

Notice of KEY Executive Decision (Special Urgency)

Subject Heading:	Changes to the Council's Complaint Policy and Procedure as a result of the Covid 19 Crisis
Cabinet Member:	Councillor Damian White Leader of the Council
SLT Lead:	Andrew Blake-Herbert Chief Executive
Report Author and contact details:	Carol Ager Senior Complaint and Investigation Manager Carol.ager@havering.gov.uk Extn 4389
Policy context:	Local Government and Social Care Ombudsman decision to temporarily cease accepting new complaints following the outbreak of Covid 19 virus in the UK.
Financial summary:	No financial implications of the decision
Reason decision is Key	The decision has been determined as a Key Decision as it will have a significant effect on two or more Wards
Date notice given of intended decision:	<i>This is a decision pursuant to para 11 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, made under "special urgency" with the consent of the Chair of the Overview and Scrutiny Board.</i>

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Relevant OSC:	Scrutiny Board
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	Yes, due to Special Urgency

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. Following the outbreak of the Covid-19 virus in the UK, the Local Government and Social Care Ombudsman (LGSCO) has advised the following:

“Over the last few weeks we have been assessing the impact of Coronavirus (COVID-19) on our ability to continue to deliver our services, while at the same time protecting our colleagues. We have taken steps to minimise the impact on complainants, councils and care providers. We have been able to operate as normal, keeping our offices open, receiving post, answering calls and responding to emails and online complaint submissions. We have been reviewing the developments and Government announcements on a daily basis and have closely followed the advice issued by Public Health England. The daily Government briefings now reflect the rapidly changing situation and advice for businesses, and we are acting on that. The vast majority of our staff are set up to, and regularly do, work from home, flexibly, and we have the IT and telecommunications systems and support to make this as seamless as possible. We are encouraging our staff to put their health and wellbeing, and that of their families, first to help prevent the spread of disease by now working from home if they can. By doing this, we will endeavour to continue to deliver an efficient service that enables you to continue to communicate with your investigator if you have a live complaint investigation with us. However, there will now be some interruption to complainants making contact with us for the first time, or those calling our central contact number. We are temporarily suspending our central telephone line (0300 061 0614), and the complaint submission form on our website, effective from Wednesday 18 March. We hope this service can be reinstated as soon as possible and will update this message regularly to keep you informed. This means, during this time, we are not able to take new complaints, either online or by telephone. If someone has already registered a complaint with us, we may continue to work on it.”

The Council has reviewed the complaint service it provides and has decided to follow the lead set by LGSCO.

2. It is proposed, with effect from close of business 25th March 2020, that the Council's Complaint Policy and Procedure be suspended in respect of all Non Covid 19 complaints, with the purpose of:
 - Ensuring on-going complaints are dealt with by a reduced workforce.
 - Potentially re-deploying complaints officers into essential service areas, where needed.
 - Maintaining essential services to vulnerable residents.
3. The LGSCO has not given any specific advice relating to complaints received under statutory guidelines, relating to the care of children and adults. It is proposed that a temporary suspension also be applied to these complaints at a later date, following more definite advice from the Ombudsman's office.

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As a result, the following changes to the corporate complaints service are to be made:

3.1 Complaints web pages and online forms

- 3.2 A message to be added to the Complaint web pages advising customers that the Council has temporarily stopped taking new complaints due to the Covid-19 pandemic.
- 3.3 The Council's online web form, for Stages 1 and 2, to be temporarily suspended.
- 3.4 Requests for Stage 3 complaint forms to be refused with apology and explanation.

3.5 Email Complaints

- 3.6 A return message to be added to all generic complaint team inboxes to the effect the Council has temporarily stopped accepting new complaints due to the Covid-19 pandemic. This is to include Complaints@havering.gov.uk; CEO_Complaints@havering.gov.uk; Housing_complaints@havering.gov.uk; EnvironmentServices@havering.gov.uk.
- 3.7 Staff handling complaints will still be responsible for checking incoming emails and dealing with any emergency needs by ensuring they are passed on the relevant teams. Generic complaint team inboxes will not be closed down as a result.
- 3.8 Records to be kept, by complaint officers within individual service areas, of customers wishing to make a complaint during the period of suspension, so that they can be contacted after reinstatement of the Policy and Procedure, to determine whether they wish to pursue a complaint.
- 3.9 Staff and Councillors dealing with complaints from their own 'named' email accounts to use the following guidance wording:

Thank you for contacting the Council with your concerns. The Council has taken the decision to temporarily suspend the Complaint Policy and Procedure with effect from close of business 25th March 2020.

Please be assured this decision has not been taken lightly but you will understand the need for resources to be re-directed to front line services during the Covid-19 (Coronavirus) pandemic.

We will try to complete any existing complaints as soon as possible, but you may find responses will not be sent within the timescales set out in the Complaint Policy and Procedure.

Urgent matters can still be reported via the Council's Contact Centre on 01708 434343.

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We apologise for this and appreciate your understanding at this unprecedented time.

3.10 Contact Centre Complaints team

3.11 The Complaints team in the Contact Centre to stop accepting new complaints. However, staff handling telephone calls will still be responsible for determining the nature of the call and if the customer is calling about an emergency situation, directing to the appropriate service.

4. Statutory Complaints

Statutory complaints to be reviewed on a regular basis, and following guidance from LGSCO, will follow the same procedure as set out above for Corporate complaints.

5. Review Period

The situation will be reviewed at the end of May in line with other COVID 19 decisions, so there is a collective review date, or following a reinstatement of the complaints service offered by Local Government and Social Care Ombudsman.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, section 2.2 of the Constitution, specifically:

Resource management

(c) To exercise the Council's functions relating to the use of the Council's resources and, where these are not non-executive functions, human resources. Such functions include:

- (i) corporate human resources policies and procedures
- (ii) e-government and customer access
- (iii) responsibility for the Council's health and safety policies as an employer
- (iv) Council's Employment Relations framework
- (v) overall responsibility for properties held for investment purposes
- (vi) corporate purchasing policies and procedures
- (vii) corporate communication strategies
- (viii) overall responsibility for the management and maintenance of the Council's office accommodation and corporate assets
- (ix) emergency planning and civil defence.

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STATEMENT OF THE REASONS FOR THE DECISION

This decision is required under “Special Urgency” to allow the Council to plan and undertake effective strategies for working and service delivery during the current Covid 19 outbreak.

The Local Government and Social Care Ombudsman has taken the decision to temporarily suspend the acceptance of new complaints. The Council will follow the lead of LGSCO in suspending its online complaints form and complaints helpline in respect of all complaints, EXCEPT for complaints about Covid 19 actions the government expect the Council to carry out. .

This decision has been taken as a result of the changes in government and PHE advice on social distancing and self-isolation following the outbreak of Covid-19.

Staff numbers in these specialised roles may be reduced due to illness. With pressures on vital services, where workload decreases substantially, consideration could be given to re-deploying individuals into essential service areas.

The decision is temporary and will be reviewed regularly, in line with any advice given by LGSCO.

OTHER OPTIONS CONSIDERED AND REJECTED

To continue with current processes and procedures

This option was rejected because;

- potential staff shortages could mean customers do not receive a response to their complaints, either in a timely manner or at all, which could ultimately result in further complaints, putting additional burden on stretched services;
- information gathering could be problematic with reduced services.

PRE-DECISION CONSULTATION

The Leader of the Council has been consulted on these service changes prior to the decision.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Carol Ager

Designation: Senior Complaint and Investigation Manager

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Signature:

Date: 24th March 2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Due to the current circumstances the Council finds itself in due to CV19, it is accepted that it will not be complying with adopted policy. This is potentially challengeable, but also defensible and therefore the risk to the Council is low.

FINANCIAL IMPLICATIONS AND RISKS

This report is requesting temporary suspension of the Council's Complaint Policy and Procedure, following the lead taken by the Local Government and Social Care Ombudsman (LGSCO) to temporarily suspend acceptance of new complaints due to Covid-19 (Coronavirus).

There are no direct financial implications involved resulting from this decision.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers.

There are no Human Resources implications involved resulting from this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering

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residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that due to the urgency of the threat posed by the coronavirus, it will not be possible to carry out an EqHIA in advance of the curtailment of the complaints service, however, managers will undertake the required EqHIAs at the earliest opportunity.

The Council seeks to ensure equality, inclusion, and dignity for all, in all situations. Contact with the Council can still be made via email and telephone on 01708 434343.

There are no equalities and social inclusion implications involved resulting from this decision.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The council is committed to improving the health and wellbeing of all residents as set out in the Health and Wellbeing Strategy.

Under normal circumstances, the complaint process is available in all formats (online, email, telephone) to ensure the health and wellbeing of residents; any complaints linked to health and wellbeing are dealt with under that process.

Due to the national emergency caused by Covid 19 the proposed suspension of the complaint process is a necessary decision but urgent matters will still be dealt with by the relevant service

The normal complaint service will be temporarily suspended as detailed above and will resume after the national emergency is over.

To conclude, the impact of the decision will be minimal on the health and wellbeing of residents as there will still be a means by which urgent matters can be brought to the council's attention.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name: Andrew Blake-Herbert

Title: Chief Executive

Date: 25th March 2020

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____