



Havering

L O N D O N B O R O U G H

ADJUDICATION AND REVIEW COMMITTEE AGENDA

7.30 pm	Thursday 26 November 2015	Town Hall Main Road Romford
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Members 10: Quorum 4

COUNCILLORS:

Conservative (4)

Garry Pain (Chairman)
Roger Westwood (Vice-Chair)
Meg Davis
Michael White

Residents' (2)

John Mylod (Vice-Chair)
Julie Wilkes

East Havering Residents' (2)

Alex Donald
Linda Van den Hende

UKIP (1)

David Johnson

Independent Residents' (1)

Michael Deon Burton

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

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

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.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

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 - 26)

The Minutes of the meeting held on 25 August 2015 were agreed as a true record and signed by the Chairman.

5 CHILDREN, ADULTS & HOUSING, LEARNING & ACHIEVEMENT ANNUAL COMPLAINTS REPORT 2014/15 (Pages 27 - 38)

Officers will present the Learning & Achievement Annual Report to the Committee

6 ADULTS ANNUAL COMPLAINTS REPORT (Pages 39 - 58)

Officers will present the Adults Annual Complaint Report to the Sub-Committee.

7 CHILDREN, ADULTS & HOUSING (C&YPS) COMPLAINTS & COMPLIMENTS REPORT 2014/15 (Pages 59 - 78)

8 UPDATE ON CORPORATE COMPLAINTS (Pages 79 - 104)

9 LGO & STAGE THREE UPDATE (Pages 105 - 122)

**Andrew Beesley
Committee Administration
Manager**

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**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Town Hall Main Road Romford
25 August 2015 (7.30 - 9.20 pm)**

Present:

COUNCILLORS

Conservative Group Garry Pain (Chairman), Roger Westwood (Vice-Chair)
and Meg Davis

Residents' Group John Mylod (Vice-Chair)

East Havering Linda Van den Hende

Residents' Group

UKIP Group David Johnson

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

All decisions were taken with no votes against.

There were no declarations of pecuniary interest.

Apologies were received for the absence of Councillors Julie Wilkes and Alex Donald

1 MINUTES

The Minutes of the Meeting held on 21 April 2015 were accepted and signed by the Chairman.

2 UPDATE ON MP & MEMBER ENQUIRIES - Q1 2015-16 BY THE HEAD OF BUSINESS & PERFORMANCE

The Committee received an oral update and presentation concerning MP & Member Enquiries. The main theme of this update was to inform the Committee that these were now being more carefully scrutinised and distinctions made between a simple "enquiry" and a complaint on behalf of a resident. As a direct consequence, the MP/Member Enquiry totals were reducing and the complaints totals increasing.

Members expressed satisfaction that this was being undertaken but also asked for some modifications to the information which the system produced to be put in hand, for example: whether the matter was a complaint or an enquiry, the system sent only one message "thank you for your complaint". The Committee was assured that this would be looked at and, if possible, changes made to reflect the distinction.

3 UPDATE ON CORPORATE COMPLAINTS - Q1 2015-16 OVERVIEW BY THE EXECUTIVE MANAGER OF THE CHIEF EXECUTIVE'S OFFICE

The Committee was provided with a wide range of data covering the first three month's activity under the new complaints procedure. In addition to this, Members were informed that during those first three months, the Chief Executive's Office – and Services across the Council – had been on a very steep learning curve during which valuable lessons had been learned and more robust ways of dealing with complaints were being developed.

In answer to questions from Members, The CE's Executive Manager described how a recent audit of the complaints process had revealed that there remained a number of areas – particularly in the quality of the complaint handling – where on-going improvements were indicated. This was illustrated by reference to examples drawn from StreetCare and Housing and contrasted with the high score achieved by Regulatory Services, though it was also explained that the former two services were high volume whilst the latter provided fewer complaints, but of a much more detailed and technical nature.

Members were asked to be patient with the process whilst it continued to bed in. It was explained that there were a number of areas which the audit had shown required additional training and that in most cases the root problem related to a pre-existing culture which was slowly being changed. Part of that culture had been the service-based dialogue with complainants which tended to lead to complaints being protracted and becoming unnecessarily complicated. This was further compounded because in the previous system the Service retained control of the complaint through Stage Two. Since 1 April, the CE's Office had taken this stage and it continued to be its task to train the front-line complaints handlers to deal with issues on a first and only time basis, minimising the amount of scope there was for a complaint to accrue additional elements which only served to confuse the central issue.

Members learned that of the numerous cases dealt with at Stage One, most were successfully concluded at that point. Of those which were referred to Stage Two, a significant proportion were refused because of various procedural failures and of those considered by the CE's Office and responded to by the Chief Executive, only one had been escalated to Stage Three (and that had not been upheld by Members).

In conclusion Members were asked to bear with the changes which still needed to be applied. Audits would be a continuous feature for the time-being as standards were driven up. Lessons were being learned and it was appreciated that a valuable part of the process was the feed-back and recommendations which came from Members when they deliberated on issues referred to them.

The Committee thanked the CE's Executive Manager for her lucid and informative presentation and looked forward to receiving an update of developments at its next meeting.

4 THE LGO'S ANNUAL LETTER & SUMMARY OF HAVERING'S COMPLAINTS

The report before the Committee considered the Local Government Ombudsman's Annual Letter which had been received by the Council in July and contained information of complaints dealt with in the year 2014-15. Members were reminded that the Annual Letter was the LGO's principle means of communicating a summary of its activity to every authority across England and provided a break-down of complaints referred to her throughout the year.

The Committee was reminded that the Ombudsman's figures did not provide an accurate picture of the activity she had engaged in with the borough. Members' attention was drawn to the number of references: "Referred back for local resolution" and it was explained that this was a grey area because the term could be used to indicate that a complaint was sent back to the Council to be considered under its complaints procedures or that a complainant had been advised to take the matter back to the Council. In the latter case, there was no way in which the Council could know whether a complainant had approached the Ombudsman unless that complainant chose to inform the Council and provide the reference number. As this was unlikely, this category (the largest of the outcome groups) remained the most difficult to address.

The report showed that a partial reconciliation had been undertaken and that this had revealed that the number of complaints notified to the Council did fall within the range recorded by the Ombudsman – though it was pointed-out by the clerk that although the numbers agreed, the LGO and the Council differed in certain cases of allocation. The prime example being the issue of Blue Badges; The LGO recorded them under Adult Services, whilst the Council placed this within Customer Services which reported to a completely different Head of Service and Director. The Committee accepted the findings however, agreeing that it did not matter what label was used, as long as the number and the outcome agreed, it was satisfied.

The Committee:

1. **Noted** the contents of the Ombudsman's Annual Letter.
2. **Decided** to send the Letter should be sent to the Chairman of the Overview and Scrutiny Board and its comments sought.
3. **Decided** not to send a letter of response to the Local Government Ombudsman about this year's Annual Letter.
4. **Decided** that the summary statistics provided by the LGO should be published on Calendar Brief along with an in-house commentary.
5. **Agreed** to change the best value performance indicator (BVPI) currently in use to read:

“The BVPI target for any formal reports of maladministration and injury is 0 and no more than 8 instances where the Ombudsman imposes financial penalties”

5 UPDATE ON LGO ACTIVITY FOR THE YEAR 2015-16 TO DATE

This oral update was restricted to the Local Government Ombudsman's activity for the current year to date. Members were reminded that they had recently been provided with the statistics for the previous three months and their attention was drawn to some comparative year-on-year figures which indicated that the LGO's involvement with the borough had fluctuated significantly. The cumulative total for the first five months of 2012-13 was 36, For 2013-14 over the same period, the figure was 20 and for the current year, between 1 April and the date of the meeting, the figure was 27. These figures were also lower than previous years and it seemed to indicate that the Ombudsman's ability to deal with a large volume of complaints had been curtailed somewhat.

This observation was further borne out by reference to the number of cases which were returned to the Council as not investigated. The LGO appeared to be keeping overall numbers high concerning through-put, but appeared to be very selective in what she committed to investigation.

Members were informed that the figures agreed favourably with those across the Capital and that Havering was in the top quartile for the least number of complaints registered against it during the year (the lowest number of complaints being recorded against the City of London (12) and the highest against Newham (298). Unfortunately, this was not repeated by comparison across the country as the average number of complaints was in the mid to low double figures and whilst Birmingham had 578 complaints recorded against it, this was the exception and Havering's 97 placed it in the bottom quartile (306th out of 363 authorities). It was noted that the "authorities" within the LGO's jurisdiction included the National Parks which attracted very little Ombudsman activity and many small, rural or coastal areas were likewise unlikely to receive many complaints to the Ombudsman.

In conclusion, the Committee was reminded that every case was an opportunity for the Council to better understand how to ensure that the services it provided were appropriate and fit for purpose.

The Committee **noted** the oral update.

6 UPDATE ON STAGE THREE ACTIVITY

The clerk informed the Committee that he had not been able to provide a formal report, but drew Members' attention to the information provided earlier by the CE's Executive Manager. Members were reminded that since 1st April there had been four MRPs which together had considered seven complaints and of those, one was upheld, two had been partially upheld and

four had not been upheld. Members were also reminded that there were three more complaints (from the previous complaints procedure) which were due to be considered within the next few days.

Members were then informed that with the start of the new complaints process, a decision had been taken to produce minutes for MRPs as well as Hearings. The reasoning for this had been to raise the level of transparency of the complaints process and to properly close the formal administration of the Stage Three element.

A Member raised his concerns about this arguing that it could curtail the free discussion which took place during the deliberation Members conducted before coming to a decision. He – and the rest of the Committee - was reassured when it was explained that the Minute was largely formulaic in that it provided the information which would be in the public domain anyway. It gave the name of the Service area which was the subject of the complaint and a brief outline of the salient issues – but not in such detail that the complainant could be identified.

The Minute referred to any significant points and gave the Panel's decision as well as any recommendations. What was not included were any details which were still recorded on the Decision Notice and this document was used to inform the complainant, the Head of Service and the CE's Office. Members were reminded that Minutes were always produced when a complaint went to a Hearing and this had always been the case; it was simply that when the MRP had been initially set up, its purpose had been very different to the way it functioned now.

Having been reassured that the anonymity of the complainant was being maintained and that details of the private deliberations were not going to be revealed, the Committee considered that this was a helpful development and would strengthen the Council's position with regard to its management of complaints.

The Committee:

Noted the oral update and

Approved the continued use of a formal Minute to publically conclude the complaints process.

Chairman

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Minute Item 5

Local Government Ombudsman (LGO) and Housing Ombudsman Service (HOS) cases and decisions on Standards issues Updates for May, June & July 2015

The following pages are intended to provide Members with an overview of complaints considered by the Local Government and Housing Services Ombudsmen.

I apologise for the absence of these reports on a monthly basis, but it has not been feasible to process the data until now. This is but a brief summary and I can provide you with additional details about activity within your ward should you require it. There is also a link to much more detail concerning all cases considered by the LGO should you wish to see what complaints have been brought against the council. If you require any further information about that database, please contact my colleague Jacqui Barr (extn. 2439).

LGO Current Position: to 31st July 2015, cases by Ward

In the following PDF will be found a chart showing current Ombudsman activity displayed in Service Area within Directorates. A recent audit of data discovered that there were only five cases bopen at the 31st March and this has been amended so some of the information displayed from April to June will look slightly different in the July statistics.

Ombudsman Cases summary:

During the past three months, the LGO has had 26 contacts with the Council: Seven in May, 11 in June and eight in July. Of these, 10 were enquiries and of these, five were referred back to the Council for consideration through its complaints procedure, two led to the LGO coming to a decision without further reference to the Council and two led onto investigations. A further enquiry has, so far, gone no further, whilst there was a fifth "Premature" which came from an enquiry in April.

The remaining six cases were notifications by the LGO – without prior contact – that a complaint had been received and was being investigated (5) and one case where the LGO simply announced a decision. Of the four June cases where the Ombudsman chose to conduct an investigation, three draft decisions have been received. Of these, two indicate that there was some fault in the way the Council had acted – one causing injustice to the complainant, whilst the third was a finding of no fault.

On the whole, the LGO has found very few failings by the Council.

The Housing Ombudsman Service

During the period 1st May – 31st July the Housing Ombudsman has raised six cases with the Council. These are currently being processed and the most interesting procedural point of note is that the HOS appears to have adopted the LGO's way of presenting cases and requesting information.

Standards issues:

There was one issue which came before an Assessment Panel during the period. The matter was considered and dismissed.

Other information:

We are continuing to add to the final decisions from the Ombudsman and these can be viewed on the Intranet and can be accessed via:

<https://intranet.havering.gov.uk/index.aspx?articleid=21830>

You will find a general page with other links to various LGO organisations and links to further pages set out in complaint categories and within each of these will be found PDFs containing the LGO final decisions. A glossary of abbreviations used with the decisions will be found on the general page. In future, decisions will be added as they are received.

Grant Söderberg, (extn) 3091, e-mail: grant.soderberg@onesource.com

Ombudsman Activity: by Ward

Detailed summary of Ombudsman activity by service area within Directorate & Service and by wards. Wards **not shown** have **no** Ombudsman activity within them. Wards and services highlighted contain the highest activity **to date**. Includes ten cases brought forward from 2014/15.

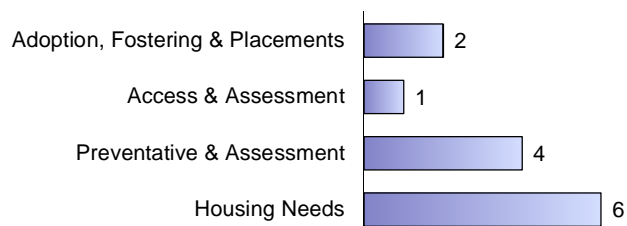
Directorate	Service	Service Delivery Area	Cranham	Gooshays	Hacton	Heaton	Hylands	Mawneys	Pettits	Romford Town	South Hornchurch	Upminster	O/S Borough	Grand Total
Children, Adults and Housing	Adult Services	Preventative & Assessment	1	2									1	4
		Access & Assessment											1	1
	Housing	Housing Needs		2				1	1	1			1	6
	Children's Services	Adoption, Fostering & Placements				2								2
Communities & Resources	Regulatory Services	Planning issues					1		1					2
	StreetCare	Traffic & Parking									1	1		2
		Highways			2					2			2	6
	Customer Services	Blue Badges					1							1
oneSource	Finance	Fraud				1								1
Grand Total			1	4	2	3	2	1	2	3	1	1	5	25

Ward Totals for the month of: MAY

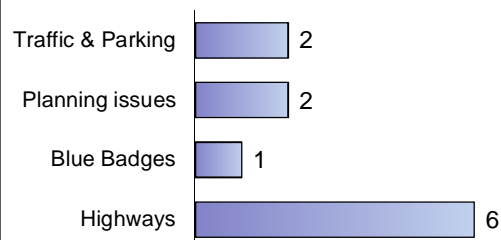
Directorate	Service	Service Delivery Area	Hacton	Heaton	Gooshays	Pettits	O/S Borough	Grand Total
Children, Adults and Housing	Adult Services	Preventative & Assessment			1			1
	Housing	Housing Needs				1	1	2
	Children's Services	Adoption, Fostering & Placements		1				1
Communities & Resources	StreetCare	Highways	2				1	3
Grand Total			2	1	1	1	2	7

Ombudsman investigations: By Service Area in Group Directorates **From 1 April 2014 (including open cases brought forward)**

Children, Adults and Housing - B/Forward 5. From 1 April 2015 to date 8. Total: 13



Communities & Resources - B/Forwards 5. From 1 April 2015 to date 6. Total: 11

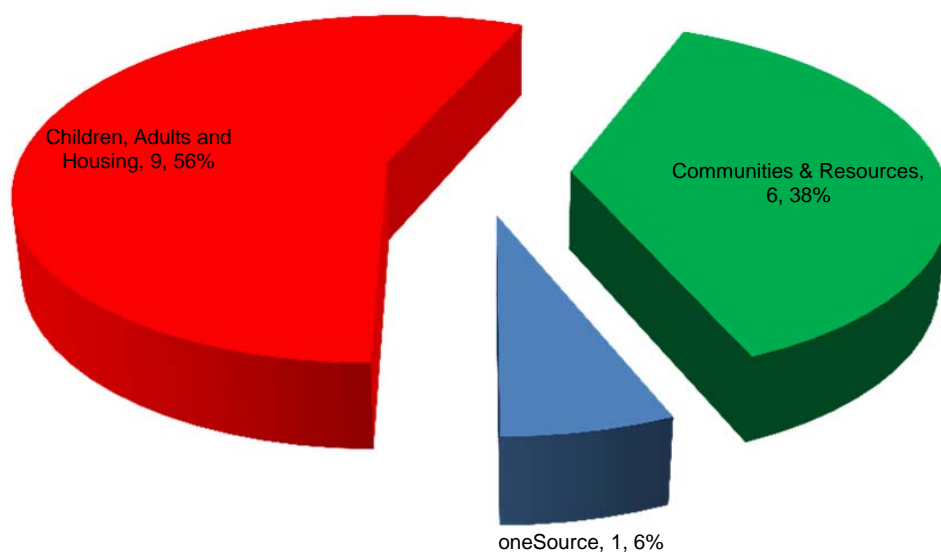


oneSource - Total from 1 April 2015 to date: 1

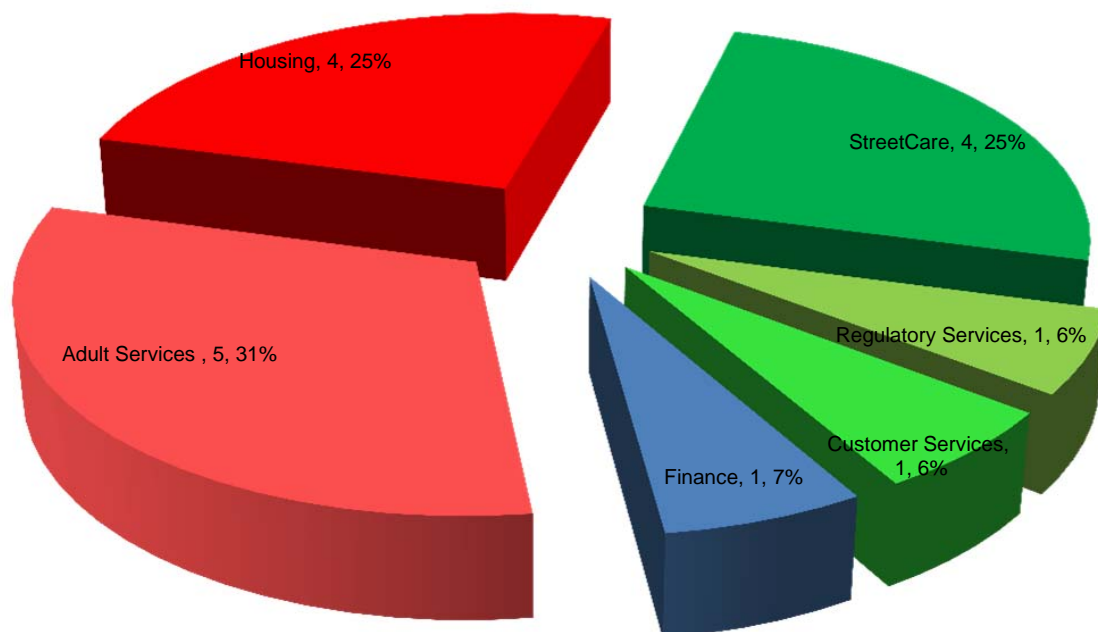


Evaluation of Ombudsman Activity

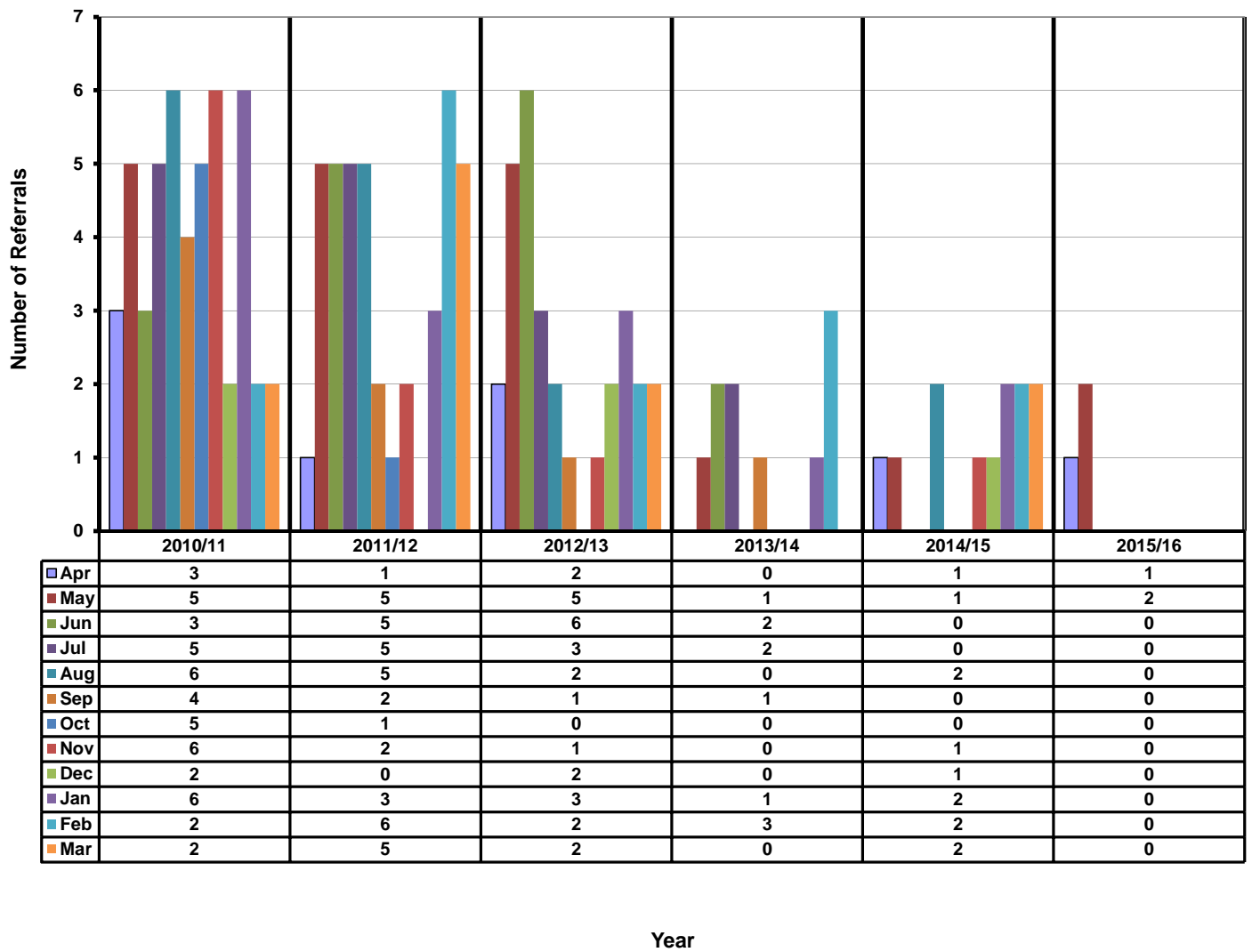
**Directorate Involvement - Total of complaint elements from the LGO
(whether investigated or not) to 31 May 2015: 6
(10 ongoing cases were brought forward from 2014/15)**



**Service Area Involvement - Total complaint elements from the LGO
(whether investigated or not) to 31 May 2015: 6
(10 ongoing cases were brought forward from 2014/15)**



LGO Referrals - Premature Complaints - year-on-year



Year	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Grand Total
Prematures:	49	40	29	10	12	3	143
Cases Referred:	45	59	73	62	42	9	290
Total:	94	99	102	72	54	12	433

Local Government Ombudsman Referrals: 1 April 2015 – 31 March 2016 - Analysed by Month

22 Referrals from the Ombudsman (by reference number) - could include multiple elements: enquiry, premature and investigation

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
10	Brought Forward Complaints from 2014/15 (Investigations only) including 4 Draft Decisions												
12	New Complaints were reported from 1 April 2015 to date (including Prematures & enquiries)	6	6	0	0	0	0	0	0	0	0	0	0
Of which	3 were Premature - normally L2 complaints referred back to the Council	1	2	0	0	0	0	0	0	0	0	0	0
and	3 were enquiries by the LGO which have NOT been changed by further actions	1	2	0	0	0	0	0	0	0	0	0	0
	4 were not investigated (decisions already made by the LGO e.g: OSJ, Draft Decisions etc.)	3	1	0	0	0	0	0	0	0	0	0	0
	2 Draft Decisions on <u>investigated cases</u> currently pending LGO decision	0	2	0	0	0	0	0	0	0	0	0	0
and	3 Investigations completed	2	1	0	0	0	0	0	0	0	0	0	0
Leaving	7 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **0** cases have received a substantive response in an average of **##### working days**
 There have so far been **4** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **2** complaint awaiting an initial response

The Ombudsman's anticipated response time is currently **20 working days**

58 Referrals from the Ombudsman (by reference number) - could include multiple elements: enquiry, premature and investigation

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
4	Ongoing Complaints (Investigations only) b/fwd from 2013/14												
54	New Complaints were reported from 1 April 2014 to date (including Prematures & enquiries)	2	4	5	1	8	3	1	7	1	6	4	12
Of which	12 were Premature - normally L2 complaints referred back to the Council	1	1	0	0	2	0	0	1	1	2	2	2
and	4 were enquiries by the LGO which have NOT been changed by further actions	0	0	0	0	0	1	0	1	0	0	0	2
	23 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	0	3	4	0	4	1	0	3	0	2	2	4
	3 Provisional View on <u>investigated cases</u> currently pending LGO decision	0	0	0	0	0	0	0	0	1	0	0	2
and	10 Investigations completed	2	0	2	1	0	0	1	2	1	0	0	1
Leaving	6 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **11** cases have received a substantive response in an average of **17 working days**
 There have so far been **22** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **4** complaint awaiting an initial response
 There are currently **2** premature complaints being processed

The Ombudsman's anticipated response time is currently **20 working days**

72 Referrals from the Ombudsman (by reference number) - could include multiple elements: enquiry, premature and investigation

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0	Ongoing Complaints (Investigations only) b/fwd from 2012/13												
72	New Complaints were reported from 1 April 2013 to date (including Prematures & enquiries)	11	7	5	8	5	4	9	4	4	4	8	3
Of which	10 were Premature - normally L2 complaints referred back to the Council	0	1	2	2	0	1	0	0	0	1	3	0
and	4 were enquiries by the LGO which have not been superseded by a later Ombudsman "decision"	0	0	0	0	0	0	0	0	1	1	2	0
	37 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	6	3	2	4	5	2	5	2	2	2	2	2
	1 Provisional View on <u>investigated cases</u> currently pending LGO decision	0	0	0	0	0	0	1	0	0	0	0	0
and	16 Investigations completed	0	0	2	0	5	2	1	1	0	4	1	0
Leaving	4 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **20** cases have received a substantive response in an average of **15 working days**
 There have so far been **37** cases which were not "investigated" - though some may have required a response to LGO questions
 There are currently **1** complaints awaiting an initial response
 There is currently **0** premature complaint being processed

The Ombudsman's anticipated response time is currently **20 working days**

Ombudsman Activity: by Ward

Detailed summary of Ombudsman activity by service area within Directorate & Service and by wards. Wards **not shown** have **no** Ombudsman activity within them. Wards and services highlighted contain the highest activity **to date**. Includes ten cases brought forward from 2014/15.

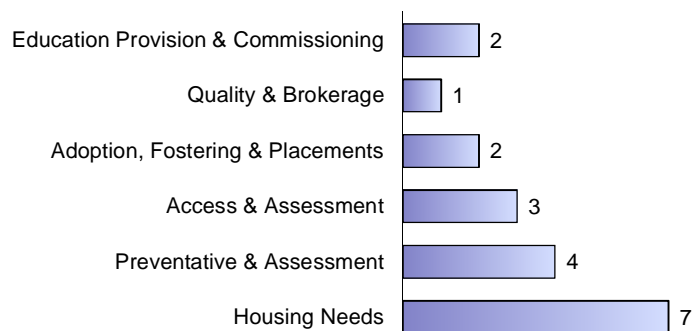
Directorate	Service	Service Delivery Area	Cranham	Goosays	Hacton	Harold Wood	Heaton	Hylands	Mawneys	Pettits	Rainham & Wennington	Romford Town	South Horchurch	Upminster	O/S Borough	Grand Total
Children, Adults and Housing	Adult Services	Preventative & Assessment	1	2											1	4
		Access & Assessment				1					1				1	3
		Quality & Brokerage													1	1
	Housing	Housing Needs		2					1	2		1			1	7
	Children's Services	Adoption, Fostering & Placements					2									2
	Learning & Achievement	Education Provision & Commissioning							2							2
Communities & Resources	Regulatory Services	Planning issues						1		1						2
		Environmental Health	1													1
	StreetCare	Traffic & Parking										1	1	1	1	4
		Highways			2							2			2	6
	Customer Services	Blue Badges			2			1								3
oneSource	Finance	Fraud					1									1
Grand Total			2	4	4	1	3	2	3	3	1	4	1	1	7	36

Ward Totals for the month of: JUNE

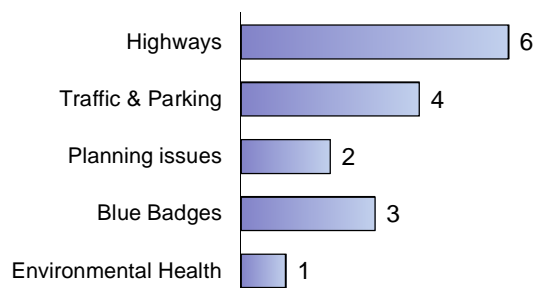
Directorate	Service	Service Delivery Area	Cranham	Hacton	Harold Wood	Mawneys	Pettits	Rainham & Wennington	Romford Town	O/S Borough	Grand Total
Children, Adults and Housing	Adult Services	Access & Assessment			1			1			2
		Quality & Brokerage								1	1
	Housing	Housing Needs					1				1
	Learning & Achievement	Education Provision & Commissioning				2					2
Communities & Resources	Regulatory Services	Environmental Health	1								1
	StreetCare	Traffic & Parking							1	1	2
	Customer Services	Blue Badges		2							2
Grand Total			1	2	1	2	1	1	1	2	11

Ombudsman investigations: By Service Area in Group Directorates **From 1 April 2014 (including open cases brought forward)**

Children, Adults and Housing - B/Forward 5. From 1 April 2015 to date 14. Total: 19



Communities & Resources - B/Forwards 5. From 1 April 2015 to date 11. Total: 16

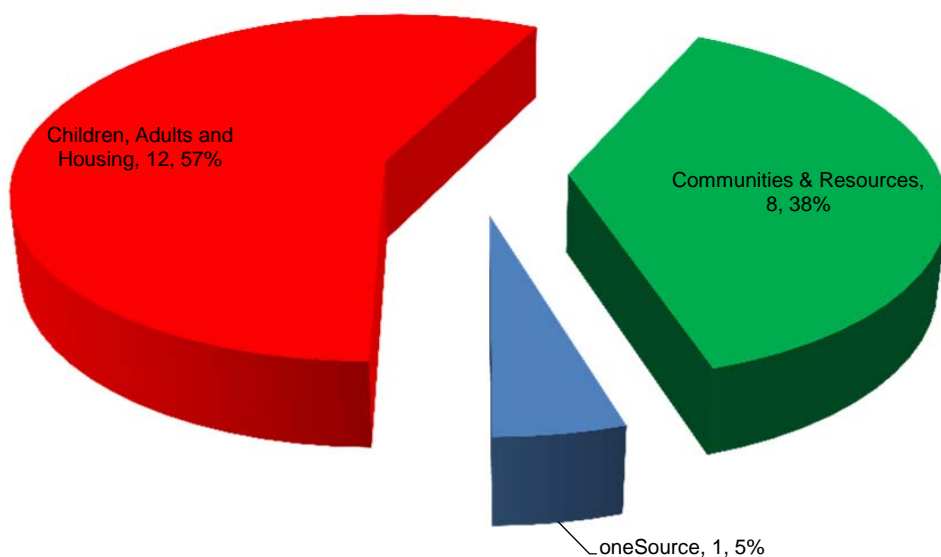


oneSource - Total from 1 April 2015 to date: 1

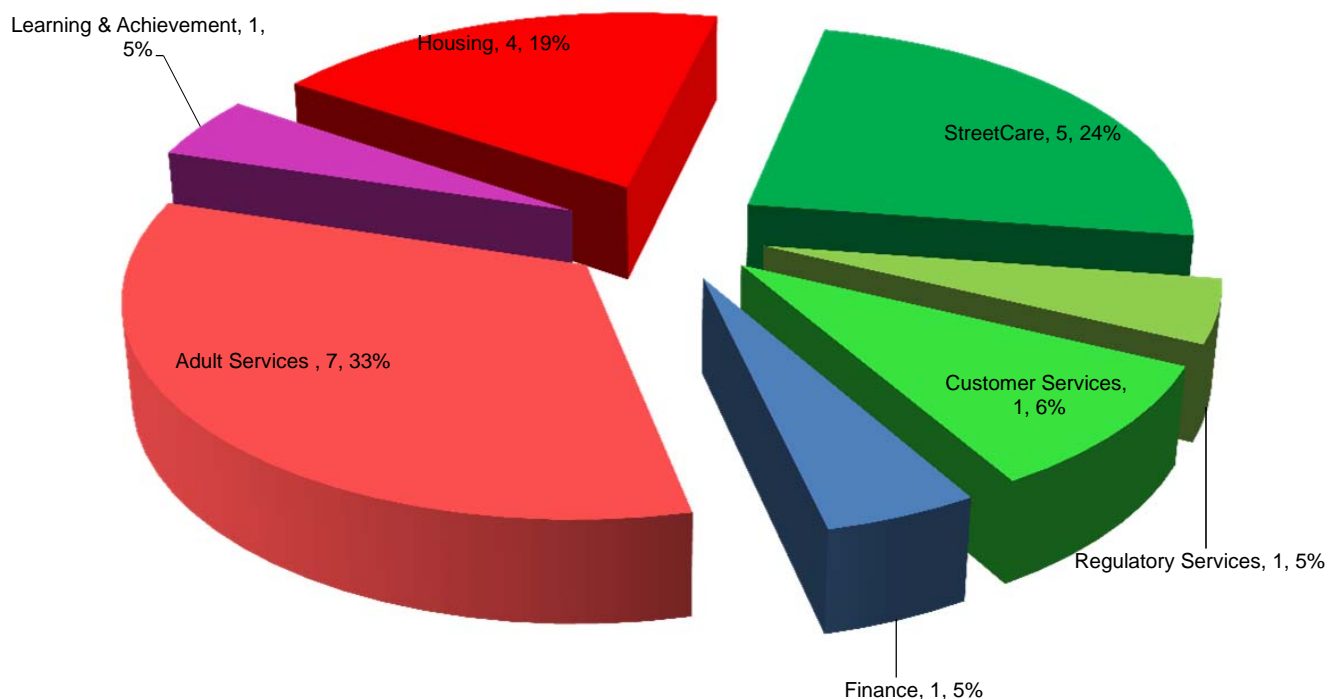


Evaluation of Ombudsman Activity

**Directorate Involvement - Total of complaint elements from the LGO
(whether investigated or not) to 30 June 2015: 11
(10 ongoing cases were brought forward from 2014/15)**



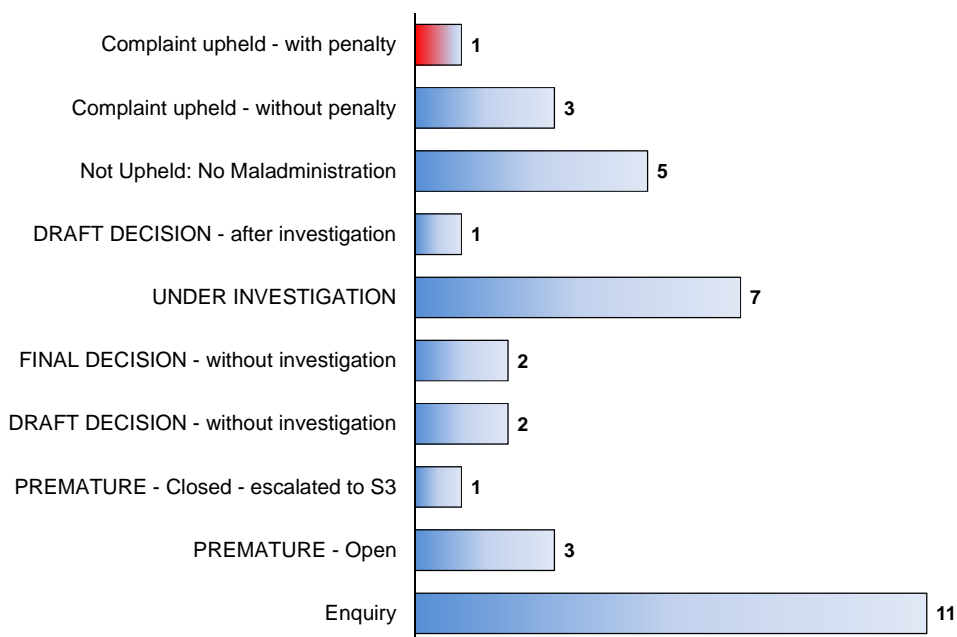
**Service Area Involvement - Total complaint elements from the LGO
(whether investigated or not) to 30 June 2015: 11
(10 ongoing cases were brought forward from 2014/15)**



Evaluation of Ombudsman Activity

Total of ALL complaints received between 1 April 2015 and 31 March 2016: 36

Including enquiries & premature complaints referred back to the Council and dealt with under the Corporate Complaints procedure



Identifying multiple contacts from the Ombudsman for the year 1 April 2015 to 31 March 2016

KEY: E = Enquiry, P = Premature, D = LGO Decision (without investigation), I = Investigation by LGO

Children, Adults & Housing

Housing

D	E	E → P
---	---	-------

Adult Services

D	I	I	E	I	I
---	---	---	---	---	---

Children's Services

E → P

13

10

Learning & Achievement

E → D

Communities & Resources

(from 1 January 2015)

Regulatory Services

E

Public Health

E

12

9

StreetCare

E → P	E → P	D	I	E
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Corporate & Customer Transformation

E → I

Parks & Open Spaces

oneSource

Council Tax & Benefits

Finance

D

Legal Services

School Appeals

General & Member Issues

Complaint ELEMENTS

1

Individual COMPLAINTS

1

Notes:

26

20

Local Government Ombudsman Complaint Elements - by Service 1 April 2015 - 31 March 2016:
(TEN cases were brought forward from 2014/15)
2014/15 BVPI target for maladministration is 0 and no more than 8 instances where penalties are awarded

Complaints under investigation - "A":
Draft Decisions Received - "B":
Complaints determined:
Report issued: Upheld; maladministration and injustice
Report issued: Upheld; maladministration, no injustice
Report issued: Not upheld; no maladministration
Upheld; maladministration and injustice
Upheld; maladministration, no injustice
Not upheld; no maladministration
Closed after initial enquiries - out of jurisdiction
Closed after initial enquiries - no further action
Not upheld: No further action
Complaint <i>Elements</i> Completed - not Premature - "C":
Prematures & LGO enquiries - "D":
Totals - A, B,C & D:

Communities & Resources					Children, Adults & Housing					oneSource				
StreetCare	Parks & Open Spaces	Planning & Building Control	Public Protection	Customer Services	Learning & Achievement	Children's Services	Adult Services	Housing (Housing Needs)	Housing (Estate & Maintenance)	School Appeals	Council Tax & Benefits	Finance, Insurance & Fraud	Legal Services	General: Member & non 'Service specific' issues
4	0	0	0	1	0	0	2	1	0	0	0	0	0	0
0	0	1	0	1	0	0	2	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	2	1	0	0	0	0	0	0
0	0	0	0	0	0	0	1	1	0	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	0		0	1	0	3	3	0	0	0	1	0	0
5	0	1	1	1	1	2	1	3	0	0	0	0	0	0
10	0	2	1	3	2	2	8	7	0	0	0	1	0	0

Complaint Elements under Investigation	=	8	+	4	+	9	+	15	=	36
---	---	---	---	---	---	---	---	----	---	----

Complaint Elements - <u>PVs Recd whether investigated or not</u>	0	0	0	1	3	3	0	2	0	9
---	---	---	---	---	---	---	---	---	---	---

Completed/Omb D./OSJ/No Inv.	15
------------------------------	----

Premature - or enquiries	
--------------------------	--

Total of Complaint Elements	
------------------------------------	--

Local Government Ombudsman **Referrals**: 1 April 2015 – 31 March 2016 - Analysed by Month

28 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
10 Brought Forward Complaints from 2014/15 (Investigations only) including 4 Draft Decisions												
18 New Complaints were reported from 1 April 2015 to date (including Prematures & enquiries)	6	5	7	0	0	0	0	0	0	0	0	0
Of which 4 were Premature - normally L2 complaints referred back to the Council	1	2	1	0	0	0	0	0	0	0	0	0
and 4 were enquiries by the LGO which have NOT been changed by further actions	1	1	2	0	0	0	0	0	0	0	0	0
5 were not investigated (decisions already made by the LGO e.g: OSJ, Draft Decisions etc.)	3	1	1	0	0	0	0	0	0	0	0	0
3 Draft Decisions on investigated cases currently pending LGO decision	0	1	2	0	0	0	0	0	0	0	0	0
and 5 Investigations completed	2	1	2	0	0	0	0	0	0	0	0	0
Leaving 7 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **1** cases have received a substantive response in an average of **18 working days**
 There have so far been **4** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **2** complaint awaiting an initial response

The Ombudsman's anticipated response time is currently **20 working days**

58 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
4 Ongoing Complaints (Investigations only) b/fwd from 2013/14												
54 New Complaints were reported from 1 April 2014 to date (including Prematures & enquiries)	2	4	5	1	8	3	1	7	1	6	4	12
Of which 12 were Premature - normally L2 complaints referred back to the Council	1	1	0	0	2	0	0	1	1	2	2	2
and 4 were enquiries by the LGO which have NOT been changed by further actions	0	0	0	0	0	1	0	1	0	0	0	2
23 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	0	3	4	0	4	1	0	3	0	2	2	4
3 Provisional View on investigated cases currently pending LGO decision	0	0	0	0	0	0	0	0	1	0	0	2
and 10 Investigations completed	2	0	2	1	0	0	1	2	1	0	0	1
Leaving 6 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **11** cases have received a substantive response in an average of **17 working days**
 There have so far been **22** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **4** complaint awaiting an initial response
 There are currently **2** premature complaints being processed

The Ombudsman's anticipated response time is currently **20 working days**

72 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0 Ongoing Complaints (Investigations only) b/fwd from 2012/13												
72 New Complaints were reported from 1 April 2013 to date (including Prematures & enquiries)	11	7	5	8	5	4	9	4	4	4	8	3
Of which 10 were Premature - normally L2 complaints referred back to the Council	0	1	2	2	0	1	0	0	0	1	3	0
and 4 were enquiries by the LGO which have not been superseded by a later Ombudsman "decision"	0	0	0	0	0	0	0	0	1	1	2	0
37 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	6	3	2	4	5	2	5	2	2	2	2	2
1 Provisional View on investigated cases currently pending LGO decision	0	0	0	0	0	0	1	0	0	0	0	0
and 16 Investigations completed	0	0	2	0	5	2	1	1	0	4	1	0
Leaving 4 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **20** cases have received a substantive response in an average of **15 working days**
 There have so far been **37** cases which were not "investigated" - though some may have required a response to LGO questions
 There are currently **1** complaints awaiting an initial response
 There is currently **0** premature complaint being processed

The Ombudsman's anticipated response time is currently **20 working days**

Ombudsman Activity: by Ward

Detailed summary of Ombudsman activity by service area within Directorate & Service and by wards. Wards **not shown** have **no** Ombudsman activity within them. Wards and services highlighted contain the highest activity **to date**. Includes ten cases brought forward from 2014/15.

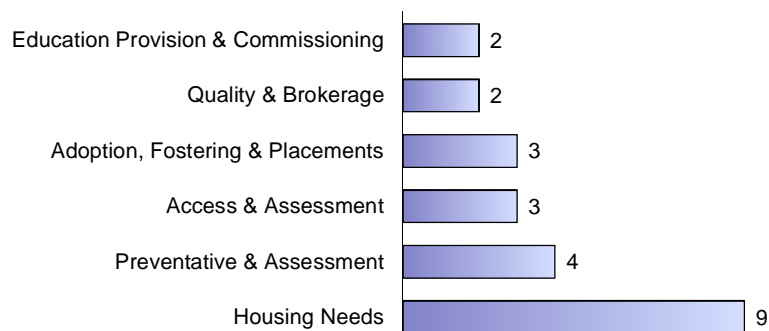
Directorate	Service	Service Delivery Area	Cranham	Goosnays	Hacton	Harold Wood	Heaton	Hylands	Mawneys	Pettits	Rainham & Wennington	Romford Town	South Hornchurch	Upminster	O/S Borough	Grand Total
Children, Adults and Housing	Adult Services	Preventative & Assessment	1	2											1	4
		Access & Assessment				1					1				1	3
		Quality & Brokerage													2	2
	Housing	Housing Needs		2			2		1	2		1			1	9
	Children's Services	Adoption, Fostering & Placements					2							1		3
	Learning & Achievement	Education Provision & Commissioning							2							2
Communities & Resources	Regulatory Services	Planning issues						1		1						2
		Environmental Health	2													2
	StreetCare	Traffic & Parking										2	1	1	1	5
		Highways			2							2			2	6
	Customer Services	Blue Badges			2											2
oneSource	Finance	Fraud					1									1
Corporate & Member Issues	Corporate	Corporate												2		2
Grand Total			3	4	4	1	5	1	3	3	1	5	1	4	8	43

Ward Totals for the month of: JULY

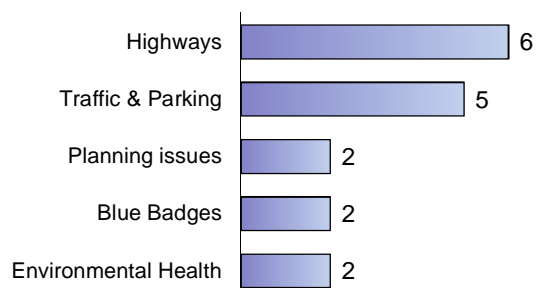
Directorate	Service	Service Delivery Area	Cranham	Heaton	Romford Town	Upminster	O/S Borough	Grand Total
Children, Adults and Housing	Adult Services	Quality & Brokerage					1	1
	Housing	Housing Needs		2				2
	Children's Services	Adoption, Fostering & Placements				1		1
Communities & Resources	Regulatory Services	Environmental Health	1					1
Grand Total			1	2	1	3	1	8

Ombudsman investigations: By Service Area in Group Directorates **From 1 April 2014 (including open cases brought forward)**

Children, Adults and Housing - B/Forward 5. From 1 April 2015 to date 18. Total: 23



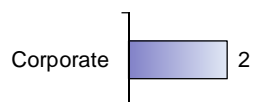
Communities & Resources - B/Forwards 5. From 1 April 2015 to date 12. Total: 17



oneSource - Total from 1 April 2015 to date: 1

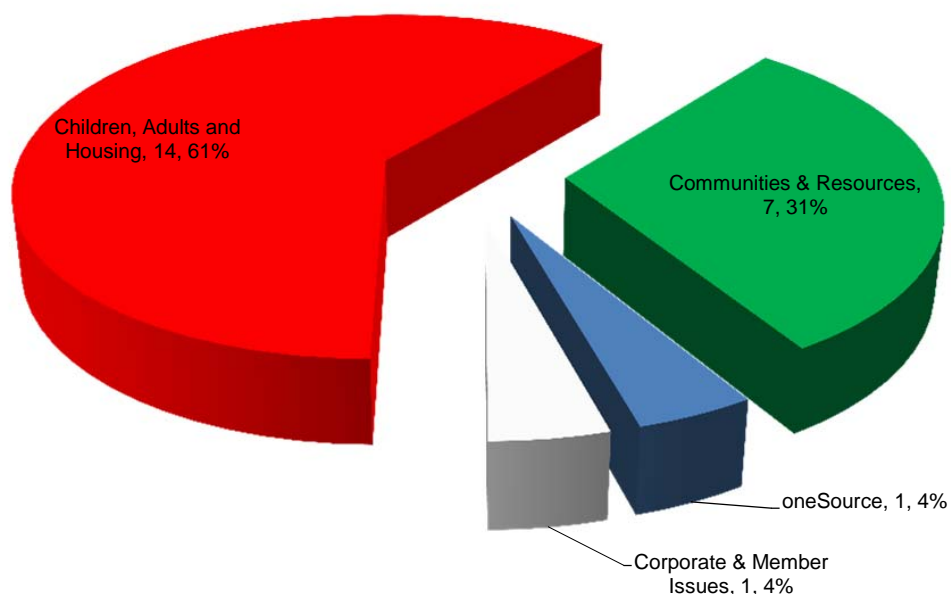


Corporate & Member Issues - Total from 1 April 2015 to date: 2

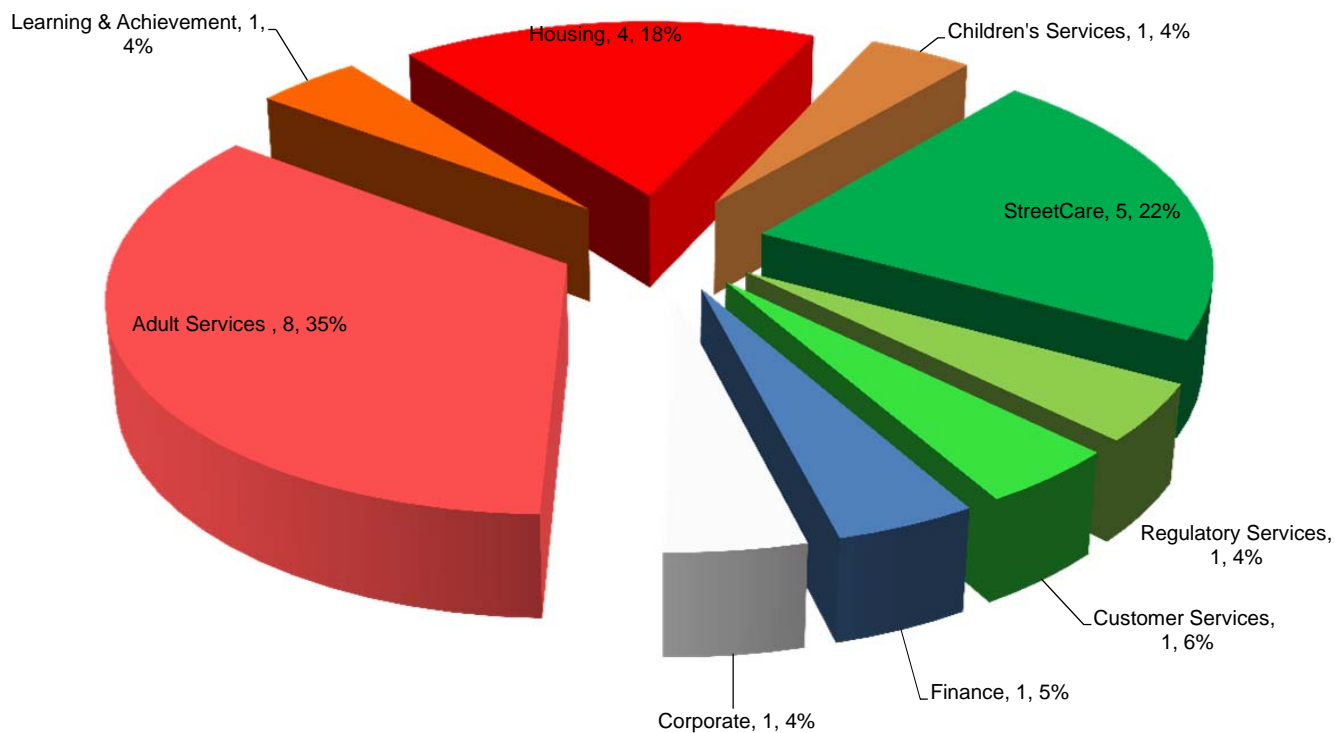


Evaluation of Ombudsman Activity

**Directorate Involvement - Total of complaint elements from the LGO
(whether investigated or not) to 31 July 2015: 14
(9 ongoing cases were brought forward from 2014/15)**



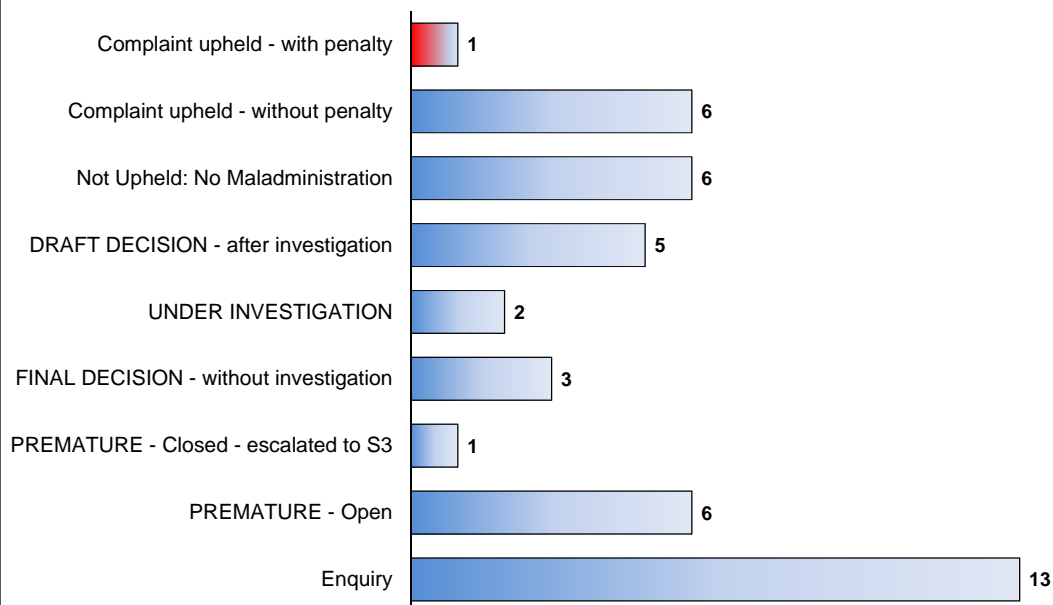
**Service Area Involvement - Total complaint elements from the LGO
(whether investigated or not) to 31 July 2015: 14
(9 ongoing cases were brought forward from 2014/15)**



Evaluation of Ombudsman Activity

Total of ALL complaints received between 1 April 2015 and 31 March 2016: 43 (including 9 cases open at 31 March 2015 & brought forward)

Includes enquiries & premature complaints referred back to the Council and dealt with under the Corporate Complaints pr



Identifying multiple contacts from the Ombudsman for the year 1 April 2015 to 31 March 2016

KEY: E = Enquiry, P = Premature, D = LGO Decision (without investigation), I = Investigation by LGO

Children, Adults & Housing

Housing: D, E, E → P, E → P

Adult Services: D, I, I, E, I, I
 Children's Services: E → P, I
 Learning & Achievement: E → D

17 13

Communities & Resources

(from 1 January 2015)

Regulatory Services: E
 Public Health: E → P
 StreetCare: E → P, E → P, D, I, E
 Corporate & Customer Transformation: E → I
 Parks & Open Spaces:

12 8

oneSource

Council Tax & Benefits

Finance: D

Legal Services

School Appeals

Corporate & Member Issues: E → D

Complaint ELEMENTS

Individual COMPLAINTS

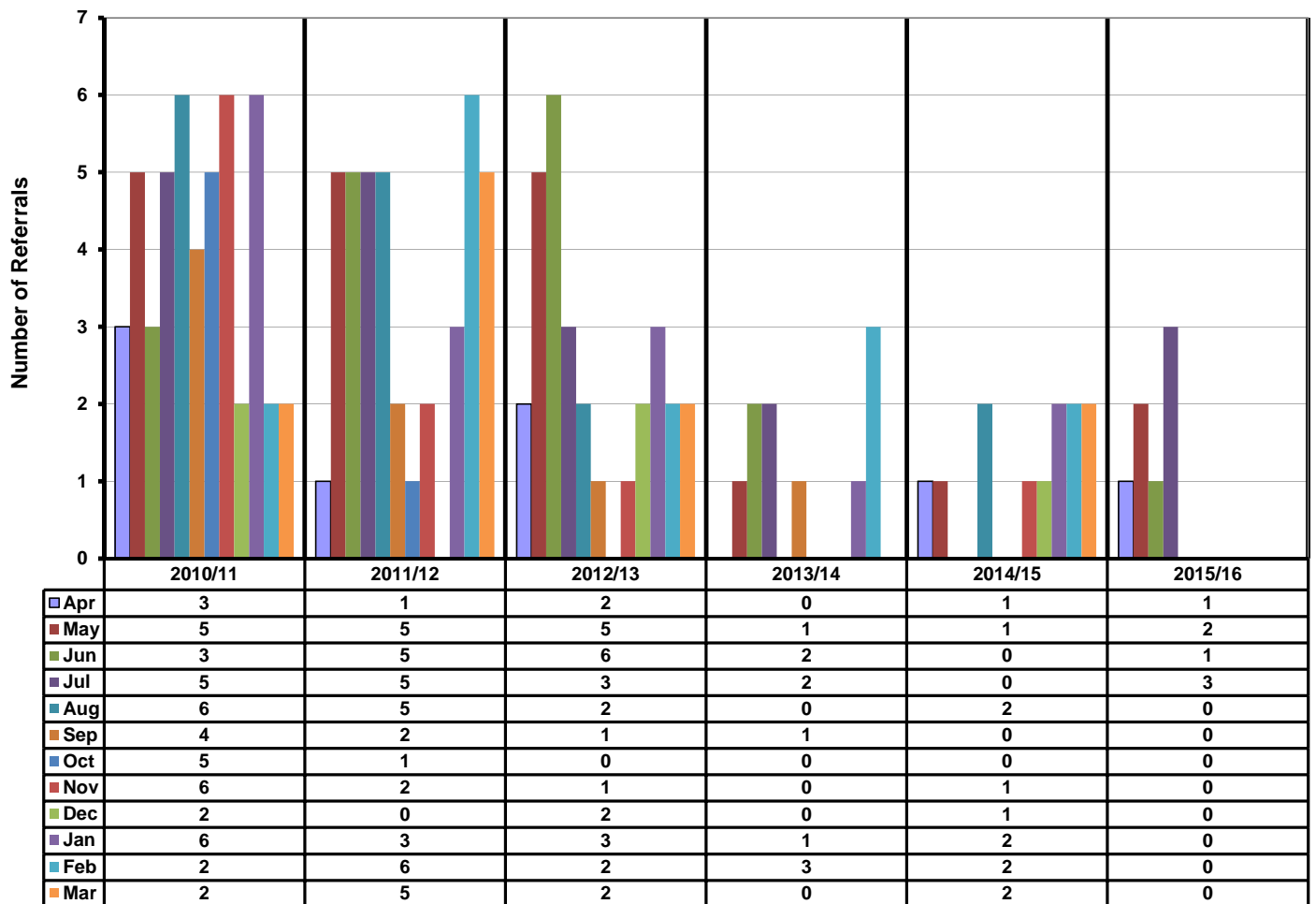
1 1

2 1

Notes:

32 23

LGO Referrals - Premature Complaints - year-on-year



Year	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Grand Total
Prematures:	49	40	29	10	12	7	147
Cases Referred:	45	59	73	62	42	16	297
Total:	94	99	102	72	54	23	444

Local Government Ombudsman Complaint Elements - by Service 1 April 2015 - 31 March 2016:

(TEN cases were brought forward from 2014/15)

2014/15 BVPI target for maladministration is 0 and no more than 8 instances where penalties are awarded

Page 29

Complaints under investigation - "A":

Draft Decisions Received - "B":

Complaints determined:

Report issued: Upheld; maladministration and injustice

Report issued: Upheld; maladministration, no injustice

Report issued: Not upheld; no maladministration

Upheld; maladministration and injustice

Upheld; maladministration, no injustice

Not upheld; no maladministration

Closed after initial enquiries - out of jurisdiction

Closed after initial enquiries - no further action

Not upheld: No further action

Complaint **Elements** Completed - not Premature - "C":

Prematures & LGO enquiries - "D":

Totals - A, B,C & D:

Communities & Resources					Children, Adults & Housing					oneSource				
StreetCare	Parks & Open Spaces	Planning & Building Control	Public Protection	Customer Services	Learning & Achievement	Children's Services	Adult Services	Housing (Housing Needs)	Housing (Estate & Maintenance)	School Appeals	Council Tax & Benefits	Finance, Insurance & Fraud	Legal Services	Corporate: Member & non 'Service specific' issues
0	0	0	0	0	0	1	1	0	0	0	0	0	0	0
2	0	0	0	1	0	0	1	1	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
2	0	0	0	0	0	0	3	1	0	0	0	0	0	0
0	0	1	0	0	0	0	3	1	0	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
3	0	1	0	0	1	0	6	3	0	0	0	1	0	1
6	0	1	2	1	1	2	1	5	0	0	0	0	0	1
11	0	2	2	2	2	3	9	9	0	0	0	1	0	2

Complaint Elements under Investigation	2	5	16	20	43
Complaint Elements - PVs Recd whether investigated or not					
Completed/Omb D./OSJ/No Inv.					
Premature - or enquiries					
Total of Complaint Elements					

Local Government Ombudsman **Referrals**: 1 April 2015 – 31 March 2016 - Analysed by Month

32 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
9	Brought Forward Complaints from 2014/15 (Investigations only) including 4 Draft Decisions												
23	New Complaints were reported from 1 April 2015 to date (including Prematures & enquiries)	6	5	6	6	0	0	0	0	0	0	0	0
Of which	7 were Premature - normally L2 complaints referred back to the Council	1	2	1	3	0	0	0	0	0	0	0	0
and	2 were enquiries by the LGO which have NOT been changed by further actions	1	1	0	0	0	0	0	0	0	0	0	0
	6 were not investigated (decisions already made by the LGO e.g: OSJ, Draft Decisions etc.)	3	1	1	1	0	0	0	0	0	0	0	0
	5 Draft Decisions on investigated cases currently pending LGO decision	0	0	0	5	0	0	0	0	0	0	0	0
and	10 Investigations completed	3	0	4	3	0	0	0	0	0	0	0	0
Leaving	2 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **6** cases have received a substantive response in an average of **17 working days**
 There have so far been **6** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **2** complaint awaiting an initial response

The Ombudsman's anticipated response time is currently **20 working days**

58 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
4	Ongoing Complaints (Investigations only) b/fwd from 2013/14												
54	New Complaints were reported from 1 April 2014 to date (including Prematures & enquiries)	2	4	5	1	8	3	1	7	1	6	4	12
Of which	12 were Premature - normally L2 complaints referred back to the Council	1	1	0	0	2	0	0	1	1	2	2	2
and	4 were enquiries by the LGO which have NOT been changed by further actions	0	0	0	0	0	1	0	1	0	0	0	2
	23 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	0	3	4	0	4	1	0	3	0	2	2	4
	3 Provisional View on investigated cases currently pending LGO decision	0	0	0	0	0	0	0	0	1	0	0	2
and	10 Investigations completed	2	0	2	1	0	0	1	2	1	0	0	1
Leaving	6 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **11** cases have received a substantive response in an average of **17 working days**
 There have so far been **22** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **4** complaint awaiting an initial response
 There are currently **2** premature complaints being processed

The Ombudsman's anticipated response time is currently **20 working days**

72 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0	Ongoing Complaints (Investigations only) b/fwd from 2012/13												
72	New Complaints were reported from 1 April 2013 to date (including Prematures & enquiries)	11	7	5	8	5	4	9	4	4	4	8	3
Of which	10 were Premature - normally L2 complaints referred back to the Council	0	1	2	2	0	1	0	0	0	1	3	0
and	4 were enquiries by the LGO which have not been superseded by a later Ombudsman "decision"	0	0	0	0	0	0	0	0	1	1	2	0
	37 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	6	3	2	4	5	2	5	2	2	2	2	2
	1 Provisional View on investigated cases currently pending LGO decision	0	0	0	0	0	0	1	0	0	0	0	0
and	16 Investigations completed	0	0	2	0	5	2	1	1	0	4	1	0
Leaving	4 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **20** cases have received a substantive response in an average of **15 working days**
 There have so far been **37** cases which were not "investigated" - though some may have required a response to LGO questions
 There are currently **1** complaints awaiting an initial response
 There is currently **0** premature complaint being processed

The Ombudsman's anticipated response time is currently **20 working days**

ADJUDICATION & REVIEW COMMITTEE

26 NOVEMBER 2015

Subject Heading:

**Children, Adults & Housing: Learning
& Achievement
Annual Complaints Report 2014/15**

CMT Lead:

Isobel Cattermole

Report Author and contact details:

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

Policy context:

Quality and High Customer Satisfaction

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

This report is for information and refers to the reports presented to Children & Learning Overview & Scrutiny Committee on 9 September 2015.

RECOMMENDATIONS

The Committee **note** the reports and contents.

REPORT DETAIL

Please see attached report

IMPLICATIONS AND RISKS

Financial implications and risks:

See attached report

Legal implications and risks:

See attached report.

Human Resources implications and risks:

See attached report.

Equalities implications and risks:

See attached report.

BACKGROUND PAPERS

None

CHILDREN & LEARNING OVERVIEW AND SCRUTINY COMMITTEE

9 September 2015

Subject Heading:	Children, Adults & Housing: Learning & Achievement Annual Complaints Report 2014/15
CMT Lead:	Isobel Cattermole
Report Author and contact details:	Veronica Webb, Senior Complaints &, Information Officer Mercury House, Mercury Gardens Romford RM1 3SL Telephone: 01708 432589
Policy context:	Service Quality and Customer Service

SUMMARY

1. The Learning & Achievement report attached as Appendix 1 provides information on the complaints received during 2014/15. It should be noted that Maintained Schools and Academies have their own complaints procedure which are dealt with through their Governing Bodies and are not included within this report. Schools admissions and exclusions are dealt with through a statutory appeals process and also not included in this report.

RECOMMENDATIONS

2. That Members note the contents of the attached report for information.

REPORT DETAIL

3. There were four Ombudsman enquiries during 2014/15, two informal enquiries, one which the LGO decided was outside of her jurisdiction and one in which the LGO found maladministration with no injustice. This is in relation to a complaint in 2013/14 and the final decision being received in 2014/15.

4. The number of complaints received during 2014/15 dropped by 52% compared to 2013/14. The number of enquiries recorded, which are complaints referred back to the schools has increased by 71%. These consist of complaints that are referred back to schools to be taken through their own complaints procedure, but are recorded as an enquiry for monitoring purposes.
5. Of those complaints regarding education/schools, this ranged from parents complaining about welfare/safety of their child within the school, school holiday fines, adult education, school placements and decisions around SEN.
6. The current CRM system provides only limited reports and therefore the Complaints, Information & Communication Team have obtained information in relation to outcomes. Monitoring information in relation to age, disability and ethnicity is not available within corporate reports
7. Learning & Achievement responses to complaints were good during 2014/15 with 77% of complaints being responded to within the 10 day timescale, this dropped slightly compared to 2013/14 (93%) due to complex SEN complaints. Members' correspondence response times were also slightly lower in 2014/15 (91%) compared to 2013/14 (95%).
8. Compliments continued to increase slightly, up 15% in 2014/15. This is likely to be due to continued encouragement by the Service for these to be sent to the Complaints, Information & Communication Team to be recorded.
9. The main learning points from the report are to continue to improve recording especially around outcomes/recommendations/monitoring information and using complaints information as a tool to improve service delivery.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications or risks arising from this report, as it only notes details of previous complaints..

Legal implications and risks:

There are no apparent legal implications from noting this Report.

Human Resources implications and risks:

There are no direct HR implications or risks to the Council, or its workforce, that can be identified from the recommendation or contents of this report.

Equalities implications and risks:

The report demonstrates that there is a transparent and structured (both informal and formal) route for concerns or complaints, to be registered for review and action where required.

The Council is working towards improving the monitoring of the diversity profile of complainants and service users against relevant protected characteristics such as age, disability, ethnicity, etc, The Governing Body Support Unit is providing complaints training within schools and can explore how information can be obtained. In line with the Council's corporate policy on translation and interpreting services, this service also offers information in other languages and alternative formats on request.

The Service will continue to look at ways in which information can be obtained from schools in order to identify areas for improvement through the Governing Body Support Unit, as well as exploring other options.

BACKGROUND PAPERS

None

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APPENDIX 1

Children, Adults & Housing: Learning & Achievement

Annual Report 2014 – 2015 Complaints and Compliments

Prepared for:

Isobell Catermole, Group Director – Children, Adults & Housing

Mary Pattinson, Head of Learning & Achievement

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

	<u>Contents</u>	<u>Pages</u>
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2.1	- Service Areas	3-4
2.2	- Reasons	4
2.3	- Outcome	4
2.4	- Response Times	4
3	Members Correspondence	5
4	How complaints were received	5
5	Compliments	5
6	Conclusion	5-6

Executive Summary

The number of concerns raised in relation to Learning & Achievement in 2014/15 were mainly in relation to schools and referred to the schools complaints process and not taken through the Corporate Complaints Procedure, but recorded as enquiries.

With the introduction of the Children & Families Act 2014 there was a restructure in Learning and Achievement with the creation of a new team – Children and Adults with Disabilities. The new legislation places new responsibilities on the Authority in providing an Education, Health & Care Plan for those with special educational needs or learning disability from early years to adulthood.

1. Ombudsman referrals

There were four Ombudsman enquiries during 2014-15, with one finding of maladministration but no injustice (this is in relation to a complaint in 2013/14, however final decision made in 2014/15); one outside the Ombudsman's jurisdiction and two informal enquiries.

	Apr14- Mar15	Apr13- Mar14	Apr 12- Mar13
Maladministration	1		
No investigation			2
No maladministration after investigation			
Ombudsman discretion			
Investigation with Local settlement		1	1
Outside Jurisdiction	1		
Investigation Discontinued			
Premature/Informal enquiries	2		2
Total	4	1	5

2. Total number of complaints

Within Learning & Achievement most enquiries received are in relation to schools which are referred back to the school to be taken through their own complaints procedure and these have increased significantly by 71%, but are recorded for monitoring purposes. Complaints overall have however decreased by 52%

	Corporate Complaint	Enquiry	Total
2014/15	13	48	61
2013/14	27	14	41
2012/13	8	20	28

2.1 Service Areas

The majority of complaints were in relation to 'Education & Schools' which were referred back to the local authority due to the dissatisfaction with how a matter was dealt with by the educational establishment.

Service Area's	Apr 14 – Mar 15	Apr 13 – Mar 14
Education and Schools	8	23
School Admissions	1	2
Special Educational Needs	1	-
Attendance, Behaviour & Traveller Support Service	-	2
Adult Education	2	-
School Catering	1	-
TOTAL	13	27

2.2 Reasons

Complaints reasons varied across services and was mainly in relation to 'behaviour of staff' or level of service which were linked to welfare/safety of child within a school, mainly bullying related, school holiday fines, adult education, school placement, decisions regarding SEN.

	Quality of Service	Behaviour/ Attitude of Staff	Level of Service	Lack of Communication	Safeguarding Issues	Council is Unreasonable
Apr 14 – Mar 15	-	3	4	-	-	1
Apr 13 – Mar 14	1	7	2	3	1	2
	Dispute decision	Challenge Council Decision	Unhappy with Service	Non Delivery of a Service	Policy Issue	Service Failure
Apr 14 – Mar 15	1	3	-	-	1	1
Apr 13 – Mar 14	3	4	3	1	-	-

2.3 Outcome

Corporate complaints at present do not provide reports on outcome, however through what has been extracted manually from the records, in the majority of cases an explanation was given.

2.4 Response times

Corporate complaints have decreased by 67% in 2014/15 compared to 2013/14. Out of the 13 Corporate complaints received in 2014/15, 10 (77%) of these were completed within timescale compared to 2013/14 (93%). This drop was mainly as a result of very complex SEN related complaints.

	Within 10 days		Outside of timescale	
	Apr14-Mar15	Apr13-Mar14	Apr14-Mar15	Apr13-Mar14
Corporate Complaints	10	25	3	2

3. Members' Correspondence

The number of members correspondence has dropped by 32% in 2014/15 and of the 47 members correspondence received, 43 (91%) were responded to within timescale.

	2014/15	2013/14	2012/13
Members Correspondence (from MP's & Cllrs)	47	62	50

4. How Complaints were received

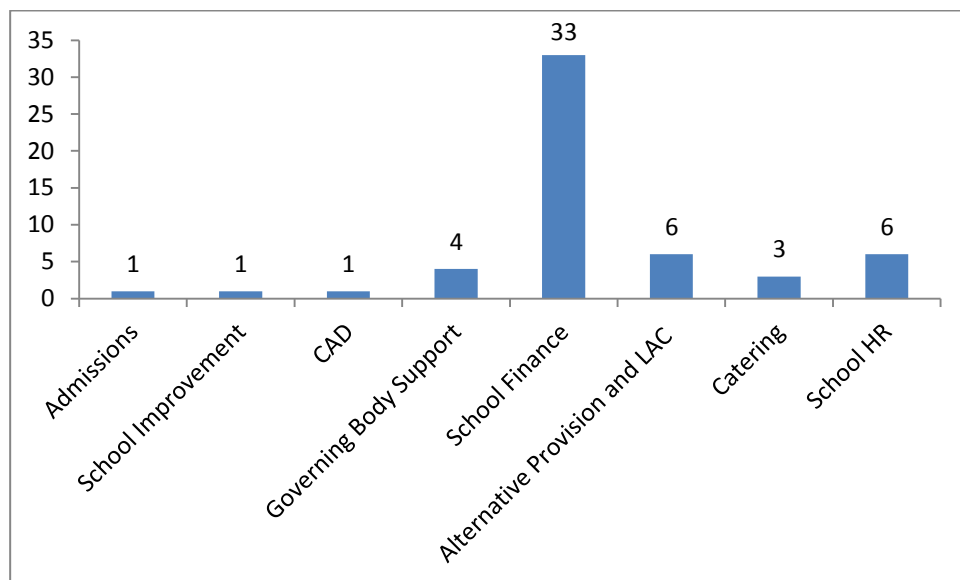
Although it has been possible to report on how complaints were received, again this is through manual extraction from records, as this report is not available corporately. Telephone is the preferred method of contact with email being the next preferred method.

	Letter	E-mail	Complaint Form	Telephone	Online
2014-15	3	4	-	5	1
2013-14	5	7	2	13	-

5. Compliments

There has been a steady increase of 15% in 2014/15 compared to 2013/14 in the number of compliments received. This is still being encouraged to be sent to the Complaints Team for logging. The high number of compliments received for School Finance was as a result of a survey being sent to schools from the team, which resulted in positive feedback.

	2014/15	201/14	2012/13
Compliments	55	47	10



6. Conclusion

Information available through the corporate reporting does need to be explored, in relation to this report, as information is limited. The Service is looking to explore ways in which monitoring information is obtained and the Governor Support Service have provided

training on complaints handling to schools who choose to buy back into the Havering Education Traded Services – Governor Support Service.



ADJUDICATION & REVIEW COMMITTEE

26 NOVEMBER 2015

Subject Heading:

**Adult Social Care Complaints Annual
Report 2014/15**

CMT Lead:

Isobel Cattermole

Report Author and contact details:

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

Policy context:

Quality and High Customer Satisfaction

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

This report is for information and refers to the reports presented to Individuals
Overview & Scrutiny Committee on 22 September 2015.

RECOMMENDATIONS

The Committee to **note** the reports and contents.

REPORT DETAIL

Please see attached report

IMPLICATIONS AND RISKS

Financial implications and risks:

See attached report

Legal implications and risks:

See attached report.

Human Resources implications and risks:

See attached report.

Equalities implications and risks:

See attached report.

BACKGROUND PAPERS

None



INDIVIDUALS OVERVIEW AND SCRUTINY COMMITTEE

22 September 2015

Subject Heading:	Adult Social Care – Complaints, Comments & Compliments Annual Report
CMT Lead:	Isobel Cattermole Director Children, Adults & Housing
Report Author and contact details:	Veronica Webb Senior Complaints & Information Officer Mercury House, Mercury Gardens Romford RM1 3SL Tel: 01708 433589
Policy context:	Quality and high customer satisfaction

SUMMARY

The 'Annual Report 2014-15 Adult Social Care Complaints, Comments & Compliments' attached as Appendix 1 is for consideration and outlines the complaints, enquiries, compliments and Members correspondence received during the period April 2014 – March 2015.

RECOMMENDATIONS

1. That Members note the contents of the report and the continued work in resolving and learning from complaints and the future challenges faced by the service.
2. That Members note the actions identified to improve services and the continued monitoring to ensure actions are implemented to evidence service improvements.
3. That Members note the positive feedback to services by way of compliments received.

REPORT DETAIL

4. The number of overall complaints have decreased slightly in 2014/15 by 17% from 2013/14, however there was a slight increase in the number of formal complaints compared to 2013/14 by 7%. The number of Ombudsman referrals in 2014/15 increased from 2013/14. Of the Ombudsman referrals, two were found no evidence of maladministration with two findings of maladministration, one with injustice the other no injustice.
5. The changes within Adult Social Care have continued and therefore teams are reflective of both the old structure and structure at the time in order to take into account previous year's figures. Preventative & Assessment had the highest number of complaints which included a number of disabled freedom pass complaints, following responsibility transferring from London Councils to the local authority. External provider agency complaints have continued to decrease in 2014/15, homecare by 41% and residential/nursing homes by 22%.
6. 'Quality of service' remains the highest reason for complaint, but has dropped by 58% in 2014/15 compared to 2013/14. 38% were in relation to home care and mainly timing of visits. 'Dispute decision' is the next highest mainly around provision of adaptations/equipment e.g bathing facilities and eligibility for the Disabled Freedom Pass. 'Level of service' second highest also, related to respite stays within residential/nursing homes and service provided by home care agencies, as well as discharge arrangements. 'Behaviour of staff' dropped by almost half in 2014/15.
7. The main outcome is 'explanation given' which links to 'apology given' when acknowledged that information may not have been communicated effectively. Meetings offered have increased and has been helpful to both complainant and Service.
8. Complaints responded to within 10 working days have dropped by 14% for informal complaints and 39% for formal. There has also been an increase in the number of complaints being responded to over 20 working days. Complaints have become more complex and have required information/ involvement of other agencies which has led to timescales not always being met. This may still be comparatively low in 2015/16 where complaints require involvement of other agencies.
9. The number of complaints has increased across nearly all age ranges with the highest for those aged between 55-64 and 45-54 of 60% and 67% respectively. Age ranges for 2015/16 will not be broken down in the same way, but will be reporting on 18-64, 65-74, 75-84 and 85+. There was an increase of 67% of those with a physical disability which may be reflective of the number of complaints involving disabled freedom passes. 'White British' still remains highest and reflective of Havering's population, although

dropped slightly in 2014/15. Recording information has improved with all information being recorded in 2014/15.

10. Letter, email and telephone continue to be the most preferred method of contact in 2014/15, with a slight increase in those online.
11. There was no expenditure incurred for 2014/15.
12. Although compliments have decreased by 17%, they continue to compare almost equally to the number of complaints.
13. Members' correspondence has increased by 33% in 2014/15 with 80% being responded to within timescale, an improvement from 2013/14 with 75% being responded to within timescale.
14. Complaints information continues to be a useful performance tool to improve services. Efforts will need to be made to improve response times, however with more complex complaints and more agencies involved this may still remain comparatively low.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

Legal implications and risks:

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

Human Resources implications and risks:

Adult Social Care continues to support a personalised approach to customer needs in the Havering community. Training and development opportunities for staff will focus on the skills that are essential for effectively undertaking this responsibility. It is of vital importance that existing, and potential, customers receive the highest quality of service delivery possible. The needs of Adult Social Care staff in relation to implementation of the Care Act, with greater integrated working with health services, have been captured within the new Workforce Development Strategy and Plan.

The Council uses monitoring data from the complaints process as an indicator of how well Adult Social Care is delivering its services to the community. To ensure that there is significant continuity, and consistency in advice, along with other areas of delivery, frontline and support staff across the service teams need to be part of a stabilised workforce that is able to meet service and quality standards. Relevant outcomes from the complaints process have been incorporated into the new Plan in order to aid learning and improve staff performance..

Equalities implications and risks:

We are regularly monitoring the equalities profile of our customers and it is encouraging that disclosure is improving year on year.

The most recent monitoring information has evidenced that the number of ethnic minorities accessing the complaints process is reflective of the population within Havering and therefore accessing information about our Complaints, Comments and Compliments Policy and Procedure or the facilities available to make a complaint/compliment is available to these groups. Monitoring data shows that there has been a significant increase in complaints made by service users with physical disabilities and this has been linked to the increase in disabled freedom pass complaints, however this will need continued monitoring.

We will continue to ensure that our communication is clear, accessible and written in Plain English, and that translation and interpreting services or reasonable adjustments are provided upon request or where appropriate. We will need to ensure accurate and comprehensive monitoring data is maintained to cross-tabulate complaints data against protected characteristics. This will provide us with more detailed information on gaps/issues in service provision and barriers facing people with different protected characteristics, and will enable us to take targeted actions and make informed decisions on service improvement and future service provision.

BACKGROUND PAPERS

None

ANNUAL REPORT 2014-2015

ADULT SOCIAL CARE

Complaints, Comments and Compliments

**Prepared for: Director of Children, Adults & Housing
Isobel Cattermole**

**Head of Adult Social Care
Barbara Nicholls**

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

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

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ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

1. Executive Summary

There will be a move towards providing adult social care differently with the challenges with the implementation of the Care Act 2014 and the increased demand on resources. Adult Social Care have experienced a decrease in the number of complaints between 2013/14 and 2014/15, however with these changes the Service may experience an increase in the number of complaints and will need to ensure these changes are managed appropriately.

It is noted that Ombudsman complaints have increased in 2014/15 and that the number of formal complaints have also increased significantly in 2014/15. Again we have seen a high level of complaints disputing decisions, and it has been highlighted where recording has been clear, concise and appropriate that those decisions are able to be justified. However there is still a need to ensure recording is of the required standard.

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. |

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

3. Complaints Received

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Page 3 of 13

Veronica Webb

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

3.1 Ombudsman referrals

The number of Ombudsman referrals increased in 2014/15 with two decisions of maladministration, (one 'injustice', one 'no injustice'), two cases were under investigation, one the Ombudsman did not investigate and closed the complaint, two were found no evidence of maladministration and there were three enquiries.

	Apr 14- Mar 15	Apr 13- Mar 14	Apr 12- Mar 13
Maladministration	2		
Local settlement with penalty			2
No maladministration after investigation		3	
Ombudsman discretion			
-Cases under investigation/ongoing	2	1	
-Investigation not started/discontinued	1	3	2
No evidence of maladministration/service failure	2		2
Cases completed not premature			
Premature/Informal enquiries	3	1	4
Total	10	8	10

3.2 Total number of complaints

The total number of complaints dropped in 2014/15 by 17% from 2012/13. Although there has been a drop it should be noted that this may increase in 2015/16 with the various changes on how Adult Social Care is provided and the increased pressure on resources.

Total Number of Complaints			
2014/15	2013/14	2012/13	
92	108	106	

3.3 Stages

There has been a slight increase of 7% in the number of formal complaints for 2014/15 with a drop in informal complaints by 37%. Enquiries dropped from 2013/14 and are not included in any further figures within this report.

	Enquiry	Formal	Informal	Joint health and adult social care formal complaint
Apr 14 - Mar 15	22	54	36	2
Apr 13 - Mar 14	32	50	57	1
Apr 12 - Mar 13	9	34	68	4

3.4 Teams

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

The highest number of complaints received was within the Preventative & Assessment Team with a sharp increase of 67% in 2014/15 compared to 2013/14, which related mainly to disputes over adaptations/equipment, as well as Freedom Passes. There continues to be a drop in the number of complaints regarding external agencies, with homecare complaints decreasing by 41% and a 22% drop in residential/nursing complaints. Although external home care remains one of the areas most complained about, when taking this in to perspective, the total number of people who received home care in 2014/15 was 2,027 with a total of 642,649 commissioned hours. Of those receiving home care who complained (32), 11 were on self-directed support.

The Preventative Team also had an increase in the number of complaints in 2014/15 of 25% compared to 2013/14. The Joint Assessment and Discharge Team received 50% less complaints in 2014/15 compared to 2013/14

It should be noted that with restructure of the service, teams shown in the table below consist of those teams in the previous structure as well as those currently in the structure.

	Apr 14- Mar 15	Apr 13 – Mar 14
Adult Protection Team (Safeguarding Adults)		3
Access & Assessment		5
Adult Community Team North	2	5
Adult Community Team South	8	9
Adult Social Care Customer Services (Front Door)	3	2
Appointee and Receivership	1	
Commissioning		14
Day centres	4	4
Direct Payments		2
External Homecare	17	24
External Nurs/Res	9	11
Financial Assessment & Benefits Team	6	
Joint Assessment & Discharge Team [JAD]	5	10
LD Team	3	5
Mental Health	2	
Preventative & Assessment	18	6
Preventative Team	8	6
Quality & Brokerage	2	
Reablement	3	9
Royal Jubilee Court		
Safeguarding	2	
Supported Living		
Joint Health & Adult Social Care		1

3.5 Reasons

There has been a drop in the number of complaints regarding 'quality of service' by 58% in 2014/15. The continuation of the Quality & Safeguarding Meetings has evidenced the impact on ensuring that services provided on behalf of the local authority are improving and that the trend has been that 'quality of service' has continued to decrease over the

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

years. Nine were in relation to the home care provided, mainly around timings of visits. The next highest reason for complaint was 'dispute decision' mainly around charges, although some were in relation to provision of equipment or adaptations, e.g. bathing facilities. Also there were a number of disputes regarding disabled freedom passes following assessment of eligibility on responsibility transferring to the local authority from the London Councils. 'Level of service' was also high and related to respite stays or care provided within an external residential/nursing home, or external home care agency and discharge arrangements.

'Behaviour of staff' has dropped by almost half in 2014/15 and was mainly where a complainant did not agree with the decision made and felt they were not listened to.

	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 14 – Mar 15	-	7	1	-	-	1	2	21
Apr 13 – Mar 14	4	13	-	-	-	-	4	25
	Eligibility	External to Social Services	Financial Issues	Incorrect Information	Incorrect Invoicing	Incorrect assessment	Lack of Communication	Level of Service
Apr 14 – Mar 15	1	-	4	4	-	-	4	21
Apr 13 – Mar 14	-	1	14	2	-	2	10	17
	Need of Service	Non Delivery of a Service	Quality of Service	Safeguarding Issues	Welfare Concerns			
Apr 14 – Mar 15	-	1	24	-	-			
Apr 13 – Mar 14	7	10	57	-	2			

3.6 Outcome

The main outcome in 2014/15 was 'explanation given'. However it should be noted that 'apology given' is also linked to 'explanation given' where it was acknowledged that initial enquiries may not have been dealt with or communicated effectively. Meetings offered have increased in 2014/15 which have assisted both the complainant understand processes and the decisions made and the Service in understanding from the complainant's perspective. What has also been highlighted is the need for staff to ensure that they are providing clear and concise information around charges and that this is recorded appropriately.

	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 14 – Mar 15	23	5		3			
Apr 13 – Mar 14	36	3	1	3	2	-	-
	Compensation Offered	Complaint Withdrawn	Explanation given	Financial Assistance awarded	Fees Waivered	Hours increased	Information given
Apr 14 – Mar 15		1	53		3		
Apr 13 – Mar 14	-	1	66	-	4	-	1

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

	Meeting offered	No further action required	Referred to Safeguarding	Re-Imbursement	Services Reinstated	Training Identified	Other
Apr 14 – Mar 15	6	1		1		1	
Apr 13 – Mar 14	3	1	-	2	-	2	3

3.7 Response times

The response times for 2014/15 dropped by 14% for informal complaints and 39% for formal complaints within 10 working days. Also there has been a drop in the number of complaints responded to within 11-20 working days by 5% (informal) and 1% (formal). In 2014/15 there has been a significant increase in the number of complaints taking over 20 working days for both informal and formal by 44% and 47% respectively. It should be noted that complaints have become more complex requiring information/involvement from external agencies which has led to timescales not always being met.

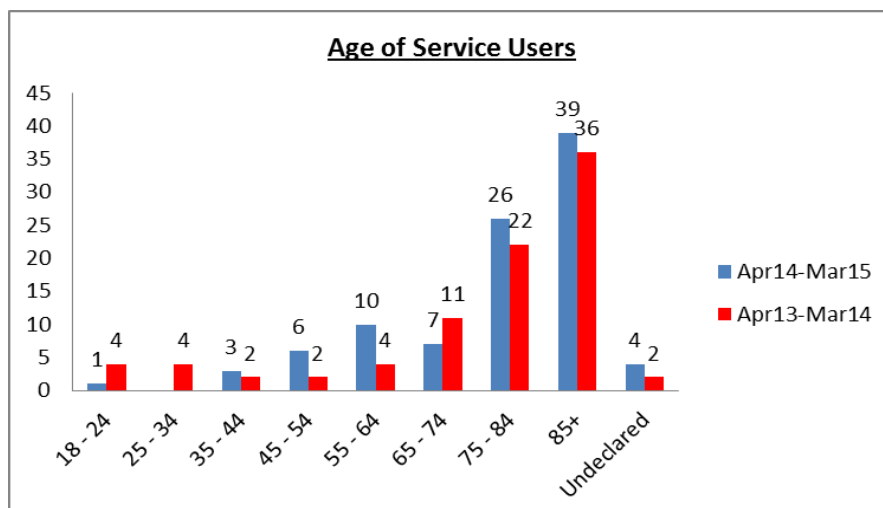
External agencies response times within 10 working days improved in 2014/15 with a number of complaints being dealt with by discussion with the complainant. It should be noted that 21% were referred to safeguarding and therefore closed as a complaint.

	Within 10 days		11-20 days		Over 20 days	
	Apr 14 – Mar 15 %	Apr 13 – Mar 14 %	Apr 14 – Mar 15 %	Apr 13 – Mar 14 %	Apr 14 – Mar 15 %	Apr 13 – Mar 14 %
Informal	50	57	25	29	25	14
Formal	33	54	20	21	47	25
External agencies	62	53	21	25	17	19

3.8 Monitoring information

3.8.1 Age

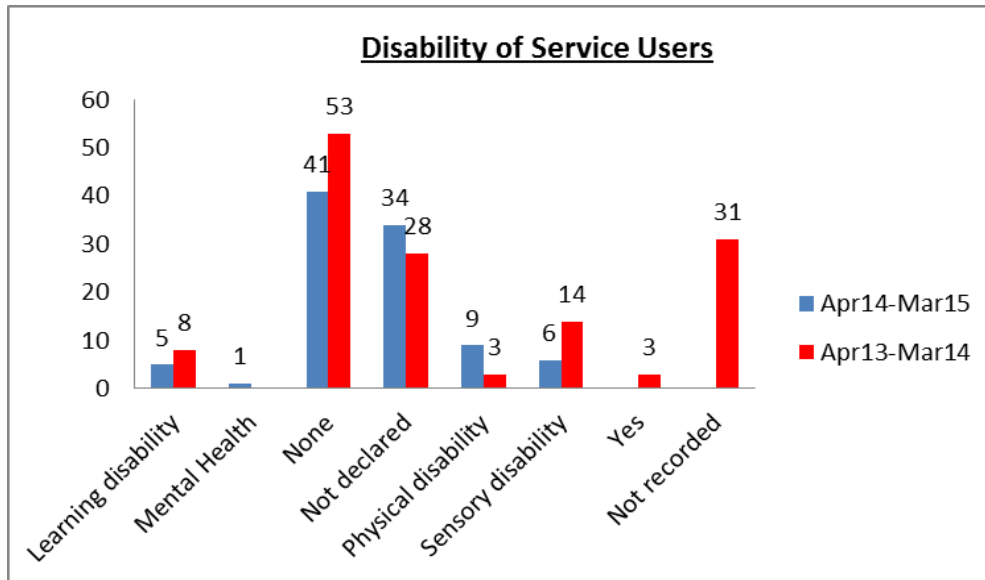
There has been an increase in the number of service users involved in complaints during 2014/15 across nearly all age ranges 85+ (8%); 75-84 (15%); 55-64 (60%) and 45-54 (67%). The population within Havering for 85+ has increased but for those aged 75-84 this has decreased. Population data for those aged 55-64 and 45-54 are no longer broken down in this way, but will be reported in future for those aged 18-64.



ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

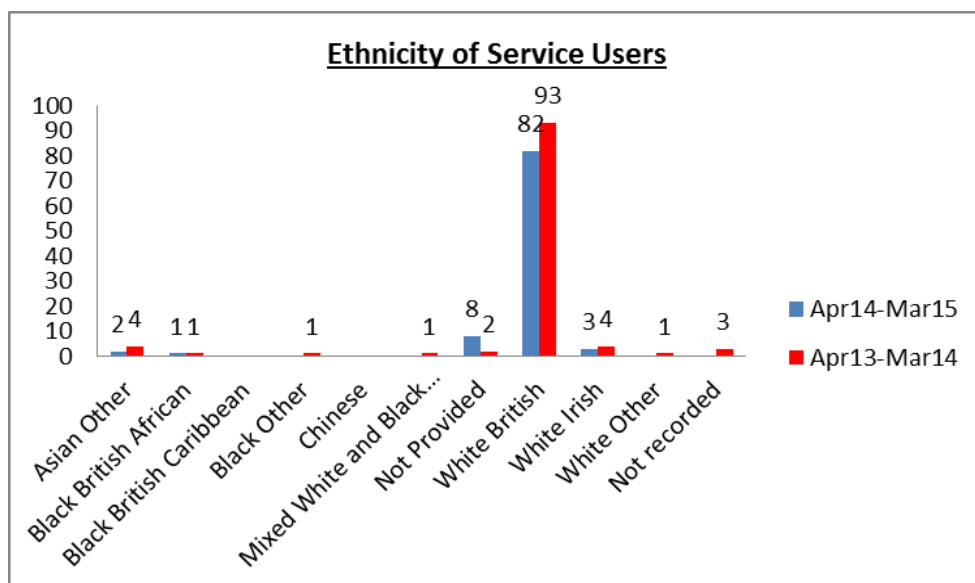
3.8.2 Disability

There has been an increase of 67% in those service users who have a physical disability and this may be representative of the number of complaints regarding disabled freedom passes, however will continue to monitor. There has also been significant improvement in 2014/15 from 2013/14 in 'not recorded' with all disability monitoring information being recorded.



3.8.3 Ethnicity

The number of service users in 2014/15 that are White British has dropped slightly from 2013/14 and still remains the highest number as reflected within Havering's population. It is also noted that 'not declared' has increased from 2013/14 and it may need exploring further as well as the low number of ethnic minorities that are involved in complaints.



ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

4 How we were contacted

Although the method of contacting us has dropped across all types, i.e. complaint leaflet, email, letter and telephone, they still remain the preferred method of contact with an increase in those contacting us online.

	Complaint Card or Leaflet	E-Mail	In Person	Letter	Online	Survey	Telephone
Apr 14 – Mar 15	10	28	-	27	2	-	24
Apr13 – Mar14	17	43	-	52	-	-	28

5 Expenditure

There was no expenditure incurred during 2014/15.

	Compensation	Independent investigators
Apr 2014- Mar 2015	-	-
Apr 2013 - Mar 2014	-	£1,474.97

6. Compliments

There were a total of 85 compliments received during 2014/15 which has decreased by 17% from 2013/14, however this figure almost matches the number of complaints received. Although not a significant drop, staff should be reminded to send all compliments to be logged.

ACT North received the highest number of compliments and this is again mainly through customer feedback forms. Learning Disabilities received the second highest with ACT South and Commissioning receiving the third highest.

Examples of the types of compliments received are:

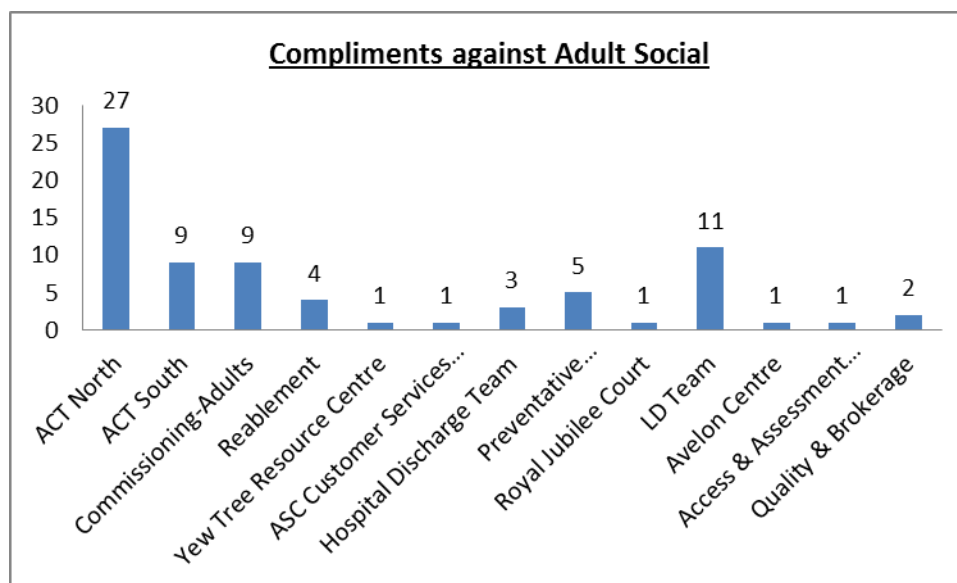
‘The person that visited was very professional was not in a rush and made sure everything was sorted...’ (ACT North).

‘It’s been a very difficult time for me recently and your friendly approach, professionalism, nature and empathy has really helped us through these times’ (ACT South)

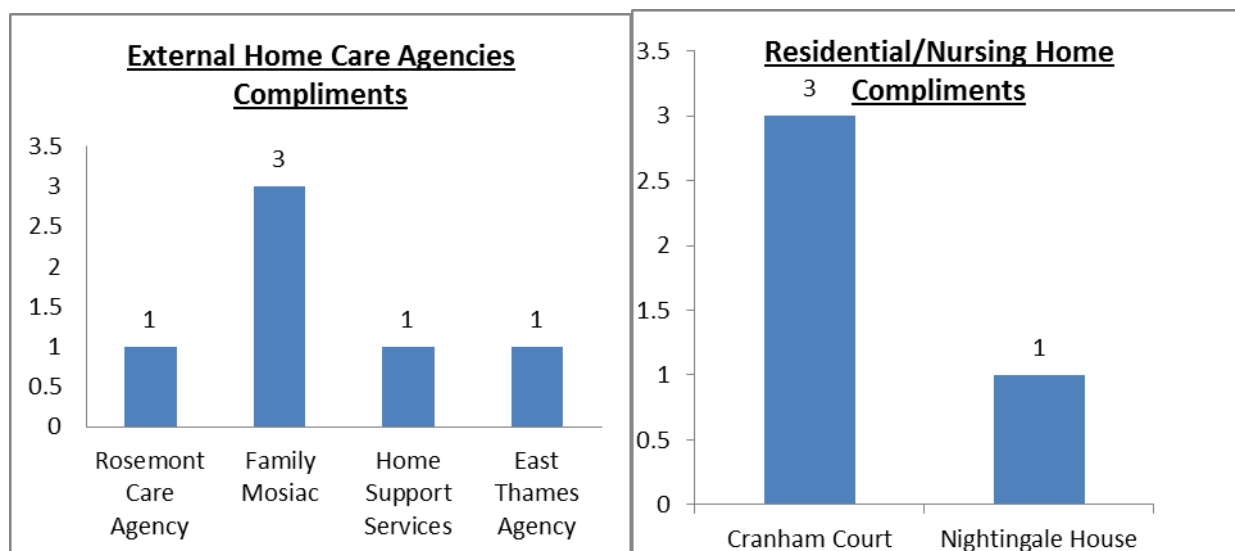
‘We would like to express our thanks and appreciation for your efforts on our behalf’ (Learning Disabilities)

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

'I would just like to say a lady called at my home for an assessment ... was so understanding of my needs, very kind and courteous.' (Preventative Team)



It is noted that compliments have been received for those home care agencies that are recent additions to the local authority's provider framework. There has been a reduction in the number of compliments received for external residential/nursing homes with only two homes recorded. It should be noted that compliments for these agencies are those recorded that come to the local authority and each agency may receive compliments directly.



7. Members Enquiries

Members correspondence received during 2014/15 increased by 33% to 85 with 68 (80%) being responded to within timescale. This is a slight improvement from 2012/13 where 75% were responded to within timescale.

8. Conclusion

Adult Social Care has continued to use complaints information as a performance tool in helping to improve services. It is welcoming to see that 'quality of service' and 'behaviour of staff' have decreased in 2014/15, although 'disputing decisions' remains one of the main reasons for complaint. Appropriate and clear recording has been highlighted as an area of improvement and this will be communicated to all managers with the Service.

Meetings have been proving successful with complainants and helped to inform both complainants and Adult Social Care in highlighting areas where there are gaps in the service.

However, it should be noted that disputing decisions will probably be a continued feature in 2015/16 with the changes envisaged with how social care is provided in future and the deferment of part two of the Care Act in relation to funding and appeals.

Efforts will need to be made in improving response times, however with the complexity of complaints and the involvement of other external agencies, this figure may still remain comparatively low.

Monitoring information is reflective of the borough and with the transfer to the new CRM system it is hoped that this information will still be easily obtainable.

The Complaints Team continue to provide guidance and advice to staff within Adult Social Care on complaints handling.

ADULT SOCIAL CARE ANNUAL REPORT 2014 -2015

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	This will continue to be monitored, although the number of complaints have dropped in 2014/15
Clear information on charges where self-funders become part funded by local authority	<ul style="list-style-type: none"> Improved recording of information given on charges 	<ul style="list-style-type: none"> Social workers/staff to be reminded of recording practices through 1:1 supervisions/PDRs. 	<ul style="list-style-type: none"> All 	Ongoing	This will continue to be monitored, Finance Assessment & Benefits Team Manager to visit team meetings at least annually. Review of process undertaken in 2015/16, with improvements to be implemented by March 2016
Clarity of information regarding respite/reablement/rehabilitation	<ul style="list-style-type: none"> Clear understanding by staff of differences 	<ul style="list-style-type: none"> Staff to be reminded of the differences and what is chargeable and what is not. 	<ul style="list-style-type: none"> All 	Ongoing	This will continue to be monitored, Finance Assessment & Benefits Team Manager to visit team meetings at least annually. Review of process undertaken in 2015/16, with improvements to be implemented by March 2016
Home care charges need to be ratified	<ul style="list-style-type: none"> Confidence that invoices reflect actual delivery 	<ul style="list-style-type: none"> Brokerage to ensure that invoices only accepted with the evidenced actual service delivery 	<ul style="list-style-type: none"> Brokerage Team 	Ongoing	Work is ongoing to improve the process of reconciliation. Review of process undertaken in 2015/16, with improvements to be implemented by March 2016

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ADJUDICATION & REVIEW COMMITTEE

26 NOVEMBER 2015

Subject Heading:

Children Adults & Housing (Children and Young People's Services) Annual Complaints and Compliments Report 2014/15

CMT Lead:

Isobel Cattermole

Report Author and contact details:

Veronica Webb, Senior Complaints & Information Officer,
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Policy context:

Quality and High Customer Satisfaction

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

This report is for information and refers to the reports presented to Children & Learning Overview & Scrutiny Committee on 9 September 2015.

RECOMMENDATIONS

The Committee **note** the reports and contents.

REPORT DETAIL

Please see attached report

IMPLICATIONS AND RISKS

Financial implications and risks:

See attached report

Legal implications and risks:

See attached report.

Human Resources implications and risks:

See attached report.

Equalities implications and risks:

See attached report.

BACKGROUND PAPERS

None

CHILDREN & LEARNING OVERVIEW & SCRUTINY COMMITTEE

9 September 2015

Subject Heading:

Report Author and contact details:

Policy context:

Children Adults & Housing (Children
and Young People's Services)
Annual Complaints and Compliments
Report 2014/15
Veronica Webb
Senior Complaints & Information
Officer
Tel: 01708 433589
Service Quality and Customer
Relationships

SUMMARY

The Children & Young People's Services Complaints Annual report, attached as Appendix 1 provides information about the numbers and types of complaints handled by the Children and Young People's Service during 2014/15, as well as Members' correspondence and how they were dealt with.

RECOMMENDATIONS

1. That Members note the contents of the attached report and the continued efforts made by the service to learn from complaints with the demands on the service through the increasing numbers of children coming under the responsibility of the local authority.
2. That Members note the recommendations identified from complaints and continued monitoring of these to ensure that actions are implemented to evidence service improvements.

REPORT DETAIL

3. Appendix 1 shows a high increase of Stage 1 complaints in 2014/15 compared to 2013/14 of 40%, which may be reflective of the increase in the number of children coming under the responsibility of Children & Young People's Services.
4. The increase in the number of Stage 1 complaints involving 'Under 12's' has doubled in 2014/15 compared to 2013/14 and '12+' and 'Leaving Care' have increased by 63% in 2014/15.
5. Although again for 2014/15 the majority of Stage 1 complaints were made by parents/carers/grandparents, there has been a slight increase in the number of children making the complaints directly in 2014/15. The main reason for complaint was 'behaviour of staff' and this may be reflective of the high turnover of staff within Children & Young People's Services, which may improve with stability in the workforce. 'Lack of communication' was the next highest involving children not in the care of their parents and was mainly around contact arrangements or placements.
6. The main outcomes 'explanation given' and 'apology', were linked to the 'behaviour of staff' and 'lack of communication and further clarification and understanding by the complainant was required and meetings held proved successful. Assessments/reviews were also undertaken as appropriate to resolve complaints at Stage 1.
7. The number of Stage 1 complaints responded to within 10 working days has improved by 29% in 2014/15 compared to 2013/14 and within 20 working days by 35%. However compared to the number of complaints response times are still low i.e. 40% within 10 working days and 37% within 20 working days. The statutory timescale allows for up to 20 working days which gives a 77% response time. However those complaints responded to outside of the 20 working days increased in 2014/15.
8. Of the nine Stage 2 requests, eight were successfully resolved through meetings with only one progressing to investigation.
9. The recommendation/outcome at Stage 2 was in relation to support for Special Guardians and clarification of roles between the Complaints Team and Service Area.
10. There were two Stage 3 Review Panels, one which involved complaint rolled over from 2013/14, the other requested in late 2014/15.
11. Where a complaint does not fall within the statutory framework they are recorded as Corporate complaints. Of the 17 complaints received, 65%

were responded to within timescale. There has been a slight increase in the number of Corporate complaints for 2014/15.

12. Expenditure for 2014/15 totalled £3,006.97 with £2,210.72 being costs for independent investigators and £796.25 for publicity/leaflets.
13. The most preferred method of contact for 2014/15 was by telephone with email the next. In previous years the way complaints and compliments received were recorded, however these will only include complaints in future as has been done in 2014/15.
14. Complaints relating to children between the ages of 0-5 increased by 60% and continued the trend from 2013/14. However in 2014/15 the next highest increase (42%) was among children aged 10-14, whereas in 2013/14 this was among children aged 6-9. The breakdown of ethnicity with 'White British' being reflective of the borough's population, however there was an increase in the number with 'mixed background' from 2013/14. Complaints involving children with a disability remained around the same level in 2014/15. 'Not declared' across age, disability and ethnicity has decreased in 2014/15 showing an improvement from 2013/14.
15. Members' correspondence has decreased slightly in 2014/15 to 24 with 18 (75%) being responded to within timescale compared to 67% in 2013/14..
16. Compliments have decreased by 54% in 2014/15 and staff will need to be reminded to send compliments to the Complaints Team to log. Most compliments were for the care and support given, with Early Help and Under 12s receiving the highest number of compliments.
17. Demand on Children & Young People's Services increased in 2014/15 as in 2013/14 with high levels of staff turnover within the Service. Complaints continue to increase and the Service has continued to use meetings successfully to resolve complaints.
18. Recommendations and actions identified as a result of complaints have been monitored and some actions have been implemented and others are being progressed.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

Legal implications and risks:

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

Human Resources implications and risks:

The Children's Services department have identified actions to be followed through with the qualified workforce to ensure that the learning from the complaints received is firmly embedded into the training and supervision of social work staff and also addressed through the Council's Performance Development Review (PDR) process

Equalities implications and risks:

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

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

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

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

BACKGROUND PAPERS

None

APPENDIX 1

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

Annual Report 2014 – 2015 Complaints and Compliments

Prepared for:

Isobel Cattermole, Group Director – Children, Adults & Housing

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

Prepared by: Veronica Webb, Senior Complaints & Information Officer

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Executive Summary

The number of Stage 1 complaints rose significantly in 2014/15 with the changing demographics of the borough and the increase in the number of looked after children. Again during 2014/15 the changes in the complaints processes have proved successful in reducing the numbers of complaints progressing to Stage 2 with the continuation of meetings with the complainant.

Although there have been improvements in timescales being met, there still is an increasing number of complex complaints and this will need to be looked at in how we can deal with these in a more timely manner. The behaviour of staff and communication remain the most common causes of complaint and this will need to be the focus for improvement in the coming year.

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.

Introduction

The Local Authority Social Services Complaints (England) Regulations 2006' governs complaints, representations and compliments received about children and young people's services.

There are three stages covered within the regulations as follows:

Stage 1 – Local Resolution

Response times are 10 working days with a further 10 working days if required. If a young person requires an advocate this should be sought for them. If the complainant is not happy with the response at Stage 1 they can request to progress to Stage 2 within 20 working days of receiving the response.

Stage 2 – Formal Investigation

Response times are 25 – 65 working days. An Independent Investigator and Independent Person are appointed at this stage. The Independent Person must be external to the organisation. Following the independent investigation, the investigation report will be sent to the complainant, along with the adjudication letter giving the decision of the Head of Service. If the complainant is not happy with the response at Stage 2, they can request their complaint to be heard by a Review Panel within 20 working days of receiving the response.

Stage 3 – Review Panel

The Review Panel is managed independently of Complaints, Information & Communication Team via Democratic Services. The Panel must consist of three independent people, one of

whom is the Chair. The Panel must be held within 30 working days from request. Following the Panel Hearing, the recommendations will be issued to the complainant, independent people, advocate and Director within 5 working days. The Director must issue their decision within 15 working days on receiving the recommendations.

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. It should be noted that these figures will differ from those issued by Democratic Services as they include all contacts by the Local Government Ombudsman.

	Apr14-Mar15	Apr 13-Mar14	Apr12-Mar13
Maladministration			
No maladministration after investigation			
Ombudsman discretion			
Investigation with Local settlement			1
Outside Jurisdiction		1	1
Investigation Discontinued		1	
Premature/Informal enquiries	3	1	3
Total	3	3	5

2. Total number of complaints

There has been a significant increase in the number of Stage 1 complaints for 2014-15 compared with 2013-14, with only 1 escalating to Stage 2 compared to 5 in 2013/14. It should be noted that although there are two Stage 3 Review Panels and only one Stage 3 request, one was a complaint from the previous year.

	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
2014/15	27	70	1	-	-	8	1	2	109
2013/14	36	42	5	-	2	3	1	-	90
2012/13	27	43	5	-	-	-	1	1	82

2.1 Enquiries

There was a reduction in the number of enquiries in 2014-15 compared to 2013-14. These are recorded, but not included with any further breakdown of complaints information.

	2014/15	2013/14	2012/13
Enquiries	27	36	27
Enquires escalating to a Stage 1 Complaint	0	0	5

3. Stage 1 Complaints

There has been a large increase by 40% in Stage 1 complaints in 2014/15 compared to 2013/14. The service experienced an increase in the number of looked after children coming into the authority and child protection cases, which could have contributed to the increase. .

3.1 Service Areas

As stated above, the number of children coming into the borough has reflected in the number of complaints involving 'Under 12s' which has doubled in 2014/15 from 2013/14. It is also notable that there has been a significant increase in the number of complaints within the '12+ and Leaving Care Team' of 63%.

There are two complaints against the Preventative Team within Adult Social Care, however these were in relation to Occupational Therapy (OT) assessments for children. There is no longer a specific Children's OT based within Children's & Young People's Services.

Service Area's	Apr 14 – Mar 15	Apr 13 – Mar 14
Under 12's	30	15
Triage/MASH & Assessment Team	11	13
Children with Disabilities Team	2	3
12+ & Leaving Care Team	19	7
Safeguarding & Service Standards Unit (S&SSU)	2	-
Preventative Team	2	-
Adoption	3	1
Fostering	1	3
TOTAL	70	42

3.2 Reasons

The highest number of complaints in 2014/15 is in relation to 'behaviour of staff' and how complainants felt they were treated or spoken to and this will need to be addressed within training. However it should be also noted that there is a high turnover of staff with a high number of agency social workers and this may be difficult to achieve until the workforce is more stable. Although in the short term to medium term this could be addressed through 1:1 supervisions and the Council's Personal Development Review (PDR) process.

The next highest number of complaints was in relation to 'lack of communication'. This is mainly where children are no longer in the care of their parents and there is very little communication between the social worker and the parent, which may be about contact arrangements or being updated about a child's placement. 'Level of service' was the next highest and again this was around contact arrangements and the level of support around fostering placements. The focus however always has to be with the child and decisions based on the best interests of the child. This may not always be accepted by the parent.

	Quality of Service	Behaviour of Staff	Level of Service	Lack of Communication	Data protection	Non Delivery of a Service	Closure of a Service
Apr 14 – Mar 15	7	20	11	14	1	2	1
Apr 13 – Mar 14	9	19	6	2	-	-	-

	Dispute decision	Welfare Concerns	Incorrect Information	Incorrect assessment	Delay to implement a Service	Access to Information	
Apr 14 – Mar 15	5	1	4	2	1	1	
Apr 13 – Mar 14	-	-	3	-	1	-	

3.3 Outcomes

‘Explanation given’ and ‘apology given’ were the main outcomes and linked together. This was mainly where there was a lack of communication or miscommunication and it was acknowledged by the service the effect this had on the complainant as well as giving a clearer understanding of what happened. Meetings were also held which helped complainants to explain their experience of a particular process and to understand the responsibilities of the local authority in relation to Children’s Services. Also reviews/assessments were arranged where it was felt an appropriate outcome.

3.4 Response times

There has been an improvement in the number of complaints being responded to within 10 working days and within 20 working days by 29% and 35% respectively. However there is concern with the number of complaints that are taking over 20 days and outside of the statutory timescale, which has increased from 2013/14. Where these are occurring holding letters are being sent to the complainant, however the Complaints Team will need early notification from managers to advise when this is going to occur.

	Within 10 days		11-20 days		Over 20 days		Withdrawn		Rolled over to 2015-16	
	Apr14 Mar15	Apr13 Mar14	Apr14- Mar15	Apr13- Mar14	Apr14- Mar15	Apr13- Mar14	Apr14- Mar15	Apr13- Mar14	Apr14- Mar15	Apr13-Mar14
Stage 1	28	20	26	17	11	2	3	3	2	-

4. Stage 2 Complaints

The majority of Stage 2 complaint requests eight of the nine were dealt with internally through meetings which have proved effective again during 2014/15 with only one progressing to investigation. As outlined above where a meeting has taken place this allows the complainant to give their views on what has happened to them and why they were not happy with the response at Stage 1. Agreement with the complainant for various actions to be taken and followed up resolves the complaint for them.

4.1 Outcomes/Recommendations

The complaint that progressed to Stage 2 investigation did highlight a number of areas which required improvement in relation to Special Guardianship and the support provided. Also the clarification of roles between the Complaints Team and the Service area needed to be looked at in relation to appropriate decisions being taken about deferring ongoing work.

5. Stage 3 Review Panels

There were two Stage 3 Review Panels held during 2014/15. One of these was in relation to a complaint from 2013/14 and rolled over to 2014/15. The other was from the Stage 2 which escalated to Stage 3.

	2014/15	2013/14	2012/13
Stage 2 request for a Stage 3 with no Review Panel		-	1
Stage 3 Review Panel request which rolled over to 2014/15		1	
Stage 3 Review Panel	2		-

6. Corporate Complaints

Although the figure below shows 20 corporate complaints for 2014/15, three of these were logged against Children's Services incorrectly, therefore 17 corporate complaints were dealt with by the Service. Of the 17 corporate complaints, 65% were responded to within timescale.

	2014/15	2013/14	2012/13
Corporate Complaints	20	15	49

	Children's Centres	Fostering & Adoption	Under 12's	Triage/MASH & Assessment	Early Help	Children & Young People Services
Total	5	5	1	3	1	2

7. Expenditure

Expenditure for independent investigations has reduced in 2014/15 significantly. The cost for the independent investigators is in relation to two complaints from 2013/14 rolled over to 2014/15. The expenditure for the complaints leaflets also includes costs for design.

	Publicity/ leaflets	Independent investigators	Total
April 2014 – March 2015	£796.25	£2,210.72	£3,006.97

8. How Complaints were received

For 2014/15 the figures below only include how complaints were received and not compliments, although for 2013/14 these were included. In future only the way complaints were received will be recorded. Again 'e-mail' and 'telephone' is the preferred method for complainants during 2014/15. There has been a significant drop in the number of complainants contacting us by letter, but an increase in the number using complaint forms.

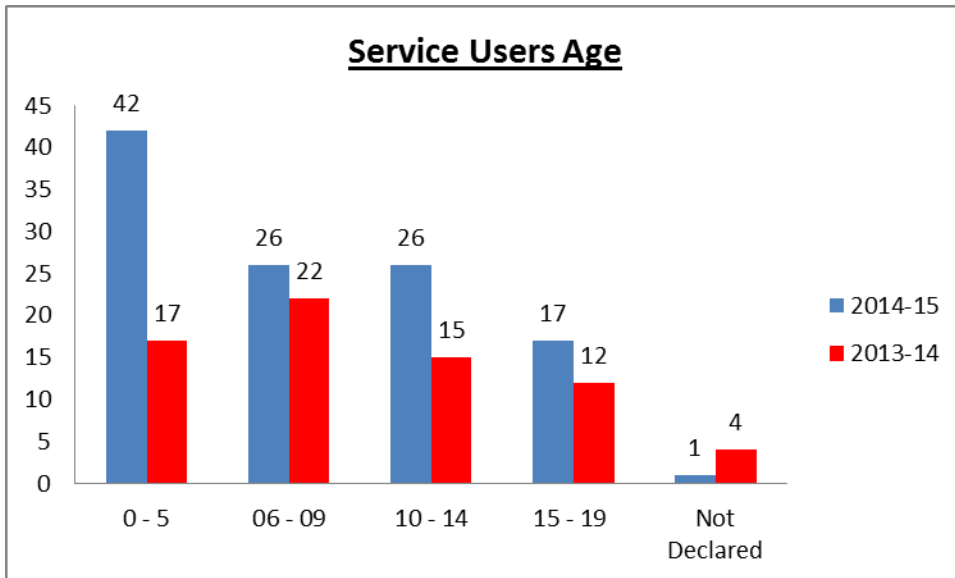
	Letter	E-mail	Complaint Form	Telephone	In Person	Online	Thank You Card	Evaluation Form
2014-15	8	24	12	26	0	-	0	0
2013-14	25	50	5	30	3	1	13	1

9. Monitoring Information

Where a complaint involves more than one child within the family unit, monitoring information for all children within the family that is involved in the complaint is included.

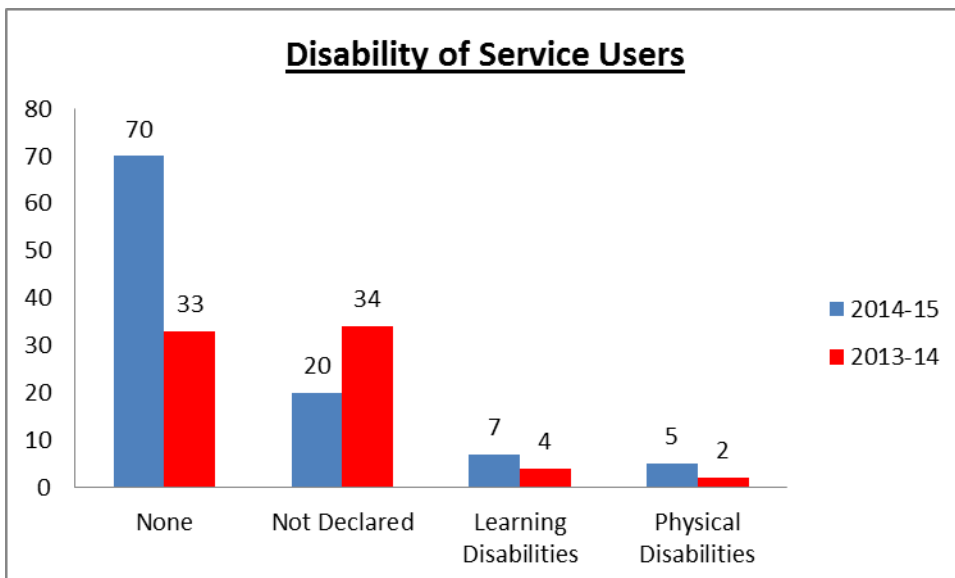
9.1 Age

Children between the ages of 0-5 has the highest increase of 60% during 2014/15 with children between the ages of 10-14 showing the next highest increase of 42%.



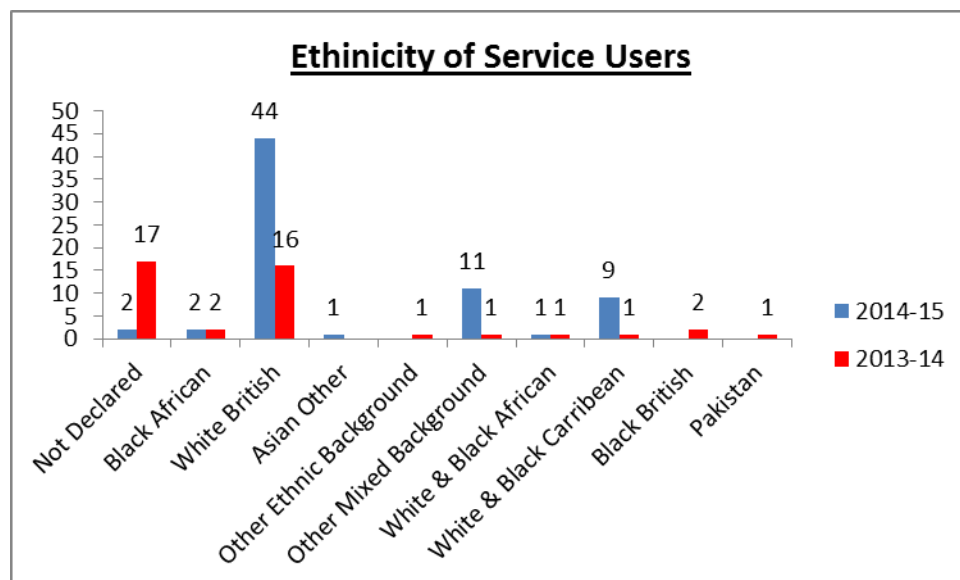
9.2 Disability

The number of children with a disability involved in the complaint is very low, with only seven having a learning disability and five with a physical disability. The number of 'not declared' has decreased from 2013/14 which reflects improved recording of disability status on files.



9.3 Ethnicity

The highest number of complainants are 'White British' which is reflective of the borough population with 83% being White British. The increase in those with 'Other Mixed Background' and 'White & Black Caribbean' could be partly attributed to changing demographics in the borough. Also 40% were recorded as not declared in 2013-2104 which makes comparisons difficult.



10. Members Correspondence

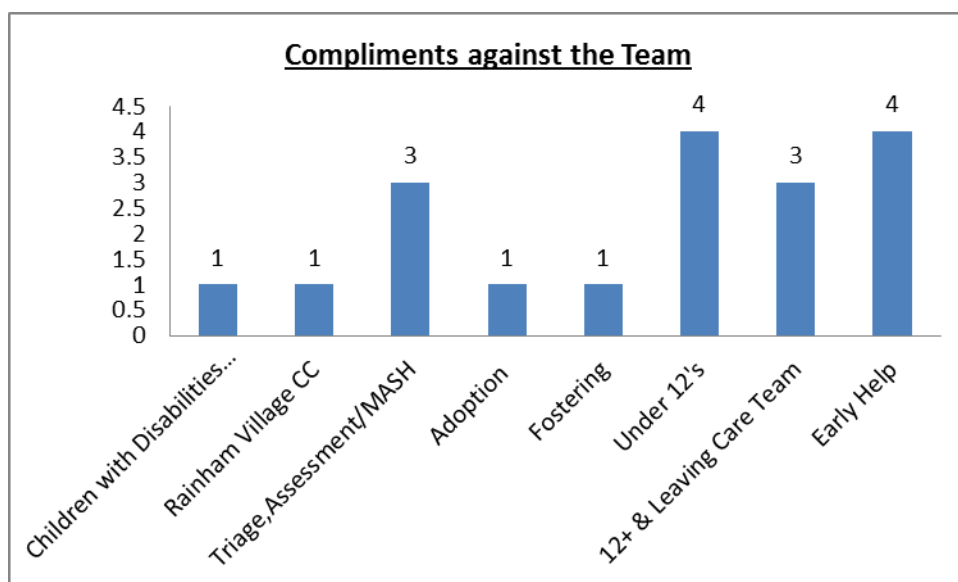
Of the 24 members correspondence received within Children's Services, 18 (75%) were responded to within timescale. This is an improvement to 2012/13 (67%), but efforts will still need to be made to try and improve on this figure for the following year.

	2014/15	2013/14	2012/13
Members Correspondence	24	27	46

11. Compliments

The number of compliments received is quite low across the service with a decrease of 54% in 2014/15 compared to 2012/13. This needs to be highlighted with the various teams to ensure that they are sending compliments to the Complaints Team to be logged. Early Help and Under 12s Team received the highest number of compliments in 2014/15.

	2014/15	2013/14	2012/13
Compliments	18	39	43



12. Conclusion

There has been an increase in the number of children coming into the service and within the local authority's care. This has put added demand pressures on the service at a time when there is a high level of staff turnover and the number of complaints has reflected this in the increase shown in 2014/15.

It has been identified that by using complaints information this can help inform the service and lead to improvements. However some areas of improvement especially around information leaflets have not progressed as quickly as we would have wanted, but are being progressed where possible.

Meetings with complainants who have wished to progress to Stage 2 have again been very successful during 2014/15 with many being resolved. However, it should also be noted that many of these meetings occur when complainants are not clear about what has happened to them and this gives them an opportunity to explain from their point of view. This has also helped the service in identifying where there are gaps in the process which can be addressed quite quickly.

The concern is with the high number of complaints regarding the behaviour of staff, and although these are mainly linked to decisions that may not be accepted, care will need to be taken that with the high turnover of staff that the Service is able to bring any staffing issues to be dealt with through relevant supervision sessions/training/personal development plan objectives.

13. 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	This has been difficult to establish due to the complexity and broadness of S20. Attempts to identify what other local authorities were doing on this did not prove fruitful.
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	The leaflets are in the final stages of design.
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	Managers continue to carry out case file audits to ensure recording is appropriate.
Better communication around contact arrangements and case progression	<ul style="list-style-type: none"> Communication around changes in contact with families. Communication gap when social worker leaves. 	<ul style="list-style-type: none"> To explore better communication re contact arrangements and case progression 	All	On-going	Management arrangements were strengthened during 2014-2015 to assist in improving practice overall. Staff retention remains an issue but it is improving and ensuring better communication with families and better handovers is being addressed in supervision and through the Council's Personal Development Review (PDR) process.

Issues Identified	Lessons Learnt	Action to be taken	Department	Timescale	Review
Support for Special Guardians and clear advice/information regarding financial support and other support available.	<ul style="list-style-type: none"> Advice/support should be given prior to Special Guardianship Order Details of funding should be made clear with specific dates. 	<ul style="list-style-type: none"> Manager to be appointed to oversee advice/support given to Special Guardians to ensure consistency and clarity Specific dates should be included on funding rather than general time period. 	Adoption	On-going	<ul style="list-style-type: none"> Special Guardianship leaflet has been produced giving information and advice. Practice Manager appointed to oversee Special Guardians.

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ADJUDICATION AND COMMITTEE

26 NOVEMBER 2016

Subject Heading:	Update on Corporate Complaints
CMT Lead:	Cheryl Coppel
Report Author and contact details:	Gill Hiscox, gill.hiscox@havering.gov.uk 01708 432066
Policy context:	Corporate Complaint Policy and Procedure 1st April 2015
Financial summary:	There are no financial implications to this report.

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

This report aims to update Members of Adjudication and Review on progress to secure improvements to corporate complaints arising from the revised Corporate Complaint policy and procedure that went live on 1st April 2015.

Whilst there will be a presentation at the meeting, this report attaches written information for Members to consider on complaint statistics, revised Member Review Panel procedure, lessons learned and next steps.

RECOMMENDATIONS

That the Committee **note**:

1. The Corporate Complaints Performance Statistics for quarter 2 (July – September 2015)
2. Future reporting on Local Government and Housing Ombudsman Statistics
3. Lessons learned from complaints
4. Member Review Panels - minor amendments to the process.

REPORT DETAIL

1. Introduction and background:

The Corporate Complaint policy and procedure changed on 1st April 2015. This report aims to bring together various aspects of dealing with corporate complaints and proposals for continued improvement. A presentation will be given at the meeting of Adjudication and Review on the background to this information, however there is written documentation attached as appendices. For ease of reading these are summarised below:

2. Corporate Complaints Performance Statistics:

The quarterly performance statistics for all complaints under the new procedure is attached as **Appendix 1**.

3. Proposed reporting on LGO and Housing Ombudsman statistics:

Information collected on Local Government Ombudsman and Housing Ombudsman cases will be available to Adjudication and Review at the quarterly meeting and a dummy of that information is attached as **Appendix 2**.

4. Members Review Panel procedure:

4.1 A proposal for minor amendments to the Member Review Panel is attached as **Appendix 3**.

4.2 In essence, the experience of MRPs has demonstrated that Members are usually able to determine the outcome of a complaint at a Member Review Panel. As only exceptions go to a full hearing, it is proposed to advise customers so there is less expectation they will be given a full hearing at Stage 3.

4.3 Additionally, it is proposed that the Member Review Panel meeting is separated into two stages to enable attendance of staff to clarify issues of procedure or Data Protection that are not obvious from any report. These staff will not take part in any discussion on the case itself and may be asked to leave once Members are clear they have the procedural information needed to deliberate on findings from the report.

5. Lessons Learned from Complaints:

A summary of lessons learned from various complaints from Stages 2, 3 and Ombudsman enquiries is attached as **Appendix 4**.

IMPLICATIONS AND RISKS

There are no financial, legal, human resource or equality implications or risks from this report.

BACKGROUND PAPERS

The Corporate Complaints policy and procedure may be found on the Internet and provides background to the information in this report.

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The Council defines a complaint as 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.

Following the launch of the new Corporate Complaints Policy and Procedure on 1st April 2015, the timescales in which we have to respond to a complaint has increased from 10 working days to 15 working days for a Stage 1 complaint and from 10 working days to 20 working days for a Stage 2 complaint. For the first time Stage 3 (Adjudication and Review) has a target. This is 31 calendar days.

The target to achieve has also increased for both Stage 1 and Stage 2 responses and is now 95% to time.

The following performance figures now relate solely to complaints under the new process.

Information on the following pages show:

The number of complaints logged at Stage 1 and Stage 2 against the service area and the response times

A graphic of Stage 1 and Stage 2 by topic showing those logged, closed or still open

The specifics of complaints that are outside the corporate target and remain open that need attention

The method of contact by our customers

The cumulative total of complaints from the previous quarter and the build up to this quarter

The complaint outcomes

The reasons for complaints

Stage 3 complaints and the outcome

Stage 3 complaints that started prior to the new process that have also resulted in an MRP this year

Cumulative complaint figures for both Stage 1 and Stage 2 complaints from April 2015 until March 2016

Quarter 2 Performance (Cumulative July- Sept 2015)	
Stage 1 percentage to time overall	93%
Stage 2 Percentage to time	83%
Stage 3 Percentage to time	100%
Stage 1 & 2 cumulative score	88%

Performance for August (in short) is therefore:

Stage 1 percentage to time overall	91%
Stage 2 percentage to time	100%
Stage 3 percentage to time	100%
Stage 1 & 2 cumulative score (this quarter)	96%

Performance for September (in short) is therefore:

Stage 1 percentage to time overall	95%
Stage 2 percentage to time	50%
Stage 3 percentage to time	100%
Stage 1 & 2 cumulative score (this quarter)	88%

Performance for July (in short) is therefore:

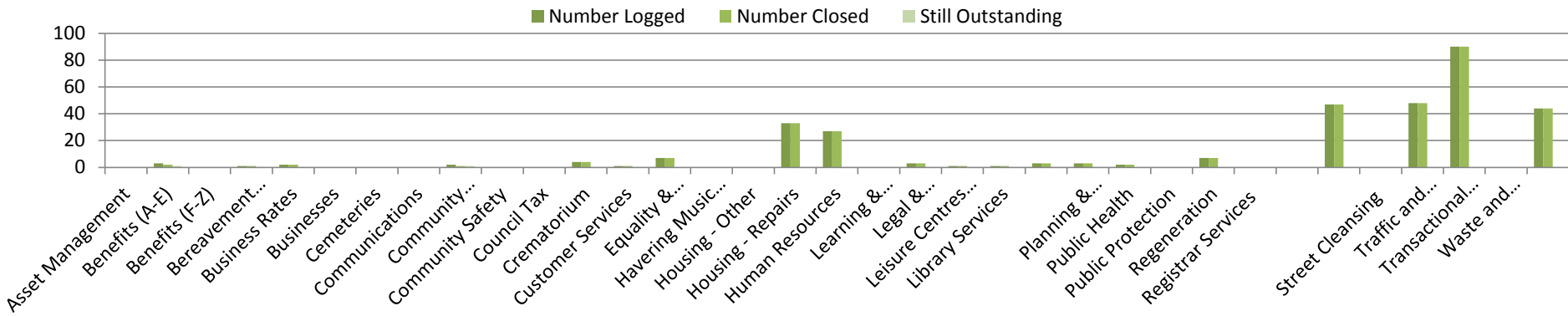
Stage 1 percentage to time overall	93%
Stage 2 percentage to time	100%
Stage 3 percentage to time	N/A
Stage 1 & 2 cumulative score (this quarter)	97%

Corporate Complaints Q2 Report

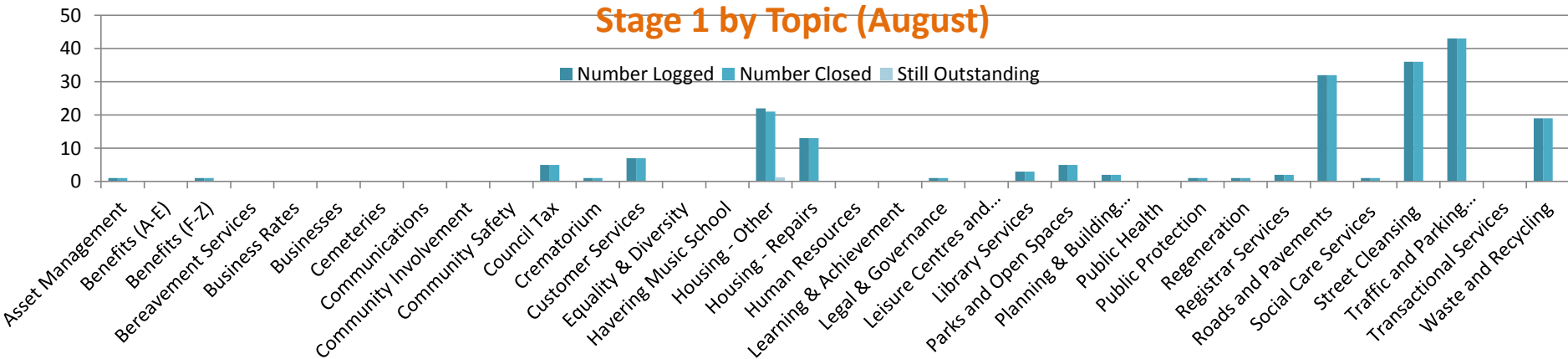
	Carry Over	July				August				September				Total
	Cumulative (Apr - Jun)	Stage 1 logged	In 15 days (%)	Stage 2 Logged	In 20 days (%)	Stage 1 logged	In 15 days (%)	Stage 2 Logged	In 20 days (%)	Stage 1 logged	In 15 days (%)	Stage 2 Logged	In 20 days (%)	Cumulative* (Apr - Sept)
Asset Management	5	3	67%			1	100%	1	1	1	100%	1	100%	10
Benefits (A-E)	1													1
Benefits (F-Z)	11	1	100%			1	100%							13
Bereavement Services	1	2	100%											3
Business Rates	1													1
Businesses	2													2
Communications	0	2	100%											2
Community Safety	1													1
Council Tax	21	4	100%			5	100%			7	100%			37
Crematorium	4	1	100%			1	100%			3	100%			9
Customer Services	35	7	100%			7	100%			10	100%			59
Housing - Other	68	33	100%	1	100%	22	91%	2	1	23	100%	1	0%	146
Housing -Repairs	56	27	100%	1	100%	13	100%			22	100%			118
Human Resources	2													2
Learning & Achievement	4	3	100%							5	100%			12
Legal & Governance	1	1	100%			1	100%							3
Leisure Centres & Sport	0	1	100%											1
Library Services	4	3	100%			3	100%			1	100%			11
Parks & Open Spaces	15	3	100%			5	100%			6	100%			29
Planning & Building Control	17	2	100%			2	100%			6	100%			27
Public Protection	11	7	86%			1	100%			1	100%			20
Regeneration	3					1	0%							4
Registrar Services	4					2	50%							6
Roads and Pavements	94	47	89%	2	100%	32	84%			25	88%			198
Social Care Services	4					1	0%			2	50%			7
Street Cleansing	84	48	94%	2	100%	36	86%			19	89%			187
Traffic and Parking Control	199	90	89%	1	100%	43	95%			36	92%			368
Transactional Services	0													0
Waste and Recycling	135	44	95%	3	100%	19	100%	3	100%	19	95%			217
Stage 1 Logged (Total)	783	329	93%			196				186				1494
Completed in 15 days (%)	83%						91%				95%			88%
Stage 2 logged (Total)	31			10	100%			6	100%			2		49
Completed in 20 days (%)													50%	82%

* Annual cumulative count does not include Stage 2 as these complaints will have been counted as Stage 1 at some point during the year.

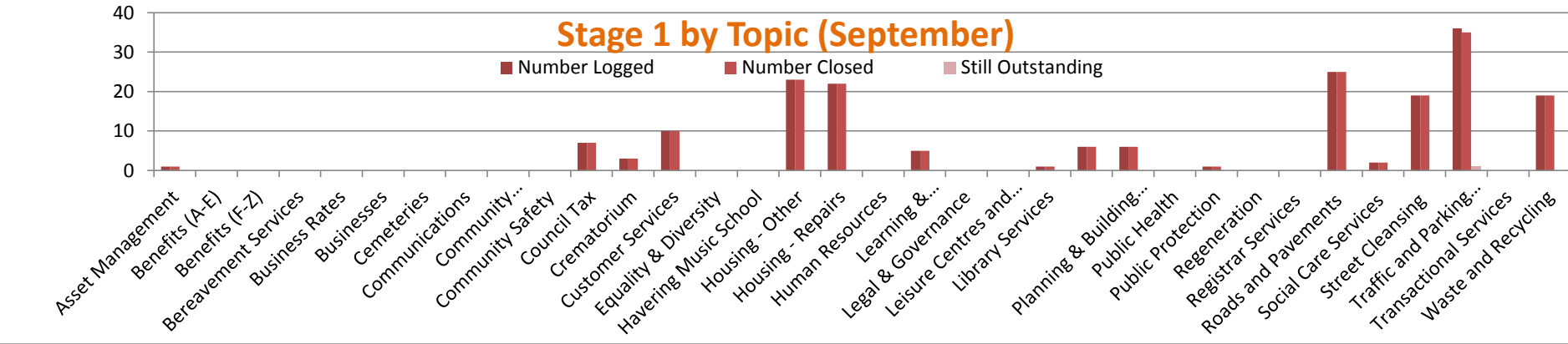
Stage 1 by Topic (July)



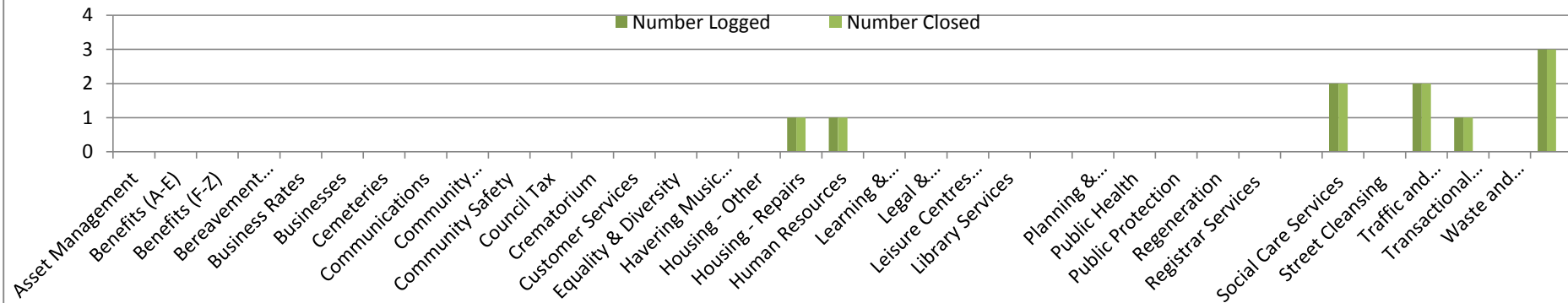
Stage 1 by Topic (August)



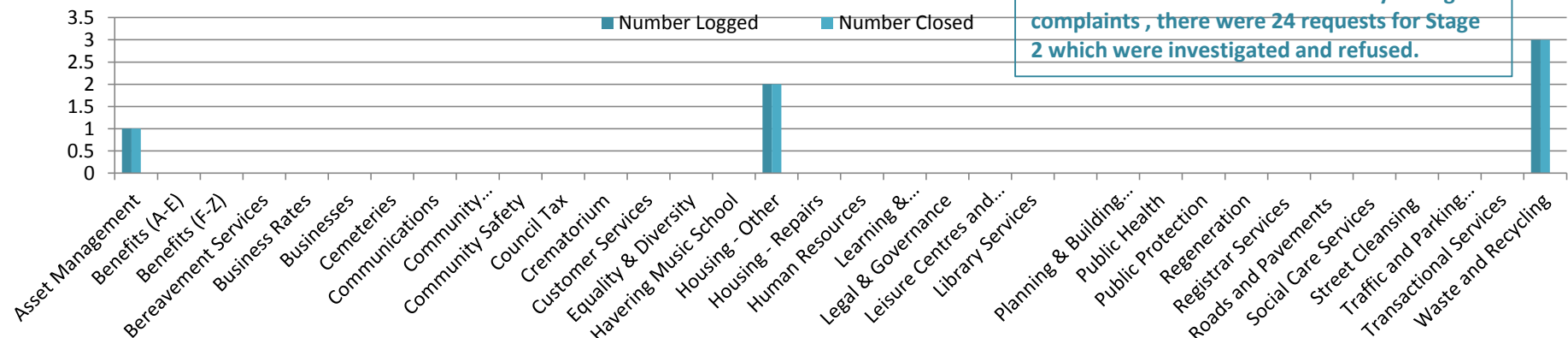
Stage 1 by Topic (September)



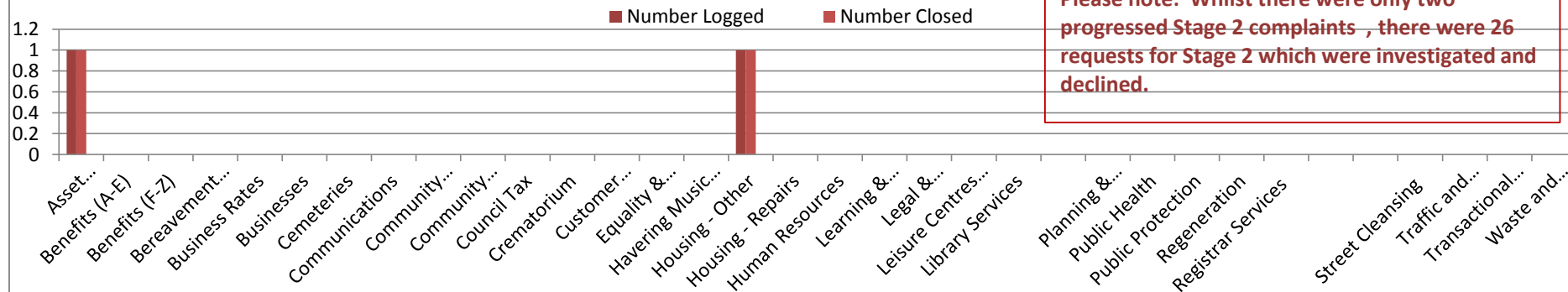
Stage 2 by Topic (July)



Stage 2 by Topic (August)

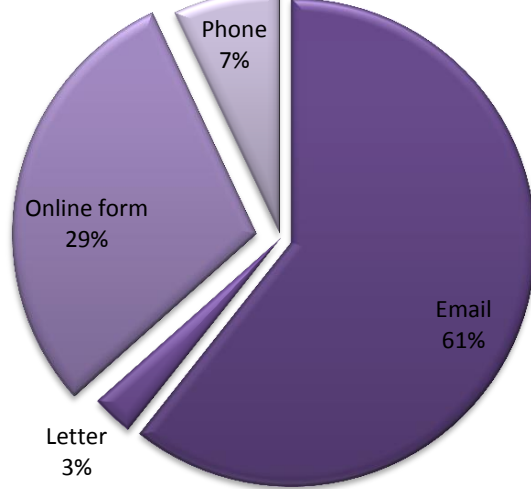


Stage 2 by Topic (September)

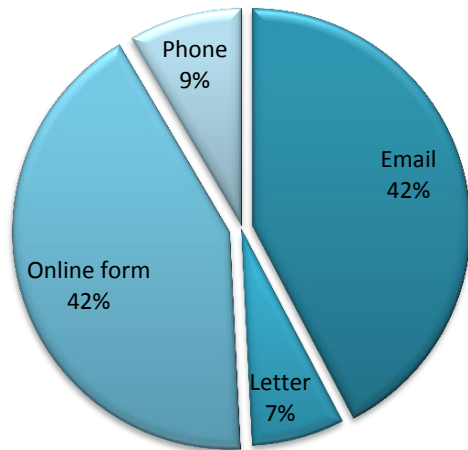


Contact Method

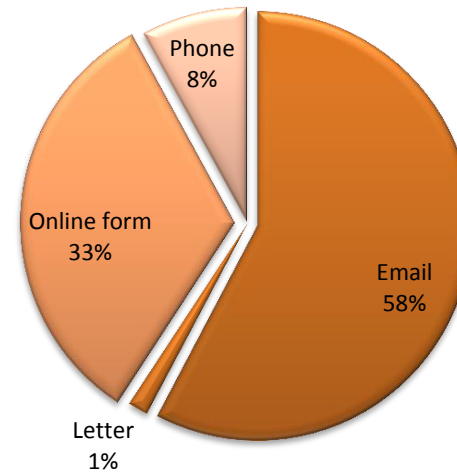
July 2015



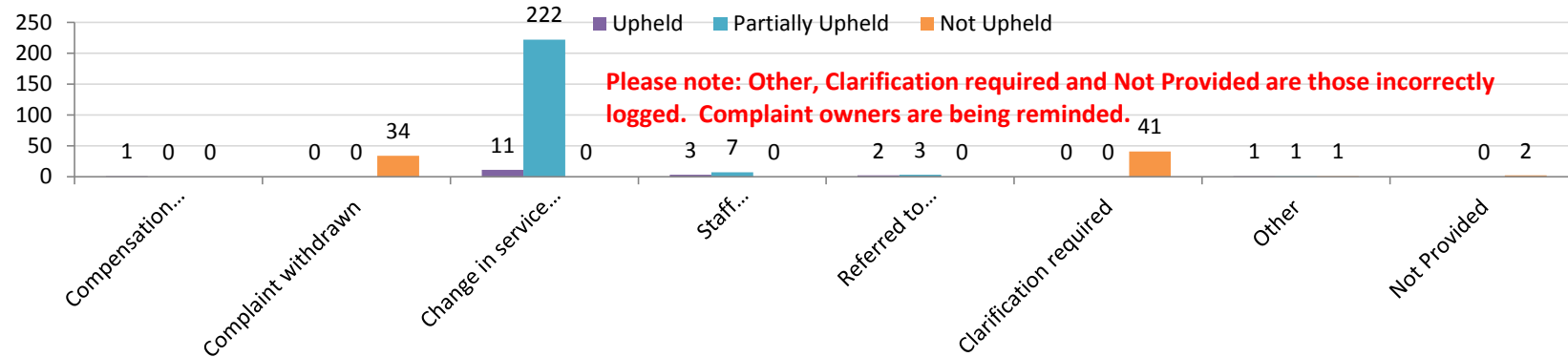
September 2015



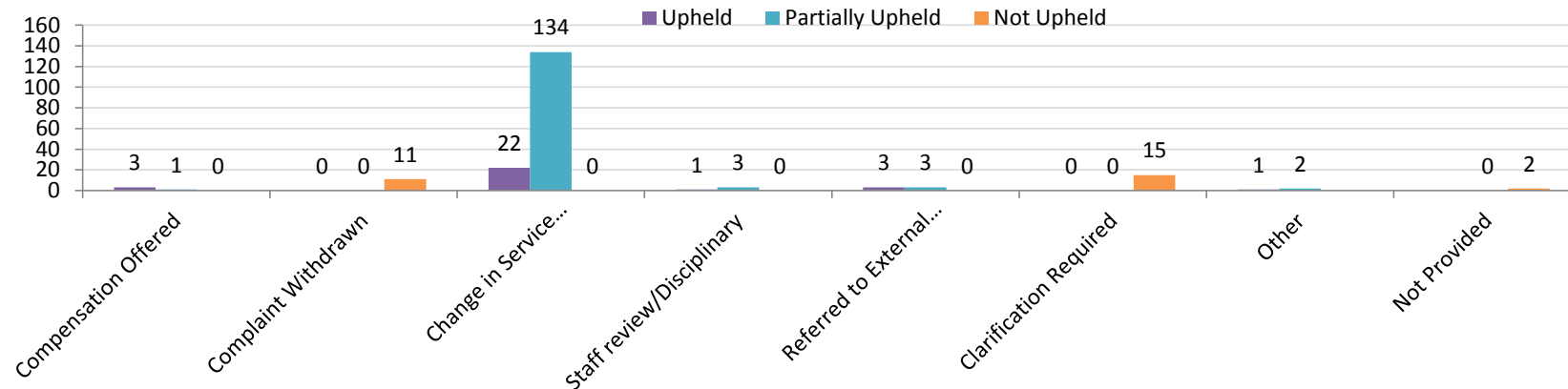
August 2015



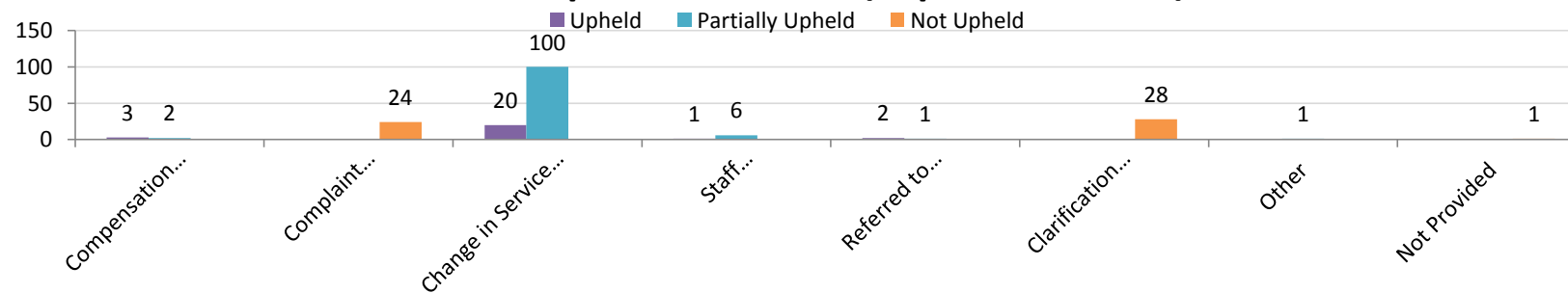
Complaint Outcome (July 2015)



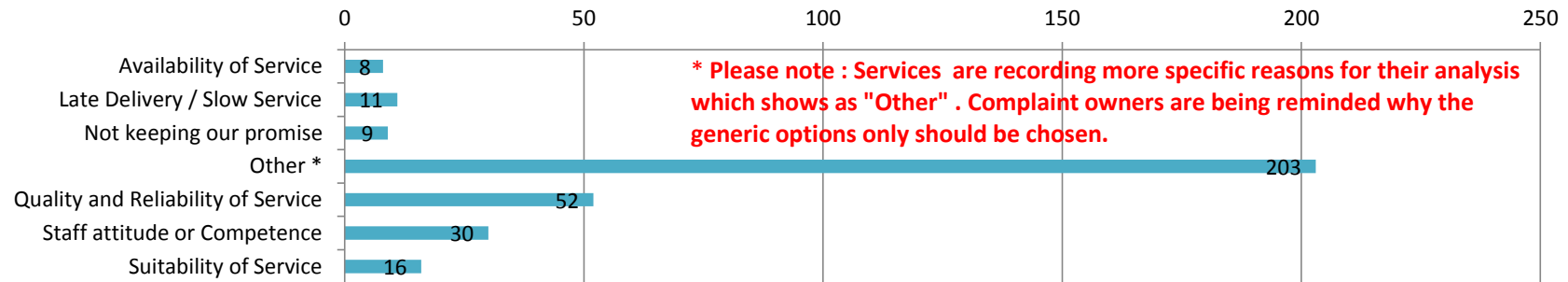
Complaint Outcome (August 2015)



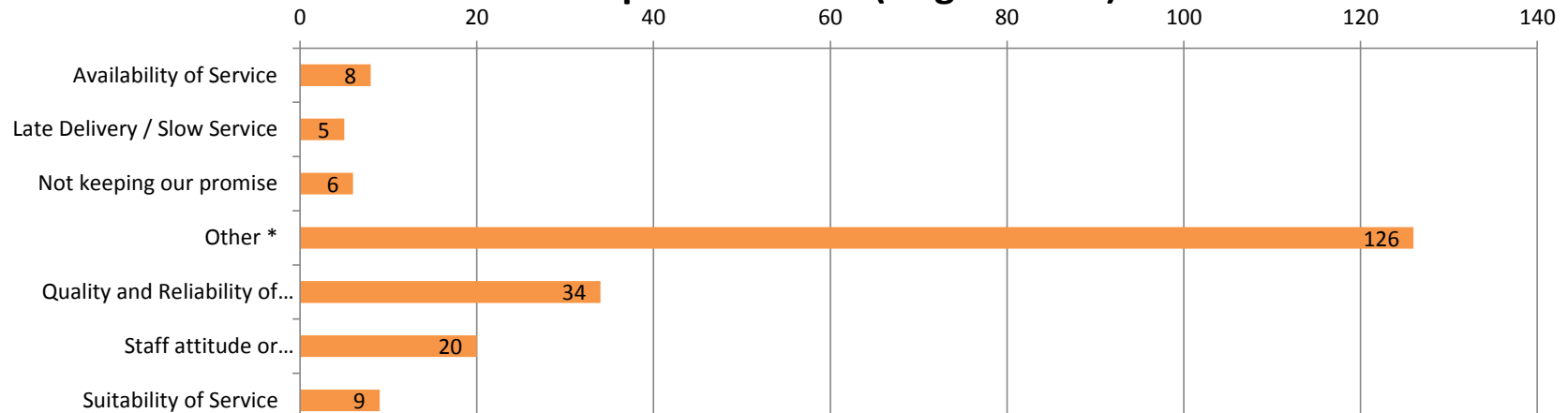
Complaint Outcome (September 2015)



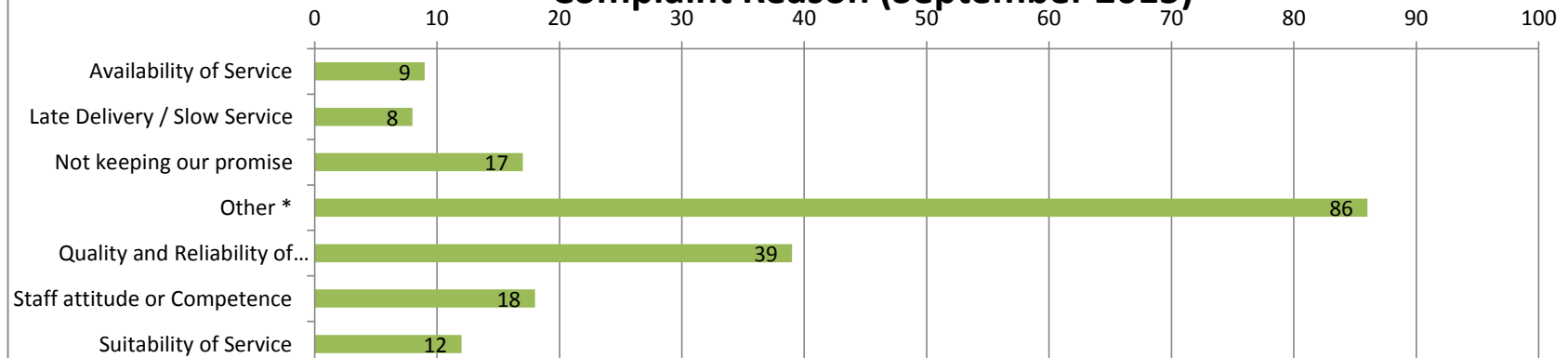
Complaint Reason (June 2015)



Complaint Reason (August 2015)



Complaint Reason (September 2015)

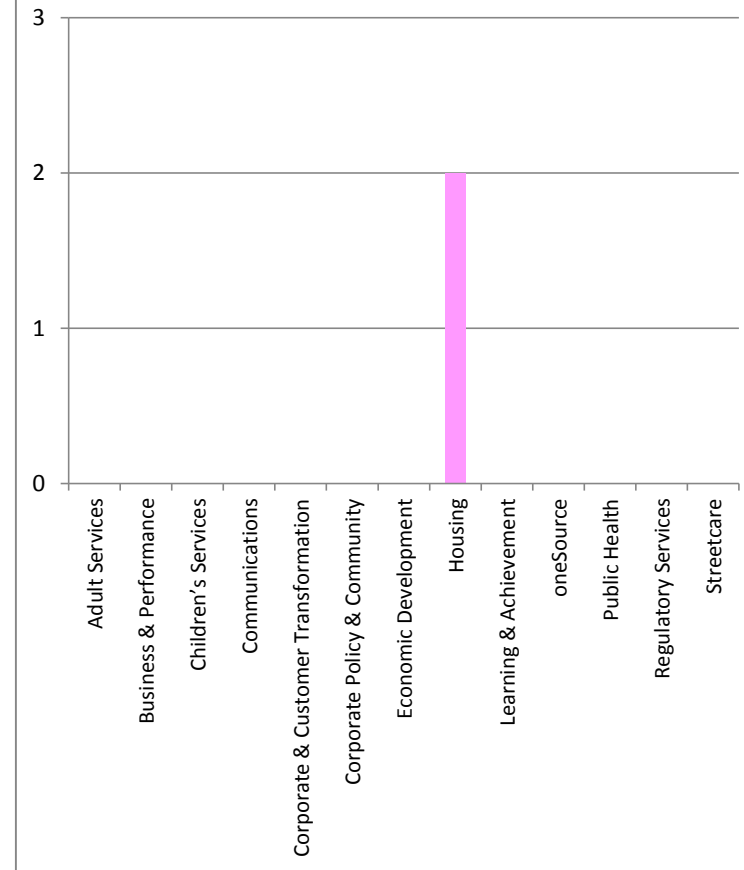


Detailed Summary of Stage 3 Complaints

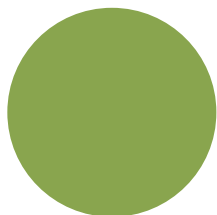
Since the start of the new corporate complaints procedure which started on the 1st April 2015

	Jul-15	Aug-15	Sep-15	Annual Cumulative	Achieved within 31 Calender
Adult Services	0	0		0	
Business & Performance	0	0		0	
Children's Services	0	0		0	
Communications	0	0		0	
Corporate & Customer Transformation	0	0		0	
Corporate Policy & Community	0	0		0	
Culture & Leisure	0	0		0	
Economic Development	0	0		0	
Housing	0	1	1	2	100%
Learning & Achievement	0	0		0	
oneSource	0	0		0	
Public Health	0	0		0	
Regulatory Services	0	0		0	
Streetcare	0	0		0	
Total Logged	0	1	1	2	100%

Stage 3 - Complaints Logged Annual (Cumulative April 2015 - March 2016)



Stage 3 - Complaint Outcome (July-Sep 2015)



Stage 3 prior to new complaints process and procedure (April 2015)

There were 10 Stage 3 complaints recorded prior to April and for

Identifiers	Service Area	Start date	MRP date	Outcome
Jxxxxxx	Adult Services	09/04/2014	09/04/2015	Upheld
Sxxxx	StreetCare	12/09/2014	22/07/2015	Upheld
Kxxxxx	StreetCare	13/11/2014	10/08/2015	Upheld
Sxxxx	Regulatory Servi	20/01/2015	14/04/2015	Not Upheld
Pxxxxx	Housing	22/01/2015	15/04/2015	Upheld
Exxxxxx	Housing	16/03/2015	23/06/2015	Upheld
Rxxx	Housing	18/03/2015	08/09/2015	Upheld
Mxxxxx	Adult Services	24/03/2015	30/06/2015	Not Upheld
Wxxxxx	StreetCare	25/03/2015	01/04/2015	0
Sxxxxx	StreetCare	30/03/2015	14/07/2015	Not Upheld

As at 10/11/2015

Cumulative complaint figures April 15- March 16

Table below shows all corporate complaint stage 1 & 2 figures logged between April '15 to March '16

	Cumulative numbers logged April 15-March16 (Stage 1&2)	% of total	April '15	May '15	June '15	July '15	August '15	September '15	October '15	November '15	December '15	January '16	February '16
Asset Management	12	0.78%	2	0	3	3	2	2					
Benefits (A-E)	2	0.13%	1	1	0	0	0	0					
Benefits (F-Z)	14	0.91%	5	1	6	1	1	0					
Bereavement Services	3	0.19%	0	1	0	2	0	0					
Business Rates	1	0.06%	0	1	0	0	0	0					
Businesses	2	0.13%	1	0	1	0	0	0					
Cemeteries	0	0.00%	0	0	0	0	0	0					
Communications	2	0.13%	0	0	0	2	0	0					
Community Safety	1	0.06%	0	0	1	0	0	0					
Council Tax	40	2.59%	12	5	7	4	5	7					
Crematorium	9	0.58%	0	3	1	1	1	3					
Customer Services	60	3.89%	15	11	10	7	7	10					
Equality & Diversity	0	0.00%	0	0	0	0	0	0					
Housing - Other	155	10.05%	27	27	19	34	24	24					
Housing -Repairs	120	7.78%	31	15	11	28	13	22					
Human Resources	2	0.13%	0	2	0	0	0	0					
Learning & Achievement	12	0.78%	1	0	3	3	0	5					
Legal & Governance	3	0.19%	1	0	0	1	1	0					
Leisure Centres & Sport	1	0.06%	0	0	0	1	0	0					
Library Services	11	0.71%	2	1	1	3	3	1					
Parks & Open Spaces	30	1.94%	6	3	7	3	5	6					
Planning & Building Control	28	1.81%	9	3	6	2	2	6					
Public Protection	20	1.30%	4	0	7	7	1	1					
Regeneration	4	0.26%	0	0	3	0	1	0					
Registrar Services	6	0.39%	2	1	1	0	2	0					
Roads & Pavements	201	13.03%	26	20	49	49	32	25					
Social Care Services	8	0.52%	1	1	3	0	1	2					
Street Cleansing	192	12.44%	13	18	56	50	36	19					
Traffic & Parking Control	377	24.43%	73	39	95	91	43	36					
Transactional Services	0	0.00%	0	0	0	0	0	0					
Waste and Recycling	227	14.71%	47	39	53	47	22	19					
Total Complaints logged	1543		279	192	343	339	202	188					
% Total Time (within target)			Insufficient data for this 1st quarter				88%						

NB : % of total indicates the percentage of complaints for each service area from April 2015 to March 2016.
% of total time refers to the percentage of stage 1&2 complaints completed within target per quarter

The Council defines a complaint as 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.

Following the launch of the new Corporate Complaints Policy and Procedure on 1st April 2015, the timescales in which we have to respond to a complaint has increased from 10 working days to 15 working days for a Stage 1 complaint and from 10 working days to 20 working days for a Stage 2 complaint. For the first time Stage 3 (Adjudication and Review) has a target. This is 31 calendar days.

The target to achieve has also increased for both Stage 1 and Stage 2 responses and is now 95% to time.

The following performance figures detail Local Government Ombudsman Activity from 1st April 2015 to 31st March 2016

Information on the following pages show:

- Ombudsman Activity broken down by Directorate and Service Area
- Ombudsman Activity broken down by Ward
- Details of complaints made at each stage

This report also identifies the outcome determined by the Local Government Ombudsman

Performance for this year:

Dummy Figures

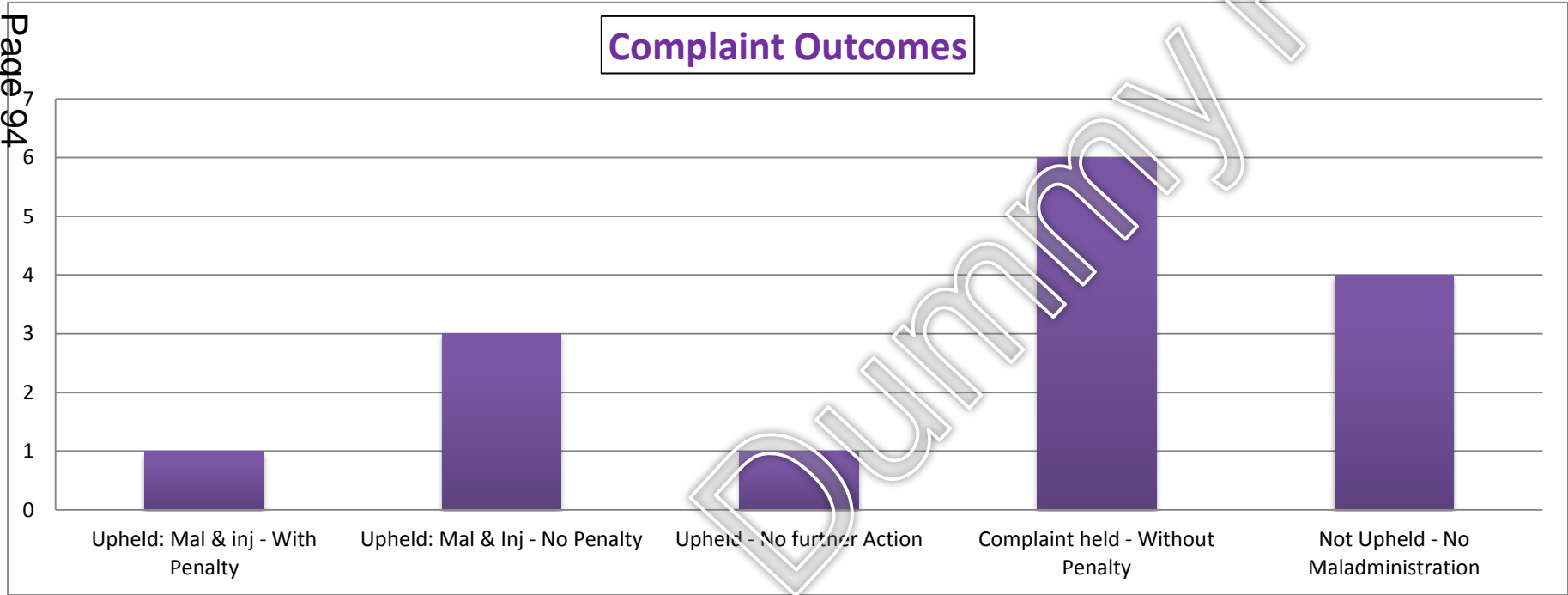
Ombudsman Activity

The table below shows a detailed summary of Ombudsman activity by Directorate and the Service Area in which the complaint sits in. The table also gives details of the Ward in which the Ombudsman activity has taken place, provides and details of the complaints in Stage 1,2 &3.

Complaint No.	Date received	Complaint name	Comments	Directorate	Service	Service Delivery Area	Ward	Type of Enquiry	Stage 1: Date of upload	Outcome	Stage 2: Date of upload	Outcome	Stage 3: Date of upload	Outcome	Date Closed	LGO	Outcome
1	28/05/2015	MRS A-L	Customer denied permission to build a apartment above Garage	Community & Resources	Regulatory Services	Planning	Harold Wood	Dissatisfied with staff attitude	28/05/2015	Not upheld	15/06/2015	Not upheld	03/07/2015		01/08/2015	XXXXX	XXXXX
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
[Commentary on the stats presented]																	

Evaluation of Ombudsman Activity

Total of all complaints received between 1 April 2015 and 31 March 2016:

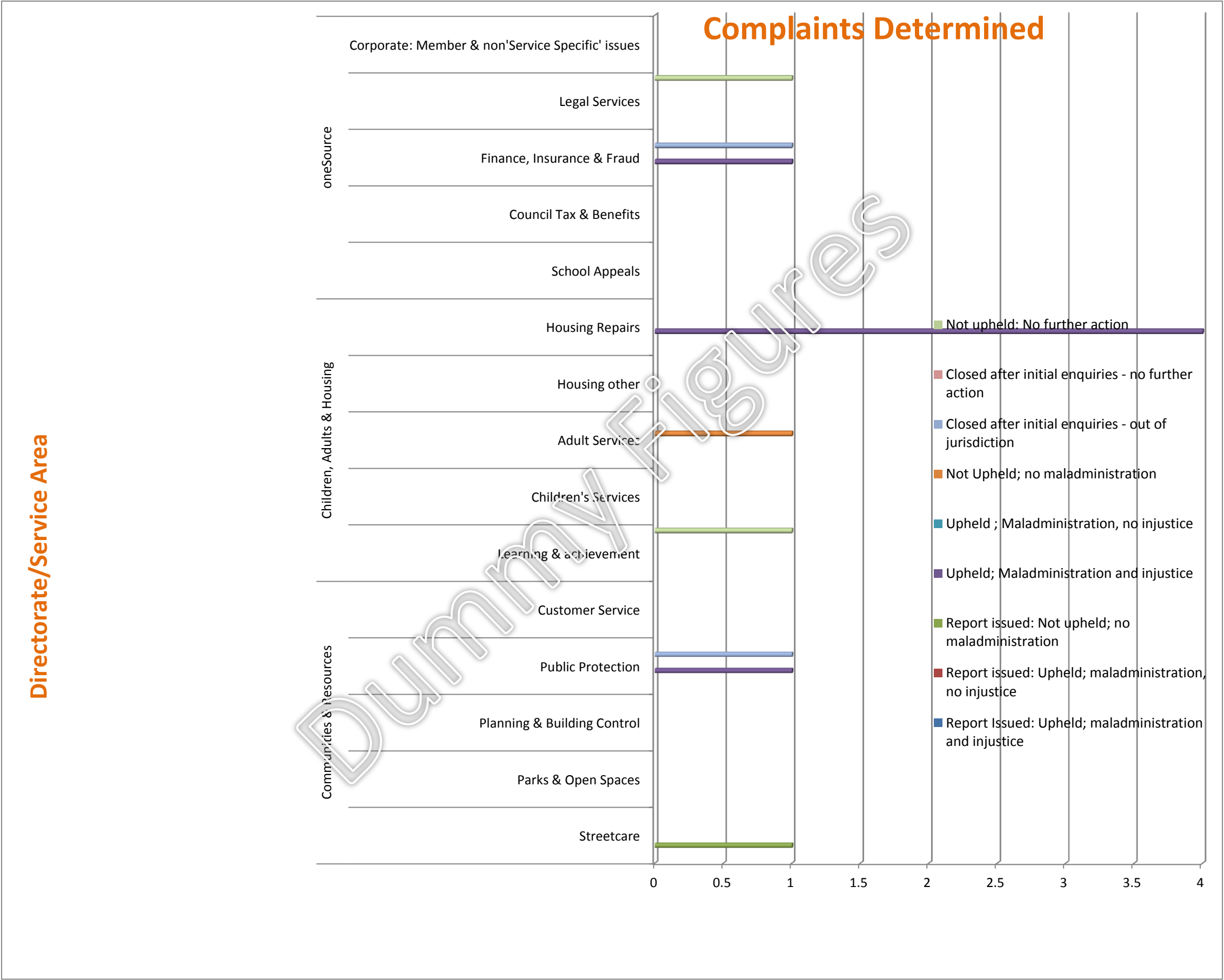


Local Government Ombudsman Complaint Elements - by Service 1 April 2015 - 31 March 2016

NB: 9 cases were brought forward from 2014/2015

Complaints determined:

		Report Issued: Upheld; maladministration and injustice	Report issued: Upheld; maladministration, no injustice	Report issued: Not upheld; no maladministration	Upheld; Maladministration and injustice	Upheld ; Maladministration, no injustice	Not Upheld; no maladministration	Closed after initial enquiries - out of jurisdiction	Closed after initial enquiries - no further action	Not upheld: No further action
Communities & Resources	Streetcare			1						
	Parks & Open Spaces									
	Planning & Building Control									
	Public Protection				1			1		
	Customer Service									
Children, Adults & Housing	Learning & achievement									1
	Children's Services									
	Adult Services						1			
	Housing other									
	Housing Repairs				4					
oneSource	School Appeals									
	Council Tax & Benefits									
	Finance, Insurance & Fraud				1			1		
	Legal Services									1
	Corporate: Member & non'Service Specific' issues									
Total :										



Local Government Ombudsman Cases

1. Mrs A-L

Customer progressed through Stages 1,2 & 3 of the Customers Corporate Complaint procedure. The issue was that the Customer had been denied permission to build a apartment above Garage at the side of the property by planning as the Council's view is that the add-on was not appropriate.

The outcome in each case was Not Upheld. On approaching the Local Governments Ombudsman the issues taken forward were..... The Local Government Ombudsman found that

Dummy Figures

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APPENDIX 3 – A & R 26th November 2015

Stage 3 Corporate Complaints policy and procedure **The role of Members**

With the change in responsibilities for the Council's Corporate Complaint procedure, a change in emphasis is proposed to the Stage 3 element of the procedure. Experience for Members will remain the same and therefore does not need referral to Governance Committee, however the proposed changes intend to provide greater clarity to the complainant on the expectations of the procedure and enable the Stage 3 session to feed into lessons learned from the outcomes of complaints. There follows an explanation of this proposal.

Current Member Review Panels (MRPs) initially IAPs

The original purpose of an IAP was to "sift" requests made to councillors for a Stage 3 Hearing within the Council's Corporate Complaints Procedure. In order that a resident could have a complaint considered by councillors (but without the administrative input or cost of a full hearing), it was felt appropriate to employ a mechanism to determine whether the request should proceed to a hearing, be referred back to the relevant service for further action, or rejected. During 2014 the IAP changed to become the more formal Member Review Panel because it had developed into the principal reviewing body at Stage 3.

The composition of the MRP is either the Chair (or Vice Chair) of the Adjudication and Review Committee (A&R) and two A&R Members. Unless the MRP has asked for a legal representative to be present, the only other attendee is the clerk who ensures that all the elements are addressed and produces the decision notice. The clerk is also responsible for ensuring that all parties are kept informed should Members request an adjournment, for example, or that the MRP determine that a full hearing is necessary.

Initially, there were **three** options open to the MRP:

1. To reject the hearing request (with reasons provided);
2. To accept the hearing request and recommend a hearings panel be set up, or
3. To decide whether there remained elements of the complaint which had not been adequately addressed. In this case, the following options were available:
 - a. A request from the service for further information, clarification or explanation;
 - b. A referral to the service with a direction that any deficiency in addressing the issues or completing actions outstanding should be undertaken and a revised report on those elements submitted.

In both a and b above, the MRP would set a reasonable timescale for response (the next MRP date for example) but it meant that the MRP making the referral would need to reconvene to evaluate the service response.

Proposal for change

Over time it became increasingly obvious to Members that unless there was a good reason for asking the complainant to a Hearing Panel, effectively allowing the complainant to "have their day in court" and be in a position to respond to questions, the complainant would have to wait an excessively long time for a decision when a decision could be taken at the MRP. In the majority of cases the Panel was of the opinion that a hearing was not

necessary and that it was in everyone's best interests to deal with the matter immediately on the case put before it.

Over the last 12 months, the MRPs increasingly determined the complaints presented to them in the report. At the outset, the MRP is now asked whether it considers it has sufficient information to proceed to consider the complaint. If that is confirmed, the MRP considers, deliberates and determine the matter before it. If it considers there are elements which only an open hearing could address, the complaint would be referred to a Hearings Panel, where the complainant, the service and the CE's office representative would be invited to attend.

The proposal therefore is to change the emphasis on the response to customers from a "rejection" of a hearing request to an "acceptance" that the MRP had sufficient information available to determine the matter at this early opportunity. From a customer perspective the emphasis is on the swift action of Members to address their concerns rather than Members rejecting a full hearing.

To provide confidence to the community on the timescale and robustness of this process, a fuller explanation will be provided to customers whose complaint progresses to Stage 3 that complaints reaching a full hearing are the exception and therefore diminish the expectation that the complainant will automatically get the chance to represent themselves to Members.

Another reason for the change in emphasis is to meet the new targets set. Under the Corporate Complaints procedure, the target for determining a Stage 3 case is specified as 31 calendar days which is the target from receipt of request for a Stage 3 complaint to the date of the MRP determination. Those complaints that are particularly complex, very serious, or which are difficult for Members to determine without questioning the parties concerned, are the exceptions and in those particular cases it would be reasonable for the complainant to be informed by the clerk that the MRP has called for an adjournment for a full hearing and the complainant will be invited to attend. These cases will inevitably not meet the 31 calendar day deadline, however given the rarity of these cases, and that they are the most complex, it would be reasonable to take longer to determine the outcome. This is in line with other exceptions at Stages 1 and 2 where the complexity cannot be unravelled within the standard timescale.

Since the Corporate Complaints policy and procedure changed on 1st April 2015 the Chief Executive is the responder to Stage 2 complaints. A depth of knowledge is gained on the case by Stage 2 and therefore a natural follow through from this investigation is that the report on the complaint written for MRP would be the responsibility of the CE's office as independent of the service and the complainant. This again has shortened the process and therefore the timescale for the response to a customer. The Head of Service for the area which is the subject of the complaint is asked to sign off the report as being accurate, as far as is known. Experience in the CE's office of Member decision- making has been limited to date and is invaluable for continuing to improve reports to MRP.

As at 1st November, there have been two complaints considered at the MRP stage as a result of the revised procedure. The initial MRP accepted attendance by staff from the CE's office as "observers" to gain experience on how MRPs function. This proved an invaluable experience for staff. Members expressed themselves uncomfortable with staff attending and therefore the CE's office did not attend the second meeting. Whilst the MRP came to a decision, there were issues, primarily of procedure and Data Protection legislation that could have been clarified at the meeting and given Members confidence

that the full facts, as could be determined, were before them. It is proposed, therefore, to make adjustments to the MRP attendance to facilitate a better experience for Members including clarity on the issues, as well as enabling the CE's office to learn lessons from the Member led Stage 3 process to continue to improve in the provision of information for the future.

With this experience, and the more robust reporting to Members subsequent to the change in the Corporate Complaints policy and procedure on 1st April 2015, it is proposed that the MRP is developed into two distinct phases:

MRP phases:

Phase 1: The Open Session:

This is where the Panel considers the material provided and has opportunity to ask representatives from the Chief Executive's Office for information or clarification of procedure. This may include information that Members would like to have received within the report but is restrictive and the reasons why.

The principal elements an MRP should be looking for are:

- Does the request for Stage 3 flow from the Stage 2 response(s)? This ought to have been addressed before the complaint was placed before Members, but on occasion the difference may be one of emphasis and this is acceptable.
- Does all elements of the complaint relate to a service failure and therefore are legitimate to be considered under the Council's definition of a complaint?
- Do the elements complained about refer to staff behaviour? Great care needs to be exercised where staff behaviour is involved as Members must not make decisions concerning disciplinary matters. However, if a Head of Service has failed to take action with regard to a potential disciplinary matter and Members consider action should have been taken, they are permitted to sanction the Head of Service for this inactivity as it is a management failure in delivering the service.
- In line with the Local Government Ombudsman's test, the MRP also needs to consider what personal injury the complainant claims to have suffered and whether that is a result of a service failure. If there is little or no **personal** injury claimed, the MRP needs to consider whether the issues complained of might still warrant Member intervention.

Members should identify the various elements of a complaint if they are not clearly set out and ensure that each strand is considered and weight given to each before deciding whether a determination may be made immediately or whether the matter should be referred to a full hearing.

Phase 2: The Deliberation/Decision Session:

At the conclusion of Phase 1, the CE's representatives may be asked to leave the room (in the same way as they would when all parties are asked to leave before Members commence their deliberations). The Panel members will then discuss the issues and reach a decision.

If Members agree a decision can be taken immediately, the MRP needs to provide an answer for each of the elements in the complaint and then provide any general comment. This will be recorded by the clerk and form the text of the decision notice which will be provided to the complainant and the CE's Office within five working days of the MRP meeting.

Should the Panel consider that a hearing is appropriate, it will adjourn and the clerk will inform the complainant and the CE's Office within five working days and seek to arrange a hearing at the earliest convenient opportunity and will arrange accommodation as well as invite an Independent person to join the Panel.

Should the Panel determine the matter at the MRP, the explanation to the complainant will contain a reference to the appropriate Ombudsman. It should also be made clear that the MRP's decision in this complaint is final as far as the Council is concerned and concludes the Corporate Complaints Procedure. The clerk ensures the Public Minute is produced and published on Modern.Gov within five working days of the MRP.

The clerk ensures that the complainant and the CE's Office is notified of the Panel's decisions and the CE's Office ensures that the CRM record is updated and closed and that an outline of the complaint, the decision and the directions/recommendations are provided at the next appropriate Adjudication and Review Committee meeting.

November 2015

Lessons Learned from Corporate Complaints

Stage 2 outcomes

- Reductions in payback, “good will” gestures or “compensation” should require written confirmation of acceptance within a grace period to be determined – relevant to each case.
- Not to respond to one e mail address for two customers (Data Protection)
- To make customers aware that any anonymous tips that suggest potential benefit fraud are investigated, as a matter of course
- Be fully aware of the complications and timescales of complaints related to benefits
- To increase communication channels with external service providers
- For the service to look at the bigger picture when a customer is displaying behaviours indicative of confusion or stress and alert other services to any potential need
- To review street parking across the authority and line markings in line with the proximity of parking bays, street furniture, trees and crossovers
- Alert service to potential problems with lanterns and checking lights for intermittent faults
- Liaison between Economic Regeneration and Streetcare needs to improve at an operational level to ensure all Public Realm physical improvements are addressed as one-council.
- When major schemes are planned, notification needs to be provided to other service areas that may be impacted and the receiving service act on the notification for individuals
- To promote, where possible, the on-line form for complaints
- Check the space for essential standard kitchen equipment (600m) prior to tenancy offered for PSL tenants
- Liberty Housing to keep logs of telephone calls and maintain annual inspection checklists for viewing
- Photographs to be taken prior to tenancy being taken up and viewed if customer claims property not clean

Stage 3 outcomes

- Tighten up paperwork in Housing
- Inclusion of a waiver in tenancy agreement for contents insurance (if legally permissible)
- Photographs provided to Members to be labelled to show who took them, when and what they purport to show
- Surveyor should check issues like robustness of walls when this has been called into question by a complainant, and the complainant notified of the outcome
- Sub-contractors to provide clear information about work undertaken and materials used to rectify problems and jobs signed off, authorised by a qualified engineer/building specialist
- Liaise with sub-contractors to ensure they improve record keeping
- Acknowledgements letters to be revised to take account of post time “ under the complaints procedure we have fifteen days to respond to you”
- Issues of procedure for corporate complaints and Data Protection to be available to Members of MRP at the first part of the MRP meeting

Ombudsman outcomes

- When a customer complains but it is not about a service failure, it be made clear that this is outside the Corporate Complaints procedure although the CE will respond.

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ADJUDICATION & REVIEW COMMITTEE

26 NOVEMBER 2015

Subject Heading:

CMT Lead:

Report Author and contact details:

Policy context:

Financial summary:

LOCAL GOVERNMENT OMBUDSMAN AND STAGE THREE UPDATE

Andrew Blake Herbert – Group Director of
Communities & Resources
Grant Soderberg, Committee Officer
01708 433091
grant.soderberg@onesource

To ensure the Council has a robust and
flexible complaints process and ensure
that good practice is maintained

None directly associated with this report

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

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

SUMMARY

From 1 October 2015 the responsibility for managing issues considered by the Ombudsmen as well as the management of the Stage Three process transferred from Committee Administration to the Chief Executive's office. This report seeks to provide the Committee with a summary of LGO and Stage Three activity from the last meeting of the Committee in August to date.

RECOMMENDATIONS

That the Committee **notes** the report.

REPORT DETAIL

LGO position:

1. Since the start of August 2015, there have been a total of fourteen contacts from the LGO. Of these, four cases involved two contacts at different levels, all the others were single contacts. During the period, the Council received six Ombudsman decisions, none of which involved the Council in having to make any formal responses. At the 31 October there were no on-going, active investigations - though three cases awaited final decisions and one referred case needed an answer to be sent to the LGO (this has now been done) and, at the time this report was drafted, only one case was left for which a final decision was expected.

2. In summary there were:

Six Enquiries involving Adult Services (1), Estate Services (1), Council Tax (1), Housing Needs (1), and School Appeals (2). Of these two came back to the Council as referrals, one each for Adult Services and Council Tax. In addition, there was a referral late in October which involved Learning and Achievement which had not been previously the subject of an enquiry.

In addition, two cases for which a response had been given to an enquiry, were notified as LGO decisions. They involved Estate Services and a School Appeal. In both cases, the LGO had chosen not to investigate either matter – which is considered to be a favourable outcome for the Council as the LGO clearly considers that it had done nothing to warrant concern.

The last category covers those cases about which the Council knew nothing prior to the Ombudsman's "Decision". This is becoming more common and almost always finds no fault with what the Council has done. The exception to this rule is where the Ombudsman states that the matter is "Outside Jurisdiction". This in itself does not imply that the Council *might* have done something wrong but the LGO could not investigate it, it simply states that the Ombudsman does not have the legal capacity to consider the matter. One such decision was received in this period – in a general complaint against Adult Social Care. The Ombudsman simply noted that it was "Not investigated: OSJ".

The remaining LGO decisions were for: An issue involving Environmental Health, one relating to Highways and one concerning Housing Needs.

3. Appended to this report are some charts which provide a "screen-shot" of the position at 31 October.

Stage Three position:

4. The Chief Executive's office effectively took over the administration of the Corporate Complaints procedure from 1 April and instituted a revised a

procedure for escalating complaints to Stage three. During the intervening months Members have largely been reviewing issues which had commenced before 1 April and, to date, only two issues have come before review panels which originated under the new procedures.

5. At this point in time all complaints escalated to Stage Three have been addressed and, at the time of this report there are no cases pending Members' attention. Most of the issues for which Members have been engaged in considering have involved aspects of the Housing Service – predominantly having a root cause in repairs and maintenance, but which have become overlaid by allegations of service failures either to rectify faults first time and in a timely manner or that a complaint has apparently languished which has increased a sense of frustration felt by the complainant.
6. Members will appreciate that the essence of effective public service is the ability to engage with service users at every point and, wherever possible, seek to resolve issues before they harden into entrenched positions and escalate for want of good-will. It is a fact that whilst no-one is happy with having to deal with faults (which are likely to occur and which are often innocent mistakes or the result of a faulty component the failure of which could not reasonably been foreseen), they become positively intransigent if they then consider that they are either being “fobbed-off” with platitudes or ignored.
7. Over the past decade, there has been a marked change in attitude across the Council's front-line services and a growing awareness that the Council needs to be seen to be proactively engaging with its service users that used to be the case. This change in attitude has accelerated over the last few years as the Council's resources have dwindled and it has become a necessity to get it right first time. This is a journey which has only recently begun and no doubt, under the direction of the Chief Executive, it will become ever more embedded in the Council's consciousness.
8. It is to be hoped that in time the Committee will have fewer complaints to review as more and more resolutions are reached at the outset. The picture as at the 31 October is appended at the end of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report.

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

Local Government Ombudsman (LGO) and Housing Ombudsman Service (HOS) cases and decisions on Standards issues

Monthly Update

The following pages are intended to provide Members with an overview of complaints considered by councillors at Stage Three of the Corporate Complaints process or by the Local Government and Housing Services Ombudsmen.

This is but a brief summary and I can provide you with additional details about activity within your ward should you require it. There is also a link to much more detail concerning all cases considered by the LGO should you wish to see what complaints have been brought against the council. If you require any further information about that database, please contact my colleague Jacqui Barr (extn. 2439).

LGO Current Position: to, cases by Ward

In the following PDF will be found a chart showing current Ombudsman activity displayed in Service Area within Directorates. As there were six cases open at 31 March, they have been brought forward as part of the overall statistics. These are included in the "year to date" figures and I have added a summary for those cases added during.

Ombudsman Cases summary:

During October the LGO contacted the Council five times. Of these, there were four distinct cases. Two cases concerned school appeals. One was an enquiry which was responded to and to date has gone no further, the other was an enquiry which was responded to and followed by an LGO decision which found no fault. Of the other two cases, one related to housing and was an LGO decision which was that there was nothing for the Ombudsman to investigate, the other was a Premature case referred back to the Council relating to a complaint about the withdrawal of a child from school without permission. This case is currently proceeding to court and the LGO was informed about this so at the moment the LGO is taking no further action.

At the close of October, there remained three cases remaining open, each of which was awaiting the Ombudsman's final decision and a further case referred to the Council back in September which involved Council Tax issues.

The Housing Ombudsman Service

During October there were no new notifications from the Housing Ombudsman, though one case which he had referred to the Council earlier in the year was to be allocated to a complaint resolution officer – when one became available (and this might not happen for several months due to a large backlog). As has been observed previously, the HOS is not as well developed as the LGO and is very much under-resourced for the remit of monitoring social landlord complaints across England. Whilst Havering is fortunate in that there are not many referrals from the HOS, the ones which the Council does receive take an inordinate length of time to resolve.

Standards issues:

There was no activity under the Standards procedures during October.

Other information:

We are continuing to add to the final decisions from the Ombudsman and these can be viewed on the Intranet and can be accessed via:

<https://intranet.havering.gov.uk/index.aspx?articleid=21830>

You will find a general page with other links to various LGO organisations and links to further pages set out in complaint categories and within each of these will be found PDFs containing the LGO final decisions. A glossary of abbreviations used with the decisions will be found on the general page. In future, decisions will be added as they are received.

Grant Söderberg, (extn) 3091, e-mail: grant.soderberg@havering.gov.uk

Ombudsman Activity: by Ward

Detailed summary of Ombudsman activity by service area within Directorate & Service and by wards. Wards **not shown** have **no** Ombudsman activity within them. Wards and services highlighted contain the highest activity **to date**. Includes ten cases brought forward from 2014/15.

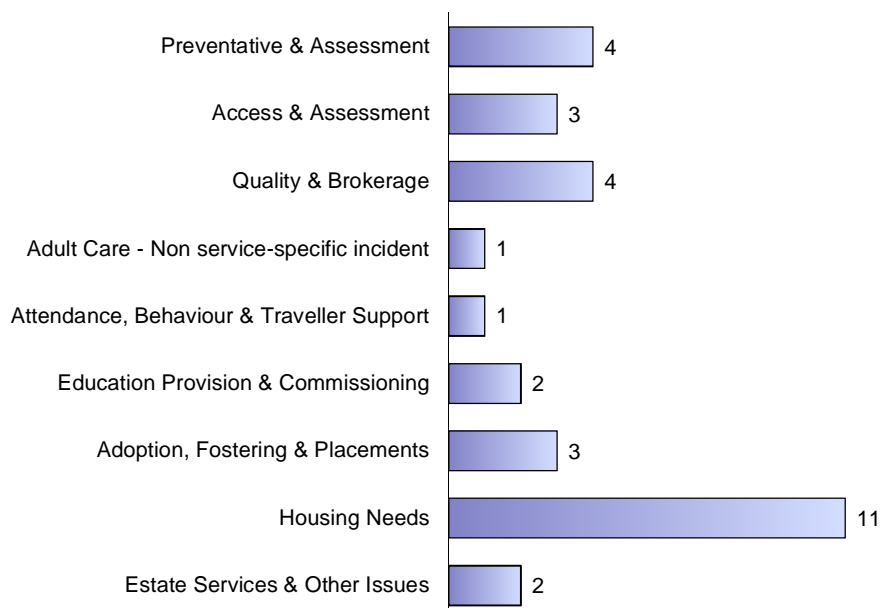
Directorate	Service	Service Delivery Area	Brooklands	Cranham	Gooshays	Hacton	Harold Wood	Havering Park	Heaton	Hylands	Mawneys	Pettits	Rainham & Wennington	Romford Town	South Hornchurch	Upminster	O/S Borough	Grand Total
Children, Adults and Housing Page 110	Adult Services	Preventative & Assessment		1	2												1	4
		Access & Assessment					1						1				1	3
		Quality & Brokerage															4	4
		Adult Care - Non service-specific incident															1	1
	Housing	Housing Needs			2				2		1	2		2	1		1	11
		Estate Services & Other Issues						2										2
	Children's Services	Adoption, Fostering & Placements							2							1		3
	Learning & Achievement	Education Provision & Commissioning									2							2
		Attendance, Behaviour & Traveller Support						1										1
Communities & Resources	Regulatory Services	Planning issues								1		1						2
		Environmental Health		3														3
	StreetCare	Traffic & Parking												2	1	1	1	5
		Highways	1			2								2			2	7
	Customer Services	Blue Badges				2												2
oneSource	Finance	Fraud							1									1
	Exchequer Services	Council Tax															2	2
	Appeals Secretariat	School Appeals		2										1				3
Corporate & Member Issues	Corporate	Corporate														2		2
Grand Total			1	6	4	4	1	3	5	1	3	3	1	7	2	4	13	58

Ombudsman Activity: by Ward

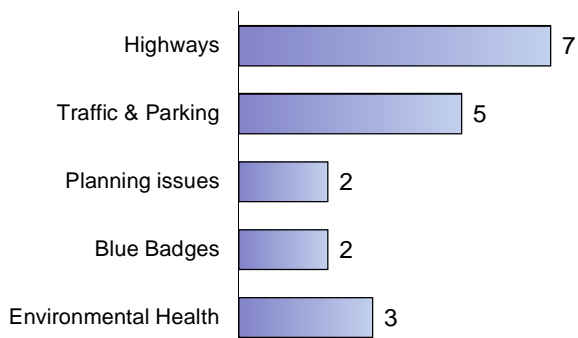
Ward Totals for the month of OCTOBER						
Directorate	Service	Service Delivery Area	Cranham	Havering Park	Romford Town	Grand Total
Children, Adults and Housing	Housing	Estate Services & Other Issues		1		1
	Learning & Achievement	Attendance, Behaviour & Traveller Support		1		1
oneSource	Appeals Secretariat	School Appeals	2		1	3
Grand Total			2	2	1	5

Ombudsman investigations: By Service Area in Group Directorates **From 1 April 2015 (including open cases brought forward)**

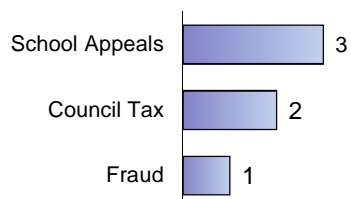
Children, Adults and Housing - B/Forward 5. From 1 April 2015 to date 26. Total: 31



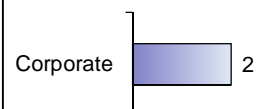
Communities & Resources - B/Forwards 5. From 1 April 2015 to date 14. Total: 19



oneSource - Total from 1 April 2015 to date: 6

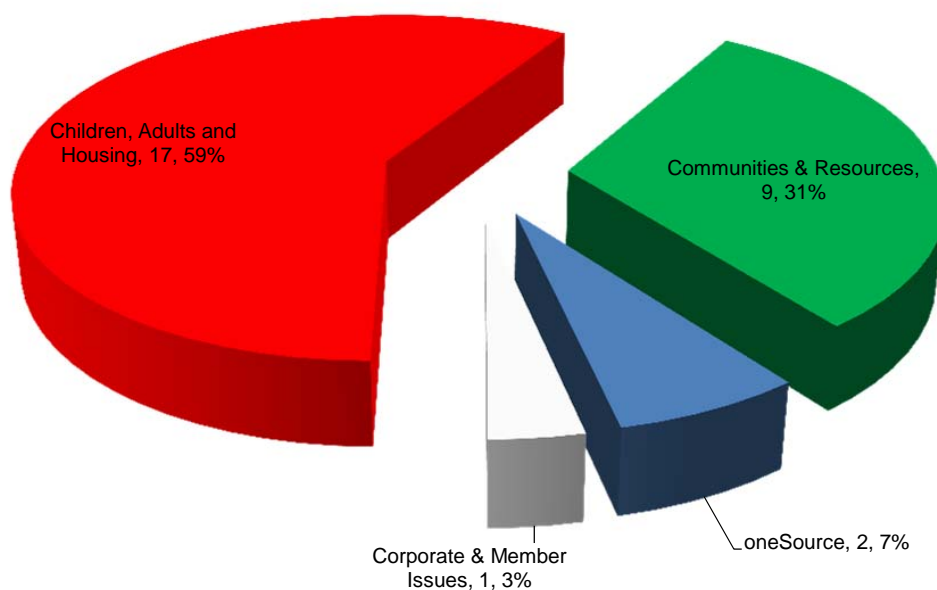


Corporate & Member Issues - Total from 1 April 2015 to date: 2

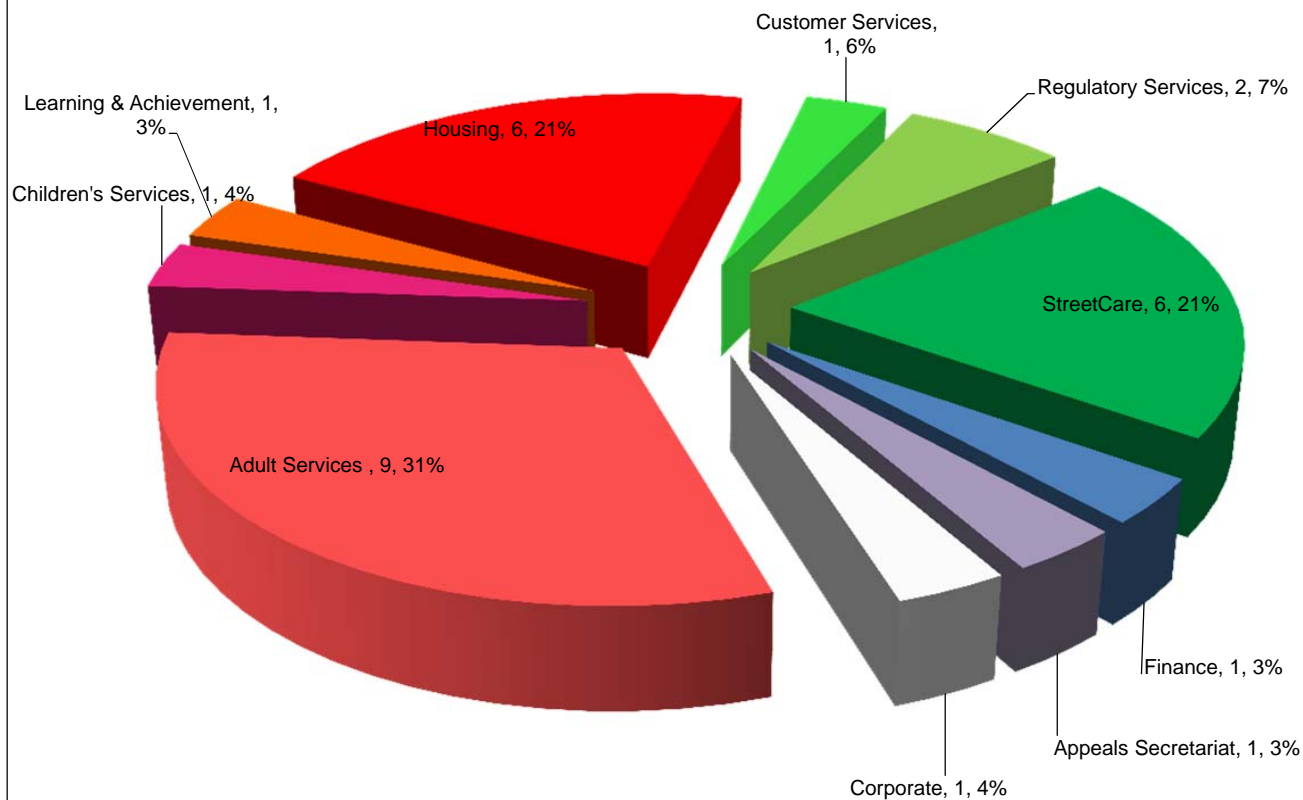


Evaluation of Ombudsman Activity

**Directorate Involvement - Total of complaints from the LGO
(excluding enquiries & referrals) to 31 October 2015: 20
(9 ongoing cases were brought forward from 2014/15)**

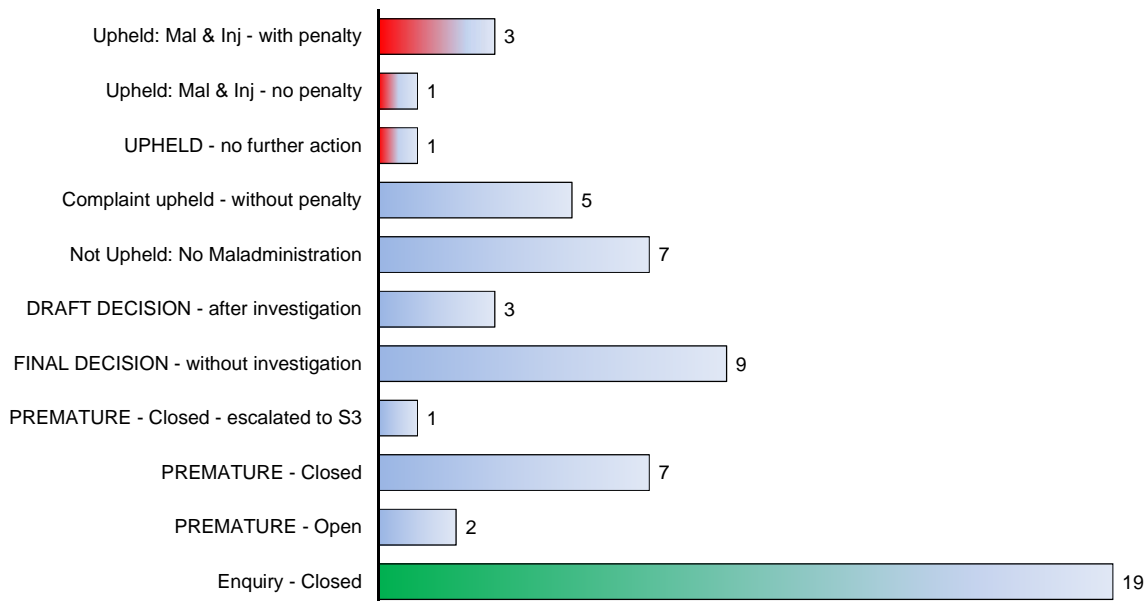


**Service Area Involvement - Total complaints from the LGO
(excluding enquiries & referrals) to 31 October 2015: 20
(9 ongoing cases were brought forward from 2014/15)**



Evaluation of Ombudsman Activity

Total of ALL complaints received between 1 April - 31 October 2016: 49
Plus 9 cases brought forward: 58
(Includes enquiries and premature complaints referred back to the Council to be dealt with under its Corporate Complaints procedure)



Identifying multiple contacts from the Ombudsman for the year 1 April to 31 October 2015

KEY: E = Enquiry, P = Premature, D = LGO Decision (without investigation), I = Investigation by LGO

Children, Adults & Housing

Housing: D E E → P E → P D E E → D

Adult Services: D I I D E → I I D E → P
 Children's Services: E → P I
 Learning & Achievement: E → D P

26 19

Communities & Resources

(from 1 January 2015)

Regulatory Services: E
 Public Health: E → P → D
 StreetCare: E → P E → P D I E → P D
 Corporate & Customer Transformation: E → I
 Parks & Open Spaces:

15 9

oneSource

Council Tax & Benefits: E → P
 Finance: D
 Legal Services:
 School Appeals: E E → D

6 4

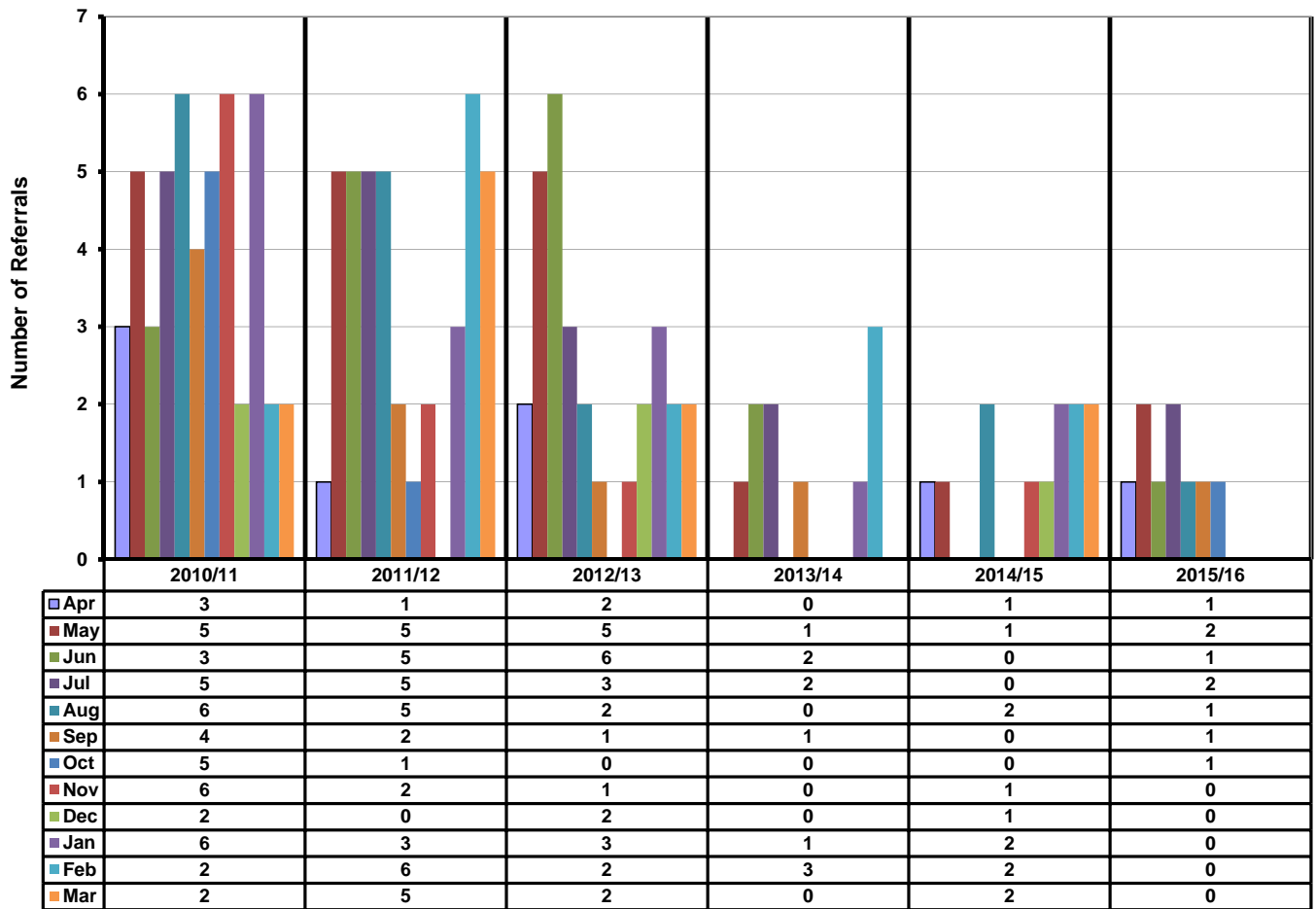
Corporate & Member Issues: E → D

2 1

Notes:

49 33

LGO Referrals - Premature Complaints - year-on-year



Year	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Grand Total
Prematures:	49	40	29	10	12	9	149
Cases Referred:	45	59	73	62	42	24	305
Total:	94	99	102	72	54	33	454

Local Government Ombudsman Complaint Elements - by Service 1 April - 31 October 2016:

(NINE cases were brought forward from 2014/15)

2014/15 BVPI target for formal reports of maladministration and injustice is 0 and no more than 8 instances where penalties are awarded

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Complaints under investigation - "A":

Draft Decisions Received - "B":

Complaints determined:

Report issued: Upheld; maladministration and injustice

Report issued: Upheld; maladministration, no injustice

Report issued: Not upheld; no maladministration

Upheld; maladministration and injustice

Upheld; maladministration, no injustice

Not upheld; no maladministration

Closed after initial enquiries - out of jurisdiction

Closed after initial enquiries - no further action

Not upheld: No further action

Complaint *Elements* Completed - not Premature - "C":

Prematures & LGO enquiries - "D":

Totals - A, B, C & D:

Communities & Resources					Children, Adults & Housing					oneSource				
StreetCare	Parks & Open Spaces	Planning & Building Control	Public Protection	Customer Services	Learning & Achievement	Children's Services	Adult Services	Housing (Housing Needs)	Housing (Estate Svcs, Maintenance etc.)	School Appeals	Council Tax & Benefits	Finance, Insurance & Fraud	Legal Services	Corporate: Member & non 'Service specific' issues
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	1	2	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	1	0	0	1	2	0	0	0	0	0	0
3	0	0	0	0	0	0	2	1	0	0	0	0	0	0
1	0	1	0	0	0	0	3	1	0	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	1	0	0	1	0	1	0	0	0	0
0	0	0	1	0	0	0	1	0	1	0	0	0	0	1
6	0	1	1	1	1	0	7	5	1	1	0	1	0	1
6	0	1	2	1	2	2	3	6	1	2	2	0	0	1
12	0	2	3	2	3	3	12	11	2	3	2	1	0	2

Complaint <i>Elements</i> under Investigation	0	+	3	+	26	+	29	=	58
Complaint <i>Elements</i> - PVs Recd whether investigated or not	3								
Completed/Omb D./OSJ/No Inv.	26								
Premature - or enquiries	29								
Total of Complaint <i>Elements</i>	58								

0
0
0
4
6
7
0
5
4
26

29

Local Government Ombudsman **Referrals**: 1 April – 31 October 2016 - Analysed by Month

42 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
9 Brought Forward Complaints from 2014/15 (Investigations only) including 4 Draft Decisions												
33 New Complaints were reported from 1 April 2015 to date (including Prematures & enquiries)	6	5	6	5	3	4	4	0	0	0	0	0
Of which 9 were Premature - normally L2 complaints referred back to the Council	1	2	1	2	1	1	1	0	0	0	0	0
and 4 were enquiries by the LGO which have NOT been changed by further actions	1	1	0	0	0	1	1	0	0	0	0	0
12 were not investigated (decisions already made by the LGO e.g: OSJ, Draft Decisions etc.)	3	1	1	1	2	2	2	0	0	0	0	0
3 Draft Decisions on investigated cases currently pending LGO decision	0	0	0	0	0	3	0	0	0	0	0	0
and 14 Investigations completed	2	0	4	3	4	1	0	0	0	0	0	0
Leaving 0 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **8** cases have received a substantive response in an average of **19 working days**
 There have so far been **12** cases which were not "investigated" - though some may have required a response to LGO questions
 There are currently **0** complaint awaiting an initial response

The Ombudsman's anticipated response time is currently **20 working days**

58 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
4 Ongoing Complaints (Investigations only) b/fwd from 2013/14												
54 New Complaints were reported from 1 April 2014 to date (including Prematures & enquiries)	2	4	5	1	8	3	1	7	1	6	4	12
Of which 12 were Premature - normally L2 complaints referred back to the Council	1	1	0	0	2	0	0	1	1	2	2	2
and 4 were enquiries by the LGO which have NOT been changed by further actions	0	0	0	0	0	1	0	1	0	0	0	2
23 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	0	3	4	0	4	1	0	3	0	2	2	4
3 Provisional View on investigated cases currently pending LGO decision	0	0	0	0	0	0	0	0	1	0	0	2
and 10 Investigations completed	2	0	2	1	0	0	1	2	1	0	0	1
Leaving 6 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **11** cases have received a substantive response in an average of **17 working days**
 There have so far been **22** cases which were not "investigated" - though some may have required a response to LGO questions
 There is currently **4** complaint awaiting an initial response
 There are currently **2** premature complaints being processed

The Ombudsman's anticipated response time is currently **20 working days**

72 **Referrals from the Ombudsman (by reference number)** - could include multiple elements: enquiry, premature and investigation

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0 Ongoing Complaints (Investigations only) b/fwd from 2012/13												
72 New Complaints were reported from 1 April 2013 to date (including Prematures & enquiries)	11	7	5	8	5	4	9	4	4	4	8	3
Of which 10 were Premature - normally L2 complaints referred back to the Council	0	1	2	2	0	1	0	0	0	1	3	0
and 4 were enquiries by the LGO which have not been superseded by a later Ombudsman "decision"	0	0	0	0	0	0	0	0	1	1	2	0
37 were not investigated (decisions already made by the LGO e.g: OSJ, Provisional View etc.)	6	3	2	4	5	2	5	2	2	2	2	2
1 Provisional View on investigated cases currently pending LGO decision	0	0	0	0	0	0	1	0	0	0	0	0
and 16 Investigations completed	0	0	2	0	5	2	1	1	0	4	1	0
Leaving 4 Cases currently being investigated (not Prematures or PVs) or to be c/fwd (if open at 31 March)												

During the year to date **20** cases have received a substantive response in an average of **15 working days**
 There have so far been **37** cases which were not "investigated" - though some may have required a response to LGO questions
 There are currently **1** complaints awaiting an initial response
 There is currently **0** premature complaint being processed

The Ombudsman's anticipated response time is currently **20 working days**

Stage Three Activity: by Ward

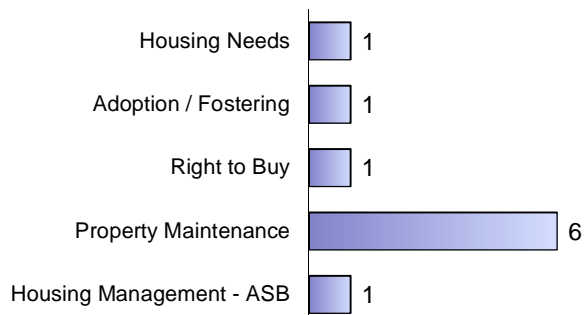
Detailed summary of **Stage Three** Hearing requests by service area within Directorate & Service and by wards. Wards **not shown** have **no** complaints activity within them. Wards and services highlighted contain the highest activity **to date**. **ALL outstanding cases (including those commenced before 31 March 2014) are shown.**

Page 118

Directorate	Service	Service Delivery Area	Brooklands	Gooshays	Hacton	Heaton	Havering Park	Hylands	Romford Town	Upminster	O/S Borough	Grand Total
Children, Adults & Housing	Children's Services	Adoption / Fostering								1		1
	Housing	Property Maintenance	1	2		1		1	1			6
		Housing Management - ASB		1								1
		Right to Buy					1					1
		Housing Needs	1									1
Communities & Resources	StreetCare	Traffic & Parking									1	1
		Highways	1		1							2
Grand Total			3	3	1	1	1	1	1	1	1	13

Stage Three Activity: By Service Area in Group Directorates

Children, Adults & Housing Services - B/Forward 4. From 1 April 2015, 6 - Total to date: 10

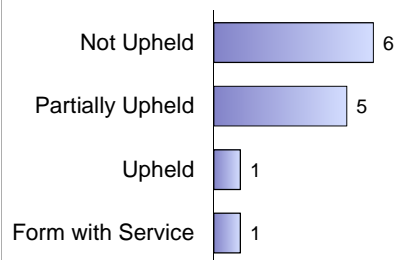


Communities & Resources B/Fprward 2. From 1 April 2015 1. - Total to date: 3

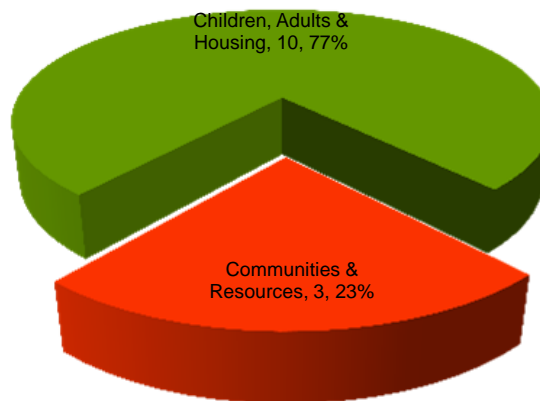


Evaluation of Stage Three Activity

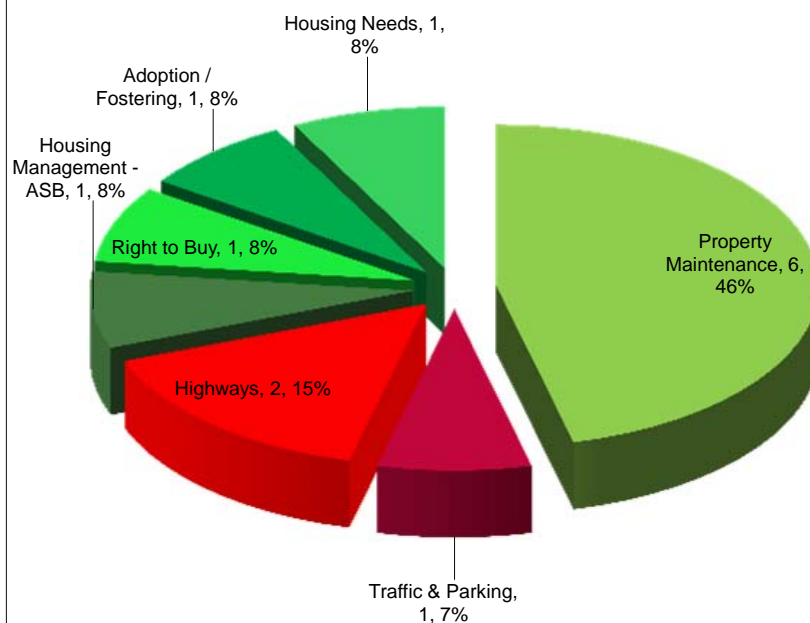
Total of **ALL** Stage Three hearing requests received & processed between
1 April - 31 October 2015: 7
There were 6 ongoing complaints brought forward from 2014/15



Total of Stage Three hearing requests to date by Directorate: 7 (plus 6 brought forward from 2014/15)



Total of Stage Three hearing requests to date by Service: 7 (plus 6 brought forward from 2014/15)



Stage Three Complaints - by Service 1 April - 31 October 2015:
(Six cases were brought forward from 2014/15)

		Communities & Resources				Children, Adults & Housing						oneSource				General: Member & non 'Service specific' issues	
		StreetCare	Trading Standards, Licensing & Environmental Health	Planning & Building Control	Culture & Leisure	Learning & Achievement	Children's Services	Business & Performance	Adult Services	Housing (Housing Needs)	Housing (Estate & Maintenance)	School Appeals	Benefits & Council Tax	Business rates	Asset Management		
PROCESS	Potential S3 complaint notified and posted:-	0	0	0		0	0			0	0		0				0
	Awaiting return of S3 MR form from complainant:-	0	0	0		0	0			0	1		0				1
	Awaiting Service response:-	0	0	0		0	0			0	0		0				0
	Awaiting MRP or Adjourned:-	0	0	0		0	0			0	0		0				0
	Awaiting Hearing:-	0	0	0		0	0			0	0		0				0
OUTCOME	Complaint discontinued:-	0	0	0		0	0			0	0		0				0
	Complaint not upheld at MRP:-	2	0	0		0	0			0	4		0				6
	Complaint PARTIALLY upheld at MRP:-	0	0	0		0	0			1	3		0				4
	Complaint upheld at MRP:-	1	0	0		0	0			0	0		0				1
	Complaint not upheld by hearing:-	0	0	0		0	0			0	0		0				0
	Complaint PARTIALLY upheld by hearing:-	0	0	0		0	1			0	0		0				1
	Complaint upheld by hearing:-	0	0	0		0	0			0	0		0				0
	Total complaints:-	3	0	0	0	0	1	0	0	1	8	0	0	0	0	0	13

Stage Three Complaints: 1 April – 31 October 2015 - Analysed by Month

13	Total number of Stage Three requests																
6	Cases b/fwd from 2013/14																
1	Stage Three requests notified & posted	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
6	Stage Three requests OPENED from 1 April 2014 to date	2	1	1	0	0	2	0	0	0	0	0	0	0	0	0	
0	Did not proceed / Process Discontinued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6	Were not upheld by MRP	1	0	2	0	2	0	1	0	0	0	0	0	0	0	0	
4	Were partially upheld by MRP	1	0	1	0	2	0	0	0	0	0	0	0	0	0	0	
1	Were upheld by MRP	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
0	Were not upheld at Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1	Was partially upheld at Hearing	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
0	Were upheld at Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Leaving 1	Ongoing open cases																

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