



ADJUDICATION & REVIEW COMMITTEE

30 January 2014

Subject Heading:

CMT Lead:

Report Author and contact details:

Policy context:

Financial summary:

**Has an Equality Impact Assessment
(EIA) been carried out?**

**UPDATE ON STAGE THREE ACTIVITY
FOR THE YEAR TO DATE &
SUGGESTED CHANGES**

Ian Burns, Acting Assistant Chief
Executive

Grant Soderberg, Committee Officer
01708 433091

grant.soderberg@havering.gov.uk

The effective and efficient provision of
public services

None associated with this report

Not required.

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Since 2010 the Council has developed and refined its Corporate Complaints process and, in tandem with it, the transition to Stage Three and the conduct of Stage Three itself has evolved. This report summarises the changes which this Committee has brought about during that time and makes suggestions of further refinements in order to ensure the continued provision of a robust, efficient and cost-effective service for complainants and the Council especially in the current climate of financial constraint and transformation.

RECOMMENDATIONS

That the Committee note the report and decide whether to accept the either of the following proposed refinements to the Stage Three process.

1. Once a Member Review form has been sent to a complainant, they are given 20 working days in which to provide a response. If no response is received in that time, they are contacted and asked to provide a response. The Committee is asked whether it considers the addition of a further 30 working days for the provision of the complaint to be reasonable or unnecessarily excessive before the complainant is told the process has been stopped and their complaint closed. If the latter, would the Committee make a recommendation about what period of grace it considers appropriate?
2. From time to time an issue may arise which, by its very nature (perhaps needing to be handled with sensitivity or involving matters which fall outside the usual scope of corporate complaints), would be inappropriate to follow the normal procedure of issuing a Member Review form and passage through an IAP. In such exceptional circumstances - should the Committee be so minded - the matter could be dealt with in a more flexible manner, perhaps by proceeding directly to a formal hearing. In such cases, the Chairman would be consulted and if agreed, the clerk would make arrangements to deal with the complaint as appropriate.

REPORT DETAIL

1. In 2010 the Adjudication and Review Committee inherited a complaints process still in transition from the old CRM system to a successor model which was being promoted as being more “user friendly” and which would be extended to all services across the Council. It was also intended that it would encompass Stage Three and Ombudsman record keeping. It was also a collaborative venture between three councils: Havering, Newham and Waltham Forest.
2. During the intervening four years, its implementation has been largely completed, though it does not extend to Ombudsman recording and is limited when recording Stage Two as it has no scope for dialogue with the complainant at that stage. That is an issue which needs further development in the future.
3. During the same period there were significant changes made to the way in which complainants’ requests for Stage Three Member involvement was treated:

Adjudication & Review Committee, 30 January 2014

1. By 2010 the old adversarial form of hearing had been replaced by an inquisitorial one which speeded up the process and placed the control of the hearing back into the hands of Members.
2. In 2012 the Committee agreed to trialling Initial Assessment Panels (IAPs) (taken from the – by then – defunct Standards Committee) as a way to deal with complaints informally and quickly, without the necessity (and cost) of a formal hearing – though if an IAP decided that a complainant ought to be heard, it could (and has) referred the matter to a formal hearing.
3. Between 2010 and 2012 there was a dramatic fall in the number of cases being referred to Members, but during 2013 there has been a steady increase in Stage Three requests being received and actioned.
4. During the past three years there have been changes to the terminology used for the Stage Three process itself which went from “Appeal process” via “Hearing Request” to the current “Member Review” – this last most accurately describing the function Members engage in (particularly but not limited to) the IAP element. Members are invited to consider a complainant’s claims in the context of what the Service ought to be providing and to view that provision (or alleged failings) in the light of reasonableness and natural justice which is consistent with the expectations of such external bodies as the Local Government Ombudsman.
5. IAPs are now fixtures in the Council’s diary on a monthly basis usually falling on the forth – but on occasion the third – Thursday of the month. In December it might be scheduled for the second Thursday, depending on when Christmas falls. If there are no complaints ready in time, any coming forward are held over to the next IAP scheduled date. Any complaint adjourned by a Panel could either wait for the following IAP or, if Members are so minded, an ad-hoc meeting could be arranged.
4. Within the past year it has been possible to ensure that Stage Three activity is more widely distributed and it is now (on a monthly basis) notified to Committee members, CMT and those officers at CLT who’s services are most frequently involved in complaints. Calendar Brief ensures that all Councillors (and others) are at least informed of current Stage Three numbers and which wards those complaints emanate from. A monthly briefing accompanies those statistics and enquiries are always invited.
5. A summary of Stage Three activity is appended to this report and Members are invited to note the rise in complaints being referred to Members and the change from Planning and Housing to complaints about parking (and PCN related) issues.
6. At this point in time, the Committee could be forgiven for thinking that an increase in the number of complaints coming forward is a reflection of falling standards. This is most certainly not the case. Whilst the recent and continuing reduction in funding for Council services continues, the provision of those services continues with even greater imaginative ideas for delivery.

What is more likely is that the Corporate Complaints process is more widely accessible than hitherto and that complainants are more persistent if they believe something is wrong.

7. A further factor is that complaints are recorded sooner and as the figures will show, there is a growing number of complaints which commence, but which are also discontinued either by the complainant withdrawing or by the process stalling because the complainant does not provide the Council with a formal statement of complaint which is the starting-point for Stage Three.
8. In order to ensure that complaints do not remain “outstanding” for an unreasonable period of time, complainants are asked to ensure that they complete the Member Review request form and return it within 20 working days. Should that not occur (and assuming the complainant has not been in touch to provide an exceptional and urgent reason why the form could not be returned in that time, a second letter is sent to enquire whether the complainant received the original letter (a duplicate form and guidance is included as a precaution) and the complainant is (currently) being asked to complete and return the form within the next 30 working days (some six additional weeks) or to provide reasons why that cannot be done.
9. The complainant is warned that a failure to respond or provide acceptable reasons for delay within that time-frame will lead to the complaint being removed from the register and the matter closed. The complainant is, however, provided with the contact details of the Local Government Ombudsman.
10. The Committee is asked whether it considers the addition of a further 30 working days to be reasonable or unnecessarily excessive. If the latter, would the Committee make a recommendation about what period of grace it considers appropriate? For example: There having already been 20 working days elapsed since the complainant was invited to respond, would the Council be unreasonable if it only granted an additional 10 working days? Whatever is decided, changes will have to be made to the wording of the complaints information in whatever medium it is available (hard copy or electronic).
11. From time to time an issue may arise which, by its very nature (perhaps needing to be handled with sensitivity or involving matters which fall outside the usual scope of corporate complaints), would be inappropriate to follow the normal procedure of issuing a Member Review form and passage through an IAP. In such exceptional circumstances - should the Committee be so minded - the matter could be dealt with in a more flexible manner, perhaps by proceeding directly to a formal hearing. In such cases, the Chairman would be consulted and if agreed, the clerk would make arrangements to deal with the complaint as appropriate.
12. It is to be expected that whatever happens at the forthcoming local elections, there will continue to be a need for complaints to be resolved, if not by officers, then by the review and judgement of Members. Because the position of local authorities is very much in a fluid state – which shows no sign of ending – changes to the way in which complaints are managed and resolved may continue to evolve for the foreseeable future. Unless Members themselves choose to relinquish their role in the process (and

Havering is one of a diminishing number of authorities which retain a three stage complaints process in which councillors are a part), there will always be a need to ensure that complaints are effectively and efficiently addressed in a cost-effective manner and this will undoubtedly involve further refinement to the process to make that a deliverable reality.

13. Whilst it is true to say that 2013/14 has seen an upturn in complaint escalation to Stage Three, the outcomes are more transparent and more easily available to inform future action than at any time previously. As technology (and on-going reduction to Council funding means that all Council services have to evolve to be more efficient and effective), it is hoped that what is learnt from the decisions and outcomes of complaints will become useful tools for ensuring that future service delivery incorporates those outcomes to help raise standards of good practice and help minimise any recurrence of those issues in the future.

IMPLICATIONS AND RISKS

Financial implications and risks:

None associated with this report. Though there may be cost implications if the recommendations of the Parliamentary report are implemented.

Legal implications and risks:

There are no direct legal implications from this report.

Human Resources implications and risks:

There are none associated with this report.

Equalities implications and risks:

There are none associated with this report

BACKGROUND PAPERS

None

Table of complaints reaching Stage Three from 2010 to date.

Service	Type	Date	Outcome	Further Action
Housing Needs	Hearing	April 2010	Mostly Upheld (£1k compensation)	NFA
*Children Act	Hearing	May 2010 Oct 2010	Adjourned Reconvened – Partially upheld	NFA
Planning	IAP 1 IAP 2	Mar 2011 May 2011	Adjourned for further information Not upheld	LGO October 2011 – No fault
Parks	IAP	Oct 2011	Not upheld	NFA
Intro Tenancy	Hearing	Oct 2011	Not upheld	NFA
Housing - PSL	IAP	Nov 2011	Not upheld	NFA
Hsg Allocations	Withdrawn	Nov 2011	Svce permitted exchange	NFA
Housing Needs	IAP	Feb 2012	Hearing recommended but Svce resolved issues	NFA
Housing – PSL	IAP	Feb 2012	Not upheld {same	NFA
StreetCare	Closed	Feb 2012	No form submitted	LGO. No maladministration
Hsg Register	Withdrawn	Mar 2012		NFA
Housing: estate staff issues	IAP 1 IAP 2 IAP 3 Hearing	April 2012 May 2012 July 2012 Sept 2012	UPHELD	Compensation £150 & staff retraining
Intro Tenancy	Hearing 1	Oct 2012	UPHELD {same	Re-hearing
Intro Tenancy	Hearing 2	Dec 2012	Not upheld person}	NFA
Housing Needs	IAP	Nov 2012	Not upheld complainant}	NFA
Bldg Control	IAP	Nov 2012	Not upheld	NFA
Housing rents	IAP Hearing	Nov 2012 Feb 2013	Not upheld	NFA
Planning	IAP Hearing	Nov 2012 Mar 2013	UPHELD	LGO – No penalty
C/Tax issues	IAP	Feb 2013	Not upheld	LGO – OSJ
Parks	IAP	Feb 2013 Mar 2013	Adjourned for more info Not upheld	NFA
Highways	IAP	April 2013	Not upheld	NFA
Hsg neighbour nuisance	IAP	April 2013	Not upheld	NFA
Hsg repairs	IAP	April 2013 July 2013	Adjourned for further work Not upheld	Housing Ombudsman
Planning	IAP	June 2013	Not Upheld	NFA
Property Svce	IAP	June 2013	Not upheld	LGO – OSJ
Planning	IAP	June 2013	Not upheld	LGO – PV recd. (still on-going)
Hsg neighbour nuisance	IAP	Oct 2013	Not upheld	NFA
Hsg neighbour nuisance	IAP	Oct 2013	Not upheld	NFA
General	IAP	Nov 2013	Not upheld	NFA
StreetCare	IAP	Nov 2013	Not upheld	NFA
Parks	CLOSED	Dec 2013	Not pursued by complainant	NFA
*Children Act	CLOSED	Jan 2014	Out of Time	NFA
Planning	Withdrawn	Jan 2014		NFA

Adjudication & Review Committee, 30 January 2014

*Children Act cases are not heard by Members but panels are entirely independent persons.

The following complaints have been received and the complainants contacted, but are currently open.

StreetCare	Parking issues (PCN related)	Form still with complainant
StreetCare	Street Cleansing	Form back – with Service
Housing	Maintenance	Form back – with Service
Exchequer Services	Housing Benefits	Pending IAP
StreetCare	Parking issues (PCN related)	Form back – with Service
StreetCare	Parking issues (PCN related)	Form back – with Service
StreetCare	Parking issues (street parking)	Form with complainant
General	Administrative issues	Pending possible hearing