Complainants receive a timely and appropriate response;
- Complainants are told the outcome of the investigation of their complaint; and
- Action is taken if necessary in the light of the outcome of a complaint.

Beyond this, each NHS organisation has its own process.

Scottish Public Services Ombudsman

In providing guidance on the complaints handling process, the Scottish Public Services Ombudsman goes furthest through The Public Services Reform (Scotland) Act 2010. This “gives the Scottish Public Services Ombudsman the power to publish standardised complaints handling procedures for listed authorities (including local authorities, the NHS, Registered Social Landlords, colleges and universities, Scottish Government, Scottish Parliament and associated bodies). The Public Services Reform Act also requires the Scottish Public Services Ombudsman to monitor and promote best practice in complaints handling.”²⁷

The Scottish Public Services Ombudsman asserts the following principles of good complaint handling:

²⁶ <http://www.legislation.gov.uk/uksi/2009/309/regulation/3/made>

²⁷ <http://www.valuingcomplaints.org.uk/about/csa/>

The procedure must be

1. User-focused
2. Accessible
3. Simple and timely
4. Thorough, proportionate and consistent
5. Objective, impartial and fair
6. Seek early resolution
7. Deliver improvement

The ombudsman has published a two stage process for the bodies under its jurisdiction to follow:

Stage 1 - Frontline Resolution

Stage 2 - Investigation

If still unresolved, this is to be followed by an Independent External Review (Scottish Public Services Ombudsman or other).

In order to support organisations in the adoption of this process, the Scottish Public Services Ombudsman offers:

- A number of e-learning training modules
- Training on complaints investigation
- Training on listening, problem solving and conflict resolution
- Good practice guidance, reference material, online complaints handler forum and more on their Complaints Standards Authority website: www.valuingcomplaints.org.uk
- Local Authority network of complaints handlers – identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance.

By the end of 2013 every publically funded body in Scotland will use the same two step complaints handling process.

The Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales promotes similar principles to those in Scotland:

1. Accessible and simple
2. Fair and impartial
3. Timely, effective and consistent
4. Accountable
5. Delivers continuous improvement

The service also publishes guidance²⁸, which, while non-statutory, has, at the time of writing, been adopted by 19 of the 22 local authorities under its jurisdiction. The remaining three are expected to adopt the process shortly. The guidance traces the same steps as advocated by the Scottish Public Services Ombudsman:

Stage 1 - Informal resolution

Stage 2 - Formal investigation

This is followed by referral to the ombudsman if still unresolved.

²⁸ "Model Concerns and Complaints Policy and Guidance" http://www.ombudsman-wales.org.uk/~media/Files/Documents_en/Model%20Complaints%20Policy%20Final%20PSOW.ashx

Annex E

Commission for Local Administration In England

Delegated executive arrangements for the management of the Local Government Ombudsman

The Localism Act 2011 clarified the statutory authority of CLAE to delegate operational functions and decision-making to executive officers. Accordingly this paper sets out the arrangements for the operational management of the LGO through revised executive arrangements.

The Commission for Local Administration in England – This is the statutory body responsible for the provision of the Local Government Ombudsman service. The functions of the Commission are set out in the Local Government Act 1974, and are elaborated further in the Framework Document agreed with the sponsor department. This paper should be read in conjunction with those two documents.

The Commission will reserve the following decisions:

- To agree the mission and strategic objectives of the LGO,
- To approve the corporate strategic plan and annual business plan recommended by the LGO Executive Management Team
- To approve the annual budget proposals, estimates and funding bid, and financial framework recommended by the LGO Executive Management Team,
- To approve other strategic plans and significant amendments
- To approve the annual report and accounts on the recommendation of the Audit Committee
- To maintain strategic scrutiny of the operational performance of the LGO and the functions and decision-making that it has delegated to the LGO Executive Team. This is achieved through:
 - At least Quarterly reporting by the LGO Executive Team of:
 - progress against the business plan,
 - budget monitoring and,
 - performance indicators against corporate success measures,
 - Accountability of the LGO Executive Management Team, collectively and individually, to the Executive Chair of the Commission through performance appraisal against agreed objectives,
- To maintain oversight of strategic risk and internal control mechanisms, as advised by the Audit Committee and the Executive Management Team,
- To agree the remuneration and benefits framework within which the LGO service operates, as advised by the Remuneration Committee.

The Commission will delegate responsibility for operational policy, LGO service delivery, and executive decision making through the arrangements set out in this paper.

The Commission is advised by the Commission Operating Officer/Accounting Officer and the Executive Directors. Secretarial support will be provided by the Executive Services Manager. The Commission will meet 5 times in 2013. Once the new arrangements are embedded the Commission will meet quarterly from 2014.

Items for the agenda will be provided to the secretary to the meeting at least two weeks prior to the meeting and distributed at least five working days in advance. Minutes and action points will be noted and circulated following Chair's approval within five working days of each meeting.

Chair's Action

Urgent actions only

Audit Committee

The Commission has established an Audit Committee which comprises an independent Chair (who has experience of financial matters), an independent member and the Parliamentary Commissioner. The Committee has responsibility to advise the Commission, its Accounting Officer and the other members of the senior management on matters of probity, regularity and prudent and economical administration, efficiency and effectiveness as identified by internal and external audit and through the Commission's system of internal control. It also has responsibilities for monitoring and reporting to the Commission on the operation of its Risk Management Strategy. The Committee normally meets four times a year

Remuneration Committee

The Commission has established a Remuneration Committee that is responsible for advising and making recommendations to the Commission on the remuneration and succession of the senior staff and the pay schemes for other staff. The Committee is chaired by an independent person (also a member of the Audit Committee) who has expertise in the field of remuneration, and its membership includes the Chair of the Commission and the Chair of the Audit Committee. It meets twice a year

The Local Government Ombudsman (LGO) – The organisation will be known as the 'Local Government Ombudsman', and this will be the brand under which the service is delivered.

Executive Team (ET) – This is the team responsible for the operational leadership and management of the LGO, its staff and resources. The Commission has delegated authority to the ET to make all day to day operational decisions on behalf of the Commission, to manage service delivery and to agree operational policy.

Composed of the two Executive Directors and the Commission Operating Officer/Accounting Officer; working together as a team of three equals, with collective responsibility for the overall delivery and performance of the LGO in

line with the strategic objectivesThe ET will carry out the following executive functions:

- delivery of the LGO Business Plan,
- budget planning and monitoring,
- effective procurement and deployment of all resources, including staff, accommodation and external services,
- monitor the internal audit programme and the implementation of audit recommendations
- agreeing and implementing operational policy, professional practice, risk and performance matters,
- developing and recommending strategic policy and planning to the Commission through the annual budget and business planning process

The ET is accountable to the Commission through the Executive Chair, through corporate performance and risk reporting, and individual performance appraisal.

ET will be supported by the corporate service managers, the Assistant Ombudsmen, Head of Assessment, Head of Policy and Communications and Project Co-ordinator, as required. Secretarial support will be provided by a designated Executive Assistant. The group will meet every fortnight, with a rotating chair. Items for the agenda will be received by the secretary to the meeting at least five working days in advance. Action points will be noted and circulated following Chair's approval within five working days of each meeting.

The Casework and Policy Forum (CPF) – This is the forum to agree LGO casework policy and to identify themes and implications arising from this work. It provides the means through which the Ombudsman can exercise her own leadership and direction of casework, supported by the directors, and can assure herself about the operation of her personal delegated authority for deciding complaints.

- Composed of the Ombudsman, the two Executive Directors and the Legal Advisor,

Responsible for:

- Agreeing LGO policy and internal guidance on casework, by:
 - Developing a common understanding and consistent approach to all casework,
 - Reviewing and deciding on the handling of potentially high risk cases, older cases, judicial reviews and potential reports,
 - Reviewing and deciding cases for joint working with the PHSO and IHO,Monitoring the quality of casework and, in particular, decision statements,
- Identifying themes and issues arising from casework that have implications for LGO external communications and stakeholder engagement

The Forum will be chaired by the Ombudsman and will be supported by the Head of Policy and Communications, Legal Team, Assistant Ombudsmen, Head of Assessment, and Policy & Research Officer as required. Secretarial

support will be provided by a designated Executive Assistant. The group will meet every month. Items for the agenda will be received by the secretary to the meeting at least five working days in advance. Minutes and action points will be noted and circulated following Chair's approval within five working days of each meeting.

External Affairs Group (EAG) – This is the group responsible for agreeing, monitoring and implementing the Policy and Communications Strategy. It has delegated authority from the Commission for publishing reports, advice and guidance on the work of the LGO, on good administrative practice, and on procedures for making complaints:

Composed of the Ombudsman, the two Executive Directors and the Head of Policy and Communications,

Responsible for:

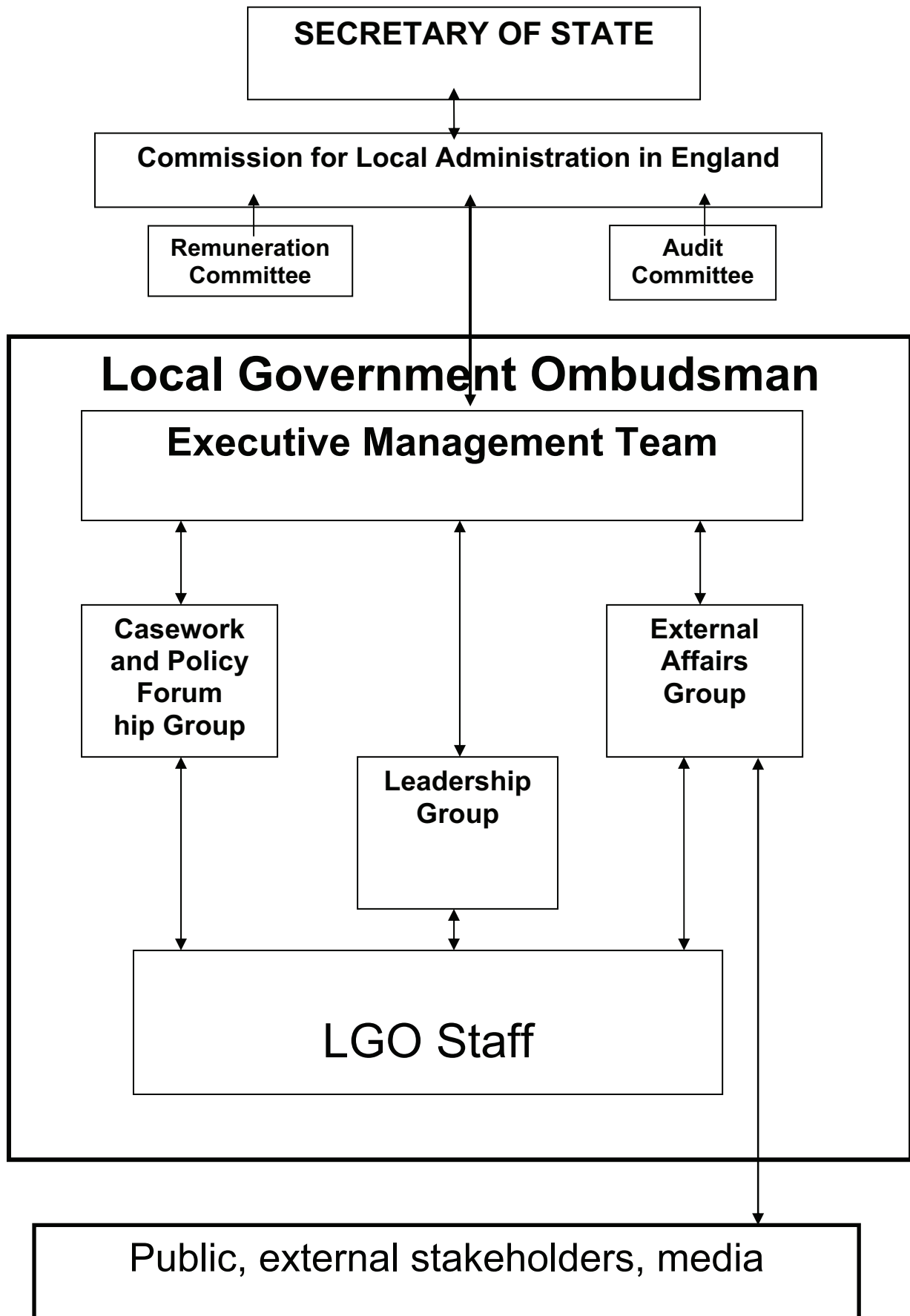
- agreeing, monitoring and implementing the LGO Policy and Communications strategy,
- publication and dissemination of advice and guidance arising from knowledge and experience of complaint handling, including themed reports,
- oversight of all LGO external communications and stakeholder engagement activities.

The EAG will be chaired by the Director of External Affairs. It will be supported by the Communications Manager and the Policy & Research Manager as required. The group will meet every month and as appropriate. Items for the agenda will be received by the designated EA who supports the group at least five working days in advance. A note of decisions and action points will be circulated following Chair's approval within five working days of each meeting.

The Leadership Group (LG) – This is the management forum bringing together all senior managers and the members of ET, (including the HofA, HofP+C, AOs, CSM, and corporate service managers).

- Responsible for:
 - Reviewing casework performance and advising ET on operational policy and performance matters,
 - Agreeing appropriate assignment of leadership responsibilities,
 - Reviewing and discussing progress with corporate projects and managerial lead roles
 - Ensuring clear and consistent two-way communication of management information

Secretarial support will be provided by a designated Executive Assistant. The group will meet every month and will rotate between each of the three LGO sites. Items for the agenda will be received by the secretary to the meeting at least five working days in advance. Minutes and action points will be noted and circulated following Chair's approval within five working days of each meeting. The meeting will be chaired by the three members of ET in rotation.



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**ADJUDICATION & REVIEW
COMMITTEE**

30 January 2014

Subject Heading:

**UPDATE ON LGO ACTIVITY FOR THE
YEAR TO DATE**

CMT Lead:

Ian Burns, Acting Assistant Chief
Executive

Report Author and contact details:

Grant Soderberg, Committee Officer
01708 433091
grant.soderberg@havering.gov.uk

Policy context:

The effective and efficient provision of
public services

Financial summary:

None associated with this report

**Has an Equality Impact Assessment
(EIA) been carried out?**

Not required.

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

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

Changes to the way in which the Local Government Ombudsman (LGO/the Ombudsman) operates have had an impact on the way in which she interacts with authorities. Changes have been seen to the methodology used and decisions made by the Ombudsman over the past 18 months and this report seeks to alert Members to those changes and seeks to anticipate what the effects of those changes are likely to have on the relationship between the Council and the Ombudsman in the foreseeable future and whether changes might be necessary in the way in which the Council manages complaints referred or investigated by the Ombudsman.

RECOMMENDATIONS

That the Committee note the report

REPORT DETAIL

Background

1. In 2010 – at the start of the current Administration – the workload on the Council in dealing with referrals from the Ombudsman of complaints considered “premature” as well as active investigations, whilst not particularly heavy (in comparison with other London boroughs and other authorities), was at least steady.
2. During the following two years and continuing, the LGO – in common with all public services – had its funding reduced which meant that, after a period of several years expansion under the leadership of Tony (now Sir Tony) Redmond, the Commission was obliged to re-think its strategies, review its capabilities and “down-size”.
3. Tony Redmond who as Chairman of the Commission for Local Administration was the senior of three Ombudsmen who, between them, dealt with all matters concerning local government across England. There was a further Ombudsman for Wales one for Scotland and another for Northern Ireland.
4. Each Ombudsman had his or her own jurisdiction and with the limited exception of some joint working with the Parliamentary and Health Service Ombudsman (PHSO), all complaints dealt with related to all council services (whether provided directly or by a sub-contractor or an arms-length management organisation (ALMO)).
5. Before Tony Redmond retired in 2012, the LGO had set up a centralised reception office in Coventry to receive and evaluate complaints, notifying authorities of premature complaints which they had to address through their complaints procedures and forwarding matters which were considered to merit investigation.
6. Since then the situation has changed radically. After Tony Redmond’s retirement a recruitment drive to find a successor was halted as the financial cuts were announced. Dr Jane Martin took the lead role with her colleague Anne Seex to cover England.
7. The records show that during this period, a good number of complaints were referred back to the Council for consideration through its corporate

Adjudication & Review Committee, 30 January 2014

complaints procedure and a steady number of complaints were regularly being investigated by the LGO's team in London.

8. Around the same time, changes proposed by the Secretary of State for Communities and Local Government which would remove the authority of the LGO to investigate complaints against social landlords and increase the scope of the Housing Ombudsman came into effect – a blow to the jurisdiction of the LGO. Simultaneously, plans to expand the LGO's scope to investigate the internal organisation of schools and to take on additional powers concerning social care were stopped and staff recruited for these more specialised roles were either released or reintegrated into new structures of generalised teams which had access to specialists.
9. Internally, the LGO's operation was also being radically revised. Ms Seex was on long-term absence and Dr Martin had effectively assumed responsibility for the whole of England. As 2013 progressed, the LGO announced a number of changes – one of which was the vacation of its London offices (Millbank Tower) and, whilst still having a presence in London, all administration is now centred on Coventry.

Current position

10. The last ten months or so has seen a very noticeable shift in emphasis concerning the treatment of complaints by the LGO. The number of referrals for example, has dropped to almost zero over the past six months whilst there has been a surge in formal enquiries (usually about whether a complainant has passed through all stages of the council's complaints process) and these have tended to lead to either provisional views (normally confirming that the Council has done nothing wrong) or final decisions (most frequently that the matter is "outside the Ombudsman's jurisdiction").
11. The net effect is that whilst the number of LGO contacts remains at a level comparable to earlier years, the Council is receiving more enquiries or "instant" decisions and full investigations are few and even then, findings against the Council are scarce.
12. It may not be a coincidence that during the same period – when the LGO found herself with fewer resources to pursue investigations and had to "cherry pick" which to invest resources in – the number of complainants seeking to have their complaint escalated to Stage Three of the council's complaints process has increased. It is known that whilst the LGO's "Council First" policy (introduced during 2010/11) was designed to deter complainants short-circuiting the council's complaints process and making use of the Ombudsman's service to pursue their complaint against a council on their behalf, the LGO still pursued a respectable number of complaints.
13. More recently, the insistence on complainants returning to council complaints processes appears more routinely applied and this is borne out in the change in emphasis of the Ombudsman's involvement in matters referred to her (see appendix).

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report. Though there may be cost implications if the recommendations of the Parliamentary report are implemented.

Legal implications and risks:

There are no direct legal implications from this report.

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

Changes in emphasis from “Premature” referrals to “Enquiries” between 2010/11 and 2013/14

Year	Enquiries	Prematures	TOTALS
2010 – 2011*	LGOAT = 8	48	56
	LGO = 0		
2011 – 2012*	LGOAT = 16	23	43
	LGO = 4		
2012 – 2013*	LGOAT = 10	29	57
	LGO = 18		

* = Figures are for full 12 months (1 April – 31 March)

2010 - 2011	LGOAT = 5	45	52
	LGO = 2		
2011 - 2012	LGOAT = 0	32	32
	LGO = 0		
2012 – 2013**	LGOAT = 10	25	45
	LGO = 10		
2013 – 2014**	LGO = 26	8	34

LGOAT = Local Government Ombudsman Advice Team

** = Figures are for 10 months (1 April – 31 January)

The following charts show how the figures above were distributed across Council service areas.

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Local Government Ombudsman Complaint Elements - by Service to 31 March 2011:
 From 1 April to 5 September 2010 with changes from 6 September (Includes 7 complaints brought forward from 2009/10)
 2010/11 BVPI target for maladministration is 0 and for local settlement (with penalty) is no more than 8

ACE	Culture & Community						Social Care & Learning				Finance & Commerce			General: Member & non 'Service specific' issues	Complaint Elements under Investigation	Completed/Omb D./OSJ/No Inv.	Premature - or LGOAT answered	Total of Complaint Elements	
	Culture & Leisure	StreetCare	Customer Swerices including Revs & Bens (From 6 Sept 10)	Communications	Housing & Public Protection	Homes in Having	Regeneration Policy & Planning (from 6 Sept 10)	Children and Young Peoples Services	Learning & Achievement	Schools for the Future	Adult Social Care	Exchequer Services (to 5 Sept 10)	Finance & Performance						Development & Building Control
0	0	0	0	0	3	2	0	3	0	1	0	0	0	1	1	42	56	109	
Complaints under investigation - "A":																			
Complaints determined:																			
Maladministration																			
Local Settlement with Penalty																			
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Local Settlement no Penalty																			
0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
No Maladministration after Investigation																			
2	0	0	1	0	3	0	0	0	0	0	0	0	0	2	0	0	0	0	0
No Maladministration, no Investigation																			
0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ombudsman's Discretion																			
1	0	0	1	3	3	0	0	0	0	1	0	0	0	4	2	16	7	8	2
Outside Jurisdiction																			
0	0	1	0	1	1	0	0	0	0	0	0	0	0	2	1	7	7	2	8
Cases Completed - not Premature - "B":																			
3	0	2	3	1	6	11	0	1	1	1	1	1	0	8	3	42	56	109	0
Premature referrals & LGOAT enquiries - "C":																			
0	1	2	3	1	15	21	1	4	0	1	1	5	0	1	0	7	7	0	0
Totals - A, B & C:																			
3	1	4	6	2	24	34	1	8	1	3	2	6	0	10	4	109	56	109	0

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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

ACE	Culture & Community				Children's Services			Adults & Health		Finance & Commerce		Complaint Elements under Investigation	Complaint Elements Received	Completed/Omb D./OSJ/No Inv.	Premature - or LGOAT answered	Total of Complaint Elements		
	Legal & Democratic Services	Culture & Leisure	StreetCare	Customer Services (CT Issues, Benefits & NNDR)	Housing & Public Protection	Homes in Having	Children and Young People's Services	Learning & Achievement	Schools for the Future	Adult Social Care	Insurance & Risk						Development & Building Control	General: Member & non 'Service specific' issues
	0	0	0	0	11	0	1	0	0	1	0	13	0	26	1	54	43	124
Complaints under investigation - "A":																		
Provisional Views Received - "B":																		
Complaints determined:																		
Maladministration																		
Local Settlement with Penalty																		
Local Settlement no Penalty																		
No Evidence of Mal/Syoc Failure (1)																		
No Evidence of Mal/Syoc Failure (2)																		
Investigation not started / Investigation Discontinued																		
Outside Jurisdiction																		
Complaint Elements Completed - not Premature - "C":																		
Prematures & informal LGO & LGOAT enquiries - "D":																		
1	0	5	8	14	4	2	0	0	4	0	3	2	26	1	54	43	124	
Totals - A, B, C & D:																		
6	0	8	12	40	13	9	1	1	8	0	1	20	5	26	1	54	43	124

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Local Government Ombudsman Complaint Elements - by Service 1 April 2012 to 31 March 2013:

(Includes 26 complaints elements (15 cases) brought forward from 2011/12)

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

Complaints determined:	Culture & Community										Social Care & Learning			Finance & Commerce		General: Member & non 'Service specific' issues	Complaint Elements under Investigation	Complaint Elements Received	Completed/Omb D./OSJ/No Inv.	Premature - or LGO/AT enquiries	Total of Complaint Elements
	Legal & Democratic Services	Customer Services - Other	StreetCare	Customer Services (CT Issues, Benefits & NNDR)	Culture & Leisure	Housing & Public Protection (to 30/09/12)	Homes in Having (to 30/09/12)	Housing, Homes & Public Protection (from 1/10/12)	Children and Young People's Services	Learning & Achievement	Adult Social Care	Financial Services	Development & Building Control								
Complaints under investigation - "A":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	72	0	57	129
Provisional Views Received - "B":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Complaints determined:																					
Report Issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Injustice remedied during enquiries (with financial penalty)	0	0	0	1	0	1	1	1	0	0	0	1	2	0	0	0	0	0	0	0	9
Injustice remedied during enquiries (no financial penalty)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
No or minor injustice & other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Not enough evidence of fault	1	1	0	1	0	12	0	1	0	0	1	0	1	0	0	14	0	0	0	0	31
Investigation not justified & Other	0	0	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	4
No reason to use exceptional power to investigate	1	0	2	1	0	1	1	3	0	0	2	1	0	1	0	1	0	0	0	0	13
No power to investigate	0	0	3	2	0	0	1	2	1	0	1	0	1	0	1	0	0	0	0	0	13
Complaint Elements Completed - not Premature - "C":	2	1	5	7	0	14	4	8	2	3	6	0	19	1	0	0	0	0	0	0	72
Prematures & informal LGO & LGOAT enquiries - "D":	0	2	5	7	1	2	8	9	3	2	4	4	10	0	0	0	0	0	0	0	57
Totals - A, B, C & D:	2	3	10	14	1	16	12	17	5	5	10	4	29	1	0	0	0	0	0	0	129

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Local Government Ombudsman Complaints – Analysed by Service Area and by Outcome: 1 April 2010 – 31 January 2011

2010/11 BVPI target for maladministration is **0** and for local settlement (with penalty) is no more than **8**

ACE	Culture & Community						Social Care & Learning				Finance & Commerce			Total of Complaint Elements					
	Culture & Leisure	StreetCare	Customer Swerices including Revs & Bens (From 6 Sept 10)	Communications	Housing & Public Protection	Homes in Havering	Regeneration Policy & Planning (from 6 Sept 10)	Children and Young People's Services	Learning & Achievement	Schools for the Future	Adult Social Care	Exchequer Services (to 5 Sept 10)	Finance & Performance		Development & Building Control	General: Member & non Service specific issues			
Legal & Democratic Services	0	0	1	0	3	0	0	0	1	1	0	0	0	0	0	6	35	52	93
Complaints under investigation - "A":																			
Complaints determined:																			
Maladministration																			
Local Settlement with Penalty																			
Local Settlement no Penalty	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
No Maladministration after Investigation	1	0	0	0	0	3	0	0	0	0	0	0	0	2	0	0	6	2	6
No Maladministration, no Investigation	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	12
Ombudsman's Discretion	1	0	0	0	3	3	0	0	0	0	1	0	0	2	2	0	7	7	7
Outside Jurisdiction	0	0	0	0	1	1	0	0	0	0	0	0	0	2	1	0	35	35	35
Cases Completed - not Premature - "B":	2	0	2	0	6	11	0	1	0	0	1	1	1	0	6	0	35	52	93
Premature referrals & LGOAT enquiries - "C":	0	1	2	1	14	19	1	4	0	1	1	5	0	1	0	0	0	0	52
Totals - A, B & C:	2	1	4	1	23	30	1	5	1	2	2	6	0	7	3	93	35	52	93

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Local Government Ombudsman Complaints – Analysed by Service Area and by Outcome: 1 April – 31 January 2012

2011/12 BVPI target for maladministration is **0** and for local settlement (with penalty) is no more than **8**

ACE	Culture & Community				Children's Services			Adults & Health		Finance & Commerce					
	Culture & Leisure	StreetCare	Customer Services (CT Issues, Benefits & NNDR)	Housing & Public Protection	Homes in Having	Children and Young People's Services	Learning & Achievement	Schools for the Future	Adult Social Care	Insurance & Risk	Development & Building Control				
Legal & Democratic Services	0	0	1	2	0	1	0	0	1	0	0	0	0	0	0
	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0
Complaints under investigation - "A":	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0
Provisional Views Received - "B":	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Complaints determined:															
Maladministration	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Local Settlement with Penalty	0	0	0	4	1	0	0	0	0	0	0	0	0	0	0
Local Settlement no Penalty	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
No Evidence of Mal/Svce Failure (1)	0	0	0	0	0	1	0	1	0	0	1	0	0	0	0
No Evidence of Mal/Svce Failure (2)	1	0	0	1	0	0	0	0	1	0	0	0	1	0	1
Investigation not started / Investigation Discontinued	4	0	3	5	3	3	0	0	1	0	3	1	1	1	1
Outside Jurisdiction	0	0	1	1	2	1	1	0	0	1	0	1	1	1	1
Cases Completed – not Premature - "C":	5	0	3	2	7	5	1	1	2	1	4	3	1	4	3
Prematures & informal LGO & LGOAT enquiries - "D":	1	0	5	4	9	4	1	0	3	0	3	2	0	3	2
Totals - A, B, C & D:	6	0	8	7	23	12	8	1	6	0	1	7	5	7	5

Complaint Elements under Investigation	5
Complaint Elements Provisional Views Received	2
Completed/Omb D./OSJ/No Inv.	46
Premature - or LGOAT answered	32
Total of Complaint Elements	85

Maladministration	1
Local Settlement with Penalty	5
Local Settlement no Penalty	1
No Evidence of Mal/Svce Failure (1)	3
No Evidence of Mal/Svce Failure (2)	4
Investigation not started / Investigation Discontinued	24
Outside Jurisdiction	8
Cases Completed – not Premature - "C":	46

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Local Government Ombudsman Complaint Elements - by Service 1 April 2012 to 31 January 2013:

(Includes 26 complaints elements (15 cases) brought forward from 2011/12)

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

Complaints determined:	Culture & Community										Social Care & Learning			Finance & Commerce		Total of Complaint Elements			
	Legal & Democratic Services	Customer Services - Registrars	StreetCare	Customer Services (CT Issues, Benefits & NNDR)	Culture & Leisure	Housing & Public Protection (to 30/09/12)	Homes in Having (to 30/09/12)	Homes, Housing & Public Protection (from 1/10/12)	Children and Young People's Services	Learning & Achievement	Adult Social Care	Financial Services	Development & Building Control	General: Member & non 'Service specific' issues	Complaint Elements under Investigation		Complaint Elements Provisional Views Received	Completed/Omb D./OSJ/No Inv.	Premature - or LGO/AT enquiries
Complaints under investigation - "A":	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	2	60	45	=
Provisional Views Received - "B":	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	2	60	45	=
Complaints determined:																			
Report Issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Injustice remedied during enquiries (with financial penalty)	0	0	0	1	0	1	1	1	1	2	0	0	1	0	0	9	9	0	0
Injustice remedied during enquiries (no financial penalty)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0
No or minor injustice & other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Not enough evidence of fault	0	0	0	1	0	12	0	0	0	0	0	0	1	0	0	28	28	4	4
Investigation not justified & Other	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	4	4	9	9
No reason to use exceptional power to investigate	1	0	1	0	0	1	1	2	0	2	0	0	1	0	0	9	9	8	8
No power to investigate	0	0	0	1	0	0	1	2	1	2	0	0	0	0	0	8	8	0	0
Complaint Elements Completed - not Premature - "C":	1	0	1	5	0	14	4	6	2	3	5	0	18	1	1	60	60	45	45
Prematures & informal LGO & LGOAT enquiries - "D":	0	1	6	5	1	2	8	5	3	2	2	4	6	0	1	45	45	45	45
Totals - A, B, C & D:	2	2	7	10	1	16	12	12	5	5	7	4	24	1	108	108	108	108	

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Local Government Ombudsman Complaint Elements - by Service 1 - 28 April 2013 (Pre Restructure) and also 29 April - 31 January 2014 (Post Restructure):
 (No cases were brought forward from 2012/13)
 2012/13 BVPI target for maladministration is 0 and for local settlement (with penalty) is no more than 8

From 29 April 2013 - revised Directorates & Services

	Finance & Commerce						F&C	
	Social Care & Learning			SCL				
	Public Protection	Housing Issues	StreetCare	Customer Services	Benefits & Revenues	Homes & Housing	Learning & Achievement	Development & Building Control
Complaints under investigation - "A":	0	0	0	0	0	0	1	0
Provisional Views Received - "B":	0	0	0	0	0	0	0	0
Complaints determined:								
Investigation complete & report issued S30(1)	0	0	0	0	0	0	0	0
Investigation complete (with financial penalty)	0	0	0	0	0	0	0	0
Investigation complete (no financial penalty)	1	1	1	0	0	0	0	1
Investigation discontinued	0	0	0	0	1	0	0	0
No investigation	0	0	0	1	0	0	0	0
OSJ & discretion not exercised	0	0	1	0	0	0	0	0
OSJ & no discretion	0	0	0	1	1	0	0	0
Complaint Elements Completed - not Premature - "C":	1	1	2	1	3	1	0	1
Prematures & LGO enquiries - "D":	0	1	1	0	2	1	0	0
Totals - A, B, C & D:	1	2	3	1	5	2	1	1

	Culture, Community & Economic Development			Children, Adults & Housing					Resources				General: Member & non 'Service specific' issues	
	StreetCare	Public Protection	Development & Building Control	Customer Services	Learning & Achievement	Children & YPs Services	Adult Social Care	Homes & Housing (Housing Needs)	Homes & Housing (Estate & Maintenance)	Exchequer Services	Legal & Democratic Services	Asset Management		
Complaint Elements under investigation	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Complaint Elements - PVs Recd	0	0	0	1			0	0	0	0	0	0	0	0
Completed/Omb D./OSJ/No Inv.	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Premature - or enquiries	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total of Complaint Elements	1	0	0	0	0	0	1	0	0	0	0	0	0	0

Complaints under investigation - "A":
 Provisional Views Received - "B":
Complaints determined:
 Investigation complete & report issued S30(1)
 Investigation complete (with financial penalty)
 Investigation complete (no financial penalty)
 Investigation discontinued
 No investigation
 OSJ & discretion not exercised
 OSJ & no discretion
 Complaint Elements Completed - not Premature - "C":
 Prematures & LGO enquiries - "D":
Totals - A, B, C & D:

Complaint Elements under investigation	4
Complaint Elements - PVs Recd	3
Completed/Omb D./OSJ/No Inv.	44
Premature - or enquiries	34
Total of Complaint Elements	85

0
1
15
2
5
15
6
44

34

85

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**ADJUDICATION & REVIEW
COMMITTEE**

30 January 2014

Subject Heading:

**UPDATE ON STAGE THREE ACTIVITY
FOR THE YEAR TO DATE &
SUGGESTED CHANGES**

CMT Lead:

Ian Burns, Acting Assistant Chief
Executive

Report Author and contact details:

Grant Soderberg, Committee Officer
01708 433091
grant.soderberg@havering.gov.uk

Policy context:

The effective and efficient provision of
public services

Financial summary:

None associated with this report

**Has an Equality Impact Assessment
(EIA) been carried out?**

Not required.

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

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

Since 2010 the Council has developed and refined its Corporate Complaints process and, in tandem with it, the transition to Stage Three and the conduct of Stage Three itself has evolved. This report summarises the changes which this Committee has brought about during that time and makes suggestions of further refinements in order to ensure the continued provision of a robust, efficient and cost-effective service for complainants and the Council especially in the current climate of financial constraint and transformation.

RECOMMENDATIONS

That the Committee note the report and decide whether to accept the either of the following proposed refinements to the Stage Three process.

1. Once a Member Review form has been sent to a complainant, they are given 20 working days in which to provide a response. If no response is received in that time, they are contacted and asked to provide a response. The Committee is asked whether it considers the addition of a further 30 working days for the provision of the complaint to be reasonable or unnecessarily excessive before the complainant is told the process has been stopped and their complaint closed. If the latter, would the Committee make a recommendation about what period of grace it considers appropriate?
2. From time to time an issue may arise which, by its very nature (perhaps needing to be handled with sensitivity or involving matters which fall outside the usual scope of corporate complaints), would be inappropriate to follow the normal procedure of issuing a Member Review form and passage through an IAP. In such exceptional circumstances - should the Committee be so minded - the matter could be dealt with in a more flexible manner, perhaps by proceeding directly to a formal hearing. In such cases, the Chairman would be consulted and if agreed, the clerk would make arrangements to deal with the complaint as appropriate.

REPORT DETAIL

1. In 2010 the Adjudication and Review Committee inherited a complaints process still in transition from the old CRM system to a successor model which was being promoted as being more “user friendly” and which would be extended to all services across the Council. It was also intended that it would encompass Stage Three and Ombudsman record keeping. It was also a collaborative venture between three councils: Havering, Newham and Waltham Forest.
2. During the intervening four years, its implementation has been largely completed, though it does not extend to Ombudsman recording and is limited when recording Stage Two as it has no scope for dialogue with the complainant at that stage. That is an issue which needs further development in the future.
3. During the same period there were significant changes made to the way in which complainants’ requests for Stage Three Member involvement was treated:

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1. By 2010 the old adversarial form of hearing had been replaced by an inquisitorial one which speeded up the process and placed the control of the hearing back into the hands of Members.
2. In 2012 the Committee agreed to trialling Initial Assessment Panels (IAPs) (taken from the – by then – defunct Standards Committee) as a way to deal with complaints informally and quickly, without the necessity (and cost) of a formal hearing – though if an IAP decided that a complainant ought to be heard, it could (and has) referred the matter to a formal hearing.
3. Between 2010 and 2012 there was a dramatic fall in the number of cases being referred to Members, but during 2013 there has been a steady increase in Stage Three requests being received and actioned.
4. During the past three years there have been changes to the terminology used for the Stage Three process itself which went from “Appeal process” via “Hearing Request” to the current “Member Review” – this last most accurately describing the function Members engage in (particularly but not limited to) the IAP element. Members are invited to consider a complainant’s claims in the context of what the Service ought to be providing and to view that provision (or alleged failings) in the light of reasonableness and natural justice which is consistent with the expectations of such external bodies as the Local Government Ombudsman.
5. IAPs are now fixtures in the Council’s diary on a monthly basis usually falling on the forth – but on occasion the third – Thursday of the month. In December it might be scheduled for the second Thursday, depending on when Christmas falls. If there are no complaints ready in time, any coming forward are held over to the next IAP scheduled date. Any complaint adjourned by a Panel could either wait for the following IAP or, if Members are so minded, an ad-hoc meeting could be arranged.
4. Within the past year it has been possible to ensure that Stage Three activity is more widely distributed and it is now (on a monthly basis) notified to Committee members, CMT and those officers at CLT who’s services are most frequently involved in complaints. Calendar Brief ensures that all Councillors (and others) are at least informed of current Stage Three numbers and which wards those complaints emanate from. A monthly briefing accompanies those statistics and enquiries are always invited.
5. A summary of Stage Three activity is appended to this report and Members are invited to note the rise in complaints being referred to Members and the change from Planning and Housing to complaints about parking (and PCN related) issues.
6. At this point in time, the Committee could be forgiven for thinking that an increase in the number of complaints coming forward is a reflection of falling standards. This is most certainly not the case. Whilst the recent and continuing reduction in funding for Council services continues, the provision of those services continues with even greater imaginative ideas for delivery.

What is more likely is that the Corporate Complaints process is more widely accessible than hitherto and that complainants are more persistent if they believe something is wrong.

7. A further factor is that complaints are recorded sooner and as the figures will show, there is a growing number of complaints which commence, but which are also discontinued either by the complainant withdrawing or by the process stalling because the complainant does not provide the Council with a formal statement of complaint which is the starting-point for Stage Three.
8. In order to ensure that complaints do not remain “outstanding” for an unreasonable period of time, complainants are asked to ensure that they complete the Member Review request form and return it within 20 working days. Should that not occur (and assuming the complainant has not been in touch to provide an exceptional and urgent reason why the form could not be returned in that time, a second letter is sent to enquire whether the complainant received the original letter (a duplicate form and guidance is included as a precaution) and the complainant is (currently) being asked to complete and return the form within the next 30 working days (some six additional weeks) or to provide reasons why that cannot be done.
9. The complainant is warned that a failure to respond or provide acceptable reasons for delay within that time-frame will lead to the complaint being removed from the register and the matter closed. The complainant is, however, provided with the contact details of the Local Government Ombudsman.
10. The Committee is asked whether it considers the addition of a further 30 working days to be reasonable or unnecessarily excessive. If the latter, would the Committee make a recommendation about what period of grace it considers appropriate? For example: There having already been 20 working days elapsed since the complainant was invited to respond, would the Council be unreasonable if it only granted an additional 10 working days? Whatever is decided, changes will have to be made to the wording of the complaints information in whatever medium it is available (hard copy or electronic).
11. From time to time an issue may arise which, by its very nature (perhaps needing to be handled with sensitivity or involving matters which fall outside the usual scope of corporate complaints), would be inappropriate to follow the normal procedure of issuing a Member Review form and passage through an IAP. In such exceptional circumstances - should the Committee be so minded - the matter could be dealt with in a more flexible manner, perhaps by proceeding directly to a formal hearing. In such cases, the Chairman would be consulted and if agreed, the clerk would make arrangements to deal with the complaint as appropriate.
12. It is to be expected that whatever happens at the forthcoming local elections, there will continue to be a need for complaints to be resolved, if not by officers, then by the review and judgement of Members. Because the position of local authorities is very much in a fluid state – which shows no sign of ending – changes to the way in which complaints are managed and resolved may continue to evolve for the foreseeable future. Unless Members themselves choose to relinquish their role in the process (and

Having is one of a diminishing number of authorities which retain a three stage complaints process in which councillors are a part), there will always be a need to ensure that complaints are effectively and efficiently addressed in a cost-effective manner and this will undoubtedly involve further refinement to the process to make that a deliverable reality.

13. Whilst it is true to say that 2013/14 has seen an upturn in complaint escalation to Stage Three, the outcomes are more transparent and more easily available to inform future action than at any time previously. As technology (and on-going reduction to Council funding means that all Council services have to evolve to be more efficient and effective), it is hoped that what is learnt from the decisions and outcomes of complaints will become useful tools for ensuring that future service delivery incorporates those outcomes to help raise standards of good practice and help minimise any recurrence of those issues in the future.

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report. Though there may be cost implications if the recommendations of the Parliamentary report are implemented.

Legal implications and risks:

There are no direct legal implications from this report.

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

Table of complaints reaching Stage Three from 2010 to date.

Service	Type	Date	Outcome	Further Action
Housing Needs	Hearing	April 2010	Mostly Upheld (£1k compensation)	NFA
*Children Act	Hearing	May 2010 Oct 2010	Adjourned Reconvened – Partially upheld	NFA
Planning	IAP 1 IAP 2	Mar 2011 May 2011	Adjourned for further information Not upheld	LGO October 2011 – No fault
Parks	IAP	Oct 2011	Not upheld	NFA
Intro Tenancy	Hearing	Oct 2011	Not upheld	NFA
Housing - PSL	IAP	Nov 2011	Not upheld	NFA
Hsg Allocations	Withdrawn	Nov 2011	Svce permitted exchange	NFA
Housing Needs	IAP	Feb 2012	Hearing recommended but Svce resolved issues	NFA
Housing – PSL	IAP	Feb 2012	Not upheld {same	NFA
StreetCare	Closed	Feb 2012	No form submitted	LGO. No maladministration
Hsg Register	Withdrawn	Mar 2012		NFA
Housing: estate staff issues	IAP 1 IAP 2 IAP 3 Hearing	April 2012 May 2012 July 2012 Sept 2012	UPHELD	Compensation £150 & staff retraining
Intro Tenancy	Hearing 1	Oct 2012	UPHELD {same	Re-hearing
Intro Tenancy	Hearing 2	Dec 2012	Not upheld person}	NFA
Housing Needs	IAP	Nov 2012	Not upheld complainant}	NFA
Bldg Control	IAP	Nov 2012	Not upheld	NFA
Housing rents	IAP Hearing	Nov 2012 Feb 2013	Not upheld	NFA
Planning	IAP Hearing	Nov 2012 Mar 2013	UPHELD	LGO – No penalty
C/Tax issues	IAP	Feb 2013	Not upheld	LGO – OSJ
Parks	IAP	Feb 2013 Mar 2013	Adjourned for more info Not upheld	NFA
Highways	IAP	April 2013	Not upheld	NFA
Hsg neighbour nuisance	IAP	April 2013	Not upheld	NFA
Hsg repairs	IAP	April 2013 July 2013	Adjourned for further work Not upheld	Housing Ombudsman
Planning	IAP	June 2013	Not Upheld	NFA
Property Svce	IAP	June 2013	Not upheld	LGO – OSJ
Planning	IAP	June 2013	Not upheld	LGO – PV recd. (still on-going)
Hsg neighbour nuisance	IAP	Oct 2013	Not upheld	NFA
Hsg neighbour nuisance	IAP	Oct 2013	Not upheld	NFA
General	IAP	Nov 2013	Not upheld	NFA
StreetCare	IAP	Nov 2013	Not upheld	NFA
Parks	CLOSED	Dec 2013	Not pursued by complainant	NFA
*Children Act	CLOSED	Jan 2014	Out of Time	NFA
Planning	Withdrawn	Jan 2014		NFA

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*Children Act cases are not heard by Members but panels are entirely independent persons.

The following complaints have been received and the complainants contacted, but are currently open.

StreetCare	Parking issues (PCN related)	Form still with complainant
StreetCare	Street Cleansing	Form back – with Service
Housing	Maintenance	Form back – with Service
Exchequer Services	Housing Benefits	Pending IAP
StreetCare	Parking issues (PCN related)	Form back – with Service
StreetCare	Parking issues (PCN related)	Form back – with Service
StreetCare	Parking issues (street parking)	Form with complainant
General	Administrative issues	Pending possible hearing

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