

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 14 June 2011.

PRESENT: C Nestor, (Chair)
Councillors Davison, C Hobson, Hudson, Hussain, McPartland, Rostron and Taylor
Independent Members: Prof B Footitt
Parish Council Members: Councillors R Macmillan and C Morrish

OFFICERS: C Davies, S Harker and B Roberts

**** APOLOGIES FOR ABSENCE**

There were no apologies for absence.

****DECLARATIONS OF INTEREST**

There were no declarations of interest at this point of the meeting.

**** MINUTES**

The minutes of the meeting of the Standards Committee held on 8 March 2011 were taken as read and approved as a correct record.

Matters Arising – Member Induction - Training

It was highlighted that the Parish Council Members had not received details of the dates for Members' training on standards and ethical issues. The Members' Office Manager apologised for this oversight and agreed to make arrangements for a further training session for all Members of the Committee.

NOTED

CORPORATE COMPLAINTS - MONITORING

A report was presented in respect of the Council's Corporate Complaints Procedures for 2010-2011. The tables contained in Appendix 1 to the submitted report provided statistical information for the period April 2010-March 2011, along with figures for the previous two years, so that comparison could be made. A total of 371 complaints were received last year, compared with 358 for the previous year.

Table 1 gave a breakdown of the complaints received by Department. The largest number of complaints related to the Environment Department. This was to be expected as Environment services such as street lighting, refuse collection, street cleaning etc, were universal services and as such were used by all residents of Middlesbrough. Considerably fewer people used services such as those provided by Economic Regeneration and Social Care.

The large number of complaints relating to Environment Department that were received in 2008-2009 resulted from an operational review of waste services in Streetscene Services which took effect in 2008-2009. This year the number of complaints relating to this area of Council services had reduced again, and was now the lowest since systematic recording commenced in 2007.

Complaints relating to Children Families and Learning had increased again. There was a rise year-on-year from 38 to 58 to 74. The Director of Children Families and Learning had explained that the number of complaints had risen due to the significant increase in referrals, specifically in the areas of safeguarding and child protection.

It was suggested that a formal response from the Director of Children Families and Learning would be appropriate to reassure the Committee regarding the reasons for the increase in complaints. The Committee was informed that the Department was currently undergoing a government inspection focussed on safeguarding.

It was highlighted that the statistics for the Street Warden Service were identified separately in the report and this was due to the service transferring from one Directorate to another. In future the statistical information for Street Wardens would be included in the overall enforcement figures.

Table 2 provided details of complaints received that were not dealt with by way of the Complaints Procedures and the reasons for this. Non-qualifying complaints included complaints relating to decisions of the Planning and Development or Licensing Committees, complaints that needed to be dealt with by way of an insurance claim, or matters where other means for resolution existed (such as Tribunals or Courts). The Council had also taken steps to deem two regular complainants to be unreasonable and persistent. With the agreement of the Ombudsman, any further complaints received from these two complainants, would be recorded as non-qualifying or where appropriate, dealt with as service requests.

Table 3 provided details of complaints dealt with by Stage received. Until now, the Council had had a three-stage complaints procedure. Stage 1 was Local Resolution, Stage 2 was Formal Investigation and Stage 3 was a Review Panel. The only exceptions were in relation to complaints about personal social services as these were governed by regulations approved by Parliament. In respect of Children's complaints, the Stage 3 was an independent review panel. In respect of adult social care complaints, there was no longer provision for a Stage 3. If the person was still dissatisfied after a formal investigation had been completed, then they had the right to complain to the Ombudsman. For all other complaints, Stage 3 had been to the Complaints and Appeals Committee of the Council.

During the last year 92% of complaints were resolved at Stage 1 last year with only 8% going on to Stages 2 and 3. This suggested that local resolution at Stage 1 was effective in resolving the majority of complaints without the need for a formal investigation.

Table 4 detailed the outcome of complaints dealt with under the Corporate Complaints Procedures. In 68% of cases, complaints were fully or partially upheld, compared with 72% last year. This suggested that complainants were consistently receiving fair treatment in the consideration of their complaints.

Table 5 showed the outcome of complaints by Department. The only significant trend appeared to be the year-on-year increase of complaints relating to Children Families and Learning that were not upheld, which had gone from 12 to 27 to 44 in the past three years. With most safeguarding issues, complaints were not upheld because they involved child protection issues. Otherwise there were no notable changes in departmental statistics over the past three years.

Table 6 showed the completion times for Stage 1 complaints. The Council's Corporate Complaints Procedures currently required Stage 1 complaints to be completed in 20 working days unless there were exceptional reasons: examples would be that the complaint was particularly complex, or the complainant was temporarily away from the area. Last year 80% of Stage 1 complaints were dealt with within this timescale, compared with 83% the previous year, and 88% in 2008-2009. However, 43% of all complaints were dealt with within ten working days.

Previously, Members had expressed concern that almost 20% of complaints dealt with at Stage 1 exceeded the 20 working day time limit. Regrettably, despite efforts to reduce this figure, the number of Stage 1 complaints that exceeded the 20-day target remained unchanged at 20% for 2010-2011.

In some instances, complaints highlighted procedural or policy weaknesses. In such cases it was important that the Council learned from these complaints and consideration was given as to whether working practices needed to be reviewed or revised. Last year the Council changed its practices or procedures, or reviewed its policies in respect of a number of complaints received. Examples of some of the changes implemented by various Departments were detailed in the submitted report.

Last year, at the request of Members, the number of compliments lodged with the Council was reported. Table 7 showed the number of compliments received for the past two years. Table 8 gave the reasons, where these had been recorded.

Following a recommendation by the Ombudsman that there should only be two stages in the complaints process, the Members' Office Manager had undertaken a review of Middlesbrough's Corporate Complaints Procedure. In several other authorities, the final right of consideration in respect of corporate complaints was either by the Chief Executive, or delegated to the Complaints Manager and this process had now been adopted by Middlesbrough Council. This did not apply in respect of Children's and Adults' complaints which were still subject to the requirements of regulations.

In future, if the complainant remains dissatisfied following the Stage 2 investigation, a paper review of the Investigation Report would be undertaken by the Corporate Complaints Manager to ensure that:

- The complaint had been properly addressed and considered.
- The process had been properly followed.
- The findings were properly arrived at, reasonable, and within the legislation.
- Proper reasons were given for the decision.

If the investigation report did not meet the above requirements then it would be referred back to the Investigating Officer and/or appropriate Head of Service. If, however, the Investigation Report did meet the above requirements then the complainant would be advised of their right to complain to the appropriate Ombudsman.

ORDERED as follows that:

1. the report be noted and approved.
2. the Director of Children Families and Learning be invited to attend a future meeting to discuss the reasons for the increase in complaints in that service area.

ANY OTHER URGENT ITEMS

Complaints Statistics

A request was made for details of the numbers of complaints made by Councillors against other Councillors. It was noted that there could be some issues regarding confidentiality and personal information. The Members' Office Manager agreed to discuss this request with the Monitoring Officer.

Localism Bill

The Chair reminded Members that the Localism Bill was currently progressing through Parliament and there were no substantial changes from the original proposals. The Association of Council Secretaries and Solicitors were drawing up a Voluntary Code which might be helpful when consideration was given to Middlesbrough's arrangements for a replacement to the present Standards regime.

NOTED