



REPORT OF THE GOVERNANCE COMMITTEE

CHANGES TO STAGE THREE OF THE CORPORATE HEARINGS PROCESS

Following a review of the changes to the process for managing Stage Three of the Council's Corporate Complaints Procedure, the Adjudication and Review Committee adopted an "assessment" phase to determine whether a complaint should proceed to a full hearing. Since 2009 this Initial Assessment Panel (IAP) has met with increasing regularity and has reduced the number of costly and time-consuming formal hearings by over 60%.

Governance Committee, at a meeting held on 29 May, accepted that this was a positive refinement of the process which not only saved the Council cost, but also ensured that both officer and Member time was used efficiently and effectively. The Committee is now inviting Council to formally accept the assessment phase as part of the Stage Three process. This will require amendment of the Council's "responsibility for functions" section of the Constitution.

The changes to the Constitution will ensure that, in the event of a challenge to any decision to reject a hearings request by a complainant because the IAP was not a formal part of the procedure, the Council has taken steps to eliminate any such charge and thereby eliminated any potential claim for damages or charge of maladministration.

Confirmation of the arrangements currently being trialled will ensure that:

- (a) Complaints escalated to Stage Three of the Corporate Complaints Process will continue to be filtered by Initial Assessment Panels (IAPs) which will convene on a monthly basis in order to assess whether a complaint merits a full, formal hearing.
- (b) IAPs are less formal bodies and comprise a Chairman and two other councillors. They can either:
 - (i) Recommend the complaint proceed to a full hearing, or
 - (ii) Reject the hearing request and provide a determination based on the written complaint and the response provided by the service.
 - (iii) In some cases the IAP may refer a complaint back to the service for further action or further clarification in order to assist it in coming to a decision.
- (c) Complaints are processed speedily in a manner which affords the complainant an opportunity for Councillors to consider the merits of their complaint but which does not commit the Council to the expense

Council, 12 June 2013

or involvement of Member and officer time that is attendant on a formal hearing:

The amendments to the Council “responsibility for functions” section of the Constitution to give authority to these arrangements are set out in the Appendix to this report.

The Committee accordingly RECOMMENDS to the Council that:

- 1 The use of Initial Assessment Panels as a permanent part of the Council’s Corporate Complaints procedure be approved**
- 2 That the changes to the relevant Council responsibility for functions set out in the Appendix to this report be approved.**

APPENDIX

Proposed changes in the Council's Constitution

It will be necessary to make mention of Initial Assessment Panels in Part 3, 1.2 Functions delegated to general council committees. The changes will be:

- a. To change the status of Adjudication and Review from sub-committee back to committee.
- b. Add wording in "Hearings Panels, General hearings" to read:

"Initial Assessment Panels – To assess complaints referred to Members for their adjudication under the agreed Corporate Complaints procedure"

And amend existing wording to read:

"To consider complaints by service users referred to them by Initial Assessment Panels relating to the service made available to them in accordance with the authority's agreed Corporate Complaints procedure."