



# Haverling

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

## ADJUDICATION AND REVIEW COMMITTEE AGENDA

**7.00 pm**

**Wednesday  
4 December 2019**

**Committee Room 3B -  
Town Hall**

Members 8: Quorum 3

**COUNCILLORS:**

**Conservative Group  
(4)**

Ray Best (Vice-Chair)  
Joshua Chapman  
Timothy Ryan (Vice-Chair)  
Matt Sutton (Chairman)

**Residents' Group  
(1)**

Ray Morgon

**Upminster & Cranham  
Residents' Group  
(1)**

Linda Van den Hende

**Independent  
Residents Group'  
(1)**

Jeffrey Tucker

**Labour Group  
(1)**

Denis O'Flynn

**For information about the meeting please contact:  
Richard Cursons Tel: 01708 432430  
e-mail:richard.cursons@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:-

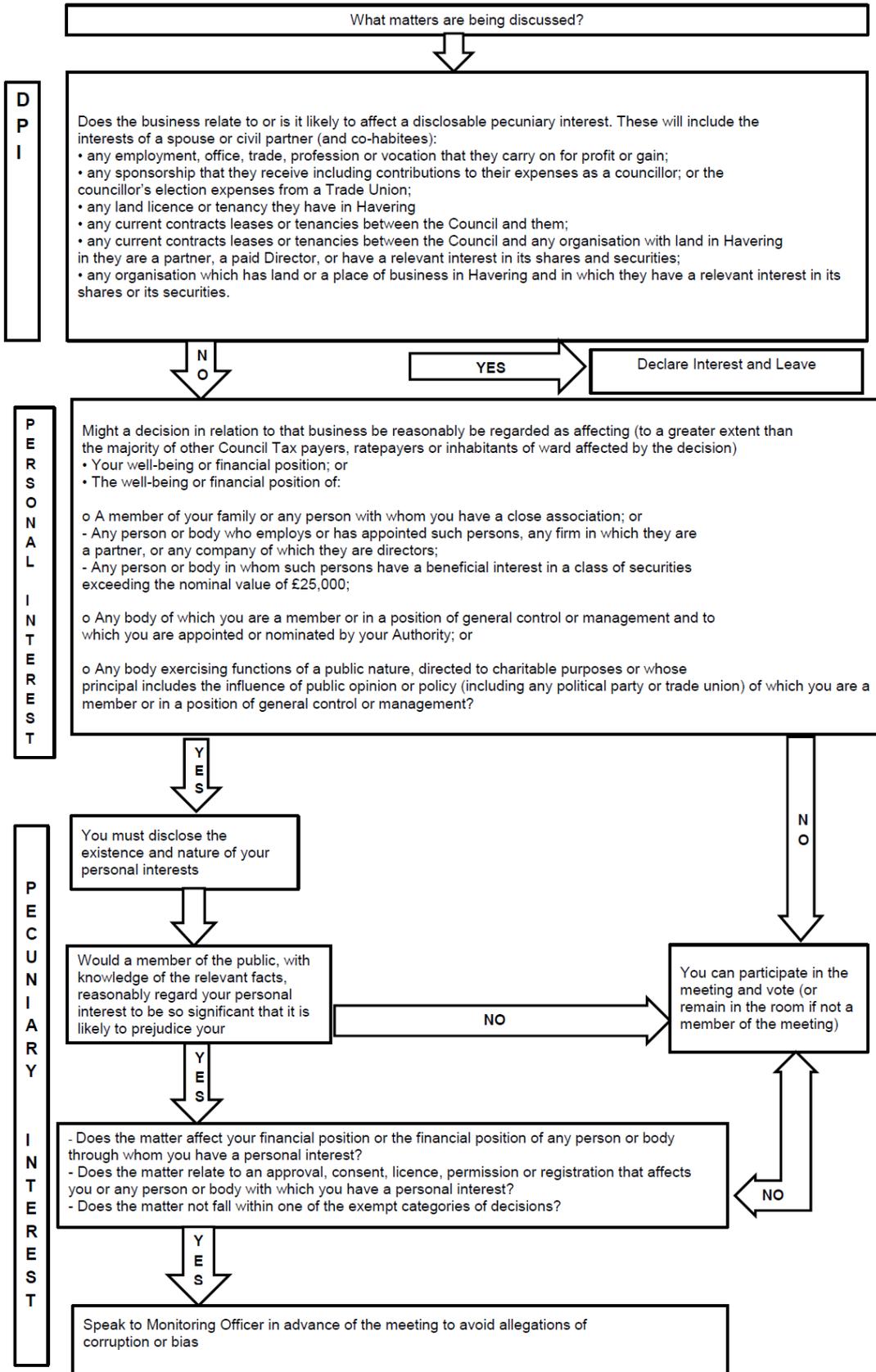
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **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 - 6)**

To approve as a correct record, the minutes of the meeting of the Committee held on 5 September 2019 and to authorise the Chairman to sign them.

### **5 UPDATE ON CORPORATE COMPLAINTS AND STATUTORY COMPLAINTS FOR QUARTER 2 (Pages 7 - 28)**

Report and appendices attached.

### **6 UPDATE ON THE COUNCIL'S ACCESS TO INFORMATION PERFORMANCE FOR QUARTER 2 (Pages 29 - 42)**

Report and appendices attached.

**Andrew Beesley**  
**Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
ADJUDICATION AND REVIEW COMMITTEE  
Town Hall  
5 September 2019 (7.00 - 8.45 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Joshua Chapman, Timothy Ryan (Vice-Chair) and  
Matt Sutton (Chairman)

**Residents' Group** Ray Morgon

**Labour Group**

**Upminster & Cranham  
Residents' Group** Linda Van den Hende

**Independent Residents  
Group**

Apologies were received for the absence of Councillors Ray Best and Denis O'Flynn.

All decisions were taken with no votes against.

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

**6 DECLARATIONS OF INTERESTS**

There were no declarations of interest.

**7 MINUTES**

The minutes of the meeting held on 21 May 2019 were agreed as a correct record and signed by the Chairman.

**8 UPDATE ON CORPORATE COMPLAINTS**

The report before Members updated on complaint handling performance across all Council services.

During the period April to June 2019 there had been 490 stage 1 complaints. 96% of them (469) had been responded to within the required timescale of ten days.

The council received 84 requests for escalation to Stage 2 of the process, 89% (75) of them dealt with within 25 days, in line with current timescales.

This equated to an escalation request rate of 17% however, this was reduced to 5% when considering the number of cases that were not escalated to Stage 2. When compared to the same period in the previous year, 2018/19, the request for escalation rate is lower than the previous 20%. The percentage of cases actually taken through the Stage 2 process was the same as the previous year.

The report also outlined Ombudsman activity.

During Quarter 1 there were 19 decisions by Local Government and Housing Ombudsmen, as follows:

- 9 x Closed after initial enquiries: No further action  
(*Children's Services; Leisure; Environment (3); Planning; Housing; Council Tax & Benefits; Business Rates*)
- 4 x Closed after initial enquiries: Out of jurisdiction  
(*Adult Services; Environment; Housing (2)*)
- 2 x Closed: Premature  
(*Housing*)
- 1 x Not upheld: No maladministration  
(*Planning*)
- 1 x Upheld: Maladministration, injustice with penalty **S**  
(*Children's Services*)
- 1 x Upheld: Maladministration, no injustice **S**  
(*Housing*)

There had been one Housing Ombudsman decision during the period, which found no maladministration.

The Committee **RESOLVED** to note as follows:

- The Corporate Complaints Performance Statistics for Quarter 1
- The results following the Quarter 1 Audit of complaints
- Decisions made by both the Local Government and Housing Ombudsmen throughout the quarter.

9 **LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO)  
ANNUAL REVIEW LETTER 2018/19**

The report before Members provided details relating to the Local Government and Social Care Ombudsman's Annual Review letter.

This year, the LGSCO received 95 complaints and enquiries about Havering Council, against 94 the previous year.

In the year, the LGSCO made 90 decisions on complaints made against Havering Council, compared to 101 the previous year. Of those 90, detailed investigations were carried out into 14 cases. Nine of them were Upheld and five Not Upheld, which gave an Uphold Rate of 64%. This compared to 63% in similar authorities.

While the Uphold Rate appears high, compared to the previous year's 44%, it should be noted that there were a higher number of detailed investigations in 2017/18 (23) with ten being Upheld.

For the first time this year, the Ombudsman's office has published compliance statistics, where the Council is recognised for complying with Recommendations made by the Ombudsman in their Decisions.

It was pleasing to note that in the nine cases Upheld by the LGSCO, all recommendations were met within the timescales set out by the investigators.

Appended to the Annual Review letter was the Ombudsman's activity report for 2018/19.

Members **NOTED** the contents of the Ombudsman's Annual Review letter and activity report.

10 **PRESENTATION ON THE COUNCIL'S CORPORATE COMPLAINT POLICY AND PROCEDURE/UPDATE ON SERVICE AREA COMPLAINTS**

The Committee received a presentation on the Council's Corporate Complaint Policy and Procedure.

The report highlighted the following:

- What was a complaint
- Stage 2 process
- Stage 3 process (MRP)
- What options were available once the Council's procedure had finished (Ombudsman etc)

Members also received a brief presentation on housing and homelessness complaints.

The Committee **noted** the presentations

11 **ADULT SOCIAL CARE ANNUAL COMPLAINTS REPORT 2018/19**

The Director of Adult Services presented the Adult Social Care Complaints Annual Report to the Committee. The report detailed the complaints enquiries and compliments received during the period April 2018 to March 2019.

There was a statutory requirement to publish the report annually.

Adult Social Care complaints have decreased slightly. Ombudsman enquiries had stayed at the same level. Out of the nine received in the relevant period two were found to be maladministration injustice.

The highest number of complaints received related to external home care. These included complaints on standards of service which was linked to financial issues and disputes on charges. There had also been an increase in complaints relating to attitude and behaviour of staff.

The number of complaints upheld in 2017-18 was 13 with 16 partially upheld, 38 not being upheld and 12 being withdrawn.

Areas identified for improvement during the year were around completeness of assessments, information to providers on the treatment of direct payments used for respite and financial information still highlighted as an area for improvement. Some of these may be picked up through the new Adult Social Care system Liquid Logic when implemented.

Overall response times to complaints still needed to improve although there has been some improvement.

Compliments had increased from 49 in 2017/18 to 52 in 2018/19

Member enquiries had increased to 114 in 2018-19 from 68 in 2017-18 with 75% being responded to within timescale.

The Committee **noted** the report.

12 **CHILDREN'S SERVICES ANNUAL COMPLAINTS REPORT 2018/19**

The Committee received the Children's Services Complaints Annual Report for 2018-19. The report provided information about the numbers and types of complaints handled by the Children's Service during 2018-19, as well as Members' correspondence.

The report was a requirement under the Children Act 1989 and Representations Procedure (England) Regulations 2006.

Members noted that the number of Stage 1 complaints increased by 15% from 90 to 106 in 2018-19. The complaints made directly by Young People

decreased from 18 in 2017-18 to 9 in 2018-19, the decrease were attributed to the improved working and communication with young people and the opening of the Cocoon Centre. It was stated that the Director and Assistant Director operated a surgery for Young People. Other partner agencies such as Department of Works and Pensions, Housing Services and Social Workers attended to the centre and give advice and deal with issues.

The report outlined that six Stage 1 cases were escalated to Stage 2; there were no Stage 3 Reviews during 2018-19.

The Committee was informed that the Triage/MASH & Assessment Team received the highest number of complaints during 2018-19, which have almost doubled from 2017-18; followed by Intervention & Support Services. These were reflective of the type of complaints received from parents around the unwelcomed intervention or decisions made regarding their children.

Member enquiries have decreased from 63 in 2017-18 to 47 in 2018-19 with 78% being responded to within timescale.

The report detailed that the number of compliments was still quite low but had increased from 10 to 19 in 2018-19, with Children and Adults with Disabilities and Learning & Achievement receiving the highest number. Staff would need to be reminded to send compliments to the Complaints & Information Team to be logged.

The Committee noted that Children's Services continue to deliver services in line with their vision for children and young people, with the aim to learning and making improvements. The Assistant Director stated that this was reflected in the recent OFSTED inspection in which inspectors found improvements across all service areas. The report by OFSTED identified that opportunities for workforce learning are well established and this has been pivotal in driving improvements.

Members were informed that Education complaints are reported corporately. However, enquiries relating to schools, academies or colleges have dropped from 42 in 2017-18 to 25 in 2018-19. These complaints are referred to the relevant educational establishment to be taken through the school's 2018-19.

The Committee **noted** the report.

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**Chairman**



**ADJUDICATION AND REVIEW  
COMMITTEE**

4 December 2019

<b>Subject Heading:</b>	Update on Corporate Complaints and Statutory Complaints for Quarter 2
<b>SLT Lead:</b>	Andrew Blake-Herbert
<b>Report Author and contact details:</b>	Carol Ager <a href="mailto:carol.ager@havering.gov.uk">carol.ager@havering.gov.uk</a> 01708 434389
<b>Policy context:</b>	Corporate Complaint Policy and Procedure 1st April 2015
<b>Financial summary:</b>	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 [ ]
- People will be safe, in their homes and in the community [ ]
- Residents will be proud to live in Havering [X]

**SUMMARY**

This report updates Members of Adjudication and Review on complaint handling performance, across all Council services.

The Corporate Complaint Policy and Procedure was introduced on 1<sup>st</sup> April 2015. Some changes to the Corporate timescales were made, effective 1<sup>st</sup> October 2018. Turnaround was set to 10 working days for Stage 1 complaints and 25 working days for Stage 2 complaints. Services should aim to respond to 95% of cases within time.

Statistics are reported to Committee on a quarterly basis.

This report attaches written information for Members to consider on complaint statistics for Quarter 1, indicating numbers received and performance on timeliness and quality. It also includes quarterly statistics for Statutory complaints; information follows.

**RECOMMENDATIONS**

That the Committee consider and discuss any further action required on the following:

1. The Corporate Complaints Performance Statistics for Quarter 2 (July – September 2019).
2. The Statutory Complaints Performance Statistics for Quarter 2 (July – September 2019)
3. Decisions made by both the Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman (HO) throughout the quarter.

**REPORT DETAIL**

The Corporate Complaints Policy and Procedure has been in place since 1st April 2015. This report summarises the performance under the Council’s complaints handling process, and identifies Services response turnaround times, together with those areas in need of additional attention.

Statutory complaints, those related to the care of children and adults, are subject to a separate Statutory Complaint Policy with different timescales.

**Corporate Complaints Performance Statistics**

The 2<sup>nd</sup> quarter performance statistics for all complaints under the procedure is attached as **Appendix 1**.

In short, the council received 562 Stage 1 complaints during the period July to September 2019. 92% of them (519) were responded to within the required timescale of ten days.

The council received 111 requests for escalation to Stage 2 of the process, 69% (77) of them dealt with within 25 days, in line with current timescales.

This equates to an escalation request rate of 20% however, this is reduced to 9% when considering the number of cases that were not escalated to Stage 2. This is an increase from the previous 5% in Quarter 1. The request for escalation rate is exactly the same as in Quarter 2 2018/19.

The following table provides an easy view of complaints completed at Stages 1 and 2.

	<b>July</b>	<b>August</b>	<b>September</b>
Stage 1 percentage to time	96%	93%	89%

## **Adjudication and Review Committee – 4 December 2019**

Stage 2 percentage to time	92%	63%	63%
Cumulative percentage Stages 1 & 2	95%	88%	84%

Unfortunately, there has been a dip in performance across this quarter, most markedly in Stage 2 complaints. Given previous discussions relating to increasing numbers of Stage 2 complaints, with the need for more in-depth investigations, the team have been struggling. This is being addressed, with the appointment of one permanent member of staff, who took up post mid-October, and a secondment opportunity for another.

### **Statutory Complaints Performance Statistics**

Quarter 2 Statutory complaints statistics are shown at Appendix 2.

The number of statutory complaints received in 2019-20 by Adult Social Care in Q2 totalled 10 and Children's Services totalled 23, however of the 23 received, four were withdrawn, and one is on hold, resulting in 18 for the quarter. There has been a slight decrease in the number of complaints of two from Q1 (20) for Children's Services, while there has been a decrease of nine in Adult Social Care complaints from Q1 (19).

For Adults, of those complaints responded to in Q2 (10), seven were Adult Social Care, whilst three involved third parties (external providers). Of the Adult Social Care complaints, 43% were responded to within the 20 day timescale. Of the three external provider complaints only one was responded to within the 25 day timescale. The two not responded to within 25 days, included some safeguarding issues that required resolution, leading to delay in responding. Of those complaints responded for Children's in Q2 (12), 67% were responded to within the 20 day timescale, one complaint is on hold and one is ongoing.

There were three Stage 2 requests for Children's Services, with two ongoing (from the previous quarter) and one potential Stage 2 not progressing, following resolution with the complainant. There were two Stage 3 Review Panels in Q2.

Adult Social Care complaints in Q2 continued to largely be concerning invoices/fees charged relating to disputes around times charged for care. This is an ongoing issue and continues to be a high priority within the Adult Social Care action plan. Children's Services complaints continued to be around interventions by Children's Services, and in relation to support around accommodation.

### **Ombudsmen Decisions**

During Quarter 2 there were 26 decisions by Local Government and Housing Ombudsmen, as follows:

- 7 x Closed after initial enquiries: No further action  
(*Environment (4); Planning; Public Protection; Housing*)
- 5 x Closed after initial enquiries: Out of jurisdiction  
(*Environment; Planning; Housing (2); Business Rates*)
- 6 x Closed: Premature

**Adjudication and Review Committee – 4 December 2019**

*(Adult Services; Children’s Services; Environment; Housing (2); Council Tax & Benefits)*

4 x Not Upheld: No Maladministration

*(Adult Services (2); Children’s Services (1); Environment)*

1 x Upheld: Maladministration, injustice with no penalty **S**

*(Environment)*

2 x Upheld: Maladministration, injustice with penalty **S**

*(Adults Services)*

There was one Housing Ombudsman decision during the period, which found no maladministration.

See table below for comparison of significant (S) decisions made for Quarter 2 in 2018 and 2019:

<b>Significant decisions (where maladministration and injustice found)</b>				
	Quarter 2 2018		Quarter 2 2019	
Maladministration, injustice with penalty	2	Adult Services; Learning & Achievement	2	Adult Services
Maladministration, injustice, no penalty	1	Adult Services	1	Environment

Quarter 2 Ombudsman decisions are shown in more detail on attached Appendix 2.

**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 is published on the internet and as it has been mentioned previously, may provide background to the information in this report.

Attached are three appendices:

Appendix 1 – Quarter 1 Complaints statistics

Appendix 2 – Quarter 1 Statutory Complaints statistics

Appendix 3 – Ombudsman Activity Report for Quarter 1

**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.**

In line with the revision of timescales to the Corporate Complaints Policy and Procedure, with effect from 1st October 2018, we have to respond to Stage 1 complaints in 10 days, 25 days for a Stage 2 and 30 working days for a Stage 3 (Adjudication and Review). The target to achieve for both Stages 1 and 2 is 95% to time

**The information on the following pages shows:**

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

Cumulative complaint figures for both Stage 1 and Stage 2 complaints from April 2019 until March 2020

Performance for Quarter 1 2019:	
Stage 1 percentage to time overall (469/490)	96%
Stage 2 percentage to time (75/84)	89%
Stage 3 percentage to time (No cases)	0%
Stage 1 & 2 cumulative score (544/574)	95%

Performance for Quarter 3 2018:	
Stage 1 percentage to time overall (315/411)	77%
Stage 2 percentage to time (61/69)	88%
Stage 3 percentage to time (No cases)	0%
Stage 1 & 2 cumulative score	78%

Performance for Quarter 2 2019:	
Stage 1 percentage to time overall 92% (519/562)	
Stage 2 percentage to time 69% (77/111)	
Stage 3 percentage to time (No cases)	0%
Stage 1 & 2 cumulative score	

Performance for Quarter 4 2018:	
Stage 1 percentage to time overall (390/499)	78%
Stage 2 percentage to time (93/115)	81%
Stage 3 percentage to time (No cases)	0%
Stage 1 & 2 cumulative score	79%

Performance for Quarter 2 2018:	
Stage 1 percentage to time overall (383/480)	80%
Stage 2 percentage to time (82/98)	84%
Stage 3 percentage to time (One case)	0%
Stage 1 & 2 cumulative score	80%

Senior Leadership Support team

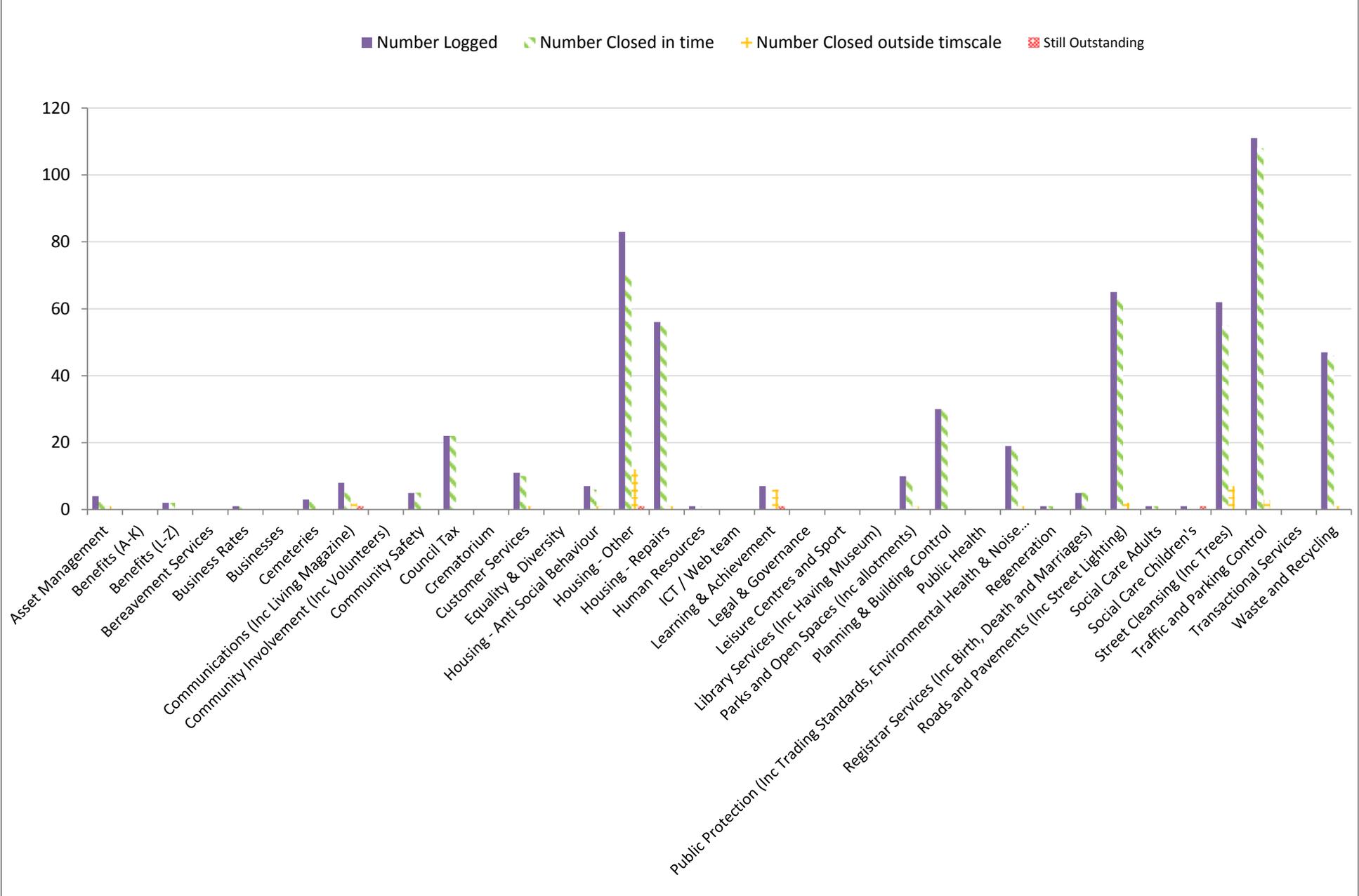
20th November 2019

## Corporate Complaints Report - Quarter 2 - July to September 2019

Appendix 1

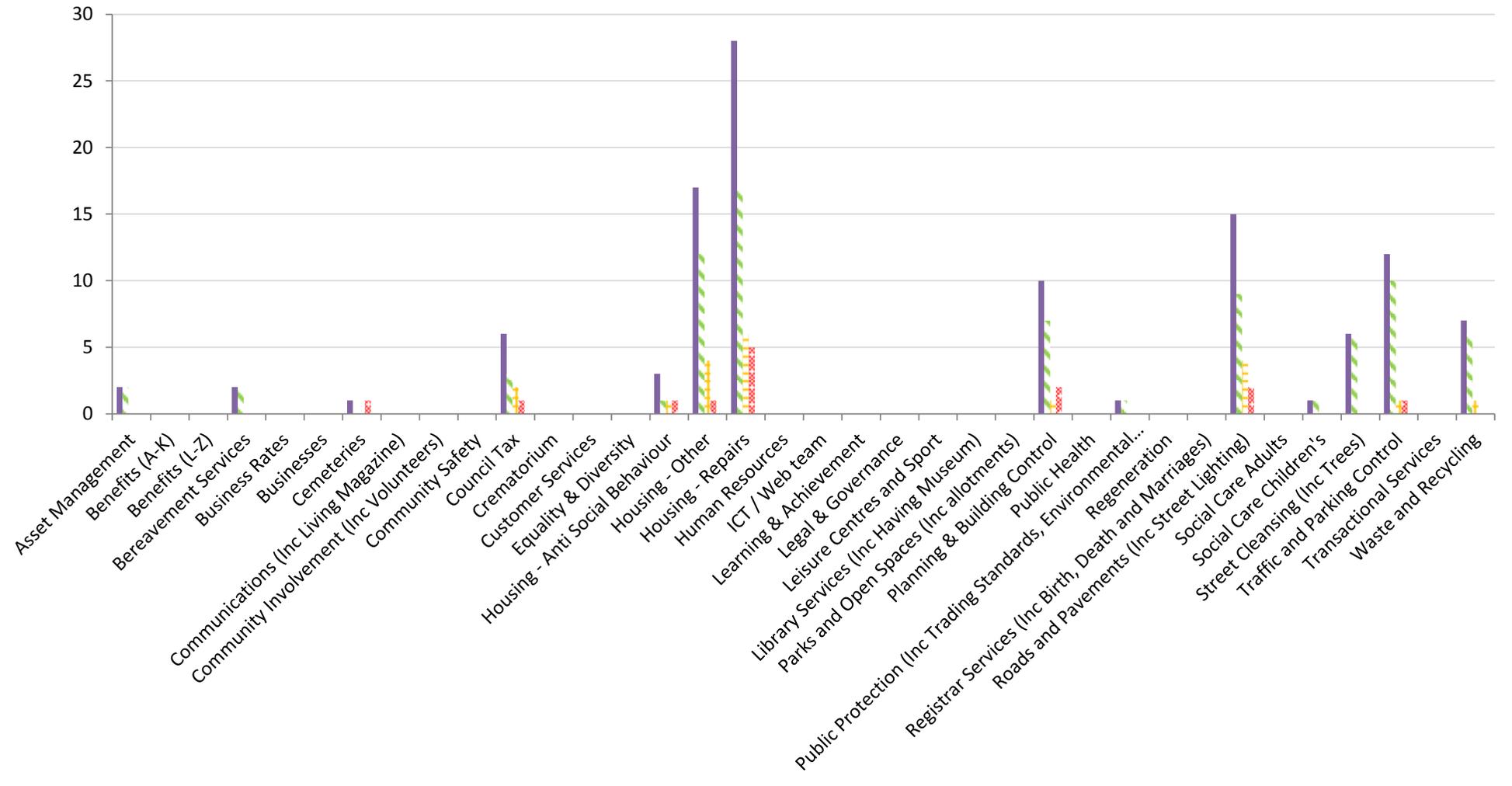
	Stage 1					Stage 2					
	Number Logged	Closed in 10 days	Closed in 10 days (%)	Closed over 10 days	Still open	Number Logged	Closed in 25 days	Closed in 25 days (%)	Closed over 25 days	Still open	Still open and in time
Asset Management	3	2	67%	1		2	2	100%			
Benefits (A-K)											
Benefits (L-Z)	2	2	100%								
Bereavement Services						2	2	100%			
Business Rates	1	1	100%								
Businesses											
Cemeteries	3	3	100%			1		0%		1	
Communications (Inc Living Magazine)	8	5	63%	2	1						
Community Involvement (Inc Volunteers)											
Community Safety	6	6	100%								
Council Tax	22	22	100%			6	3	50%	2	1	
Crematorium											
Customer Services	11	10	91%	1							
Equality & Diversity											
Housing - Anti Social Behaviour	7	6	86%	1		3	1	33%	1	1	
Housing - Other	83	70	84%	12	1	17	12	71%	4	1	
Housing - Repairs	56	55	98%	1		28	17	61%	6	5	
Human Resources	1	1	100%								
ICT / Web team											
Learning & Achievement	7			6	1						
Legal & Governance											
Leisure Centres and Sport											
Library Services (Inc Having Museum)											
Parks and Open Spaces (Inc allotments)	10	9	90%	1							
Planning & Building Control	30	30	100%			10	7	70%	1	2	
Public Health											
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	19	18	95%	1		1	1	100%			
Regeneration	1	1	100%								
Registrar Services (Inc Birth, Death and Marriages)	5	5	100%								
Roads and Pavements (Inc Street Lighting)	65	63	97%	2		15	9	60%	4	2	
Social Care Adults	1	1	100%								
Social Care Children's	1		0%		1	1	1	100%			
Street Cleansing (Inc Trees)	62	55	89%	7		6	6	100%			
Traffic and Parking Control	111	108	97%	3		12	10	83%	1	1	
Transactional Services											
Waste and Recycling	47	46	98%	1		7	6	86%	1		
<b>Total</b>	<b>562</b>	<b>519</b>	<b>92%</b>	<b>39</b>	<b>4</b>	<b>111</b>	<b>77</b>	<b>69%</b>	<b>20</b>	<b>14</b>	<b>0</b>

### Stage 1 by Topic



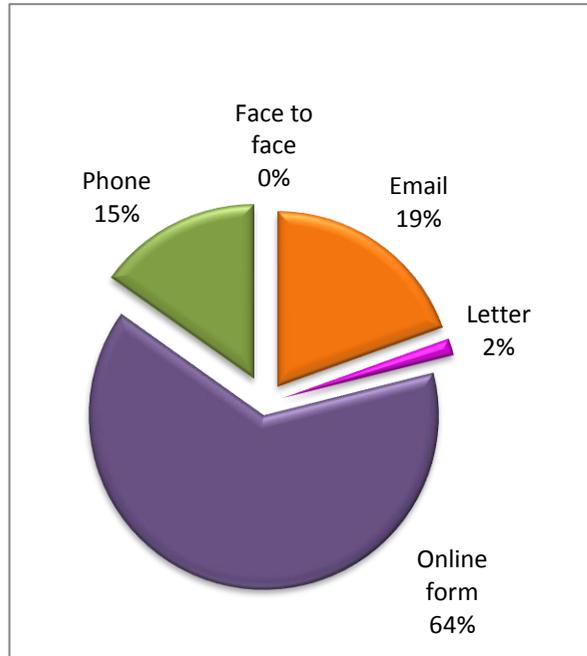
### Stage 2 by Topic

■ Number Logged   
 ■ Number Closed in time   
 + Number Closed outside timescale   
 ■ Still Outstanding   
 ■ Open and in time

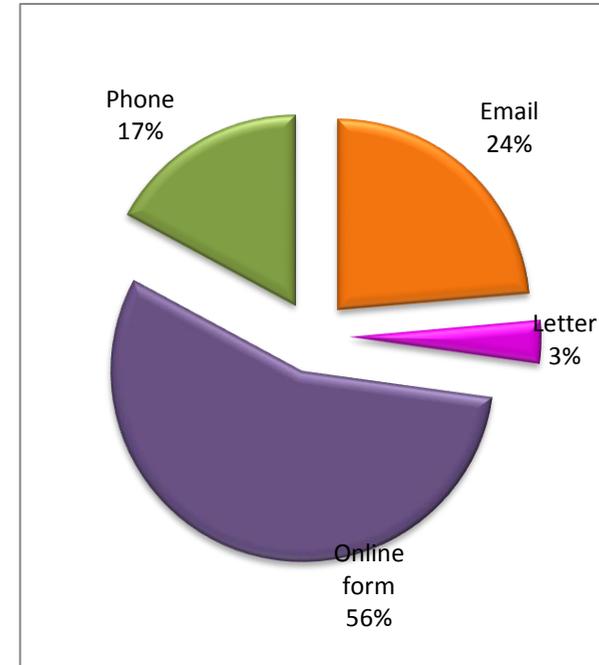


Contact Type

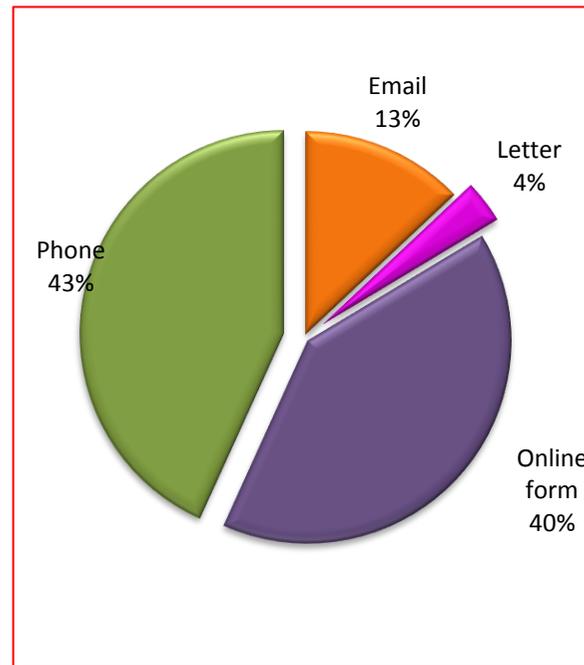
Quarter 1 2019/2020



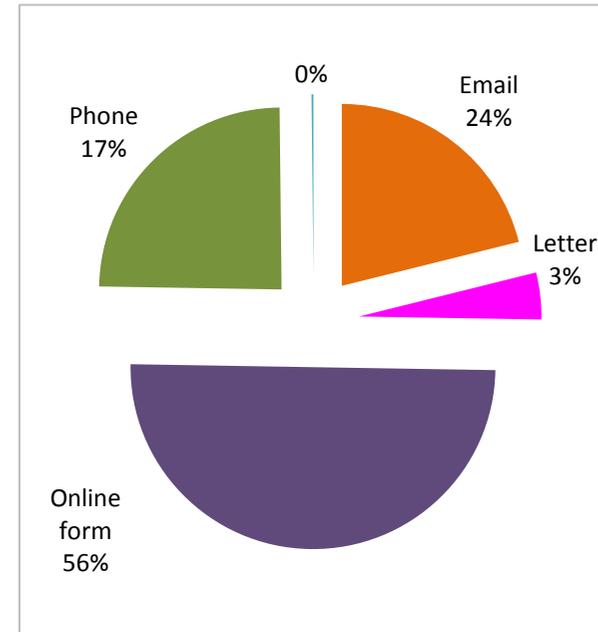
Quarter 4 2018/19



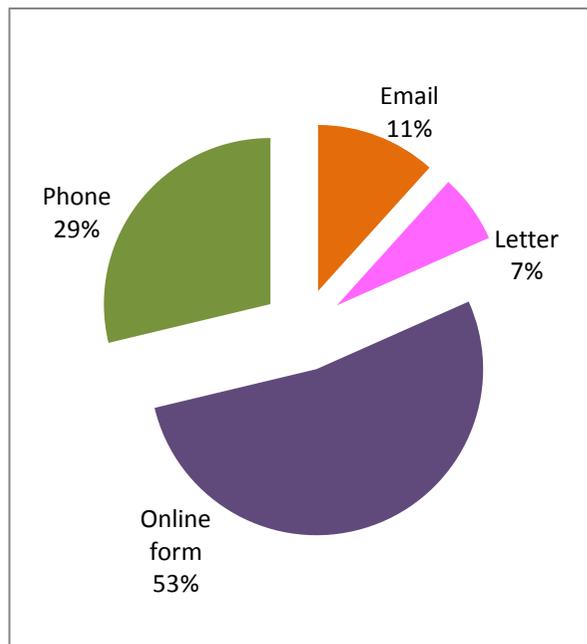
Quarter 2 2019/20



Quarter 2 2018/19



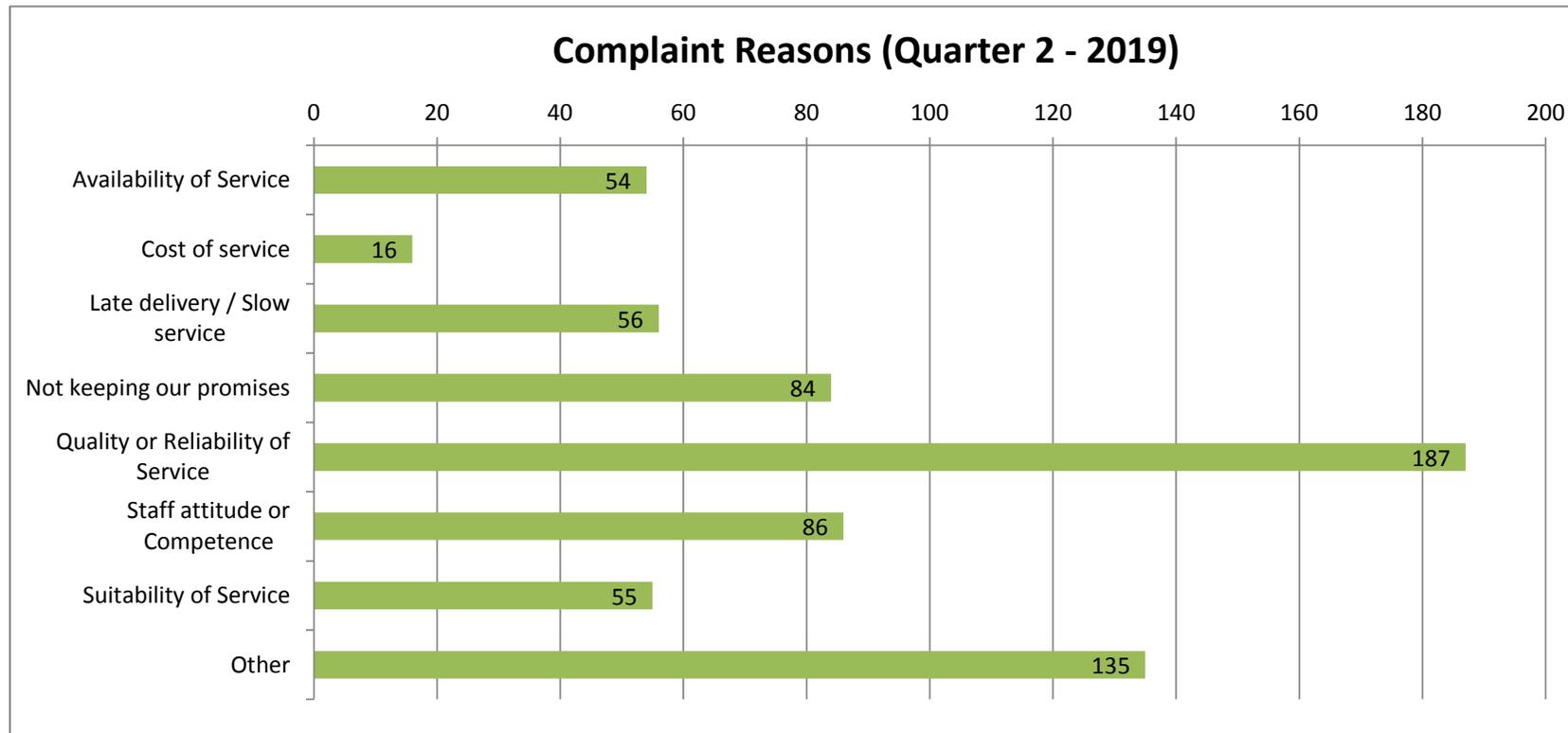
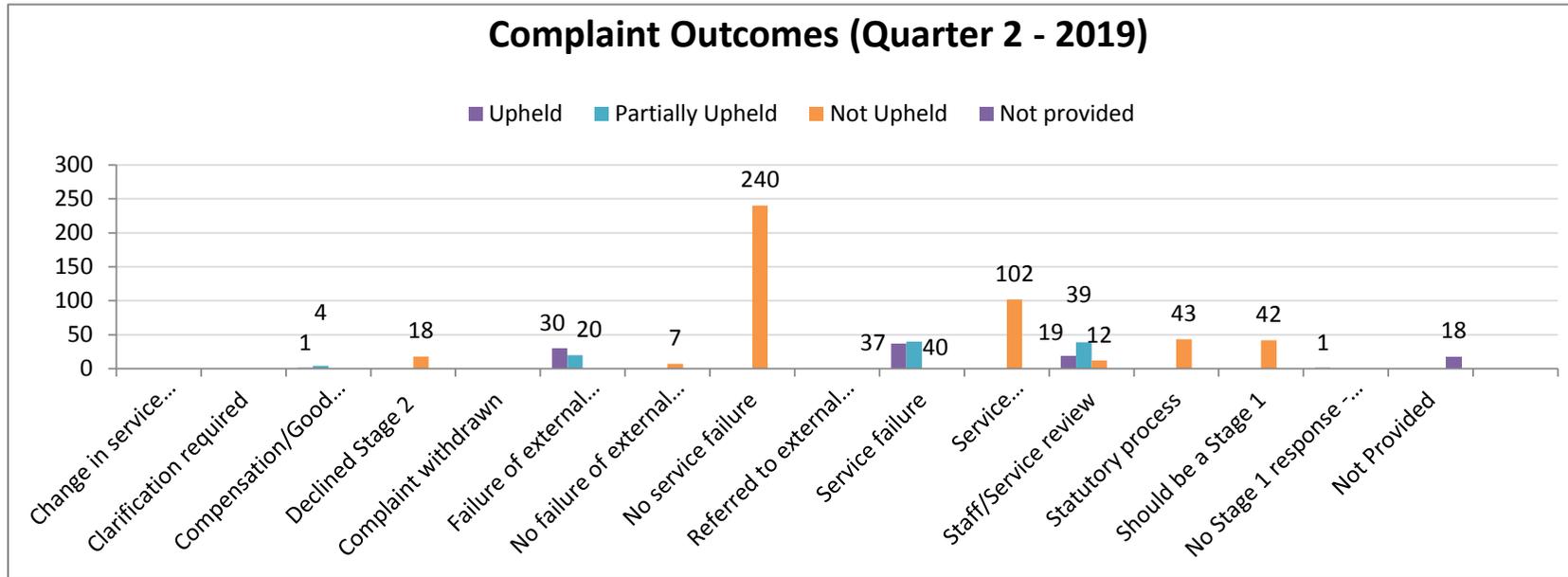
Quarter 3 2018/19



Corporate Complaints Report - Quarter 2 - July to September 2019

	Carry Over	July				August				September				Total
	Cumulative (Apr - Sept)	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*
Asset Management	3	1	100%			1	100%	1	100%	1	0%	1	100%	6
Benefits (A-K)	3													3
Benefits (L-Z)	4		100%			1	100%			1	100%			6
Bereavement Services	1													1
Business Rates	0			2	100%					1	100%			1
Businesses	0													0
Cemeteries	2	1	100%			2	100%					1	0%	5
Communications (Inc Living	0					6	83%			2	0%			8
Community Involvement (Inc	0													0
Community Safety	1	2	100%			1	100%			3	100%			7
Council Tax	17	6	100%	2	100%	6	100%	3	33%	10	100%	1	0%	39
Crematorium	0													0
Customer Services	10	4	100%			3	100%			4	75%			21
Equality & Diversity	0													0
Housing - Anti Social Behaviour	8	2	100%							3	67%	2	50%	13
Housing - Other	63	30	97%	7	100%	2	100%	1	0%	32	81%	7	71%	127
Housing - Repairs	66	21	100%	9	78%	21	71%	3	0%	15	93%	9	56%	123
Human Resources	0					20	100%	10	50%					20
ICT / Web team	0					1	100%							1
Learning & Achievement	0									7	0%			7
Legal & Governance	0													0
Leisure Centres and Sport	2													2
Library Services (Inc Having	2													2
Parks and Open Spaces (Inc	14	4	75%		100%	4	100%			2	100%			24
Planning & Building Control	17	12	100%	2	100%	7	100%	4	100%	11	100%	4	25%	47
Public Health	1													1
Public Protection (Inc Trading	9	8	100%	1	100%	4	75%			7	100%			28
Regeneration	0	1	100%											1
Registrar Services (Inc Birth,	1	2	100%			2	100%			1	100%			6
Roads and Pavements (Inc Street	55	23	96%	1	100%	22	100%	6	50%	20	95%	8	63%	120
Social Care Adults	1					1	100%		100%					2
Social Care Children's	0	1	0%	1	100%									1
Street Cleansing (Inc Trees)	47	16	75%	3	100%	19	89%	2	100%	27	96%	1	100%	109
Traffic and Parking Control	108	42	100%	6	83%	36	94%	2	100%	33	97%	4	75%	219
Transactional Services	0													0
Waste and Recycling	55	14	100%	2	100%	11	100%	3	67%	22	95%	2	100%	102
<b>Stage 1 Logged (Total)</b>	<b>490</b>	<b>190</b>				<b>170</b>				<b>202</b>				<b>1052</b>
<b>Completed in 15 days (%)</b>	<b>96%</b>		<b>96%</b>				<b>93%</b>				<b>89%</b>			
<b>Stage 2 logged (Total)</b>	<b>84</b>			<b>36</b>				<b>35</b>				<b>40</b>		<b>195</b>
<b>Completed in 20 days (%)</b>	<b>89%</b>				<b>92%</b>				<b>63%</b>				<b>63%</b>	

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



Cumulative complaint figures April 19 - March 20

	Cumulative numbers logged April 17 - March 18 (Stage 1&2)	% of total	April '19	May '19	June '19	July '19	August '19	September '19	October '19	November '19	December '19	January '20	February '20	March '20
Asset Management	8	0.64%	0	2	1	1	2	2						
Benefits (A-K)	3	0.24%		3	0	0	0	0						
Benefits (L-Z)	9	0.72%	2	3	2	0	1	1						
Bereavement Services	2	0.16%	0	0	2	0	0	0						
Business Rates	3	0.24%	0	0	0	2	0	1						
Businesses	0	0.00%	0	0	0	0	0	0						
Cemeteries	6	0.48%	1	0	1	1	2	1						
Communications (Inc Living	8	0.64%	0	0	0	0	6	2						
Community Involvement (Inc	0	0.00%	0	0	0	0	0	0						
Community Safety	7	0.56%	0	0	1	2	1	3						
Council Tax	48	3.85%	8	8	4	8	9	11						
Crematorium	0	0.00%	0	0	0	0	0	0						
Customer Services	25	2.00%	4	5	5	4	3	4						
Equality & Diversity	0	0.00%	0	0	0	0	0	0						
Havering Music School	0	0.00%	0	0	0	0	0	0						
Housing - Anti Social Behaviour	21	1.68%	6	2	3	2	3	5						
Housing - Other	176	14.11%	27	23	26	37	24	39						
Housing - Repairs	161	12.91%	22	27	28	30	30	24						
Human Resources	1	0.08%	0	0	0	0	1	0						
ICT / Web team	0	0.00%	0	0	0	0	0	0						
Learning & Achievement	7	0.56%	0	0	0	0	0	7						
Legal & Governance	1	0.08%	0	0	1	0	0	0						
Leisure Centres and Sport	2	0.16%	1	0	1	0	0	0						
Library Services (Inc Having	2	0.16%	2	0	0	0	0	0						
Parks and Open Spaces (Inc	25	2.00%	5	6	4	4	4	2						
Planning & Building Control	62	4.97%	8	9	5	14	11	15						
Public Health	2	0.16%	1	1	0	0	0	0						
Public Protection (Inc Trading	32	2.57%	6	3	3	9	4	7						
Regeneration	1	0.08%	0	0	0	1	0	0						
Registrar Services (Inc Birth, Death	6	0.48%	0	0	1	2	2	1						
Roads and Pavements (Inc Street	119	9.54%	25	27	15	24	28	0						
Social Care Adults	31	2.49%	0	2	0	0	1	28						
Social Care Children's	2	0.16%	0	0	0	2	0	0						
Street Cleansing (Inc Trees)	118	9.46%	14	19	17	19	21	28						
Traffic and Parking Control	243	19.49%	43	35	42	48	38	37						
Transactional Services	0	0.00%	0	0	0	0	0	0						
Waste and Recycling	116	9.30%	14	21	27	16	14	24						
<b>Total Complaints logged</b>	<b>1247</b>		<b>189</b>	<b>196</b>	<b>189</b>	<b>226</b>	<b>205</b>	<b>242</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Overall % of complaints 1&amp;2 completed within time</b>			<b>95%</b>			<b>89%</b>						#DIV/0!		

Corporate Complaints Report - Quarter 2 - July to September 2019

	Availability of service	Late Delivery/Slow Service	Not keeping our promises	Quality or reliability of service	Cost of Service	Staff attitude or competence	Suitability of Service	Other	Total
Asset Management		2	2					1	5
Benefits (A-K)									0
Benefits (L-Z)				1	1				2
Bereavement Services									0
Business Rates				3					3
Cemeteries				1			3		4
Communications (Inc Living Magazine)		1	2	1		2	2		8
Council Tax	1	4	2	8	3	6		4	28
Crematorium									0
Customer Services	1			3		2		5	11
Community Safety	1			3			1	1	6
Housing - Anti Social Behaviour		1	4			2		3	10
Housing - Other	5	3	17	31	2	16	3	23	100
Human Resources		1							1
Housing - Repairs	3	6	13	30	2	9	1	20	84
Learning & Achievement	1		2	1				3	7
Legal & Governance									0
Leisure Centres and Sport									0
Library Services (Inc Having Museum)									0
Parks and Open Spaces (Inc allotments)	2	1	1	2		1	1	2	10
Planning & Building Control	1	7	5	9		6	4	8	40
Public Health									0
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	2		2	4		4	2	6	20
Regeneration								1	1
Registrar Services (Inc Birth, Death and Marriages)	1			1	1	1		1	5
Roads and Pavements (Inc Street Lighting)	15	9	13	17	1		14	11	80
Social Care Adults			1						1
Social Care Children's	1						1		2
Street Cleansing (Inc Trees)	3	8	10	29		7	3	8	68
Traffic and Parking Control	14	10	7	17	6	21	18	30	123
Transactional Services									0
Waste and Recycling	3	3	3	26		9	2	8	54
<b>Total:</b>	<b>54</b>	<b>56</b>	<b>84</b>	<b>187</b>	<b>16</b>	<b>86</b>	<b>55</b>	<b>135</b>	<b>673</b>

This table shows the breakdown of complaint reasons for each service area for Stages 1 and 2.

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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.**

Adult Social Care do not have statutory timescales, however these are in line with the Statutory regulations for Children's timescales as follows: to respond to a complaint within 10 - 20 working days for Stage 1, 25-65 working days for Stage 2 (independent investigation) and 45 working days for Review Panel. The Review Panel involves Panel to be held within 30 working days of request, report and response within 15 working days on receipt of the report. The target to achieve for Stages 1 and 2 is 95% to time

**The information on the following pages shows:**

- 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 Service showing those logged, closed or still open
- 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
- Cumulative complaint figures for both Stage 1 and Stage 2 complaints from April 2018 until March 2019

Performance for April to June 2019 (Quarter1) in short is therefore:

Stage 1 percentage to time overall	54%	
Stage 2 percentage to time	0	0
Stage 3 percentage to time	0	0
Stage 1 & 2 cumulative score		

Social Care Complaints team

Statutory Complaints Quarter 2 Report July to September 2019

	Stage 1					Stage 2							Comments
	Number Logged	Within 20 days	Within 20 days (%)	Over 20 days	Over 20 days and still open	Number Logged	Closed in 25 days	Closed in 25 days (%)	Closed in 65 days	Closed in 65 days (%)	Closed over 65 days	Over 65 days and still open	
Social Care Adults - Statutory (ASC)	7	3	43%	3	0								1x extension agreed beyond 20 working days
Social Care Adults - Statutory (third parties)	3	1	33%	2	0								
Children's Services- Statutory *	18	12	67%	5	1	3			1	33%		2	
<b>Total</b>	<b>28</b>	<b>15</b>	<b>54%</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0%</b>	<b>1</b>	<b>33%</b>	<b>0</b>	<b>2</b>	

\* A further 5 stage 1 complaints were received, of which 4 were withdrawn, and 1 is on hold

Showing this quarters performance

	Carry Over	July				August				September				Total
	Cumulative (Apr - Jun)	Stage 1 logged	In 20 days (%)	Stage 2 Logged	In 65 days (%)	Stage 1 logged	In 20 days (%)	Stage 2 Logged	In 65 days (%)	Stage 1 logged	In 20 days (%)	Stage 2 Logged	In 65 days (%)	Cumulative*
Social Care Adults - Statutory (ASC)														
Stage 1 Logged (Total)		1	0			4	2			2	1			7
Completed in 20 days (%)			0%				50%				50%			
Stage 2 logged (Total)														
Completed in 20 days (%)														

	Carry Over	July				August				September				Total
	Cumulative (Apr - Jun)	Stage 1 logged	In 25 days (%)	Stage 2 Logged	In 65 days (%)	Stage 1 logged	In 25 days (%)	Stage 2 Logged	In 65 days (%)	Stage 1 logged	In 25 days (%)	Stage 2 Logged	In 65 days (%)	Cumulative*
Social Care Adults - Statutory (Third Parties)														
Stage 1 Logged (Total)		2	1			1	0			0	0			3
Completed in 20 days (%)			50%				17%				n/a			
Stage 2 logged (Total)														
Completed in 20 days (%)														

	Carry Over	July				August				September				Total
	Cumulative (Apr - Jun)	Stage 1 logged	In 20 days (%)	Stage 2 Logged	In 65 days (%)	Stage 1 logged	In 20 days (%)	Stage 2 Logged	In 65 days (%)	Stage 1 logged	In 20 days (%)	Stage 2 Logged	In 65 days (%)	Cumulative*
Children's Services - Statutory														
Stage 1 Logged (Total)		4	2			9	5			5	5			18
Completed in 20 days (%)			50%				56%				100%			
Stage 2 logged (Total)				2	0			1	1			0	0	3





### Complaints determined:

		Report issued: Upheld; maladministration and injustice	Report issued: Upheld; maladministration, no injustice	Report issued: Not upheld; no maladministration	Upheld; Maladministration, injustice with penalty	Upheld: Maladministration, injustice, no penalty	Upheld ; Maladministration, no injustice	Upheld: No further action	Not Upheld; no maladministration	Closed after initial enquiries - out of jurisdiction	Closed after initial enquiries - no further action	Closed: Premature	HO: No maladministration	HO: Maladministration, with penalty	HO: Resolved locally - No further action	Not upheld: No further action	
Adult Social Care	Adult Services				2				2			1					
Children's Services	Children's Services Learning & Achievement								1			1					
Chief Operating Officer	Leisure Centres																
	Libraries																
Neighbourhoods	Environment Planning & Building Control					1			1	1	4	1					
	Public Protection									1	1						
											1						
Housing	Housing (incl repairs)									2	1	2	1				
oneSource	Council Tax & Benefits											1					
	Business Rates									1							
	Legal Services																
<b>Total :</b>		0	0	0	2	1	0	0	4	5	7	6	1	0	0	0	0

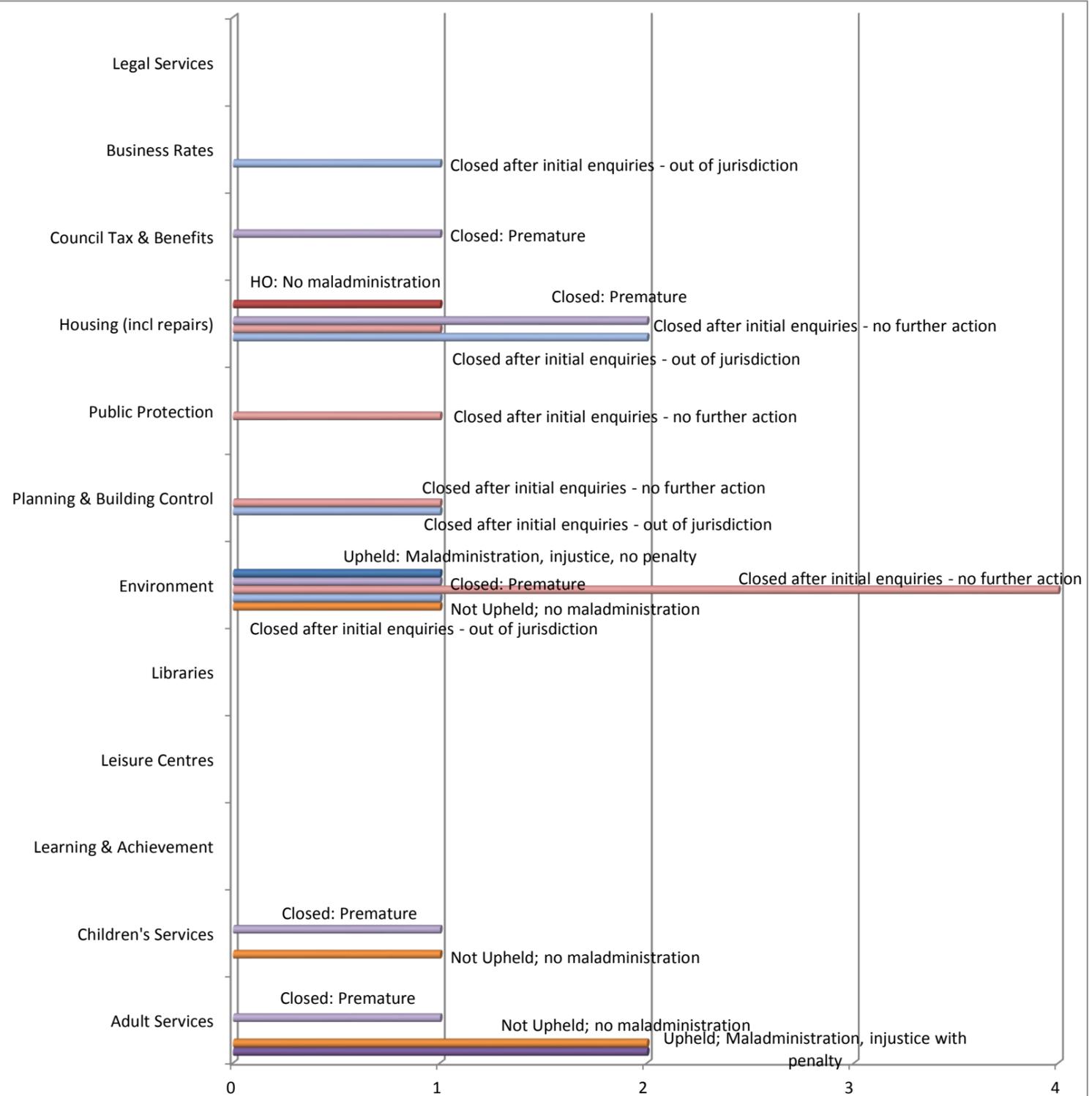
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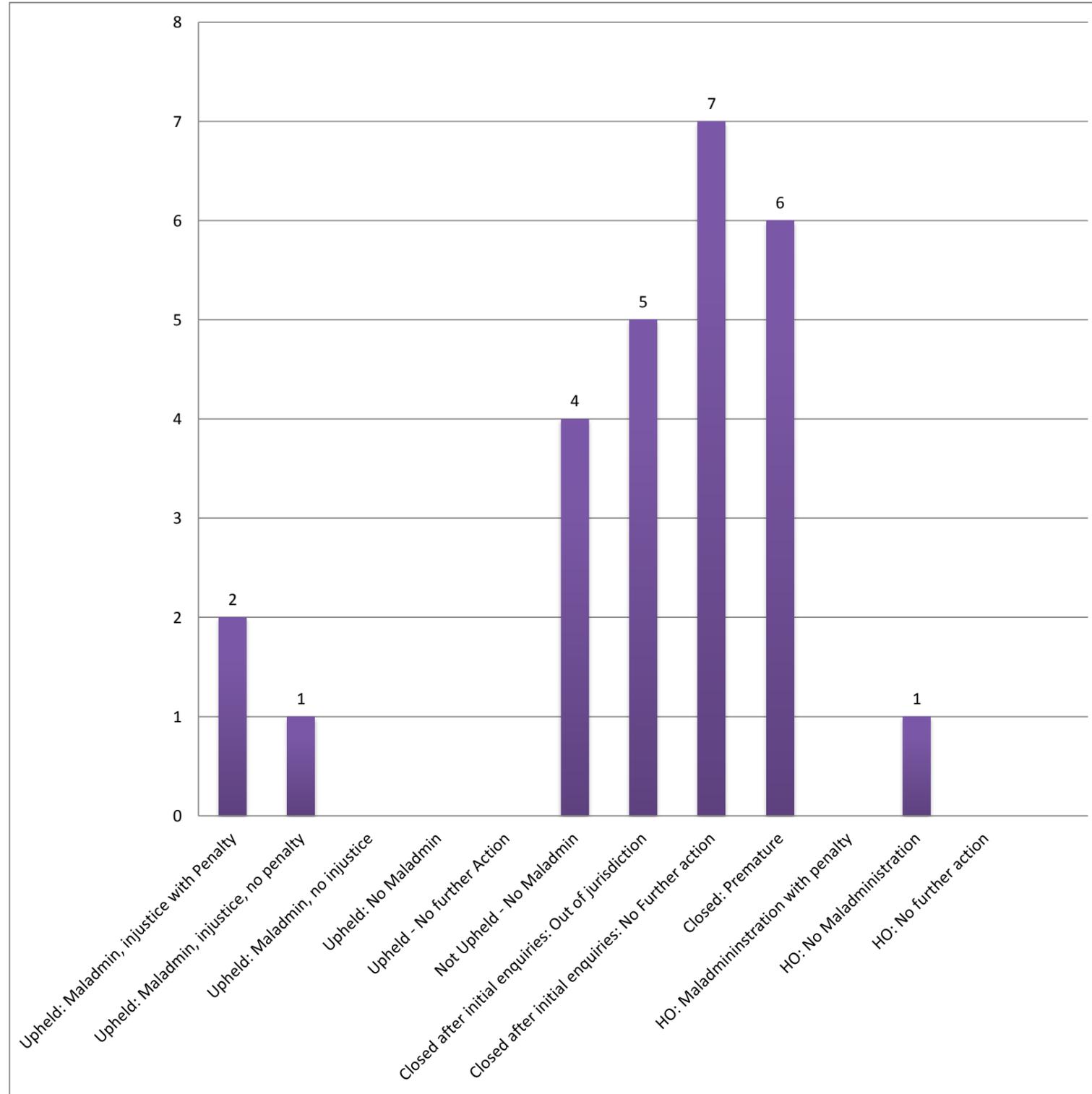
# Decisions

Directorate/Service Area

- Upheld ; Maladministration, no injustice
- HO: Maladministration, with penalty
- HO: No maladministration
- Upheld: Maladministration, injustice, no penalty
- Closed: Premature
- Closed after initial enquiries - no further action
- Closed after initial enquiries - out of jurisdiction
- Not Upheld; no maladministration
- Upheld; Maladministration, injustice with penalty



## Outcomes



## **Significant decisions from Local Government and Social Care Ombudsman or Housing Ombudsman**

### **1. Mrs Y - Adult Services**

Mrs Y, complained on behalf of her aunt and cousin; she said the Council was at fault in how it calculated the contributions her aunt should have to make towards her residential care. Mrs Y also says the Council should not have decided to withdraw the 'property disregard' it previously applied when calculating Ms X's contributions towards her care between May 2013 and March 2017. The Council agreed to apply the disregard property up to September 2015 but include it in any later assessments.

**Ombudsman decision: Upheld - Maladministration, injustice with penalty**

### **2. Ms X - Adults Services**

Ms X complained about the Council's assessment of her mother's needs, both the process and the outcome. She said there was delay, poor communication and an insufficient personal budget allocated, which did not cover the full cost of her mother's care. The Ombudsman found fault and the Council agreed to undertake a reassessment of Mrs Y's personal budget taking account of the cost of available care suitable to meet Mrs Y's needs; establish how much Mrs Y had paid to cover the shortfall in her care and reimburse her in full; provide Ms X with a written apology for the failings identified by the investigation and make a payment of £250 to acknowledge the time and trouble she had been put to in pursuing her complaint

**Ombudsman decision: Upheld - Maladministration, injustice with penalty**

### **3. Mr X - Environment Services**

Mr X complained the Council failed to advise him that he would lose his right to appeal a penalty charge notice (PCN) if he paid the fine. The Council apologised for the error and the Ombudsman was satisfied with this remedy.

**Ombudsman decision: Upheld - Maladministration, injustice, no penalty**

**ADJUDICATION & REVIEW COMMITTEE, 4 DECEMBER 2019**

<b>Subject Heading:</b>	Update on the Council’s Access to Information Performance for Quarter 2
<b>SLT Lead:</b>	Andrew Blake-Herbert Deputy Director of Legal and Governance
<b>Report Author and contact details:</b>	Veronica Taylor <a href="mailto:veronica.taylor@havering.gov.uk">veronica.taylor@havering.gov.uk</a> 01708 432518
<b>Policy context:</b>	An update of the Council’s Access to Information Performance  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 [ ]
- People will be safe in their homes and in the community [ ]
- Residents will be proud to live in Havering [X]

**SUMMARY**

The attached statistics give Members an update of the Council’s Access to Information performance for Subject Access, Freedom of Information & Environmental Information Requests. Members will have the opportunity to ask specific questions.

**RECOMMENDATIONS**

1. The Committee to note the statistics and discuss any further action required.

**REPORT DETAIL**

An update (attached) of the Council's Access to Information performance for Quarter 2

**IMPLICATIONS AND RISKS**

**Financial implications and risks:** None of this covering report.

**Legal implications and risks:** None of this covering report.

**Human Resources implications and risks:** None of this covering report.

**Equalities implications and risks:** None of this covering report.

**APPENDICES**

Appendix A – Access to Information Legislative Statistics July – September 2019

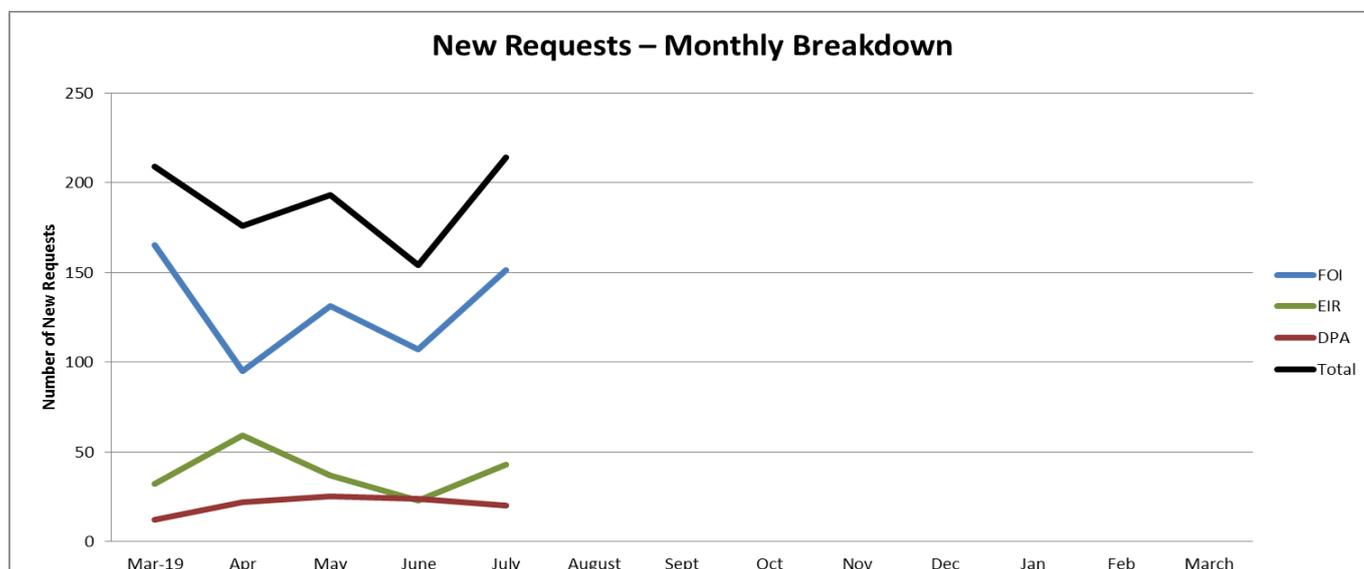
## Monthly Performance on Response to Access Information Requests July 2019

These statistics show the volume of requests into the Council through the Access to Information Service and the performance across the Council.

### All New Requests

*\*March 19 included for comparison only*

	Mar-19	Apr	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	total
FOI	165	95	131	107	151									484
EIR	32	59	37	23	43									162
DPA	12	22	25	24	20									91
<b>Total</b>	<b>209</b>	176	193	154	214									<b>737</b>



### All New Requests allocated to Departmental Information Officer (DIO)

SERVICE	CHIEF EXECUTIVE OFFICE & STAT 151 OFFICER	ACCESS TO INFORMATION	CHIEF OPERATING OFFICER	REGENERATION:	HOUSING	NEIGHBOURHOODS : Planning, Public Protection & Enforcement: Public Realm	NEIGHBOURHOODS: Highways, Strategic Waste Management, Development Transportation	NEIGHBOURHOODS: Registration & Bereavement	CHILDREN'S SERVICES	ADULT SOCIAL CARE	PUBLIC HEALTH	ONE SOURCE
requests	5	30	6	0	22	56	21	0	28	16	1	48
%	2%	14%	3%	0%	10%	26%	10%	0%	13%	7%	0%	22%

## Number of Requests Closed

CLOSED REQUESTS	total closed	Average number of days taken	closed 20/30 days	% closed within time	From Media	From Company	From Individual	Data not held	Data disclosed in full	Data disclosed in part	Data withheld in full
FOI	162	19	113	70%	17	56	89	18	76	38	23
EIR	38	20	29	78%	2	16	20	3	18	13	3
<b>TOTAL FOI/EIR</b>	<b>200</b>			<b>74%</b>	<b>19</b>	<b>72</b>	<b>109</b>	<b>21</b>	<b>94</b>	<b>51</b>	<b>26</b>
GDPR	29	14	27	93%				n/a	n/a	n/a	n/a
<b>OVEALL TOTAL</b>	<b>229</b>	n/a		<b>80%</b>				n/a	n/a	n/a	n/a

The Information Commissioner's expectation of a good performing authority is: **95%**.

### FOI REQUESTS CLOSED WITHIN 20 DAY DEADLINE

Requests closed in the current month	162
Requests closed within time	113
Average days to close	19
%age closed within the deadline	<b>70%</b>

### EIR REQUESTS CLOSED WITHIN 20 DAY DEADLINE

Requests closed in the current month	38
Requests closed within time	29
Average days to close	20
%age closed within the deadline	<b>76%</b>

### GDPR REQUESTS CLOSED WITHIN 30 DAY DEADLINE

Requests closed in the current month	29
Requests closed within time	27
Average days to close	14
%age closed within the deadline	<b>93%</b>

### Rolling year performance

2019	Jan 19	Feb 19	March 19	April 19	May 19	Jun 19
FOI	40%	72%	69%	60%	69%	63%
EIR	36%	77%	78%	88%	78%	78%
GDPR	94%	94%	100%	95%	100%	95%

2019	July 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19
FOI	70%					
EIR	76%					
GDPR	93%					



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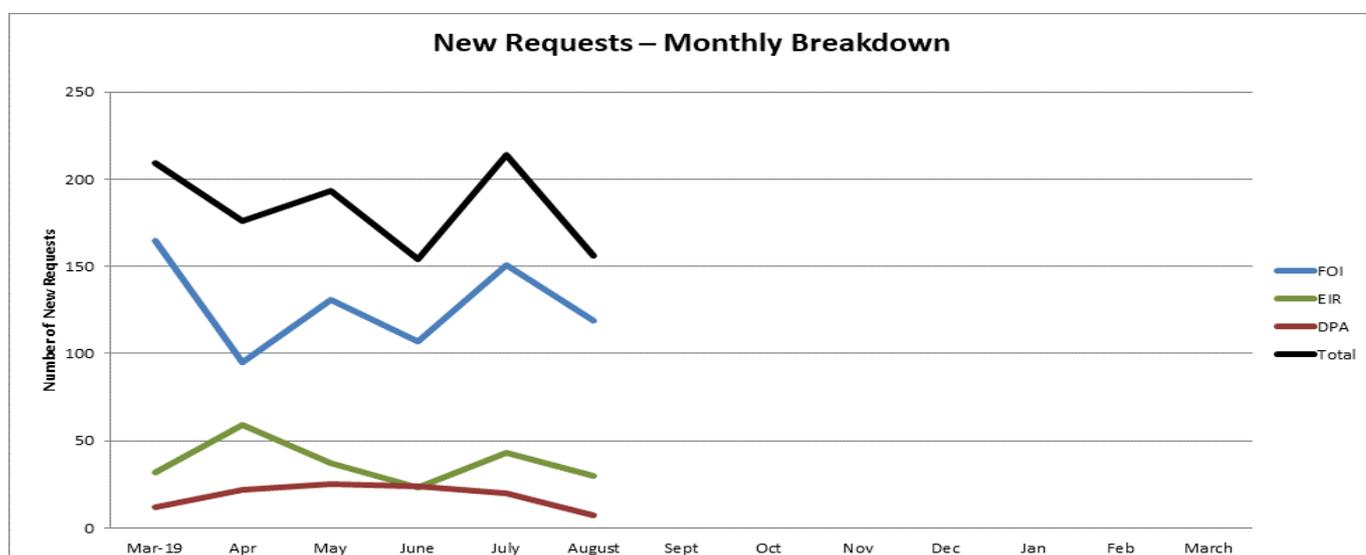
## Monthly Performance on Response to Access Information Requests August 2019

These statistics show the volume of requests into the Council through the Access to Information Service and the performance across the Council.

### All New Requests

*\*March 19 included for comparison only*

	Mar-19	Apr	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	total
FOI	165	95	131	107	151	119								603
EIR	32	59	37	23	43	30								192
DPA	12	22	25	24	20	7								98
<b>Total</b>	<b>209</b>	176	193	154	214	156								<b>893</b>



### All New Requests allocated to Departmental Information Officer (DIO)

SERVICE	CHIEF EXECUTIVE OFFICE & STAT 151 OFFICER	ACCESS TO INFORMATION	CHIEF OPERATING OFFICER	REGENERATION:	HOUSING	NEIGHBOURHOODS : Planning, Public Protection & Enforcement: Public Realm	NEIGHBOURHOODS: Highways, Strategic Waste Management, Development Transportation	NEIGHBOURHOODS: Registration & Bereavement	CHILDREN'S SERVICES	ADULT SOCIAL CARE	PUBLIC HEALTH	ONE SOURCE
requests	3	18	10	1	19	43	18	1	24	7	3	31
%	2%	12%	6%	1%	12%	28%	12%	1%	15%	4%	2%	20%

## Number of Requests Closed

CLOSED REQUESTS	total closed	Average number of days taken	closed 20/30 days	% closed within time	From Media	From Company	From Individual	Data not held	Data disclosed in full	Data disclosed in part	Data withheld in full
FOI	111	19	113	77%	12	47	52	12	46	36	17
EIR	32	14	28	88%	2	15	15	2	15	11	4
<b>TOTAL FOI/EIR</b>	<b>143</b>			<b>79%</b>	<b>14</b>	<b>62</b>	<b>67</b>	<b>14</b>	<b>61</b>	<b>47</b>	<b>21</b>
GDPR	11	9	9	82%				n/a	n/a	n/a	n/a
<b>OVEALL TOTAL</b>	<b>154</b>	n/a		<b>82%</b>				n/a	n/a	n/a	n/a

The Information Commissioner's expectation of a good performing authority is: **95%**.

### FOI REQUESTS CLOSED WITHIN 20 DAY DEADLINE

Requests closed in the current month	111
Requests closed within time	85
Average days to close	19
%age closed within the deadline	<b>77%</b>

### EIR REQUESTS CLOSED WITHIN 20 DAY DEADLINE

Requests closed in the current month	32
Requests closed within time	28
Average days to close	14
%age closed within the deadline	<b>88%</b>

### GDPR REQUESTS CLOSED WITHIN 40 DAY DEADLINE

Requests closed in the current month	11
Requests closed within time	9
Average days to close	9
%age closed within the deadline	<b>82%</b>

### Rolling year performance

2019	Jan 19	Feb 19	March 19	April 19	May 19	Jun 19
FOI	40%	72%	69%	60%	69%	63%
EIR	36%	77%	78%	88%	78%	78%
GDPR	94%	94%	100%	95%	100%	95%

2019	July 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19
FOI	70%	77%				
EIR	76%	88%				
GDPR	93%	82%				



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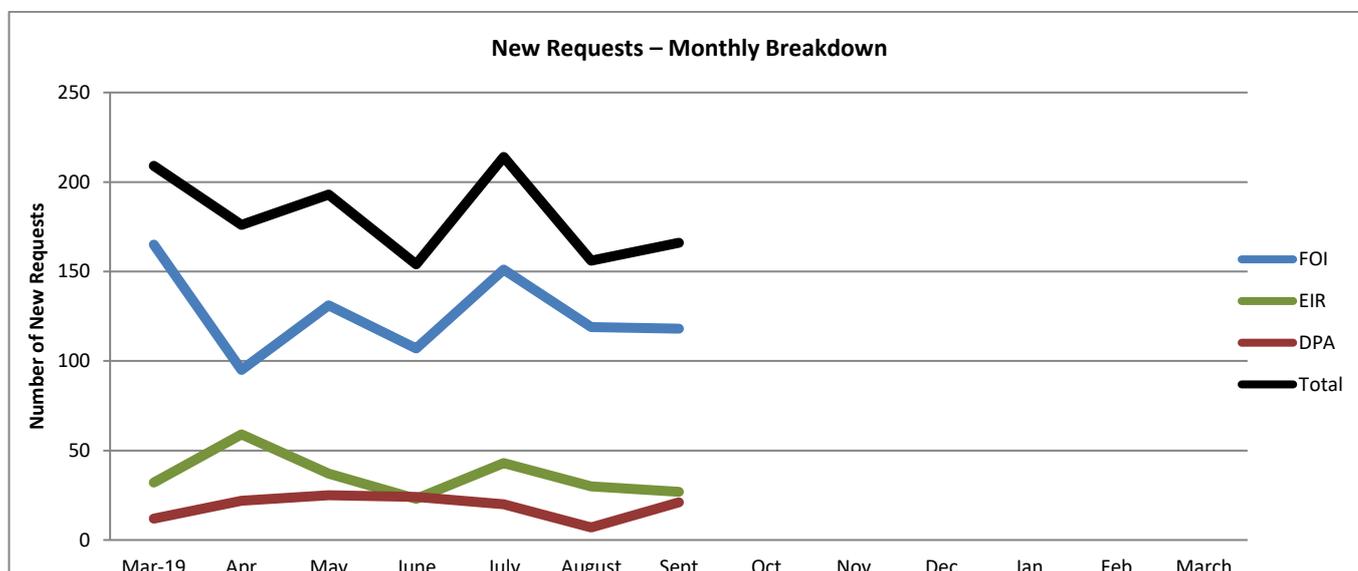
## Monthly Performance on Response to Access Information Requests September 2019

These statistics show the volume of requests into the Council through the Access to Information Service and the performance across the Council.

### All New Requests

*\*March 19 included for comparison only*

	Mar-19	Apr	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	total
FOI	165	95	131	107	151	119	118							721
EIR	32	59	37	23	43	30	27							219
DPA	12	22	25	24	20	7	21							119
<b>Total</b>	<b>209</b>	176	193	154	214	156	166							<b>1059</b>



### All New Requests allocated to Departmental Information Officer (DIO)

SERVICE	CHIEF EXECUTIVE OFFICE & STAT 151 OFFICER	ACCESS TO INFORMATION	CHIEF OPERATING OFFICER	REGENERATION:	HOUSING	NEIGHBOURHOODS : Planning, Public Protection & Enforcement: Public Realm	NEIGHBOURHOODS: Highways, Strategic Waste Management, Development Transportation	NEIGHBOURHOODS: Registration & Bereavement	CHILDREN'S SERVICES	ADULT SOCIAL CARE	PUBLIC HEALTH	ONE SOURCE
requests	3	21	3	0	18	34	19	0	17	8	2	39
%	2%	13%	2%	0%	11%	20%	11%	0%	10%	5%	1%	23%

## Number of Requests Closed

CLOSED REQUESTS	total closed	Average number of days taken	closed 20/30 days	% closed within time	From Media	From Company	From Individual	Data not held	Data disclosed in full	Data disclosed in part	Data withheld in full
FOI	127	24	74	58%	10	38	79	12	55	33	27
EIR	32	23	17	53%	1	8	23	4	11	9	8
<b>TOTAL FOI/EIR</b>	<b>159</b>		<b>91</b>	<b>57%</b>	<b>11</b>	<b>46</b>	<b>102</b>	<b>16</b>	<b>66</b>	<b>42</b>	<b>35</b>
GDPR	13	15	12	92%				n/a	n/a	n/a	n/a
<b>OVEALL TOTAL</b>	<b>172</b>	n/a		<b>82%</b>				n/a	n/a	n/a	n/a

The Information Commissioner's expectation of a good performing authority is: **95%**.

### FOI REQUESTS CLOSED WITHIN 20 DAY DEADLINE

Requests closed in the current month	127
Requests closed within time	74
Average days to close	24
%age closed within the deadline	<b>58%</b>

### EIR REQUESTS CLOSED WITHIN 20 DAY DEADLINE

Requests closed in the current month	32
Requests closed within time	17
Average days to close	23
%age closed within the deadline	<b>53%</b>

### GDPR REQUESTS CLOSED WITHIN 40 DAY DEADLINE

Requests closed in the current month	13
Requests closed within time	12
Average days to close	15
%age closed within the deadline	<b>92%</b>

### Rolling year performance

2019	Jan 19	Feb 19	March 19	April 19	May 19	Jun 19
FOI	40%	72%	69%	60%	69%	63%
EIR	36%	77%	78%	88%	78%	78%
GDPR	94%	94%	100%	95%	100%	95%

2019	July 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19
FOI	70%	77%	58%			
EIR	76%	88%	53%			
GDPR	93%	82%	92%			



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