

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall Main Road Romford
21 April 2015 (7.30 - 9.10 pm)**

Present:

COUNCILLORS

Conservative Group	Joshua Chapman (Chairman), Roger Westwood (Vice-Chair), Meg Davis and Jason Frost
Residents' Group	John Mylod (Vice-Chair) and Barbara Matthews
East Havering Residents' Group	Alex Donald and +Linda Hawthorn
UKIP Group	David Johnson
Independent Residents Group	Michael Deon Burton

Apologies for absence were received from Councillor Brian Eagling (Councillor +Linda Hawthorn substituted for him)

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

There were no declarations of pecuniary interest.

22 MINUTES

The Minutes of the Meeting held on 4 February 2015 were accepted and signed by the Chairman.

23 ADULT SOCIAL CARE COMPLAINTS ANNUAL REPORT 2013/14

The Committee was informed that the management of Adult Social Care complaints had continued to improve year on year and this was encouraging for the service. At the same time, compliments also continued to increase year on year showing that the service was getting things right.

There were a number of changes that may have an impact on complaints over the next few years including the introduction and impact of the Care Act; the changes that were currently being considered by the Local Government Ombudsman who was consulting on these changes, and the proposed introduction of an Appeals Process which was being considered for all decisions. The implications of these would need to be considered by the Complaints & Information Team and it will have to look at how this would impact on Havering Adult Social Care in the long term.

As with all local authorities, there was the added challenge of having to balance the services with the reduced available resources and decreasing budgets which could have an impact on how it dealt with complaints. It was important to ensure that information was captured in a meaningful way to assist services in identifying areas that might require improvement as well as those that were implementing good practice. Members were reminded that it should be noted that there would be a change in how information was going to be obtained with the transfer across to the present CRM system, but the Complaints & Information Team would need to ensure that the relevant data for reporting was maintained.

The Committee was reminded that in the previous year's report it was highlighted that consideration was needed in relation to Public Health complaints. These would be published separately on their own web page.

The Committee's attention was then drawn to a number of aspects contained within the report concerning some unusual aspects of the out-turn reports, for example: The number of cases dealt with by the LGO had fallen from 10 to eight (and six of those had either not been investigated or had been discontinued or that no maladministration had been found). Complaints overall had fallen from 123 (2011/12) to 108.

During the last year the Complaints teams had been reorganised and re-structured – in part because of internal changes and also to prepare for the impact of the Care Act. Complaints concerning Commissioning had fallen from 20 to 14, but there was a corresponding increase in complaints concerning External Homecare from 17 to 24. The largest percentage fall was recorded by the Preventative Team where the fall had been from 13 to six.

Members asked about various elements within the report, in particular: the matter of staff behaviour, what were the outcomes? In reply the Service stated that this was generally addressed by further training. Where there were disputes, the primary cause was largely due to the charges being raised and that some service users did not understand them fully.

An observation was made concerning the targets for complaint responses being missed and Members were informed that this was due in no small measure to the involvement of outside bodies, many of whom had different time-scales to the Council and over which the Service had little control. If they were taken out of the calculation, the Service's response times were much better – but that did not mean that improvement could not – or would not – be continued to be made.

The Committee **noted** the report which had already been considered and approved by Overview and Scrutiny.

24 **CHILDREN & YOUNG PEOPLES' SERVICE COMPLAINTS ANNUAL REPORT 2013/14**

The report concerning the Children & Young People's Services was before the Committee. The Chairman asked members if they had considered the report and whether they had any questions to put. He asked how the Service had managed to dramatically reduce the number of complaints about looked-after children (from nine to four) and was told that this had been largely achieved because the Service had produced a number of leaflets which addressed the most common issues and this had helped. The Service hoped to compile and distribute more concerning other areas which were not properly understood and hoped that that would go some way to reduce other areas of complaint across the Service with equal effectiveness. It was noted that previously there had been no mechanism for informing parents/guardians, but this was now changing.

A question was asked about whether children could complain and if they could, were they routed the same way as adult complaints. In response, Members were informed that children could complain and that the process was the same – though it was pointed out that an advocacy service was almost certainly going to be involved.

A Member asked whether there was a mechanism whereby a person complained about could complain about the person making a complaint against them. In response, he was informed that this might not always be possible as in many cases complaints were anonymous. The Service would, however, always put the child's interests first and had produced leaflets which it hoped would "de-mystify" some of the processes which tended to be at the root of some complaints.

Questions were asked about the low number of complaints around adoptions and about the lack of information concerning ethnicity which the report showed. In answer to the first question, the Service replied that those were the only issues recorded and with regard to the question of the lack of ethnic data, it was due in part to a failure of the old system to record that data, but was also in part because the staff dealing with the case had failed to record it. The new system would capture this more effectively if this field was made a mandatory one and ways of doing that were being explored.

A further question was asked about whether any mechanism existed to obtain information from schools and members were informed that none did. Complaints came from parents and were referred back to the school if appropriate to do so. Any feed-back usually came from the governing body. A councillor added that Members should bear in mind that the local authority was not involved in academies.

The Committee **noted** the report which had already been considered and approved by Overview and Scrutiny.

25 **LEARNING & ACHIEVEMENT COMPLAINTS ANNUAL REPORT 2013/14**

The report concerning the Learning and Achievement Service was before the Committee. The Chairman asked members if they had considered the report and whether they had any questions to put. There were none, but the report containing complaints information for Learning & Achievement had been difficult to determine because the majority of complaints received had been referred back to schools to be taken through their own complaints procedure although this had been recognised as an omission and it was appreciated that there ought to be some mechanism for obtaining this information - particularly around maintained schools. In exploring this it was clear that local authorities had a limited role and that information would either need to be obtained through governing body minutes or through the Ofsted Parent View which detailed parents views on each school.

What had also been highlighted was the need for improved information to ensure that parents/carers were aware of where they needed to be directed for complaints in relation to schools/education and the complaints the local authority would be responsible for i.e. curriculum/collective worship and safeguarding. The Complaints, Information & Communication Team would liaise with Learning & Achievement about ensuring the relevant information was given in the right way for the service.

It was notable that Learning & Achievement had been very impressive in terms of their response times and it was good to see such a high achievement in this area and it was expected that this would continue.

As with any service, with the continued increase in demands and pressures, along with the reduction in budgets, the forthcoming changes around education - in particular Special Educational Needs (SEN) – might impact on the service. With any change, this sometimes leads to an increase in complaints and it would be even more important to ensure that the information captured was reflective of what the service needed in identifying the areas requiring improvement.

The Committee **noted** the report which had already been considered and approved by Overview and Scrutiny.

26 **CORPORATE COMPLAINTS & MP/MEMBER ENQUIRIES - Q4 OVERVIEW**

The Head of Business and Performance provided the Committee with an overview of complaints and MP/Member enquiries for the past year and specifically the last quarter.

The number of Corporate Complaints received during 2014/15 were 2,124 and during 2013/14: 1,261 – though this latter figure did not include the Housing Services OHMS records. During Q4 2014/15, the number of

complaints received was 536 and during the previous year the figure was 325 (but again, the excluded the OHMS figures).

In summary, there had been a fall in the Housing performance during the year which was directly attributable to a period when the OHMS system failed and this resulted on delays which in turn had repercussions on new complaints coming through.

Over the same period 2014/15 there had been 4,135 MP and Member enquiries which compared with 4,231 for the year before – but again the 2013/14 period did not have the OHMS figures). During the fourth quarter last year there were 1,023 enquiries compared with 1,217 in the fourth quarter 2013/14.

Members were informed that an average of 70% of those enquiries were responded to within 10 working days – and whilst below the corporate target of 90%, the range went from a low of 64.47% to 91.78%.

Staying with Q4, the Committee was informed that the majority of complaints, MP and Member enquiries related to StreetCare (42%) and Housing issues (34%). 90% of all complaints, MP and member enquiries could be found within the following four services: StreetCare (64%), Housing (16%), Regulatory Services (6%) and Culture & Leisure (4%).

The reasons for the disproportionate number of complaints & enquiries concentrating on StreetCare needed to be seen in context of its areas of responsibility. There were 18,000 street lights (with a further 3,000 plus lights in bollards etc. which needed upkeep along with some 600km of public roads (as well as footpaths) and 23 car parks. All complaints to StreetCare had been dealt with by two members of staff. This would soon rise by 50% when a third member joined the team in June.

In conclusion, the Committee was reminded that a new Corporate Policy and Procedure for dealing with complaints and MP/Member enquiries had been introduced on 1 April this year and that it had been set up to streamline the way the Council received, logged and dealt with all complaints and enquiries. Training was being rolled-out to staff who would be responsible for ensuring that the policy and procedure were properly administered and that a new report was in the process of being developed which would include more targeted performance data in order to ensure that the Council could quickly identify any developing trends and ensure that they were properly addressed and, more importantly, that lessons learned were acted upon and changes fully implemented.

The Committee **noted** the scope and content of the presentation and thanked the Head of Policy and Performance for providing the usual statistics-based information in an interesting and meaningful format.

27 **POOL OF INDEPENDENT PERSONS**

The report concerning the Pool of Independent Persons was before the Committee. The Chairman asked members if they had considered the report and whether they had any questions to put. There were none, but the report stated that the Council maintained a pool of Independent Persons, who were used for school admission and exclusion appeals, Adult and Children's Social Care and Children Act hearings as well as Corporate Complaints hearings.

There were statutory obligations on making appointments to the pool for school, Social Services and Children's Services panels, which were satisfied by the submission and consideration of the present report. The pool was used as a matter of convenience for corporate complaints since maintaining multiple pools for what amounted to the same purpose would be unnecessary.

An advertisement seeking applications for appointment was usually published every three years. That had been done late 2014 and a number of applications were received. Confirmation of the appointment of the group of applicants was sought along with the confirmation of continuance of the existing pool of Independent Persons.

In addition, the Committee was asked to accept the name of an Independent person who had been missed from the list provided to it.

The Committee **approved** the list of Independent Persons including the individual missed from that list.

28 **THE REVISED CORPORATE COMPLAINTS PROCEDURE**

The Executive manager, Chief Executive's office provided the Committee with a presentation covering the recently introduced revised Corporate Complaints procedure.

In the presentation, Ms Hiscox reminded Members that the revisions had been introduced in order to ensure that the complaints process was truly "corporate" and that anomalies and abuses which had crept into the previous process were talked and eliminated. In short, the aims were to reduce the length of time a complaint was in the system from an almost open-ended situation to a time-managed process, with Stage One having 15 working days to provide an answer, Stage Two being overseen by the Chief Executive's Office but drawing on the appropriate head of Service and having 20 working days and Stage Three – with Members - lasting no more than a calendar month.

In order to ensure that this time-table was maintained, the routes for complaint had been strictly controlled. The essence was the on-line form (and complainants could receive assistance in completing this or have staff do it for them), but it was at the heart of the process as the complaint would

be defined, recorded and checked to ensure that it was not a duplication of another through the CRM data-base.

There would be no exchanges of corresponded (particularly e-mails), simply an acknowledgement and a decision. If that failed, the complaint moved to the next stage and if a resolution was not obtained here, it proceeded to Stage Three, where Members would have far less material to have to consider and the complaint issue and steps taken to address it along with the all the staff input would be available to them in a manageable form. This should ensure a decision should be easy to reach as the plethora of correspondence which appeared to attend the old process would be eliminated. Should a complainant remain dissatisfied, they could refer the matter to an ombudsman, but there would be no opportunity to claim that the process had taken over-long to complete.

The Committee was provided with a virtual example of how the Portal should function and were reminded that for them to either make enquiries about a complaint or register one on behalf of a complainant, this was a quick and simple point of access which had several advantages in that it populated a number of data sets which would automatically generate accurate and robust information for both Members and senior officers to whom it would have relevance.

Another benefit of ensuring the process was properly applied across the Council was that it would present a truly “corporate” face. In addition, a coherent process would be easier to manage, be better understood by staff (and customers) and help in identifying where there were weaknesses or failures, highlight “trends” and even show good practice. In addition it was designed to address customer expectations and uphold the Council’s reputation, whilst driving down costs in both officer time and other resources.

In conclusion, the Committee was informed that currently the focus of the team was to ensure that the first two stages were properly established. The Chief Executive was taking a pragmatic approach to how the process would make the transition between Stages Two and Three and until that occurred, planning for it would be limited. There was a general idea, but the details would need to be filled in as cases came forward.

The procedure had been put in place for a four to six month “trial” at which point it would be audited and evaluated and, if necessary, further changes could be introduced to enhance to process. What was certain was that the procedure as a whole was not static but could adapt to circumstances as they changed over time, providing the key principles of keeping the process simple, time-managed, empathetic and open and transparent, were preserved.

Members received the presentation positively and raised one or two queries concerning their wider role in the community and whether the complaints process was flexible enough for them to continue to engage with complainants and resolve matters informally. In response, it was suggested

that this was a procedure for when informality had failed – though the role of Members as arbitrators was always welcome.

The Committee thanked the Executive Manager, Chief Executive's Office for her presentation and **noted** the entertaining and informative manner in which she had delivered it.

29 **UPDATE ON LGO ACTIVITY FOR THE YEAR 2014-15**

The report providing the Committee with an update of the activity of the Local Government Ombudsman between 1 April 2014 and 31 March 2015 was before the Committee. The Chairman asked members if they had considered the report and whether they had any questions to put. There were none. The report referred to statistics which had already been provided to Members ahead of the meeting and also included reflections on a recent seminar for LGO Link Officers and highlighting possible developments with the Ombudsman service which could impact local authorities in the future.

The Committee **noted** the report and decided that it was unnecessary to make any recommendations to the Council's senior management at this time

30 **UPDATE ON STAGE THREE ACTIVITY**

The report providing the Committee with an update of the activity Stage Three activity since the previous meeting was before the Committee. The Chairman asked members if they had considered the report and whether they had any questions to put. There were none.

The Committee **noted** the report and said that the format of the table appended to it, remained acceptable.

Chairman