

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall
4 November 2014 (7.30 - 9.15 pm)**

Present:

COUNCILLORS

Conservative Group	Joshua Chapman (Chairman), Roger Westwood (Vice-Chair), Meg Davis and Jason Frost
Residents' Group	Barbara Matthews and Julie Wilkes
East Havering Residents' Group	Brian Eagling and Darren Wise
UKIP Group	David Johnson
Independent Residents Group	Michael Deon Burton

Apologies for absence were received from Councillors John Mylod and Alex Donald (Councillors Julie Wilkes and Darren Wise substituted for them respectively)

The clerk, on behalf of the Chairman reminded Members of the action to be taken in an emergency.

There were no declarations of pecuniary interest.

8 MINUTES

The Minutes of the Meeting held on 6 August 2014 were accepted and signed by the Chairman.

9 PRESENTATION BY THE HEAD OF REGULATORY SERVICES CONCERNING COMPLAINTS MANAGEMENT ACROSS THE SERVICE

Members received a presentation from the Head of Regulatory Services who explained that he was taking a different approach to the usual statistics-based format by considering complaints through the complaint routes (Corporate complaints process, LGO, Members) and complaint themes (Customer dissatisfaction, disagreement with decisions, delay, alleged bureaucracy, staff behaviour etc.). He explained that his service areas ranged from Planning/Building Control, through the Bereavement Service (Cemeteries and Crematoria), Public Protection (Environmental Health, Licensing and Trading Standards), Registrars, strategic Development and Transportation Policy and Emergency Planning. He stated that there were around 150 members of staff across the services

and, because of the specialised nature of those services the majority of them were technically or professionally qualified.

The Committee was informed that in the period June 2013 to September 2014, whilst just under half of the complaints recorded at Stage One concerned the Bereavement Service (70), the conciliatory approach by its staff in this emotionally sensitive area, ensured that very few progressed further. The second highest Stage One complaint area was Environmental Health (36), but at Stage Two, Environmental Health accounted for half of the complaints (12) whilst Cemeteries and Crematoria had shrunk to only two.

Continuing the themed approach, the head of Regulatory Services explained how – by learning from examples of good practice – his services had shifted their attitudes from a purely process-focussed approach to one which was outcome orientated with staff – whilst remaining professional – were also approachable. This, he said, almost always diffused potentially confrontational situations and, by empathising with the complainant and taking time to explain (in plain English) the issues involved, it had been possible to ensure that even if the complainant did not like the decision, by understanding the reasons behind it, the likelihood of the complaint being escalated became significantly reduced.

He stated that this change in the perception of how complaints could be better addressed translated itself into pro-active ways of working, for example: using historical records to inform the present position, assessing site conditions, more joint and cross-service working, liaising closely with external partners, identifying potential problems early on and addressing them fully at the earliest stage possible before they could escalate.

The Committee was then provided with three examples of how the process had been applied in practice involving an issue which had had the potential to be a major issue involving a family who had been misinformed about the site of the plot where a family member had been buried. This had been a highly emotive and embarrassing situation which, through the sensitivity and tact of staff, had been resolved to the satisfaction of the family. Another example involved a planning issue and an intractable resident who, after having the situation explained, appreciated the position and, whilst not liking the decision accepted that it was the only realistic option available. The third example involved a property which had, over a number of years become not only an eye-sore but dangerous and which, after at least two court appearances and enforcement action, was only resolved by the service taking direct action to remove scaffolding and get the area cleaned up.

In addition he informed Members that the learning process was on-going; that staff were regularly updated with developments; that they were involved from the outset in the complaint resolution; that there was a great deal more cross-service exchange of thought to ensure a seamless service provision; that a cross service complaint protocol was invoked this year to ensure that a lead officer had oversight whenever more than one agency was involved

and that processes were revised regularly (facilitated by regular team meetings and one-to-one's).

In conclusion, he mentioned compliments and gave a few examples which, he assured Members, demonstrated the success having a policy of staff "going the extra mile", being professional, showing empathy and being helpful.

The Committee **noted** the scope and content of the presentation and thanked the Head of Regulatory Services for his highly informative and most encouraging presentation.

10 **PRESENTATION BY THE HEAD OF BUSINESS & PERFORMANCE CONCERNING CORPORATE COMPLAINTS**

Members received a presentation from the Corporate Policy and Diversity Team Leader providing them with an update on Corporate Complaints, Member and MP Enquiries for the three months from 1 July – 30 September 2014. The Committee was informed that

Corporate Complaints:

- The total number of complaints logged at Stage 1 on CRM between July and September had risen: 308 (2013) and 572 (2014) – though part of the latter figure included complaints recorded on the Housing Service's OHMS system and would not have been included in the previous report
- 572 Stage One complaints had been investigated with 498 being resolved within 10 working days (Q2 2014)
- Of those completed over the 10 working days, 46 were completed under 15 working days and 27 were completed within 40 working days
- 32 (5.30%) complaints had been escalated to Stage Two (the target was not to exceed 10%)
- Performance had, during the period, improved. 87% of Stage One complaints were completed within 10 working days (Q2 2014), compared to 80% (Q2 2013). Performance had stayed the same at 87% since the previous quarter (Q1 2014) and the target was 90%
- The two areas with the highest number of Corporate Complaints logged on CRM were Homes & Housing (344) and StreetCare (122)

The services with the highest proportion of complaints remained the outward facing ones: StreetCare (131) and Homes and Housing (315). Regulatory Services (which now included Trading Standards, Licensing and Environmental Health) had 38 cases.

Member & MP Enquiries:

In the same period, MP and Member enquiries

- 1,234 Member / MP Enquiries were received (90 of which were recorded on the Housing OHMS system and which would not have been included in the previous year's figures). Of these 976 (79.09%) enquiries were completed within 10 working days.

- By comparison, between 1 July and 30 September 2013 1,139 Members / MP Enquiries were logged. Of these 1,000 (87.80%) enquiries were completed within 10 working days.
- In the previous quarter (1 April to 30 March 2014), 840 Member / MP Enquiries had been received (108 of which were logged on OHMS) and of these 661 (78.69%) had been completed within 10 working days.

Of these, StreetCare (832) and housing (260) received the majority of Members / MP enquiries and the total number of enquiries logged on CRM had increased from 1,139 in Q2 2013/14 to 1,234 in Q2 2014/15 (but the latter figure included cases recorded on OHMS which were not on previous reports) and the total number of enquiries logged on CRM in Q1 was 850.

1,234 Member Enquiries were investigated with 976 being resolved within 10 working days and of those completed over the 10 working days, 125 were completed within 15 working days and 135 went over 15 working days, but all were completed by 65 working days.

The Committee was informed that performance had declined year on year: 79% (976 of 1,234) of enquiries were completed within 10 working days (Q2 2014), compared to 88% (1,000 of 1,139) (Q2 2013) but had improved since the previous quarter 78% (661 of 850) this year. The target remained 90%

In conclusion, Members were informed that plans were already in hand to streamline the complaints process further and make it more effective by:

- Setting up a complaint best practice group: This would be a group to share best practice, better understand complaint issues, solve problems staff were encountering and improve outcomes.
- Producing Member Enquiries forms online. Members would then be able to use the forms to log enquiries through the Portal. These had now been drafted and were awaiting testing. It was anticipated that they would go live before Christmas.
- To accompany this, there would be additional Portal Training for Members. In order to deliver this, one-to-one training sessions for Members on using the Portal would be set up. It was considered appropriate to do this in order to
- Increase the use of the Portal. Currently only 18 Members had logged an enquiry through the Portal. The iPad user group and Members Development group would be involved in order to increase Member awareness and encourage more Members to use the facility – which would assist speeding up the process

A Member observed that when trying to use the Portal, they had encountered difficulties in completing the transaction. The Corporate Policy and Diversity Team Leader stated that this would be taken back and the technological elements investigated, whilst the other requests, such as: sharing information with other Members, identifying individual complaints by respondents so that they were immediately clear which one was being replied to and a request to be able to attach photographs would also be discussed and reported back to the Committee.

The Committee **noted** the oral update and thanked the Corporate Policy and Diversity Team Leader for her presentation.

11 **REVISION OF THE FORMAL PROCESS FOR MEMBERS' CONDUCT COMPLAINTS - ORAL UPDATE**

The Head of Legal Services reminded the Committee that when the Standards Committee was removed in 2012, Council had adopted a protocol and process for considering complaints against Members alleged to be in breach of the Members' Code of Conduct.

He stated that it had been the (then) Administration's intention to review and, if and where necessary, revise that procedure in the light of experience, but that in the intervening two years there had been no occasion for undertaking this work. He added that now the new Administration was settling in and newly elected Members had had time to become familiar with the current processes, it was an opportune moment to review the protocol, the process and even the forms and, where necessary revise the current procedure and make it more robust, transparent and easy to access.

The Head of Legal Services explained that in order to ensure this was completed in a timely manner, he was asking the Committee to approve a proposal to hold meetings with other officers involved in the process to review other procedures and models from a range of other authorities and to draft a base document for consultation with the Chairman and from this, to bring a report to the Committee for its approval at its next meeting in the New Year.

Councillor Burton asked that his concerns be recorded in the minutes and these concerns were that:

1. *Minded of the most basic and sacrosanct principles of British juris prudentia. That there be a clearly defined Appeals Process.*
2. *It be clearly stated within the governance of the the forthcoming Standards Regime, that which would occur, in regards to an Imposed sanction upon an Elected Member, whilst the 'Appeals Process' is being enacted.*
3. *Guided by the inalienable value of fairness in governance and all persons being equal. That the knowingly flawed act of joining one or more parties in contract, where one person is subject to wholly different values from another in conduct and deed, be discontinued. As this is fundamentally wrong, unfair and unacceptable.*

The Committee then **noted** the request of the Head of Legal Services and **endorsed** his proposed approach.

12 **UPDATE ON STAGE THREE ACTIVITY**

The committee's attention was drawn to the information within the Supplementary Agenda concerning recent Stage Three activity and activity for the year to date. The Committee was informed that whilst it was impossible to identify trends, it was possible to see shifts in complaint emphasis over time. By way of example, Members were informed that two years ago there had been a higher percentage of planning cases coming to them, but now the large percentage involved housing (Private Sector leasing in particular) and StreetCare (complaints involving Penalty Charge Notices took precedence here).

The Committee was reminded that the various ombudsmen had, along with all other public bodies, been adversely affected by the Government's budgetary reductions. In the case of the Local Government Ombudsman, her funding had been cut by over one third and, as a direct result of this, the Ombudsman had reduced her staff and changed her working practices the net result of which was that fewer cases were being referred back to the Council (either as Prematures (to be considered through the Corporate Complaints process) or direct investigations.

These changes meant that more complainants were being "referred to the local authority". This was, in effect, adding pressure to the Corporate Complaints process as more complainants were being told to pursue the matter through all stages of that complaints process. This was one of the factors underlying the steady rise in Stage Three numbers:

- For the year 2012/13 there had been 16 cases notified, but six were carried forward
- In the following year 2013/14, 14 cases were notified. All six of the cases from the previous year were dealt with, but at 31 March, six cases were carried forward as "pending".
- For the current year to date, in addition to the six cases brought forward, there have been an additional 24 notifications.

Whilst not every case proceeded even to an Initial Assessment Panel – and within the previous 18 months none had been referred to a formal hearing - it was clear that at the very least, more complainants were insisting that their case be considered by Members. Whether this year-on-year rise in complaint escalation was likely to continue was a moot point, though with increasing pressure on the provision of services from a decreasing workforce and an ombudsman service unable to process the complaints it was receiving, it could be predicated that this could well be the case for the foreseeable future. Members were invited to consider whether the Stage Three process could be refined and steam-lined in order to anticipate potential rises in Stage Three volumes.

The Committee **noted** the report.

13 **STAGE THREE COMPLAINTS - CHANGES TO FORMAT**

The Committee received a report which reminded it about the changes to the process wrought over the past three or four years and how those changes had moved the process away from mandatory (and costly – in time and money) adversarial hearings, first to inquisitorial style hearings and from there (with the introduction of the IAP) towards a more informal, flexible and less costly process of Member “reviews”.

The Committee was reminded that at the previous meeting they had been informed of an evolutionary development to this part of the process which was designed to ensure that it accurately reflected what the IAP had become (an actual “Member Review” with the panels having a full range of decision-making and recommendatory and directing authority and that any referral to a formal hearing ought to be before the same panel members in order that there was no need for a different set of Members to become involved, Members who might have a completely different perspective on the issues before them to those who originally received the complaint details.

The Committee was asked to decide whether it would recognise the changes to the IAP – that it had evolved into a “Member Review Panel” and whether it agreed to the changes to the process which would see the members of a review panel, should they decide the issues required a formal hearing, being the Members who would sit on that panel and there be joined by an Independent Person.

A Member observed that at its last meeting the Committee had already given its consent to the change of name from “Initial Assessment” to “Member Review” panel. In response, Members were assured that this had been recognised, but that the report before them was designed to carry both elements to the Governance Committee in order to ensure only one update to the Constitution was necessary.

With the provision that the recommendation about the name change was purely formal, the Committee:

1. **Reconfirmed** the change of terminology (Initial Assessment panels to become Member Review panels).
2. **Agreed** to remove the requirement to form a hearing panel from Members who were not part of the reviewing panel as this would contribute to a greater efficiency of resources and would not involve duplication of effort.
3. **Authorised** a report to be sent to the Governance Committee to ensure changes to the Constitution reflected the change in nomenclature and process.

14 **UPDATE ON LGO AND HOUSING OMBUDSMAN ACTIVITY TO END OF OCTOBER**

Members' attention was drawn to the charts contained within the Supplementary Agenda and they were given a brief summary of developments in the year to date – including being asked to note that the number of complaints received from the LGO in the months April to October (28) were around half the average number of cases received for the five years between 2008 – 2012 (56). This was the last year in which the LGO had her full funding. The figure for the year 2013 – the year of transition - was 49. The Committee was informed that the highest number of complaints received by the Council – back to 1998 when records were less complete – was in 2005 when by 31 October the Council had been notified of 76 complaints, though Members were informed that this was a singular circumstance as that was the year when Langton's Registry Office was found to have failed to renew its premises licence and some 26 couples (from 104 marriages conducted during the period the premises was unlicensed) had complained to the Ombudsman.

Tabled at the meeting was a draft letter for the Committee to approve, addressed to the Local Government Ombudsman in response to her Annual Letter and which it had asked to be drafted.

The Committee:

1. Noted the LGO and HOS statistical information
2. The Committee **approved** the wording of the draft letter and authorised the Chairman to sign it and forward it to the Ombudsman to initiate a review of the current Code of Conduct and directed that five other codes be provided to it for comparison and that this be available for the next meeting.

Chairman