

ADJUDICATION & REVIEW COMMITTEE

21 April 2015

Subject Heading:

STAGE THREE COMPLAINTS – Update

CMT Lead:

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Policy context:

The Council's Corporate Complaints
Process.

Financial summary:

None directly associated with this report

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

TBA

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SUMMARY

Following the initial report which was presented to the Committee on 4 February last, the purpose of which was to ensure that all members of the Committee were acquainted with activity at Stage Three of the Corporate Complaints process, this report provides a brief summary of the number of cases initiated and their outcomes, whether discontinued or reviewed and determined by a panel or hearing.

RECOMMENDATIONS

That the Committee:

1. Note the report
2. Decide whether to change the format, style or content for future reports

REPORT DETAIL

- 1 This is the second time such a report has been presented to Members and the appendix content has been modified to provide additional information to increase transparency (the addition of the date the Member Review form was sent to the complainant, for example as well as a column containing the date the matter was determined and the file closed. A “comments” column has also been added to extend the narrative in some instances.
- 2 This is still very much a “work in progress” and could well evolve to provide Members with additional information in due course (such as the date a complaint was initially received). This is very much an area where Members’ input would be welcomed.

Cases since 2 February 2015 to date:

- 3 The table in the appendix contains complaints initiated after 1 April 2014. There are five which appeared on the first report. The first case in the list was not only referred the matter back to the Council by the LGO for it to continue through the Corporate Complaints process, but after the panel had given its decision, the complainant returned to the Ombudsman and the LGO decided to pursue the matter by way of her own investigation. At the time, that investigation was on-going, but a decision was received on 30 March which was the opposite to that delivered by the MR Panel and even increased the level of compensation which the Service had already agreed to offer by way of a “good-will” gesture. See the “Comments” section for more information.
- 4 The remaining four complaints on the initial table were then still open at the time and since then, three of them have been dealt with, whilst the fourth has yet to go to a Member Review Panel – the reason for this further delay is given in the comments section.
- 5 The Committee is invited to consider the information provided in the accompanying table and decide whether it is content with it as presented or would like to see it either presented differently or with different information.
- 6 In the report on 2 February, there were six (out of 16 complaints) which had failed to reach a Member review. None of the ten in the current list has failed to do so – though three are on-going but to date there is only one form outstanding. The LGO references if known – usually because the matter has been referred back to the Council as “premature” – have been added (and this is cross-referenced with the LGO records).
- 7 Members will note that where in the last report, if no LGO interest could be found it simply said “No”, this has been changed to “Not known”, simply because many complainants do approach the LGO either before registering a complaint with the Council or during the process (particularly if it has become protracted) and are advised to take the matter back to the Council and whilst they would have been given an LGO reference number, they do not disclose it to the service (or it isn’t “picked-up”) but that reference remain in the background and could – if the complainant feels aggrieved enough at an adverse decision to return to the Ombudsman – be applied to any subsequent enquiry or investigation the LGO chooses to undertake.

- 8 One of the cases considered by Members was upheld and the Head of Service was directed to pay compensation because the service had not considered the case on its individual merits and used its discretion appropriately.
- 9 With the change in the Corporate Complaints process, it may be that some of the delays and anomalies which have been seen in the past will be eliminated. The Stage Three element has further transformation to undergo and this will come about once stages one and two have become established. This in turn could lead to further modifications to the information Members wish to receive.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no adverse implications and risks associated with these proposals as they are either procedural changes or designed to ensure greater cost-efficiencies are obtained.

Legal implications and risks: There are no direct legal implications arising 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