

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON TUESDAY, 23 JULY 2019**

COUNCILLORS

PRESENT Tolga Aramaz, Sinan Boztas, Achilleas Georgiou, Edward Smith and Lee David-Sanders.

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

OFFICERS: Jayne Middleton- Albooye (Head of Legal Services)
Dionne Grant (Complaints & Access to Information Manager)
Andy Ellis (Scrutiny Officer)
Elaine Huckell (Scrutiny Secretary)

178

WELCOME & APOLOGIES

Councillor Erbil welcomed all attendees to the meeting. Apologies had been received from Councillor Bernadette Lappage. Councillor Pite was substituting for Councillor Lappage.

179

DECLARATIONS OF INTEREST

There were no declarations of interest.

180

COMPLAINTS AND INFORMATION ANNUAL UPDATE

The Committee received reports from Dionne Grant (Complaints & Access to Information Manager) on the following-

- Adults Statutory Complaints Annual Report 2018-19
- Children's Statutory Complaints Annual Report 2018-19 and
- Corporate Annual Complaints and Information Report 2018-19

Adults Statutory Complaints Annual Report 2018-19 -

The following was highlighted:

1. There is a statutory duty for an annual report to be prepared for complaints made under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the Regulations).
2. The team have resolved more issues at the early resolution stage. 56 concerns were resolved locally, an increase from 36 resolved locally last year.

OVERVIEW & SCRUTINY COMMITTEE - 23.7.2019

3. There has been an increase in formal complaints with 53 completed this year compared to 43, the previous year.
4. Although the volume of complaints had risen, fewer were being upheld, 34% of complaints upheld this year compared to 40% last year. 91% of formal complaints were responded to within the required timescale compared to 73% last year.
5. There were 14 enquiries from Local Government and Social Care Ombudsman (LGSCO) which was a slight increase from 12 the previous year.
6. Compliments had been received for the service, with 40 this year compared to 14 the previous year.

The following issues were raised-

- The LGSCO contacted the Council regarding 14 cases concerning adult care services, five cases resulted in a full investigation and four of those cases were upheld. It was asked what was meant by 'upheld'. A response was given that where the Ombudsman has found that a fault has been made, they will make recommendations which we would agree and implement.
- That we had not received any cross-boundary cases (for example with Haringey), if there had, they would be included in the figures.
- It was noted that there had been a slight increase in the number of formal complaints from last year, although this equated to only 0.75% of those receiving statutory Adult Social Care support. In answer to a question about the main issues of complaint it was confirmed that the main areas related to financial and social care assessments. In terms of the teams – the Hospitals/ Enablement/ Access/ OT had the largest number of formal complaints with 26 complaints completed.
- There are action plans in place to ensure teams can learn from ombudsman findings. It was suggested that it would be useful to have further details on the four ombudsman complaints which had been upheld so that comparisons could be made and to find out what had been learnt from these cases.
- It was noted that all complaints come to the Central Complaints team, follow up work/ action plans are prepared and details relating to cases are reported to the Departmental Management Team (DMT) and Executive Management Team (EMT).
- It would be useful to be able to see a breakdown of complaints under the service areas, in the same way as compliments had been shown in a table in the report. From the four ombudsman complaints that had been upheld, it was not possible to see which areas were having problems. A potted history of the four cases would have been useful. It was also mentioned later that it would be useful to know if the four cases had all come from the same team.
- There appeared to be two key issues - the compiling of complaints figures to enable conclusions to be reached and to look at complaints upheld by the Ombudsman. It is understood that this may involve personal data that could not be included in a report but which the Cabinet Member for Health and Social Care and the

OVERVIEW & SCRUTINY COMMITTEE - 23.7.2019

Director of Health & Adult Social Care would be aware of. Dionne explained a log was kept of what has been learnt from cases and this information is sent to EMT. Details are analysed on a monthly and quarterly basis.

- It was explained that the Ombudsman would only examine a complaint once the Council had already provided a reply to the complainant.
- Dionne confirmed that the team acts as a critical friend of the services involved.

Children's Statutory Complaints Annual Report 2018-19

The following was highlighted:

1. There is a statutory duty that an annual report must be produced for complaints made under the Children Act 1989 Representations Procedure (England) Regulations 2006.
2. Complaints continue to be resolved as part of early resolution; 16 concerns were resolved locally this year compared to 18 last year.
3. There had been a slight increase in the number of formal complaints - 43 were completed this year compared to 33 for last year.
4. Less complaints were being upheld – 28% of complaints were upheld this year compared to 39% for last year.
5. 81.4% of formal complaints were completed within the timescale, an increase from 78.8% for last year. The team is looking to increase this to 90% for next year.
6. The LGSCO contacted the Council regarding three cases of which two were referred to the Council to investigate.
7. Feedback from complaints is used for organisational learning, reports on complaint themes and actions taken are presented to senior managers.
8. 55 compliments had been received.

The following issues were raised:

- It was asked why the complaints process appears to be different for the Children's service and an answer was given that this is defined by legislation.
- It was noted that there was a lower number of Ombudsman complaints under Children Social Care compared to other services.
- There is a three-stage escalation process under the statutory complaints' procedure. Independent members would review a complaint during the second and third stages of the process. Therefore, a lot of time would have already been spent investigating a complaint through the three-stage process before being considered by the Ombudsman.
- It was asked if family members are updated on their complaint and it was answered that customers are kept informed throughout the process.
- It was asked why the number of complaints given in page 14- Figure 1: Breakdown of formal complaints issues = 43, compared to those in Table 1 : Breakdown of Children social care stage 1 complaints by

OVERVIEW & SCRUTINY COMMITTEE - 23.7.2019

team = 39. An answer was given that Figure 1 also includes Stage 2 and Stage 3 complaints.

- Ethnicity data is given in the report for the 72 children/ young people who were subjects of the complaints made, although none had been given in the report for adults. It was queried whether benchmarking was being done on this with other local authorities.

Corporate Annual Complaints and Information Report 2018-19

The following was highlighted:

1. Complaints continue to be resolved as part of early resolution 2131 concerns were resolved locally, compared to 2114 last year.
2. Of the 450 formal complaints for the year, 65.6% had been resolved within the timescale compared to last year when 65.4% of the 451 formal complaints had been resolved within the timescale. The aim for the future is to have a 90% response rate within the timescale.
3. The number of LGSCO and Housing Ombudsman (HO) cases has significantly increased from last year, with 87 LGSCO cases and 36 (HO) cases for the year compared to 67 LGSCO cases and 10 (HO) cases for last year.
4. The report includes Information requests for the year as follows–
Subject Access Requests (SARs) – 103
Freedom of Information Requests (FOI) - 1485
Member Enquiries (MEQ)– 6432
5. It was noted that 38% of the final stage corporate complaints were upheld and 24.4% of all ombudsman cases were upheld.
6. Priorities for the year ahead are given in the report. It was noted that there had been a separation for the service into two team structures – Complaints and Information team (dealing specifically with complaints, FOIs and SARs) and MEQ team dealing specifically with all Member Enquiries.

The following issues were raised:

- The different complaints processes were explained. The Adult Social Care process has one formal stage. There are three stages to the Children's Social Care Services with independent investigation at stage 2 and stage 3. The Corporate Complaints and Information overall has large numbers of complaints resolved at the early resolution stage there is then a formal complaints stage and a final stage.
- A question was asked about how we can ensure sufficient, resources are available for the team to provide a good service? In answer to this Jayne Middleton- Albooye referred to the recent restructure undertaken to separate the service into two teams. She also mentioned that we would concentrate on improving the turnaround of Freedom of Information requests (FOI) and said more training would be undertaken.
- Confirmation was given that the development plan for 2019/20 differs from that for previous years.
- The need to ensure we follow GDPR (general data protection regulation) rules. EMT look at details every 3 months. Confirmation that there has been a significant increase in the number of FOI

OVERVIEW & SCRUTINY COMMITTEE - 23.7.2019

requests – 1485 compared to 1318 for the previous year, SAR's up from 82 to 103 for this year and Members Enquiries increase from 5574 last year to 6432 for this year.

- It was suggested that a breakdown showing which departments the 450 formal complaints for the year related to would be useful. It was noted that the team would have the ability to provide more detailed information in future.
- It was confirmed that the complaints shown would include a resident's complaint about a service, but it would not include a complaint about a Councillor as this would be dealt with under the Councillor Conduct Committee.
- It was thought the detailed information requested would provide information to show if a service was 'struggling'. However, it would not be possible to change the complaints process for Adult Social Care and Children's Services as set legislation must be followed. Members were reminded that with formal complaints relating to Children's services - 'in depth' investigations would be carried out. It was suggested that it may be possible for more 'benchmarking' to be done.
- Early resolution of complaints was applauded, and it was suggested that we may wish to look in more detail at those areas which under a health and safety responsibility may be considered as 'near misses' the equivalent terminology for complaints may be a useful way to look at areas that may be of future concern.
- It would be helpful if the response times for answering complaints could be included in the report.

Jayne Middleton- Albooye and Dionne Grant were thanked for their reports.

AGREED: That a breakdown of formal complaints under service areas are provided in future which should include response times.

181

MINUTES OF MEETING 18 JUNE 2019

The minutes of the 18 June 2019 be confirmed with the additional comments below, requested by Councillor Aramaz -

Minute 98 – Meridian Water Strategic Infrastructure – Contractor Procurement HIF – Non-Rail

One of the issues raised during discussion was-

“Members questioned what would happen if the Council is unsuccessful in its bid or secures a materially lower amount of HIF funding than requested”

Councillor Aramaz requested that the following be included -

“there is emphasis of this being risky, that it is an accelerated approach and that we may not get the HIF funding”.

He also requested that where there is reference to -

OVERVIEW & SCRUTINY COMMITTEE - 23.7.2019

“The multiple supplier framework approach is suitable for the scope of works given that the funding, the exact design and the land acquisition will not have been confirmed at the point of procurement”

There should also be reference to the following-

“We should ensure that a secondary bidder is also considered and meets all requirements, should appointment of the first bidder be unsuccessful”

182

WORK PROGRAMME 2019/20

RECEIVED a copy of the work programme for 2019/20

- Cabinet Members would be invited to attend future meetings of Overview and Scrutiny Committee to provide updates of their work/priorities for their areas
- The SEND places strategy report which was due to be considered at this meeting but would now go to the OSC meeting in February 2020.
- ACMs (Associated Cabinet Members) – At the last meeting it was requested that they be invited to OSC meetings during the year to provide an update report on their individual areas. It was mentioned that their programmes are to be put forward to Cabinet meeting in November. However, members were of the view that they be invited to OSC meetings before Cabinet. The ACM's would be asked how they see their role and what they intend to do over the next 6 months.

It had been agreed that the Associated Cabinet Members should be required to attend a future meeting of Overview and Scrutiny Committee to provide an update report on their respective areas.

Post Meeting Note:

ACM's are required to produce an annual work programme to be presented to Cabinet every autumn. OSC does not have the power to demand attendance of ACM's to OSC meetings, this only applies to Cabinet members and officers at Head of Service level and above. However, the ACM work programmes can be examined by OSC and these have been scheduled into the OSC work programme.

183

DATES OF FUTURE MEETINGS

The dates of future meetings were noted:

Business meetings of OSC

- Wednesday 4 September 2019
- Thursday 7 November 2019
- Wednesday 15 January 2020
- Thursday 13 February 2020
- Thursday 2 April 2020

OVERVIEW & SCRUTINY COMMITTEE - 23.7.2019

Provisional Call-In dates

- Thursday 8 August 2019
- Thursday 19 September 2019
- Thursday 31 October 2019
- Thursday 28 November 2019
- Thursday 19 December 2019
- Thursday 30 January 2020
- Thursday 6 February 2020
- Wednesday 4 March 2020
- Thursday 26 March 2020
- Tuesday 28 April 2020