



Havering

LONDON BOROUGH

ADJUDICATION AND REVIEW COMMITTEE AGENDA

7.30 pm	Tuesday 21 April 2015	Town Hall Main Road Romford
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Members 10: Quorum 4

COUNCILLORS:

Conservative (4)	Residents' (2)	East Havering Residents' (2)
Joshua Chapman (Chairman) Roger Westwood (Vice-Chair) Meg Davis Jason Frost	John Mylod (Vice-Chair) Barbara Matthews	Alex Donald Brian Eagling
UKIP (1)	Independent Residents' (1)	
David Johnson	Michael Deon Burton	

**For information about the meeting please contact:
Grant Soderberg Tel: 01708 433091
e-mail: grant.soderberg@onesource.co.uk**

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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

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Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(if any) – receive.

3 DECLARATIONS OF INTERESTS

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

4 MINUTES (Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 4 February 2015 and to authorise the Chairman to sign them.

5 ADULT SOCIAL CARE COMPLAINTS ANNUAL REPORT 2013/14 (Pages 9 - 24)

The attached report is for members to note.

6 CHILDREN & YOUNG PEOPLES' SERVICE COMPLAINTS ANNUAL REPORT 2013/14 (Pages 25 - 40)

The attached information is for Members to note

7 LEARNING & ACHIEVEMENT COMPLAINTS ANNUAL REPORT 2013/14 (Pages 41 - 48)

The attached report is for members to note.

8 CORPORATE COMPLAINTS & MP/MEMBER ENQUIRIES - Q4 OVERVIEW (Pages 49 - 52)

Presentation by Philippa Brent-Isherwood, Head of Business & Performance.

9 POOL OF INDEPENDENT PERSONS (Pages 53 - 62)

Members are invited to consider the list of those comprising the Pool of Independent Persons available for school appeals, exclusions and stage three hearings. Members are reminded that the information contained in the appendices is confidential.

10 THE REVISED CORPORATE COMPLAINTS PROCEDURE (Pages 63 - 66)

Presentation by Gill Hiscox, Executive Manager, Chief Executive's Office on the changes to the Corporate Complaints process and its implementation.

11 UPDATE ON LGO ACTIVITY FOR THE YEAR 2014-15

Report to follow

12 UPDATE ON STAGE THREE ACTIVITY (Pages 67 - 72)

Members are invited to note the report and decide whether the changes to the format of the information in the appendix should remain or be changed.

**Andrew Beesley
Committee Administration
Manager**

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall
4 February 2015 (7.30 - 9.50 pm)**

Present:

COUNCILLORS

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

Apologies for absence were received from Councillor Meg Davis (Councillor Ray best substituted for her)

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.

Also present were Councillors Jeffrey Tucker and David Durant along with two members of the public.

15 MINUTES

The Minutes of the Meeting held on 4 November 2014 were accepted and signed by the Chairman.

16 CORPORATE COMPLAINTS: PRESENTATION

Members received a presentation from the Head of Policy and Performance who explained that she was taking a different approach to the usual statistics-based format in response to Members' requests.

The good news was that several service areas had achieved 100% resolution of issues at Stage One within the corporate time-scales. Overall, the October to December target of 90% had been achieved. Members were reminded that the comparative figures for the previous year did not contain

the Housing complaints which were held on a separate data-base and so the apparent rise for the current year was rather more illusory than real.

With respect to the Member/MP enquiries for the same period, whilst the first two months showed a rise, during December there were fewer contacts – but again, the OHMS data for the previous year was not included on the charts and so the margins would have been wider in December and smaller in the other two months.

The Head of Service pointed out that across the Council, around 84% of Member/MP enquiries were responded to within the 10 working day time-scale.

The Committee was informed that the largest single service area for complaints and Member/MP enquiries, was StreetCare (66% of the total). By comparison, Housing was only 16% and now that Council Tax and Benefits were provided by oneSource, it attracted 3% for those areas, which meant that there was only 15% remaining for the rest of the Council's service provision.

The Head of Policy and Performance then explained to Members that in response to the interest shown for the Head of Regulatory Service's presentation at the last meeting, she was pleased to show the Committee some examples of different complaints and how they were handled along with the outcomes which, she hoped, would provide an insight into the realities behind the statistics. She presented four examples, one each from StreetCare, Housing, Regulatory Services and oneSource which she said were fairly representative of the bulk of complaints and Member/MP enquiries received and dealt with by staff, reminding the Committee that this amounted to some 4,710 activities over the nine months to the end of December (3,112 Member/MP enquiries and 1,588 complaints at Stage One). Of the Stage One complaints, 105 (less than 10%) were escalated to Stage Two. Members were reminded that this activity was usually on top of officers' usual duties.

Members thanked the Head of Service and asked a number of questions primarily around street lighting issues. Fortunately, the head of StreetCare was present and able to provide answers to these.

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 Policy and Performance for her providing the usual statistics-based information in an interesting and meaningful format.

17 **PRESENTATION - STREETCARE**

The Group Manager, Business and Service Support, on behalf of the Head of StreetCare, introduced this presentation. She informed Members about the range of services which fell under the umbrella of StreetCare. As well as Highways and Traffic and parking Control, StreetCare was also responsible for Environmental maintenance and Waste Services.

She explained that there were various routes in which members of the public could engage with StreetCare about service provision including the Corporate Complaints process, the Local Government Ombudsman and through Members and MPs. She identified six complaint themes:

- Dissatisfaction with the level of service or the quality of its delivery
- Disagreement with a decision
- Dissatisfaction with Council policy
- Staff behaviour or
- Used (erroneously) as a route to try and appeal a parking penalty charge notice.

For the year December 2013 to November 2014, StreetCare had received 493 complaints which were dealt with at Stage One. The Committee was shown that these fell in almost predictable patterns. For example: Concerning street trees, the complaints would peak in late autumn when leaves fell and concerning the road surface (pot-holes) that peaked in January. Waste and recycling tended to peak in August (usually the hottest month and people on holiday/school holidays) whilst for traffic and parking, there was no discernible pattern.

Around 10% of Stage One complaints went to Stage Two in StreetCare. Of the 493, 50 were escalated. This was slightly higher than the service would like, but consistent with Council targets. Unfortunately the service's performance in resolving complaints within 10 working days only reached the Corporate target of 90% once (in March 2014) when it was 97%.

Concerning Member and MP enquiries, the Committee was informed that StreetCare received more than any other service area which included enquiries about non-Council related issues as well. For the nine months between April and December 2014, the chart showed that – unsurprisingly – the highest number of enquiries concerned highways – though environmental maintenance came a close second. To illustrate the range of concerns raised by Members and members of the public, the Group Manager showed a series of slides illustrating abandoned vehicles, parking enforcement and fly-tipping – something which was not only unsightly and potentially dangerous, but cost the Council a good deal to clear. She did add that staff searched through fly-tipped refuse to see if they could find any clues to where it came from and if names and addresses were found the service made a point of pursuing those people to recover the cost of clearing it from the public areas and prosecuting offenders. Members were reminded that this only applied to public property, not private land. Anything

tipped there was the landowner's problem – though the service would assist wherever it could.

The final element of the presentation was about compliments. The Group Manager explained that there were examples of the public showing their appreciation. For example: staff “going the extra mile” – mostly for members of the street cleansing team for doing extra work to ensure areas not normally on their round, were cleaned. There was thanks for resolving an issue quickly and there was positive feed-back for staff attitude and for helpfulness, particularly in difficult situations.

The Committee thanked the Group Manager, Business and Service Support for her presentation and **noted** the entertaining and informative manner in which she had delivered it.

18 MEMBERS CODE OF CONDUCT COMPLAINTS PROCEDURE

The Interim Director of Legal and Governance reminded the Committee that at the last meeting, the Committee had authorised him to make some changes to the proposed revision to the Code of Conduct complaints procedure and that the documents before Members were the result of those changes.

He explained that at the last meeting he had stated that – in response to a member's explicit concerns about the inclusion of an appeal process within the procedure, there was no evidence from anywhere else that such a process existed – certainly not within the procedures he had either developed or helped develop, nor in those he had had any experience of.

He drew Members attention to the report commencing at 2.7 and assured the Committee that there were sufficient safeguards within the process to ensure that there would be no need for a Member to feel that they were being denied justice if, at the end of the process, a Hearings panel upheld the allegation(s) because the process to that point was robust, open and simple. The Monitoring Officer would review the claims informally first to see if the matter could be resolved, if not an Assessment Panel drawn from members of the Adjudication and Review Committee would consider it further and if it was of the opinion that there were grounds for a formal hearing, that would be undertaken by a Hearings panel also drawn from the Adjudication and Review Committee, but different from the Assessment Panel.

He was mindful of the fact that there were only 10 Members available in the Committee and also that the largest objection to the process currently in use was that it was open-ended and this tended to delay and even frustrate natural justice. This process was strictly time managed and if it was extended by the addition of an appeal procedure, there would be delay, cost and the difficulty in finding an appropriate Appeal Panel.

Councillor Burton asked for permission to present his objection to the procedure being adopted without an appeal mechanism and spoke about

the right of an accused to appeal, citing processes (like parking offences) where there were appeal processes to ensure that the innocent were not penalised through process error or other mistake. He contended that it was an important legal principle enshrined in law since Magna Carta and to remove it from the process would be to render that process flawed and open to abuse.

A Member observed that Magna Carta provided for trial by one's peers – and the process as set out in the report provided for that. Another member observed that appeals procedures did not exist in all places, citing clubs disciplinary procedures for their members. The club's disciplinary board determined the decision from the facts and set the penalty. There was no appeal process there and this was identical in form to that. Where appeals processes were in place they were more often for general matters (like parking fines). It was conceded that the judicial procedure had an elaborate set of appeals processes built into it, but the justice system was very slow and very expensive and did not equate to what was being proposed here.

Councillor Burton responded by asking about the process when the Standards Committee existed, asking for confirmation that an appeal process existed then. The clerk replied that in those days there was an external body to which appeals could be made: the Standards Board of England, but this had been abolished by the Localism Act, the same legislation which had abolished the need for Standards committees and which had, effectively made each authority responsible for its own members' behaviour monitoring.

Councillor Tucker asked leave to speak and, having verified from the Constitution that, as a Group leader he could indeed address the Committee, he stated that he wished to fully support his colleague's contention that the process being considered ought to have an appeal procedure within it to ensure that Members, alleged to have broken the Code of Conduct, could argue their innocence if the hearing Panel found against them. Without it, the process was open to abuse.

A Member suggested that whilst not ideal, perhaps – if another Council agreed – an appeal could be made to its members. Councillor Burton thought this would be a good idea and not likely to be too costly – though he argued that material cost should not be a consideration in the balance of an honest decision

The Interim Director of legal and Governance considered that it would be impractical to try and set up such a process and doubted whether it would even be possible to find an authority which would agree to undertake such a task. Would another authority want hawering councillors to judge its own Members? Would Havering Members be happy to submit themselves to the decisions of those of a different authority? Could those decisions be enforced anyway?

Another Member expressed the opinion that the process before the Committee looked robust enough. Officers needed to have the trust and confidence of Members otherwise the whole process would cease to

function. He added that no system, whatever it was, was going to be perfect, this appeared to be good and it needed the good-will of both Members and officers to make it work properly.

Having discussed the matter at length, the issue of whether to accept the recommendations as set out in the report was put to the vote.

In favour of the motion: Councillors: Joshua Chapman, Roger Westwood, Jason Frost, Ray Best, Barbara Matthews, John Mylod, Alex Donald, Brian Eagling and David Johnson

Against the motion: Councillor: Michael Deon Burton

The motion was **CARRIED** by nine votes to one.

1. The Committee **approved** the arrangements for dealing with allegations against Members as set out in the appendix to the report and
2. Referred the report to the Governance Committee to include the arrangements in the Council's Constitution:

Councillor Burton expressed his thanks to the Committee for allowing him to present his arguments in favour of an appeal process at length to it and that although he did not agree this was the model he would have preferred he accepted that it was the will of the Committee and accepted its decision.

19 **STAGE THREE COMPLAINTS - UPDATE**

Members considered the report covering all the Stage three Member Reviews since the 1 April 2014 to date. The Committee noted that there had been six cases which had been determined and that, of these, the LGO had had some input in two cases.

The Committee also noted that six cases had been discontinued and that the LGO was involved in two and of the remainder, three were currently with the Service and one was with the complainant. Of the decisions, none had been upheld and it also noted that in addition to these, there had been one case which had involved Social Care and that this had been partially upheld by a panel of Independent Persons.

The Committee **noted** the report and said that its format was acceptable to it.

20 **ORAL UPDATE OF LOCAL GOVERNMENT OMBUDSMAN AND STAGE THREE ACTIVITY TO 31 JANUARY 2015**

The Committee received an oral report from the clerk concerning the activity to the end of January of the LGO as well as the Stage Three process. Members noted that there were some differences between this update (which had been taken at the end of January) and the earlier report in that it

showed eight cases as having been discontinued 12 cases not being upheld by Members and three cases awaiting processing. The overall number of cases was 24 of which six had been brought forward from the previous year.

Members were made aware of the recent increase in Ombudsman activity and noted the possibility that this could herald a permanent change.

The Committee **noted** the oral update

21 **LETTER FROM THE LOCAL GOVERNMENT OMBUDSMAN**

The Chairman introduced this item drawing the Committee's attention to the letter sent by Dr Martin to him in response to the Committee's letter to her concerning the 2014 Annual Letter. He said that the letter really had very little to recommend it. It provided few answers and gave no hope that the coming letter was going to be any different.

Members agreed with this assessment of the LGO's letter's content and the view was expressed that it seemed to leave the criticisms unaddressed and that it appeared pointless pursuing it further.

The Committee **noted** the LGO's letter and her comments.

Chairman

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ADJUDICATION & REVIEW COMMITTEE

Subject Heading:

Adult Social Care Complaints Annual Report 2013/14

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 Annual Report 2013/14

SUMMARY

This report is for information and refers to the reports presented to Individuals Overview & Scrutiny Committee on:-

- 18 Nov 2014 - Adults Social Care Complaints Annual Report 2013/14.

RECOMMENDATIONS

Members to note the reports and contents

REPORT DETAIL

For more detail information on complaints for 2013/4 please refer to pages 5 - 14

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no implications and risks

Legal implications and risks:

There are no implications and risks associated with this covering report

Human Resources implications and risks:

There are no implications and risks associated with this covering report

Equalities implications and risks:

There are no implications and risks associated with this covering report

BACKGROUND PAPERS

None

ANNUAL REPORT 2013-2014

ADULT SOCIAL CARE

Complaints, Comments and Compliments

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

**Head of Adult Social Care
Barbara Nicholls**

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

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014

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ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014

1. Executive Summary

Adult Social Care complaints continue to improve year on year and this is encouraging for the service and that compliments also continue to increase year on year, showing that the service is getting things right.

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

As with all local authorities, there is the added challenge of having to balance the services with the available resources and decreasing budgets, which may also have an impact on complaints. It is important to ensure that information is captured in a meaningful way to assist services in identifying areas that may require improvement as well as those that are providing good practices. It is noted that there will be a change in how information is captured with the transfer over to the new CRM system, but the Complaints & Information Team will need to ensure that the relevant data for reporting is maintained.

In the previous year's report it was highlighted that consideration was needed in relation to Public Health complaints. These will be published separately on their web page.

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

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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 2013 -2014

3. Complaints Received

3.1 Ombudsman referrals

There were a total of 8 Ombudsman referrals, a reduction from 2012/13. With three of the Ombudsman referrals there was no fault found with the Council, and three were not investigated. It should be noted that the ongoing investigation is in relation to another local authority, however is recorded also against the Council as we have provided information.

	Apr 13- Mar 14	Apr 12- Mar 13	Apr 11- Mar12
Maladministration			
Local settlement with penalty		2	
No maladministration after investigation	3		1
Ombudsman discretion			
-Cases under investigation/ongoing	1		1
-Investigation not started/discontinued	3	2	2
No evidence of maladministration/service failure		2	
Cases completed not premature			3
Premature/Informal enquiries	1	4	4
Total	8	10	10

3.2 Total number of complaints

There has been a slight increase in the number of complaints from 2012/13, however it should be noted that the figure for 2012/13 had wrongly included enquiries, and therefore the figure of 106 is the revised figure excluding enquiries.

Total Number of Complaints			
2013/14	2012/13	2011/12	
108	106	123	

3.3 Stages

There was a high increase in enquiries for 2013/14, Although enquiries do not form part of the statutory process, these have been noted as this required a response e.g. assistance re sheltered accommodation, questions re mental health assessments, attendance allowance eligibility. The enquiries received were mainly seeking advice or information. Informal and formal complaints were pretty even in 2013/14 compared to 2012/13.

	Enquiry	Formal	Informal	Joint health and adult social care formal complaint
Apr 13 – Mar 14	32	50	57	1
Apr 12 – Mar 13	9	34	68	4
Apr11-Mar12	5	23	97	3

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3.4 Teams

With the forthcoming Care Act there has been a restructure of teams into two areas, 'Service', and 'Commissioning & Quality'. Service includes assessment, learning disabilities, safeguarding, hospital discharge, reablement, client finance and the two day centres, Avelon and Yew Tree, Commissioning & Quality includes commissioning and procurement, contractual management, brokerage/finance assessment and direct payments. There has also been the introduction of a Technical Hub to take forward the service in light of the Care Act.

External home care had the highest number of complaints in 2013/14 with an increase of 29% from 2012/13. The total number of clients receiving home care during 2013/14 totalled 3,060 compared to 3,019 in 2012/13 with total actual hours received of 598,798. It is important to note that these complaints figures are based on those complaints received via the local authority. Of the complaints involving Commissioning the majority of these were in respect of the Financial Assessment & Benefits Team involving the charges for home care and residential/nursing placements. Although these have reduced by 43% from 2012/13, they received the second highest number of complaints. There has been a very slight decrease in complaints in relation to residential/nursing homes.

There was an increase in the number of complaints involving Adult Protection/ Safeguarding Adults, Adult Community Team South, Hospital Discharge Team, Preventative & Assessment and Reablement. It should be noted that the Hospital Discharge Team through the restructure became the Joint Assessment & Discharge Team which is a joint team between Adult Social Care and Health. Complaints relating to Day Centres have also increased from 2012/13, however Yew Tree Lodge Day Centre and Avelon Centre (previously Nason Waters Day Centre) have been included in these figures, as opposed to being recorded separately as in previous years.

	Apr 13 – Mar 14	Apr 12 – Mar 13
Adult Protection Team (Safeguarding Adults)	3	
Access & Assessment	5	5
Adult Community Team North	5	9
Adult Community Team South	9	3
Adult Social Care Customer Services (Front Door)	2	5
Appointee and Receivership		0
Commissioning	14	20
Day centres	4	1
Direct Payments	2	1
External Homecare	24	17
External Nurs/Res	11	12
Hospital Discharge Team (Joint Assessment & Discharge Team [JAD])	10	6
LD Team	5	6
Mental Health		2
MH CMHT Romford)	Havering Older Adult Mental Health Team (joint team with NELFT)	
MH MHAIT Team)		
MH Mental Health Provider Team)		
Meal on Wheels		-

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014

Non Social Services	-	1
PD Yew Tree Lodge DC	-	1
Preventative & Assessment	6	4
Preventative Team	6	13
Reablement	9	8
Royal Jubilee Court		-
Supported Living		1
Joint Health & Adult Social Care	1	

3.5 Reasons

The majority of complaints in relation to 'dispute decision' were around charges linked to the level of care provided for home care/residential care and the allocation of personal budgets. Also linked to 'dispute decision' was 'non-delivery of service' and 'level of service' which have both increased from the previous year and were around provision of services, particularly in relation to adaptations/equipment where it was determined that there was no social care need to justify the adaptation/equipment requested.

Quality of service still remains high and has slightly increased in 2013/14 by 5%. Quality of service across service areas shows the majority was in relation to external home care 32%, external nursing/residential 14% and hospital discharge team 12%. It should be noted that although some of the issues raised involved charges related to quality of service, there were also issues in relation to care provided and discharge arrangements.

Those complaints regarding 'behaviour of staff' included where a relative/friend did not agree with the social worker's decision, social worker's involvement regarding hospital discharge and carers being insensitive or disrespectful.

	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 13 – Mar 14	4	13	-	-	-	-	4	25
Apr 12 – Mar 13	-	16	3	--	2	-	1	22
	Eligibility	External to Social Services	Financial Issues	Incorrect Information	Incorrect Invoicing	Incorrect assessment	Lack of Communication	Level of Service
Apr 13 – Mar 14	-	1	14	2	-	2	10	17
Apr 12 – Mar 13	-	-	15	-	-	-	14	9
	Need of Service	Non Delivery of a Service	Quality of Service	Safeguarding Issues	Welfare Concerns			
Apr 13 – Mar 14	7	10	57	-	2			
Apr 12 – Mar 13	4	1	54	2	4			

3.5 Outcome

During 2013/14 the main outcome was 'explanation given' again linked with 'apology given'. Where 'apology given' related to provision of care or late visits from external agencies and it was evidenced that the quality of care was not of the standard expected, this also resulted in some cases of fees being waived. External agencies have also as a result of this ensured staff received additional training and reviewed rota systems to

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014

improve service. Some also related to delays or lack of information provided; misunderstandings/miscommunication. Staff within Adult Social Care will also need to ensure that they communicate information clearly and consistently.

	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 13 – Mar 14	36	3	1	3	2	-	-
Apr 12 – Mar 13	34	3	2	5		1	
	Compensation Offered	Complaint Withdrawn	Explanation given	Financial Assistance awarded	Fees Waivered	Hours increased	Information given
Apr 13 – Mar 14	-	1	66	-	4	-	1
Apr 12 – Mar 13	1	1	57	1	1		2
	Meeting offered	No further action required	Progressed to Formal	Re-Imbursement	Services Reinstated	Training Identified	Other
Apr 13 – Mar 14	3	1	-	2	-	2	3
Apr 12 – Mar 13	2	2		2		3	

3.6 Response times

For 2013/14 the response times have included complaints responded to by external agencies separately. There has been a slight increase in informal complaints responded to within 10 working days and a significant improvement for formal complaints responded to within 10 working days by 58%. Complaints responded to by external providers have been excluded. However it should be noted that of the formal complaints that went over the 20+ working days, 16% of these involved external agencies. Although the table below shows a high percentage of complaints responded to by external agencies within 10 working days, 34% of those were referred to safeguarding, or were dealt with by the local authority either by social work intervention or meetings with the agency.

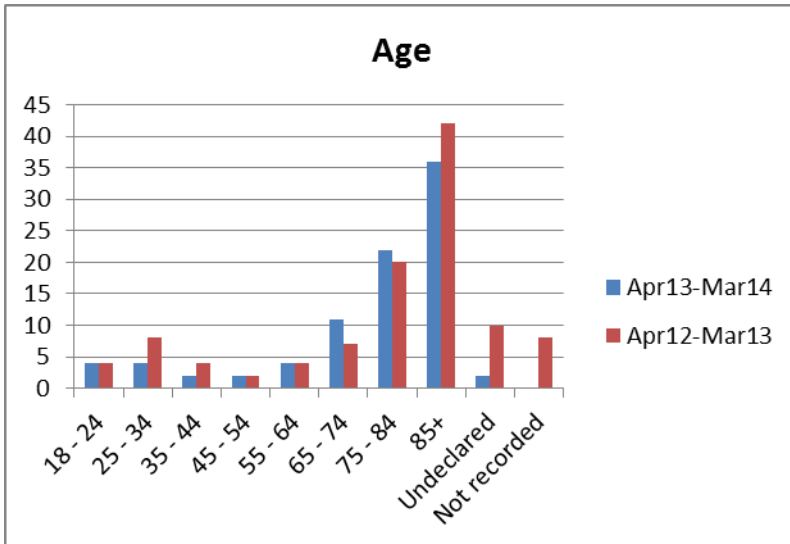
	Within 10 days		11-20 days		Over 20 days	
	Apr13-Mar14 %	Apr12-Mar13 %	Apr13-Mar14 %	Apr12-Mar13 %	Apr13-Mar14 %	Apr12-Mar13 %
Informal	57	51	29	19	14	30
Formal	54	22	21	12	25	66
External agencies	53	-	25	-	19	-

3.6 Monitoring information

3.6.1 Age

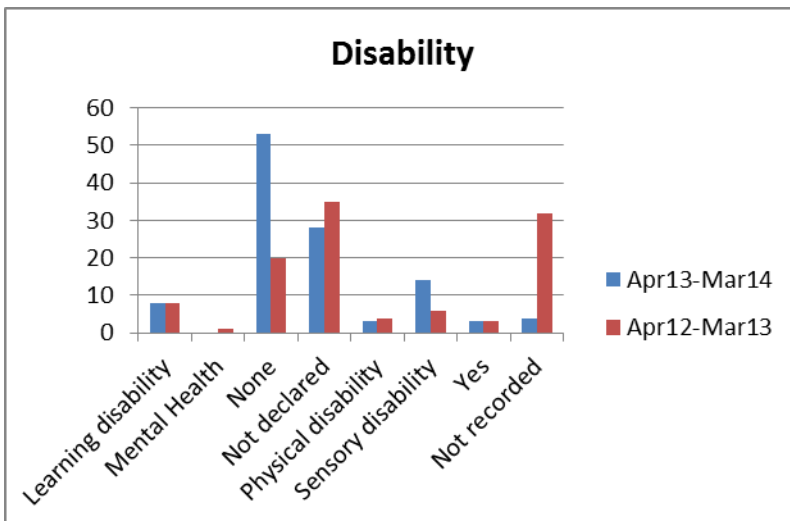
There has been a shift in complaints involving those aged 85+ which has shown a decrease in 2013/14. Increases are shown however in those aged between 75-84 and 65-74. Within Havering the total population is 6,509 aged 85+; 15,802 aged 75-84 and 22,504 aged 65-74. Havering had the highest percentage of 85+ and 65+ to other London boroughs of their total population. It is encouraging to note that for 2013/14 'not recorded' has improved from previous years, with all ages being recorded. Where references are made to 'undeclared'/'not declared'/'not provided', these are the same thing, however are categories the system reports on.

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3.6.2 Disability

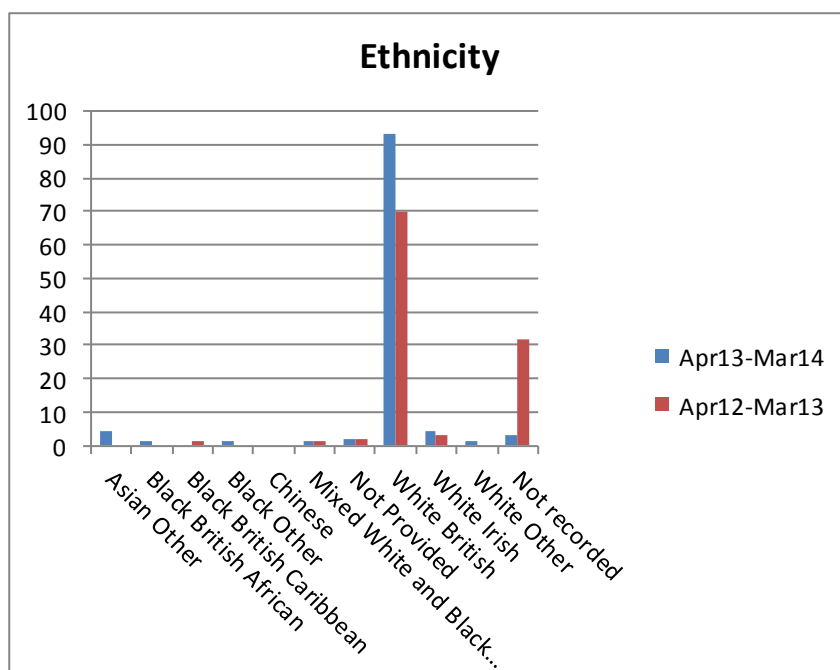
There has been an increase in complaints for those that have a sensory disability, however on investigation this does not correlate to inappropriate communication/information. It should be noted that those 'not recorded' are those complaints that were not related to an individual but a service i.e. residential/nursing home or identified as non-Havering resident. It is encouraging to note that for 2013/14 the percentage of people who preferred not to disclose this information has decreased from previous years.



3.7.3 Ethnicity

Complaints involving 'White British' is highest which is reflective of the make-up of the borough with 86% being 'White British'. There has been representations across 'Ethnic Minorities' in 2013/14 namely 'Asian Other', 'Black British African' and 'Black Other', equating to 11%. This would be reflective of the 12% make-up of the borough. Recording has also improved significantly.

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014



4. How we were contacted

There has been increases in contacts made in writing and via telephone in 2013/14 with compliant leaflet/card increasing by 29%; email by 21%; letter by 25% and telephone by 29%. It is important to note that with the move in direction towards online communication, and the lack of take-up for Adult Social Care complaints that alternative methods of communication is still available,

	Complaint Card or Leaflet	E-Mail	In Person	Letter	Online	Survey	Telephone
Apr13 – Mar14	17	43	-	52	-	-	28
Apr12 – Mar13	12	34	2	39	3	-	20

5. Expenditure

During 2013/14 expenditure had reduced, as there was only one complaint that was progressed to independent investigation. However this complaint did not progress to a conclusion and expenditure was incurred by the two investigators.

	Compensation	Independent investigators
Apr 2013 - March 2014	-	£1,474.97
Apr 2012 – March 2013	£1,700	£9,219.70

6. Compliments

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014

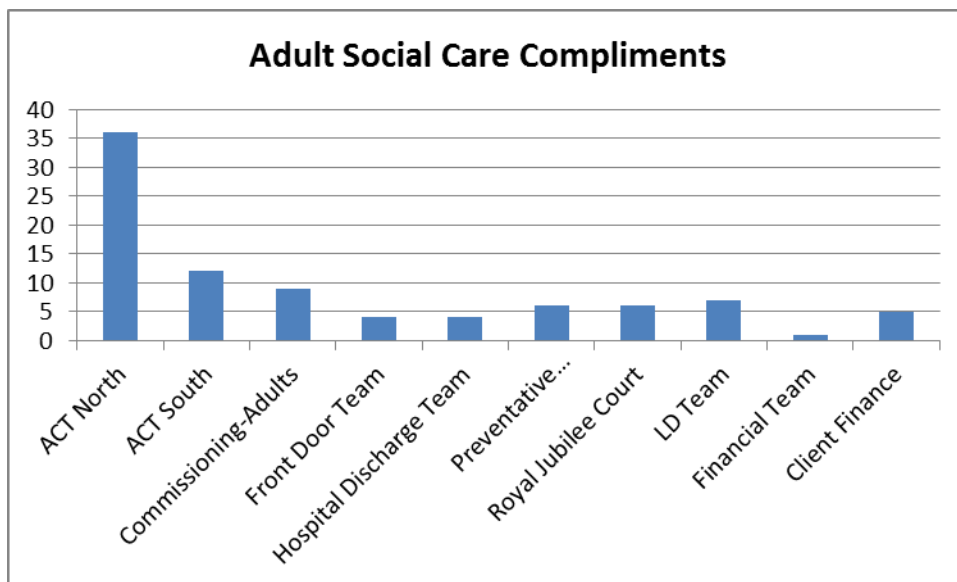
There were a total of 102 compliments received for 2013/14 which is an increase 36% from 2012/13. Adult Community Team North (ACT North), had the highest number of compliments received which were from feedback forms following a visit/assessment. This may need to be explored and expanded to all teams.

A few examples of the compliments received are as follows:

A social worker was complimented on being 'polite and understanding' – Adult Community Team North

A daughter compliments the team for the help they had given to her mother following the dramatic changes in her mother's needs and states 'without the team and the staff.... would not have coped'. – Adult Community Team South

The Finance Assessment & Benefits Team are thanked for their 'patience ... and regular update of information'.



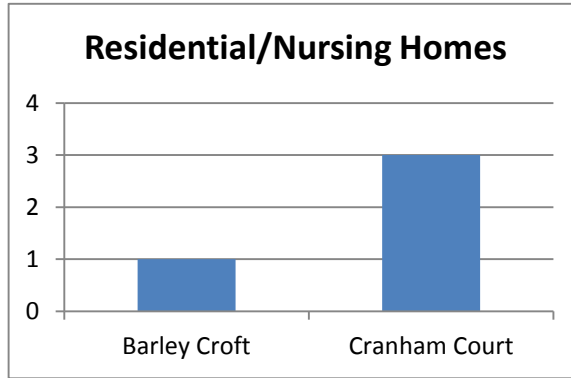
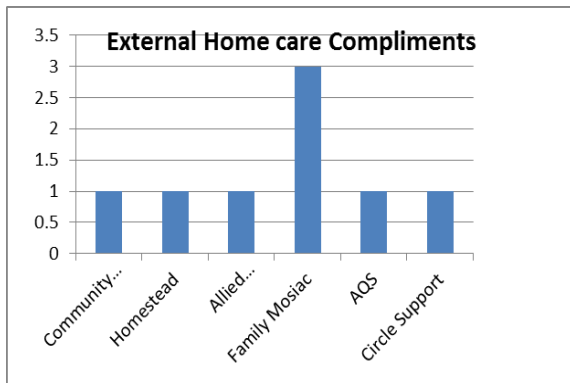
Compliments received from external agencies have been shown below. There has been an increase in the number of home care agencies receiving compliments in 2013/14

A few examples of the compliments received are as follows:

A son and daughter thank AQS home care agency for the support they provided to their father over four years until he died. 'Dad's carers were always professional, but he regarded them as friends to be welcomed when they visited.'

A wife writes in following the concerns about choosing a home for her husband. 'We chose Barleycroft, 100% in every way; clean throughout; good food with attention if needed; staff – kind/attentive/caring...'

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014



6. Members Enquiries

The total number of members' enquiries received for Adult Social Care during April 2013 – March 2014 was 76, a 30% increase from 2012/13. Of these 57 (75%) were responded to within the 10 day timescale. This is an increase from 2012/13 where 65% of members' enquiries were responded to within the 10 day timescale. The Complaints & Information Team will continue to try and improve on this.

7. Conclusion

Although there has been a slight increase in complaints during 2013/14 however Adult Social Care continue to move in a positive direction, learning from complaints to ensure improvement within the service. However, with the forthcoming changes with the implementation of the Care Act services will need to ensure that these changes are communicated before being introduced to try and have as smooth a transition as possible.

There are implications with the Care Act that may naturally lead to more complaints in the coming years, as services get this embedded. The Complaints & Information Team will need to have an understanding of the services and look at how complaints can be minimised with the changes.

It is encouraging to note that compliments have continued to increase year on year which balances with the number of complaints received. Staff are encouraged by compliments and this is particularly important at a time when there is change that their efforts are recognised.

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"> Joint Assessment & Discharge Team 	Ongoing	From the 1 June 2014 a joint team was established with the Adult Social Care social work team and the 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 	Ongoing	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	Revised letters advising of the new process is in place, awaiting formal revised process to be put on website.
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 		<ul style="list-style-type: none"> Training provided to Avelon Centre staff on dealing with

ADULT SOCIAL CARE ANNUAL REPORT 2013 -2014

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>complaints by Complaints & Information Team.</p> <ul style="list-style-type: none"> • Adult Safeguarding currently piloting Integrated MASH (Multi-agency Safeguarding Hub) – pilot to finish December 2014
Inadequate advice and guidance for self-funders.	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

Subject Heading:

Children & Young People Service
Complaints Annual Report 2013/14

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:

- Children & Young People Service
Social Care Statutory Complaints
Policy & Procedure

SUMMARY

This report is for information and refers to the reports presented to the Children and Learning Overview & Scrutiny Committee on:-

- 21 Oct 2014 Children and Young people Services Complaints Annual Report 2013/14

RECOMMENDATIONS

Members to note the reports and contents

REPORT DETAIL

For more detail on complaints for 2013/4 please refer to pages 4-13

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no implications and risks

Legal implications and risks:

There are no implications and risks associated with this covering report

Human Resources implications and risks:

There are no implications and risks associated with this covering report

Equalities implications and risks:

There are no implications and risks associated with this covering report

BACKGROUND PAPERS

None

APPENDIX 1

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

Annual Report 2013 – 2014 Complaints and Compliments

Prepared for:

Joy Hollister, Group Director – Children, Adults & Housing

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

**Prepared by: Veronica Webb, Senior Complaints & Information Officer
Natalia Knock, Complaints & Information Officer**

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Executive Summary

Children & Young People's Services had a restructure during 2013/14, resulting in the establishment of a Triage/MASH & Assessment Team which is the initial contact team for all children's enquiries. This was part of a London wide agreement between Directors of Children's Services with the Metropolitan Police to improve information sharing for the better protection of children. Many serious case reviews over the years have identified poor inter-agency information sharing as a risk factor for children. The multi-agency hub (MASH) brings together police, health and other partners with Children's Social Care.

It was highlighted that the Children's report structure and format needed changing by Members from the previous year's Children's Annual Complaints report and has noticeably changed and has provided a level of information to inform the service. Although this has been provided for this report, it has been noted that this level of information may not be available to Children & Young People's Services through the new CRM system which children's and adults complaints will be transferred over to. However the Complaints, Information and Communication Team will try and aim to provide this if not available through other means.

There have been areas identified through the report for Children & Young People's Services to take on board, and most of these areas, e.g. improvement of recording is already in the process of being actioned by way of regular auditing and feedback, team level reporting of data and continued support for staff on the use of the CCM recording system.

1. Ombudsman referrals

Of the three Ombudsman cases, one was referred back to the local authority as premature, one not investigated and one the investigation was discontinued.

	Apr13- Mar14	Apr 12- Mar13	Apr11 -Mar12
Maladministration			
No maladministration after investigation			1
Ombudsman discretion			1
Investigation with Local settlement		1	
Outside Jurisdiction	1	1	3
Investigation Discontinued	1		3
Premature/Informal enquiries	1	3	2
Total	3	5	10

2. Total number of complaints

The total number of complaints received during 1 April 2013 – 31 March 2014 was 90. This is a slight increase of 16% from 2012/13 which totalled 82.

The number of Stage 1 decreased slightly in 2013/14 by 2%. The number of Stage 2 complaints was the same as in 2012/13. However it should be noted that there were 10 requests for Stage 2, with only five progressing to independent investigation.

	Enquiries	Stage 1	Stage 1 escalated to Stage 2	Direct Stage 2	Stage 2 withdrawn	Stage 2 dealt with internally	Stage 3 Requests	Stage 3 Review Panel's	Total
2013/14	36	42	5	-	2	3	1	-	90
2012/13	27	43	5	-	-	-	1	1	82
2011/12	29	48	2	1	1	1	-	1	93

2.1 Enquiries

There has been a significant increase in enquiries this year and these have mainly related to issues outside of the statutory framework, e.g. outside of timescale.

	2013/14	2012/13	2011/12
Enquiries	36	27	29
Enquires escalating to a Stage 1 Complaint	0	5	0

3. Stage 1 Complaints

The majority of complaints were made by parents and only 4 were made by children/young people directly. This will need to be looked at in terms of whether young people are being informed about making complaints directly themselves through the advocacy service.

3.1 Service Areas

There have been decreases in complaints across the board, however within the Under 12s Team and Triage/MASH & Assessment Team these have significantly increased. It should be noted that before the restructure these two teams were previously the Children in Need Team and Duty and Assessment Team respectively. Fostering complaints have been shown for the first time in 2013/14 following attendance to each of the Children's Teams by the Complaints Team which identified particular areas of fostering along with special guardianship complaints that did fall under the statutory procedure.

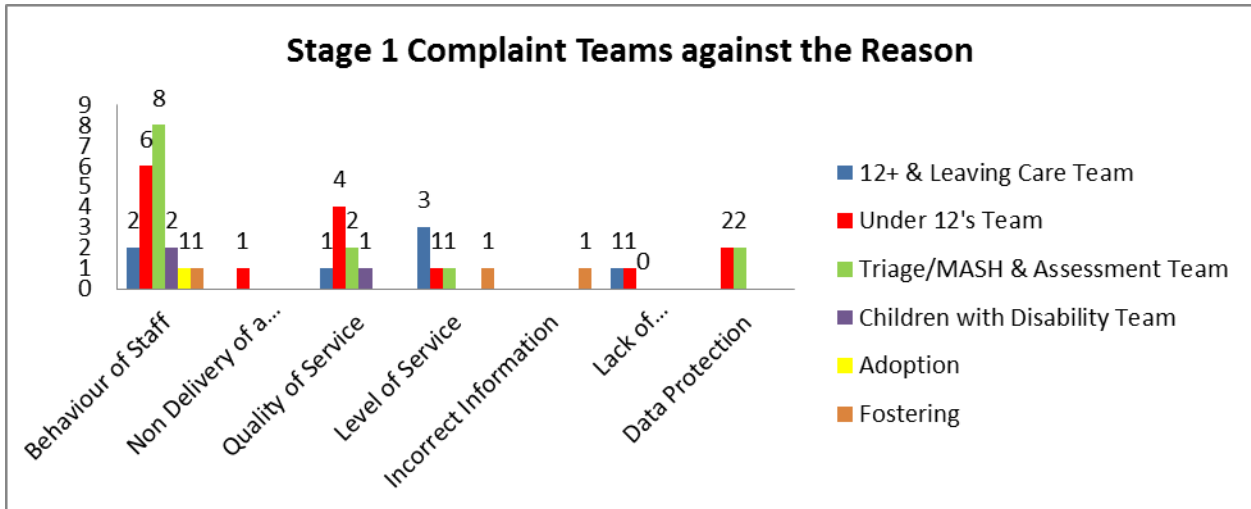
Service Area's	Apr 13 – Mar 14	Apr 12 – Mar 13
Under 12's (Children in Need Team)	11	5
Family Link	-	1
Triage/MASH & Assessment Team (Duty and Assessment Team)	13	8
Children with Disabilities Team	2	4
Leaving Care (now 12+ Team)	7	9
Looked After Children Team (now Permanency Team)	4	9
Intensive Family Intervention Team	-	3
Safeguarding & Service Standards Unit	-	2
IFIT/ DAAT	-	1
St Kilda's Children Centre/ DAAT	-	1
Adoption	1	-
Fostering	3	-
TOTAL	42	43

3.2 Reasons

The main reason for complaint was 'behaviour of staff' which increased significantly during 2013/14 than in 2012/13. However quality of service reduced significantly from 2012/13 by 43% and this may be a result of the change in recording.

	Quality of Service	Behaviour of Staff	Level of Service	Lack of Communication	Data protection
Apr 13 – Mar 14	9	19	6	2	-
Apr 12 – Mar 13	21	5	3	2	4
	Dispute decision	Welfare Concerns	Incorrect Information	Incorrect assessment	Delay to implement a Service
Apr 13 – Mar 14	-	-	3	-	1
Apr 12 – Mar 13	4	1	3	1	2

The main reason for complaint 'behaviour of staff' was highest within the Triage/MASH & Assessment Team and the Under 12's team. It should be noted that these were usually linked to unhappiness about decisions made by social workers within very emotive situations. However, it also highlighted that complainants did not feel they were given clear information/explanations about processes.



3.3 Outcomes

The main outcome for 2013/14 was an apology given with explanation. This was linked with acknowledging how complainants felt about the experience they may have gone through and providing a clearer understanding for the complainant about the process. The Complaints Team will be looking at recording of outcomes to see how this information can be better captured.

3.4 Response times

Of the 42 complaints received, 48% were responded to within the 10 working days timescale, 40% were responded to within 20 working days, 2 outside the timescale. 3 complaints withdrew. Where complaints were responded to within 20 working days, or went outside of timescale the complaints team sent out relevant holding letters.

	Within 10 days		11-20 days		Over 20 days		Withdrawn		Rolled over to 2013-14	
	Apr13-Mar14	Apr12-Mar13	Apr13-Mar14	Apr12-Mar13	Apr13-Mar14	Apr12-Mar13	Apr13-Mar14	Apr12-Mar13	Apr13-Mar14	Apr12-Mar13
Stage 1	20	24	17	20	2	4	3	2	-	3

4. Stage 2 Complaints

There were a total of 10 Stage 2 complaint requests for 2013/14. Of these 5 progressed to independent investigation and had escalated from Stage 1, 3 were resolved through face to face meetings with the complainant and 2 were withdrawn. There have been continued efforts to resolve complaints by meeting with complainants which has been successful, resulting in some complaints not progressing to an independent investigation. The majority of the complaints at this stage involved disputes between one parent and another about the welfare of the child.

4.1 Outcomes/Recommendations

Of those Stage 2 complaints investigated, the recommendations were mainly around improving contact/communication between the complainant/family and the local authority, while ensuring that the wishes and feelings of the child are taken on board. Also highlighted was information recorded in particular assessments/child protection plans and that these need to be clear and identify between facts and opinion and information accurately recorded.

4.2 Response times

The Stage 2 complaints investigated were complicated cases and only two of these were completed within the 65 statutory timescale, while three were outside of the timescale. It should also be noted that where investigations cut through particular holiday periods, such as Easter and Summer that this has had an impact.

	2013/14	2012/13	2011/12
Within 25 Working Days	-	1	-
Within 65 Working Days	2	-	-
Outside of Timescale	3	2	4
Withdrawn	2	-	2
On-going	-	2	3

5. Stage 3 Review Panels

There was one Stage 3 Review Panel during 2013/14.

	2013/14	2012/13	2011/12
Stage 2 request for a Stage 3 with no Review Panel	-	1	-
Stage 3 Review Panel	1	-	1

6. Corporate Complaints

There was a decrease of 16% in the number of corporate complaints received during 2013/14 compared to 2012/13. The spike in 2012/13 was due to the closure of certain groups within Children's Centres. Complaints within the Children and Young People's Services that do not fall within the statutory procedure are recorded under the corporate procedure.

	2013/14	2012/13	2011/12
Corporate Complaints	15	49	8

A breakdown of corporate complaints is given below. It should be noted that there is a difference between the overall figure given above and the breakdown of the complaints below and this is as a result of complaints that have been recorded under Children's Services via another service area incorrectly.

	Children's Centres	Fostering & Adoption	Under 12's	Triage/MASH & Assessment
Total	7	3	2	1

7. Expenditure

Expenditure for independent investigations is held within the Complaints, Information & Communication Team, which holds a small budget of £14,460. Although there were a total of five complaints requiring an independent investigation, one investigation was paid via the service. One payment for an independent investigation was made in this period which rolled over from 2012/13. There were no compensation payments made during 2012/13.

	Publicity/ leaflets	Independent investigators	Total
April 2013 – March 2014	£449.50	£9,203.40	£9,652.90

8. How Complaints & Compliments were received

Emails and telephone are the preferred method of contact with emails the most preferred. Telephone contact has increased from 2012/13; however the use of complaints leaflets decreased quite significantly.

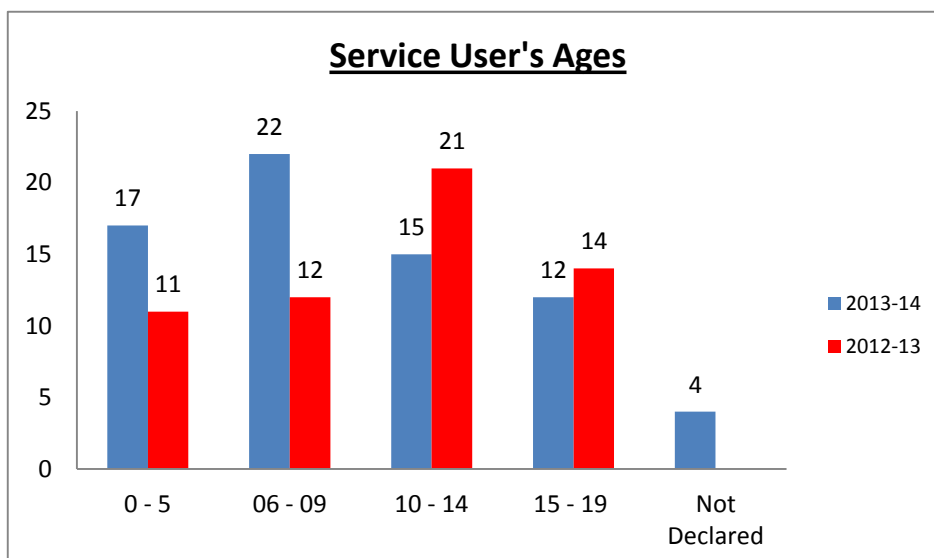
	Letter	E-mail	Complaint Form	Fax	Telephone	In Person	Online	Thank You Card	Evaluation Form
2013-14	25	50	5		30	3	1	13	1
2012-13	13	54	19	1	21	1	2	7	1

9. Monitoring Information

The monitoring information that follows includes all siblings within the family unit involved in the complaint.

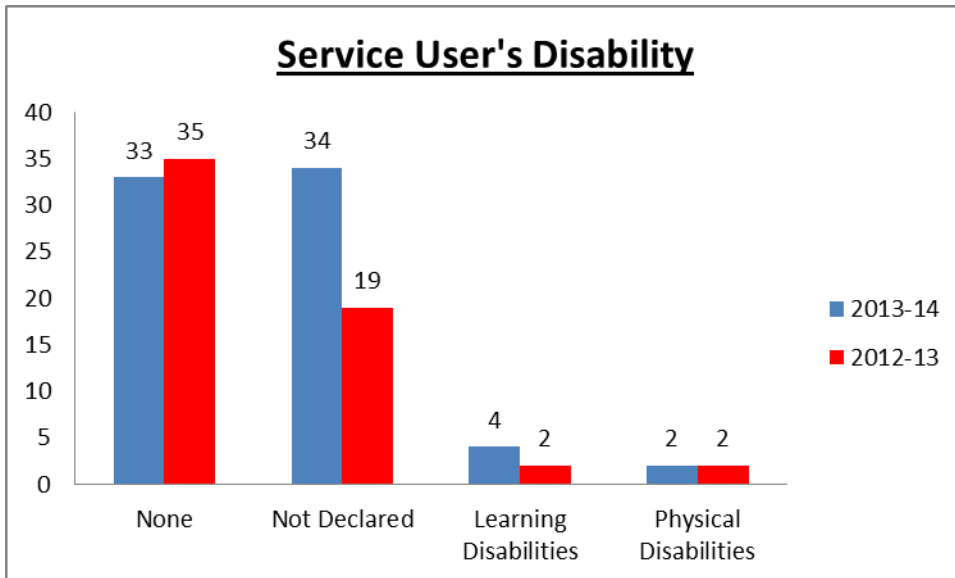
9.1 Age

Complaints relating to children between 0-5 and 6-9 years have increased significantly during 2013/14 from 2012/13 by 55% and 65% respectively, while complaints relating to children between 10-14 and 15-19 have decreased. The rise in younger children complaints correlates to a rise in care proceedings and child protection plans.



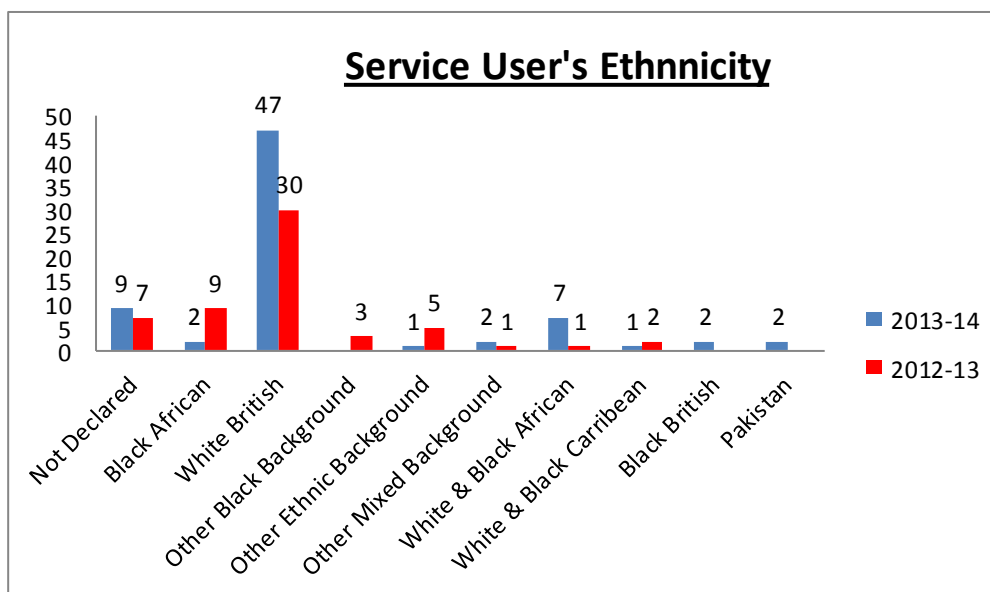
9.2 Disability

There is a high number that disability has not been recorded during 2013/14. This may need to be looked at in light of the changeover of the database system being used for children's records.



9.3 Ethnicity

Within Havering 87.6% are white British, with 4.8% being from an Asian/Asian British background, 4.8% Black/African/Caribbean/British background, 2.1% from a mixed background and 0.5% from other ethnic background. The breakdown of ethnicity in relation to children does appear reflective of this. It should be noted that 'not declared' has increased slightly and will need to be looked at to ensure information is captured.



10. Members Correspondence

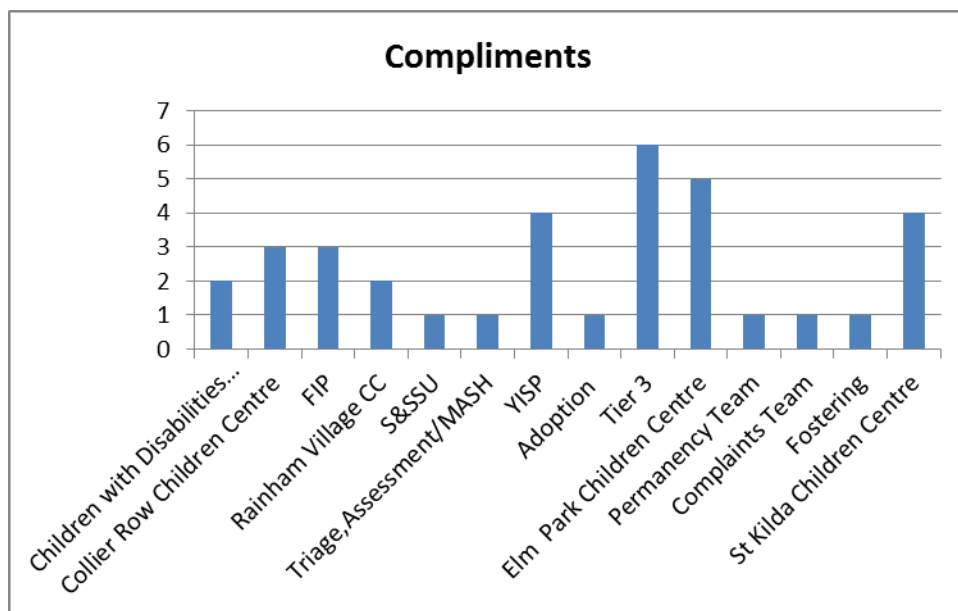
The number of Members correspondence in 2013/14 has dropped by 56% compared to the previous year 2012/13. Of the members correspondence received, 67% were responded to within the 10 day timescale.

	2013/14	2012/13	2011/12
Members Correspondence	27	46	36

11. Compliments

In 2013/14 39 compliments were received, compared to 43 in 2012/13. This has decreased only slightly from last year by 9%. This also can include professionals complimenting staff members. The type of compliments received were around supportive and practical advice, being helpful, kind and understanding and staff's hard work, commitment and professionalism.

	2013/14	2012/13	2011/12
Compliments	39	43	34



12. Conclusion

The format of this report has changed to help highlight the areas of information and context for complaints within the Children & Young People's Services. There are particular areas of concern highlighted, in particular, behaviour of staff. However when taking this in context it is clear that where decisions are made about children, i.e. where a decision needs to be made about whether a child stays with one parent over another, or that a child is seen to be at risk and placed in care, these are very emotive situations and many occasions the complaint is because a parent(s) is/are not happy with that decision. Although this can be justified, it also highlights the need for better communication/information from social workers at the outset to try and alleviate some of the anxieties and trust issues associated with these decisions.

Those complaints that were not escalated through the face to face meetings have been effective and should continue. Where possible and practical, face to face meetings may be looked at from an earlier stage as an effective means of preventing complaints escalating. What has been noted is the number of complaints received directly from young people has increased slightly from two in 2012/13 to four in 2013/14; this will need to be explored. It may be that with the new advocacy service that concerns are being dealt with in an effective way; however this information should be captured to evidence this.

There will be changes in the way that Children's complaints will be recorded and this may affect the level of recording that is available, once these are moved over to the new CRM database; however the Complaints, Information & Communication Team will aim to capture similar information as in this report. This will help the service to identify areas for improvement as they go forward.

9. Complaints Action Plan

Issues Identified	Lessons Learnt	Action to be taken	Department	Timescale	Review
S20 – parents not clear about process and implications	clear explanation/ information on possible implications needs to be given at early stage	<ul style="list-style-type: none"> • Social workers to be reminded to provide concise and clear information. • Managers to ensure that communication is addressed through the PDR process. 	Triage/MASH & Assessment	On-going	
S47 – parents not given sufficient information about process	<ul style="list-style-type: none"> • Determination of S47 needs to be consistent. • Clear explanation/ information about process 	<ul style="list-style-type: none"> • Process already in place that two senior managers sign off S47s. • Social workers to give clear and concise information about process 	Triage/MASH & Assessment	On-going	
Important information is not always recorded appropriately	<ul style="list-style-type: none"> • Information leading to an action/decision should be recorded in detail. • Information needs to be recorded accurately 	<ul style="list-style-type: none"> • Work is already being undertaken to look at improved recording across the service. • Assessments to identify clearly fact from opinion and identify the source of the information. 	All	On-going	
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ADJUDICATION & REVIEW COMMITTEE

Subject Heading:	Learning & Achievement Complaints Annual Report 2013/14
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:	Learning & Achievement Complaints Annual Report 2013/14

SUMMARY

This report is for information and refers to the reports presented to the Children & Learning Overview & Scrutiny Committee on:-

- 21 Oct 2014 Learning Achievement Complaints Annual Report 2013/14

RECOMMENDATIONS

Members to note the reports and contents.

REPORT DETAIL

For more detail information on complaints 2013/4 please refer to pages 4-6

IMPLICATIONS AND RISKS

Financial implications and risks:
There are no implications and risks

Legal implications and risks:

There are no implications and risks associated with this covering report

Human Resources implications and risks:

There are no implications and risks associated with this covering report

Equalities implications and risks:

There are no implications and risks associated with this covering report

BACKGROUND PAPERS

None

APPENDIX 1

Children, Adults & Housing: Learning & Achievement

Annual Report 2013 – 2014 Complaints and Compliments

Prepared for:

Joy Hollister, Group Director – Children, Adults & Housing

Mary Pattinson, Head of Learning & Achievement

**Prepared by: Veronica Webb, Senior Complaints & Information Officer
Natalia Knock, Complaints & Information Officer**

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Executive Summary

Complaints information for Learning & Achievement has been difficult to determine in light of the majority of complaints received being referred back to schools to be taken through their own complaints procedure. Although this has been recognised as a gap and that there should be some mechanism for obtaining this information, particularly around maintained schools, in exploring this it is clear that local authorities have a limited role and that information would either need to be obtained through governing body minutes or through the Ofsted Parent View which details parents views on each school..

What has also been highlighted is the need for improved information to ensure that parents/carers are aware of where they need 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 will be liaising with Learning & Achievement about ensuring the relevant information is given in the right way for the service.

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

As with any service with the continued increasing demands and pressures, along with the reduction in budgets the forthcoming changes around education, in particular Special Educational Needs (SEN), may impact on the service. With any changes this sometimes will lead to an increase in complaints and it will be even more important to ensure that the information captured is reflective of what the service needs in identifying the areas requiring improvement.

1. Ombudsman referrals

There was one Ombudsman complaint in 2013-14. This was a joint investigation with the Parliamentary & Health Service Ombudsman (PHSO). However no fault was found with two points, one point of fault was found but the Ombudsman agreed with the Council's remedy.

Within 2013/14 Learning and Achievement incurred compensation totalling £480.00 compared to £300.00 in the previous financial year 2011/12. .

	Apr13- Mar14	Apr 12- Mar13	Apr11 -Mar12
Maladministration			
No investigation		2	
No maladministration after investigation			1
Ombudsman discretion			
Investigation with Local settlement	1	1	
Outside Jurisdiction			
Investigation Discontinued			
Premature/Informal enquiries		2	
Total	1	5	1

2. Total number of complaints

The total number of complaints received during 1 April 2013 – 31 March 2014 was 27, with 14 enquiries. The majority of complaints received for schools are referred to the schools complaints procedure.

There has been a significant increase of 30% in complaints from 2012/13 to 2013/14, with the number of enquiries decreasing from 20 to 14 in 2013/14.

	Corporate Complaint	Enquiry	Total
2013/14	27	14	41
2012/13	8	20	28
2011/12	20	11	31

2.1 Service Areas

As mentioned above, many of the complaints received were in relation to education and schools. Most of these would be referred back to the school to be taken through their own complaints procedure which would involve escalation to the Governing Body. Feedback from these complaints are not given by the school and therefore Learning & Achievement are not aware of how these are resolved. Recording of these types of complaints may be misleading and this will be explored by the Complaints, Information & Communication Team in liaison with the Head of Service.

Service Area's	Apr 13 – Mar 14	Apr 12 – Mar 13
Education and Schools	23	5
School Admissions	2	1
Special Educational Needs		1
Attendance, Behaviour & Traveller Support Service	2	
Early Years		1
TOTAL	27	8

1.2 Reasons

The main reasons for complaints were from parents unhappy with particular decisions made within the school with regard to their child. These included where a child is excluded, being bullied, or the school placement of a child. It should be noted that the complaints were across a range of schools.

1.3 Outcome

As highlighted above, the majority of complaints involving schools were referred to the school to be taken through their complaints procedure. However from the information available to the local authority, we are able to identify that those that were dealt with through the local authority the main outcome was 'explanation given'. Other outcomes were 'action taken', 'information given' and one complaint was withdrawn.

1.4 Response times

The response times for Learning & Achievement have significantly improved from 2012/13 with 93% being responded to within the 10 day timescale.

	Within 10 days		Outside of timescale	
	Apr13- Mar14	Apr12- Mar13	Apr13- Mar14	Apr12- Mar13
Corporate Complaints	25	6	2	2

3. Members' Correspondence

Members' correspondence in 2013/14 increased slightly from 2012/13 by 19% and has steadily increased over the past three years.

	2013/14	2012/13	2011/12
Members Correspondence (from MP's & Cllrs)	62	50	49

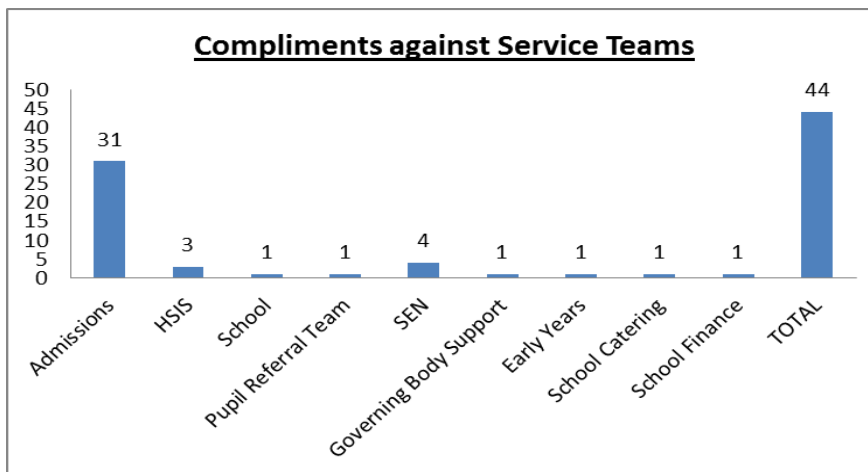
Of the 56 received, 95% of members' correspondence was responded to within the 10 day timescale. This is a 29% improvement from 2012/13 and a very good response rate.

	Within 10 days		Outside of timescale	
	Apr13- Mar14	Apr12- Mar13	Apr13- Mar14	Apr12- Mar13
Members correspondence	59	42	3	8

4. Compliments

In 2013/14 47 compliments were received, compared to 10 in 2012/13. The reason for the significant increase in compliments is twofold. Firstly during 2013/14 a total of 24 parents recorded their compliments on the e-admissions website. Secondly, the Complaints, Information & Communication Team attended various team meetings within Learning & Achievement to talk about complaints and also to raise the profile of compliments. This resulted in an overall increase of 79%.


	2013/14	2012/13	2011/12
Compliments	47	10	1



5. Conclusion


The report has highlighted the need for better information around outcomes; however where complaints involve schools within the borough, as explained earlier this would be difficult for the local authority to obtain. However, it should be noted that discussions around how complaints are recorded need to take place to ensure that figures are reflective of what is occurring within the service and separating this information from what is occurring within schools. What should be noted is that guidance has been recently issued in August 2014 for schools to have a better understanding of how to deal with complaints and the learning from them.

Complaints information is a very good tool to identify where there is a need for improvement and hopefully with improved reporting this will help to identify those areas, as well as identifying good practice through compliments.


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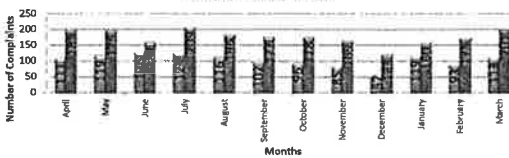
Corporate Complaints and Member/MP Enquiries Quarter 4 Overview

April 2015


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Corporate Complaints (by Month)

■ 2013/14 (Not Inc OHMS) ■ 2014/15



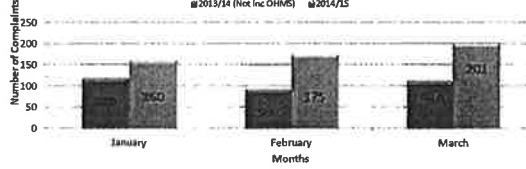
Month	2013/14 (Not Inc OHMS)	2014/15
April	180	190
May	150	160
June	140	150
July	160	170
August	150	160
September	160	170
October	150	160
November	140	150
December	130	140
January	140	150
February	150	160
March	160	170

- The number of Corporate Complaints logged in 2014/15 was 2124 (1255 were logged on CRM, 869 were logged on OHMS).
- The number of Corporate Complaints logged in 2013/14 was 1261 (This doesn't include the OHMS data).
- Of the Complaints logged in 2014/15 127 (5.6%) were escalated to stage 2 (97 were logged on CRM, 30 were logged on OHMS).


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Corporate Complaints (Q4)

■ 2013/14 (Not Inc OHMS) ■ 2014/15

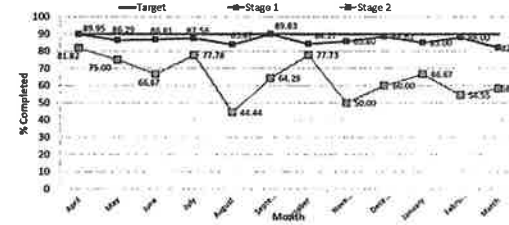


Month	2013/14 (Not Inc OHMS)	2014/15
January	140	150
February	175	185
March	201	210

- The number of Corporate Complaints logged in Q4 2014/15 was 536 (381 were logged on CRM, 155 were logged on OHMS).
- The number of Corporate Complaints logged in Q4 2013/14 was 325. (This doesn't include the OHMS Data)

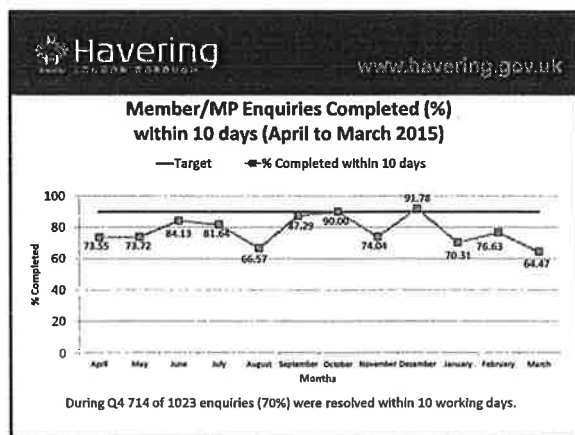
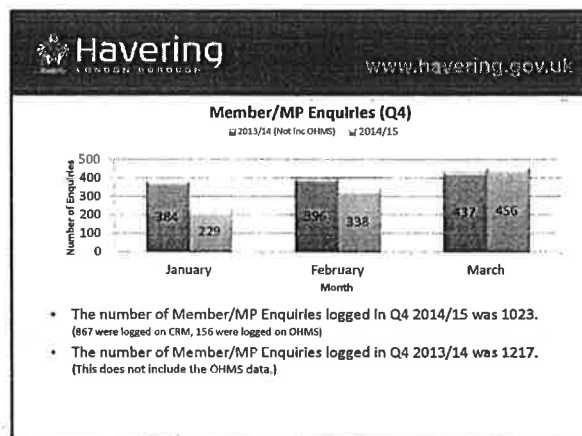
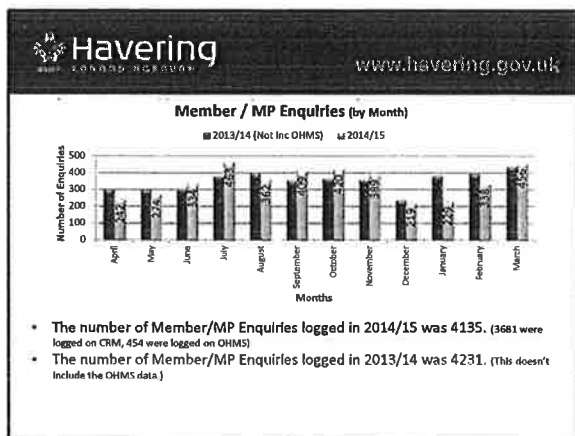

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Corporate Complaints Completed (%) within 10 days (April to March 2015)




Month	Target	Stage 1	Stage 2
April	85.95	75.00	81.87
May	86.22	66.87	80.81
June	86.81	77.38	81.16
July	87.16	44.44	80.83
August	87.51	64.28	81.50
September	87.86	77.73	82.17
October	88.21	50.00	82.84
November	88.56	66.00	83.51
December	88.91	64.67	84.18
January	89.26	58.33	84.85
February	89.61	62.00	85.52
March	90.00	60.00	86.19

During Q4 440 of 536 Corporate Complaints (82%) were resolved within 10 working days.



During Q4, what were the majority of Corporate Complaints and Member/MP Enquiries about?


- Most Corporate Complaints and Member/MP Enquiries logged in Q4 relate to the following two services, five themes:
 - Streetcare (42%)
 - Traffic & Parking Control
 - Street Cleansing & Environmental Maintenance
 - Roads Pavements & Street Lighting
 - Housing (34%)
 - Housing Management (including OHMS)
 - Retained Housing Services

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What were the majority of Corporate Complaints and Member/MP Enquiries about in 2014/15?


- 90% of Corporate Complaints and Member/MP Enquiries logged in 2014/15 relate to the following four services:
 - Streetcare (64%)
 - Roads Pavements and Street Lighting (Member Enquiries)
 - Traffic and Parking Control
 - Housing (16%)
 - Retained Housing Services
 - Regulatory Services (6%)
 - Environmental Health
 - Culture & Leisure (4%)
 - Parks and Open Spaces

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What are the types of Corporate Complaints and Member/MP Enquiries received by these services?


- The next couple of pages outline some examples of Corporate Complaints and Member/MP Enquiries received by these Services throughout 2014/15.

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Streetcare (64%)

- Roads, Pavements and Street Lighting (1192-0222406) (Member Enquiry)
 - A Cllr received many disgruntled residents' complaints regarding Nursery Walk, Romford. There were concerns that only half of the street lights had been replaced by Havering Council, a fence had been erected cutting off some of the footpath and fly-tipping had increased since the new flats had been built.
 - Streetcare worked with Legal Services to determine the ownership of the footpath. It was shown that only half of the footway was maintained by the Council, the other half was owned by the landowners. However, lighting contractors were going to inspect the columns to see if they could run a supply from one column to another which would allow for the remaining streetlights to be operational. With regards to the installation of the fence, as half of the footway was owned by the landowners, enforcement would be their responsibility.
- Traffic and Parking Control (ENQ-0251381)
 - A resident complained about the three parking tickets they received over one weekend. The resident was parked in a valid parking bay in a residential car park and was displaying a valid parking permit, which had been issued by Swan Housing Association.
 - Unfortunately, on this occasion we were unable to help this resident as the tickets had not been issued by Havering Council. We did however advise the resident to contact the private enforcement company and that their details should be on the back of the tickets.


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Housing (16%)

- Retained Housing Services (ENQ-0255215) (Member Enquiry)
 - A Councillor was enquiring about when a resident would be taken out of the hostel she had been staying in for the last 9 months following an eviction from PSL due to rent arrears.
 - Housing confirmed that the resident wasn't evicted by PSL but from privately rented accommodation. The homelessness team in Housing spoke to the resident and began investigating her case. They were later informed that she had intentionally made herself homeless, so we had no further duty to provide her with accommodation.
- Retained Housing Services (81244) (Stage 2 OHMS)
 - A resident had been complaining to the council for three years regarding the trees in their neighbours council property.
 - Back in November 2014 the resident received correspondence that there had been a site visit, but as the trees were not dead, diseased, dangerous or affecting any structures that they did not qualify for any works to be carried out. However the resident was not happy with the reply and raised a stage 2 request attaching photographic evidence of the trees overhanging into the garden. As it clearly showed the problems the resident was having it was agreed that a tree surgeon would be engaged to complete some discretionary work to reduce the trees in height within 8-10 weeks.


We have since received a thank you email from the resident who congratulated the tree surgeon on their quick work and apologised that "this complaint dragged on for as long as it did, and I am extremely satisfied with the outcome and wish to offer my grateful thanks to all who instrumental in making the decision."

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Regulatory Services (6%)

- **Environmental Health (ENQ-023357)**
 - A Publican emailed to complain about a member of licencing staff harassing her even though she has abided by all the laws and had made all the necessary changes the council requested. She highlighted the fact that the officer and a police officer had arrived at the premises at 12:02 and informed her that she was open late and all patrons should have left by midnight (even though she had a licence till midnight and given the drinking up time everyone was required to be off the premises by half past midnight).
 - The licencing team responded to the publican after a full investigation and informed her of the licence she held. It was raised that the licencing team had received notification that the premises were staying open late, which was why there was an unannounced visit that found them to be open late. As an authorised officer of the licencing committee, he had the right of entry to licenced premises and acted correctly in exercising that right on the night in question.

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Culture and Leisure (4%)


- **Parks and Open Spaces (ENQ-0234726) (Member Enquiry)**
 - An email was received by a Councillor regarding unofficial football training taking place at Braton Park on the land that had been assigned to a dog training school. Although the dog training school wasn't using it on the same day the land was left in a state.
 - The original enquiry became more complex and so a response from the Group Director was sent. She explained that they had sent out Park Protection Service officers on two separate occasions and the ground was in good order and there were no football teams training. It was highlighted that even though the dog school had a licence to train on the grounds it didn't give them exclusive use of the area and as it was a public park they couldn't force other users of the park to not use it. It was suggested that the dog training school renegotiate the terms of their licence if they were unhappy.

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How are we improving the way we respond to Corporate Complaints and Member/MP Enquiries?

- The new Corporate Policy and Procedure launched on 1st April 2015
- This new Policy and Procedure will streamline the way the Council receives and logs all complaints
- As part of the Policy and Procedure there will be training on complaint response writing available to all staff who deal with complaints
- A new monthly report is being drafted to include more targeted performance data to help staff target service areas to prevent reoccurrence of the same issue
- Complaints will be discussed at the Complaints Forum

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Questions?



ADJUDICATION & REVIEW COMMITTEE 21 April 2015

Subject Heading:

POOL OF INDEPENDENT PERSONS

CMT Lead:

Deborah Hindson – Interim Director
oneSource

Report Author and contact details:

Andrew Beesley, Committee
Administration & (Interim) Member
Services Manager
01708 432437
andrew.beesley@onesource.co.uk

Policy context:

School Admission Appeals Code 2012

Financial summary:

There will be costs associated with
statutory training for the independent
persons

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

Havering will be clean and its environment will be cared for	☐
People will be safe, in their homes and in the community	☐
Residents will be proud to live in Havering	☐

SUMMARY

The Council maintains a pool of Independent Persons, who are used for school admission and exclusion appeal, Social Services, Children's Services and Corporate Complaints hearings. There are statutory obligations on making appointments to the pool for school, Social Services and Children's Services panels, which are satisfied by the submission and consideration of this report. The pool is used as a matter of convenience for Corporate Complaints, since maintaining multiple pools for what amount to the same purpose would be unnecessary.

An advertisement seeking applications for appointment is usually published every three years. That was done late last year and a number of applications were received. Confirmation of the appointment of the group of applicants is sought; along with the re-confirmation of the existing pool of Independent Persons.

RECOMMENDATION

That the appointment to the pool of Independent Persons of the individuals named in the appendices (containing exempt information and not available to press or public) be confirmed.

REPORT DETAIL

1 Introduction

- 1.1 Statutory procedures for School Admissions and Exclusion Appeals, Children's Services Complaints and Social Services Complaints each require the appointment of "Independent Persons" (IPs) to participate in such hearings. For School Appeals and Children's Services hearings, the whole panel must consist of IPs; for Social Services hearings, at least two of the three members must be IPs (a separate report to this meeting discusses peripheral issues in this regard).
- 1.2 In addition, for some time the Council has voluntarily included an IP in its panels hearing Corporate Complaints.
- 1.3 The qualities and character that make a good IP are essentially the same for all types of appeal and the Council decided some years ago to use the same people for all purposes and combined what had up to then been several different pools of IPs (with some cross-membership) into one, although clearly differing skills and experience will make individuals more or less suited to specific types of process.

2 Appointment process

- 2.1 For the statutory procedures, the law requires "the local authority" to make appointments for panels: school appeals appointments are usually made at three yearly intervals. Under the Council's Constitution, the responsibility for making such appointments is delegated to this Committee.
- 2.2 Some individuals have served as IPs for many years, forming an experienced core of IPs. To these are added new recruits from time-to-time, obtained either following a "campaign" consisting of an advertisement in "Living in Havering" or by direct approaches from interested people.
- 2.3 Potential recruits from either source are invited to complete application forms, following consideration of which some are not pursued but others are asked in for a briefing. The vetting process is undertaken by the Manager of the Education Appeal Secretariat (who is also the Committee Administration Manager). Successful applicants are appointed as panel members (and may

act as such immediately), subject to confirmation in due course by this Committee.

3 Training

- 3.1 As a matter of course, all IPs are given initial training in the form of a familiarisation session, a handbook containing a great deal of statutory and other advice and opportunity to observe one or more sessions of hearings. New statutory requirements will mean that IPs serving on School Exclusion, Children's Services and Social Services Appeals will need more specific training.
- 3.2 Most training is delivered "in house" by the Council's own staff but inevitably some – especially on exclusions – has to be delivered through external training providers.

4 The current pool

- 4.1 The current pool of IPs is listed in Appendix A to this report (which contains exempt information and has not been published). The Committee is asked to re-affirm the appointment of those persons, and to confirm the appointment of the proposed cohort of new independent persons listed in exempt Appendix B to this report. To protect those concerned, the appendices are exempt and have not been published as they contain personal information by which particular individuals could be identified.

IMPLICATIONS & RISKS

HUMAN RESOURCES IMPLICATIONS AND RISKS

There are no human resources risks and implications for the Council directly associated with this report.

LEGAL IMPLICATIONS AND RISKS

The Council have several statutory obligations to appoint IPs, which are satisfied by the recommendation in this report.

FINANCIAL IMPLICATIONS AND RISKS

There will be some minor financial implications arising directly from this report. Some training costs will arise but these will be met from within appropriate existing budgets.

Background Papers

There are no background papers

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of the Local Government Act 1972.


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of the Local Government Act 1972.

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Update on Revised Corporate Complaints Policy & Procedure

Adjudication and Review – 21st April 2015


Gill Hiscox

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Questions arising from the Review


- What is our definition of a complaint?
- How can we
 - ensure robust complaint statistics?
 - reduce duplication of complaints?
 - improve the customer experience?
 - get more right, first time, most of the time?
 - reduce time through our complaint stages?
 - derive better learning from the process?
 - reduce the cost to the Authority?

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All about improvement

- Outcomes more than percentage to time
- Do we make the most of free consultancy?
- How can we gain from the real cost of complaints?
- Can we reduce the cost of complaints?
- Identifying weaknesses, trends, failings, good practise
- Customer expectation
- Council's reputation

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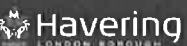
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Defining what is NOT a complaint

Issues present as complaints when they are better dealt with outside the complaints procedure.

Service failure: missed bin collection, streetlight out, pothole to report, repair needed. **REPORT IT** on line


Enquiry: traffic excessive, request for new road markings, tap not working in Council house, noisy neighbours

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Reminder of our review

- Lack of clarity
- Duplications of complaints
- Recording of complaints
- Stages – specified but not understood and no compliance
- Email bombardment
- Overall time taken from initial complaint to Members' Review
- No systematic means of lessons learned

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Definition of a Complaint

"... any expression of dissatisfaction about the Council's provision of, or failure to provide, a service for which it has responsibility and when it has not put right any service failure in a reasonable timescale."

This includes service failures that have not been rectified promptly or are repeated failures.

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Why a form and why no e mails when so convenient?

"I know that you believe you understand what you think I said, but I am not sure you realise that what you heard is not what I meant".

- Clarity on issue and redress expected
- Captured and logged
- Trends – service failure, attitude of staff etc.
- Separating the emotion from the complaint
- Avoiding e mail bombardment

Make a complaint

Complaint details

Which service failed to meet your expectations?*

Please Select

2000 Characters (of 2000 left)

What would you be doing to resolve this complaint?*

2000 Characters (of 2000 left)

By what address?*

Complete your complaint details

Make a complaint

Would you like to login/register?

Portal Benefits

New users

Please tell us your email address to login the registration process.

Email address*

Confirm Email Address

Register

Existing users

Email address*

Confirm Email Address

Forgot your password?

Sign in

About you

Please Select

Surname*

First Name*

Door number/Property name*

Street name

Town

Postcode*

Phone number

Providing your telephone number will help us respond quicker with any queries.

Email address*

Are you raising the complaint on behalf of someone else?

Remember you won't need to complete your contact details if you log in to your account

Completing on behalf of someone else generates a field for their contact details

Make a complaint

On-line complaint form

Complaint details

Which service failed to meet your expectations?*

Please Select

2000 Characters (of 2000 left)

What would you be doing to resolve this complaint?*

2000 Characters (of 2000 left)

By what address?*

Clicking "no" will allow you to enter your complaint for the first time

Are you raising the complaint on behalf of someone else?

Yes

No

If so a customer representative, Member of MP you wish the response to go directly to the customer fill in:

Please complete the details of the person you are raising a complaint for

Please Select

Surname*

First Name*

Door number/Property name*

Street name

Town

Postcode*

Phone number

Providing your telephone number will help us respond quicker with any queries.

Email address*

Click on Review for an easy view on the details you have entered

Complaint details

Which service failed to meet your expectations? *
In the complaint list, have named letters in the list (use month, please don't T4)

How do you rate our service? By selecting the main issue of your complaint *
Please tell us more about the nature of your complaint *
What would you like us to do to resolve this complaint? *
(If you have comments)

About you

Do you have a...
First Name
Last Name
Email address

Postcode *
Phone number
Please enter your telephone number (it helps us respond quicker with any queries)

Are you reporting this complaint on behalf of someone else? *
If so, a contact representative (Member of staff you wish the response to go directly to the customer list here)

Return to Form

Your copy.....

Click on "Return to form" to continue completing the form.

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Quality, Clarity and Accountability

Acknowledgement

- Referenced ENQ number, initials of staff
- Confirmation of receipt and understanding
 - Council's investigation of issue, customer's expectation of redress
- Name of the officer investigating
- Date by which the customer can expect a response

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Examples from forms received

Example from forms	Redress expected	Outcome
Parking ticket	Traffic warden trained in customer care	No refund of ticket
Water gully - telephoned many times	Gully unclear to clear it out, investigated Or jelling - just solve issue	Recorded on CRM, will be visible in future
Parking bays half visible	Either paint or don't paint	Communication issue - service improvement
Rubbish and Brambles	Get the job done. Don't pass from service to service	Establish service "owner" and be clear who should do this

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Final response, your complaint, our investigation

- What we looked at and what we found
- Our conclusions and evidence for them
- Plain language, easily understood by the layman
- Well written, grammatically correct and well punctuated
- Written with sensitivity
- Accountability
- Our desire to improve.....

"To help us to improve our service to you, please complete our customer satisfaction questionnaire online www.havering.gov.uk/complaints"

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The Stages

Stage 1 - Service Lead (operational manager) 15 working days

Stage 2 - Chief Executive (engaging HOS) 20 working days


Stage 3 - Member Review Panel one calendar month - (come back to this later)

One response at each stage
15 + 20 + 31 = 78 days

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Management Information		Audit	
Service failed to meet your expectation	By Directorate By Head of Service By Service Area By Topic	Acknowledgement	Reference ENQ Named responsible investigator Clarity of issue Date of expected response Quality
In what way did the service fail?	Quality or reliability of service Staff attitude or competence Late delivery of the service Suitability of service Cost of service Availability of service	Final response	What we looked at, what we found Evidence for conclusions Plain language understood by layman Well written, grammatically correct, well punctuated Written with sensitivity
Timeliness - percentage to final	Not keeping our promises By Directorate By Head of Service By Service Area By Topic	Accountability	Logged on day 1 Named staff in responses
How did we receive this complaint?	Online E mail Letter Telephone	Customer Satisfaction - How satisfied were you	With the response? Being told what happens next? That we covered all your concerns? The outcome itself? Our complaint process?
		Equal opportunity questionnaire	Do we discriminate because of our process?

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Management Information & Audit


	Upheld	Partly Upheld	Not Upheld
Compassion offered	Y	Y	
Completed satisfactorily			
Change in service provision	Y	Y	
Staff review/disciplinary	Y	Y	
Referred to external agency	Y	Y	
Clarification required			Y

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Next Steps

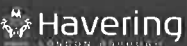
- Keep on top. Keep promoting. Raise expectation on staff. Promote on-line. Reinforce process. Train on quality.
- Management information. What does it tell us?
- Six week review with staff. Problems and how to resolve them.
- Four – six month audit of quality, compliance and accountability
- Management review and action

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Where does that leave Adjudication & Review

- Don't know yet!
- Will need to review Stage 2 to Stage 3 with Members of Adjudication and Review
- Current experience on Stage 2: 5 cases (but only 1, clock stopped pending customer response to proposed action)
- Real Stage 2 complaints and what will happen
 - On receipt, judgement
 - Notify Grant to identify which pre-booked potential date
 - Look at previous paperwork, have we failed? Where have we failed? What should we do about it?
 - Do we have sufficient clarity
 - Do we know the customer's expectation

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Stage 3 – what we think may happen

- Stages 1 and Stages 2 should have clarity
- No need for resubmitting the complaint
- MRP date already in diaries
- Dem Services notified on receipt of Stage 2 potential case
- All information will be readily available to Members
- Members' Review of Stage 3, when we know:
 - the effect of Stage 2
 - the numbers coming through
 - how the timing works (31 calendar days)



**ADJUDICATION & REVIEW
COMMITTEE**

21 April 2015

Subject Heading:

STAGE THREE COMPLAINTS – Update

CMT Lead:

Andrew Blake-Herbert – Director of
Communities & Resources

Report Author and contact details:

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Policy context:

The Council's Corporate Complaints
Process.

Financial summary:

None directly associated with this report

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

TBA

□

SUMMARY

Following the initial report which was presented to the Committee on 4 February last, the purpose of which was to ensure that all members of the Committee were acquainted with activity at Stage Three of the Corporate Complaints process, this report provides a brief summary of the number of cases initiated and their outcomes, whether discontinued or reviewed and determined by a panel or hearing.

RECOMMENDATIONS

That the Committee:

1. Note the report
2. Decide whether to change the format, style or content for future reports

REPORT DETAIL

Adjudication & Review Committee, 4 February 2015

- 1 This is the second time such a report has been presented to Members and the appendix content has been modified to provide additional information to increase transparency (the addition of the date the Member Review form was sent to the complainant, for example as well as a column containing the date the matter was determined and the file closed. A “comments” column has also been added to extend the narrative in some instances.
- 2 This is still very much a “work in progress” and could well evolve to provide Members with additional information in due course (such as the date a complaint was initially received). This is very much an area where Members’ input would be welcomed.

Cases since 2 February 2015 to date:

- 3 The table in the appendix contains complaints initiated after 1 April 2014. There are five which appeared on the first report. The first case in the list was not only referred the matter back to the Council by the LGO for it to continue through the Corporate Complaints process, but after the panel had given its decision, the complainant returned to the Ombudsman and the LGO decided to pursue the matter by way of her own investigation. At the time, that investigation was on-going, but a decision was received on 30 March which was the opposite to that delivered by the MR Panel and even increased the level of compensation which the Service had already agreed to offer by way of a “good-will” gesture. See the “Comments” section for more information.
- 4 The remaining four complaints on the initial table were then still open at the time and since then, three of them have been dealt with, whilst the fourth has yet to go to a Member Review Panel – the reason for this further delay is given in the comments section.
- 5 The Committee is invited to consider the information provided in the accompanying table and decide whether it is content with it as presented or would like to see it either presented differently or with different information.
- 6 In the report on 2 February, there were six (out of 16 complaints) which had failed to reach a Member review. None of the ten in the current list has failed to do so – though three are on-going but to date there is only one form outstanding. The LGO references if known – usually because the matter has been referred back to the Council as “premature” – have been added (and this is cross-referenced with the LGO records).
- 7 Members will note that where in the last report, if no LGO interest could be found it simply said “No”, this has been changed to “Not known”, simply because many complainants do approach the LGO either before registering a complaint with the Council or during the process (particularly if it has become protracted) and are advised to take the matter back to the Council and whilst they would have been given an LGO reference number, they do not disclose it to the service (or it isn’t “picked-up”) but that reference remain in the background and could – if the complainant feels aggrieved enough at an adverse decision to return to the Ombudsman – be applied to any subsequent enquiry or investigation the LGO chooses to undertake.

- 8 One of the cases considered by Members was upheld and the Head of Service was directed to pay compensation because the service had not considered the case on its individual merits and used its discretion appropriately.
- 9 With the change in the Corporate Complaints process, it may be that some of the delays and anomalies which have been seen in the past will be eliminated. The Stage Three element has further transformation to undergo and this will come about once stages one and two have become established. This in turn could lead to further modifications to the information Members wish to receive.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no adverse implications and risks associated with these proposals as they are either procedural changes or designed to ensure greater cost-efficiencies are obtained.

Legal implications and risks: There are no direct legal implications arising 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

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Appendix

Date S3 form sent	Subject of Complaint	Ward	Outcome	Date of Decision / Closure	LGO involvement	Comment
19/06/14	Complainant unhappy with treatment she received by the PSL team who changed the locks on her property because they believed it had been abandoned as the complainant had not responded to the Council's enquiries in time.	Romford Town	Not Upheld by IAP	04/12/14 / 12/09/14	Yes 14 001 209 Referred to Council @ S2	This was subsequently investigated by the LGO who formed an opposite opinion and on 30/03/15 found against the Council and increased the £100 offered to the complainant to £200 because the LGO considered that the Council had been too quick to act
18/12/14	Complainant is in dispute with the Council about her property (PSL) & is claiming that the Council is acting illegally	O/S Borough	Not Upheld by MRP	29/01/15 / 17/02/15	Not known	This matter is still on-going but through legal action
29/10/14	Complainant has a number of issues he claims Housing has not addressed - either paying him promised sums for decorating or not doing work as needed	Heaton	Not Upheld by MRP	29/01/15 / 03/02/15	No Not known	
11/12/14	Complainant claims the Council has still not addressed aspects surrounding loss of property or asbestos issues	Gooshays	Not Upheld by MRP	29/01/15 / 05/02/15	Not known	
18/12/14	Complainant claims that neighbour nuisance (Council tenant) has been going on for years & the Council has done nothing effective to stop it.	Gooshays	Pending MRP	On-going	Yes 14 012 117 Referred to Council @ S2	The S3 process was put on hold (with the complainant's agreement) whilst the service tried to resolve the matter. This failed. Additional delay was caused because of the complexities within the case.
26/01/15	Complainant has a number of issues but they tend to focus on the Council's alleged failure to address asbestos in a living environment	Hacton	Not Upheld by MRP	05/03/15 / 10/03/15	Not known	
26/01/15	Complainant claims that the Council has acted unlawfully by painting double yellow lines outside his property which he says is a place of worship.	Brooklands	Not Upheld by MRP	02/04/15 / 13/04/15	No Not known	
12/02/15	Complainant was sent a PCN but claims that he was not the keeper of the vehicle. Bailiffs were sent, and after the mistake was discovered, all costs were removed. The LGO still considered that he ought to receive compensation for the inconvenience.	O/S Borough	Upheld by MRP + £100 compensation	02/04/15 / 13/04/15	Yes 14 013 356 Referred to Council @ S2	

Adjudication & Review Committee, 21 April 2015

Date S3 form sent	Subject of Complaint	Ward	Outcome	Date of Decision / Closure	LGO involvement	Comment
05/03/15	Complainant claims the Council has failed to deal with her Right to Buy request properly.	Havering Park	With Service	On-going	Yes 14 016 212/LP Referred to Council @ S2	
16/03/15	Complaint about a gas leak	Gooshays	Form Sent	On-going	Not known	