



## ADJUDICATION & REVIEW COMMITTEE AGENDA

<b>7.00 pm</b>	<b>Thursday 19 August 2021</b>	<b>Council Chamber</b>
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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'  
(0)**

**Labour Group  
(1)**

Denis O' Flynn

**North Havering Residents'  
Group  
(1)**

Martin Goode

**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:-

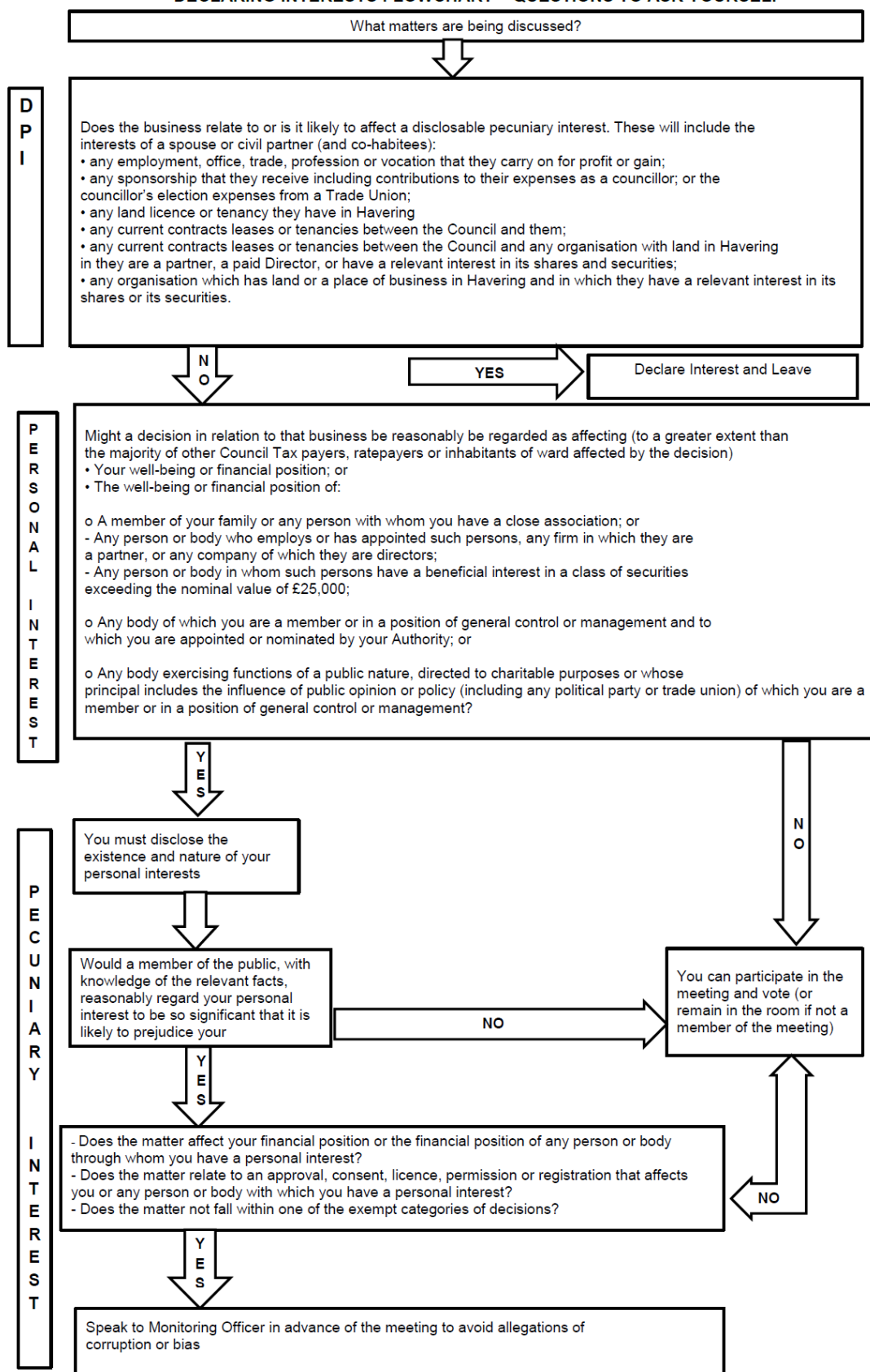
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

(if any) – receive.

### **2 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.

### **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 - 2)**

To approve as a correct record, the minutes of the meeting of the Committee held on 24 June 2021 and to authorise the Chairman to sign them.

### **5 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) - ANNUAL REVIEW LETTER 2020/21 (Pages 3 - 16)**

Reports attached.

### **6 QUARTER 1 2021/22 - UPDATE ON CORPORATE COMPLAINTS (Pages 17 - 34)**

Reports attached.

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

**MINUTES OF A MEETING OF THE  
ADJUDICATION & REVIEW COMMITTEE  
Town Hall  
24 June 2021 (7.02 pm – 8.00 pm)**

**Present:**

**COUNCILLORS**

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

**Residents' Group** Ray Morgon

**Upminster & Cranham  
Residents' Group** 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.

**1 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Martin Goode, Denis O'Flynn and Jeffrey Tucker.

**2 DECLARATIONS OF INTERESTS**

There were no disclosures of interest.

**3 MINUTES**

The minutes of the meeting of the Committee held on 6 January 2021 were agreed as a correct record and would be signed at a later date.

**4 UPDATE ON CORPORATE COMPLAINTS 2020/21 YEAR END**

It was noted that the complaints process had been closed for three months due to the pandemic and so the report before the Committee only covered 9 months of information. A total of 1,587 stage 1 complaints had been received in this period of which 77% had been responded to within the required 10 days. Some 68% of stage 2 complaints had been responded to within the target of 25 days.

It was accepted that the Council's overall performance on dealing with complaints had decreased slightly due to the effect of the pandemic.

There had been 10 cases from the Local Government and Social Care Ombudsman that been found as maladministration as well as 9 cases from the Housing Ombudsman, two of which had been found to constitute significant maladministration. These figures were similar to those for previous years. The cost implications of the maladministration cases ranged from £150 - £950 and covered areas such as housing, adult social care and traffic & parking.

It was suggested that the report should break down complaints received by the service the complaints were related to. Officers confirmed this would be fed back to service heads and it would be tried to present the data in this way. Perhaps the reason for and learning from complaints could also be included in the report.

Complaints due to the failure of an external agency were often related to parts of the waste management contract over which the Council had no direct control.

The Adult Social Care complaints report would be brought to Individuals OSSC in the autumn and then to Adjudication and Review. Refunds of charges to complainants would be passed on to the relevant agency, if this was appropriate to the complaint. It was pointed out however that the Ombudsman considered that the Council retained overall responsibility for the failure of a contractor. Market management and quality assurance undertaken by the Council was therefore important.

Details of sanctions used in Housing and Neighbourhoods in the event of a failure of a contractor could be provided.

The Committee noted the report.

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**Chairman**



## ADJUDICATION AND REVIEW COMMITTEE

19 August 2021

<b>Subject Heading:</b>	Local Government and Social Care Ombudsman (LGSCO) Annual Review letter 2020/21
<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

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 2020/21, 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 2020/21
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 Ombudsman received 55 complaints and enquiries about Havering Council, against 121 the previous year. The following table gives a comparison between services for both this year and 2019/20.

Service	2020/21	2019/20	Percentage difference
Adults Services	6	16	-62.5%
Education & Children	8	12	-33%
Benefits and Tax	4	7	-43%
Corporate	2	4	-50%
Environment (including Public Protection and Highways)	13	41	-68%
Housing	15	30	-50%
Planning	6	10	-40%
Not classified by LGSCO	1	1	No change

While it should be remembered that the 2020/21 year only represents nine months of data, this is still a substantial decrease from the previous year.



In the year, the LGSCO made decisions on 44 complaints against Havering Council, compared to 85 the previous year. Of those 44, detailed investigations were carried out into 18 cases (22 in the previous year). 12 of them were Upheld which gives an Uphold Rate of 67%. This compares to 72% 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, 25% 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 2020/21 the council received 44 decisions by Local Government and Housing Ombudsmen, as follows:

17 x Closed after initial enquiries: No further action

*Adults Services (1); Children's Services (2); Environment (7); Planning & Building Control (3); Housing (4)*

7 x Closed after initial enquiries: Out of jurisdiction

*Adult Services (1); Environment (2); Housing (2); Council Tax & Benefits (1); Planning & Building Control (1)*

2 x Closed: Premature

*Children's Services (2)*

6 x Not Upheld: No maladministration

*Adult Services (2); Planning & Building Control (3); Environment (1)*

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

*Adult Services (4); Children's Services (2); Housing (2); Environment (1)*  
3 x Upheld: Maladministration, injustice, no penalty **S**  
*Customer Services (1); Environment (1); Housing (1);*

It should be noted, one case which crossed both Adults and Housing Services, was recorded twice by the Local Government and Social Care Ombudsman.

While this report relates only to the LGSCO Annual Letter, it is worth noting that there were also 12 Housing Ombudsman decisions:

3 x Closed: Premature  
2 x Maladministration, injustice with penalty **S**.  
2 x No Maladministration  
5 x Resolved locally: No further action

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 nine Maladministration, Injustice with Penalty decisions and three Maladministration, Injustice with no Penalty 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 2020/21

# Local Government & Social Care OMBUDSMAN

21 July 2021

*By email*

Mr Blake-Herbert  
Chief Executive  
London Borough of Havering

Dear Mr Blake-Herbert

## **Annual Review letter 2021**

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 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

## **Complaint statistics**

This year, we continue to 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 focused statistics on 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.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways 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.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, 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 resource 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.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

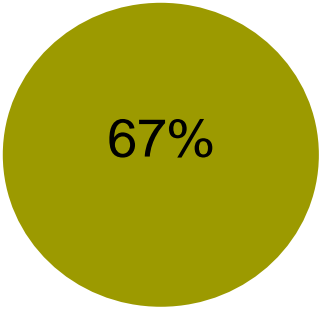
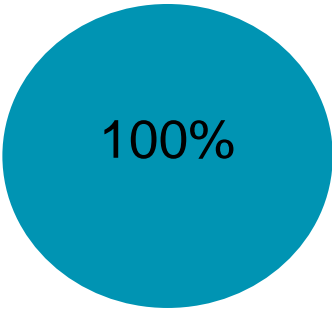
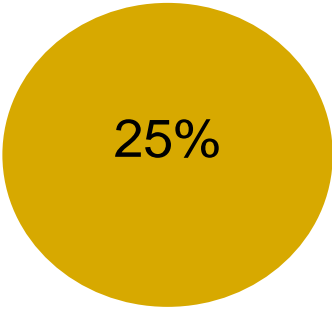
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



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

Complaints upheld		
	<p><b>67%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>72%</b> in similar authorities.</p>	<p><b>12</b> upheld decisions</p> <p>Statistics are based on a total of 18 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of <b>99%</b> in similar authorities.</p>	<p>Statistics are based on a total of 11 compliance outcomes for the period between 1 April 2020 to 31 March 2021</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>		
Satisfactory remedy provided by the authority		
	<p>In <b>25%</b> of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>12%</b> in similar authorities.</p>	<p><b>3</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of 18 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

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## Complaints determined:

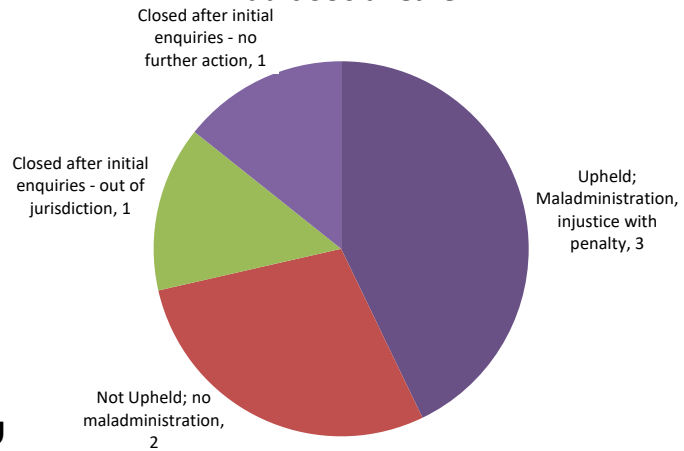
		Report Issued: Upheld; maladministration and injustice	Report issued: Upheld; maladministration, no injustice	Report issued: Not upheld; no maladministration	Upheld; Maladministration, injustice with penalty	Upheld: Maladministration, injustice, no penalty	Upheld ; Maladministration, no injustice	Upheld: 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				2	1	1						7
Children's Services	Children's Services Learning & Achievement				3						2	2					7
																	0
Chief Operating Officer	Libraries																0
	Customer Services					1											1
Neighbourhoods	Environment Planning & Building Control				1	1			1	2	7						12
	Public Protection								3	1	3						7
	Housing (incl repairs)				2	1				2	4	3	2	2	5		21
oneSource	Council Tax & Benefits									1							1
	Business Rates																0
	Legal Services																0
Total :		0	0	0	9	3	0	0	6	7	17	5	2	2	5	0	56

One case for Adults &amp; Housing treated by LGSCO as two complaints

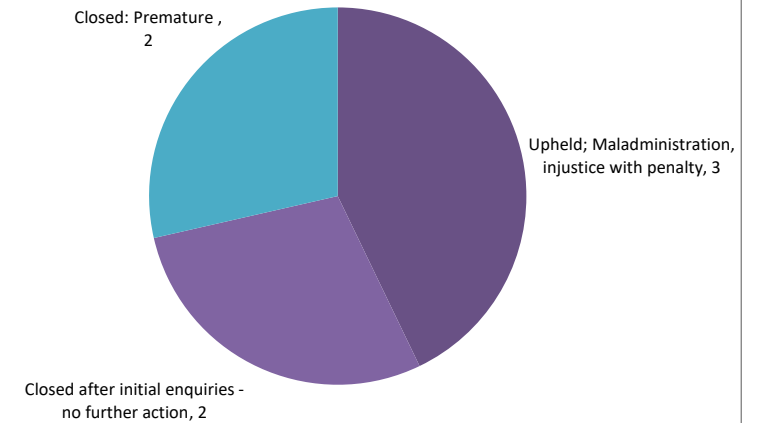
Housing Ombudsman Premature cases

## Decisions

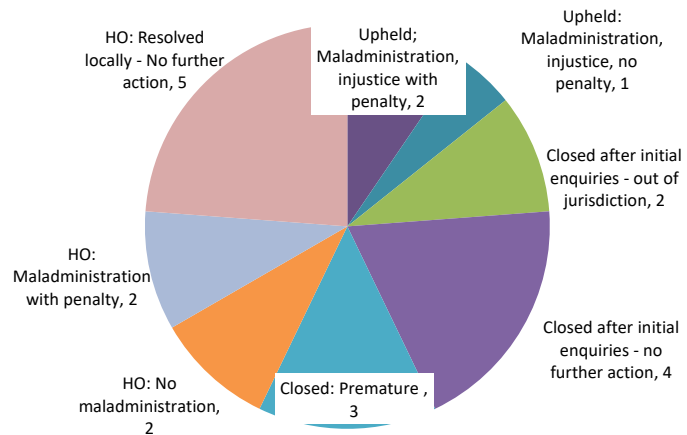
### Adult Social Care



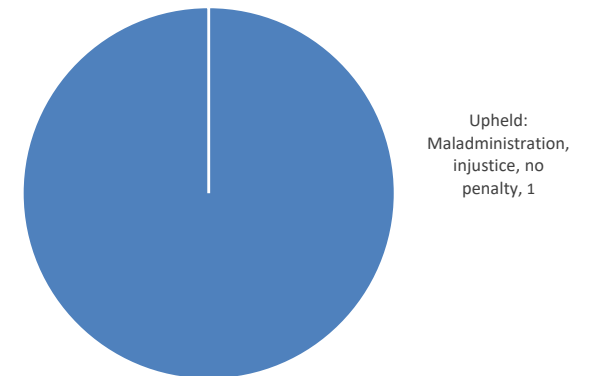
### Children's Services



### Housing (incl repairs)



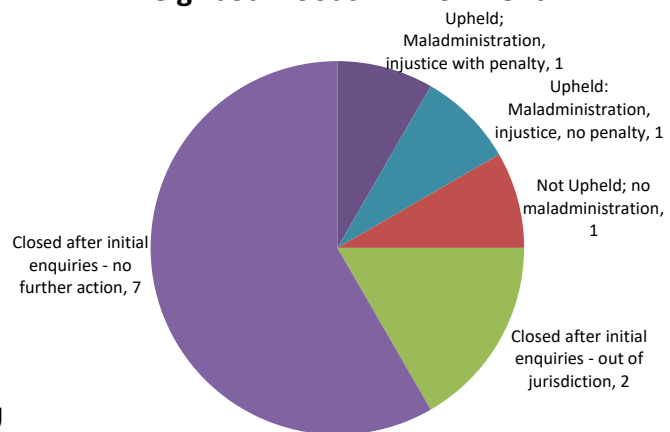
### Chief Operating Officer - Customer Services



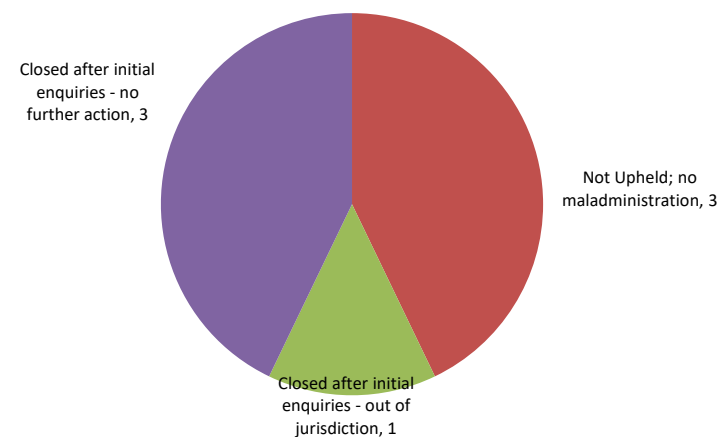


## Decisions

### Neighbourhoods Environment



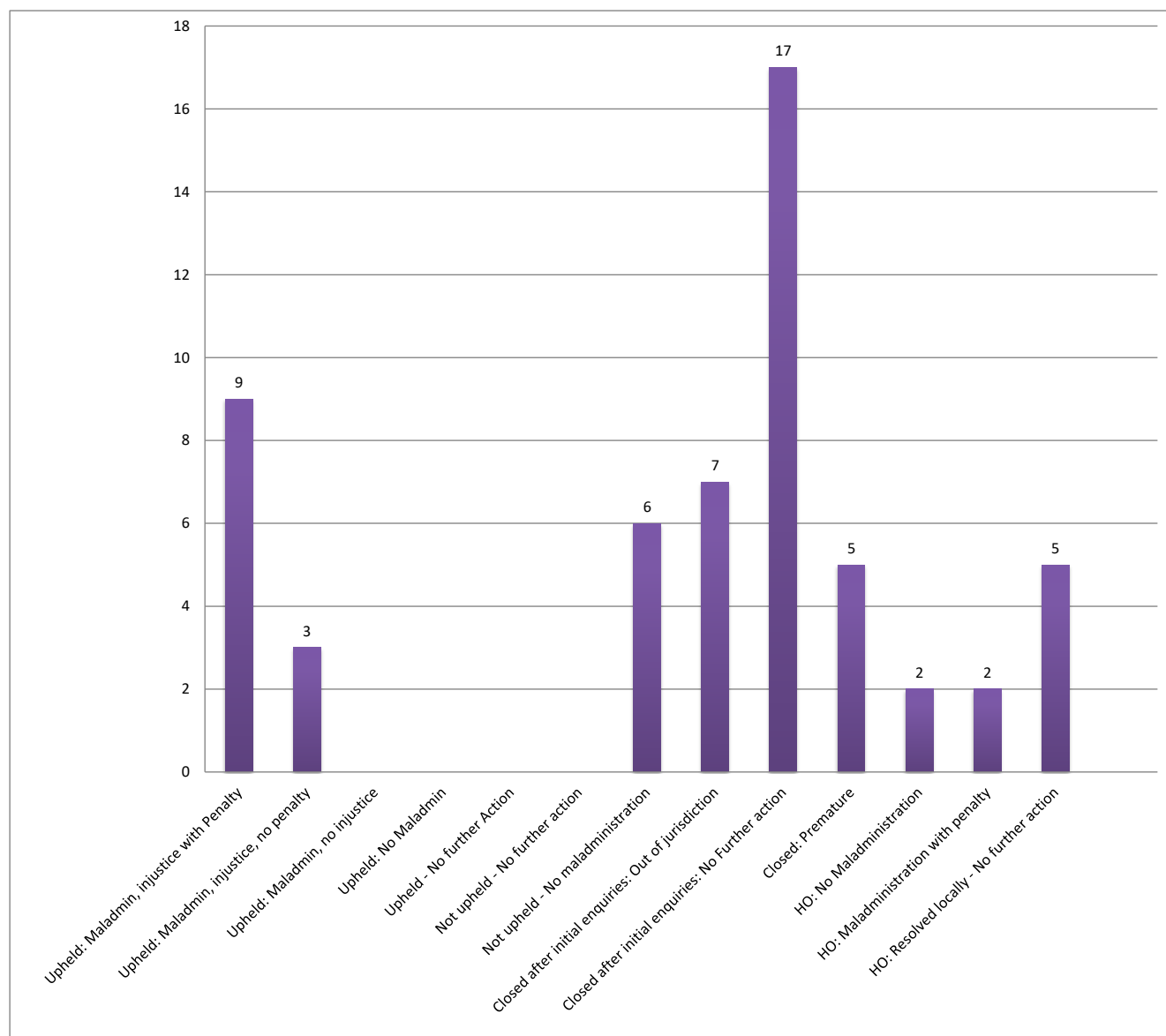
### Neighbourhoods Planning & Building Control



### oneSource Council Tax & Benefits

Closed after initial enquiries - out of jurisdiction, 1

## Outcomes



## Significant decisions from Local Government or Housing Ombudsmen

### Qtr 1

#### 1. Miss X - Traffic & Parking Control

Miss X complained the Council had confiscated and retained her father's blue badge, causing him inconvenience and distress. Ombudsman found fault with the Council's actions and recommended it apologise to the family and make compensatory payments totalling £950.

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

### Qtr 2

#### 2. 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**

#### 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 with penalty**

#### 4. Mrs H - Adult 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**

#### 5. Mrs B - Roads and Pavements

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**

#### 6. 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**

#### 7. Mrs B - Customer Services

Miss B complained about the Council's decision to refuse her disabled parking (Blue Badge) application. The Ombudsman found fault with the Council's assessment, notification and review process. The Council agreed to carry out a new assessment.

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

## Qtr 3

### 8. Mr B - Housing Services & Adult Services

Local Government and Social Care Ombudsman considered this case as part of a joint investigation with the Parliamentary and Health Service Ombudsman as the complaint was made against the Council as well as North East London NHS Foundation Trust (the Trust) and Havering Clinical Commissioning Group (CCG). The Ombudsmen were satisfied the Trust, Council and CCG provided largely appropriate care to Mr A's mother with complex care and housing needs. However, the Ombudsmen found fault with the initial support provided by the Council's housing team. This caused the woman's son avoidable frustration and distress. The Ombudsmen also found the Council contributed to the woman's delayed discharge from hospital as it failed to clearly establish her housing needs. The Council agreed to apologise and make payments totalling £500 to Mr B and his mother. The Ombudsman treated this as two cases.

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

## Qtr 4

### 9. Mrs S - Children's Services

Mrs S complained about the way the Council responded to her request for school transport for her son, T, who has an Education and Health Care Plan and attends an out-of-borough school. The Ombudsman found fault in the way the Council considered Mrs S's response to the refusal of her school transport application. At the time of the Ombudsman's investigation, the Council had offered to repay Mrs S' costs from the September and offered an inconvenience payment of £250. The Ombudsman asked the Council to make a further payment of £110 and send an apology to Mrs S, which it agreed to do.

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

### 10. Ms X - Children's Services

Ms X complained that both Kent and Havering councils failed to take safeguarding action when her older, adult son disclosed that he had sexually abused her younger son, who is a child, six years previously. Kent was at fault for a two-month delay in telling Havering about the disclosure, and both councils were at fault for failing to tell Ms X about it in good time. Both councils also failed to properly communicate with each other when considering safeguarding action, which meant neither held a strategy discussion to explore the potential risk. Ms X's younger son, who, it appears, was not actually a victim of abuse, suffered no injustice. Havering agreed to make a payment of £500 to Ms X in recognition of the distress caused, and to change procedures and train staff to prevent similar failures in future.

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

### 11. Mr X - Housing Services

Mr X complained about how the Council responded to his reports of rats and drainage problems that affected his property. The Ombudsman agreed with the Council's previous assessment that there was some fault because it failed to carry out an inspection on one occasion and did not respond to some of Mr X's complaints properly. To remedy the distress caused by these faults, at the time of the Ombudsman's investigation, the Council had already apologised and offered a payment of £510 to Mr X. The Ombudsman considered this to be a suitable outcome to remedy the injustice caused to Mr X.

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



## ADJUDICATION AND REVIEW COMMITTEE

19<sup>th</sup> August 2021

<b>Subject Heading:</b>	Quarter 1 2021/22 Update on Corporate Complaints
<b>SLT Lead:</b>	Andrew Blake-Herbert
<b>Report Author and contact details:</b>	Carol Ager <a href="mailto:carol.ager@haverling.gov.uk">carol.ager@haverling.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

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 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 1 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.

## **RECOMMENDATIONS**

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

1. The Corporate Complaints Performance Statistics for Quarter 1 (April – June 2021).
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.

### **Corporate Complaints Performance Statistics**

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

In short, the council received 660 Stage 1 complaints during the period April to June 2021. 67% of them (474) were responded to within the required timescale of ten working days.

The council received 131 requests for escalation to Stage 2 of the process, 76% (91) of them dealt with within 25 days, in line with current timescales.

This equates to an escalation request rate of 20% however, this is reduced to 6% when considering the number of cases that were not escalated to Stage 2.

This report would usually compare the current Quarter performance with the same period last year. However, this has not been possible as the Council's Corporate Complaint process was suspended during Quarter 1 2020/21 due to the Covid-19 pandemic. As a result, there is no data available for comparison purposes. However, a quick look at the same period for 2019/20 shows significant increases in complaint volumes in the last two years.

In April to June 2019, the Council received 490 Stage 1 complaints, an increase of almost 35%.

In addition, there were 84 requests for Stage 2 escalations, an increase of 56%

Complaint handling resumed during June 2020

The following table provides an easy view of complaints completed at Stages 1 and 2 for this Quarter

	<b>April</b>	<b>May</b>	<b>June</b>
Stage 1 percentage to time	76%	73%	67%
Stage 2 percentage to time	54%	80%	76%
Cumulative percentage Stages 1 & 2	72%	75%	68%

Services are struggling with complaint volumes which continue to increase. Wherever possible, teams are implementing plans to tackle backlogs, using Apprentice and Secondment roles to provide additional support.

### **Ombudsmen Decisions**

During Quarter 1 there were 14 decisions by the Local Government and Social Care Ombudsman, as follows:

- 4 x Closed after initial enquiries: No further action  
(*Environment (3); Council Tax & Benefits*)
- 1 x Closed after initial enquiries: Out of jurisdiction  
(*Environment*)
- 3 x Closed: Premature  
(*Housing (2); Council Tax and Benefits*)
- 3 x Upheld: Maladministration, injustice with penalty **S**  
(*Adults; Public Protection; Housing*)
- 1 x Upheld: Maladministration, injustice, no penalty **S**  
(*Housing*)
- 2 x Upheld: Maladministration, no injustice **S**  
(*Housing; Environment*)

There were no Housing Ombudsman decisions during the period.

Quarter 1 Ombudsman decisions are shown in more detail on attached Appendix 2.

<b>IMPLICATIONS AND RISKS</b>
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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 two appendices:

Appendix 1 – Quarter 1 Complaints statistics

Appendix 2 – Ombudsman Activity Report for Quarter 1



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

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

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

The number of complaints logged at Stage 1 and Stage 2 against the service area and the response times  
 A graphic of Stage 1 and Stage 2 by topic showing those logged, closed or still open  
 The specifics of complaints that are outside the corporate target and remain open that need attention  
 The method of contact by our customers  
 The cumulative total of complaints from the previous quarter and the build up to this quarter  
 The complaint outcomes  
 The reasons for complaints  
 Stage 3 complaints and the outcome  
 Cumulative complaint figures for both Stage 1 and Stage 2 complaints from April 2021 until March 2022

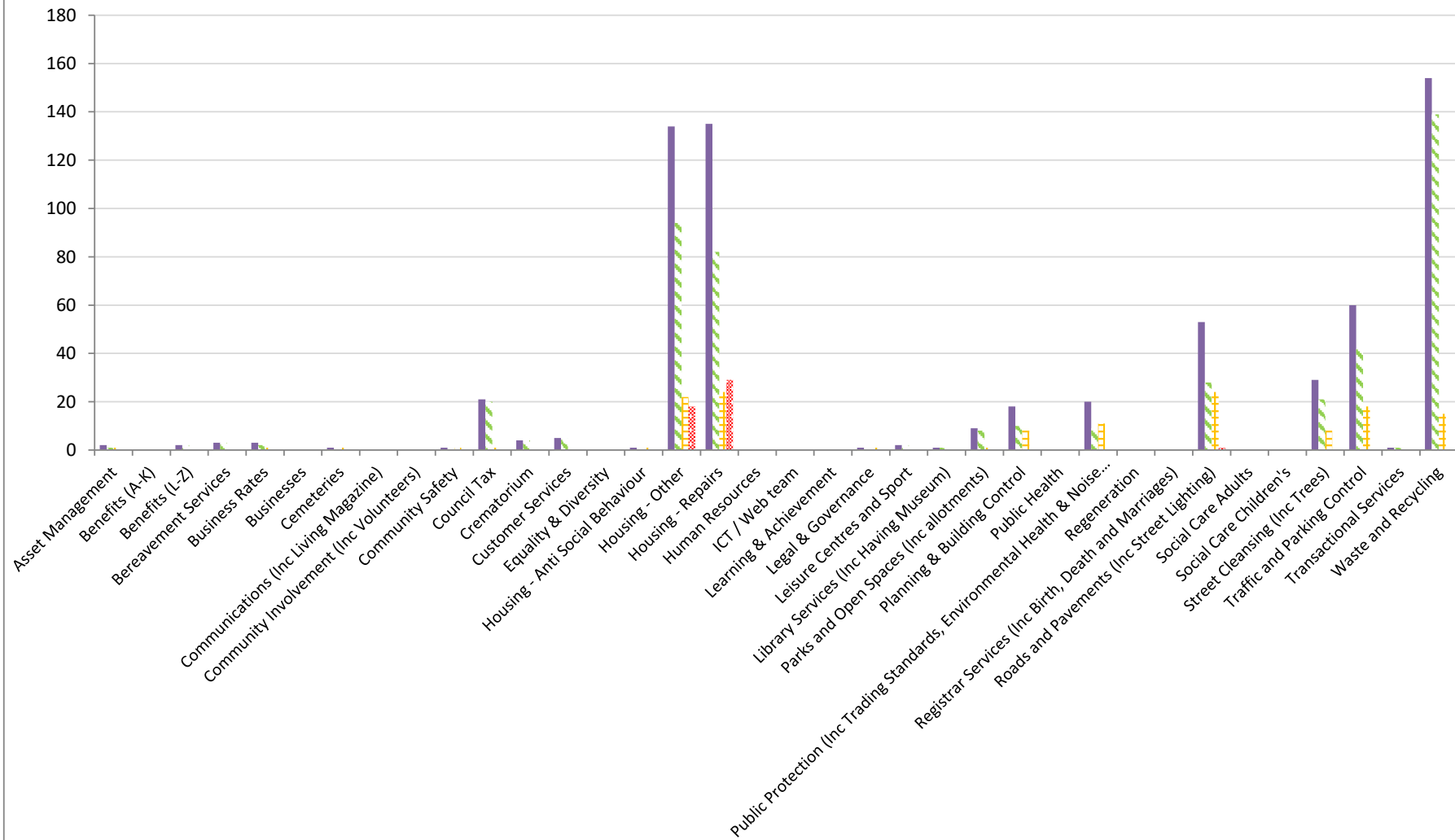
**Performance for Quarter 1 2021:**

Stage 1 percentage to time overall	67%	(474/660)
Stage 2 percentage to time	76%	(91/131)
Stage 1 & 2 cumulative score	71%	

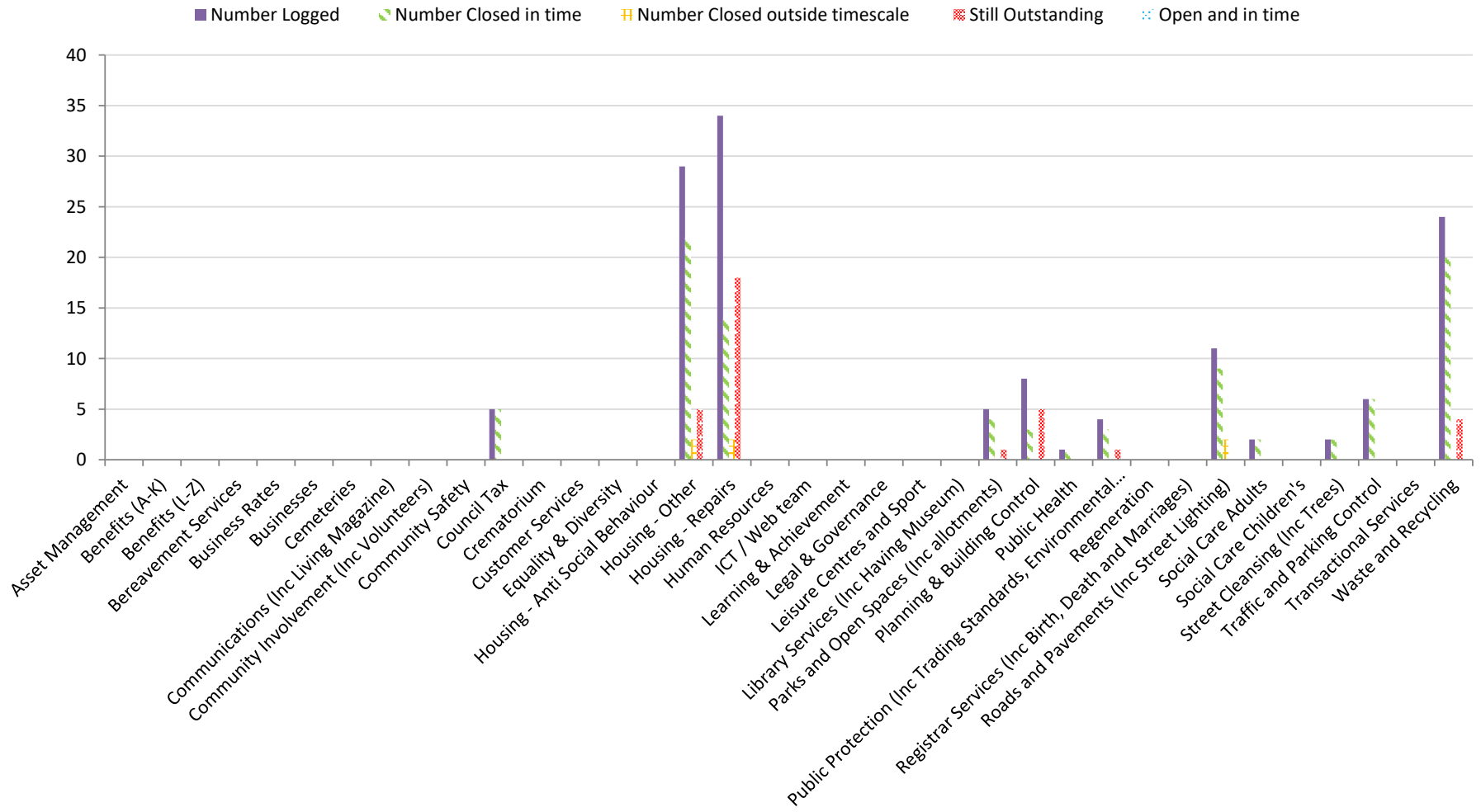
	Stage 1					Stage 2					
	Number Logged	Closed in 10 days	Closed in 10 days (%)	Closed over 10 days	Still open	Number Logged	Closed in 25 days	Closed in 25 days (%)	Closed over 25 days	Still open	Still open and in time
Asset Management	2	1	50%	1							
Benefits (A-K)											
Benefits (L-Z)	2	2	100%								
Bereavement Services	3	3	100%								
Business Rates	3	2	67%	1							
Businesses											
Cemeteries	1	0	0%	1							
Communications (Inc Living Magazine)											
Community Involvement (Inc Volunteers)											
Community Safety	1	0	0%	1							
Council Tax	21	20	95%	1		5	5	100%			
Crematorium	4	4	100%								
Customer Services	5	5	100%								
Equality & Diversity											
Housing - Anti Social Behaviour	1	0	0%	1							
Housing - Other	134	94	70%	22	18	29	22	76%	2	5	
Housing - Repairs	135	82	61%	24	29	34	14	41%	2	18	
Human Resources											
ICT / Web team											
Learning & Achievement											
Legal & Governance	1	0	0%	1							
Leisure Centres and Sport	2	2	100%								
Library Services (Inc Having Museum)	1	1	100%								
Parks and Open Spaces (Inc allotments)	9	8	89%	1		5	4	80%	0	1	
Planning & Building Control	18	10	56%	8		8	3	38%		5	
Public Health						1	1	100%			
Public Protection (Inc Trading Standards, Environmental Health & Noise Nuisance)	20	9	45%	11		4	3	75%		1	
Regeneration											
Registrar Services (Inc Birth, Death and Marriages)											
Roads and Pavements (Inc Street Lighting)	53	28	53%	24	1	11	9	82%	2		
Social Care Adults						2	2	100%			
Social Care Children's											
Street Cleansing (Inc Trees)	29	21	72%	8		2	2	100%			
Traffic and Parking Control	60	42	70%	18		6	6	100%			
Transactional Services	1	1	100%								
Waste and Recycling	154	139	90%	15		24	20	83%	1	3	
<b>Total</b>	<b>660</b>	<b>474</b>	<b>72%</b>	<b>138</b>	<b>48</b>	<b>131</b>	<b>91</b>	<b>69%</b>	<b>7</b>	<b>33</b>	<b>0</b>

## Stage 1 by Topic

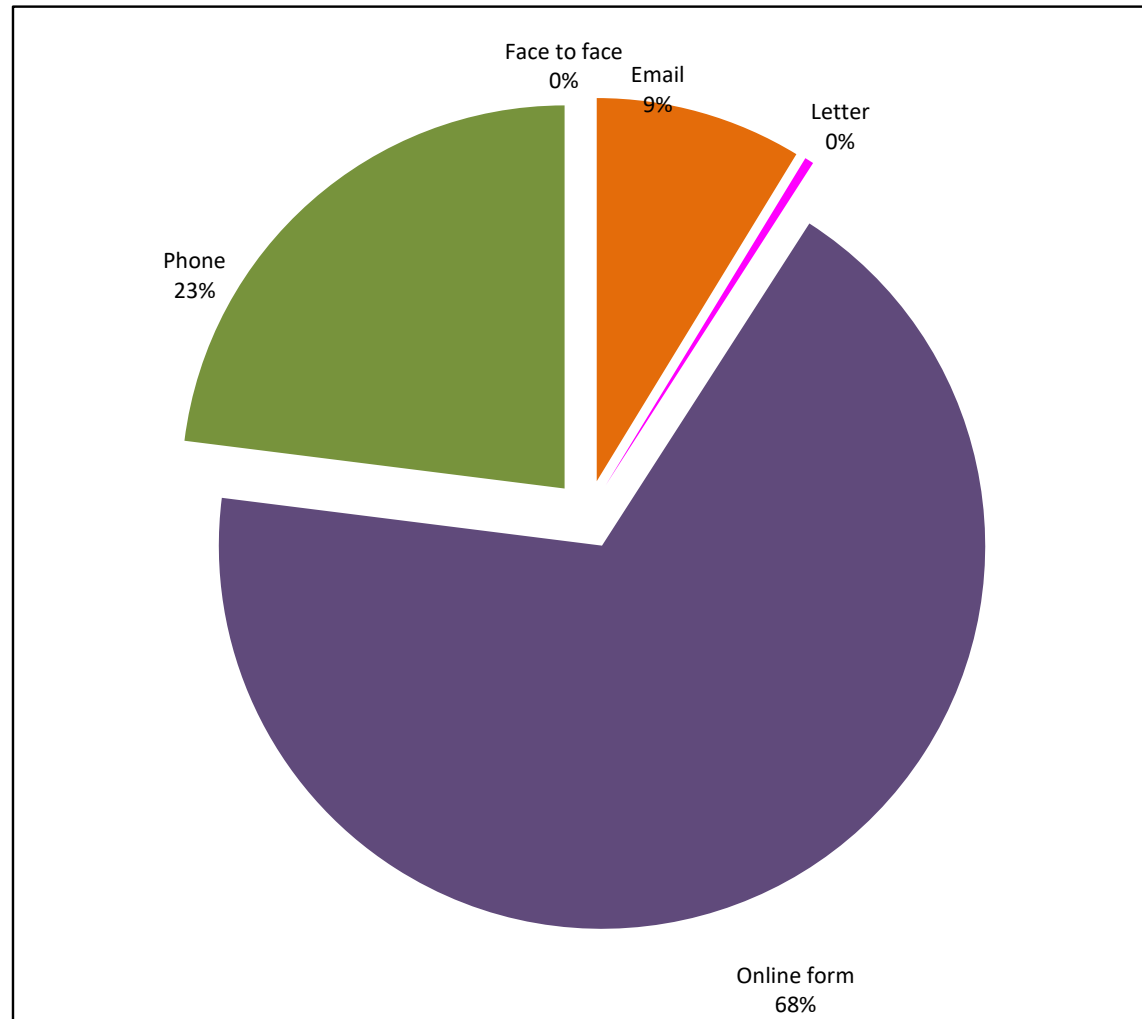
■ Number Logged    ■ Number Closed in time    ■ Number Closed outside timescale    ■ Still Outstanding



## Stage 2 by Topic



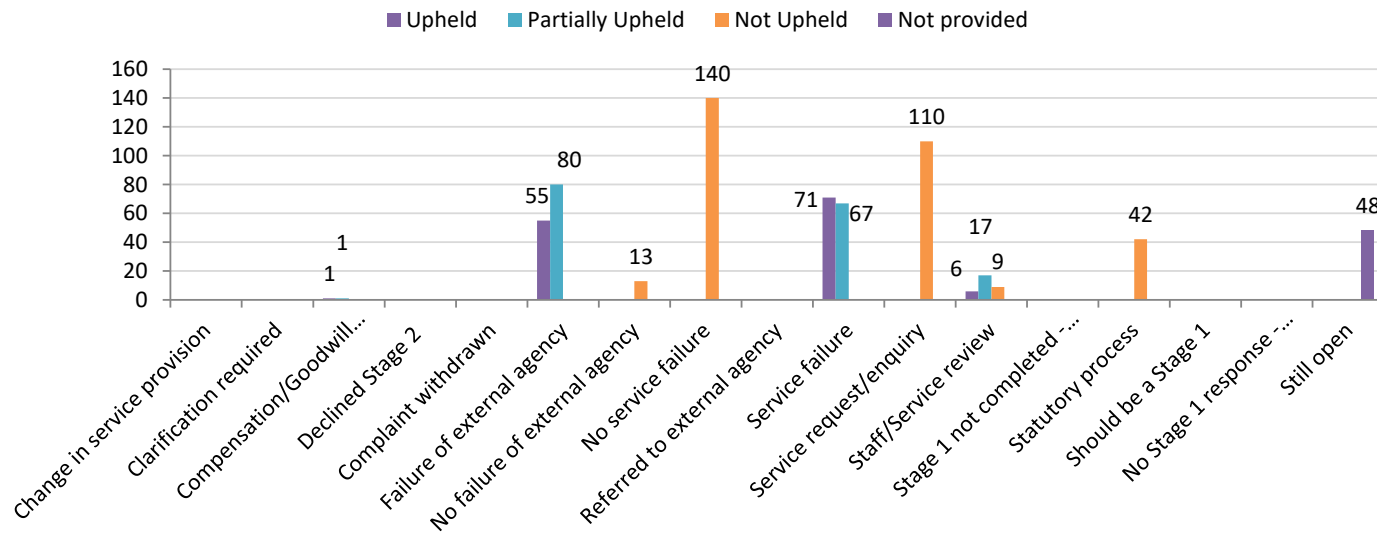
**Contact Type**  
**Quarter 1 2021/22**



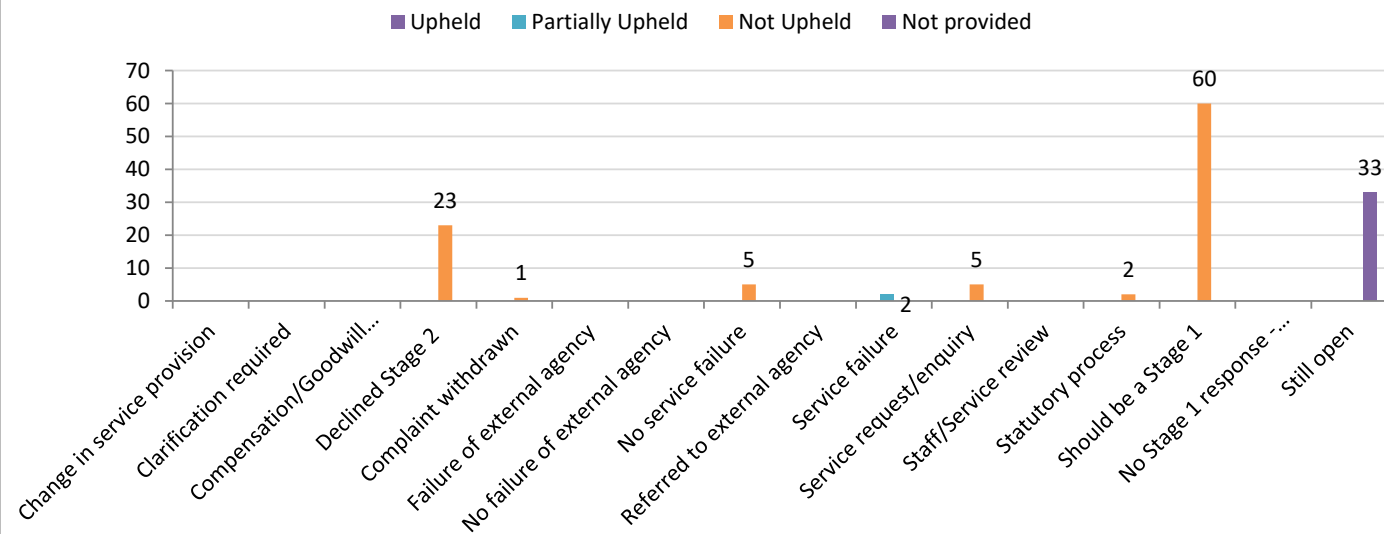
	Carry Over	April				May				June				Total
	Cumulative (Apr - Sept)	Stage 1 logged	In 10 days (%)	Stage 2 Logged	In 25 days (%)	Stage 1 logged	In 10 days (%)	Stage 2 Logged	In 25 days (%)	Stage 1 logged	In 10 days (%)	Stage 2 Logged	In 25 days (%)	Cumulative*
Asset Management	0	1	0%			1	100%							2
Benefits (A-K)	0													0
Benefits (L-Z)	0									2	100%			2
Bereavement Services	0	2	100%							1	100%			3
Business Rates	0					2	100%			1	0%			3
Businesses	0													0
Cemeteries	0									1	0%			1
Communications (Inc Living	0													0
Community Involvement (Inc	0													0
Community Safety	0	1	0%											1
Council Tax	0	7	100%	2	100%	7	100%	1	100%	7	86%	2	100%	21
Crematorium	0					2	100%							2
Customer Services	0	4	100%							3	100%			7
Equality & Diversity	0													0
Housing - Anti Social Behaviour	0									1	0%			1
Housing - Other	0	41	61%	9	56%	37	70%	5	80%	56	77%	15	87%	134
Housing - Repairs	0	39	62%	15	27%	51	65%	10	70%	45	56%	9	33%	135
Human Resources	0													0
ICT / Web team	0													0
Learning & Achievement	0													0
Legal & Governance	0									1	0%			1
Leisure Centres and Sport	0	1	100%							1	100%			2
Library Services (Inc Having	0					1	100%							1
Parks and Open Spaces (Inc	0	1	100%	1	100%	2	50%	2	50%	6	100%	2	100%	9
Planning & Building Control	0	7	57%	3	33%	4	50%	2	0%	7	57%	3	67%	18
Public Health	0							1	100%					0
Public Protection (Inc Trading	0	6	83%	2	50%	6	0%	2	100%	8	50%			20
Regeneration	0													0
Registrar Services (Inc Birth, Death	0													0
Roads and Pavements (Inc Street	0	17	71%	4	50%	12	50%	6	100%	24	42%	1	100%	53
Social Care Adults	0			1	100%			1	100%					0
Social Care Children's	0													0
Street Cleansing (Inc Trees)	0	8	63%			3	100%	1	100%	18	72%	1	100%	29
Traffic and Parking Control	0	22	82%	5	100%	18	83%		0%	20	45%	1	100%	60
Transactional Services	0	1	100%								100%			1
Waste and Recycling	0	65	93%	4	5%	37	95%	9	89%	52	85%	11	82%	154
Stage 1 Logged (Total)	0	223				183				254				660
Completed in 10 days (%)			76%				73%				67%			
Stage 2 logged (Total)				46				40				45		131
Completed in 25 days (%)					54%				80%				76%	

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

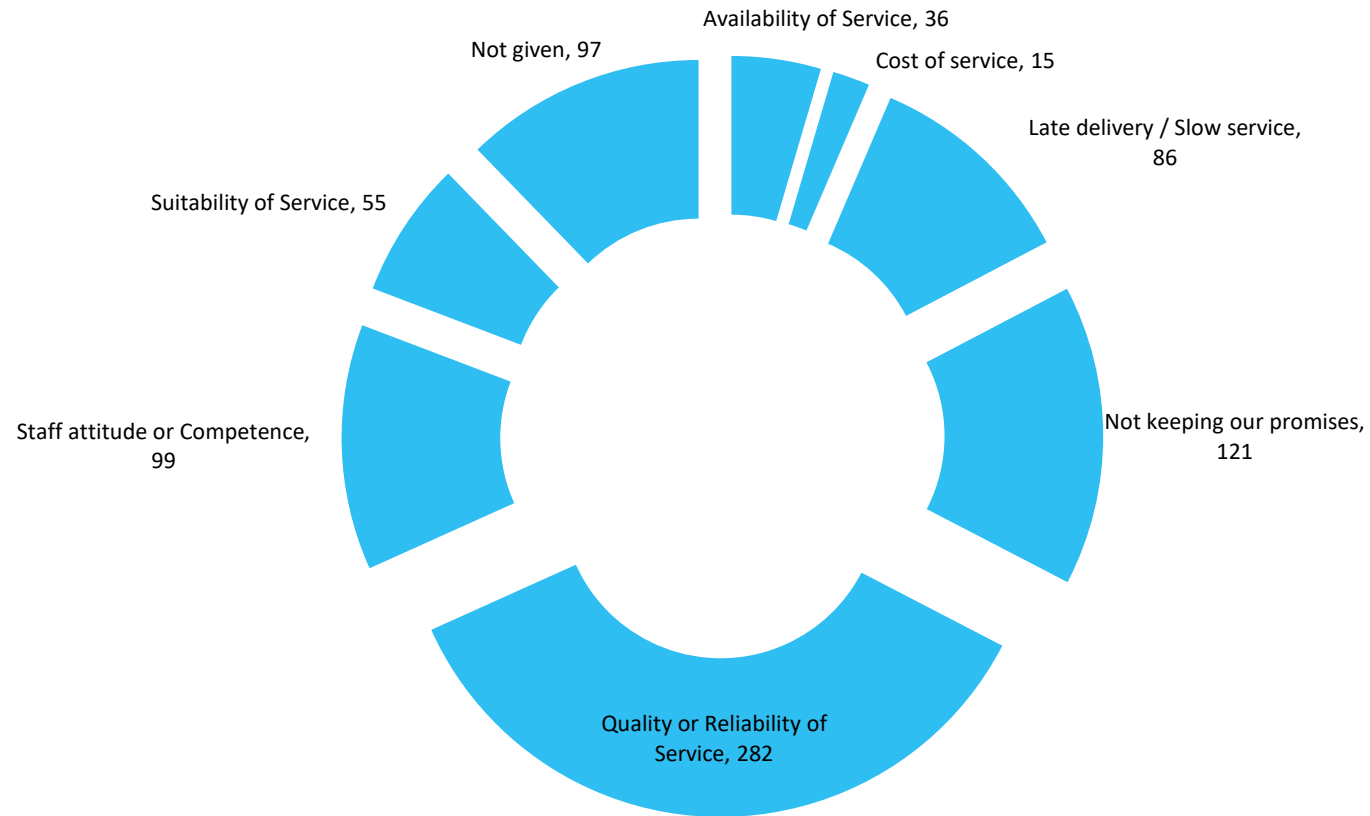
### Stage 1 Complaint Outcomes (Quarter 1 - 2021)



### Stage 2 Complaint Outcomes (Quarter 1 - 2021)



### Complaint Reasons (Quarter 1 - 2021)





## 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		1			2
Benefits (A-K)									0
Benefits (L-Z)						2			2
Bereavement Services			1			2			3
Business Rates	1			1		1			3
Cemeteries						1			1
Communications (inc Living Messages)									0
Council Tax	3	1	2	8	2	4	4	2	26
Crematorium									0
Customer Services	4	2		1		1	1		9
Community Safety		1							1
Housing - Anti Social Behaviour	1								1
Housing - Other	3	14	28	37	3	27	5	46	163
Housing - Repairs	4	24	18	72	2	10	10	29	169
Learning & Achievement									0
Legal & Governance				1					1
Leisure Centres and Sport				1			1		2
Library Services (inc Haringey Museum)							1		1
Parks and Open Spaces (inc allotments)	1	2	1	4	1	2	3		14
Planning & Building Control		4	1	7	1	5	6	2	26
Public Health				1					1
Public Protection (inc Trading Standards, Environmental Health & Regeneration)	1	1	10	5		3	3	1	24
Registrar Services (inc Birth, Death & Marriage)									0
Roads and Pavements (inc Street Lighting)	2	12	10	24		8	8		64
Social Care Adults						2			2
Social Care Children's									0
Street Cleansing (Inc Trees)	1	2	5	16		4	2	1	31
Traffic and Parking Control	7	1	9	26	1	11	4	7	66
Transactional Services			1						1
Waste and Recycling	8	22	35	77	5	15	7	9	178
Total:	36	86	121	282	15	99	55	97	791

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

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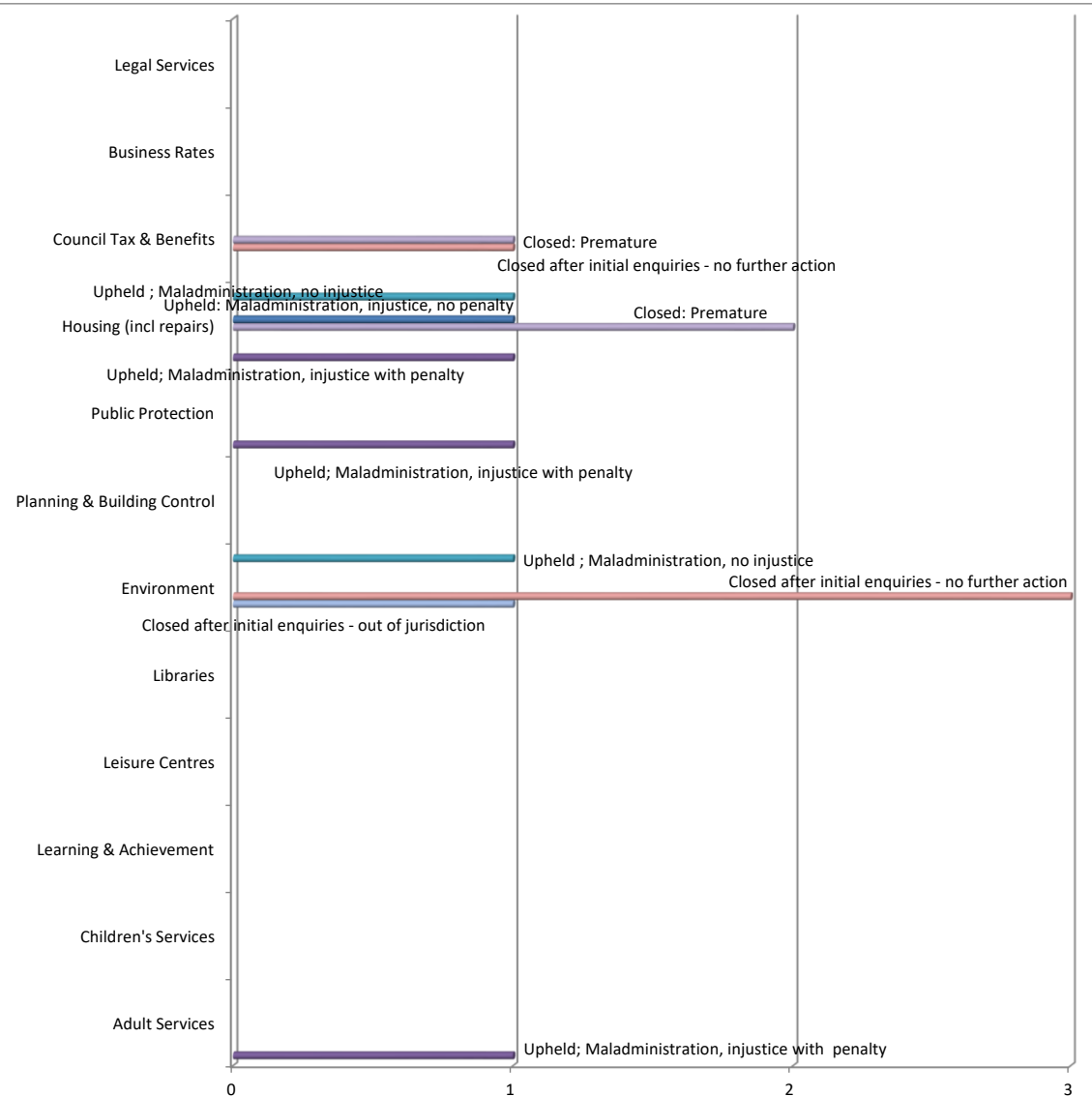
## Complaints determined:

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

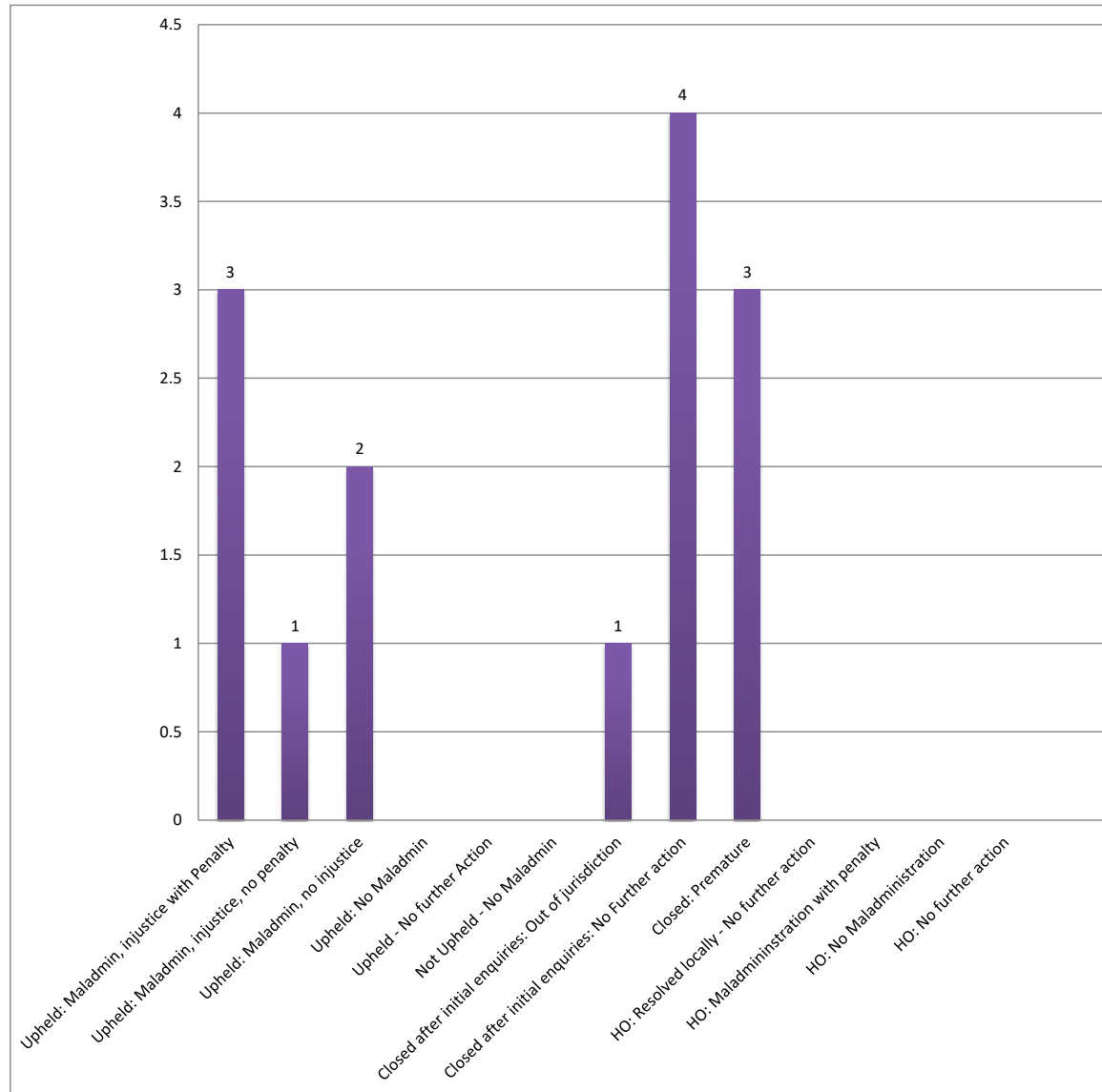
1  
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14

## Decisions

- HO: Resolved locally - No further action
- 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. Miss X - Public Protection**

Miss X complained about how the Council handled her complaint about her neighbours burning items in their garden. She said the fumes negatively affected her family's sleep and health. The Council was found to be at fault for its poor communication and delays in acting on the evidence Miss X provided. The Council admitted a failure in service. It has agreed to apologise, make a financial payment of £1000 and provide a better service to remedy Miss X's injustice.

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

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

Mr X complained about the way the Council dealt with his renewal of a Taxicard. The Council accepted some fault for which it apologised and reconsidered his application. The Ombudsman agreed with this outcome but also recommended a time and trouble payment should be made to remedy the injustice to Mr X. The Council agreed to make a payment of £100.

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

### **3. Mrs X - Housing Services**

Mrs X complained on behalf of her son and daughter in law, Mr and Mrs Y, that the Council delayed returning their house to them at the end of a lease agreement and failed to keep them updated. This caused uncertainty and distress. The Ombudsman found the Council was at fault for delays returning Mr and Mrs Y's house and for failing to provide clear information. The Council agreed to apologise to Mr and Mrs Y and pay them £300 to recognise the frustration and added time and trouble its faults caused. In addition, it was agreed that procedures would be reviewed to ensure the Council provides clear information to landlords, both at the start and end of the process.

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

### **4. Mr X - Housing Services**

Mr X says the Council wrongly denied his brother's successful bid for a property. The Ombudsman found fault by the Council which caused an injustice to Mr X's brother, but was satisfied with the action taken to address the matter.

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

### **5. Miss X - Housing Services**

Miss X complained the Council did not properly consider her mental health needs when it made its housing decision. The Council was not at fault in how it assessed her housing application. However, the Council did delay in reviewing the application. The Council had already apologised to Miss X which remedied any injustice caused but also agreed to let the Ombudsman what action it has taken to address its backlog of review decisions.

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

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

Mr X complained about the Council's refusal to undertake an anti-social behaviour case review. The Council failed to properly apply the local case review threshold and was responsible for delays in responding to Mr X's application. The Council agreed to apologise to Mr X and review its processes.

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