

Regulation and Review Committee Panel

15 September 2016

Present: Councillor K Osborne
Councillor John Hunter, D McMeekan J O'Shea and J Stirling.

RQ05/09/16 Apologies for Absence

No apologies for absence were reported.

RQ06/09/16 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ07/09/16 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ08/09/16 Stage Three Corporate Complaint - Ref: 101572651

The committee met to consider a complaint submitted against the Council's Health, Education, Care and Safeguarding Service. The complainant had requested that the complaint proceed to Stage 3 of the Council's Corporate Complaints Procedure, which involved a hearing by the committee.

The complainant was in attendance and was accompanied by her advocate Ms F.

The officers in attendance were Paula Gibbons, Service Manager Fostering and Adoption and Kevin Buck, Interim Senior Manager Placement and Safeguarding Service. Two officers from the Council's Customer, Member and Governor Services' team were also present.

On behalf of the Health, Education, Care and Safeguarding Service, Mrs Gibbons set out the basis of the complaint which had been received in February 2016 and related to the financial assessment and allowance paid to the complainant for the care she was providing for her grandchildren. Mrs Gibbons presented a summary of the complaint and the actions the service had taken in response to resolve the complaint.

The complainant and Ms F were then given the opportunity to ask questions of the officers and did so.

15 September 2016

Members also asked questions of the officer and sought clarification on a number of points. Ms F was then invited on behalf of the complainant to explain why she remained dissatisfied with the response to the complaint and what action was required to resolve the complaint.

The officers from the Health, Education, Care and Safeguarding Service were given the opportunity to ask questions.

Members then asked questions and sought clarifications.

The officers from the Health, Education, Care and Safeguarding Service and the complainant were all given the opportunity to sum up their respective cases and then left the meeting to enable the committee to determine the complaint in private.

The committee considered all the evidence presented at the meeting both written and verbal and noted the steps that had been taken to resolve the complaint at stages 1 and 2 of the complaints process.

Resolved that (1) the Head of Health, Education, Care and Safeguarding be recommended to:

- a) Calculate and pay to the complainant an allowance using the proposed new financial assessment process by 30th September 2016 and backdated to 10 March 2015. The total allowance, process followed and expected date of payment to be communicated to the complainant as soon as the work required to finalise these has been completed;
 - b) That the new financial assessment process be approved and implemented, using the authority's urgent decision procedures if necessary, by 30th September 2016 should the above recommendation not be within the Head of Service's discretionary powers;
 - c) Notwithstanding recommendation 2, to take the necessary steps to ensure the new financial assessment process for all Special Guardians in the borough be approved and implemented as soon as possible and no later than 1 December 2016;
 - d) Undertake a review of record keeping, communication with guardians and response times and for the situation to be monitored to ensure that the delays experienced by the complainant are not repeated and also to implement a policy which empowers officers to have a meeting at short notice with the Head of Service when required; and
 - e) In consultation with the Head of Law and Governance, a review of how case law is received and assessed against the authority's current custom and practice and what procedures are in place to ensure that this is undertaken in a timely manner.
- (2) Should the Head of Health, Education, Care and Safeguarding not implement recommendation 1a (and/or 1b as applicable) the Customer, Member and Governor Services Manager be instructed to arrange for compensation to be paid to the complainant from the Health, Education, Care and Safeguarding Service of the amount due under recommendation 1a); and

- (3) The Customer, Member and Governor Services Manager be instructed to arrange for the Health, Education, Care and Safeguarding Service to make a payment of £200 to the complainant as a thank you for bringing the issue to the attention of the service area and acknowledgement that the service received was below the expected standard, with a further £200 to Ms F to recompense her for her train ticket and support to the complainant.