



Havering

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

ADJUDICATION AND REVIEW COMMITTEE AGENDA

7.00 pm	Wednesday 6 January 2021	Virtual Meeting
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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)

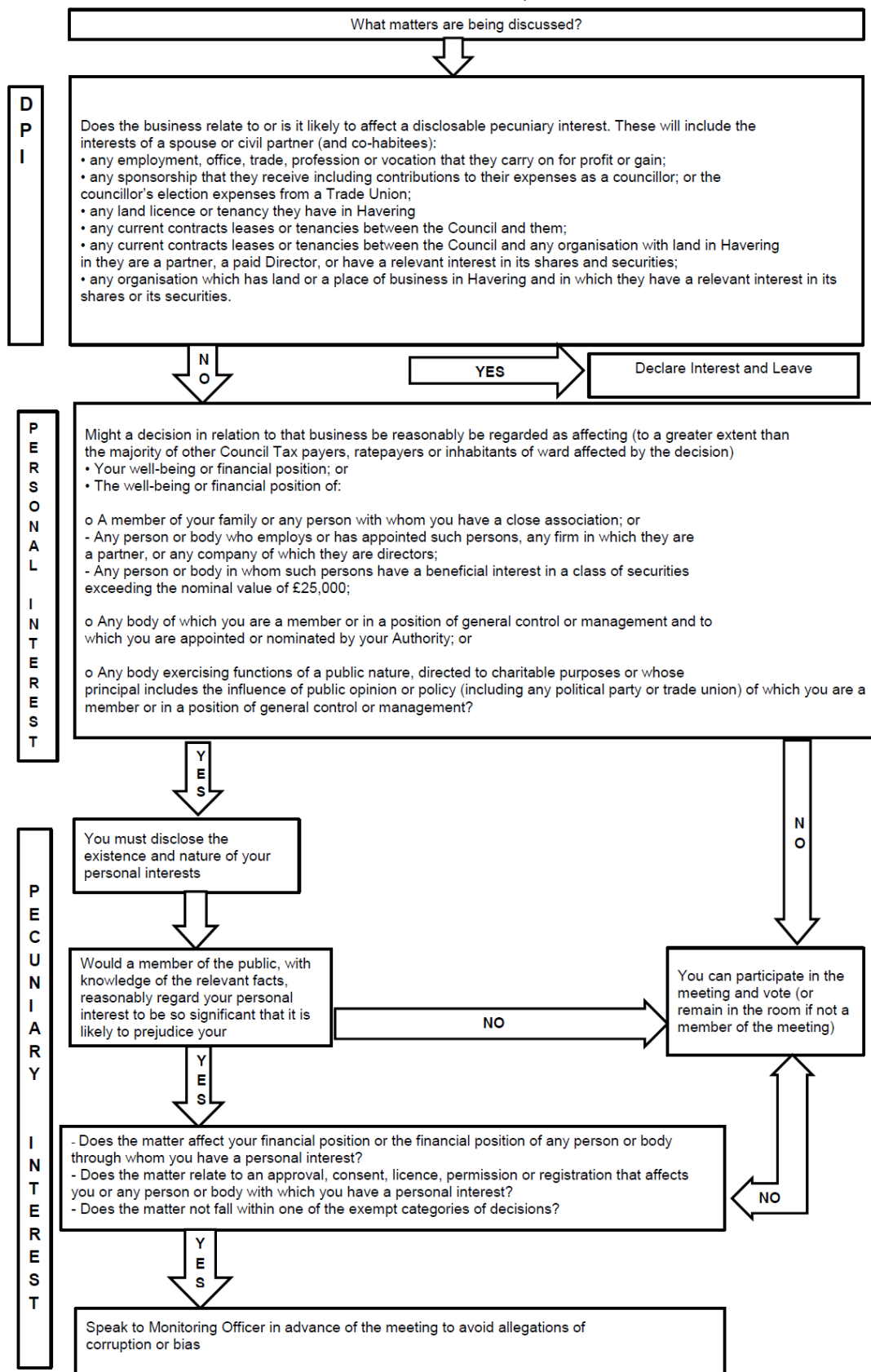
Jeffrey Tucker

Labour Group (1)

Denis O'Flynn

**For information about the meeting please contact:
Anthony Clements Tel: 01708 433065
e-mail: anthony.clements@onesource.co.uk**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(if any) – receive.

3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interests in any of the items on the agenda at this point of the meeting. Members may still disclose 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 March 2020 (attached) and to authorise the Chairman to sign them.

5 COMPLAINTS PERFORMANCE REPORT QUARTER 2 (Pages 7 - 24)

Report attached.

6 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL LETTER REPORT 2019/20 (Pages 25 - 40)

Report attached.

7 COMMITTEE'S WORK PROGRAMME

The Committee is invited to consider items for inclusion on its future work programme.

Andrew Beesley
Head of Democratic Services

**MINUTES OF A MEETING OF THE
ADJUDICATION AND REVIEW COMMITTEE
Committee Room 3B - Town Hall
5 March 2020 (7.00 - 8.15 pm)**

Present:

COUNCILLORS

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

Residents' Group Ray Morgon

Labour Group Carole Beth

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

**Independent Residents
Group**

An apology for absence was received from Councillor Ray Best .

+Substitute members; Councillor Viddy Persaud (for Councillor Ray Best)

All decisions were taken with no votes against.

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

17 DECLARATIONS OF INTERESTS

There were no declarations of interest.

18 MINUTES

The minutes of the meeting held on 4 December 2019 were agreed as a correct record and signed by the Chairman.

**19 UPDATE ON CORPORATE COMPLAINTS AND STATUTORY
COMPLAINTS FOR QUARTER 3**

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

Attached to the report were appendices that contained written information for Members to consider on complaint statistics for Quarter 3, indicating numbers received and performance on timeliness and quality.

The Council had 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 represented 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 represented an increase in performance from 69% in Quarter 2.

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.

The cumulative performance across Stages 1 and 2 for the quarter was 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.

Overall performance this year had improved while Services had been handling higher numbers of complaints.

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 had been withdrawn due to either consent not being received or further information not being provided. Of the 12 Children's complaints, three had been withdrawn. There had 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.

During Quarter 3 there had been 14 decisions by Local Government and Social Care Ombudsman, with a further determination by the Housing Ombudsman,

Members were advised that lessons had been learnt and improvements made to services to keep complaints to a minimum.

Members **noted** the contents of the report and the appendices.

20 **HOUSING COMPLAINTS**

The report sought to update the Committee on the latest improvements relating to the management of Complaints received by Housing Services in quarter 3.

In the period between October and December 2019 there had been the following number of complaints:

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)

Members were advised that a new performance and strategy team was being set up in Housing which would see a head of service appointed to directly manage the complaints function, giving more focus and rewriting processes to make the service more robust. It was hoped to begin recruitment for the head of service by the end of February.

A meeting had been held with the gas contractor to improve performance and reduce complaints. An action plan had 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 were raised and discussed to identify trends.

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

During the debate Members felt that it would be useful in future if a breakdown of the complaint reason and the area of the service could be identified.

Members **noted** the contents of the report.

21 **THE COUNCIL'S COMPLAINT POLICY & PROCEDURE/ STAGE 3 HEARINGS - DISCUSSION**

The report before Members introduced the Council's Corporate Complaints mechanism and invited debate around stage 3 hearings.

The Corporate Complaint Policy and Procedure was introduced on 1 April 2015.

Some changes to the Corporate timescales were made, effective 1 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.

Most complaints were dealt with under stage 1 or 2 however, some complainants wanted to take their complaint further and for it to be heard by a review panel.

Officers confirmed that Havering was the only borough in London that still operated a three tier complaint system.

During the debate Members felt that the hearings were onerous on both officers and Members.

It was also commented that poorly worded letters at both stage 1 and 2 sometimes left complainants without the resolution they were looking for.

Officers advised that if the stage 3 hearings were to be removed that there would have to be a constitutional change made.

Members **noted** the contents of the report and agreed to **review** the position in the future.

Chairman

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ADJUDICATION AND REVIEW COMMITTEE

8 December 2029

Subject Heading:	Update on Corporate Complaints and Statutory Complaints for Quarter 2
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Carol Ager carol.ager@haverling.gov.uk 01708 434389
Policy context:	Corporate Complaint Policy and Procedure 1st April 2015
Financial summary:	There are no financial implications to this report.

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making 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 1st April 2015. Some changes to the Corporate timescales were made, effective 1st 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 2, indicating numbers received and performance on timeliness and quality.

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 2020).
2. 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 2nd quarter performance statistics for all complaints under the procedure is attached as **Appendix 1**.

In short, the council received 581 Stage 1 complaints during the period July to September 2020. 78% of them (456) were responded to within the required timescale of ten days.

The council received 100 requests for escalation to Stage 2 of the process, 65% (65) of them dealt with within 25 days, in line with current timescales.

This equates to an escalation request rate of 17% however, this is reduced to 7.5% when considering the number of cases that were not escalated to Stage 2. This is a notable decrease from 9% in the same period last year.

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

Adjudication and Review Committee – 8th December 2020

	July	August	September
Stage 1 percentage to time	81%	79%	76%
Stage 2 percentage to time	82%	66%	53%
Cumulative percentage Stages 1 & 2	81%	77%	72%

Performance across both Stages of the complaints process is not at an acceptable level. However, it should be noted, due the unprecedented situation the Council finds itself, because of the pandemic, complaint performance is likely to be reduced as resources are re-directed to essential Covid-19 support teams.

Ombudsmen Decisions

During Quarter 2 there were 12 decisions by Local Government and Housing Ombudsmen, as follows:

- 4 x Closed after initial enquiries: No further action
(*Adult Services; Planning; Housing; Environment*)
- 1 x Closed after initial enquiries: Out of jurisdiction
(*Adult Services*)
- 2 x Not Upheld: No Maladministration
(*Planning; Environment*)
- 3 x Upheld: Maladministration, injustice with no penalty **S**
(*Adult Services; Environment; Housing*)
- 2 x Upheld: Maladministration, injustice with penalty **S**
(*Adults Services*)

There were no Housing Ombudsman decisions during the period.

See table below for comparison of significant (S) decisions made for Quarter 2 in 2019 and 2020:

Significant decisions (where maladministration and injustice found)				
	Quarter 2 2019		Quarter 2 2020	
Maladministration, injustice with penalty	2	Adult Services	2	Adult Services
Maladministration, injustice, no penalty	1	Environment	3	Adult Services; Environment; Housing

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 2 Complaints statistics

Appendix 2 – Ombudsman Activity Report for Quarter 2

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 2020 until March 2021

Performance for Quarter 2 2020:	
Stage 1 percentage to time overall (456/581)	78%
Stage 2 percentage to time (65/100)	65%
Stage 1 & 2 cumulative score	77%

Performance for Quarter 2 2019:	
Stage 1 percentage to time overall (519/562)	92%
Stage 2 percentage to time (77/111)	69%
Stage 1 & 2 cumulative score	89%

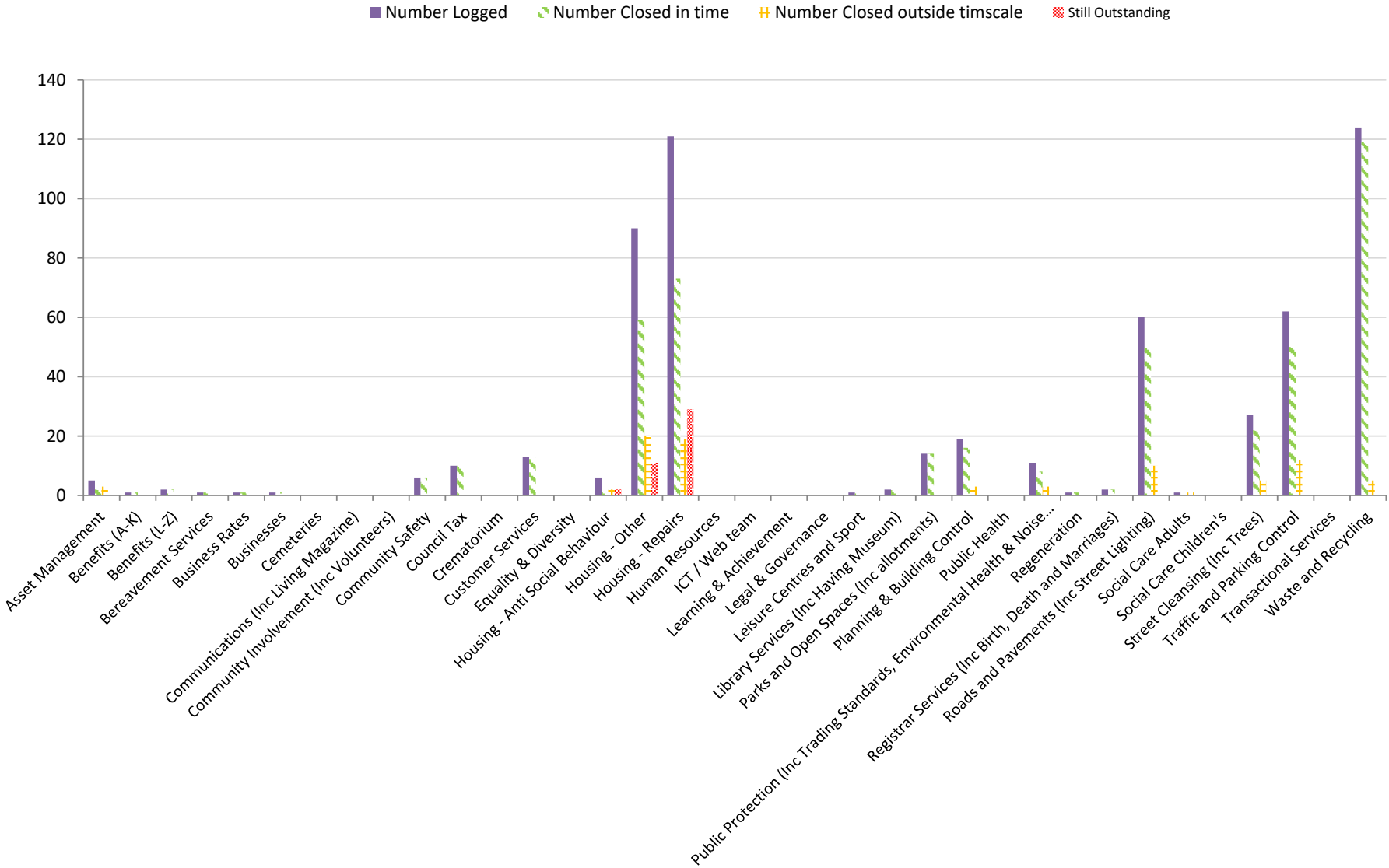
Senior Leadership Support team

Corporate Complaints Report - Quarter 2 - July to September 2020

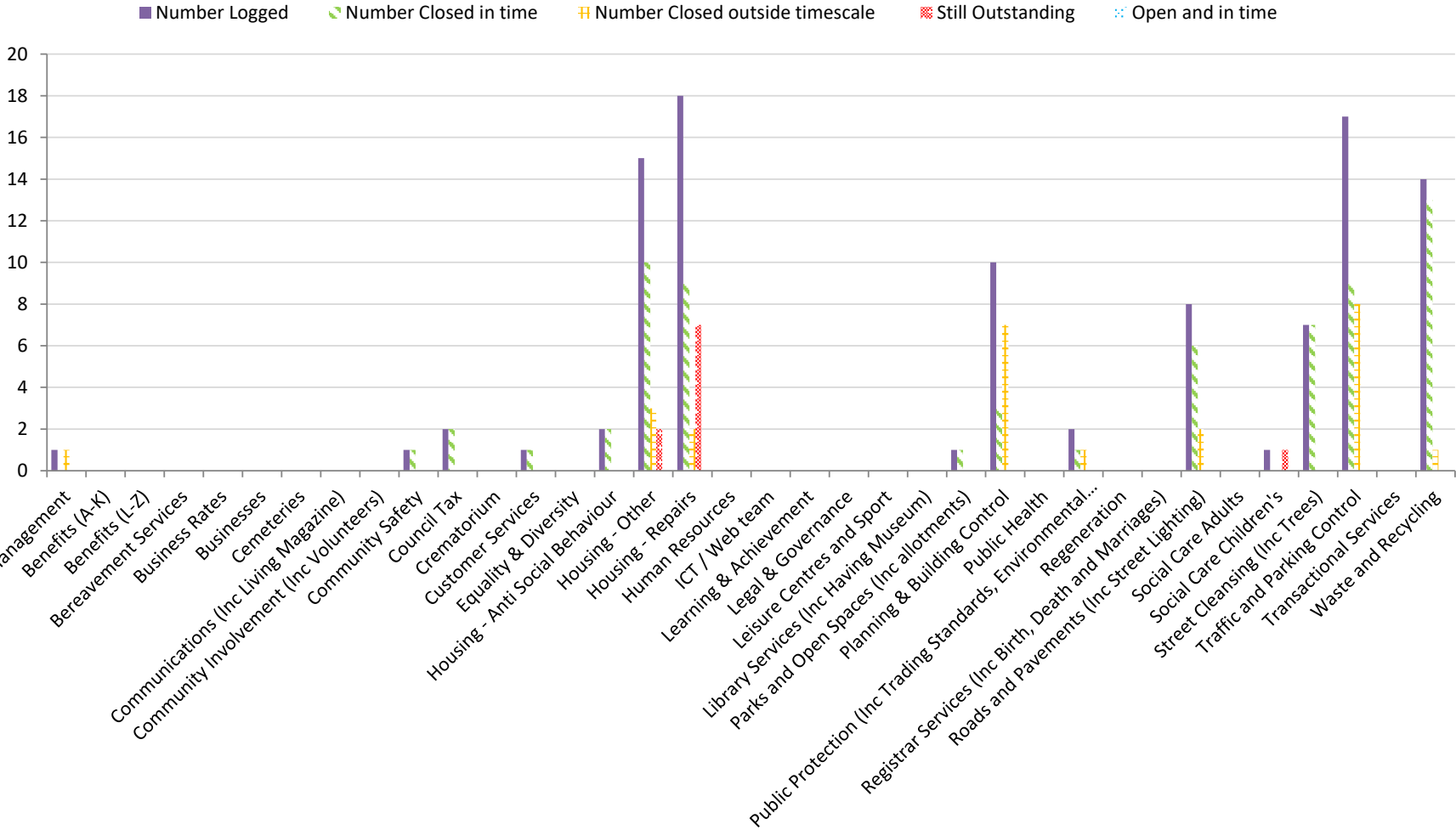
Appendix 1

	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	5	2	40%	3		1	0	0%	1		
Benefits (A-K)	1	1	100%								
Benefits (L-Z)	2	2	100%								
Bereavement Services	1	1	100%								
Business Rates	1	1	100%								
Businesses	1	1	100%								
Cemeteries											
Communications (Inc Living Magazine)											
Community Involvement (Inc Volunteers)											
Community Safety	6	6	100%			1	1	100%			
Council Tax	10	10	100%			2	2	100%			
Crematorium											
Customer Services	13	13	100%			1	1	100%			
Equality & Diversity											
Housing - Anti Social Behaviour	6	2	33%	2	2	2	2	100%			
Housing - Other	90	59	66%	20	11	15	10	67%	3	2	
Housing - Repairs	121	73	60%	19	29	18	9	50%	2	7	
Human Resources											
ICT / Web team											
Learning & Achievement											
Legal & Governance											
Leisure Centres and Sport	1	1	100%								
Library Services (Inc Having Museum)	2	2	100%								
Parks and Open Spaces (Inc allotments)	14	14	100%			1	1	100%			
Planning & Building Control	19	16	84%	3		10	3	30%	7		
Public Health											
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	11	8	73%	3		2	1	50%	1		
Regeneration	1	1	100%								
Registrar Services (Inc Birth, Death and Marriages)	2	2	100%								
Roads and Pavements (Inc Street Lighting)	60	50	83%	9	1	8	6	75%	2		
Social Care Adults	1		0%		1						
Social Care Children's						1	0	0%		1	
Street Cleansing (Inc Trees)	27	22	81%	5		7	7	100%			
Traffic and Parking Control	62	50	81%	12		17	9	53%	8		
Transactional Services											
Waste and Recycling	124	119	96%	5		14	13	93%	1		
Total	581	456	78%	81	44	100	65	65%	25	10	0

Stage 1 by Topic

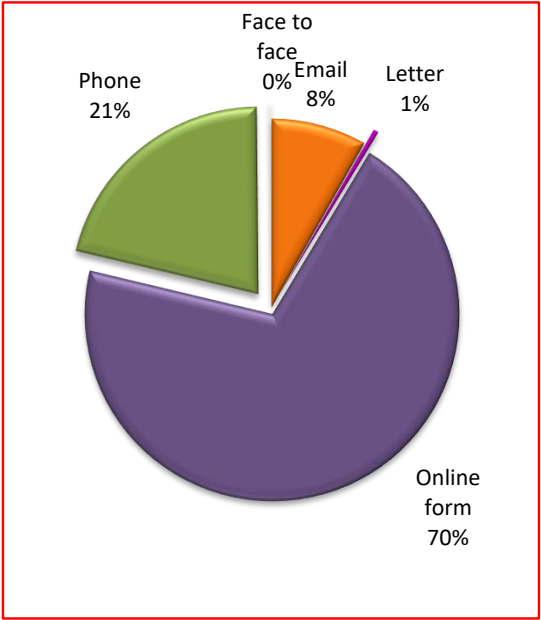


Stage 2 by Topic

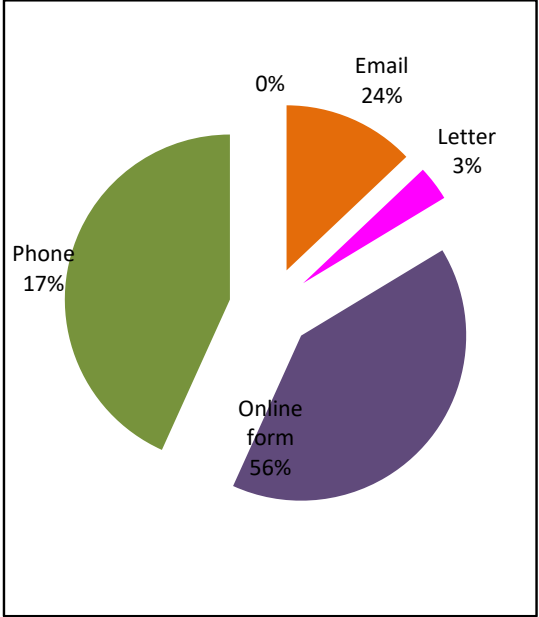


Contact Type

Quarter 2 2020/21



Quarter 2 2019/20

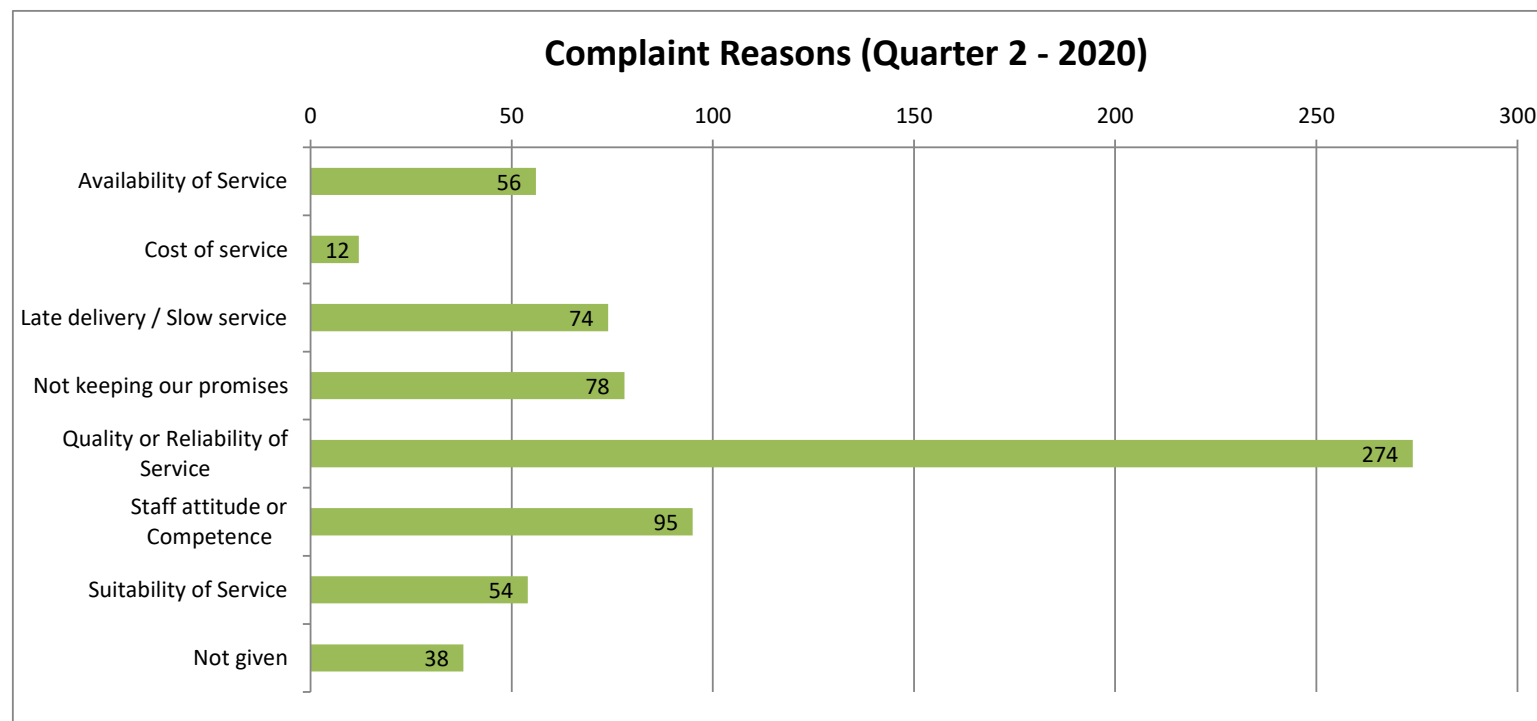
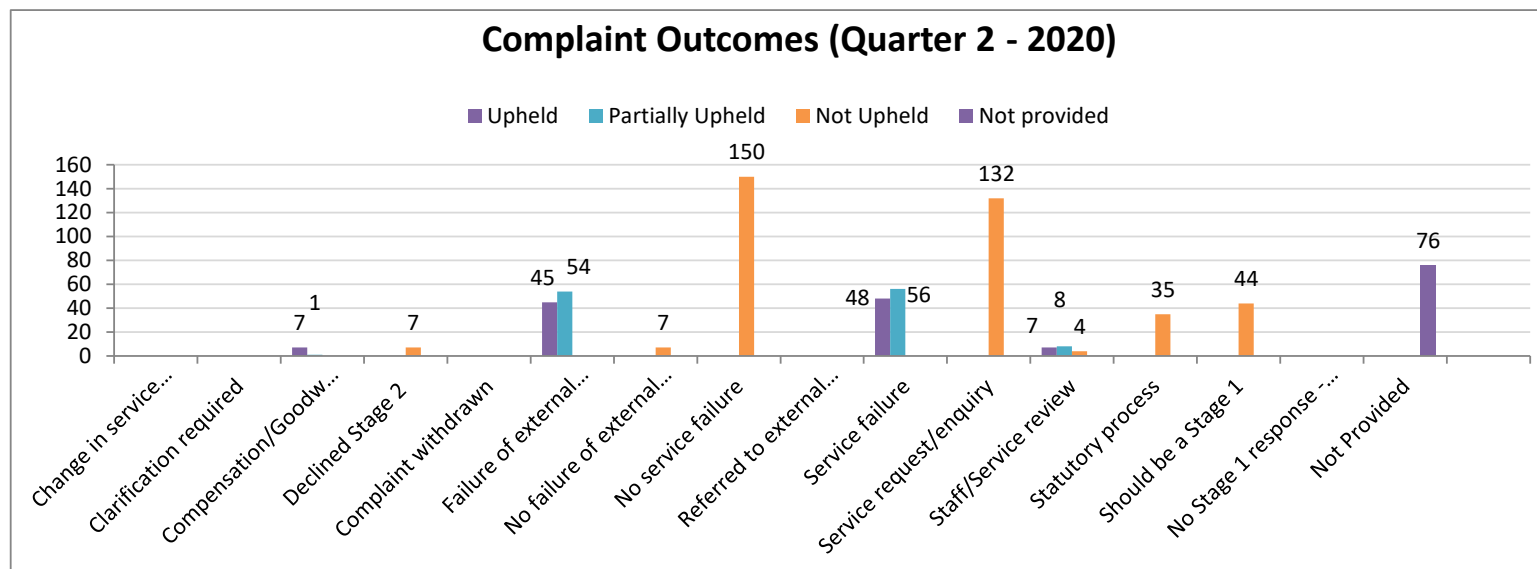


Corporate Complaints Report - Quarter 2 - July to September 2020

Appendix 1

	Carry Over	July				August				September				Total
	Cumulative (Apr - Jun)	Stage 1 logged	In 15 days (%)	Stage 2 Logged	In 20 days (%)	Stage 1 logged	In 15 days (%)	Stage 2 Logged	In 20 days (%)	Stage 1 logged	In 15 days (%)	Stage 2 Logged	In 20 days (%)	Cumulative*
Asset Management	0	3	33%			2	50%	1	0%				100%	5
Benefits (A-K)	0					1	100%							1
Benefits (L-Z)	0									2	100%			2
Bereavement Services	0					1	100%							1
Business Rates	0	1	100%											1
Businesses	0					1	100%							1
Cemeteries	0													0
Communications (Inc Living	0													0
Community Involvement (Inc	0													0
Community Safety	0	2	100%			4	100%	1	100%					6
Council Tax	0	3	100%			3	100%			4	100%	2	100%	10
Crematorium	0													0
Customer Services	0	4	100%			2	100%	1	100%	7	100%			13
Equality & Diversity	0													0
Housing - Anti Social Behaviour	0	4	25%	1	100%	1	0%			1	100%	1	100%	6
Housing - Other	0	21	48%	3	67%	40	70%	10	70%	29	72%	2	50%	90
Housing - Repairs	0	30	73%	1	100%	50	54%	3	100%	41	56%	14	36%	121
Human Resources	0													0
ICT / Web team	0													0
Learning & Achievement	0													0
Legal & Governance	0													0
Leisure Centres and Sport	0	1	100%											1
Library Services (Inc Having	0					2	100%							2
Parks and Open Spaces (Inc	0	4	100%	1	100%	7	100%			3	100%			14
Planning & Building Control	0	7	71%	5	60%	7	86%	2	0%	5	100%	3	0%	19
Public Health	0													0
Public Protection (Inc Trading	0	5	80%			4	100%	2	50%	2	0%			11
Regeneration	0					1	100%							1
Registrar Services (Inc Birth, Death	0	1	100%							1	100%			2
Roads and Pavements (Inc Street	0	14	86%	3	67%	22	95%	3	100%	24	71%	2	50%	60
Social Care Adults	0									1	0%			1
Social Care Children's	0											1	0%	0
Street Cleansing (Inc Trees)	0	8	75%	3	100%	6	100%	1	100%	13	77%	3	100%	27
Traffic and Parking Control	0	23	91%	6	100%	15	80%	3	0%	24	71%	8	50%	62
Transactional Services	0													0
Waste and Recycling	0	55	96%	5	80%	29	100%	5	80%	40	93%	4	100%	124
Stage 1 Logged (Total)	0	186				198				197				581
Completed in 15 days (%)			81%				79%				76%			
Stage 2 logged (Total)				28				32				40		100
Completed in 20 days (%)					82%				66%				53%	

* 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 20 - March 21

	Cumulative numbers logged April 17 - March 18 (Stage 1&2)	% of total	April '20	May '20	June '20	July '20	August '20	September '20	October '20	November '20	December '20	January '21	February '21	March '21
Asset Management	6	0.88%	0	0	0	3	3	0						
Benefits (A-K)	1	0.15%	0	0	0	0	1	0						
Benefits (L-Z)	2	0.29%	0	0	0	0	0	2						
Bereavement Services	1	0.15%	0	0	0	0	1	0						
Business Rates	1	0.15%	0	0	0	1	0	0						
Businesses	1	0.15%	0	0	0	0	1	0						
Cemeteries	0	0.00%	0	0	0	0	0	0						
Communications (Inc Living	0	0.00%	0	0	0	0	0	0						
Community Involvement (Inc	0	0.00%	0	0	0	0	0	0						
Community Safety	7	1.03%	0	0	0	2	5	0						
Council Tax	12	1.76%	0	0	0	3	3	6						
Crematorium	0	0.00%	0	0	0	0	0	0						
Customer Services	14	2.06%	0	0	0	4	3	7						
Equality & Diversity	0	0.00%	0	0	0	0	0	0						
Haverling Music School	0	0.00%	0	0	0	0	0	0						
Housing - Anti Social Behaviour	8	1.17%	0	0	0	5	1	2						
Housing - Other	105	15.42%	0	0	0	24	50	31						
Housing - Repairs	139	20.41%	0	0	0	31	53	55						
Human Resources	0	0.00%	0	0	0	0	0	0						
ICT / Web team	0	0.00%	0	0	0	0	0	0						
Learning & Achievement	0	0.00%	0	0	0	0	0	0						
Legal & Governance	0	0.00%	0	0	0	0	0	0						
Leisure Centres and Sport	1	0.15%	0	0	0	1	0	0						
Library Services (Inc Having	2	0.29%	0	0	0	0	2	0						
Parks and Open Spaces (Inc	15	2.20%	0	0	0	5	7	3						
Planning & Building Control	29	4.26%	0	0	0	12	9	8						
Public Health	0	0.00%	0	0	0	0	0	0						
Public Protection (Inc Trading	13	1.91%	0	0	0	5	6	2						
Regeneration	1	0.15%	0	0	0	0	1	0						
Registrar Services (Inc Birth, Death	2	0.29%	0	0	0	1	0	1						
Roads and Pavements (Inc Street	68	9.99%	0	0	0	17	25	26						
Social Care Adults	1	0.15%	0	0	0	0	0	1						
Social Care Children's	1	0.15%	0	0	0	0	0	1						
Street Cleansing (Inc Trees)	34	4.99%	0	0	0	11	7	16						
Traffic and Parking Control	79	11.60%	0	0	0	29	18	32						
Transactional Services	0	0.00%	0	0	0	0	0	0						
Waste and Recycling	138	20.26%	0	0	0	60	34	44						
Total Complaints logged	681		0	0	0	214	230	237	0	0	0	0	0	0
Overall % of complaints 1&2 completed within time						77%						#DIV/0!		

Complaint Reasons

	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		4	1		6
Benefits (A-K)		1							1
Benefits (L-Z)			1			1			2
Bereavement Services				1					1
Business Rates						1		1	2
Cemeteries									0
Communications (Inc Living Magazine)									0
Council Tax	1	3	2	4		1		1	12
Crematorium									0
Customer Services	3		1	3	2	4	1		14
Community Safety	1	1		2			1	2	7
Housing - Anti Social Behaviour			1	5		1		1	8
Housing - Other	5	10	20	35	3	13	9	10	105
Housing - Repairs	8	26	22	49	1	15	7	11	139
Learning & Achievement									0
Legal & Governance									0
Leisure Centres and Sport				1					1
Library Services (Inc Having Museum)						1	1		2
Parks and Open Spaces (Inc allotments)	1	1	3	7		1	2		15
Planning & Building Control	2	1		15		9	2		29
Public Health									0
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	4	1	3	2		3			13
Regeneration								1	1
Registrar Services (Inc Birth, Death and Marriages)	1					1			2
Roads and Pavements (Inc Street Lighting)	11	5	7	27	2	2	13	1	68
Social Care Adults				1					1
Social Care Children's						1			1
Street Cleansing (Inc Trees)	3	3	6	16		4	2		34
Traffic and Parking Control	9	6	6	28	3	15	8	4	79
Transactional Services									0
Waste and Recycling	7	16	6	77	1	18	7	6	138
Total:	56	74	78	274	12	95	54	38	681

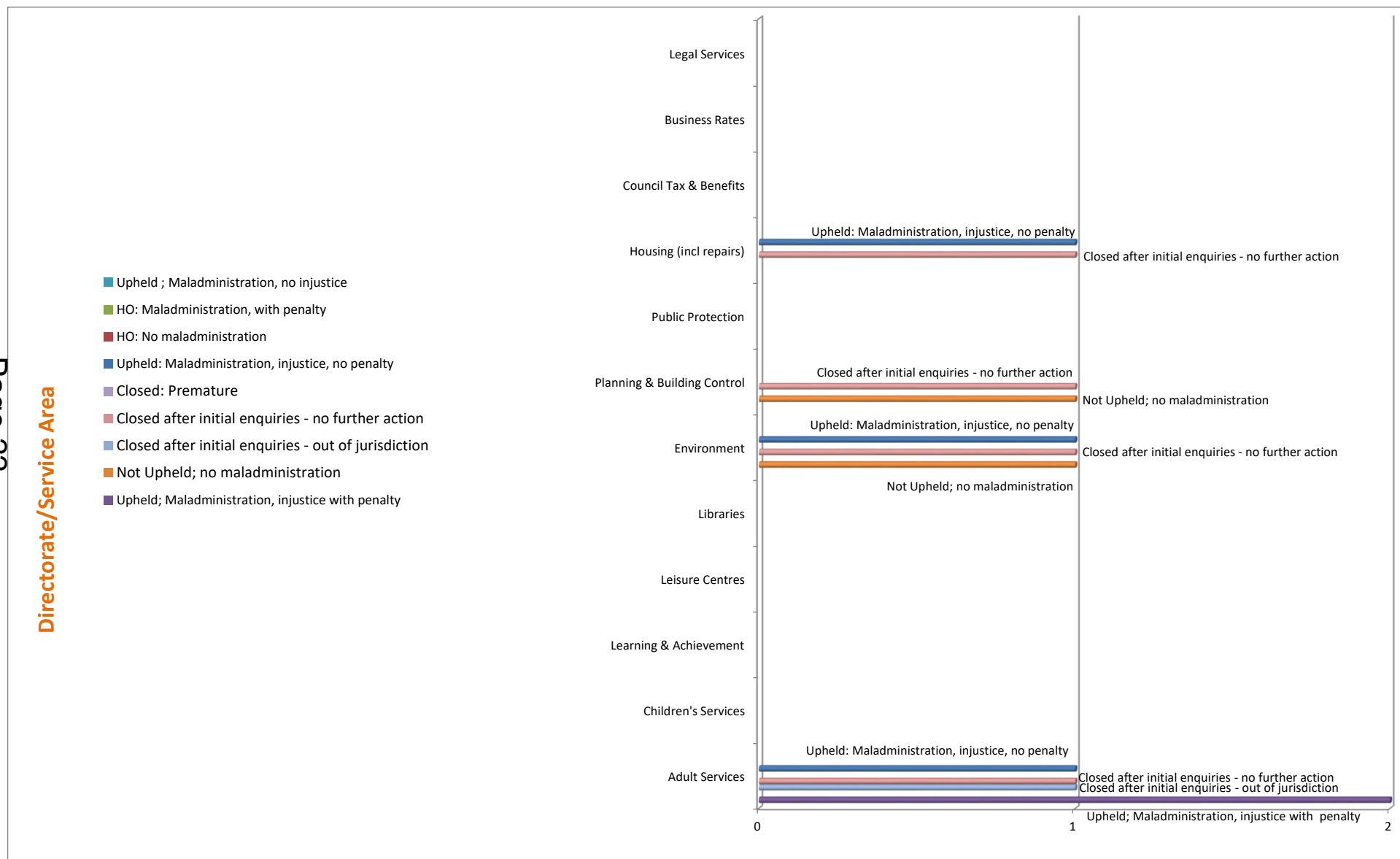
This table shows the breakdown of complaint reasons for each service area for Stages 1 and 2.

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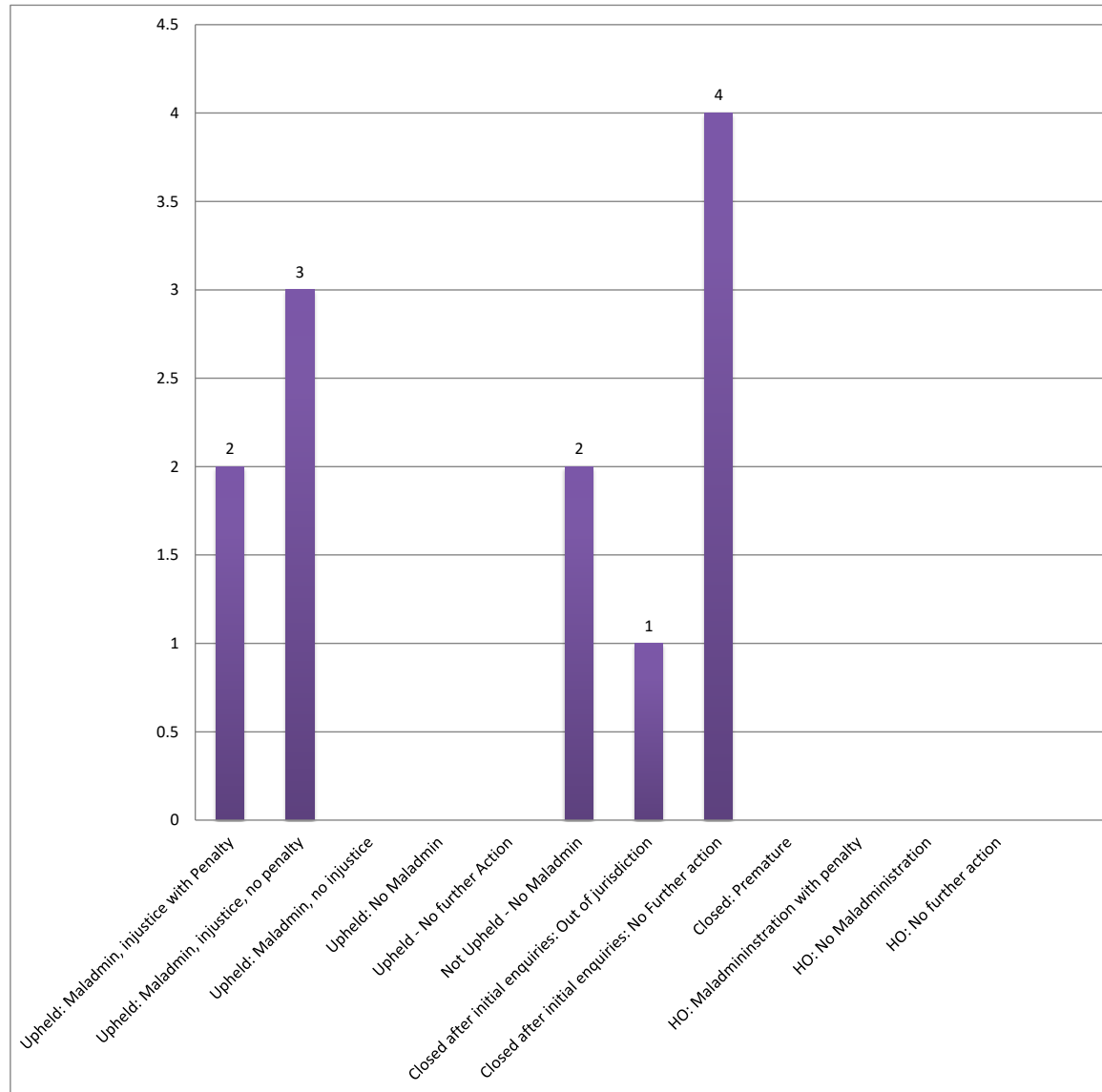
Complaints determined:

		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				2	1				1	1					
Children's Services	Children's Services Learning & Achievement															
Chief Operating Officer	Leisure Centres															
	Libraries															
Neighbourhoods	Environment Planning & Building Control					1			1		1					
	Public Protection								1		1					
Housing	Housing (incl repairs)					1					1					
oneSource	Council Tax & Benefits															
	Business Rates															
	Legal Services															
Total :		0	0	0	2	3	0	0	2	1	4	0	0	0	0	0

Decisions



Outcomes



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

1. Mr and Mrs B - Adult Services

Mr and Mrs B complained the Council failed to provide their daughter with a suitable home chair, wrongly began a safeguarding investigation and delayed responding to a complaint. Delays providing the home chair were not due to fault by the Council. A single assessment completed by the Council was inaccurate and the Council delayed responding to Mr and Mrs B's complaint. That led to Mr and Mrs B having to go to time and trouble to pursue their complaint and caused them distress. The Council agreed to make a payment of £250 to Mr and Mrs B and offer an apology.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

2. Mrs H - Adults Services

Ombudsman found the Council frequently failed to complete adult social care calls on time or failed to turn up at all. On many occasions the Council still met Mrs H's needs, but on other occasions it did not. Mrs H was paying in full for the poor service. The Council agreed to waive 50% of the care fees and pay £100 each to Mrs H and her daughter in recognition of their distress, time and trouble.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

3. Mr B - Adult Services

The Ombudsman found the Council was at fault for failing to properly explain why it refused Mr B's freedom pass application. The reason it gave (that Mr B did not live in the area) was incorrect, and it failed to explain its actual reason (that Mr B did not meet its learning disability criteria). The Council agreed to write to Mr B's mother and explain its decision. It has also agreed to make a payment of £150 to recognise the uncertainty its handling of Mr B's application caused her.

Ombudsman decision: Upheld - Maladministration, injustice, no penalty

3. Mrs B - Environment Services

Mrs B complained the Council refused her application for a dropped kerb. Mrs B says this caused her inconvenience because she cannot park outside her house. The Council was at fault because its terms and conditions for a dropped kerb were not comprehensive. The Ombudsman found the Council had remedied the injustice caused by this fault during its complaints procedure.

Ombudsman decision: Upheld - Maladministration, injustice, no penalty

3. Mr Y - Housing Services

The Ombudsman found no fault on Mr Y's complaint about the Council's failure to promptly return the property it rented from him. It followed proper legal procedures to evict its tenant. The Ombudsman found fault by the Council failing to keep him properly updated about progress with its return. It also failed to meet the timescale in its complaint procedure at stage 2. Its offer of £420, and this investigation, remedies any injustice caused.

Ombudsman decision: Upheld - Maladministration, injustice, no penalty



ADJUDICATION AND REVIEW COMMITTEE

8 December 2020

Subject Heading:	Local Government and Social Care Ombudsman (LGSCO) Annual Review letter 2019/20
SLT Lead:	Andrew Blake-Herbert
Report Author and contact details:	Carol Ager carol.ager@havering.gov.uk 01708 434389
Policy context:	Corporate Complaint Policy and Procedure 1st April 2015
Financial summary:	There are no financial implications to this report.

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

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

SUMMARY

This report provides Members of Adjudication and Review details relating to the Local Government and Social Care Ombudsman's (LGSCO) Annual Review letter.

Responsibility for reporting and liaising with the LGSCO falls to the CEO Complaints team within the Senior Leadership Support office. The Senior Complaint and Investigation Manager is the Link Officer for all Ombudsman transactions, acting as a conduit between Ombudsmen and services.

This ensures a smooth transition from Stage 2 complaints through Stage 3 and to the Ombudsman. Case officers, having carried out a Stage 2 investigation and

potentially prepared papers for a Stage 3 Member Panel, will be familiar with the complaint and able to assist with Ombudsman enquiries.

LGSCO and Housing Ombudsman decisions are reported to Committee on a quarterly basis.

Attached to this report is a copy of the Local Government and Social Care Ombudsman Annual Review letter for 2019/20, detailing the number of decisions made by them against the council.

RECOMMENDATIONS

That the Committee consider and discuss the following:

1. The Annual Review letter from Local Government and Social Care Ombudsman for 2019/20
2. The council's Ombudsman Activity report and any differences between the council's records and those contained within LGSCO Annual letter

REPORT DETAIL

The Annual Review letter from Local Government and Social Care Ombudsman for 2019/20

This year, the LGSCO received 121 complaints and enquiries about Havering Council, against 95 the previous year. The following table gives a comparison between services for both this year and 2018/19.

Service	2019/20	2018/19	Percentage difference
Adults Services	16	15	+6.3%
Education & Children	12	15	-20%
Benefits and Tax	7	6	+16.6%
Corporate	4	1	+300%
Environment (including Public Protection and Highways)	41	19	+116%
Housing	30	28	+7%
Planning	10	9	+11%
Not classified by LGSCO	1	2	n/a

In the year, the LGSCO made 85 decisions on complaints made against Havering Council, compared to 90 the previous year. Of those 85, detailed investigations were carried out into 22 cases. Twelve of them were Upheld which gives an Uphold Rate of 55%. This compares to 70% in similar authorities.

Within his Annual Review letter, the Ombudsman also publishes compliance statistics, where councils are recognised for complying with recommendations made in decisions.

It is pleasing to note the 100% compliance rate the Council has achieved this, compared to 99% in similar authorities.

In addition, 17% of our cases upheld by LGSCO had been provided with satisfactory remedies before the complaint reached the Ombudsman.

The high compliance rate achieved by the Council could be attributed to the rigorous follow-up monitoring undertaken by the CEO Complaints team.

The LGSCO has an interactive map of council performance on their website. The data is linked to published decisions and any service improvements that have been agreed by each council.

The intention is to put an emphasis on authority compliance with investigations; it is a useful tool for comparing our own performance against that of neighbouring authorities, or those with a similar demographic.

The council's Ombudsman Activity report and any differences between the council's records and those contained within LGSCO Annual letter

The Ombudsman recognises that the numbers reported by them on their Annual Review letters do not necessarily tally with those recorded by councils. This is because the Ombudsman's office may close a complaint without making any enquiries of the council, for example, if it is apparent that the complainant has not exhausted the council's complaints process, they may be referred back to the authority in the first instance

During 2019/20 the council received 85 decisions by Local Government and Housing Ombudsmen, as follows:

35 x Closed after initial enquiries: No further action

Children's Services (1); Environment (12); Learning & Achievement (1); Planning & Building Control (6); Public Protection (1); Housing (9); Leisure Services (1); Council Tax & Benefits (2); Business Rates (1); Legal Services (1)

13 x Closed after initial enquiries: Out of jurisdiction

Adult Services (1); Environment (5); Housing (4); Council Tax & Benefits (1); Business Rates (1); Planning & Building Control (1)

10 x Closed: Premature

Adult Services (3); Children's Services (1); Environment (2); Housing (3); Council Tax & Benefits (1)

12 x Not Upheld: No maladministration

Adult Services (2); Children's Services (2); Planning & Building Control (1); Housing (4); Environment (2); Council Tax & Benefits (1)

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

Adult Services (3); Children's Services (2); Housing (2); Council Tax & Benefits (1)

2 x Upheld: Maladministration, injustice, no penalty **S**

Environment (2)

2 x Upheld: Maladministration, no injustice **S**

Adult Services (1); Housing (1)

There were three Housing Ombudsman decisions:

1 x Maladministration, injustice with penalty **S**.

2 x No Maladministration

While the statistics recorded by the council may not fully align with those reported by LGSCO, data relating to decisions, described in this report as Significant, tend to agree.

The LGSCO Annual Report shows 12 upheld decisions against the council, which agrees with the eight Maladministration, Injustice with Penalty decisions; two Maladministration, Injustice without Penalty decisions and two Upheld, No Further Action decisions the council has recorded, and shown on the Ombudsman Activity Report at Appendix 2.

IMPLICATIONS AND RISKS

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

BACKGROUND PAPERS

Attached are two appendices:

Appendix 1 – Local Government and Social Care Ombudsman Annual Review Letter

Appendix 2 – Ombudsman Activity Report for 2019/20

Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Mr Blake-Herbert
Chief Executive
London Borough of Havering

Dear Mr Blake-Herbert

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

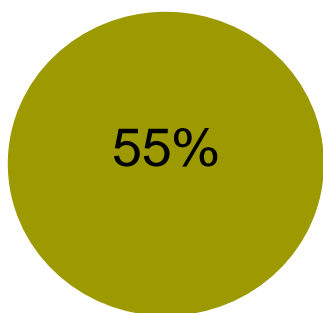
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



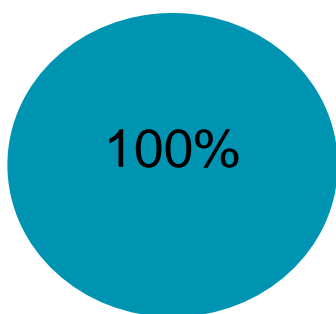
55% of complaints we investigated were upheld.

This compares to an average of **70%** in similar authorities.

12
upheld decisions

Statistics are based on a total of 22 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



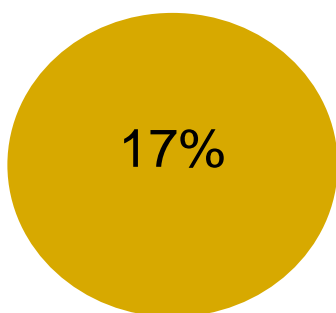
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 4 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **17%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar authorities.

2
satisfactory remedy decisions

Statistics are based on a total of 22 detailed investigations for the period between 1 April 2019 to 31 March 2020

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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				3		1		2	1		3				
Children's Services	Children's Services Learning & Achievement				2				2		1	1				
											1					
Chief Operating Officer	Leisure Centres										1					
	Libraries															
Neighbourhoods	Environment Planning & Building Control					2			2	5	12	2				
	Public Protection								1	1	6					
	Housing (incl repairs)				2		1		4	4	9	3	2	1		
	Council Tax & Benefits				1				1	1	2	1				
oneSource	Business Rates									1	1					
	Legal Services										1					
Total :		0	0	0	8	2	2	0	12	13	35	10	2	1	0	0

10

6

1

1

0

23

8

1

26

6

2

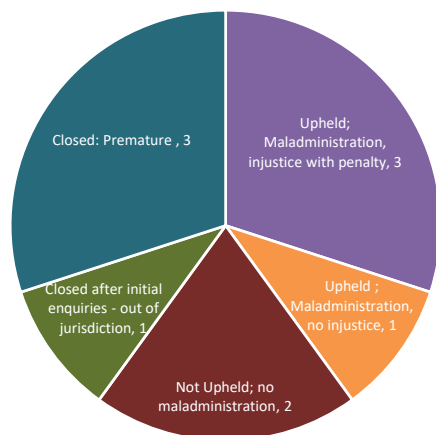
1

85

Decisions

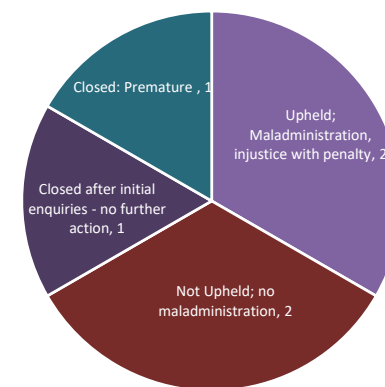
Adult Services

- 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



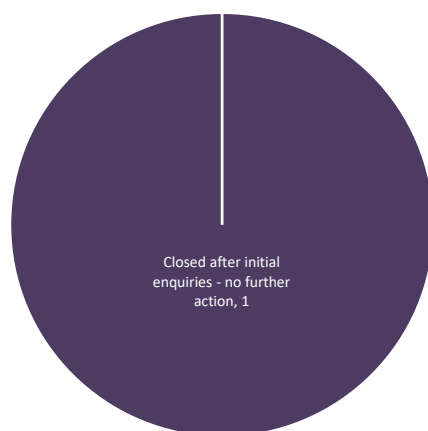
Children's Services

- 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



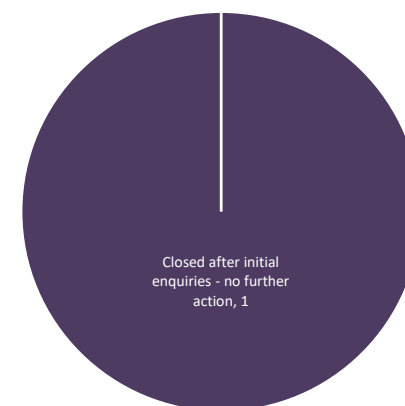
Leisure Centres

- 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



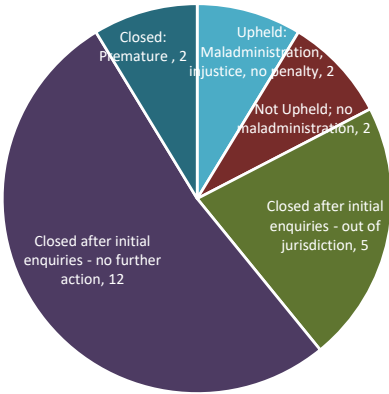
Learning & Achievement

- 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



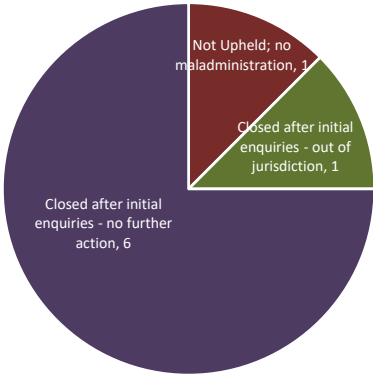
Environment

- 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



Planning & Building Control

- 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



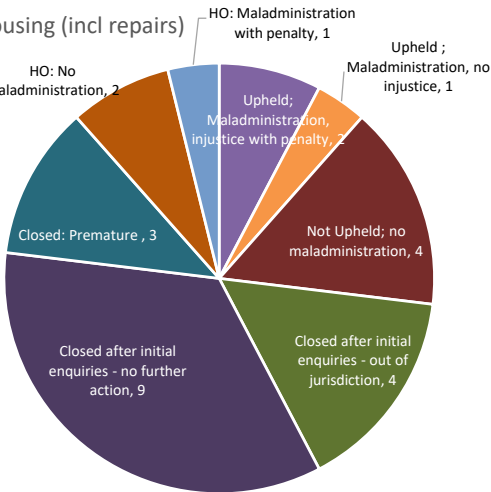
Public Protection

- 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



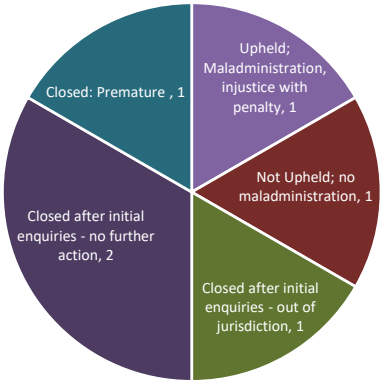
Housing (incl repairs)

- 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



Council Tax & Benefits

- 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



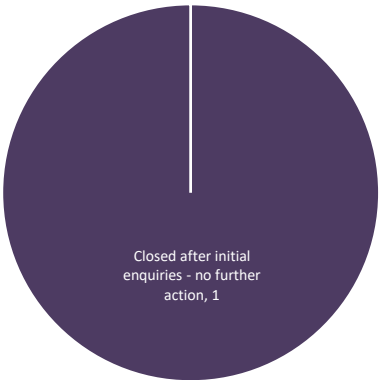
Business Rates

- 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

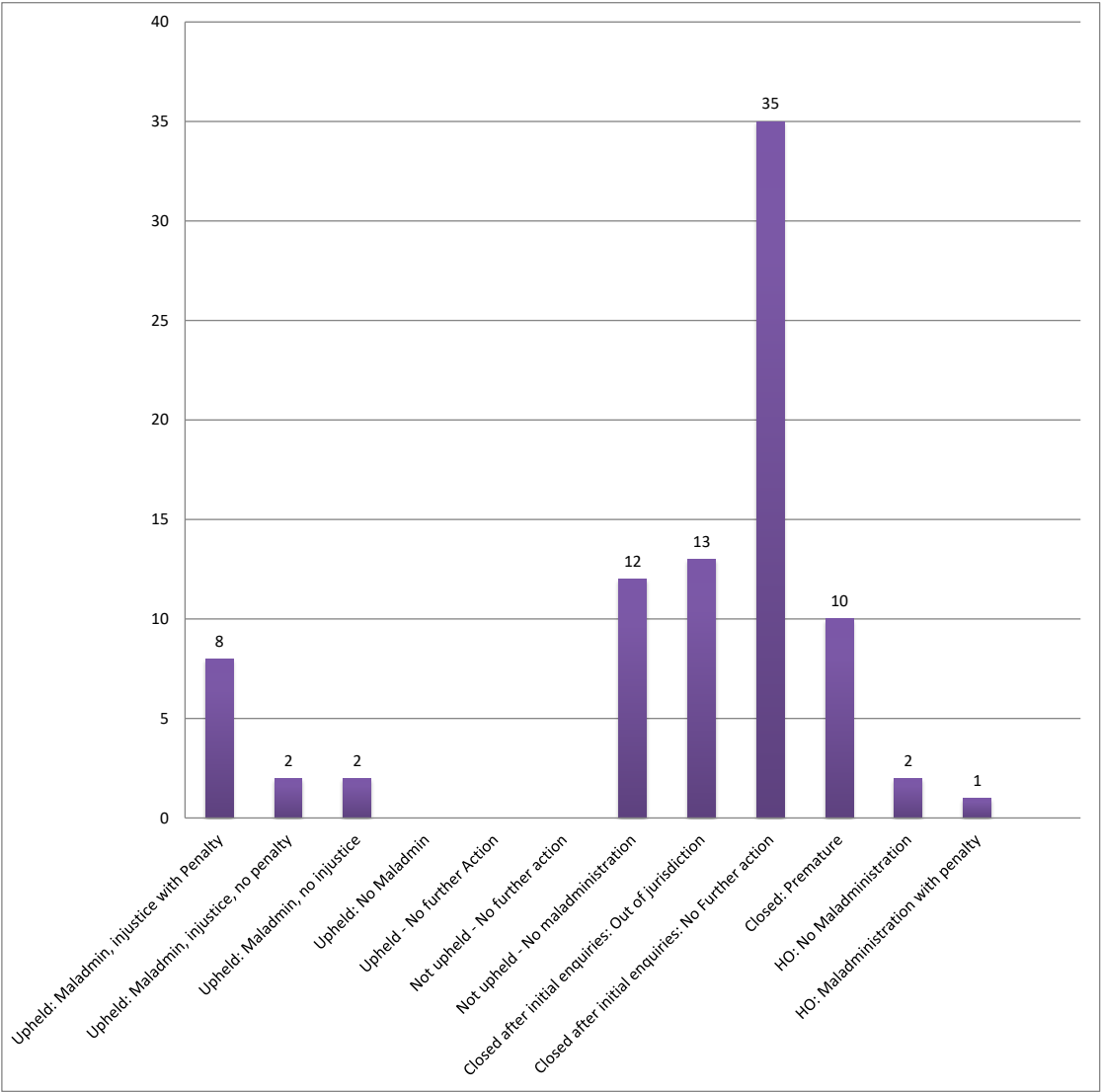


Legal Services

- 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



Outcomes



Significant decisions from Local Government or Housing Ombudsmen

Qtr 1

1. Miss X - Housing

Miss X complained the Council had failed to accept a homeless application from her in April 2018, then again in October 2018. She said she and her children were currently living with family members and they did not have a home. She wanted the Council to consider her application and provide her family with accommodation. The Ombudsman found the Council was at fault for the way it ended its duty to prevent Miss X from becoming homeless. However, this did not cause her any significant injustice and fault was not found in relation to the other parts of her complaint. A service improvement recommendation was made to address the fault that was found.

Ombudsman decision: Upheld - Maladministration, no injustice

2. Mrs B - Children's Services

Mrs B complained that the Council failed to pay her the correct rate of fostering allowance for Child C when she transferred as a foster carer to a different authority. The Council accepted it had no records as to why it paid a lower rate for this child and offered a remedy of £7000. Ombudsman found there was fault by Council agreed it should pay Mrs B £7000.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

Qtr 2

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. Mrs 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

4. Miss B - Housing Services

Miss B complained about the Council's response to her request for help when she was made homeless. The Ombudsman found the Council had not met its homelessness duties to Miss B. The Council apologised for the error and agreed to make a payment of £500 for the distress the matter had caused.

Ombudsman decision: Upheld - Maladministration, injustice, no penalty

Qtr 3

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

Qtr 4

1. Ms X - Adults Services

The Council failed to ensure the commissioned care provider (Lodge Care) adhered to the care and support plan for Ms X. As a result meals and medication were missed and her family was caused considerable anxiety. The Council could not respond fully to the family's complaint because the care provider's records were in a process of change. The Council agreed to payments totalling £950 to recognise the anxiety caused by poor care as well as the additional time, trouble and expense caused.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

2. Mr D - Children's Services

Mr D complained about the Council's handling of his request for financial and other support under a Special Guardianship Order, also about his request for assessment of X's special educational needs. No fault was found in the way the Council considered the matters raised, but the Ombudsman did find fault in the Council's poor handling of Mr D's complaints which caused him injustice. The Council agreed to apologise and pay £500 in recognition.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

3. Mr X - Benefits

Mr X complained the Council reduced his Housing Benefit and then refused on several occasions to pass his case to the Tribunal when he appealed. Mr X said this caused him and his family frustration and distress. The Council was found to be at fault and agreed to apologise to Mr X, make him a financial payment of £100 and review procedures.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

4. Mrs X - Housing Services

Mrs X complained about the way the Council had handled her Disabled Facilities Grant. She said this caused inconvenience, distress, and cost her time and trouble. The Ombudsman found fault with the Council for asking Mrs X to get additional quotes from contractors on its approved list. The Council agreed to apologise to Mrs X and make a payment of £100 to reflect the injustice caused by the fault. Changes had already been made to the Policy, which the Ombudsman was satisfied with.

Ombudsman decision: Upheld - Maladministration, injustice with penalty

5. Mr Y - Traffic and Parking Control

Mr Y complained about the way a penalty charge notice was issued and not dealt with appropriately when he complained. The Council refunded the payments made and agreed to apologise to Mr Y for the delay in responding.

Ombudsman decision: Upheld - Maladministration, no injustice

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