

Public Document Pack



OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 14 November 2023 at 7.00 pm
Conference Room, Civic Centre, Silver
Street, Enfield, EN1 3XA

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Councillors : Margaret Greer (Chair), Mahmut Aksanoglu (Vice-Chair),
Maria Alexandrou, Nawshad Ali, Kate Anolue, Hivran Dalkaya, James Hockney and
Michael Rye OBE

Education Statutory Co-optees: 1 vacancy (Church of England diocese
representative), vacancy (other faiths/denominations representative), vacancy
(Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor
Representative).

Stacey Gilmour - (Governance & Scrutiny Officer)

AGENDA

1. WELCOME & APOLOGIES

2. DECLARATIONS OF INTEREST

Members of the Council are invited to identify any disclosable pecuniary,
other pecuniary or non-pecuniary interests relevant to the items on the
agenda.

3. MINUTES OF PREVIOUS MEETINGS (Pages 1 - 6)

To agree the minutes of the Overview & Scrutiny Committee meetings held
on 27 July 2023 and 14 September 2023.

4. OVERVIEW OF COMPLAINTS PROCESS (Pages 7 - 20)

To receive the report of Eleanor Brown, Director of Customer &
Communications (Acting).

5. ICB CLINICAL COMMISSIONING - UPDATE -TO FOLLOW

To receive the report of Deborah McBeal, Director of Integration, NHS North
Central London ICB.

(The report will be sent as a To Follow Paper).

6. WORK PROGRAMME 2023/24 (Pages 21 - 22)

To note the Overview & Scrutiny Committee Work Programme for 2023/24.

7. DATES OF FUTURE MEETINGS

To note that the next Overview and Scrutiny Committee business meeting is scheduled to take place at the Civic Centre at 7pm on Monday, 15 January 2024.

OVERVIEW & SCRUTINY COMMITTEE - 14.9.2023

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON THURSDAY, 14 SEPTEMBER 2023**

COUNCILLORS

PRESENT (Chair) Mahmut Aksanoglu, Maria Alexandrou, Hivran Dalkaya, Michael Rye OBE, Nicki Adeleke, Ayten Guzel, Nia Stevens and Elisa Morreale

ABSENT Margaret Greer, Nawshad Ali, Kate Anolue and James Hockney

STATUTORY CO-OPTES: *1 vacancy (Church of England diocese representative), vacancy (other faiths/denominations representative), vacancy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

OFFICERS: Joanne Drew (Strategic Director, Housing and Regeneration), Andrew Cotton (Interim Investment and Resident Safety Programme Director), Ayfer Chol (Head of M&E Compliance), Kerrie Mitchell (Commercial and Procurement Manager), Simon Pollock (Interim Executive Director, Environment and Communities, Cheryl Headon (Interim Director, Parks, Leisure and Culture), Matthew Watts (Interim Head of Sports and Leisure), Claire Johnson (Head of Governance, Scrutiny and Registration Services), Jane Creer (Secretary)

Also Attending: Cllr Lee Chamberlain (Call-In Lead Member)

1**WELCOME & APOLOGIES**

Cllr Aksanoglu, Chair of the meeting in Cllr Greer's absence, welcomed everyone to the meeting and introductions were made.

Apologies for absence were received from Cllr Margaret Greer, Cllr Nawshad Ali, Cllr Kate Anolue and Cllr James Hockney. Cllr Greer was substituted by Cllr Nicki Adeleke. Cllr Ali was substituted by Cllr Ayten Guzel. Cllr Anolue was substituted by Cllr Nia Stevens. Cllr Hockney was substituted by Cllr Elisa Morreale.

Apologies for absence were also received from Cllr George Savva, Cabinet Member for Social Housing, and from Cllr Chinelo Anyanwu, Cabinet Member for Public Spaces, Culture and Local Economy.

2**DECLARATIONS OF INTEREST**

There were no declarations of interest.

OVERVIEW & SCRUTINY COMMITTEE - 14.9.2023

3

MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the Overview and Scrutiny Committee meetings held on 9 May 2023, 24 May 2023 and 21 June 2023 be confirmed as a correct record.

4

DECISION CALLED-IN- KD5638- AWARD OF A CONTRACT FOR THE MECHANICAL & ELECTRICAL SERVICING (HOUSING COMPLIANCE)

Details of the decision taken and issued on 14 August 2023 had been included on the Publication of Decision List No.14/23-24. The report also set out officer responses to the reason for call-in.

The decision had been called-in for review by 10 members of the Council: Councillors Lee Chamberlain (Lead), Hannah Dyson, Peter Fallart, Alessandro Georgiou, Adrian Grumi, Chris Joannides, Andy Milne, Paul Pratt, Ruby Sampson, and Emma Supple.

5

REASONS FOR AND OFFICER RESPONSE TO CALL-IN- KD5638 - AWARD OF A CONTRACT FOR THE MECHANICAL & ELECTRICAL SERVICING (HOUSING COMPLIANCE)

The reasons for the call-in were presented by Cllr Lee Chamberlain as Lead Member.

Cllr Chamberlain summarised the concerns in respect of the decision. The scoring of the tender submissions was questioned. There was concern that the recommended contractor's bid may not be feasible or sustainable. There was concern that either the selected contractor would fail to deliver the safety inspections to the required standard, or that there would be further funding adjustment requests once the contract was secured. Assurance was sought that the service would be delivered within budget, and that proper inspections would be completed.

The Chair asked officers for their responses.

Joanne Drew, Strategic Director of Housing and Regeneration, provided context that the service would cover around 15,000 Council homes and was one of ten contracts this year for compliance services. The Council's Housing function had a strong team for statutory compliance which performed very strongly. They worked with Procurement colleagues and used professional contractors.

Andrew Cotton, Interim Investment and Resident Safety Programme Director, responded in further detail to confirm that the successful bidder had confirmed compliance with the specification. He provided assurance that the bidder met

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the quality standard in this function. Quality control included that technicians held appropriate qualifications, the company performed quality control, there were test checks, and that there would be contract monitoring by Council officers. KPIs were agreed and specified in the contract. There were provisions for improvement notices and for contract termination. In respect of the pricing, this was broadly in line with pre-tender estimates. A clarification meeting had been held with the contractor, who advised that they used multi-skilled technicians, avoiding the need for revisits. They avoided use of sub-contractors. They successfully delivered services to other local authorities. The scoring and weighting within tender evaluations would be made explicit in future reports. The tender process had been reviewed, and it was supported by the external procurement specialists.

The Chair welcomed questions from other members of the committee:

Q1. Which other local authorities worked with this contractor?

A1. They included Lewisham, Greenwich and Camden boroughs, and Thurrock.

Q2. Could officers give assurance that the budget would not be exceeded?

A2. There would be effective contract monitoring. Regular reports were provided and there was robust monitoring of budgets and processes to manage any potential overspending within the Council. The risk of overspending had been examined: if there was a need for spending for safety that would be a priority for the Council and require re-budgeting, but this contract was for regular servicing so was quite predictable in respect of costs.

Q3. Further details were requested on how the successful bidder's tender submission had been evaluated.

A3. Important aspects within the bid were highlighted.

Q4. Why was the decision made to offer one contract for the whole borough?

A4. It was considered more efficient to use one contractor for the whole borough.

Q5. Further details were requested on the inflation allowance specified.

A5. This was standard practice, and was averaged over the period of the contract.

Q6. Was the holding of a clarification meeting with the bidder exceptional?

A6. This was normal practice, and had no impact on the scoring.

Q7. Further details were requested in respect of the promise of social value and ethical employment policy from the bidder.

A7. This was a commitment from the contractor and they could be held to account on that. On the request of Cllr Rye, the specific commitments would be provided to members.

ACTION: Andrew Cotton

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Q8. Further details were requested in respect of contingency and the contract price.

A8. The contingency was normal in these contracts. The successful bidder had confirmed they used multi-faceted technicians.

Q9. Further details were requested in respect of the expectations and the monitoring of the contractor's work by Council officers.

A9. It was confirmed there would be certification of the work programme, directed by the Council. There would also be financial management in respect of the costs of the work. Data would be monitored, evaluated and tested through the internal audit function. There would also be quality assurance from the contractor.

Q10. How frequently would meetings take place between the Council and the contractor?

A10. Meetings were anticipated monthly.

Q11. Were there means to terminate the contract if issues arose?

A11. The processes were set out: from informal expression of concern, to formalised procedures and, if not satisfactorily resolved, to serving of notice and termination of the contract. This was an industry standard contract and was robust.

Q12. Further details were requested in respect of the use of the external consultancy company Echelon Consultancy Limited, and accountability.

A12. The company was confirmed as an established specialist and worked on procurement support. LB Enfield officers scored the tenders. The consultancy were accountable for compliance with the procurement process and rules.

Q13. Further details were requested in respect of certification and test checking of the contractors' work.

A13. Some work such as on communal area lighting would be certified by the operative. There would be tests of a sample by the company's own supervisor. There would be further tests of a sample by Council officers to ensure quality was satisfactory. The company had to maintain quality standards to maintain their certification. For their accreditation they needed to have demonstrated quality systems. It was confirmed that two Council officers were qualified to carry out test checking of the works. This was consistent with the numbers in other local authorities and sufficient for covering sample checks.

Q14. Details were requested of engagement with the residents.

A14. It was confirmed there would be contact with the residents due to the nature of this contract, particularly where there was a need to access properties. This would be done in line with the equality procedures and the engagement team had awareness of best methods.

Q15. Details were requested on climate change implications and carbon reduction.

OVERVIEW & SCRUTINY COMMITTEE - 14.9.2023

A15. The successful bidder would make fewer visits to properties as the technicians could do more checks in one visit. This would have an impact on mileage. There would be use of local suppliers where possible.

6

ORIGINAL DECISION OF CALL-IN- KD5638 - AWARD OF A CONTRACT FOR THE MECHANICAL & ELECTRICAL SERVICING (HOUSING COMPLIANCE)

The Call-in Lead, Cllr Lee Chamberlain, summarised the points made during the discussion, but considered that the underlying concerns had not been fully addressed particularly in respect of cost control and monitoring of quality. He called for the decision to be referred back to the decision-maker to be looked at again.

The Chair, Cllr Mahmut Aksanoglu, summed up the main points of discussion in the call-in and the officers' response.

The Overview and Scrutiny Committee considered the reasons provided for the call-in and responses set out in the officers' report. Having considered the verbal responses from the relevant officers, the Committee **AGREED** to confirm the original decision made by the Executive Director of Housing, Regeneration and Development.

7

REVIEW OF LEISURE PROVISION IN THE BOROUGH -UPDATE

A confidential update report of Matthew Watts, Interim Head of Sports and Leisure, was received further to the report considered by Overview and Scrutiny Committee on 9 May 2023.

Cheryl Headon, Interim Director Parks, Leisure and Culture, summarised progress since May 2023 in respect of the future management of leisure centres.

Questions and comments were invited from committee members, and responded to by officers.

8

SCRUTINY ANNUAL WORK PROGRAMME 2023/24

Claire Johnson, Head of Governance, Scrutiny and Registration Services, introduced the Scrutiny annual report for 2022/23 and the draft work programmes for Overview and Scrutiny Committee and the seven standing Scrutiny Panels for 2023/24.

Areas of duplications in work programmes had been identified and were resolved as follows.

OVERVIEW & SCRUTINY COMMITTEE - 14.9.2023

Overview and Scrutiny Committee 14 November 2023 to consider Clinical Commissioning – Integrated Care Board (ICB) and how this will affect the local authority.

Environment and Climate Action Scrutiny Panel 24 October 2023 to consider Fly-tipping and enforcement.

Finance and Performance Scrutiny Panel and Housing Scrutiny Panel to consider Temporary Accommodation and Housing Revenue Account (HRA) as the panels' focus differed.

AGREED that the Scrutiny annual report and the proposed work programmes for the Overview and Scrutiny Committee and the Scrutiny Panels for 2023/24, subject to the above amendments, be recommended to Council for adoption.

9

DATES OF FUTURE MEETINGS

NOTED that the next business meeting of the Overview and Scrutiny Committee is scheduled to take place at 7pm on Tuesday 14 November 2023.

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON THURSDAY, 27 JULY 2023**

COUNCILLORS

PRESENT (Chair) Margaret Greer, Mahmut Aksanoglu, Maria Alexandrou, Nawshad Ali, Kate Anolue, Hivran Dalkaya, James Hockney and Michael Rye OBE

ABSENT

STATUTORY CO-OPTEEES: *1 vacancy (Church of England diocese representative), vacancy (other faiths/denominations representative), vacancy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

OFFICERS: Sarah Cary Executive Director Housing, Regeneration & Development, Fay Hammond Executive Director Resources, Jennifer Lee Principal Asset Manager, Claire Johnson (Head of Governance, Scrutiny and Registration Services), Elizabeth Paraskeva, Principal Lawyer, James Wheeler, Interim Director of Property Harry Blake-Herbert (Governance Officer), and Petra Stephenson (Governance Officer)

Also Attending: Cllr Hannah Dyson (Call-in Lead), Cllr Nesil Caliskan`

1 WELCOME & APOLOGIES

The Chair, Margaret Greer welcomed everyone to the meeting.

The Chair explained the expectation of public conduct during the call-in.

The call-in lead Member, Cllr Hannah Dyson introduced herself.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

**3 DECISION CALLED-IN-KD5607- DECISION TO LEASE LAND AT
WHITEWEBBS PARK GOLF COURSE**

Overview & Scrutiny Committee were to consider the decision to proceed with the disposal (agreement for lease) for land at Whitewebbs Park Golf course and review the decision taken.

OVERVIEW & SCRUTINY COMMITTEE - 27.7.2023

Details of the decision taken and issued on 7 July 2023, were included on the Publication of Decision List No. 07/23-24. The report also set out officer responses to the reason for call-in.

The decision was called in for review by 8 Members of the Council; Councillors Hannah Dyson (Lead), Reece Fox, David Skelton, Lee Chamberlain, Alessandro Georgiou, Chris Joannides, Ruby Fox and Andrew Thorpe.

3.1 REASONS FOR AND OFFICER RESPONSE TO CALL-IN-KD5607-DECISION TO LEASE LAND AT WHITEWEBBS PARK GOLF COURSE

Reasons for the call-in received from eight Members of the Council were presented by Councillor Hannah Dyson, Lead Member for the decision.

3.2 ORIGINAL DECISION OF CALL-IN-KD5607-DECISION TO LEASE LAND AT WHITEWEBBS PARK GOLF COURSE

Councillor Hannah Dyson, Call-In Lead Member, summarised concerns /objections received by local resident groups and comments received via Whitewebbs Ward Councillors.

Councillor Dyson felt that the council should not proceed with the proposed lease for the following key reasons: lack of local support and consultation, the requirement to maintain open access to the parkland, a 90% miscalculation in initial calculations, the loss of a crucial hub for biodiversity and the decision is subject to ongoing legal action. The scale of public opposition has been made clear on numerous occasions and people feel ignored and un-consulted.

Particular points of contention were the inadequate notice during Christmas holidays, the lease terms were not made available even in draft form, so residents had little time to respond. Also, the lack of evidence to support claims of full public access or significant enhancements to the park, which are only indicative proposals with no legal contractual significance.

The Chair, Margaret Greer thanked the crowd for their attendance.

Officers and the Leader of the council were invited to respond.

The Leader, Cllr Nesil Caliskan thanked Councillors and public for the opportunity to address some of the points raised by the call-in Lead.

The Leader asserted that there had been a considerable amount of consultation and information shared, dating back to 2021. Whilst this call-in was about the lease process the Whitewebbs debate had gone on for several years.

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On the specific point of the notice for the proposed lease and notice going up on the site itself, Cllr Caliskan pointed out that alongside the site notice there was a notice in four hub, libraries, the civic centre and local press in conjunction with other public documents published online as part of the council reports. Crucially, there had been a local election in which the administration was very clear as to the intention for the site, decisions made by the administration are made in the interest of the whole borough and this decision is both a chance to enhance the whole ward and benefit all residents.

In terms of access to parkland and biodiversity the proposal will see 60% of the former golf course turned into parkland with better access to the woods.

In respect to the calculation of finances, all aspects of costs were included, overheads and capital costs are a cost to the local authority.

It was emphasised that the lease will only be completed if planning permission is granted and this is subject to planning committee agreeing the application.

The Chair thanked the leader and opened the floor for questions from members of the committee as follows:

Cllr Hockney began by referencing cases in other Local Authorities, where it was found that alternative uses of parks was found to be a breach of the parks act 1967 and questioned if these cases had been considered.

Principal Lawyer, Elizabeth Paraskeva confirmed there were no concerns as regards the cases referenced, and that correct and lawful action had been taken by the Council.

The Leader iterated the site had previously been commercially leased and reiterated that she is comfortable with the legal advice taken.

Sarah Cary, Executive Director Housing, Regeneration and Development also reminded members that there was a published officer's response which explained the procedure in which parks can be leased out.

Cllr Hockney continued and asked about the carbon footprint of the artificial pitches and how it fit with the councils Climate change strategy.

The Leader expressed that increased biodiversity is a net benefit. 60% of the golf course will benefit from rewilding plus additional investment in the woodlands will attract biodiversity. The weighting of the decision was not just about financial gain, there were several aspects including a net benefit to biodiversity and improvement to public access.

Officers addressed carbon emissions, noting there were a few objectives such as enhancing public access, community engagement, provision of refreshments and welfare facilities. There is no current assessment relating to the carbon emissions associated with the development. It will however be considered as part of the planning application.

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A series of questions were asked by Cllr Dalkaya relating to the history of the site.

The Leader stated that the lease of the golf course was a long-standing arrangement and not the only one in the borough. The site closed as it became unviable, so reverted back to Enfield.

This opportunity to secure additional investment for the site and whole park, would enhance the space meaning more people can use the site, it would provide the first women's football training ground in the UK. Overall, residents will benefit from the proposed lease of the site subject to the planning permission it will have to go through.

Sarah Cary, Executive Director, Housing, Regeneration and Development confirmed the golf course had been leased in the 1990's however the operator was not able to make the course viable and walked away. In 2019 Cabinet took the decision to remarket the site with a broader range of uses.

Fay Hammond, Executive Director - Resources responded to the financial question, affirming that the course was loss making and did not cover its costs. To modernise and make it more competitive substantial investment will be needed as originally noted in April 2021 in KD 5517. This current proposal increases income to the council with the additional business rates generated, so is more financially favourable than the previous arrangement.

Cllr Rye questioned why the report suggests that only 18% of the area is shut off, which is misleading as the whole site has been available to date, so sought confirmation that the whole site would be open to the public.

The Leader responded by clarifying the figures, the 82% referred to includes the whole park, the woodlands and the golf course, a third of the golf course will be a training camp. This investment means additional accessibility for more people.

Cllr Rye followed by addressing the issue of the notices.

Cllr Caliskan stressed that the council went over and above the statutory consultation period. Although not everyone agrees with the decision and will always want more consultations the fact that members of the public have expressed their views through Councillors shows adequate consultation.

Officers added that the day the notices went up the park was covered in snow. The choice was taken to put it on a building owned by the council, visible and to go above and beyond by having a sign in the park as the plan was to only have it in the paper as that is all that is required.

The Chair interjected stating it should be taken on board that with the snow mentioned it would have been difficult for people to have seen the notice and accept that there was some disquiet about how notice was given, even though

OVERVIEW & SCRUTINY COMMITTEE - 27.7.2023

the administration was trying to adhere to the process. Although it is a little disingenuous to talk about “the toilet” because there were other places that it was shown, libraries and accessible buildings.

Cllr Rye posed his final question around proposals in the lease which suggest Tottenham will control all entrances to the park except for Flash Lane.

The Chair clarified that there is a plan in progress, there were discussions around public access and that there will be an expectation of access.

The Leader reiterated the Chair's point, asserting as part of the planning process, there would be consideration as regards adequacy of public access ensuring compliance with equalities requirements and this would be the expectation from the administration. Secondly, it was stipulated as part of the marketing exercise that there should be investment in the café and toilets, which should provide some reassurance that access is permitted.

Cllr Ali, sought clarification on the lease area and further explanation on how Tottenham Hotspur compared to others during the bidding process.

In response, Officers referenced published KD5517 and gave a summary; primarily Tottenham Hotspur were the 3rd highest bidder financially but offered a wider range of uses.

Cllr Alexandrou questioned how many letters were sent to residents prior to the leasing of the park, and who will be monitoring the formal paths and toilets in the parks?

The Leader stipulated that a new café and toilets which are accessible and available to the public were a requirement and reiterated there were a series of notices. Letters were posted through doors to properties adjacent to the park and more recently a letter to everyone in Whitewebbs. Cllr Caliskan reminded the committee that the call-in was about a notice not a consultation. Further there will be an additional statutory process in respect of the proposed planning application.

Cllr Mahmut Aksanoglu, Vice Chair followed by asking if a decision had been made on how the finances will be spent?

The Leader explained no assumptions have been made in the budget position as the lease has not been granted nor gone through the planning process. Instead, clear commitments to the residents across the borough have been made and income will be used in part to fund grass route activities.

Cllr Mahmut Aksanoglu also enquired how long the golf club made a loss for?

The Leader responded that a loss was made for the last five years whilst under the councils control, however it was never viable.

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Reassurance was sought from the Vice Chair that Tottenham Hotspur will consult and work with residents if the park is leased and would take the points made at the OSC meeting onboard and address concerns.

Cllr Kate Anolue stated that a football academy for girls sounds very exciting but how will this benefit residents?

Sarah Cary articulated that it was a positive thing for the borough as a regional and national facility, other socio-economic benefits will be discussed including investments in the park and bringing wider benefits to local residents.

The Leader added that the marketing process had given confidence to the investment. There are several golf courses in the borough but no women's training academy

The Chair invited Cllr Dyson to ask any further questions which she declined.

The Leader gave further assurances that the proposal was for an agreement to lease and the lease itself would not be granted without planning permission.

The Chair specified that two more questions would be taken.

Cllr Rye referenced page 9 of the call in, to ask about grass roots football for girls and how it will benefit school children as there were no details provided.

Sarah Cary informed that the bid was on the basis of a specific women's regional training facility. There are wider benefits to the borough in terms of improvements to the park, better toilets and café, improving biodiversity and the pathways which was the purpose of the marketing. It was always proposed to be a training facility and not a pop-in centre.

Cllr Rye expressed that he was happy with the response, but it was not quite what was spoken about under point 9 when it talks about grass roots footballers which would mean opportunities for people to play football in/for Enfield.

The Leader underlined that planning committee could consider the adequacy of the social benefits as part of the planning application process. This will provide an opportunity for further reassurance from the applicant that they will add more benefits to the borough.

Cllr Ali concluded the questions by asking in terms of accessibility, if the proposal goes ahead what about wheelchair users?

The Leader assured all future proposals go over and above the legal responsibility of the Equalities act to ensure everyone has access to our green spaces. In respect of the point on disability, The Chair drew attention to the equality impact assessment on page 65 where it talks about mitigation and provides action that the council is duty bound to take.

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The Chair motioned/proposed to move to Part 2 and asked for a seconder. Cllr Rye seconded the move to Part 2.

The public and press were excused.

4 DATES OF FUTURE MEETINGS

The next business meeting would be 14th September 2023.

5 ORIGINAL DECISION OF CALL-IN-KD5607 - DECISION TO LEASE LAND AT WHITEWEBBS PARK

The Call-In Lead, Hannah Dyson, summarised the points made during the discussion and called for the residents to be listened to and the decision referred back to Cabinet so concerns could be adequately addressed.

The Chair, Cllr Greer summarised the discussion and asked Committee Members to decide upon the three options available to them.

The Committee AGREED to confirm the original decision made by The Leader, Cllr Caliskan.

Cllr Greer thanked the public, members and officers for their time and consideration.

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London Borough of Enfield

Report Title	<i>Overview of Complaints Process</i>
Report to	<i>Overview & Scrutiny Committee</i>
Date of Meeting	<i>14th November 2023</i>
Cabinet Member	<i>Cllr Tim Leaver</i>
Executive Director / Director	<i>Simon Pollock, Executive Director of Environment & Communities</i>
Report Author	<i>Eleanor Brown, Director of Customer & Communications (acting)</i>
Ward(s) affected	<i>All</i>
Classification	<i>Part 1 Public</i>
Reason for exemption	<i>N/A</i>

Purpose of Report

1. This report is in response to the Overview & Scrutiny Committee's request to understand Enfield Council's complaint handling process. It covers corporate, statutory (social care) and Ombudsmen complaints.
2. It concludes with an example demonstrating how complaint learning is used to improve services, resulting in complaint reduction over time.

Main Considerations for the Panel

3. Enfield Council handles two main types of complaint categories – corporate and statutory social care. All have different handling processes and those for social care are based on legislative requirements.
4. When a complainant is dissatisfied with the Council's response, they can escalate their complaint to the relevant Ombudsman.

5. A key feature of complaint handling is using learning to improve services, such as the recent example relating to waste services and reducing missed bin collections.

Background and Options

6. Complaints submitted to Enfield Council are handled under two broad types: corporate and statutory complaints. Statutory complaints are those regarding children and adult social care (each have slightly different handling processes and legislation). Corporate complaints are all other complaints about services run by the Council.
7. For both types, if the complainant remains unhappy with the Council's final response, they can escalate this to the Ombudsman for independent review. There are two such organisations: Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS). The latter deals with social housing complaints, whilst the former all other types of complaints regarding local authority services.
8. A complaint can be wide-ranging but is broadly defined as an expression of dissatisfaction with a service provided, or lack of action by the Council or its staff which requires a response.
9. Complaints can be submitted by anyone who is affected by the Council failing to do something we should have done or doing something to an unsatisfactory standard. Complainants can also ask someone to complain on their behalf (e.g. relative, carer or friend)
10. Complaints can be submitted in various formats including via our website¹, telephone, email and by post.
11. Upon receipt, complaints are assessed and distributed to services by the Council's Complaints & Access to Information Service (within Environment & Communities Department). The team's role is to support services with their responses; provided guidance where necessary; deliver corporate complaints handling training; and conduct regular corporate performance reporting to drive performance improvement and a complaints learning culture across the organisation. Additionally, a dedicated Council Housing complaints team exists within the Housing & Regeneration department.
12. Although processes and performance targets vary depending on the complaint type, all complaint responses record whether the complaint is upheld, partially upheld, or not upheld and why.
13. The next sections of the report outline the complaint handling processes for corporate, statutory and Ombudsmen complaints. The final section concludes with an illustration of how complaints learning is used to improve service performance and ultimately reduce customer complaints.

Corporate Complaints

¹ <https://www.enfield.gov.uk/contact-us/are-you-unhappy-with-something/make-a-formal-complaint>

14. Generally, issues brought to the Council for the first time are dealt with as a service request and are not processed as a complaint. However, these are escalated to a formal complaint if the resident/customer remains unsatisfied.
15. Enfield Council has a two stage complaints process:
 - **First Stage:** We aim to resolve the complaint as soon as possible and within 10 working days of acknowledgement.
 - **Final Stage:** If a complainant is unsatisfied with the response, they can escalate their complaint to the final stage for further consideration. The first stage response is reviewed by a senior manager to determine whether the response satisfactorily addressed the issues raised by the complainant. We aim to provide a response within 30 working days. If the complainant remains dissatisfied, they can escalate their complaint to the relevant Ombudsman.
16. To measure performance, the Council measures how many first stage complaints are answered on time. The Key Performance Indicator (KPI) target for this is 95% within 10 working days. For final stage complaints, the KPI is 95% within 30 working days.
17. During the Covid-19 pandemic, like many local authorities, the first stage metric was reduced to 95% within 20 working days. However, during 2022/23, this was reverted back to 10 working days.
18. Upon final stage completion if the complainant remains dissatisfied, they have the right to escalate their complaint to the relevant Ombudsman, who conduct an independent review.
19. In addition to providing services with support and advice when responding to complaints, the Complaints & Access to Information Service also produce a variety of operational and performance reports designed to improve service delivery and customer experience.
20. Weekly departmental reports are circulated to Executive Directors, Directors, Heads of Service and responding officers to increase on time performance rates. Departmental Management Teams receive updates regarding their complaints performance and learning as well as quarterly KPI results.
21. Corporate KPI performance is also included in the Council's Quarterly Performance Reports.
22. The Council's Corporate Complaints Annual Performance Report covers multiple performance areas such as volume, KPI outcomes, improvement learning and yearly trends. This is reviewed by the Council's Assurance Board (corporate governance board chaired by Chief Executive) and then presented to the General Purposes Committee (GPC). The report is

subsequently published on the Council's website² alongside the remaining annual complaint reports.

23. Additionally, the Complaints team support services to identify learning from their complaints and track their progress with implementing these improvements throughout the year. Progress is reported to the Council's Assurance Board and available to scrutiny committees.

Children's Social Care Statutory Complaints

24. The Children's Act 1989 Representation Procedure (England) Regulations 2006 requires all local authorities to maintain a formal complaint handling process for children's social care. This 3-stage process is designed to ensure concerns raised by children, young people, their parents or carers are resolved swiftly, and learning informs future service provision.
25. Further refining the definition of a complaint in para 5, for children's social care the Act's description is "*A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response*".
26. Complaints can be made by a wide range of children including a child/young person (or their parent/someone who has parental responsibility), a foster carer, children leaving care, special guardians, a child/young person who may be adopted, people wishing to adopt a child.
27. As per the Act, Enfield Council handles children's social care statutory complaints using a three stage process:
- **Stage 1 – Local Resolution:** This is the most important stage of the process. Our aim is to resolve as many complaints as possible through quality and timely responses, reducing the need for further stages. Service managers provide a written response to complainants within 10 working days. This can be extended to 20 working days if the complaint involves complex matters, or to allow for appointing an advocate where a vulnerable person is involved.
 - **Stage 2 – Independent Investigation:** When the complainant is dissatisfied with the Stage 1 response, they can request a Stage 2 investigation. The investigation is conducted by an external investigating officer with an independent person who oversees the fairness and transparency of the investigation process. The findings from the investigation and any recommendations are set out in a report which is then adjudicated by the Director of Children's Services. The timescales for responding to a complaint at stage 2 is 25 working days, with an extension of up to 65 working days for complex cases.
 - **Stage 3 – Independent Review Panel:** This is the concluding stage of the Council's complaints procedure when the complainant remains

² <https://www.enfield.gov.uk/services/your-council/annual-complaints-reports>

dissatisfied with the responses at Stages 1 & 2. The Council is required to establish an independent Complaints Review Panel. The hearing should take place within 30 working days of the request and is made up of three people, all independent to the local authority. The complainant has the opportunity to present their case to the panel alongside the Council. The Chair of the Panel communicates the panel's decision to the complainant and Director of Children's Services within five working days of the panel hearing and the Director must respond to the complainant within 15 working days.

28. If the complainant is not satisfied with the outcome of the Independent Review Panel, they have the right to take their complaint to the Local Government and Social Care Ombudsman (LGSCO).
29. In addition to supporting Children's Social Care services when handling these complaints and organising the various external panels, Complaints & Access to Information Service provide weekly complaint reports to the People Departmental Management Team as well as quarterly performance and learning reports to the Children's Social Care Director and senior management team.
30. The statutory annual complaints report is also produced and approved by the People Departmental Management Team and Children's Scrutiny Committee before it is published on the Council's annual complaints webpage.

Adult Social Care Statutory Complaints

31. The Adult Social Care statutory complaints process is comprised of one stage. The regulations stipulate that all complaints must be responded to, in writing, within six months of receiving the complaint. However, Enfield Council aims to complete our complaint responses within 20 working days, which is similar to many local authorities.
32. Complaints can be made by anyone who has received, is currently receiving, or is seeking an adult social care service from Enfield Council. A family member, carer or formal representative may also complain on a service user's behalf.
33. Services provided by an external provider acting on the Council's behalf are also included. In such instances, complaints can be submitted directly to the provider or the Council.
34. If the complainant remains dissatisfied with the Council's response, they have the right to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).
35. In addition to supporting Adult Social Care service when handling these complaints, the Complaints & Access to Information Service provide weekly complaint reports to the People Departmental Management Team as well as quarterly performance and learning reports to the Adult Social Care Director and senior management team.

36. The statutory annual complaints report is also produced and approved by the People Departmental Management Team and Health & Adult Social Care Scrutiny Committee before it is published on the Council's annual complaints webpage. Since last year, an easy-read version of the report is also available online.

Ombudsmen (LGSCO)

37. Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS) are independent organisations providing impartial reviews of residents' complaints (poor service, failure to provide a service and maladministration). Whilst most complaints come under the LGSCO's remit, HOS deals with most social housing related complaints.

38. As some social housing related complaints fall under the LGSCO rather than HOS, the below table summarises the split between the two ombudsmen for social housing complaints:

LGSCO	HOS
<ul style="list-style-type: none"> - Housing allocations - Homelessness - General housing advice - Housing benefit - Housing improvement grants - Antisocial behaviour (<i>falling outside of social landlord remit</i>) - Noise nuisance (<i>reports of statutory noise and other nuisance to environmental health services</i>) - Sale or disposal of land on housing estates - Planning and building control at properties owned by a social landlord - Adult social care (<i>delivered by registered social landlords</i>) 	<ul style="list-style-type: none"> - Leasehold services - Moving to a property - Rent and service charges - Occupancy rights - Property condition – repairs & improvements - Tenant behaviour - Estate management - Complaint handling - Compensation

39. In most cases, the Ombudsmen will normally only consider complaints if the complainant has exhausted the Council's internal complaint procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

40. There are 2 stages for Ombudsmen complaints:

- **Preliminary Enquiry:** Ombudsman requests original complaint and LBE responses (first and final stages). Depending on their findings they may decide to investigate the complaint further.

- **Investigation Request:** Ombudsman conducts investigation (often escalation from Preliminary Enquiry stage) resulting in Ombudsman final decision and any remedial actions for Council etc.
41. In terms of response time, this is set by the Ombudsmen. However, the Council does have the opportunity to time agree extensions where cases are particularly complex.
42. The Ombudsmen are important because they are the 'end-of-the-line'; when a complainant remains dissatisfied with how the Council has handled their complaint. They make the final decision bringing closure to the complaint. The LGSCO routinely publishes all its decisions on its website. There are no requirements for councils to publish the decisions themselves.
43. The consequences for the Council if we fail to cooperate, respond, implement actions etc. are serious threatening both how we operate as an organisation and our reputation. There are three possible outcomes for LGSCO:
- **Witness Summons:** Council's Chief Executive is summoned to Court
 - **Public Interest Report (PIR):** Ombudsman actively publishes the findings of their report, e.g. to local and national media; Enfield Council must publicly publish the report and officers are held to account by Cabinet
 - **Complaint:** Ombudsman opens a new investigation against the Council for non-compliance with agreed actions which can result in additional financial compensation to the complainant
44. The HOS has one failure outcome:
- **Complaint handling failure order:** the Council is legally required to comply with the Ombudsman's instructions. The HOS publicises Failure Orders it issues every quarter, naming the Councils whom have received them.
45. The Complaints & Access to Information Service oversee communications and stakeholder management between Enfield Council and the Ombudsmen. The service produce weekly Ombudsmen performance reports shared with Chief Executive, Executive Directors, Directors, Heads of Service and responding officers to support timely responses, oversee action implementation and provide evidence to the Ombudsmen accordingly.
46. Both Ombudsmen produce and public annual performance reports which are available on their websites and sent to the Council's Chief Executive. Enfield Council's corporate and statutory complaints annual performance reports includes summary of those findings as part of the performance analysis.

47. During 2023, the LGSCO and HOS developed a joint Complaints Handling Code, to standardise the expectations on local authority complaints processes from each Ombudsman.
48. The Code is currently out for consultation. Enfield Council has been invited to comment along with all other authorities as well as the Local Government Association. The consultation response is due by 23rd November 2023. The Council's response will be approved by the Chief Executive and Portfolio Holder.
49. The Ombudsmen currently expect to publish the final Code and associated guidance in February 2024. The HOS will make the Code statutory from 1st April 2024, therefore in practical terms Enfield Council will need to be compliant from this date.
50. The joint code would not apply to statutory social care complaints, as the process for these is determined within primary legislation.

Complaints Learning Case Study – Repeat Missed Bin Collections

51. During 2021/22 complaints analysis for waste services identified a growing increase in missed bin collection complaints over a three-year period.
52. Changes to collection frequency, introduction of paid garden waste collections, and challenges to service delivery during the pandemic contributed towards these volumes. For example, customers expectations were higher regarding paid collections; when missed, fortnightly collections left residents with full bins for longer compared to weekly collections.
53. However, many complaints related to repeat missed collections over long time periods the cause of which was unknown. Consequently, a transformation project was established to understand what was happening, why and how to resolve it. This was a multi-disciplinary team involving waste services, customer services, transformation and digital services. The complaints data was triangulated with other qualitative and quantitative data to identify the root cause and design solutions to address this. The project also designed and implemented other solutions to improve the customer experience for refuse collections.
54. In summary the issues were:
 - Lack of data visibility and therefore restricted ability to identify areas experiencing repeat missed collections and implement solutions.
 - Crew supervisors had limited opportunities to shadow crews and conduct site visits (e.g. identify cause of repeat missed collections) as lack of process automation created additional manual work
 - Crew reporting and supervisor review of daily collection records were all manual and therefore time consuming. Waste vehicle technology designed to ensure real-time reporting from crews to contact centre was not widely used by crews.

- Contact centre didn't have access to key back-office thereby reducing their visibility of issues and lack of accurate information to address customers' missed bin reports.
- LBE webpage and information was difficult to navigate and understand.
- Lack of consistent understanding and visibility of the collection policy
- High reliance on agency staff (particularly during Covid-19) who didn't apply the policy consistently when collecting bins causing confusion with residents.
- Traffic and congestion on main road networks meant crews were unable to finish rounds.
- IT issues between systems generated unintended bulky waste collections.
- Customer feedback and 'voice' was not central to the problem identification and solution design process. Customers didn't feel listened to.

55. The findings informed a number of process, people and technology improvements to the refuse collection service:

- Fewer repeat missed collections.
- Customers no longer need to call multiple times to report a missed bin. Call agents can now handle the enquiry, regardless of the time the customer calls.
- Real time information why customers' bins are not collected. Call agents are more knowledgeable about what has gone wrong and how to fix it when handling customer enquiries and complaints.
- Fewer bulky waste missed collections.
- Customers now have the opportunity to share feedback face to face with Enfield Council

56. As a consequence of these improvements:

- Repeat missed bin complaints are at all time low falling from 49 monthly average in 2021 to 9 monthly average in 2023.
- Increased customer satisfaction with how we've handled and resolved missed bin collections with overall increase in meeting customer expectations increasing by 3% from Q1 to Q2 in 2023/24 June to July 23
- Fewer customers are calling us multiple times to report a missed bin – reduced failure demand. In 2021/22 we received 1,907 avoidable customer calls. Since removal of 4pm rule in Nov 22, during 22/23 this dropped to 1,275.
- Missed bin MEQs are decreasing. The monthly average between Jan 22 to Sept 22 and Jan – Sept 23 has fallen by 40% from 15 to 9 per month respectively. Although there have been some peaks and troughs over the past 9 months.
- Since Oct 22 to Sept 23:
 - o Repeat missed bin collections (all waste streams) has reduced from 401 to 271.
 - o Repeat missed garden waste collections have reduced from 64 to 23.
 - o Quarterly number of missed bin collections have reduced from 4,650 (0.19%) to 2,922 (0.12%)
 - o Quarterly garden waste missed bin collections have reduced from 729 (0.38%) to 415 (0.22%)

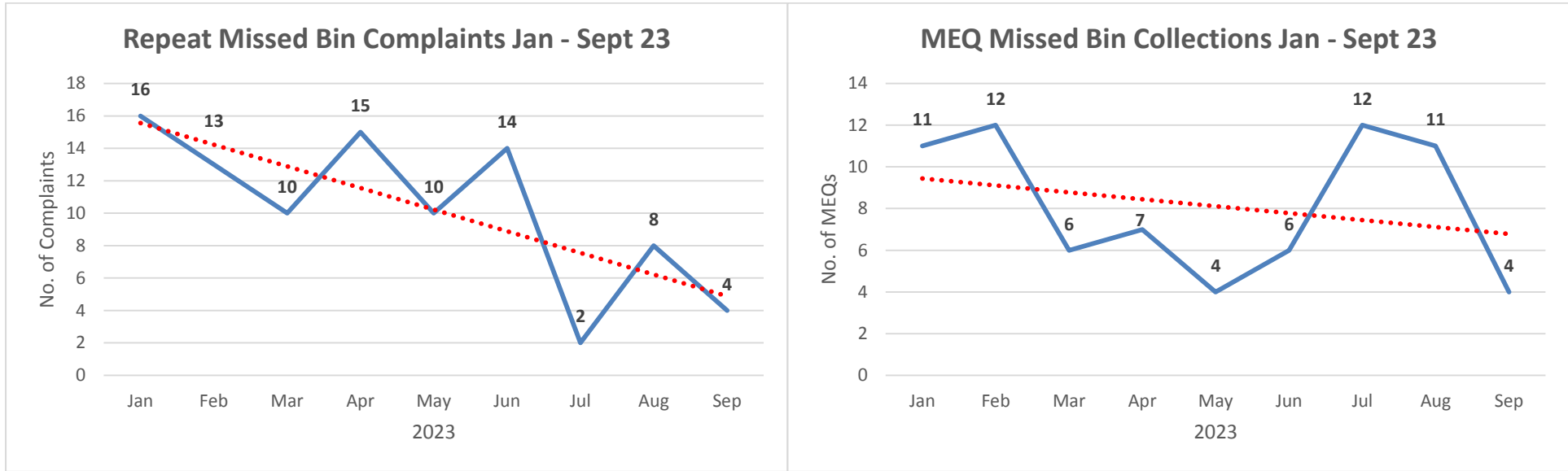
57. Graphs displaying these statistics visually are available in the appendix.

Relevance to Council Plans and Strategies

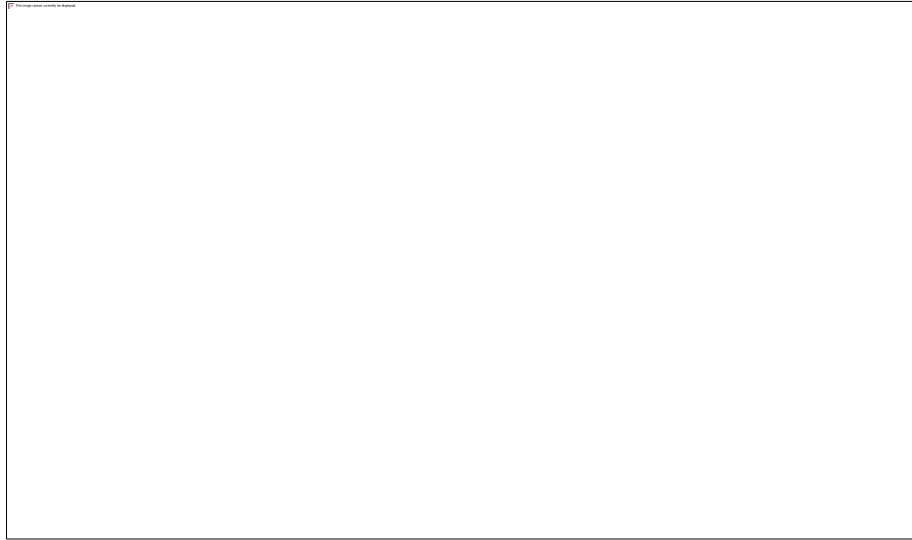
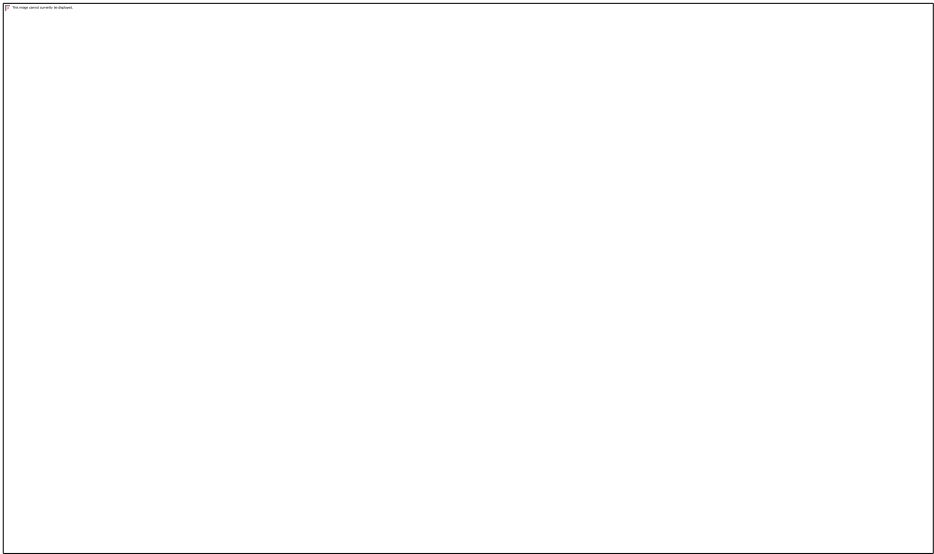
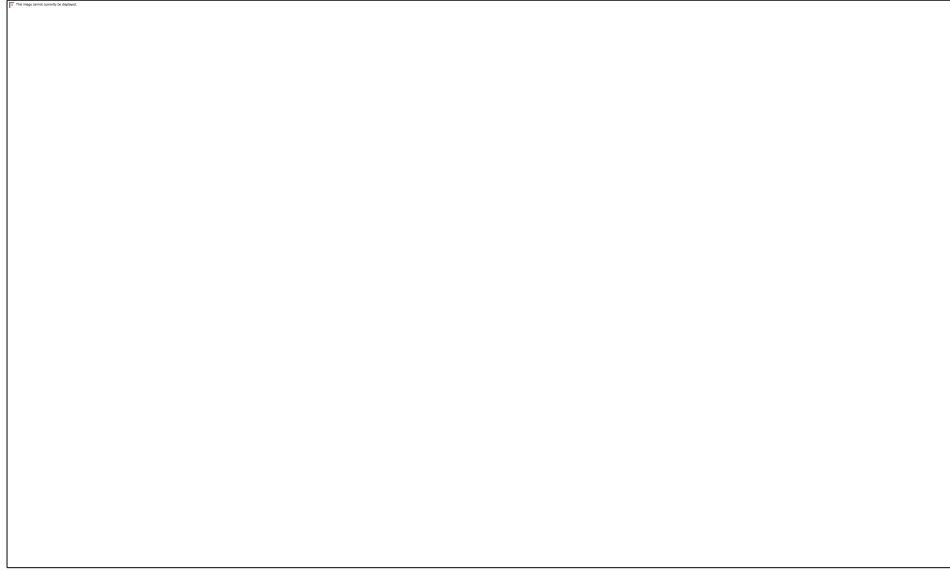
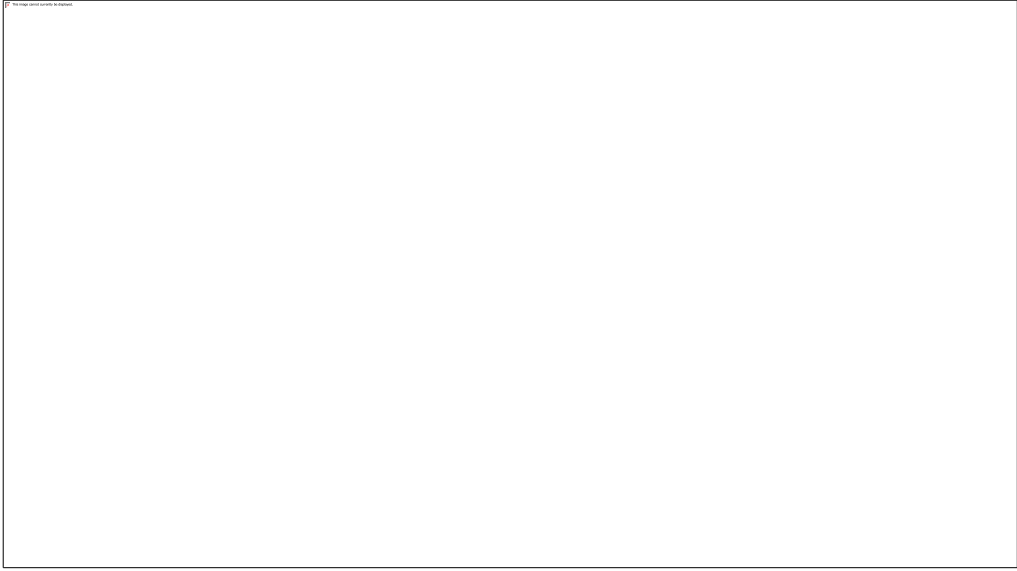
58. Complaints incoming to the Council indicate where the Council is not achieving its plan and vision, or where its strategy has not had the desired effect on the resident experience. Complaints learning provides an opportunity to support actions plans designed to improve service delivery where quality levels currently do not meet those which the Council aspires to.

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Appendix: Performance Data for Para 50



Rubbish & Recycling Telephony Customer Satisfaction Ratings (Govmetric)	Q1 2023/24	Q2 2023/24
Overall expectations met	67%	70%
Agent knowledgeable	69%	73%
Agent understood issue	71%	73%
Agent professional & courteous	70%	72%



Background Papers

- Corporate Complaints Policy:
https://www.enfield.gov.uk/_data/assets/pdf_file/0015/4407/corporate-complaints-policy-your-council.pdf
- Adult Social Care Complaints Policy:
<https://mylife.enfield.gov.uk/media/37287/adults-social-care-complaints-policy-november-2022.pdf>
- Children's Social Care Services: Comments, Compliments and Complaints Policy: https://www.enfield.gov.uk/_data/assets/pdf_file/0012/6510/children-and-education-information-comments-compliments-and-complaints.pdf

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2023- 2024 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME - Draft

Date of meeting	Topic	Report Author	Lead Members	Executive Director/Director	Reason for proposal
21 Jun 2023	Work Planning	Claire Johnson	Cllr Margaret Greer – OSC Chair	Terry Osborne	To agree and set the OSC Work Programme 2023/24
14 September 2023	Scrutiny Annual Work Programmes 2023/24	Claire Johnson	Cllr Margaret Greer- OSC Chair	Terry Osborne	The Committee will note and agree the work programmes for the scrutiny panels for approval at Council
	Review of Leisure Provision in the Borough	Matthew Watts	Cllr Chinelo Anyanwu	Simon Pollock Cheryl Headon	The Panel have requested an update following this item coming to OSC on 09/05/23
14 November 2023	Operational/Organisational Development (particular focus on Customer Services/Digital Services, MEQs & Complaints)	Brendan McGeough Lee Shelsher Laura Martins	Cllr Ergin Erbil	Fay Hammond Paul Neville	Discussed & agreed at work planning to be examined in depth
	Clinical Commissioning- ICB	Deborah McBeal	ICB Lead- Deborah McBeal	Deborah McBeal	The panel have requested an update following the recent ICB restructure and how this will affect the LA *Potential area of duplication with Health Panel*
15 January 2024	Budget consultation for members of the Committee	Fay Hammond Kevin	Cllr Tim Leaver	Fay Hammond Kevin Bartle	Item goes to OSC as part of the formal Budget process

		Bartle			
06 February 2024	Fairer Enfield Policy 2021-2025 (with a particular focus on Equality, Diversity & Inclusion)	Shaun Rogan Harriet Potemkin	Cllr Ergin Erbil	Tinu Olowe	Update to the Committee
	Fly Tipping (with a particular focus on enforcement)	Jon Sharkey	Cllr Rick Jewell	Doug Wilkinson	Update to the Committee <i>*Area of duplication with Environment Panel*</i>
04 March 2024	Peer Review	Shaun Rogan Harriet Potemkin	Cllr Ergin Erbil	Tinu Olowe	Update to the Committee on recommendations & action plan following a Council review

Note: OSC Provisional call-in dates: 18 September 2023, 16 October 2023, 6 November 2023, 11 December 2023, 29 January 2024, 19 February 2024, 25 March 2023. Used for pre-decision scrutiny and call-ins.

*Youth Parliament to be invited to all OSC Business meetings