

# OVERVIEW AND SCRUTINY COMMITTEE MINUTES

## 7 NOVEMBER 2017

<b>Chair:</b>	* Councillor Phillip O'Dell	
<b>Councillors:</b>	* Jo Dooley * Ms Pamela Fitzpatrick * Nitesh Hirani * Barry Kendler	* Jean Lammiman * Barry Macleod-Cullinane * Jerry Miles * Chris Mote
<b>Voting Co-opted:</b>	(Voluntary Aided) † Mr N Ransley Reverend P Reece	(Parent Governors) None
<b>Non-voting Co-opted:</b>	* Harrow Youth Parliament Representative	
<b>In attendance: (Councillors)</b>	Councillor Christine Robson Councillor Simon Brown	Minute 245 Minute 246

- \* Denotes Member present
- † Denotes apologies received

### 238. Attendance by Reserve Members

**RESOLVED:** To note that no Reserve Members had been nominated to attend the meeting.

### **239. Appointment of Vice-Chair**

**RESOLVED:** That Councillor Barry Macleod-Cullinane be appointed as the Vice-Chair of the Committee for the remainder of the 2017-18 Municipal Year.

### **240. Declarations of Interest**

In connection with Agenda Items 9 and 10 (Adult Social Care and Children and Families Services – Annual Complaints Reports 2016-17), Councillor Jean Lammiman declared a non-pecuniary interest in that she is a Trustee of Harrow Association for the Disabled. She would remain in the room whilst the matter was considered and voted upon.

### **241. Minutes**

Councillor Macleod-Cullinane considered that the minutes should record, in the item on the Youth Justice Partnership Plan, his request to the Corporate Director, People Services that he apologise for a prefacing comments to the Harrow Youth Parliament representative with the words, “This is not a telling off”.

**RESOLVED:** That the minutes of the meeting held on 19 September 2017 be taken as read and signed as a correct record, subject to the addition of the following sentence to the end of the second paragraph on Page 231:

“Councillor Macleod-Cullinane suggested that the Corporate Director, People Services apologise to the Harrow Youth Parliament representative for his use of the words, “This is not a telling off”.”

### **242. Public Questions and Petitions**

**RESOLVED:** To note that no public questions or petitions were received at this meeting.

### **243. References from Council/Cabinet**

There were none.

## **RECOMMENDED ITEMS**

### **244. Financing of the Regeneration Programme - Scrutiny Review Panel Report**

Councillor Macleod-Cullinane, the Chair of the Scrutiny Challenge Panel, introduced the report, confirming that he would provide a foreword in advance of its consideration by Cabinet. He underlined that the proposed remodelling of the Council’s regeneration programme was due to be reported to Cabinet in December and it had therefore not been possible for the Challenge Panel to consider this significant development. He suggested that a further report be produced in the early Spring to address the implications for the remodelling arrangements. Turning to the report’s recommendations, Councillor Macleod-

Cullinane emphasised that the thrust was to promote a more coordinated and wide-ranging approach to strategic direction and risk management both across the Council and with partner organisations. He considered that the current predominant focus on housing supply could carry risks and that a more holistic vision, as evidenced in many of the other regeneration schemes investigated by the Panel, would be more effective and secure. He thanked the Vice-Chair of the Challenge Panel, Councillor Barry Kendler, other Panel members, and the support officers, particularly Shumaila Dar and Rebecka Steven in the Policy Unit, for their work on the review.

In response to a query from the Chair, Councillor Macleod-Cullinane considered that the options for further work following the remodelling of the regeneration programme, included a standalone scrutiny panel or perhaps discussions at the Overview and Scrutiny Committee or the Policy and Finance Sub-Committee. He felt that it would be important for the senior political leadership to attend these sessions and give a direct face-to-face account, particularly in view of the proximity of the local elections in May 2018.

The Chair acknowledged the need to address the implications of financial remodelling of the programme.

A Member suggested that a more structured approach to managing risks and mitigations was required; for example, through the use of Gantt charts and RAG ratings. The Chair pointed to the connections to the role of the Governance, Audit, Risk Management and Standards Committee in the risk management elements of the Challenge Panel's recommendations.

The Harrow Youth Parliament representative argued that the report should make specific reference to the risks to vulnerable people in alterations to the regeneration programme and to specific ways in which the Council could respond; for example, by considering the option for re-opening youth facilities to help tackle issues of unemployment and crime. He considered that Cabinet should build in contingency plans to address these areas.

The Vice-Chair of the Challenge Panel confirmed that the Panel members had registered concerns over the pressures coming from central and regional government to increase social housing supply and how this might lead to an imbalance with other aspects of coordinated regeneration; for example, the need to address the capacity of public services and infrastructure impacts. Through its recommendations, the Panel had sought to achieve a better balance in this respect.

The Chair of the Challenge Panel suggested that he consult the Panel Vice-Chair about strengthening the report's proposals on infrastructure implications. In view of this, the intention to remodel the regeneration programme and the fact that a foreword was to be added, the Chair of the Committee proposed that the Panel's report be approved as an "interim" report at this stage, and that he agree the final version following consultation with the Panel Chair and Vice-Chair.

## **RESOLVED: To**

- (1) note and endorse the report from the Regeneration Scrutiny Review Panel as an interim report, with updates to be agreed by the Committee Chair; and
- (2) to acknowledge that the substantive Cabinet response to the interim report will be available in January 2018.

## **Resolved to RECOMMEND:**

To refer the Challenge Panel's report and recommendations to Cabinet for consideration.

## **RESOLVED ITEMS**

### **245. Children and Families Service Complaints Annual Report 2016/17**

The Committee received a report on the handling of complaints about Children and Families Services in 2016-17. An officer introduced the report, underlining the efforts to avoid too bureaucratic and systemised an approach, and instead to focus on a more direct and flexible response to issues raised by service users, resolving matters as early as possible without recourse to formal complaint procedures. Overall, the number of complaints was fairly stable and they remained small by comparison with the size of the client base.

The Portfolio Holder for Children, Young People and Schools considered it valuable to allow space for more informal consideration of service users' concerns and views; this approach underlined the readiness to listen to them rather than simply responding to written complaints. She was satisfied with the performance against targets for complaints.

A Member referred to the risk of the complaints statistics being distorted by the same issue being raised in different quarters. He was pleased to see the reduction in the Stage 1 complaints as this suggested staff were doing more to resolve issues more quickly, and he was keen that service users' expectations be managed so that they were more realistic about what the Council could offer.

While recognising that the approach of favouring "representations" over formal written complaints had some benefits, another Member was concerned that there was little reliable evidence that this was resolving issues satisfactorily for service users. From the data in the report, there was no clear way to see whether this approach was effective, and there was a risk that vulnerable clients could easily be persuaded to accept not proceeding with a formal complaint when offered a discussion with an articulate and sympathetic member of staff. The Member pointed out that there was an incentive for the Council to reduce the number of complaints. The officer offered to provide more detailed information to demonstrate the value of the "representations" approach; he underlined that this was more demanding of staff time, usually requiring one or two face-to-face meetings with the service user. A number of

cases were quite complex and could involve complaints being partly upheld in the sense that an element of the service provided could have been improved. The officer cited the views of the Ofsted inspectors who had reviewed a number of complaints in detail and had come to a favourable judgement on the Council's services. In addition, two local voluntary organisations, Harrow Association for the Disabled (HAD) and SOVA provided advocacy services for service users and would be alert to rights and options in terms of pursuing complaints.

The Member also queried whether the target for completion of adult social care complaints within timescales should remain at 88%, believing it would be more appropriate to introduce a more stretching target. The officer considered that it would be difficult to outperform the complaint timescale targets due to the complexity of many cases and the effect of staff absences, particularly over the summer period.

A Member was concerned at the number of complaints related to the conduct or attitude of staff. The officer explained that there were a number of cases which involved service users being told about decisions with which they profoundly disagreed, and sometimes about serious issues such as care proceedings or a child's special needs. These situations could easily lead to impressions that staff were being negative or obstructive simply because clients felt aggrieved at decisions made. While more detailed information could be provided, he did not believe this feature of children's services and social care complaints would diminish.

The Member considered the list of improvements and lessons learned at Section 13 of the report to be very modest when compared to the longer list of compliments. He asked how the Portfolio Holder for Children, Young People and Schools would respond to the issues raised. She replied by confirming that these would be taken into account when the complaints arrangements were next reviewed. Her impression was that staff were conscientious and committed in dealing with service users often in difficult and painful circumstances, and that their aim was always to listen to concerns and seek to resolve them where possible. She did not believe the figures on complaints related to the conduct or attitude of staff related to any genuine problem with their approach to clients.

The Member asked about the recruitment and retention of staff and specifically about the use of market supplements; he was concerned that staff might feel pressurised and need support in coping with this area of work. The Portfolio Holder for Children, Young People and Schools considered that current support arrangements were appropriate and reported that the Council was improving with respect to staff recruitment and retention. The Divisional Director confirmed this improvement, but added that it remained an issue for the service and efforts continued to try to move to a full and permanent staff group. Social workers understood that complaints were part of the job and they were supported through supervision and training. The lessons learned from complaints were fed back to staff, including identifying any particular themes arising.

A Member queried the position of unaccompanied asylum seeking children and how their rights were respected and promoted in the complaints process, particularly with regard to legal advice and advocacy. An officer reported that HAD and SOVA had service level agreements to provide advocacy and advice. He and his staff had personally attended events to promote the work of the complaints team and hand out leaflets and cards about it. In addition, the Children's Participation Officer asked each Looked After Child about their awareness of the complaints process. The Divisional Director added that each Looked After Child had a designated Independent Reviewing Officer with a statutory duty to promote the wellbeing of the child, including access to legal advice where necessary. While they were formally employed by the local authority, they had statutory duties, powers and protections, and they would support Looked After Children in any complaint they wished to pursue. Further information about how these children were advised of the complaints process could be provided.

In response to another Member's query about the factors behind the reduction in the number of complaints beyond Stage 1, an officer explained that the offer of a face-to-face meeting instead of a written response, meant that issues could be resolved within a matter of a day or two. It was an approach which worked well for the team and seemingly for the service users as well.

A Member congratulated the complaints team on their work and asked whether the increase in the number of permanent staff was a factor in improving performance. The Divisional Director reported that, while many locum staff were very good, the focus was on moving to a stable staff group which would assist embedding a culture of quality and consistency. The current programme of recruitment and retention also sought to create a workforce more reflective of the Boroughs communities.

The Harrow Youth Parliament representative considered that the tone of report concealed the fact that the total number of complaints and representations had, in fact, increased since the previous year. He considered that the report should have included more analysis of the underlying issues and how these could be addressed through a clear action plan. An officer advised that while there had been a slight increase, the total number still represented a very small proportion of service users. He did not agree with the view that there were underlying problems to address or with the suggestion that service users were somehow being diverted from complaining. In fact, he considered that a greater use of "representations" and discussions with service users of an emerging concerns, would be beneficial to the service. He was not focused on decreasing the number of complaints, but more on addressing the issues raised. The Divisional Director added that the Ofsted inspection had looked at the complaints process and, of course, at the service more generally, and had concluded that it was operating well, this following a very rigorous examination. He nevertheless acknowledged that there were areas in which improvements could and should be made, and the Council were taking a structured approach, via the Ofsted action plan, to addressing these. In his view, complaints were likely to increase anyway, simply because demand for services was increasing. The Divisional Director agreed to try to reflect in the following year's report a

greater focus on areas of improvement and lessons learned; in the interim, further information on 2016-17 could be provided.

In response to a Member's query about safeguarding issues, an officer agreed to provide additional information.

A Member acknowledged that a rise in complaints often reflected an organisation's readiness to receive and consider them properly, as complainants often "gave up" on organisations without this approach. He considered that the more important aspect was the readiness to learn from complaints in future service delivery. The Portfolio Holder for Children, Young People and Schools confirmed that the intention was to be open and responsive, indeed to avoid any discomfort with complaints on the basis that they offered the means of improving. She underlined that many of the difficult issues faced by service users and staff meant simplistic comparisons with other customer complaint environments were often misleading; to illustrate this, she suggested thinking about the relevance and value of asking someone whose child had just been taken into care whether they were satisfied with the service they had received that day. An officer confirmed that the complaints team was alert to issues arising across the service which they would want to address even if the relevant service user was not raising a formal complaint; in this respect, staff were conscious that there was a cultural deterrence to making complaints in the UK. Harrow was prepared to look at issues which had arisen some time previously while many other councils would not entertain complaints about matters which had occurred over a year before.

The Chair thanked Members for their contributions and summarised the discussion by suggesting that the relevant Scrutiny Lead Members and the Scrutiny Leadership Group take up the following issues:

- a) How future reports could best address lessons learned and improvement arising from a pattern of complaints
- b) Whether targets should be set to be more stretching and whether this was appropriate in the context of social care complaints.
- c) Whether data on complaints about the conduct and attitude of staff revealed any underlying issue or whether these were primarily related to dissatisfaction with decisions made.

**RESOLVED:** That the report be noted.

#### **246. Adult Services (Social Care) Complaints Annual Report 2016/17**

The Committee received a report on the handling of complaints about Adult Services (Social Care) in 2016-17.

Councillor Kendler indicated that many of his comments in relation to the children's services complaints were relevant to this report as well.

**RESOLVED:** That the report be noted.

## **247. Any Other Business**

The Harrow Youth Parliament representative considered that he had not been allowed to contribute to the item on Children's Services complaints to the same extent as some elected Members. The Chair underlined that he treated all members of the Committee in the same way in making judgments about allowing contributions; he also pointed out that he had needed to allow for a possible long discussion of the item on Adult Services complaints, though in the event, this had not transpired.

(Note: The meeting, having commenced at 7.34 pm, closed at 9.03 pm).

(Signed) COUNCILLOR PHILLIP O'DELL  
Chair