



# Haverling

LONDON BOROUGH

## ADJUDICATION AND REVIEW COMMITTEE AGENDA

**7.00 pm**

**Thursday  
5 March 2020**

**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:-

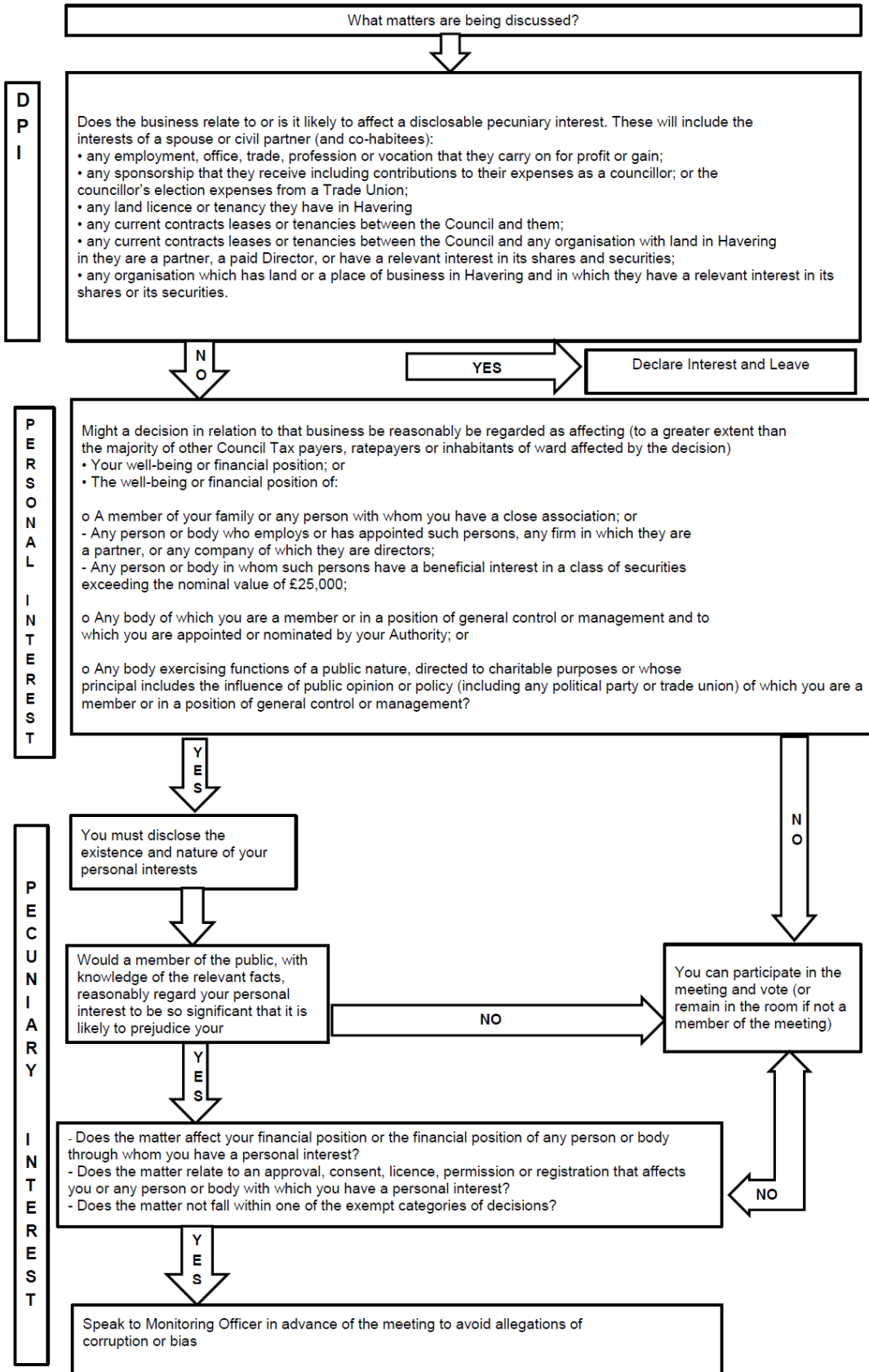
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, 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 - 4)**

To approve as a correct record, the minutes of the meeting of the Committee held on 4 December 2019 and to authorise the Chairman to sign them.

### **5 UPDATE ON CORPORATE COMPLAINTS AND STATUTORY COMPLAINTS FOR QUARTER 3 (Pages 5 - 32)**

Report and appendices attached.

### **6 HOUSING COMPLAINTS (Pages 33 - 36)**

Report attached.

### **7 THE COUNCIL'S COMPLAINT POLICY & PROCEDURE/ STAGE 3 HEARINGS - DISCUSSION (Pages 37 - 62)**

Report and appendix attached.

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

**MINUTES OF A MEETING OF THE  
ADJUDICATION AND REVIEW COMMITTEE  
Committee Room 3B - Town Hall  
4 December 2019 (7.00 - 7.30 pm)**

**Present:**

**COUNCILLORS**

**Conservative Group** Ray Best (Vice-Chair), Timothy Ryan (Vice-Chair),  
+Robert Benham and +Carol Smith

**Residents' Group**

**Labour Group**

**Upminster & Cranham  
Residents' Group** +John Tyler

**Independent Residents  
Group**

Apologies were received for the absence of Councillors Matt Sutton, Joshua Chapman, Ray Morgon, Linda Van den Hende and Denis O'Flynn.

+Substitute members: Councillor Robert Benham (for Matt Sutton), Councillor Carol Smith (for Joshua Chapman) and Councillor John Tyler (for Linda Van den Hende).

All decisions were taken with no votes against.

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

**13 DECLARATIONS OF INTERESTS**

There were no declarations of interest.

**14 MINUTES**

The minutes of the meeting held on 5 September 2019 were agreed as a correct record and signed by the Chairman.

**15 UPDATE ON CORPORATE COMPLAINTS AND STATUTORY COMPLAINTS FOR QUARTER 2**

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

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

Unfortunately, there had been a dip in performance across the 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 had been struggling. This was being addressed, with the appointment of one permanent member of staff, who took up post mid-October, and a secondment opportunity for another.

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 was 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 had 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).

Adult Social Care complaints in Q2 continued to largely be concerning invoices/fees charged relating to disputes around times charged for care. This was an ongoing issue and continued 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.

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  
(*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  
(*Environment*)
- 2 x Upheld: Maladministration, injustice with penalty  
(*Adults Services*)

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

Committee members expressed concerns regarding the number of Housing complaints that had been raised, particularly in relation to housing repairs.

The committee requested that a representative from Housing be invited to the next meeting of the committee to discuss what corrective and preventative measures were in place to assist in reducing the number of complaints going forward.

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

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

16 **UPDATE ON THE COUNCIL'S ACCESS TO INFORMATION PERFORMANCE FOR QUARTER 2**

The report before Members detailed an update of the Council's Access to Information performance for Subject Access, Freedom of Information & Environmental Information Requests for the period of July to August 2019.

Members noted that the following numbers of requests had been received in the following months:

July 214  
August 156  
September 166

The Committee **RESOLVED** to **NOTE** the contents of the report

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**Chairman**





## ADJUDICATION AND REVIEW COMMITTEE

5 March 2020

<b>Subject Heading:</b>	Update on Corporate Complaints and Statutory Complaints for Quarter 3
<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 3 (October – December 2019).
2. The Statutory Complaints Performance Statistics for Quarter 3 (October – December 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 3<sup>rd</sup> quarter performance statistics for all complaints under the procedure is attached as **Appendix 1**.

In short, the council received 567 Stage 1 complaints during the period October to December 2019. 86% of them (486) were responded to within the required timescale of ten days, which represents a slight drop in performance from 92% in Quarter 2.

The council received 98 requests for escalation to Stage 2 of the process, 80% (78) of them dealt with within 25 days, in line with current timescales, which represents a pleasing increase in performance from 69% in Quarter 2.

This equates to an escalation request rate of 17% however, this is reduced to 5% when considering the number of cases that were not escalated to Stage 2. The following table provides an easy view of complaints completed at Stages 1 and 2.

## **Adjudication and Review Committee – 5<sup>th</sup> March 2020**

	<b>October</b>	<b>November</b>	<b>December</b>
Stage 1 percentage to time	87%	81%	88%
Stage 2 percentage to time	76%	76%	81%
Cumulative percentage Stages 1 & 2	85%	80%	87%
Cumulative percentage Stages 1 & 2 for Q3 2018/19	75%	82%	78%

The cumulative performance across Stages 1 and 2 for the quarter is 85%, compared to 78% for the same period in the previous year. At that time, the Council received 480 complaints, 376 of which were completed within timescales. To conclude, performance this year has improved while Services have been handling higher numbers of complaints.

### **Statutory Complaints Performance Statistics**

Quarter 3 Statutory complaints statistics are shown at Appendix 2.

The number of statutory complaints received in 2019-20 by Adult Social Care in Quarter 3 totalled 27 and Children's Services totalled 12. Of the 27 Adult Social Care complaints, eight were withdrawn due to either consent not being received or further information not being provided. Of the 12 Children's complaints, three were withdrawn. There has been a decrease in the number of complaints of six from Quarter 2 (18) for Children's Services, while there has been an increase of 15 in Adult Social Care complaints from Q2 (12).

For Adults, of those complaints responded to in Quarter 3 (27), 25 were Adult Social Care, whilst two were third parties (external providers). Of the Adult Social Care complaints, 92% were responded to within the 20 day timescale. Of the two not responded to within timescale, one involved an external contractor, the other due to telephone conference arrangements. Of the two external provider complaints both were responded to within the 25 day timescale. Of those complaints responded for Children's in Quarter 3 (12), 83% were responded to within the 20 day timescale.

There were five Stage 2 requests for Children's Services, with two not progressing, one ongoing and one on hold. There was one Stage 3 Review Panel request in Quarter 3.

Adult Social Care complaints in Quarter 3 were largely about home care in relation to late calls, or not being happy about the care being provided. There were also complaints 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

about interventions by Children’s Services, and in relation to support around Special Guardianship.

**Ombudsmen Decisions**

During Quarter 3 there were 14 decisions by Local Government and Social Care Ombudsman, with a further determination by the Housing Ombudsman, as follows:

- 5 x Closed after initial enquiries: No further action  
(*Environment (2); Planning (2)*)
- 3 x Closed after initial enquiries: Out of jurisdiction  
(*Council Tax; Environment (2)*)
- 2 x Closed: Premature  
(*Adult Services; Children’s Services*)
- 3 x Not Upheld: No Maladministration  
(*Adult Services; Housing (2)*)
- 1 x Upheld: Maladministration, no injustice **S**  
(*Adults Services*)
- 1 x Housing Ombudsman: Upheld: Maladministration, injustice with penalty **S**  
(*Adults Services*)

See table below for comparison of significant (S) decisions made for Quarter 3 in 2018 and 2019:

<b>Significant decisions (where maladministration and injustice found)</b>				
	Quarter 3 2018		Quarter 3 2019	
Maladministration, no injustice	0		1	Adult Services
Maladministration, injustice with penalty	1	Planning and Building Control	1	Housing Services
Maladministration, injustice, no penalty	0		0	

Quarter 3 Ombudsman decisions are shown in more detail on attached Appendix 3.

**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.

**Adjudication and Review Committee – 5<sup>th</sup> March 2020**

Attached are three appendices:

Appendix 1 – Quarter 1 Complaints statistics

Appendix 2 – Quarter 1 Statutory Complaints statistics

Appendix 3 – Ombudsman Activity Report for Quarter 3

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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.**

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	95%

Performance for Quarter 3 2019	
Stage 1 percentage to time overall (487/567)	86%
Stage 2 percentage to time (78/98)	80%
Stage 3 percentage to time (One case)	100%
Stage 1 & 2 cumulative score	85%

Performance for Quarter 2 2019:	
Stage 1 percentage to time overall (519/562)	92%
Stage 2 percentage to time (77/111)	69%
Stage 3 percentage to time (No cases)	0%
Stage 1 & 2 cumulative score	89%

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 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%

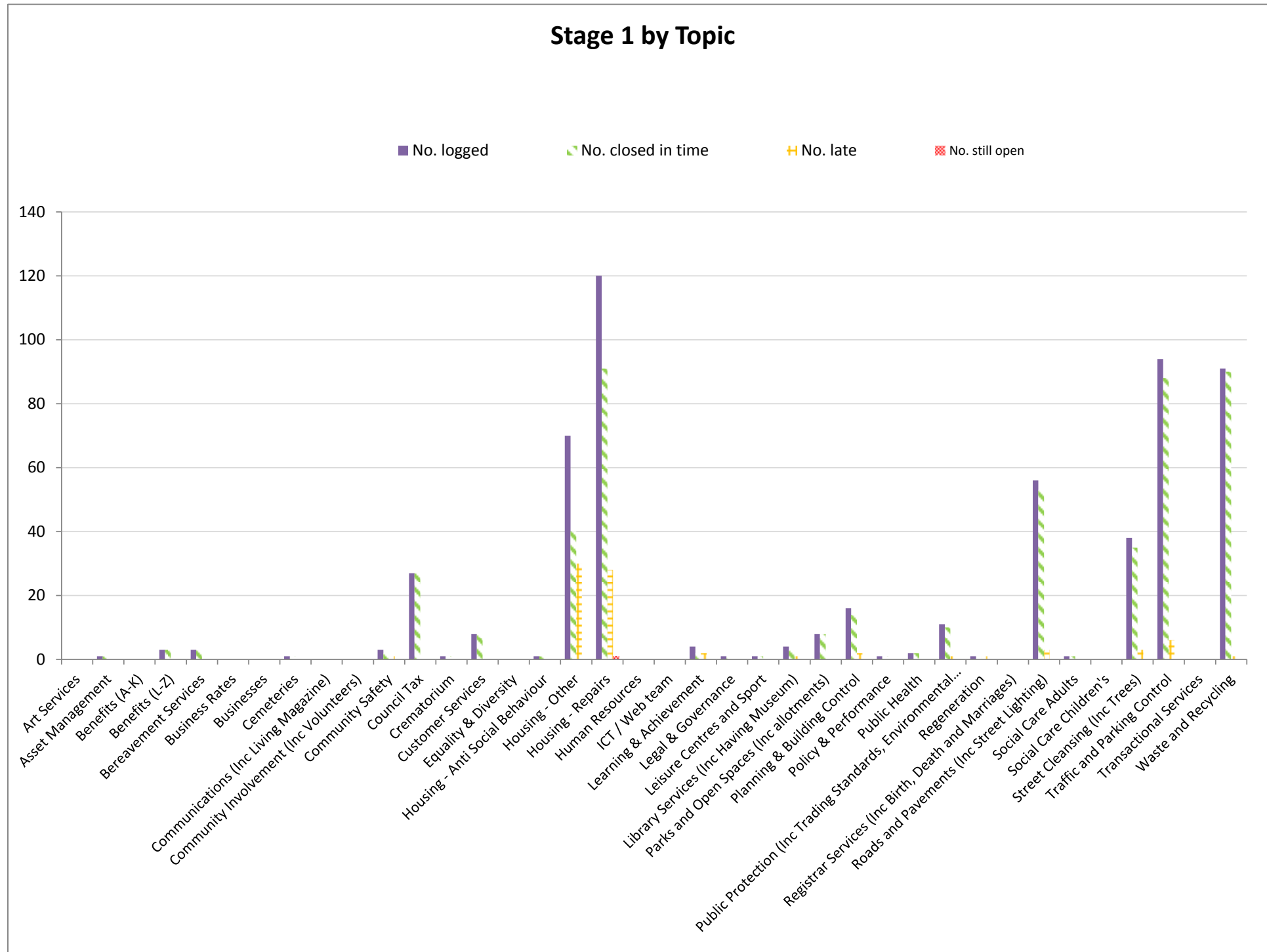
Senior Leadership Support team

26th February 2020

Corporate Complaints Report - Quarter 3 - October to December 2019

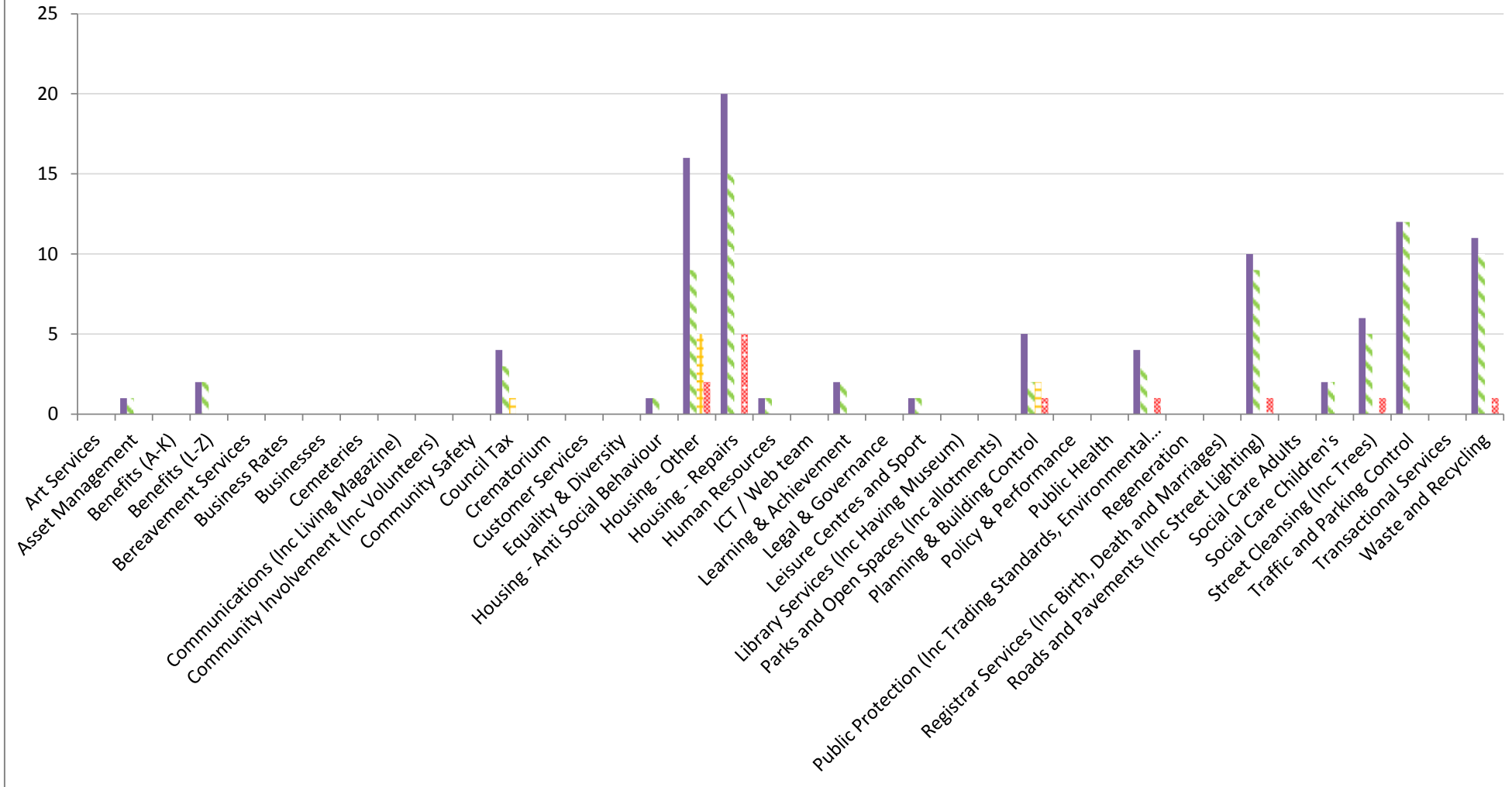
	Stage 1					Stage 2					
	Number Logged	Closed in 10 days	Closed in 10 days (%)	Closed over 10 days	Still open	Number Logged	Closed in 25 days	Closed in 25 days (%)	Closed over 25 days	Still open	Still open and in time
Asset Management	1	1	100%			1	1	100%			
Benefits (A-K)											
Benefits (L-Z)	3	3	100%			2	2	100%			
Bereavement Services	3	3	100%								
Business Rates											
Businesses											
Cemeteries	1	1	100%								
Communications (Inc Living Magazine)	3	2	67%	1							
Community Involvement (Inc Volunteers)											
Community Safety											
Council Tax	27	27	100%			4	3	75%	1		
Crematorium	1	1	100%								
Customer Services	8	8	100%								
Housing - Anti Social Behaviour	1	1	100%			1	1	100%			
Housing - Other	70	40	57%	30		16	9	56%	5	2	
Housing - Repairs	120	91	76%	28	1	20	15	75%		5	
Human Resources						1	1	100%			
ICT / Web team											
Learning & Achievement	4	2	50%	2		2	2	100%			
Legal & Governance	1	1	100%								
Leisure Centres and Sport	1	1	100%			1	1	100%			
Library Services (Inc Having Museum)	4	3	75%	1							
Parks and Open Spaces (Inc allotments)	8	8	100%								
Planning & Building Control	16	14	88%	2		5	2	40%	2	1	
Policy & Performance	1	1	100%								
Public Health	2	2	100%								
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	11	10	91%	1		4	3	75%		1	
Regeneration	1		0%	1							
Registrar Services (Inc Birth, Death and Marriages)											
Roads and Pavements (Inc Street Lighting)	56	53	95%	3		10	9	90%		1	
Social Care Adults	1	1	100%								
Social Care Children's						2	2	100%			
Street Cleansing (Inc Trees)	38	35	92%	3		6	5	83%		1	
Traffic and Parking Control	94	88	94%	6		12	12	100%			
Transactional Services											
Waste and Recycling	91	90	99%	1		11	10	91%		1	
<b>Total</b>	<b>567</b>	<b>487</b>	<b>86%</b>	<b>79</b>	<b>1</b>	<b>98</b>	<b>78</b>	<b>80%</b>	<b>8</b>	<b>12</b>	<b>0</b>



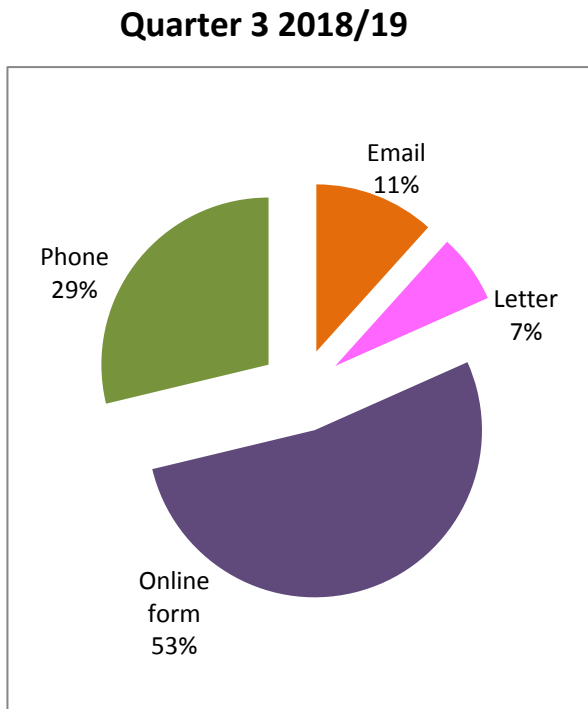
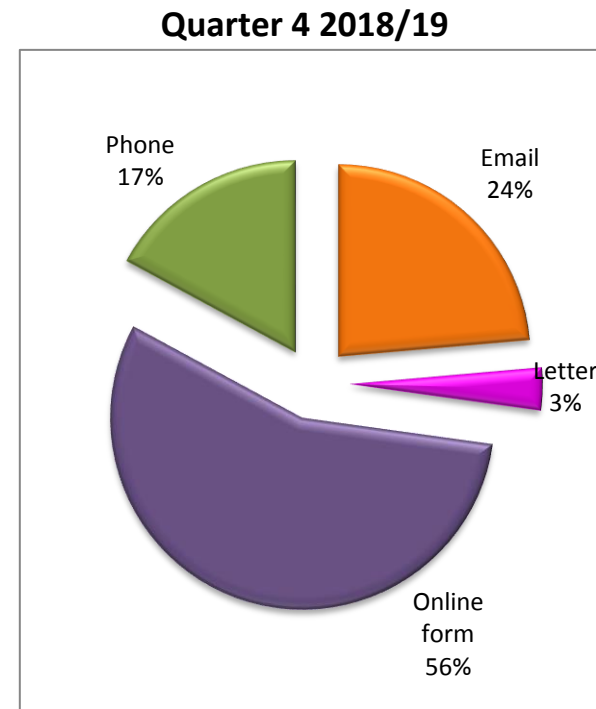
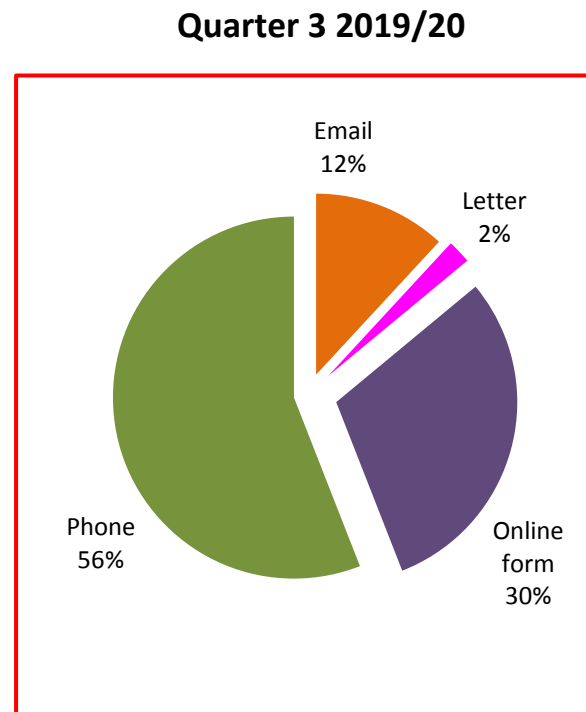
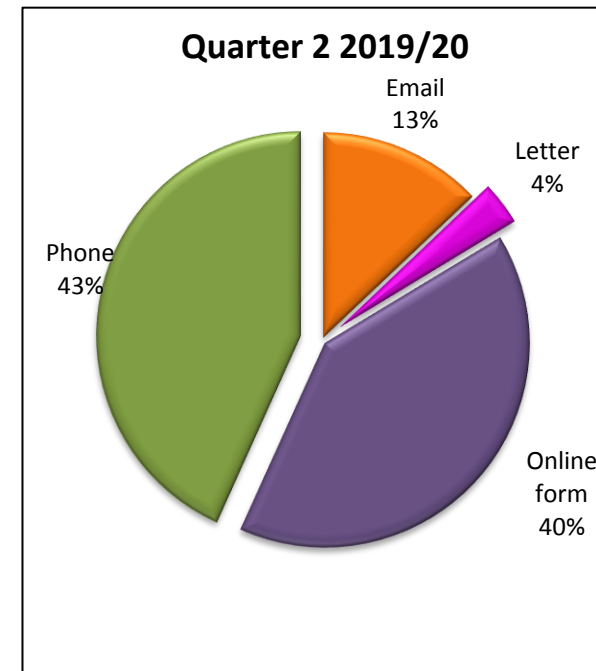
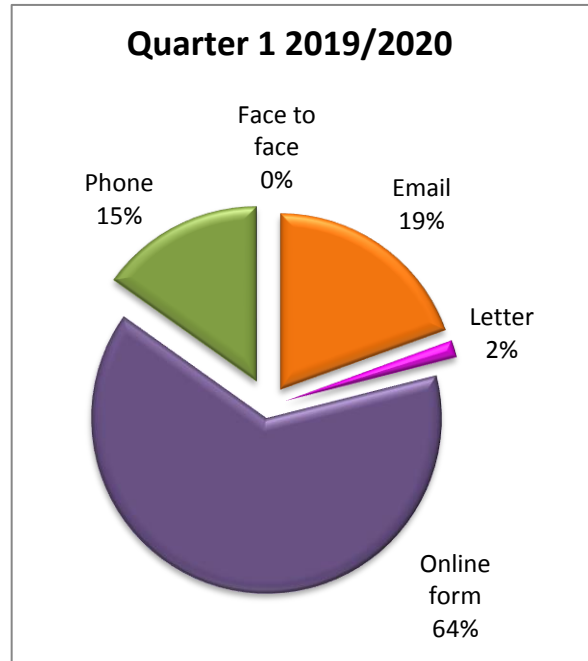


### Stage 2 by Topic

■ No. Logged   ■ No. in time   + No. late   ■ No. still open



Contact Type



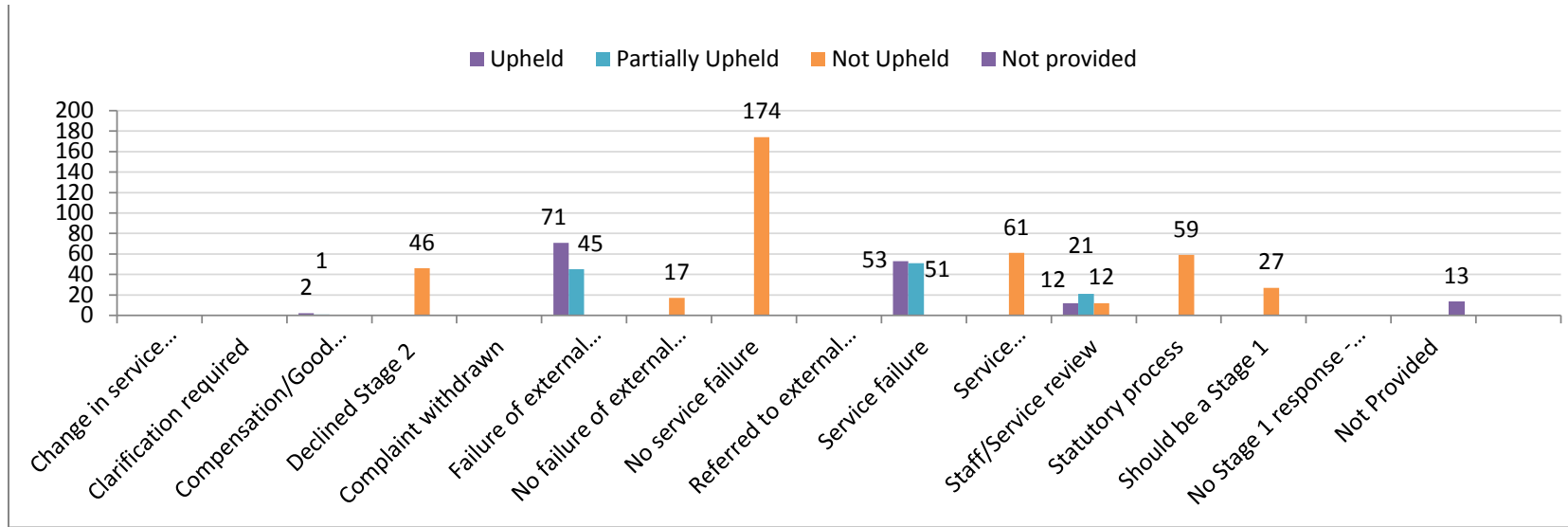
Corporate Complaints Report - Quarter 3 - October to December 2019

	Carry Over	October				November				December				Total
	Cumulative (Apr - Sept)	Stage 1 logged	In 10 days (%)	Stage 2 Logged	In 25 days (%)	Stage 1 logged	In 10 days (%)	Stage 2 Logged	In 25 days (%)	Stage 1 logged	In 10 days (%)	Stage 2 Logged	In 25 days (%)	Cumulative*
Asset Management	7							1	100%	1	100%			8
Benefits (A-K)	3	1	100%											4
Benefits (L-Z)	6	2	100%	1	100%	1	100%			1	100%	1	100%	10
Bereavement Services	1					1	10%							2
Business Rates	1													1
Businesses	0													0
Cemeteries	5	1	100%											6
Communications (Inc Living	8													8
Community Involvement (Inc	0													0
Community Safety	6	1	0%			1	100%			1	100%			9
Council Tax	39	10	100%	2	50%	8	100%	1	100%	9	100%	1	100%	66
Crematorium	0	1	100%											1
Customer Services	21	5	100%			1	100%			2	100%			29
Equality & Diversity	0													0
Housing - Anti Social Behaviour	15			1	100%					1	100%			16
Housing - Other	146	24	50%	8	50%	22	41%	7	71%	24	79%	1	100%	216
Housing - Repairs	122	45	84%	7	86%	37	62%	5	40%	38	79%	8	75%	242
Human Resources	1											1	100%	1
ICT / Web team	0						100%							0
Learning & Achievement	7	2	0%	1	100%			1	100%	2	50%			11
Legal & Governance	0									1	100%			1
Leisure Centres and Sport	2					1	100%	1	100%					3
Library Services (Inc Having	2	1	0%			1	100%			2	100%			6
Parks and Open Spaces (Inc	24	2	100%			4	100%			2	100%			32
Planning & Building Control	47	6	100%	3	0%	6	67%			4	100%	2	50%	63
Policy & Performance	0									1	100%			1
Public Health	1					1	100%			1	100%			3
Public Protection (Inc Trading	28	4	75%	2	100%	4	100%			3	100%	2	50%	39
Regeneration	1					1	0%							2
Registrar Services (Inc Birth,	6		100%				100%				100%			6
Roads and Pavements (Inc Street	120	19	100%	6	100%	20	100%	3	67%	17	88%	1	100%	176
Social Care Adults	2									1	100%			3
Social Care Children's	1				100%			1	100%			1	100%	1
Street Cleansing (Inc Trees)	109	16	100%	4	100%	9	89%		100%	13	85%	2	50%	147
Traffic and Parking Control	219	47	94%	1	100%	29	97%	9	100%	18	89%	2	100%	313
Transactional Services	0													0
Waste and Recycling	102	28	100%	2	100%	24	100%	4	75%	39	97%	5	100%	193
<b>Stage 1 Logged (Total)</b>	<b>1052</b>	<b>215</b>				<b>171</b>				<b>181</b>				<b>1619</b>
<b>Completed in 15 days (%)</b>	<b>94%</b>		<b>87%</b>				<b>81%</b>				<b>88%</b>			
<b>Stage 2 logged (Total)</b>	<b>195</b>			<b>38</b>				<b>33</b>				<b>27</b>		<b>293</b>
<b>Completed in 20 days (%)</b>	<b>79%</b>				<b>76%</b>				<b>76%</b>				<b>81%</b>	

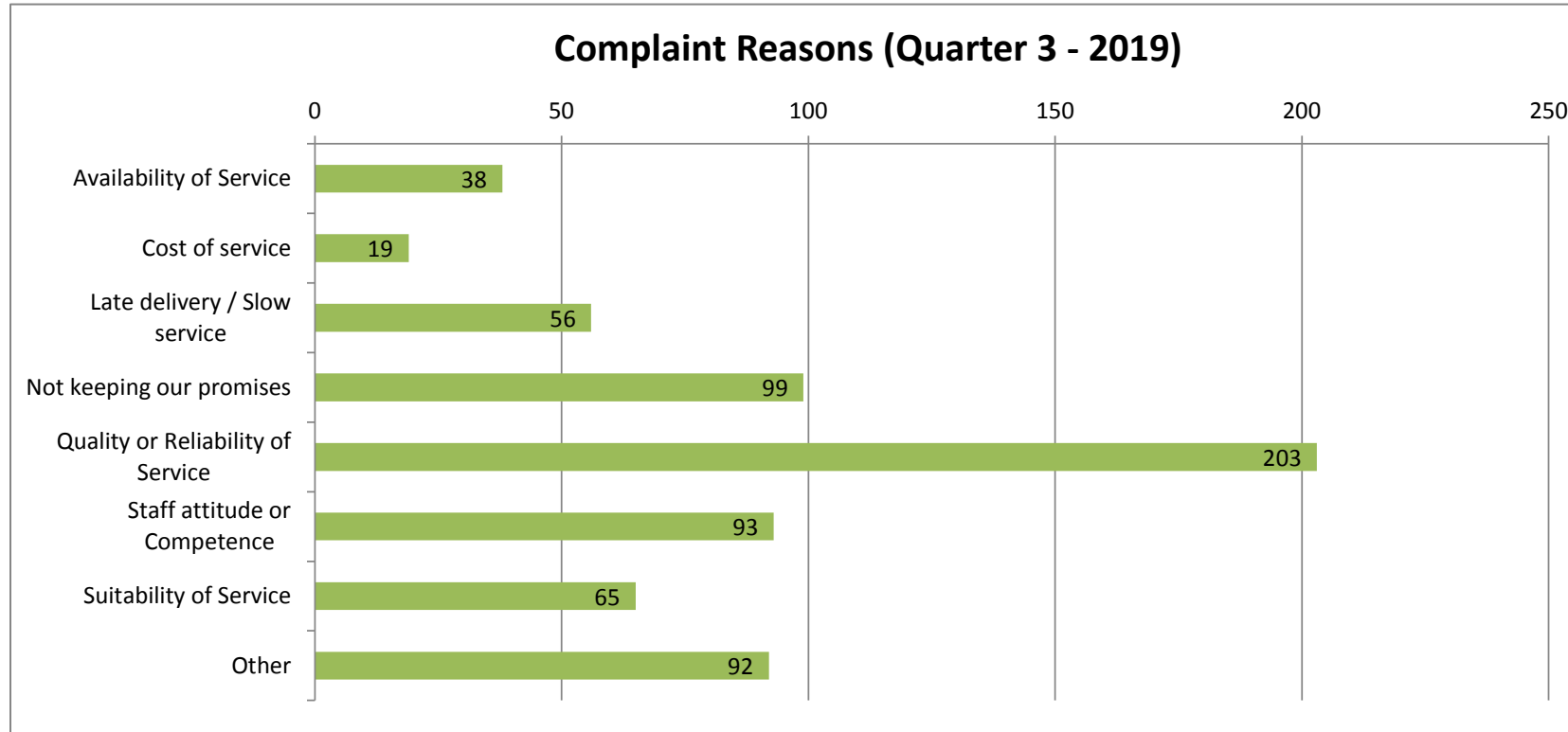
\* Annual cumulative count does not include Stage 2 as these complaints will have been counted as Stage 1 at some point during the year.

**Complaint Outcomes (Quarter 3 - 2019)**

Corporate Complaints Report - Quarter 3 - October to December 2019



Complaint Reasons (Quarter 3 - 2019)



Corporate Complaints Report - Quarter 3 - October to December 2019

	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	10	0.52%	0	2	1	1	2	2	0	1	1			
Benefits (A-K)	4	0.21%	0	3	0	0	0	0	1	0	0			
Benefits (L-Z)	15	0.78%	2	3	2	0	1	1	3	1	2			
Bereavement Services	3	0.16%	0	0	2	0	0	0	0	1	0			
Business Rates	3	0.16%	0	0	0	2	0	1	0	0	0			
Businesses	0	0.00%	0	0	0	0	0	0	0	0	0			
Cemeteries	7	0.37%	1	0	1	1	2	1	1	0	0			
Communications (Inc Living	8	0.42%	0	0	0	0	6	2	0	0	0			
Community Involvement (Inc	0	0.00%	0	0	0	0	0	0	0	0	0			
Community Safety	10	0.52%	0	0	1	2	1	3	1	1	1			
Council Tax	79	4.13%	8	8	4	8	9	11	12	9	10			
Crematorium	1	0.05%	0	0	0	0	0	0	1	0	0			
Customer Services	33	1.73%	4	5	5	4	3	4	5	1	2			
Equality & Diversity	0	0.00%	0	0	0	0	0	0	0	0	0			
Havering Music School	0	0.00%	0	0	0	0	0	0	0	0	0			
Housing - Anti Social Behaviour	23	1.20%	6	2	3	2	3	5	1	0	1			
Housing - Other	262	13.71%	27	23	26	37	24	39	32	29	25			
Housing - Repairs	301	15.75%	22	27	28	30	30	24	52	42	46			
Human Resources	2	0.10%	0	0	0	0	1	0	0	0	1			
ICT / Web team	0	0.00%	0	0	0	0	0	0	0	0	0			
Learning & Achievement	13	0.68%	0	0	0	0	0	7	3	1	2			
Legal & Governance	2	0.10%	0	0	1	0	0	0	0	0	1			
Leisure Centres and Sport	4	0.21%	1	0	1	0	0	0	0	2	0			
Library Services (Inc Having	6	0.31%	2	0	0	0	0	0	1	1	2			
Parks and Open Spaces (Inc	33	1.73%	5	6	4	4	4	2	2	4	2			
Planning & Building Control	83	4.34%	8	9	5	14	11	15	9	6	6			
Policy & Performance	0	0.00%	0	0	0	0	0	0	0	0	1			
Public Health	4	0.21%	1	1	0	0	0	0	0	1	1			
Public Protection (Inc Trading	47	2.46%	6	3	3	9	4	7	6	4	5			
Regeneration	2	0.10%	0	0	0	1	0	0	0	1	0			
Registrar Services (Inc Birth, Death	6	0.31%	0	0	1	2	2	1	0	0	0			
Roads and Pavements (Inc Street	185	9.68%	25	27	15	24	28	0	25	23	18			
Social Care Adults	32	1.67%	0	2	0	0	1	28	0	0	1			
Social Care Children's	4	0.21%	0	0	0	2	0	0	0	1	1			
Street Cleansing (Inc Trees)	162	8.48%	14	19	17	19	21	28	20	9	15			
Traffic and Parking Control	349	18.26%	43	35	42	48	38	37	48	38	20			
Transactional Services	0	0.00%	0	0	0	0	0	0	0	0	0			
Waste and Recycling	218	11.41%	14	21	27	16	14	24	30	28	44			
Total Complaints logged	1911		189	196	189	226	205	242	253	204	208	0	0	0
Overall % of complaints 1&2 completed within time				95%			89%		85%			#DIV/0!		

Complaint Reasons

Corporate Complaints Report - Quarter 3 - October to December 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		1					1		2
Benefits (A-K)				1					1
Benefits (L-Z)				3	1	1	1		6
Bereavement Services							1		1
Business Rates									0
Cemeteries							1		1
Communications (Inc Living Magazine)									0
Council Tax		2	2	13	1	3	4	6	31
Crematorium				1					1
Customer Services				1		6		1	8
Community Safety			1	2					3
Housing - Anti Social Behaviour				2					2
Housing - Other	5	3	20	24	3	13	6	12	86
Housing - Repairs	3	18	25	50	3	13	9	19	140
Human Resources						1			1
Learning & Achievement			2			1		3	6
Legal & Governance							1		1
Leisure Centres and Sport		2							2
Library Services (Inc Having Museum)						3	1		4
Parks and Open Spaces (Inc allotments)	1			3		1	3		8
Planning & Building Control		5	3	5	3	3	1	1	21
Policy and Performance						1			1
Public Health	2								2
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	1	3	5	2				4	15
Regeneration			1						1
Registrar Services (Inc Birth, Death and Marriages)									0
Roads and Pavements (Inc Street Lighting)	13	6	5	17	5	3	14	3	66
Social Care Adults								1	1
Social Care Children's	1						1		2
Street Cleansing (Inc Trees)	2		10	18		5	6	3	44
Traffic and Parking Control	5	6	10	23	3	25	14	20	106
Transactional Services									0
Waste and Recycling	5	10	15	38		14	1	19	102
<b>Total:</b>	<b>38</b>	<b>56</b>	<b>99</b>	<b>203</b>	<b>19</b>	<b>93</b>	<b>65</b>	<b>92</b>	<b>665</b>

0

0

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	<b>90%</b>	
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 Quarter3 Report October to December 2019

Children's Services - Statutory													
Stage 1 Logged (Total)		1	1			7	6			4	3		12
Completed in 20 days (%)			100%				86%				75%		
Stage 2 logged (Total)				3	1			1	1			0	4
Completed in 20 days (%)			0		33%				100%			n/a	

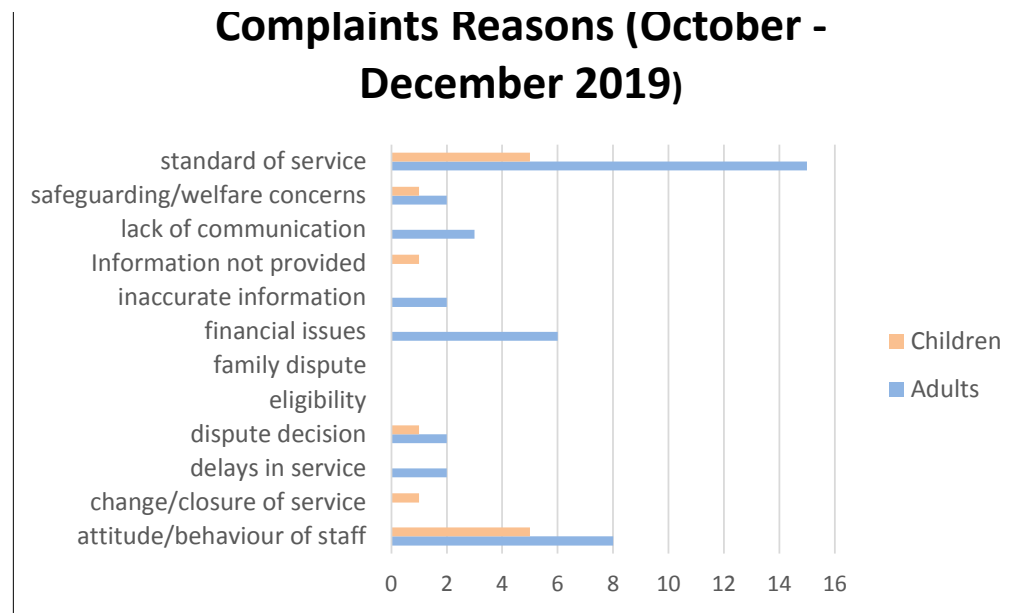
Cumulative numbers logged April 19-March 20 (Stage 1&2)	% of total	April '19	May '19	June '19	July '19	August '19	September '19	October '19	November '19	December '19	January '20	February '20	March '20
---	------------	-----------	---------	----------	----------	------------	---------------	-------------	--------------	--------------	-------------	--------------	-----------

Adult Social Care - statutory  
Children's Services - statutory

Adult Social Care - statutory	56	3	12	4	3	6	3	7	12	6			
Children's Services - statutory	50	5	8	7	7	6	5	1	7	4			

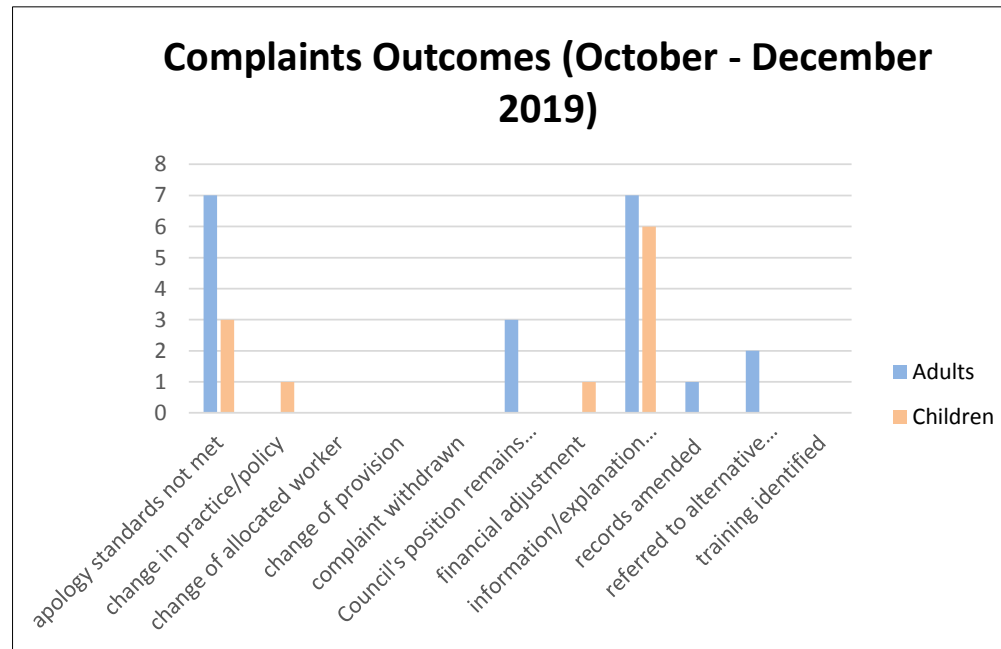


N.B There can be more than one complaint reason



Outcome

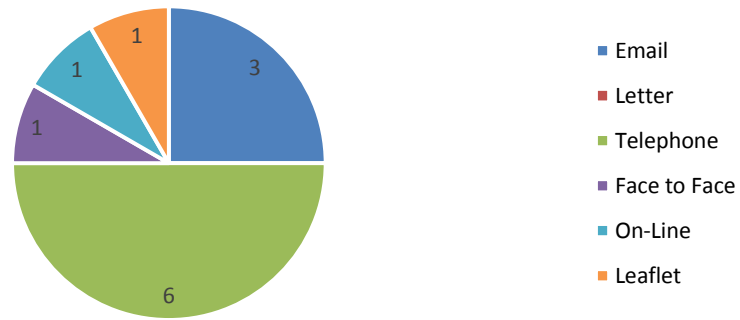
	Oct-Dec	
	Adults	Children
Complaint Withdrawn	8	3
Not Upheld	13	6
Partially Upheld	2	1
Upheld	4	2



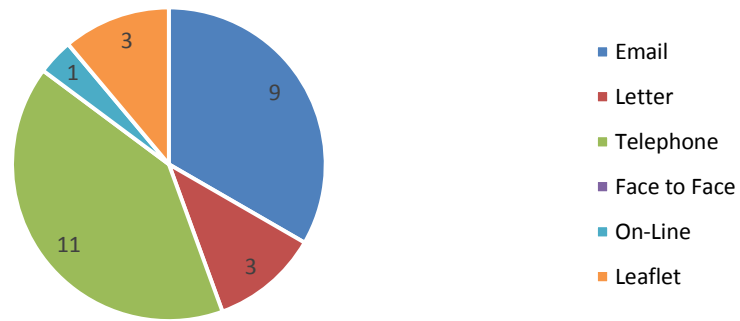
N.B There can be more than one complaint outcome

### Contact Type (Oct - Dec )

### Children



### Contact Type (Oct - Dec ) Adults







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### Complaints determined:

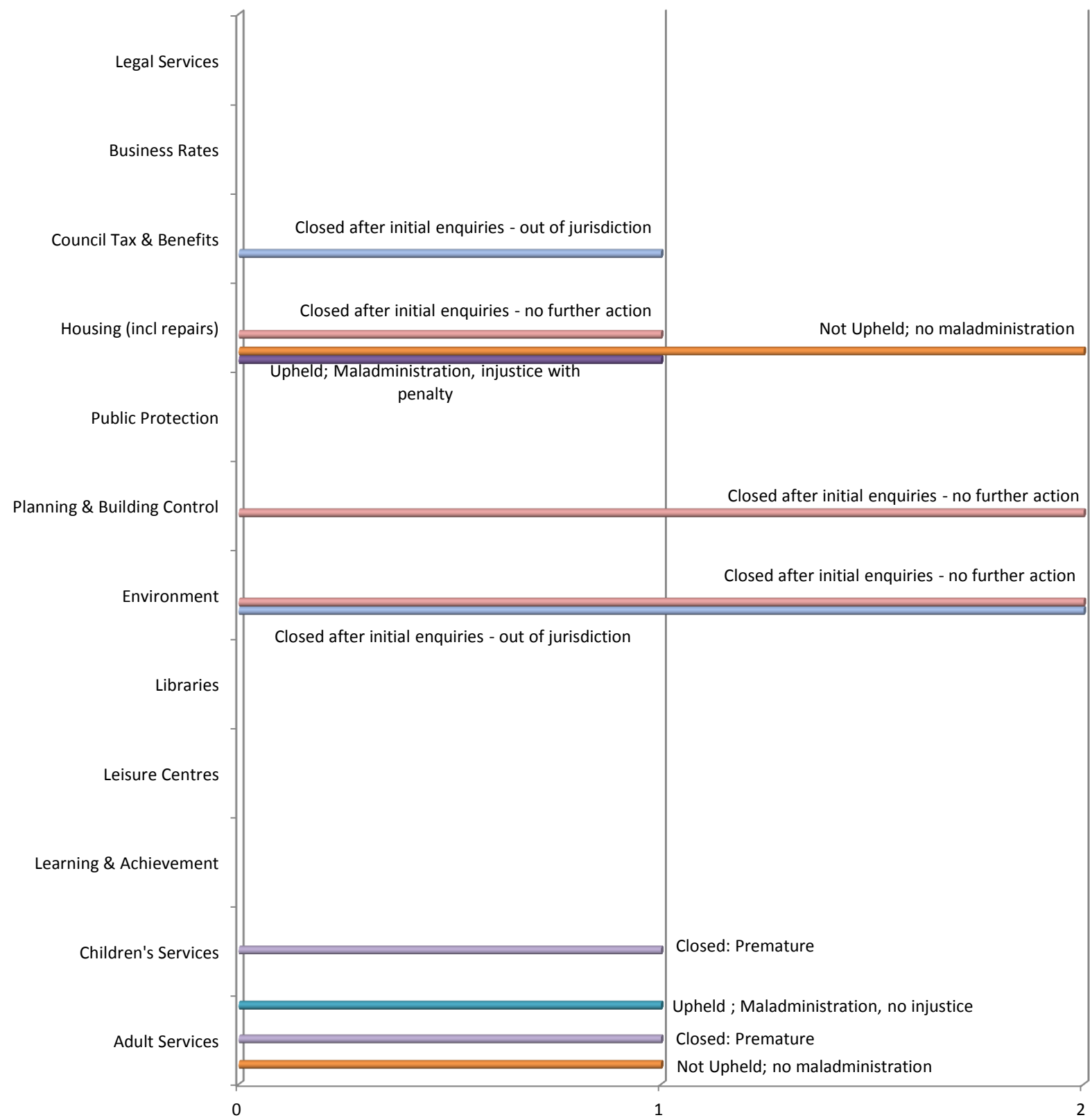
		Report issued: Upheld; maladministration and injustice	Report issued: Upheld; maladministration, no injustice	Report issued: Not upheld; no maladministration	Upheld; Maladministration, injustice with penalty	Upheld: Maladministration, injustice, no penalty	Upheld ; Maladministration, no injustice	Upheld: 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						1		1			1				
Children's Services	Children's Services Learning & Achievement											1				
Chief Operating Officer	Leisure Centres															
	Libraries															
Neighbourhoods	Environment Planning & Building Control									2	2					
	Public Protection										2					
Housing	Housing (incl repairs)				1				2		1					
oneSource	Council Tax & Benefits									1						
	Business Rates															
	Legal Services															
<b>Total :</b>		0	0	0	1	0	1	0	3	3	5	2	0	0	0	0

3  
1  
0  
0  
4  
2  
0  
4  
1  
0  
0  
15

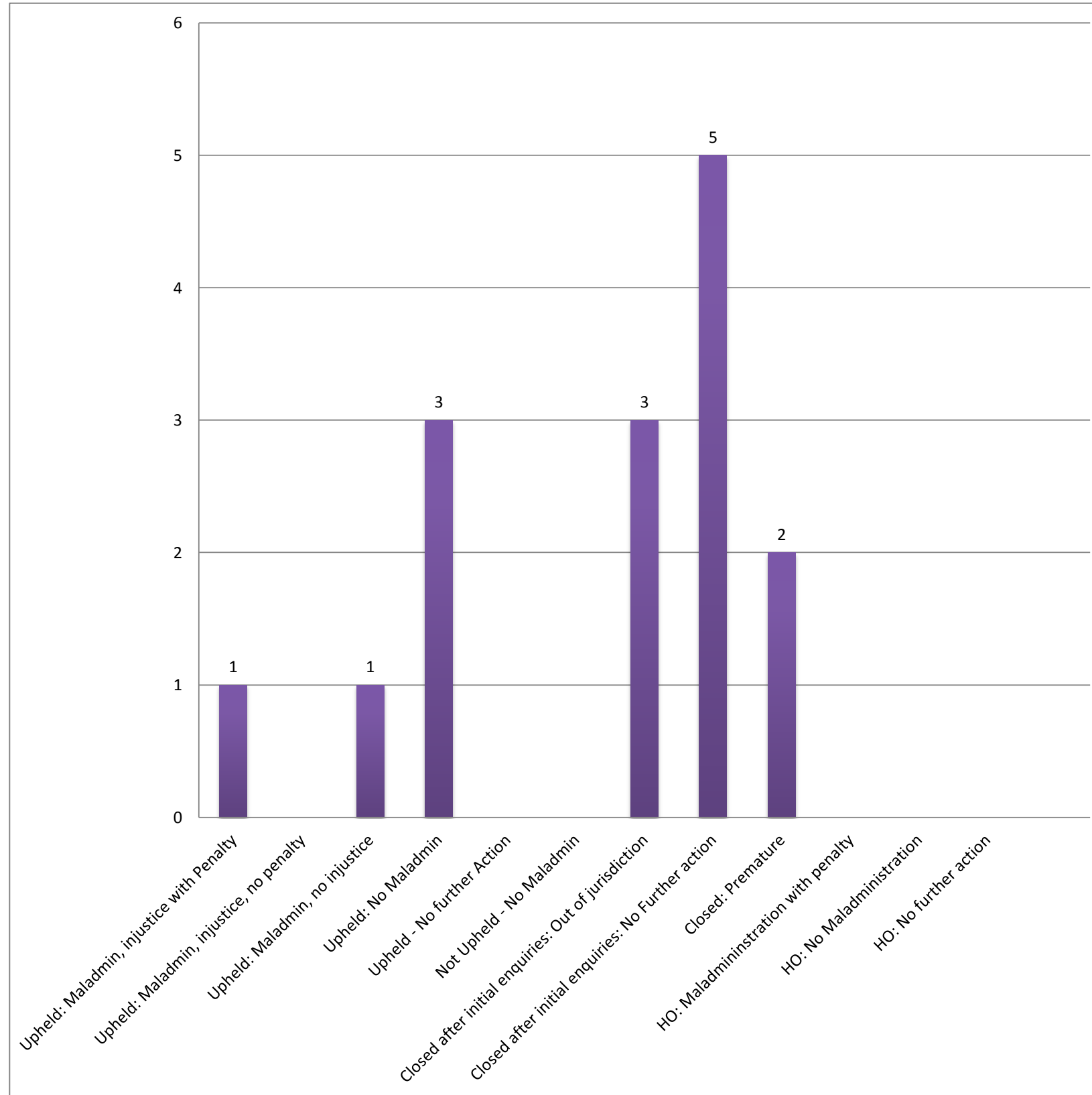
# Decisions

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. Mr A - Housing Services**

Mr A complained about how the Council handled his complaints of noise nuisance and anti-social behaviour. Housing Ombudsman found a failure in the Council's service and ordered a payment of £150 to reflect the distress, inconvenience and time and trouble to Mr A. Further recommendations were made to identify training needs for staff responsible for dealing with ASB cases and to arrange training accordingly. In addition, the Council was to review its processes through which it updates and communicates with tenants about the status and progress of their ASB cases.

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

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

Mr and Mrs X complained the Council delayed assessing Mr X's mother's (Mrs Y's) care needs and mismanaged her finances when it was her deputy. The Ombudsman found the Council was at fault when it did not order equipment in March 2018 but decided this did not cause a significant injustice. There was no fault in its response to Mr and Mrs X's request for a care needs assessment or in its management of Mrs Y's finances.

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

**ADJUDICATION AND REVIEW COMMITTEE  
5 March 2020**

<b>Subject Heading:</b>	<b>Housing Complaints 2</b>
<b>SLT Lead:</b>	<b>Patrick Odling-Smee</b>
<b>Report Author and contact details:</b>	<b>Gary Mitchell</b> <b>Gary.mitchell@havering.gov.uk</b>
<b>Policy context:</b>	<b>Update on Housing complaints</b>
<b>Financial summary:</b>	

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

Communities making Havering	X
Places making Havering	[]
Opportunities making Havering	[]
Connections making Havering	[]

**SUMMARY**

1.0 This report seeks to update the Committee on the latest improvements relating to the management of Complaints received by Housing Services.

**RECOMMENDATIONS**

2.0 That the committee note the report and comment.

**REPORT DETAIL**

### 3.0 **October to December 2019 – Quarter 3**

Repairs Complaints Stage 1: 65

Repairs Complaints Stage 1 Upheld: 39 Upheld / Partly Upheld

Repairs Complaints Stage 2: 9

Repairs Complaints Stage 2 Upheld: 4 Upheld / Partly Upheld (3 still under investigation with the CEO)

#### **Actions**

A new performance and strategy team is being set up in Housing which will see a head of service appointed to directly manage the complaints function, giving more focus and rewriting processes to make the service more robust. We hope to begin recruitment for the head of service by the end of February.

A meeting has been held with the gas contractor to improve performance and reduce complaints. An action plan has been put in place with the gas contractor. Meetings have also re-commenced with the main repairs contractor, following recruitment of the new Repairs Manager, where complaints are raised and discussed to identify trends.

The Housing Complaints Team are working on complaints being logged via the current Housing Management system 'Open Housing'. The system will be designed to record data and report in a more effective way, to enhance the learning from complaints and implement service improvement. This will also allow all services in Housing to be aware of ongoing complaints at all levels, when dealing with customers.

More awareness around complaints and the corporate Policy to be rolled out across Housing Services and the main call centre. As per the corporate Policy, all services should be given the opportunity to resolve the issue before it becomes a complaint. Unfortunately there is a culture where a tenant is dissatisfied and this is automatically escalated to a complaint. This should be given to the Service Manager to resolve in the first instance, as this is a better service for the resident. Housing Complaints will be looking at the learning from, in regards to Stage One and Stage Two complaints with the Service Development team, to identify where there are failings in processes that cause complaints. Staff training and improvements in the system will also be looked at. All causes of complaints will be reviewed to ensure service improvement and a better customer experience.

In some cases residents will come back following a Stage One requesting a more information but are not necessarily dissatisfied with the response. This can be addressed within Housing quickly, however, these are passed over as Stage Two for consideration by the CEO as per the Corporate Policy. This should be considered, as resolving the matter quickly is a better service to the resident. Unfortunately as CRM does not allow much data to be reported on, there are conflicts in the figures held by corporate and Housing Complaints. The reason for this is that Housing Services has several areas and there are only three reporting areas on CRM for Housing. Housing Complaints are looking to ensure data is as accurate as possible when dealing with CRM, training is required for other areas

that log the complaints. Monthly liaison with the CEO to ensure correct reporting due to failings in CRM.

Reporting within the Service areas and contractors needs to be improved, to ensure all officers within the areas are aware of the amount of complaints and causes of the upheld complaints.

A review of Stage Two complaints to be carried out by Housing Complaints and Service Managers to identify the reason for escalation and ensure this does not occur again in the future and the Stage One's are resolved quickly and sufficiently.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks: N/A**

**Legal implications and risks: There are no apparent legal implications in noting the content of the Report.**

**Human Resources implications and risks: N/A**

**Equalities implications and risks: N/A**

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**ADJUDICATION AND REVIEW  
COMMITTEE**

5 March 2020

<b>Subject Heading:</b>	The Council’s Complaint Policy & Procedure
<b>SLT Lead:</b>	Andrew Blake-Herbert
<b>Report Author and contact details:</b>	Richard Cursons richard.cursons@onesource.co.uk 01708 432430
<b>Policy context:</b>	Corporate Complaint Policy and Procedure October 2018
<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 is a reminder for Members of Adjudication and Review of the Council’s Complaint Policy & Procedure

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.

**RECOMMENDATIONS**

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

- Clarification of the stage 3 process
- Stage 3 hearings and their effectiveness

**REPORT DETAIL**

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.

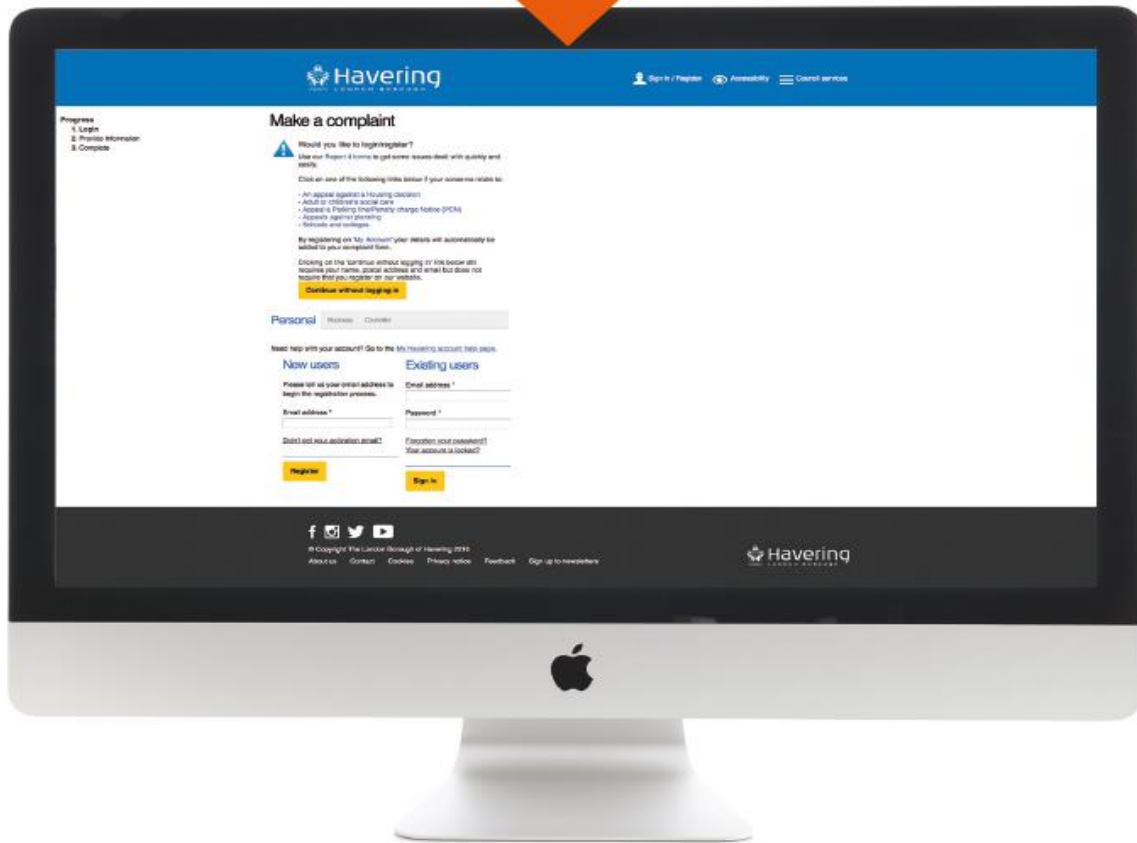
**IMPLICATIONS AND RISKS**

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 attached to this report.

# The Council's Complaint Policy and Procedure



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## **PURPOSE**

A key determinant of how responsive we are as a Council is ensuring that we have a positive approach to dealing with our residents' and customers' feedback. This approach must be supported by the implementation of a fair, consistent and effective Policy and Procedure for handling complaints. The key areas of this Policy and Procedure are set out including:

- aims and objectives of the complaints Policy and Procedure;
- the stages of the formal complaints Policy and Procedure;
- roles and responsibilities of staff;
- monitoring arrangements; and
- data publication.

The Council strives to find sustainable solutions to the challenges faced by our residents, through the provision of a high standard of customer care. Our approach is driven by the Council's Vision. The primary focus of this Policy and Procedure is to identify potential service improvements and pass on the benefits to our customer.

## **1. POLICY AND PROCEDURE SUMMARY**

This Policy and Procedure defines what constitutes a complaint; who can make a complaint and how to go about it. The various stages of the Council's Policy and Procedure are set out, together with what the customer may expect as a response.

## **2. SCOPE**

This Policy and Procedure deals with complaints that span Council services but excludes complaints made about allocation decisions on housing, Penalty Charge Notices (PCNs); appeals against the refusal of planning applications and complaints about adults' and children's social services, all of which are dealt with by separate procedures. A detailed list of exclusions can be found later in the Policy and Procedure.

This Policy and Procedure does not include Members' enquiries or service requests, which follow a separate route for resolution.

This Policy and Procedure does, however, include complaints from councillors and MPs on behalf of their constituents, ie when the Council has failed to provide a service to a resident that they might reasonably expect.

The differential is in the object of the contact: a service request for a pot hole that is being reported for rectification or an enquiry for consideration of revised road markings against a complaint that the repaired pot hole had not restored the road to an acceptable level or the road marking, once agreed, has failed to materialise.

### **3. TIMESCALES**

This Policy and Procedure sets the framework for continual service improvement based on how the Council responds to complaints.

### **4. AIMS AND OBJECTIVES**

All feedback will be dealt with in a fair, confidential, consistent, effective and timely manner. The objectives of the complaints Policy and Procedure are to:

- achieve complaint resolution at Stage one as far as is possible;
- provide an accessible means for all customers, or their advocates, to complain if they are dissatisfied;
- provide a fair and consistent process for resolving complaints;
- establish timescales for complaint resolution that are met as far as possible;
- facilitate the use of complaint information as a means of monitoring performance and improving services;
- learn lessons to prevent repeat complaints;
- ensure complainants and members of staff have the same rights to be treated with courtesy and respect; and
- ensure that plain English is used when answering customer complaints.

### **5. COMPLAINTS**

#### **5.1 Defining what is and isn't a complaint**

A number of requests received by the Authority at first appear to be complaints. However to deal with them as such will delay the Council's response and not allow those significant issues to be given the time they deserve. Therefore to determine what a complaint is we first need to state what it is not.

#### *Service Failure*

The Council encourages any customer who has a problem with services that needs a quick resolution (e.g. missed bin collection, streetlight out, pothole to report or repair needed to Council housing etc.) to report it online. These issues are failures in service provision, and can be put right reasonably quickly and are picked up through the Council's web pages on the internet. However, contact about how the service was provided, ie the customer may be unhappy with the way the housing repair has been undertaken, would be deemed as a complaint and dealt with as such or if service requests through the REPORT IT route have failed, eg the bin still hasn't been collected.

#### *Enquiry*

There are other requests that also present as complaints. For example the traffic in a given area may be excessive which prompts a request for new road markings or a change of view on additional housing for that area. Whilst the issue is raised

complaining about the traffic, the Council is not responsible for traffic volume but will consider any suggestion that might alleviate it. This is therefore deemed an enquiry.

### *What is a complaint?*

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.

## **5.2 Who can complain?**

Anyone who uses or is affected by our services can complain. This includes:

- residents;
- customers or service users;
- people who work in or visit the Borough;
- advocates on behalf of the above;
- local businesses;
- community groups;
- Councillors on behalf of their constituents;
- MPs on behalf of their constituents.

## **5.3 Support and advocacy**

Many people feel daunted at the prospect of making a complaint. They may be unsure how to go about it or how best to put their case. The form has been designed to help people to express their dissatisfaction in a way that makes it clear to staff the crux of the problem and what the customer requests as a resolution. By using this framework, it is hoped there will be greater clarity between the customer and the Council to enable a first time response to resolve the issue in the majority of cases.

The Council has a positive approach to complaints. The Council will provide assistance to people who have difficulty accessing or using the complaint form and provide alternative means of making a complaint when required.

The Council will, where appropriate, accept complaints from advocates or third-parties, provided that the person affected has given their written consent.

In some cases, for example children or vulnerable people, if it seems that the person may be unable to give their consent, the Council will make a judgement as to whether it is appropriate to accept the complaint from an unconfirmed representative.

## **5.4 Anonymous complaints**

A complaint should not be dismissed if it is submitted anonymously. A judgement will be made on a case by case basis whether to look into the substance of a complaint made anonymously.



## 5.5 How can complaints be made?

We accept complaints:

- via the Council's on-line complaint form;
- by telephone via our call centre staff (if the customer has difficulty accessing or using the complaint form);
- by hard copy completion of the form;
- exceptionally, by letter if the letter contains all the information requested of the complainant on the designated form and are one-off letters from individuals [usually the disadvantaged or elderly residents who would find other routes difficult to access].

As mentioned, the Council's complaint form on the website is designed to support the customer to clearly articulate the nature of the complaint and the redress expected. This is in line with the Council's aim to promote easier access for customers to work with the Council 24-hours a day and is designed to support staff to resolve the complaint at the first point of contact. It also enables the Council to capture in one place a picture of the feedback on the Council's services to provide data for review and to feed into lessons learned for service improvement.

The culture of our society suggests an expectation of instantaneous response. Whilst emails are a quick means of communication, they are not always so well thought out as completing a tailored form that enables the customer to give thought to the crux of the matter and what resolution they are looking for, or the discipline of writing a letter. Emails are often used to express how the incident has made the customer feel and followed up whilst the service is looking into what may be done as a resolution. Multiple exchanges of emails not allowing the service the opportunity to investigate fully only exacerbate ill-feeling and detract from the service resolution. Therefore e mails will not be accepted as a vehicle for conveying a complaint or for continuing through complaint stages. Following the initial response, should the complainant wish to escalate the complaint, any subsequent stages will follow the route of the Council's Stage 2 on-line complaint resolution form.

## 5.6 Complaints that fall outside the Council's Complaints Policy and Procedure

Certain types of complaint will not be dealt with through the Council's Complaints Policy and Procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control. This includes:

- matters of law or central government procedure;
- complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline;
- complaints where the customer or the Council has started (not threatened) legal proceedings;
- complaints about the merits of an insurance claim, or matters that would be more appropriately considered by an insurer;

- complaints under statutory obligations (e.g. children and adults social care);
- requests for Council services;
- complaints that have already been decided by a court, independent tribunal, Local Government and Social Care Ombudsman or Housing Ombudsman ruling;
- complaints that are simply criticisms or disagreement with the Council's Policy and Procedure or decisions;
- services for which there are alternative statutory appeal or tribunal processes, including:
  - appeals against housing allocation decisions;
  - appeals against the refusal of planning permission;
  - appeals against Statutory Notices;
  - appeals against Penalty Charge Notices (PCNs) or Moving Traffic Contraventions (MTCs);
  - school admission or exclusion appeals;
  - Special Educational Needs Tribunals;
  - Housing Benefit appeals;
  - appeals against business rate assessment.

If there is any doubt about whether the complaint should be accepted, the customer should be advised to submit the complaint to the Council for consideration.

If the Council receives a complaint and decides not to accept it on the above grounds, the customer will be told why and, where possible, an alternative route suggested.

## 5.7 Time limits

It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people's memories fade, staff who were closely involved may have left the Council, or records may no longer be available.

For these reasons, the Council will normally only accept complaints made within twelve months of the incident that led to the complaint. However, if exceptional circumstances are provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the complaint providing supporting evidence is received.

If the Council receives a complaint and decides not to accept it on the above grounds the customer should be told why.

## 6. THE COMPLAINTS POLICY AND PROCEDURE

The Council should seek to resolve complaints at the earliest opportunity. Where possible, prior to implementing the formal complaints Policy and Procedure, every attempt should be made to deal with issues quickly and informally, at the point of service delivery.

Some complaints received by the Council have to be dealt with under a statutory process and will not follow the steps set out below; these complaints normally concern the delivery of adult's or children's social care services.

### **6.1 Stage 1**

If a concern cannot be resolved to a customer's satisfaction at the point of service delivery, or if the customer wishes to make a complaint in any event, a formal complaint must be recorded.

The Council will nominate an appropriate officer to respond to the complaint at this stage; the appointment should take into account the seriousness and the nature of the complaint. An officer, against whom a complaint is personally directed, should not respond to a complaint. If the complaint concerns the service manager, a more senior manager should respond.

Complaints should be acknowledged within three working days (via email if in response to the completed web form or letter in response to a letter), and a full written reply sent within 10 working days.

The Council's aim is to resolve as many complaints as possible to the customer's satisfaction at this stage. This means that responses must be open and honest, admitting fault when things have gone wrong and setting out a package of measures to put things right which does not necessarily mean an acceptance of liability.

### **6.2 Stage 2**

If the customer is dissatisfied with the outcome of the Stage 1 investigation, there is opportunity to request the complaint be reviewed by the Chief Executive, which is Stage 2 of the Complaints Policy and Procedure.

A request should be made through the Stage 2 on-line complaint form stating clearly why the complaint hasn't been dealt with to the customer's satisfaction and what is expected by way of redress.

The request should be acknowledged within three working days and a full written reply sent within 25 working days.

If the decision is taken, by the Chief Executive, not to escalate the complaint to Stage 2 of the Policy and Procedure, the customer will be advised the reason for this and that they have exhausted the Council's process and details of the Local Government Ombudsman and Social Care Ombudsman or Housing Ombudsman will be given.

### **6.3 Stage 3**

If the customer is dissatisfied with the outcome of the Stage 2 investigation, they may request the complaint be reviewed by members of the Adjudication and Review

Committee. An informal Member Review Panel will be arranged to determine whether the case can be decided at that point or whether a full hearing should be conveyed.

Escalation to Stage 3 of the process is not automatic; the decision on escalation will be taken by the Chair of the Adjudication and Review Committee.

The clear expectation of the customer is sought on the Stage 3 complaint form and what redress is expected. This request will be acknowledged and if a Member Review Panel has heard the case, a full written reply sent within 30 working days.

The customer will be made aware at the conclusion of Stage 3 that the complaint has exhausted the Council's complaints Policy and Procedure and be given the contact details of the Local Government and Social Care Ombudsman or Housing Ombudsman, where they may further escalate the complaint, if desired.

#### **6.4 Acknowledging complaints**

All acknowledgements should be sent within three working days and include:

- a reference (ENQ) number;
- a brief summary of the complaint as the Council understands it;
- the "no later than" date a response should be provided to the customer;
- contact details of the sender;
- a link to the Council's website where the full Policy and Procedure may be found.

#### **6.5 Responding to a complaint in full**

All complaints will be responded to within the deadline for each stage. Stage 1 is ten working days and Stage 2 twenty five days. Responses will be clear and concise; honest and accurate; professional and courteous; jargon free, in plain English; and free from spelling and grammatical errors.

All responses to complaints which are upheld or partially upheld should give :

- an explanation of what happened and why things went wrong;
- an apology for service failures;
- details of the corrective action to be taken;
- the redress expected by the customer for the failure or explanation why this isn't appropriate;
- clear instructions about anything the customer needs to do;
- the name of the officer responsible for ensuring that action is taken and their contact details;
- the timescale within which the action will be taken;
- where appropriate, details of the measures to be taken to prevent a recurrence of the problem;

Where a complaint is not upheld the response should provide:

- background information relevant to the complaint;
- an explanation of the decision;
- a link to our website where the complaints Policy and Procedure is found.

## 6.6 Right to escalation

The customer has the right to request the complaint be escalated if they remain dissatisfied. The customer will need to:

- (a) complete the Stage 2 form providing details of **why** they remain dissatisfied; and
- (b) indicate what they would like the Council to do to put the matter right'
- (c) submit the response within **30 working days** from the date of the full response. .

If a customer continues to express their dissatisfaction, but does not provide specific reasons as to why they are not satisfied by the Council's response, in some circumstances the complaint will not be escalated to the next stage. This process is used to ensure that complaints are only escalated when necessary and not just because a complainant continues to express their dissatisfaction. For example, when a customer does not agree with the outcome of the complaint but can provide no further evidence to support their complaint. The decision on whether to escalate or not, is taken by the "owner" of the next stage in the Policy and Procedure, i.e. the Chief Executive for Stage 2 or the Chair of Adjudication and Review Committee for Stage 3 and will be explained clearly to the customer.

If the customer remains dissatisfied following the response to a Stage 2 complaint they will need to:

- a) complete the Stage 3 form providing details of **why** they remain dissatisfied; and
- b) what they would like to achieve as an outcome from a Member Review Panel;
- c) submit the response within **30 working days** of the date of the full response letter.

## 6.7 Local Government and Social Care Ombudsman and the Housing Ombudsman

The Local Government and Social Care Ombudsman and the Housing Ombudsman consider complaints about public bodies, including local authorities. The Ombudsman investigates complaints about: poor service; failure to provide a service and administrative failure. The Housing Ombudsman's primary role is as a mediator between landlord and tenant.

In most cases, the Ombudsman will normally only consider complaints if the issues of concern have exhausted the stages of the Council's own Complaints Policy and Procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation.

The relevant Director, Assistant Director and Chief Executive will be notified of any complaint that is being considered by an Ombudsman, as soon as the Council is notified.

## 6.8 Timescales

The timescales for response are illustrated below:

Acknowledgements:	3 working days maximum
Stage 1:	10 working days
Stage 2:	25 working days
Stage 3:	30 working days

The timescales start from the date the complaint was received **by the Council**, not by the department against which the complaint is made, if this is later.

## 6.9 Extending response timescales

The Council always tries to keep to our published timescales for dealing with complaints. Sometimes investigations take longer, perhaps because of the need to get information or the complaint is unusually complex.

In certain cases, when a complaint is complex, it may be necessary to extend the timescales set out in this Policy and Procedure. If this is the case, the complainant **must** be informed of the reason why timescales cannot be met and also informed when they should receive a full response. These exceptions should be authorised by a Group Manager or Assistant Director at Stage 1 or Chief Executive at Stage 2. Notification should be sent to the customer at the first possible opportunity.

## 6.10 Complaints spanning more than one service area

In the event that a complaint involves more than one service, a co-ordinated single response will be sent to the customer by the lead service determined by the largest portion or most serious aspect of the complaint.

The customer will be informed which service will be responding to them on behalf of the Council in the acknowledgement to their complaint.

This is also the case when a complaint spans more than one agency, ie Health and Social Services.

## 6.11 Complaints by Members of Parliament and Councillors on behalf of constituents

Complaints on behalf of constituents are dealt with under this Policy and Procedure. There is a separate process for dealing with service requests and enquiries from MPs and Members of the Council. Complaints raised by Councillors and MPs on behalf of their constituents will be raised in the normal way with the response being made to the originator, where appropriate, or if the nature of the complaint is

personal the response will be directed back to the customer with the Councillor or MP, apprised that a response has been sent.

## **7. RIGHTS AND RESPONSIBILITIES**

### **7.1 Customer rights**

Our customers have the right to:

- be treated with respect and courtesy at all times;
- have a friend or other representative help them with their complaint, provided the relevant authority has been provided to the Council;
- be kept informed about the progress of their complaint(s); and
- receive an apology if a complaint is partially or fully upheld.

### **7.2 Staff rights**

Our staff have the right to:

- be treated with respect and courtesy at all times;
- time to respond to the initial complaint before receiving any follow up issue; and
- support and training that enables them to handle and resolve complaints in an efficient and empathetic manner.

### **7.3 Responsibilities**

The Council's priority is for the effective handling of complaints at, or as close to, frontline staff as possible, or by a local manager. Receiving complaints is a means to gauge how well Council services are performing and how we may make improvements. The effective handling of complaints is crucial to maintain the Council's reputation and to make good use of customer feedback. As such, staff will receive the necessary support and guidance to provide good customer service and to handle complaints with empathy and professionalism.

### **7.4 Unacceptable behaviour by complainants**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming into the Council.

As a Council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding, persistent or rude may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff. In tandem with the Council's responsibility to provide services is the duty of care towards its staff.

In such exceptional circumstances, the Council has the right to specify how the individual complaint will be handled and how future contact from the complainant will

be permitted. A separate procedure on handling Unreasonably and Persistent Complainants and Vexatious Information Requests details how and under what circumstances complaints will not be answered. This is attached to this Policy and Procedure as Appendix 1.

## 8. PERFORMANCE AND MONITORING

The following information will be captured, where possible, on the Council's complaint management system, for every complaint:

- date of receipt;
- name, address and contact details of the customer;
- a copy of the acknowledgement and all other documents as they are sent;
- notes of all contact with the customer;
- details of the resolution (if a closing letter is not appropriate);
- closing date.

This information will be captured at each stage of the complaint and it is the responsibility of the officer dealing with each stage to ensure the records are complete and up-to-date.

This will be used to produce management information to monitor service performance, highlight areas of service failure and gaps in provision and feed into the processes for identifying areas for service improvement.

The information will be reported, in the appropriate format, to a range of key stakeholders within the Council against their targets.

### 8.1 Performance Targets and indicators

The performance targets for the Council's complaints process are illustrated below:

	Frequency			Who reported to		TARGET
	Monthly	Quarterly	Annually	Staff	Members	
Number of complaints received	√	√	√	√	√	
% of Stage 1 corporate complaints completed within 10 days	√	√	√	√	√	95%
% of Stage 2 corporate complaints completed within 25 days	√	√	√	√	√	95%
%age escalated to Stage 2		√	√		√	<10%
%age escalated to Stage 3 (from S2)		√	√		√	<20%
% of Stage 3 corporate complaints completed within 30 working days	√	√	√	√	√	95%
Finding of the various Ombudsman investigations (in brief)		√	√		√	



In addition, an annual report on the Council's performance on complaint handling will be available on the Council's website.

## **8.2 Publishing complaints data**

The Complaint Policy and Procedure is published on the Council's website and in leaflets. All publicity materials for the Policy and Procedure will be presented in plain English and made available in other languages and formats upon request.

The Council's performance on complaints is published quarterly in reports to Adjudication & Review Committee, which are public documents available on the Council's website.

## **9. RELEVANT LEGISLATION**

There are a number of key areas of legislation that the Council must adhere to in the course of dealing with complaints.

### **9.1 General Data Protection Regulations**

The General Data Protection Regulations provides protection for personal information and customer's ability to access the information held about them, the general principles are:

- that information held will be processed fairly, lawfully and in a transparent manner;
- that information is collected for specific, explicit and legitimate purposes;
- that information is adequate, relevant and limited to what is necessary;
- that information held is accurate and where necessary, kept up to date;
- that information is retained for only as long as necessary
- that information is processed securely, protected against unlawful or unauthorised processing and against accident loss, destruction or damage.

The Council will ensure that the principles of the General Data Protection Regulations are adhered to.

### **9.2 Freedom of Information**

The Freedom of Information Act 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The Council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

## **10. Applicability**

This Policy and Procedure is applicable to customers, residents, businesses, Councillors (on behalf of their constituents) and MPs (on behalf of their constituents).

It is also relevant to all Council employees who may receive a complaint about their service by the community or a member of staff.

### **11. Ownership and authorisation**

The Policy and Procedure is led by the Chief Executive's office. The authorising body is the Senior Leadership Team, Leader of the Council, Lead Member for Customer Services and with engagement from the Chair of Adjudication and Review Committee and the Chair of Overview and Scrutiny Committee.

### **12. Dissemination and communication**

The Policy and Procedure is published on the Council's website and disseminated to staff through Management Teams, the Council's Core Brief mechanism and the Forum of Complaint Owners. Regular meetings of complaint owners will take place to update and apprise staff on good practice and to ensure continued focus on customer care and quality of complaint responses.

### **13. Monitoring and review**

This Policy and Procedure will be reviewed every three years by the Chief Executive's office. This will consider the quality of Council responses, percentage of complaints resolved within timescale, percentage of those escalated through the Policy and Procedure and how complaints are received and dealt with by services.

October 2018

## Procedure for dealing with Unreasonably Persistent Complainants and Vexatious Information Requests

### Introduction

The Council's Corporate Complaint Policy and Procedure aims to provide our customers with a fair, objective and consistent process that will resolve complaints as quickly as possible. If customers remain dissatisfied with the outcome they can appeal against our decision and take matters further. However, the Council also has an obligation to use resources efficiently and effectively and there may be occasions when senior management decide that a complainant is demonstrating behaviour which is unreasonably persistent or unacceptable. The Council also has a duty of care for its staff.

There are also occasions when requests for information may be considered vexatious because they are repeated for no good reason or cause undue time commitment and stress on Council resources, for little purpose.

### Purpose of this procedure

The purpose of this procedure is to:

- Define and explain what we consider to be unreasonable customer behaviour and an unreasonably persistent complainant
- Define and explain what we consider to be vexatious requests for information
- Explain the process to follow when dealing with unreasonable behaviour and vexatious requests for information.

### What is unreasonable customer behaviour?

The Council defines unreasonable behaviour as:

Unreasonable and unreasonably persistent complainants may be justified in

“Behaviour which, because of the nature or frequency of a customer's contact with the Council, negatively impacts on our ability to deal effectively with their or other people's complaints.”

complaining or have a genuine grievance but be pursuing them in inappropriate

ways, or they may be intent on pursuing complaints which appear to have no substance, or which have already been investigated and determined. Their contact with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all.

Behaviour which may lead to a complaint being considered as unreasonable may include some of the issues listed below (although this list is not exhaustive):

- a) Refusing to specify the grounds for their complaint; offering evidential information to support the complaint which is not then provided, or changing the substance of the complaint whilst the complaint is under investigation;
- b) Periodically writing lengthy scripts with legal or technical quotes but without adequately explaining in plain language what the customer expects as an outcome and refusing to clarify on request;
- c) Withholding evidence for substantiating a complaint at early stages in the procedure that are later produced when the complaint is accepted for escalation or review;
- d) Introducing irrelevant or trivial issues into the complaint or raising a large number of detailed but unimportant questions and insisting they are answered in detail;
- e) Refusing to accept that aspects of the complaint are not within scope of the procedure (for example when another route, such as an appeal process, is open to them) or insisting complaints are dealt with in ways not compatible with the complaints procedure;
- f) Refusing to co-operate with the complaints investigation whilst still wishing their complaint to be resolved;
- g) Making unsupported complaints against staff dealing with the complaint and asking for them to be replaced or a more senior officer deal with the complaint;
- h) Pursing complaints through a “scatter-gun” approach, contacting different staff about the same or similar issues, including engaging councillors, Members of Parliament etc. in addition to their contact with the Council when the complaints procedure is being enacted;
- i) Making unnecessary demands on staff time by excessive contact by e mail, telephone, through members of staff or lengthy complex letters requiring an immediate response;
- j) Submitting repeated requests, during or after the process has been completed, about the same or very similar issues;
- k) Persistent contact about issues which are not service failure but which cause concern and for which the Council has acted appropriately. For example persistent fly tipping or parking problems where the Council has explained what action is and will be taken although may not be completely eradicating or resolving the issue;
- l) Denying receiving an adequate response because the answer is not what the customer wants;
- m) Refusing to engage with the Council through on-line means despite having the ability and knowledge to do so but to persistently e mail many staff on differing minor matters that causes maximum contact and disruption to their daily duties;
- n) Being abusive, insulting, aggressive or personally derogatory about staff.

## What is a vexatious request?

It is important to remember that section 14(1) of the Freedom of Information Act which relates to vexatious requests can only be applied to the request itself, not the individual who submits it. The Council has determined that this approach should be applied to all requests for information, whether or not it has come through the FOI route. Council officers cannot, therefore, refuse a request on the grounds that the requestor himself/herself is considered to be vexatious. Similarly, the Council cannot simply refuse a new request solely on the basis that it has classified previous requests from the same individual as vexatious.

The Council defines a vexatious request as being:

“A request that is likely to cause distress, disruption or irritation, without any proper or justified cause.”

A vexatious request may include one or two individual requests for information, or may form part of a wider pattern of vexatious behaviour. For example, if there is a wider dispute (potentially as part of the Council’s Corporate Complaints procedure) or is the latest in a lengthy series of overlapping requests.

However the Council will not automatically refuse a request simply because it is made in the context of a dispute: each request will be considered on its own merit. The Council will ensure we consider whether the request, not the requestor, is vexatious with our focus ultimately on their right to know the information requested.

Where a request is considered vexatious the Council may make the decision not to provide the information referring to the relevant guidance from the Information Commissioner on vexatious requests.

### Examples of vexatious information requests

The list below is not exhaustive and it is likely that more than one example is needed to justify consideration as vexatious.

- a) Submission of obsessive requests with very high volume and frequency of correspondence;
- b) Requests for information the requestor has already seen or clear intention to re-open issues that have already been considered;

- c) Where complying with the request would impose significant burden on the Council and negatively impact on our service to others. For example when considerable time has been given responding to requests for information by way of the Corporate Complaints procedure and a subsequent request would exceed the appropriate time limit (section 12 exemption to the Freedom of Information Act);
- d) Where the requestor states the purpose is to cause maximum inconvenience for a perceived grievance;
- e) Where the request lacks any serious purpose or value;
- f) Harassing the Council. This could include very high volume and frequency of correspondence or mingling requests with accusations and complaints.

### **Resolving and managing unreasonably persistent complainants and vexatious information requests**

Where officers identify that they may be dealing with an unreasonably persistent complainant and / or vexatious requests for information, they should consider the following courses of action in the first instance:

1. Writing to the complainant requiring them to only make contact through a third party, for example an advocate, solicitor or friend acting on their behalf;
2. Writing to the complainant placing limits on the number or contacts with staff;
3. Writing to the complainant offering a restricted time slot for any necessary calls;
4. Writing to the complainant limiting them access to one contact person and/or one method of contact;
5. Consider the totality of the customer's contact with the Council on the subject – including the numbers and scope of any Freedom of Information requests.

If the above possible actions are believed to be pointless or counterproductive, or they do not improve the situation if they are enacted and if the officer believes the complainant is continuing to act in an unreasonably persistent or vexatious manner, the officer should refer the case to their Assistant Director in the first instance. If the Assistant Director believes that the complainant is not behaving in an unreasonably persistent manner or has not submitted a vexatious information request, the officer will be advised of this and should continue to consider the complaint in line with the Council's procedures and legislation. If the Assistant Director believes the complainant is behaving in an unreasonably persistent way or has submitted a vexatious information request they should refer the matter to a member of the Senior Leadership Team through the Chief Executive's office. This office will determine whether:

1. The complaint is being, or has been handled effectively;
2. The Council's procedures have been followed;
3. The decisions reached are considered to be the right ones;
4. All issues raised have been addressed;
5. Communication with the complainant has been appropriate and adequate;

6. The complainant is not now providing any significant new information that might affect the Council's view on the complaint.

If satisfied on these points, consideration will first be given to whether there are still avenues open to resolve the complaint. For example:

- If the complainant has contacted more than one service area, consider a strategy meeting to understand the breadth of the issues and agree a joint approach;
- Has a meeting been considered with the complainant with an officer of sufficient seniority?
- Could the complainant have special needs that may need the engagement of an advocate or support by other Council services.

If the above avenues have already been explored or are not open to resolve the complaint and the Chief Executive's office determine that the Assistant Director and / or relevant officer cannot take any further action, the office will then determine if, in their view, the behaviour of the complainant is unreasonably persistent and / or vexatious.

The Chief Executive's office will inform the Assistant Director and the officer of their decision and if it is confirmed that the complainant has been acting in an unreasonably persistent or vexatious manner the officer will be advised of one of the following actions to take:

1. Write to the complainant to warn them that if they persist with their unreasonable behaviour **and / or submitting vexatious information requests**, the Council may not respond to them on this subject in the future;
2. Write to the complainant confirming that any future correspondence on the matter will not be answered **and** the Council will no longer respond to him or her on the issues raised in their complaint(s) **and/or requests for information.**
3. No longer respond to the complainant on that, or similar issues.

When the relevant officer informs any complainant who has been determined to be behaving in an unreasonably persistent or vexatious manner – see points (i) and (ii) above - they should also advise the complainant they have a right of appeal against this determination and that they should write to the Chief Executive's office within 10 days to lodge that appeal.

Any appeals submitted by a complainant should be considered by a member of the Senior Leadership Team who will make a final decision. That decision will be reported back to the officer and communicated to the complainant by the Chief Executive's office within 28 days. Sometimes complainants use the access to information route through a Freedom of Information Act (FOI) or General Data Protection Regulations (GDPR) request. This avenue may be used by the minority to cause maximum disruption to the Council with little purpose other than to demand attention, because of a perceived or real grievance. Whilst the Council has a duty to

be transparent and provide information, it also has a duty of care to its staff and to other customers for service delivery. Both of these issues need to be fully considered prior to any action. This procedure, therefore, covers both complaints and requests for information through the FOI or GDPR route.

### **Considerations before acting**

The Council recognises that the decision to classify someone's behaviour as persistently unreasonable or to classify a request as vexatious could have serious consequences for the individual, including restricting access to services.

Before deciding to apply any restrictions, the Council will ensure that:

- The complaint or request for information has been dealt with properly and is in line with the relevant procedures and/or statutory guidelines;
- Every reasonable effort has been made to satisfy the request or resolve the complaint.

### **Review**

When restrictions are in place, a review date will be set based on the circumstances of the case. The relevant Head of Service will consider whether the restrictions remain in place following the date of the review.

### **New Complaints or Requests**

The Council will not ignore a complaint or service request from customers who has been classified as unreasonably persistent or vexatious.

New complaints or requests will be considered on their own merits and not be influenced by previous knowledge of the customer.

### **Referring cases to the Local Government and Social Care Ombudsman and Information Commissioner's Office**

There may be circumstances where the relationship between the Council and complainant / customer has broken down to such an extent that resolution is not possible. In these circumstances it may be helpful to bring closure by referring the matter to either the Local Government and Social Care Ombudsman or the Information Commissioner's Office. Under these circumstances the Council will write to both the governing body and the complainant customer explaining our decision. It would be entirely at the discretion of the Local Government and Social Care Ombudsman or the Information Commissioner's Office whether or not to accept any referral.



## Record Keeping

Records of decisions taken and the reasons for those decisions should be kept updated and be transparent to those individuals who have been classified as unreasonably persistent or vexatious. The records should be held within the Senior Leadership Team Support office and include:

- The name and address of the complainant / customer;
- Details of each information request that is classified vexatious;
- A summary of the complaint for which the complainant / customer was deemed unreasonably persistent;
- What restrictions have been put in place;
- When the restrictions are due for review and by whom.

The Council's Customer Relationship Management (CRM) system that manages complaints will have an indicator added to the relevant customer record to indicate that the individual has been classified as unreasonably persistent or vexatious. The record will be updated in line with any review carried out on the restrictions.

A copy of this procedure will be made available to any complainant customer who is classified as unreasonably persistent or whose request for information is deemed vexatious.

4<sup>th</sup> January 2016

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