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MINUTES OF A MEETING OF THE ADJUDICATION AND REVIEW COMMITTEE Town Hall 17 October 2013 (7.30 - 9.00 pm)

Present:

COUNCILLORS

Conservative Group	Frederick Thompson (Vice-Chair), Barry Oddy, Pam Light and +Lesley Kelly
Residents' Group	Barbara Matthews (Vice-Chair) and John Mylod
Labour Group	Denis O'Flynn
Independent Residents Group	Michael Deon Burton
UKIP Group	Ted Eden (Chairman)

Apologies for absence were received from Councillors Robert Benham and Rebecca Bennett.

+Councillor Lesley Kelly substituted for Councillor Rebecca Bennett

The Chairman reminded Members of the action to be taken in an emergency. There were no declarations of pecuniary interest.

21 **MINUTES**

The Minutes of the meeting held on 11 April 2013 were agreed and signed by the Chairman

22 **HOUSING COMPLAINTS**

The Housing Needs and Strategy Manager provided Members with an update of the number and outcome of complaints and Member Enquiries for housing services over the recent twelve month period. Since the return of the ALMO (Homes in Havering) to the Council there had been a phased integration of all housing services. In respect of the logging of complaints and Member Enquiries full integration onto a single system had yet to be completed.

The report integrated information (where possible) though in some cases the information was not comparable. He added that where the information was separate, data for the former ALMO was identified as "H&H" and for the former Retained Housing as "RH".

The Committee was informed that during the past twelve months 1296 complaints had been received by H&H which was a marginal increase on the previous twelve months (1273). Complaints had peaked twice during the year. The first was during the start of the autumn when complaints about damp and heating started to increase. The second was at the end of the financial year (March/April) and may have been due to programmes coming to an end or delayed starts.

During that period H&H had 35 complaints escalating to Stage Two which accounted for less than 3% of all complaints received. In the same period the former Retained Housing (RH) service also received a significant number of complaints. During that time, 310 complaints were received at Stage One. Of these 13 escalated to Stage Two which equated to 4% of complaints received.

Very few complaints escalated to Stage Two of the process which demonstrated that the procedure for H&H and RH was robust for resolving issues. Across the Council a total of 1571 Informal/Stage One complaints were received between October 2012 and September 2013. Members were informed that H&H had – and continued to have – difficulty in returning answers to complaints at Stage Two within the corporate time-scale of 10 working days – 77% for RH and only 43% achieved by H&H which was significantly short of the corporate target of 85%. This shortfall was attributed to the added complexity of Stage Two responses, both in the amount of additional research and ensuring that a thorough response was provided to the complainant by a senior officer. On average, Stage Two responses took 13.5 days for H&H.

On the positive side, Members were reminded that a only a small minority of complaints which were addressed at Stage Two proceeded to Stage Three and of those, most were rejected by the Initial Assessment Panel and only a couple of complaints had been considered by Members at a formal hearing.

The Committee was informed that of twelve enquiries received from the Housing and Local Government Ombudsmen during the six months from 1 April, most were either dealt with through the Corporate Complaints system or were outside the Ombudsman's jurisdiction. This reflected very positively on the professionalism and consistency of the service as a whole.

Members were reminded that the complaints process also allowed for compliments to be recorded and over the past twelve months, the service had received 176 by H&H. Since May, the RH side of the service had recorded ten.

Finally, Members were informed that over the past twelve months there had been 436 Member enquiries received by H&H and 602 by RH. The corporate response target (10 working days) was 95% and whilst H&H's response rate was 98%, RH could only manage 76%. This disparity could, in some part be explained by the resources deployed at H&H (the Quality Assurance team) and at RH (a complaints officer).

The Committee was asked to note that since the move of Housing to the Children, Adults and Housing Directorate under Joy Hollister, the future of complaints handling was going to change and that the Quality Assurance team would be expanded but become a directorate resource, not simply one concentrating on housing issues and would be under the management of the new Business and Performance Service. Restructuring was likely to take place in January 2014.

The Committee **noted** the report and asked for a further report to be provided at a future meeting once the full integration of the housing services had been completed.

23 **CORPORATE COMPLAINTS - MEMBERS/MPS ENQUIRIES**

The Head of Exchequer Services (who retained responsibility for oversight of the complaints process and CRM system) provided Members with an oral report of corporate complaints and MP/Member enquiries for the period 1 April to 31 August 2013.

Members were informed that during that period the Council had received 596 complaints of which 425 were completed within ten working days. The Committee's attention was drawn to the concentration of complaints within the Housing and StreetCare services. This was to be expected – though it was noted that the two peak areas of concern were – for Housing when the new policy relating to housing allocation was launched (and in that instance the “complaints” were in essence “appeals”). With regard to StreetCare, the major area of local concern was about potholes (and this was at its worst after the winter period).

Apart from complaints relating to policy issues, the largest single category was that involving challenges to Council decisions. A further category “disputed decisions” was also high and it appeared that complainants had a tendency to question – through the complaints system – Council actions. The positive side of this was that the services could use the feed-back and, where appropriate, change priorities or review policy and redirect resources.

The Committee was reminded that whilst the corporate target was to keep escalations from Stage One to Stage Two of the complaints process to 10%, since April, that figure had only been 7%. The only negative element to note was that the percentage of complaints completed within ten working days had decreased from 75% to 71% - but that had been influenced by a combination of factors: a sudden high number of complaints in a short space of time and limited staff resources to address them.

The Committee was informed that between 1 April and 31 August, 1,695 Member and MP enquiries had been recorded on the CRM system, 1,288 of which were completed within ten working days and of the total of enquiries received, 1,164 related to StreetCare.

It was explained that whilst the process was called “enquiries” the majority of contacts were to request a service (on behalf of a resident) or was

seeking information. The total number of enquiries logged had increased from 1,437 in the period April to August 2012 to 1,695 for the same period in 2013. On the negative side, over the same period, the number of those enquiries completed within ten working days had decreased from 84% to 76%. Whilst this appeared to be moving the wrong way, the first three months (a period of heightened activity) produced the poorest results, this had been reversed recently and figures indicated a far more positive trend.

The Committee **noted** the oral report

24 **LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER JUNE 2013**

The Clerk presented the report and the Committee was informed that the Annual Letter from the LGO for the year 2012/13 was very limited in its content due, the letter said, to the change of software during the year which would render more detailed analysis unreliable. The Clerk informed Members that he had sought some clarification from the LGO in respect of the number of complaints she said had been received during the year against the Authority – 57.

The Clerk reported that he could not verify that figure from the information he had amassed during the year and referred Members to a summary chart which showed all contact with the LGO and outcomes of cases considered and completed by 31 March 2013. He informed Members that whatever basis of assessment he used, he could not agree the LGO figure of 57.

He added that having received a response to his enquiry from the LGO which merely reiterated that no further information would be available, he had been left with nothing more to provide the Committee. He hoped that it would accept his statistics – collected and recorded as they occurred throughout the year – as the true record for Havering, in which case – if the Council applied the LGO's own formula (which excluded enquiries and premature complaints from the totals) he could confirm that the Council only received 44 complaints that were either investigated or had a decision (whether outside jurisdiction or not) provided at the point the Authority was notified about them. If this figure was accepted, Havering would certainly be in the top quartile of the London boroughs (and probably one of those with the least Ombudsman activity among the outer boroughs).

The Committee **noted** the report and that the LGO's Annual Letter was of limited benefit and directed that:

- a. The letter should be sent to each of the relevant Overview and Scrutiny chairmen for their committees to consider and
- b. A letter, from the Chairman and Adjudication and Review Committee should be sent to the Local Government Ombudsman, Dr Jane Martin expressing its disappointment with the Annual Letter's content and inviting her to explain what purpose it was meant to convey.

25 **LOCAL GOVERNMENT OMBUDSMAN STATISTICAL UPDATE: 1 APRIL - 30 SEPTEMBER 2013**

The Clerk introduced this report by explaining its purpose to be two-fold:

- To provide Members with a summary of Ombudsman activity for the past six months and
- To enquire whether they wished to receive the same information every month and if so, by what means.

The Clerk explained that the information contained in the charts and graphs presented to them represented different ways of presenting the same information so that the directorates and Services could see at a glance what was happening within their spheres of responsibility. Among the charts, Members would recognise two which were placed on Calendar Brief each month showing Ombudsman activity by Ward.

He drew Members attention to a new chart – one which succinctly demonstrated the relationship between LGO enquiries, complaints referred back to the Council as premature and those cases which the LGO chose to investigate. In the six months to the end of September, it showed (by service area in directorate) that there had been a total of 59 “contacts” relating to 46 complainants.

Members were also provided with a ward summary for October which showed a further seven contacts had been received since the start of the month. The Committee was informed that since the LGO had her funding seriously reduced (some 37%), the Council was finding far more enquiries being made of it and far more decisions being given (mostly that the matter was not within the LGOs’ jurisdiction) without the complaint being formally investigated or the Council being invited to respond.

The Committee **noted** the report and asked that in future its members should receive the same information which was currently being made available to the Corporate Leadership Team and the Heads of Service.

26 **STAGE THREE ACTIVITY 1 APRIL - 30 SEPTEMBER 2013 - ORAL UPDATE**

This report was presented by the Clerk who reminded the Committee of the background to the current Stage Three process and explained that since 1 April 2013 (when there were six complaints open and being processed) and during the past six months a further nine cases had been escalated consideration at Stage Three (though two of those were appeals under the Children Act and as such, Councillors were not eligible to sit on the Panels hearing the matter).

The Committee was informed that the introduction of the Initial Assessment Panels – following in the wake of other reforms, such as changing hearings from an adversarial format to inquisitorial (which reduced the time a hearing

took and simultaneously put Members firmly in control of it by allowing them to use their questioning skills to obtain the answers necessary to form an opinion) and ensuring that only those hearing requests which had remained constant through the other two stages were considered at Stage Three – had considerably enhanced the Stage Three process.

In the past, Panel hearings were often long and frequent and the subject matter frequently either beyond the power of Members to rectify or ought to have been addressed through a different medium (possibly a court or other appeal process). The IAP now ensured that complainants would have their complaint considered by Members, but in a far less costly and swifter manner.

Whilst the principal function of the IAP was to review the complaint and the service response to determine whether it was a matter suitable for a formal hearing, it could also – should it consider no useful purpose would be served by recommending a hearing – make a determination on the basis of what the complainant and service had written.

Complaints had continued to be referred to formal hearings – though now they only represented a very small proportion of those considered by IAPs. Because IAPs were now scheduled on a regular monthly basis, no complainant would have to wait long for a Stage Three decision.

The most recent change to the process was to move away from the process focusing on the hearing by changing it to a “Member Review”, thereby placing the IAP centrally in the Stage Three process whilst Member hearings would only be required if an IAP was of the opinion that a formal hearing was the only way to resolve the matter.

The Committee was invited to say whether it wished to have regular updates of cases submitted to it at each meeting or only an annual review.

The Committee **noted** the report and asked for case summaries to be presented on a meeting by meeting basis, but that a summary report be presented annually to it.

Chairman