

### **AGENDA FOR**

## **OVERVIEW AND SCRUTINY COMMITTEE**

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To: All Members of Overview and Scrutiny Committee

**Councillors**: R Caserta (Chair), T Cummings, E Fitzgerald, M Hankey, J Harris, M James, Leach,

R Skillen, S Smith, J Walker and S Wright

Dear Member/Colleague

### **Overview and Scrutiny Committee**

You are invited to attend a meeting of the Overview and Scrutiny Committee which will be held as follows:-

Date:	Wednesday, 22 November 2017
Place:	Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

#### **AGENDA**

#### 1 APOLOGIES

#### 2 DECLARATIONS OF INTEREST

Members of the Overview and Scrutiny Committee are asked to consider whether they have an interest in any matters on the agenda and, if so, to formally declare that interest.

### 3 PUBLIC QUESTION TIME

A period of 30 minutes has been set aside for members of the public to ask questions on matters considered at the last meeting and set out in the minutes or on the agenda for tonight's meeting.

**4 MINUTES OF PREVIOUS MEETING** (Pages 1 - 12)

The Minutes of the last Meeting held on 7 September 2017 are attached.

5 CORPORATE FINANCIAL MONITORING REPORT, APRIL 2017 - SEPTEMBER 2017 (Pages 13 - 42)

A report from the Cabinet Member for Finance and Housing is attached.

Appendix A attached Appendix B attached Appendix C attached

6 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS AND OMBUDSMAN'S ANNUAL REVIEW LETTER 2016/17 (Pages 43 - 54)

A report from the Council's Monitoring Officer is attached Appendix A attached Appendix B attached

**7 HIGHWAY MAINTENANCE** (Pages 55 - 58)

A report from Neil Long/ Peter Stokes attached Action Plan attached

8 ENVIRONMENTAL QUALITY AND FLY TIPPING (Pages 59 - 62)

A report from Neil Long is attached

9 CHILDREN'S SOCIAL CARE SERVICES ANNUAL COMPLAINTS REPORT - APRIL 2016 - MARCH 2017 (Pages 63 - 76)

The report is attached.
The summary of Key Areas is attached

\*\*Please note this report is attached for information. Any questions raised will be forwarded to the responsible officer after the meeting.

# 10 URGENT BUSINESS

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.



# Agenda Item 4

Minutes of: OVERVIEW AND SCRUTINY COMMITTEE

**Date of Meeting:** 7 September 2017

**Present:** Councillor R Caserta (in the Chair)

Councillors T Cummings, M Hankey, J Harris, M James, J Lewis, R Skillen, S Smith, J Walker and S Wright

Also in attendance:

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:**Councillor Leach

### OSC.140 DECLARATIONS OF INTEREST

Councillor S Wright declared a personal interest in any items relating to schools as his wife is employed at a Bury School.

Councillor J Walker declared a personal interest in the item relating to the Neighbourhood Engagement Item as he is Deputy Cabinet Member for Communities.

### OSC.141 MINUTES OF THE LAST MEETING

It was agreed:

That the Minutes of the Meeting held on 4 July 2017 and 18 July 2017 be approved as correct records and signed by the Chair.

### OSC.142 SCHOOL FINANCES/SEN COSTS

Further to the meeting held on 4 July 2017 Councillor Smith referred to the topic of devolution being included on the work programme. It wasn't on the forward plan so Councillor Smith asked whether the Committee would be receiving an update on it.

It was hoped that the Committee would be given the opportunity to review the work that was being carried out in relation to devolution across Greater Manchester at its February 2018 meeting.

Further to Minute OSC.49 of the Meeting of the Overview and Scrutiny Committee held on 4 July 2017, Klare Rufo Assistant Director and Peter Lowe Head of Finance Services, Children, Young People and Culture attended the meeting to update members on the Schools and the Dedicated Schools Grant 2016/2017 following the questions that were raised in relation to this:

 Councillor Wright referred to the academisation of schools and whether more schools becoming academies would affect schools' funding and what impact this would have in relation to Council finances.

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The local schools funding formula is determined each year by Financial Services in consultation with the Schools Forum and approved by the Council at the annual Budget Setting meeting. The local formula is the basis on how each school and each academy within the local authority area is funded.

These funds are provided by the national taxpayer through the ring-fenced Dedicated Schools Grant which is currently determined for each local authority by the Department for Education (DfE).

Those schools that convert to an academy, the DfE will provide additional resources from their coffers to compensate the converters for what the local authority used to provide for schools generally 'free-of-charge', for example VAT compliance and returns, closure of accounts and audit fees.

Also the local authority achieves efficiencies through economies of scale, for example insurance premiums, which individual academies are not able to benefit from. The DfE provide additional funding and are developing schemes to assist academies with these additional costs.

Although local authorities are seeing reductions in their external funding for some education services, these are subject to change in the national funding arrangements being proposed by the DfE. Although there are indications what these proposals might mean for local authorities like Bury, the details won't be known for a few weeks.

Local authorities are able to trade with academies and a number of services, e.g. payroll, are already working with academies within Bury and also to a number of academies outside of the Bury area.

 Councillor James referred to schools' overspending and the requirement for them to repay the deficit to the DSG Control Account. Councillor James asked how schools would be able to repay this if they didn't have the funds available.

Almost 90% of Bury schools have surplus funds and the others have action plans to bring them into a balance budget position by 2018/19. This could fluctuate depending upon the impact of the proposed national funding formula that the DfE have indicated should begin in 2018/19 with full implementation by 2019/20, especially when compared to the projected cost increases schools are facing.

High Needs should be implemented by the end of the current Parliament in 2022, but the complexities of each pupil and student may require further transitional arrangements. Bury is one of only three local authorities in England to be working with the DfE to develop the detailed aspects of High Needs funding.

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The DSG Control Account is the mechanism whereby the local authority receives the external funding from the DfE to distribute to its schools, early years providers (private, voluntary and independents as well as schools with nursery provision) and those SEND pupils and LLDD students aged up to 25.

DSG Funding for each academy, based on the local schools funding formula, is deducted from the LA's schools' DSG and distributed to each academy by the Education and Skills Funding Agency (ESFA).

NB all DSG funding for early years and high needs is distributed to each LA, again formula based, for the LA to distribute these monies to each school and academy as well as each early years provider.

Out of the total funding from the High Needs block of the DSG, the local authority commissions provision for SEND pupils and LLDD students.

The large increases since 2013/14 were as a consequence of the transfer of responsibilities for post-16 students with Learning Difficulties and Disabilities attending FE colleges.

The level of funding made available by the Education and Skills Funding Agency's predecessors was insufficient to meet the demand pressures of these students and coupled with the in-house provision in Bury is not able to meet the significant increase in demand means that there are more pupils with SEN attending much more expensive independent special schools.

This situation is exacerbated by the number of pupil exclusions and these pupils having to be educated in much more expensive provision than in Bury schools.

Consequently the impact of the financial deficit within the DSG Control Account is almost wholly within the High Needs block of the DSG.

It is difficult to implement an in-year change as school budgets have already been determined and cannot be changed during the current financial year. Another complication is that from 2018/19 the DfE will ring-fence the schools block of the DSG and will limit the amount that can be transferred out of the schools block to other areas of the DSG. This will be a maximum of  $\frac{1}{2}$ % of the schools block and will require the approval of the Schools Forum.

As part of the requirements of the proposed national funding formula for each aspect of the DSG, each local authority had to undertake a 'baseline exercise' of its spending within the DSG split between the main blocks.

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Although fully compliant with the DfE's specified criteria, Financial Services managed to show that spending by Bury schools was lower than in previous years, while spending on High Needs provision was much higher.

This strategy will benefit Bury schools as the DfE's main intention is to raise the amount of funding to schools and academies through the national funding formula for schools, especially in those areas that are below the national averages.

The DfE are providing additional funding by 2019/20 for schools amounting to £1.3 billion throughout England. The main areas to be increased are:-

- an additional ½% per pupil in every school and academy in 2018/19
- at least £4,800 per Secondary pupil by 2019/20
- increases to the Deprivation factor within the schools formula
- > increases to the Low Prior Attainment factor within the schools formula
- increases to the English as an Additional Language factor within the schools formula

The High Needs block will also be distributed through a formula mechanism based on proxy indicators and a funding floor that protects the amount of spending on these vulnerable pupils and students so that no local authority will lose funding following the introduction of the national funding formula. By demonstrating that Bury spends at a high level we have managed to potentially gain additional funding for schools and high needs.

Although this should address future funding levels, it is unlikely that this approach will pay off the accumulated deficit within the DSG Control Account.

As part of the national funding arrangements, the DfE expect schools and academies to contribute the first £6,000 of the additional cost of their High Needs pre-16 pupils. The local authority provides the remaining "SEN top-up" cost of the Statement/EHC plan from the High Needs budget.

Currently Bury takes into account how much a school receives through the Low Prior Attainment factor of the local schools funding formula to determine how much a school or academy will receive in "top-up" funding.

When the National Funding Formula begins in 2018/19, there will be additional amounts provided through the Low Prior Attainment factor which will impact on the amount of "SEN top-up" currently received by each school and academy.

The level of "SEN top-up" will be re-determined otherwise some schools will receive double funding for their SEND pupils. This will mean that the contribution

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from the High Needs block will be lower and these monies will be used to reduce the deficit within the DSG Control Account.

Schools and academies will not need to contribute towards the deficit within the control account, but will have to appreciate that some of the growth in the funding from the schools block of the DSG will be limited.

During the National Funding Formula consultation in March 2017, it was explained at the seminars that all Bury schools were invited that this was the approach the Council is proposing to take.

The DfE are indicating that they will publish during the next few weeks each school and academy's indicative 2018/19 budget as determined through their proposed component factors of the schools NFF.

Once these are available number of seminars will be arranged to take schools in Bury through the DfE's proposals and we will also re-iterate the problems of the DSG Control Account and the proposed solution to the deficit.

Other questions were asked at the meeting:-

• Councillor Caserta referred to traded services with schools such as catering, cleaning and maintenance and asked how this was being undertaken.

It was reported that the authority was still entitled to trade with academies and free schools and would have to go through a procurement process to do this. The authority would have to be competitive with its contracts.

Training sessions had been planned for head teachers, school business managers and school governors to explain the tendering process and TUPE and the protocols which schools' need to follow when tendering for new contracts. It was also explained that the Council would be dividing their offers which would set out exactly what was on offer.

 Councillor Caserta asked whether the Council would be looking to offer traded services to schools in other boroughs.

It was explained that the Council needed to look at its own services first and the management of these before going further afield.

 Councillor Lewis asked about the equipment currently in the schools and who owned this.

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It was explained that the Council owned the equipment and would be responsible for their maintenance and replacement. If a school decided to go with another provider then the equipment would then become their responsibility.

 Councillor Smith asked whether a school would be able to return to Council traded services if it had used another provider.

This would definitely be an option.

 Councillor Hankey referred to school places and capacity and asked whether there were sufficient places in schools to meet the need.

Klare Rufo explained that the Council planned capacity requirement in schools in advance based on projected figures. This was done strategically at least two years' in advance.

It was asked how the Strategic School Improvement fund would be used.

Klare explained that this funding had been allocated to the Council following a bidding process. It was a very specific fund that would be used for disadvantaged pupils around literacy.

 A question was asked in relation to out of borough placements, the cost of these and what was being done to reduce them.

Klare explained that work was being undertaken to work with schools to become more inclusive. There were three types of schools, those that don't want to deal with the issues, those that can do and will and those that want to but can't. The focus was on supporting schools to recognise behaviours and to know what to do about them. Work was being done to educate schools to a standard where all schools were fully inclusive. Funding was being moved from the end of the journey to the start to fund the work.

Klare also reported that she had been working with schools to reduce the number of children in the PRU. Schools couldn't place children in a PRU without consulting with Klare and 40 children had gone from the PRU back to mainstream school since the work had started.

#### It was agreed:

That Klare Rufo and Peter Lowe be thanked for their attendance at the Overview and Scrutiny Committee.

### OSC.143 PUBLIC QUESTION TIME

There were no members of the public in attendance at the meeting.

# OSC.144 CORPORATE FINANCIAL MONITORING REPORT - APRIL 2017 TO JUNE 2017

Councillor Eamonn O'Brien, Cabinet Member for Finance and Housing presented the Corporate Financial Monitoring Report – April 2017 to June 2017. The report informs Members of the Council's financial position for the period April 2017 to June 2017 and projects the estimated outturn at the end of 2017/18.

The report also included Prudential Indicators in accordance with CIPFA's Prudential Code.

Set out in the report was a projected overspend of £3.651m which represents approximately 2.70% of the total net budget of £135.330m.

Due to the extremely difficult financial situation that the Council faced in 2016/17 the Senior Leadership Team agreed and drew up an action plan with some immediate additional spending controls over & above usual controls. These will continue in 2017/18.

#### These include:

- Recruitment freeze on staff and new agency placements (exceptions to be signed off by SLT);
- Release of all existing casual / agency staff (exceptions to be signed off by SLT);
- Cease overtime / additional hours (exceptions to be signed off by SLT);
- Enter into no new training commitments, and review existing arrangements (exceptions to be signed off by SLT);
- Re-launch Work Life Balance options around reduced hours / purchase of leave;
- Cease spend on discretionary budgets; stationery, office equipment etc;
- Cease spend on IT / Communications (exceptions to be signed off by SLT);
- Any spend greater than £250 to be signed off by Executive Director;
- Any new contractual commitments greater than £5,000 (lifetime value of contract) to be signed off by SLT;
- Consider "in year" budget options e.g. previously unidentified efficiencies, review of non-key services.

These were communicated to staff in 2016/17 and compliance with these will continue to be monitored throughout the year. It is expected that these actions

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will not only help to reduce the financial burden facing the Council within the current year but also for the coming years.

In addition to these measures, Executive Directors have been tasked with preparing "turnaround" plans as a matter of urgency for their Departments, to ensure that levels of expenditure are controlled and sustainable going forward.

Service specific monitoring was set out at section 4 of the report and highlighted demand pressures within the 3 directorates and what action was being taken in response to these.

Members were given the opportunity to ask questions and make comments and the following points were raised:-

 Councillor Hankey referred to the civic halls and the review that was being undertaken. He asked when the review would be completed as it seemed to have been going on for years.

It was explained that some services required ongoing reviews to ensure that they were fit for purpose.

• Council Hankey asked whether the 10 measures that had been put in place had had the desired impact.

Councillor O'Brien reported that the measures had helped to save £285,000 so the effects of the measures were being felt.

• Councillor Harris asked whether the Council were using agency staff to fill vacant posts.

It was explained that the Council had its own agency for admin staff and other work but would use specialist agency workers if required.

 Councillor Jamie Walker referred to the cost of children's agency placements and the adolescent support centre and asked when an update would be available on this.

It was explained that there were separate accounts for Children's Services but it could be that this was an individual case that had been court ordered to a specific location.

Councillor Smith asked how realistic the savings forecasts were.

Councillor O'Brien stated that the Council had to realistic about the challenges it faced and this had to be the same for all departments. If targets were not going to be met this needed to be known as early as possible.

Councillor O'Brien also stated that the Council had to recognise that services still have to run. Different ways of working need to be explored and the Council will need to be more commercially minded.

#### It was agreed:

That the report be noted

#### OSC.145 CORPORATE PERFORMANCE UPDATE REPORT

Councillor Shori, Leader of the Council presented a report providing Members with an update on performance in line with Team Bury's Single Outcomes Framework.

It was explained that under each of the single framework outcomes are a series of indicators and performance measures. These collectively contribute towards the delivery of the respective outcome.

The report and appendices detailed a number of areas where performance has improved or is at a high level including; household recycling rates (up by 3.52% for the year); reablement service effectiveness; and increase in Council gym membership and; increase in social contact received by adult social care users.

The report also made reference to areas of performance that were less positive such as spikes to calls in Council Tax; pressures on the urgent care system and; recognition of Bury being significantly lower than the national average for top A level grades.

It was explained that where performance was declining or below target or another relevant comparator, work would take place to understand what was required to improve performance. This would be done by understanding the partners involved, the true reasons as to why the data was as it was and assess what would be required to improve performance.

It was also reported that work was being carried out within several areas of the Council in relation to refreshing strategies and performance arrangements. Future reports to the Overview and Scrutiny Committee will include enhanced details on the Life Chances Commission and Community Safety.

Those present were invited to ask questions or make comments and the following points were raised:

 Councillor Hankey explained that the lay-out of the report was easy to understand and asked whether comparisons could be built into future reports.

It was explained that this was currently being worked into future versions.

 Councillor Smith referred to the indicator relating to safeguarding concerns and that the number had increased. She asked which organisation was responsible.

It was explained that indicators quantify performance at a whole population level, so more reflect the state of the Borough. The Council has a role to play in contributing towards the indicators but it was explained that no one organisation was solely responsible for the achievement of the indicator.

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 A question was raised with regards to the spike in the number of telephone calls made to Council Tax and what the reason for this was.

It was explained that there had been a number of changes in relation to council tax and these were set out within the report. It was also explained that there would be more specific information available once the full year figures were included.

#### It was agreed:

That the update be noted and that the team involved in producing the report be thanked for their input.

#### OSC.146 IMPLEMENTATION OF NEIGHBOURHOOD ENGAGEMENT FRAMEWORK

Councillor Tariq, Cabinet Member for Communities presented a report setting out the new Neighbourhood Engagement Framework which had been developed to enable behaviour change and build independence, shared decision making, democratic accountability and voice, genuine co-production and joint delivery of services.

The new framework offers a '3,2,1' approach to working with and investing in neighbourhoods at various levels across Bury through the following structures:

### 3. - Borough Wide Engagement

This will be available in the form of a digital engagement platform that will be aligned to Team Bury's existing digital offer.

### 2. – Township Level Engagement

At Township level, the framework will build upon the borough wide digital engagement offer through an Annual Neighbourhood Network meeting and Neighbourhood Celebration Awards ceremony in each of the six Township areas.

#### 1. - Ward Level Engagement

At Ward level, the framework will build upon the borough wide digital engagement offer, Annual Neighbourhood Network meeting and Neighbourhood Celebration Awards ceremony in each of the six Township areas. It offers an annual or biannual Ward-level Neighbourhood Engagement Forum meeting which is linked to two ward level Participatory Budgeting events. Priorities for each ward will be decided and actioned via a series of Project/Action groups led and determined by people living in the local area but supported where required by the Neighbourhood Engagement Co-ordinator.

The new approach offers an alternative model which replaces the old Community Grants budget of £56k and previous allocation process with a combination of:

- Participatory Budgets (PB) to be invested at either Township or Ward level events
- Elected Member Discretionary Budgets (£250 per Councillor)
- Strengthened by an additional £450k of Transformation monies over three years (£50k year one, £200k year two, £200k year three)

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It was explained that the new Neighbourhood Engagement Framework and Grant Investment Model were approved at CWB Wider Management Board, SLT, Labour Group, Cabinet, Scrutiny and full Council in April.

The draft operating principles which provide governance for the new structures and funding framework have been developed by the Neighbourhood Engagement Team and co-produced by the newly appointed Elected Member Engagement Leads.

A series of development workshops have taken place and planning has started on the next stages of implementation of the new framework.

Pre-paid cards will be utilised for both Participatory Budgets and Elected Member Discretionary Budgets with governance outlined within the Operating Principles.

It was explained that the framework will be monitored via a set of clearly defined key performance indicators and outcomes that align with the Team Bury Single Framework. An annual performance review will be undertaken at the end of each Municipal Year and a report produced at Annual Council and to Team Bury

Those present were given the opportunity to ask questions and make comments and the following points were raised:-

• It was asked what safeguards were in place and whether there would be any punishment for abuse of the system in relation to the Elected Member Discretionary Budgets.

It was stated that there would be a vigorous monitoring process in place which had been checked with Legal. Any suspicious spending would automatically be blocked. The cards would be blocked for things such as gambling, purchasing of cigarettes and alcohol.

It was also explained that the Neighbourhood Engagement Co-ordinator would be able to offer advice to any Elected Member regarding the use of the Member Budgets.

#### It was agreed:

That the contents of the report be noted.

## OSC.147 WORK PROGRAMME/FORWARD PLAN

The Work Programme was presented to the Committee for information.

# **COUNCILLOR R CASERTA Chair**

(Note: The meeting started at 7.00 pm and ended at 8.40 pm)

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Agenda Item

MEETING: CABINET

**OVERVIEW & SCRUTINY COMMITTEE** 

DATE: 15 NOVEMBER 2017

**22 NOVEMBER 2017** 

SUBJECT: CORPORATE FINANCIAL MONITORING REPORT -

**APRIL 2017 TO SEPTEMBER 2017** 

REPORT FROM: CABINET MEMBER FOR FINANCE AND HOUSING

CONTACT OFFICER: STEVE KENYON, INTERIM EXECUTIVE DIRECTOR

**OF RESOURCES & REGULATION** 

TYPE OF DECISION: FOR INFORMATION

FREEDOM OF

**INFORMATION/STATUS:** 

This paper is within the public domain

**SUMMARY:** The report informs Members of the Council's financial

position for the period April 2017 to September 2017 and projects the estimated outturn at the end of

2017/18.

The report also includes Prudential Indicators in

accordance with CIPFA's Prudential Code.

**OPTIONS &** 

**RECOMMENDED OPTION** 

Members are asked to note the financial position of the

Council as at 30 September 2017.

**IMPLICATIONS:** 

**Corporate Aims/Policy** 

Framework:

Do the proposals accord with Policy

Framework? Yes.

**Statement by the s151 Officer:** The report has been prepared in accordance

with all relevant Codes of Practice.

There may be risks arising from remedial action taken to address the budget position; these will be identified by Directors at Star Chamber meetings. Additionally, a series of measures was drawn up in 2016/17 to

address the extremely difficult financial situation facing the Council. These will continue into 2017/18 and are detailed in par.3.6 on page 4 of this report.

Statement by Interim Executive Director of Resources & Regulation:

Successful budget monitoring provides early warning of potential major overspends or underspends against budgets which Members need to be aware of.

This report draws attention to the fact that, based on the most prudent of forecasts, several budget hotspots exist which will need remedial action.

Members and officers will be examining these areas in more detail at the departmental Star Chamber meetings.

**Equality/Diversity implications:** No

Considered by Monitoring Officer: Budget monitoring falls within the

appropriate statutory duties and powers and is a requirement of the Council's Financial Regulations to which Financial Regulation B: Financial Planning 4.3. (Budget Monitoring and Control) relates. The report has been prepared in accordance with all relevant

Codes of Practice.

**Are there any legal implications?** Yes

Wards Affected: All

**Scrutiny Interest:** Overview & Scrutiny Committee

# TRACKING/PROCESS EXECUTIVE DIRECTOR: Steve Kenyon

Chief Executive/ Strategic Leadership Team	Cabinet	Overview & Scrutiny Committee	Council	Ward Members	Partners
06/11/17	15/11/17	22/11/17			

#### 1.0 INTRODUCTION

- 1.1 This report informs Members of the forecast outturn for 2017/18 based upon current spend for the period 1 April 2017 to 30 September 2017 in respect of the revenue budget, capital budget and the Housing Revenue Account.
- 1.2 Projections are based on current trends, information, and professional judgement from service managers and finance staff.
- 1.3 The revenue budget projections highlight the fact that budget pressures exist in some key areas and it will be necessary to continue to examine options for improving the situation further.

#### 2.0 BUDGET MONITORING PROCESSES

- 2.1 Reports will be presented quarterly to facilitate close monitoring of spend and implementation of action plans during the year.
- 2.2 Reports are also presented to the Strategic Leadership Team on a monthly basis and detailed monitoring information will also be discussed at joint SLT / Cabinet meetings during the year.
- 2.3 It is intended that improvements will continue to be made to the budget monitoring process, building on the significant developments implemented over the past few years.

#### 3.0 SUMMARY OF REVENUE BUDGET POSITION

3.1 The table below outlines the annual budget and forecast outturn based upon known factors and the professional views of service managers as at month 6:

Department	Budget £000	Forecast £000	Variance £000
Communities & Wellbeing	78,059	79,440	+1,381
Resources & Regulation	(752)	775	+1,527
Children, Young People & Culture	30,203	33,485	+3,282
Non Service Specific	27,820	25,121	(2,699)
TOTAL	135,330	138,821	+3,491

- 3.2 The projected overspend of £3.491m represents approximately 2.58% of the total net budget of £135.330m.
- 3.3 An overview of the reasons for this variance is outlined in the table overleaf; more detailed analysis is provided in section 4 of the report.

Month 6 Variance	Children Young People & Culture	Communities & Wellbeing	Resources & Regulation	Non Service Specific	TOTAL
Reason	£′000	£′000	£′000	£′000	£′000
Demand Pressures	2,600	3,976	0	713	7,289
Delayed Achievement of Cuts Options	763	1,578	154	0	2,495
Non- Achievement of Cuts Options	569	0	52	0	621
Income Shortfall	0	131	1,474	0	1,605
Planned use of one-off funding	0	(3,847)	0	0	(3,847)
Continued Impact of 10 Control Measures	(100)	0	(153)	0	(253)
Other	(550)	(457)	0	(3,412)	(4,419
TOTAL	3,282	1,381	1,527	(2,699)	3,491

- 3.4 Members need to be aware that financial reporting involves an element of judgement, and this particularly applies to the treatment of budget pressures. Often an area of overspending identified at this point in the year will be resolved before the end of the year following appropriate remedial action.
- 3.5 However it is felt appropriate to alert Members to potential problems at this stage so that they can monitor the situation and take ownership of the necessary remedial action and this is the basis on which the report is written.
- 3.6 Due to the extremely difficult financial situation that the Council faced in 2016/17 the Senior Leadership Team agreed and drew up an action plan with some immediate additional spending controls over & above usual controls. These will continue in 2017/18.

#### These include:

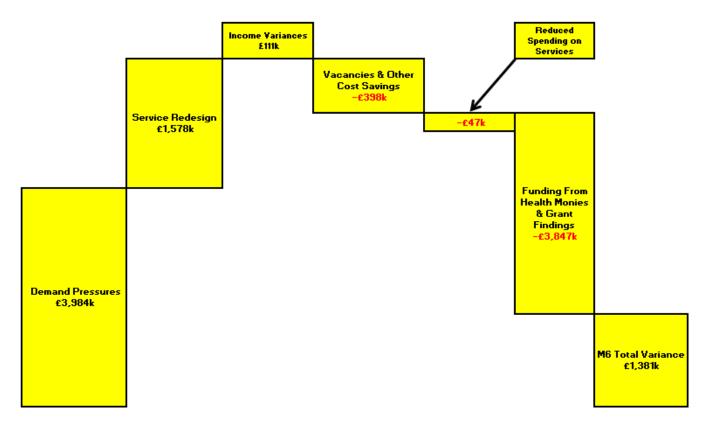
- 1. Recruitment freeze on staff and new agency placements (exceptions to be signed off by SLT);
- 2. Release of all existing casual / agency staff (exceptions to be signed off by SLT);
- 3. Cease overtime / additional hours (exceptions to be signed off by SLT);
- 4. Enter into no new training commitments, and review existing arrangements (exceptions to be signed off by SLT);

- 5. Re-launch Work Life Balance options around reduced hours / purchase of leave;
- 6. Cease spend on discretionary budgets; stationery, office equipment etc;
- 7. Cease spend on IT / Communications (exceptions to be signed off by SLT);
- 8. Any spend greater than £250 to be signed off by Executive Director;
- 9. Any new contractual commitments greater than £5,000 (lifetime value of contract) to be signed off by SLT;
- 10. Consider "in year" budget options e.g. previously unidentified efficiencies, review of non-key services.
- 3.7 These were communicated to staff in 2016/17 and compliance with these will continue to be monitored throughout the year. It is expected that these actions will not only help to reduce the financial burden facing the Council within the current year but also for the coming years.
- 3.8 In addition to these measures, Executive Directors have been tasked with preparing "turnaround" plans as a matter of urgency for their Departments, to ensure that levels of expenditure are controlled and sustainable going forward.

#### 4.0 SERVICE SPECIFIC FINANCIAL MONITORING

#### 4.1 COMMUNITIES AND WELLBEING

- 4.1.1 The current projected overspend for Communities and Wellbeing is £1.381m.
- 4.1.2 Reasons for major variations are illustrated in the chart below;



4.1.3 Further details by service area are outlined below, along with remedial action being taken.

Theme	Variance £'000	Reason	Action Being Taken
Demand Pressures	+3,984	Care in the Community budgets –£1,711k (Reason: Pressure largely around Domiciliary Care, Residential Care and Self Directed Support Budgets).	2017/18 Improved Better
		Budget Pressures linked to reducing pressures on the NHS, meeting adult social care needs and supporting the local social care provider market - £2,136k.	These pressures will be supported by the Improved Better Care Fund grant.
		Falcon & Griffin Care Home - £68k (Reason: Staffing Budget Pressure).	This pressure is currently unavoidable but any opportunity to use offsetting underspends will be employed if possible.
		Local Reform & Community Voices Grant £33k (Reason: Additional cost re Deprivation of Liberty Safeguarding (DoLS) assessments.	The DoLS pressure is unavoidable. Completion of DoLS assessments is a local authority statutory function. Attempts are ongoing to ensure costs of assessments are reduced/kept to a minimum and requests for authorisations are starting to plateau. The overspend reported is expected to remain for the next few years until legislation change.
		Bereavement Services £21k (Reason: Increase cost on cemetery supplies due to vaults having to be bought in bulk).	Reduced spend on non- essential budgets where possible.
		Street Cleaning £15k (Reason: No budget provision for fly tipped asbestos).	Reduced spend on non- essential budgets where possible.
Service redesign (Note: A number of Budgets have yet to achieve cuts target	+1,578	Reablement - £204k (Reason: The whole of the adult social care operations service savings target held here and the £204k pressure largely relates to what savings remain unachieved).	An action plan is being developed to allocate and achieve the remaining 2017/18 saving target.
against specific schemes, as a consequence this is		Civics - £100k (Reason: Income Shortfall).	Ongoing service review as well as new initiatives to support income generation.
partly/wholly the reason for the		Beverage and Cafe Service - £95k (Reason: Income Shortfall).	The Beverage service is being reviewed in line with the Civic review.

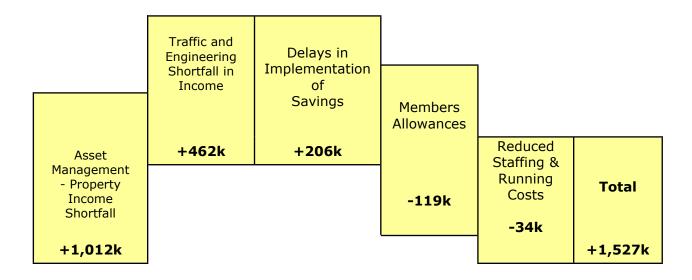
Theme	nt Pack Pa	Reason	Action Being Taken
illelile	£'000	Reason	Action being raken
overspends)		Environment £170k (Reason: Savings target still to be identified).	A service review across a number of services has been agreed and a workshop is to be held in November to explore various options.
		Leisure - £434k (Reason: Delay in achieving savings).	The service is currently under review. Action plans are being developed to identify options to achieve saving target. Building condition surveys have been undertaken and the results will be analysed over the coming weeks.
		Waste Management - £575k (Reason: Delay with achieving savings).	The review of waste management is ongoing. A governance structure is in place including a project team and strategic review group. Note: The savings target relate to all of Waste Management which also includes Street Cleaning and Public Convenience.
Income variances	+111	Employment Support – (£20k) (Reason: Increased income from	To be used to offset
		personal budgets used with BEST).	overspends within ACS Operations.
		personal budgets used with	Operations.  The homelessness support
		personal budgets used with BEST).  Housing Choices - £79k (Reason: Increase in demand and complexity of need plus loss	Operations.  The homelessness support grant partly offsets the loss of management fee income. However, increased rental income generation is anticipated through accommodating asylum seekers and as a consequence may result in a
		personal budgets used with BEST).  Housing Choices - £79k (Reason: Increase in demand and complexity of need plus loss of management fee income).  Grounds Maintenance - £10k (Reason: Income shortfall due to direct schools/brokerage	Operations.  The homelessness support grant partly offsets the loss of management fee income. However, increased rental income generation is anticipated through accommodating asylum seekers and as a consequence may result in a balanced budget by year end.  Reviewing remaining in year

Theme	Theme Variance Reason		Action Being Taken
	£′000		_
Vacancies and Other Staff Cost Savings	-398	ICES Store Seedfield – $(£17k)$ (Reason: Staffing vacancies).	Underspend being used to offset pressures within other areas of ASC Operations.
		Older People Fieldwork - (£26k) (Reason: Staffing Vacancies).	Underspend being used to offset pressures within other areas of ASC Operations.
		Quality Assurance & Service Development - (£9k) (Reason: Staffing Vacancies).	Underspend being used to offset pressures within other areas of ASC Operations.
		Assessment & Care Management - (£150k) (Reason: Staffing Vacancies).	Underspend being used to offset pressures within other areas of ASC Operations.
		Disability Services – PENNINE – (£11k) (Reason: Staffing Vacancies).	Underspend being used to offset pressures within other areas of ASC Operations.
		Head of Commissioning & Strategy – (£59k) (Reason: Staffing Vacancies).	To be used to offset overspends within Commissioning and procurement (other).
		ASC Finance – (£1k) (Reason: purchased annual leave).	Underspend may be used to offset pressure within other areas of CWB budgets.
		Policy & Improvement- (£44k) (Reason: Staffing Vacancies).	To be used to offset overspends within Housing Related Services.
		ACS Transport - (£20k) (Reason: Staffing Vacancies).	Underspend may be used to offset pressure within other areas of CWB budgets.
		Awareness Team – (£60k) (Reason: Staffing Vacancies).	Underspend to be used to offset pressure within Waste Management.
Reduced Spending on Services	-47	ASC Care Link - (£11k) (Reason: Cut back on care pool plus sourcing extra income for Carelink services).	Underspend may be used to offset pressure within other areas of CWB budgets.
		Carers Grant - (£36k) (Reason: Reduction in carers' grants paid out.	Underspend may be used to offset pressure within other areas of CWB budgets.
Funding from Health Monies & Grant Funding	-3,847	This funding is specific to the Improved Better Care Fund (IBCF) and will be used to ensure that Adult Social Care needs are met, pressures are reduced on the NHS and that the local social care provider market is supported.	This funding is being used to address immediate budget pressures within the care in the community budget and Deprivation of Liberty Safeguarding budgets. Any remaining IBCF funding will be targeted at areas such as the government's recent

Theme	Variance £'000	Reason	Action Being Taken
			change in guidance around supported living sleep in payments, future 'in year demand' within the care in the community budget and programmes to support improvements in delayed transfers of care.

### 4.2 RESOURCES AND REGULATION

- 4.2.1 The Resources & Regulation Department is forecasting an overall overspend of £1.527m.
- 4.2.2 Reasons for major variations are illustrated in the chart overleaf;



4.2.3 Reasons for major variations are illustrated in the table below;

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Activity Variance

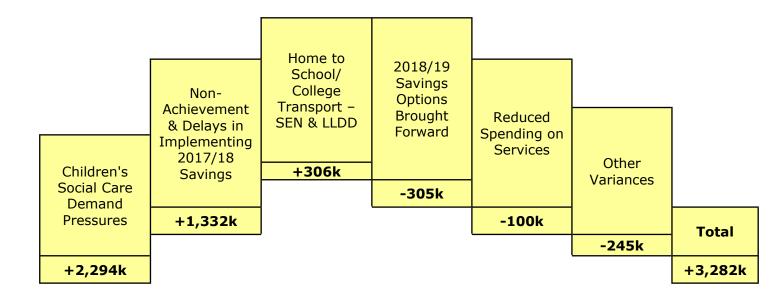
riceivicy	£'000	ricuso	rection being runen
Property Services	+1,012	Shortfall in rent income due to property sales (£209,000), property voids (£225,000), Town Centre lettings (£269,000), shortfall in income from investment properties (£228,000) plus shortfall in Markets income (£156,000) partially offset by salary savings (£38,000) and savings on rates following revaluations / refunds (37,000).	The Council has introduced two important strategies which will address the instability in property income.  Through implementing the Estates Strategy the Council will identify high risk and underperforming investment assets and these will be disposed of. Initial tranche of properties identified.  The Investment Acquisition Strategy will see the Council utilise existing capital currently invested in low return investments and receipts received from disposals. Four properties already acquired – expected to produce £415,000 p.a. in new income.
Traffic & Engineering	+462	Estimated shortfalls in income relating to off-street parking $(£338,000)$ , Greater Manchester Road Activities Permit Scheme (GMRAPS) $(£49,000)$ , bus lane enforcement $(£82,000)$ , coring $(£67,000)$ . These are offset by estimated surpluses in Council parking permits $(£16,000)$ , on-street parking receipts $(£22,000)$ , decriminalised parking fines $(£8,000)$ and savings in traffic management $(£28,000)$ .	adjust expenditure where possible.  GMRAPS scheme to be
Delayed Implementation of Savings Targets	+206	Within Finance and Efficiency $(£100,000)$ , Legal Services $(£54,000)$ and Localities $(£52,000)$ .	Revised means of achieving the targets being considered. Awaiting outcome of reviews of services.
		Payments expected to be less than budget.	To be used to assist in reducing the estimated overspend within the department in 2017/18.
Reduced Staffing and Running Costs	-34	Vacant posts not filled and tightening of controllable expenditure across the department.  Salaries savings in Planning & Development Control, Trading Standards & Licensing.	To be used to assist in reducing the estimated overspend within the department in 2017/18 and part included within the 2018/19 cuts.

Reason

**Action Being Taken** 

### 4.3 CHILDREN'S, YOUNG PEOPLE AND CULTURE

- 4.3.1 The overall Children's, Young People & Culture budget is currently projecting an overspend of £3.282m.
- 4.3.2 Reasons for major variations are illustrated in the chart below;



4.3.3 Further details of the major variations are provided in the table below:

Activity	Variance £'000	Reason	Action Being Taken		
Children's Social Care Demand Pressures - £2,294,000 (on-going)					
Leaving Care	+651	Spending on housing and further education of 19+ year old students who have left our care.	This budget is forecast to overspend significantly on housing as the service continues to support more young people in high cost placements who were previously accommodated within the Children's Agency Budget.		
Safeguarding	+333	Increased costs.	The forecast overspend is due to the requirements of the Ofsted Action Plan, coupled with a significant increase in external legal fees, mainly due to an increase in cases.		
Children's Agency	+1,310	Continuing increased demand.	The service is largely demand led and continues to support a large number of complex and high cost cases.  These high cost fieldwork residential placements range between £2,000 and £8,000 per week.		

Non-achievement and delays in Implementing Savings - £1,332,000				
(one-off - £803,000;	on-going - £	529,000)		
School Catering	+160	Savings shortfall (2016/17 savings – Management Restructures) (Probable ongoing £120,000)  Possible one-off £40,000)	Catering - reduced numbers of pupils having a school meal as well as a number of schools choosing alternative catering providers has had a significant impact on the financial position of the service.  In addition, managers have chosen to buy more expensive food without a corresponding increase in income to offset the additional costs.  The CYPAD system is still struggling to achieve financial efficiencies that will fund the annual cost of the system.	
Arts	+143	On-going savings shortfall.	An income budget was added to this budget in 2013 prior to the transfer to CYP&C. This large income budget has not been achieved since its introduction and no alternative saving is feasible.	
Libraries	+163	Savings shortfall.	Delays in agreeing the plans for the future of the Library service will lead to the savings target not being met in 2017/18.	
Children's Agency	+600	Savings shortfall.	Delays in the Adolescent Support Unit becoming fully operational had a consequential knock-on effect on the Children's Agency budget as more expensive residential provision is still necessary to meet the needs of a number of young people in high cost placements. Alternative arrangements for the housing of the unit are actively being explored.	
Statutory & Regulatory	+266	Savings shortfall.	At the beginning of 2016, it became apparent that the financial problems within the Dedicated Schools Grant meant that the 2016/17 savings option "External Funding Optimization" amounting to £900,000 would not be completely achieved.  The shortfall in the required budget savings was treated as a generic budget saving and distributed amongst the Department.  Although almost ¾ of the 2016/17 savings target has been met, it has not been feasible to identify alternative provision for the remainder mainly due to the demand pressures as shown above that CYP&C is currently encountering.	

Document Pack Page 25  Home to School/College Transport (SEND & LLDD) - £306,000 (on-going)				
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Home to School Transport – SEND (Special Educational Needs & Disabilities)	+256	Continuing increased demand.	The overspending is due to increases in demand for Transport for SEND pupils that have continually occurred during recent years. In addition, there is a forecast overspending of £350,000 on Home to School Transport for SEND pupils attending out-of-borough placements funded by the Dedicated Schools Grant.  The total forecast overspending is approx. £606,000.	
Home to College Transport – LLDD (Post-16 Learners with Learning Difficulties & Disabilities)	+50	Continuing increased demand.	The forecast overspending is in line with previous years' levels.	
Reduced Spending	on Services	- (£100,000		
Family Support	-100		This forecast reflects the current level of support for children with disabilities, the underspending occurring through elements of Direct Payments being funded through the High Needs Block of the Dedicated Schools Grant.	
2018/19 Savings O	ptions brou	ght forward	- (£305,000)	
Pension payments to former teachers and lecturers	-84	Declining numbers of former employees eligible to be members of the Teachers Pension Scheme.  These enhanced lifetime pension benefits above the standard scheme were mainly awarded prior to April 1993 as a means or reducing the number of staff employed in schools and FE colleges.		
			NB. This underspending is in addition to the 2017/18 savings requirement of £100,000.	
Early Years	-171		Filling of vacancies, as well as expenditure plans, are on hold awaiting decisions on the savings options.  NB. This underspending is in addition to the 2017/18 savings requirement of £100,000.	
Financial Services & HR	-50		1 member of staff took VER coupled with the non-filling of admin posts, along with changes in working practices, means that the services are making more savings than was originally estimated.  NB. This underspending is in addition to the 2017/18 savings requirement of £80,000.	

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Other - (£245,000)					
Family Support	-154		This includes the Short Breaks Service, Children's Domestic Violence and the Reach Out project. Short Breaks Service is subject to demand pressures, which are currently lower this financial year than in previous years. The other 2 services are in the midst of restructuring and being developed, which is temporarily showing underspendings through the non-filling of vacancies and limiting spending decisions.		
Other	-91		The non-filling of vacancies and reduced staffing and running expenses in a number of services throughout the department.		
Activity	Variance £'000	Reason	Action Being Taken		
Dedicated Schools		11,000			
Independent Special Schools	+548	Continuing demand pressures of SEND pupils requiring complex and high cost places that cannot be provided within maintained schools in Bury	SEN team endeavours to provide extra support to children to try and keep as many within Bury schools that meets their complex needs – see below the 'Pupils with SEN' overspending.  This forecast is above the current budget of £5.6 million and includes the cost of home to school transport provided by the independent institutions, which is estimated to annually cost £350,000. (See above comment within Home to School Transport for SEN pupils)		
Post-16 Commissioned Places	+578	Continuing demand pressures of LLDD students requiring complex and high cost places in post-16 provision	The responsibility for provision for Learners with Learning Difficulties and Disabilities (LLDD) up to the age of 25 was transferred to local authorities some 4 years ago. Unfortunately insufficient funding monies were transferred to Bury to meet all of the on-going requirements of these vulnerable students.  NB this forecast overspending is the impact in 2017/18 only. Previous years' funding shortfalls are included in the summary position shown below.		
Looked After Children (Education)	+80		As part of the 2017/18 Savings Options, the cost of the Looked After Children (Education) team were to be funded through external monies. Subsequently the DfE's funding criteria has changed and not all of the team can be included within the external funding leading to a shortfall in the savings options impacting on the DSG.		

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Pupils with SEN	+205		There are a number of Education and Health Care plans that occur after the budget has been set at the start of the financial year. These require funding and in some cases "top-up" funding for those pupils with more complex needs.  As shown above, the SEN team endeavour to try and keep pupils within provision within Bury schools.	
Activity	Variance	Reason	Action Being Taken	
	£'000		" 411.472.000	
Summary Position	of the Depa	rtment's ove	erspendings – £11,672,000	
General Fund	+3,282		See detailed statements above.	
Dedicated Schools Grant -2017/18 only	+1,411		See detailed statements above.  The current SEND review and recommended outcomes will help to address the funding position by containing expenditure within the approved annual revenue budget.	
Dedicated Schools Grant – previous years' overspendings	+6,978		Overspendings by services funded through the Dedicated Schools Grant are carried forward into the next financial year.  The continuing demand pressures and lack of funding for several years of pupils and students up to the age of 25 are the main reasons why the carry forward deficit of has grown and continues to increase to levels that are significantly above the levels of schools' surplus balances.  The changes being introduced through the	
			National Funding Formula (NFF) will enable some of the High Needs spending to be met from the additional monies that will be allocated to schools though component factors of the NFF.	

### 4.4 NON-SERVICE SPECIFIC

4.4.1 There is a forecast net underspend of £2.699m. This relates primarily to the Council's Treasury Management activity (see Section 8.0, page 19 for further details), an increase in investment income, a projected underspend on grants to voluntary organisations (£0.250m) and a reduced need in provisions of £2.5m.

### 5.0 CAPITAL BUDGET

## 5.1 Capital Programme

5.1.1 The revised estimated budget for the Capital Programme 2016/17 at the end of September is shown in the table below:

2017/18	£m
Original Capital Programme	20.281
Approved Slippage from 2016/17	28.253
In year adjustments and contributions	3.551
Revised Capital Allocation at Quarter 2	52.085
Estimated re-profiled projects into 2018/19	(15.730)
Revised working budget for Year at Qtr 2	36.355

- 5.1.2 The expenditure and funding profile for the Capital Programme together with a detailed breakdown of the Original Approved Programme, the Revised Estimate, Forecast Outturn, Actual Spend up to end of Month 6, and the estimated under/overspend of the capital programme for 2017/18 is shown in Appendix A.
- 5.1.3 Members should note that given the complexity and size of some of the larger schemes currently in the Council's Capital Programme the information received from budget holders can vary significantly from one quarterly report to the next and should be read in this context.
- 5.1.4 At the end of Quarter2, a total of £15.730m of the 2017/18 budget has been identified for re-profiling into 2018/19. Most of this amount is attributed to Children Services Projects where the schemes are funded mainly by grants from Department of Education to a total of £9.537m.

The remainder is attributable to Housing Development Schemes namely Haworth Close Extra Care scheme to a total of £3.496m and an amount of £0.388m for Disabled Facilities Grant projects.

## 5.2 Expenditure

- 5.2.1 The Forecast Outturn as at Month 6 is indicated to be £36.555m and Budget Managers have reported that they expect to spend up to this amount by 31 March 2018.
- 5.2.2 The actual expenditure after accruals, realised by the end of Month 6 totals £8.044m.
- 5.2.3 The main areas to record expenditure shown at the end of the second quarter are:

Housing Development schemes	£1.726m
Children's, Young People and Culture -	£2.093m
Older People	£1.280m
Highways Schemes	£1.131m
Housing Public Sector -	£1.219m
	Children's, Young People and Culture - Older People Highways Schemes

### 5.3. Variances

5.3.1 Appendix A provides details of variances for each scheme based on latest available information received from budget managers and at Month 6 it shows a projected overspend for the Programme of £0.199m. This amount is not material in relation to the size of the programme and it is expected to reduce by quarter three as schemes progress and more details of schemes underway are finalised. The projects that are forecasted to overspend are monitored and analysed by budget managers. There are a number of remedial actions that can be taken if required and which will be applied

as soon as the risk is assessed and deemed to negatively affect the programme or its outcomes.

5.3.2 Brief reasons for all variances are provided in Appendix A attached with this report.

### 5.4 Funding

- 5.4.1 The funding profile included in Appendix A shows the resources available to cover the capital programme during 2017/18.
- 5.4.2 The principal source of funding for Capital schemes approved for the 2017/18 programme is made of external resources including those carried forward from previous years. The Council and Cabinet have also approved allocations for the year to a value of £3.5m towards the Highways Improvement works (as part of a three year programme) and £0.100m for projects to tackle Environmental Crime that will be funded by Council's own resources from capital receipts and borrowing.
- 5.4.3 The position of the capital receipts and borrowing as at the end of Month 6 is reported below. The figures in the table show the total funding requirement for the revised estimated capital programme inclusive of potential slippage into 2018/19 and the expected resources to be supported by the Council as at the end of Quarter 2 of the year.

2017/18 Use of Council Resources for Capital	_
Investment	£m
Revised Capital Programme allocation for the year	36.355
Use of external funding and contributions	25.288
Balance of programme relying on Council	
resources	11.067
Use of Capital receipts and earmarked reserves	1.522
Use of Prudential Borrowing (2017/18 approved schemes)	4.386
Use of Prudential Borrowing (2016/17 schemes	
brought forward)	5.159
Total Council Resources used to support the Capital Budget for Year	11.067

#### 5.5 Capital Programme Monitoring

5.5.1 The programme will be closely monitored during the second half of the year by CPMG and Management Accountancy with an aim to deliver the schemes on cost and time with minimum slippage into 2018/19.

### 6.0 HOUSING REVENUE ACCOUNT

- 6.1 The Housing Revenue Account (HRA) relates to the operation of the Council's housing stock and can be viewed as a landlord account. It is required by statute to be accounted for separately within the General Fund and is therefore effectively ringfenced.
- 6.2 The latest estimates show a projected surplus (working balance carried forward) of £1.020m at the end of 2017/18. The projected outturn shows a working balance carried forward of £1.433m. See Appendix B.

- 6.3 There are a number of variations that contribute to the projected outturn position but there are no areas where the variance exceeds 10% and £50k. However explanation of two of the variations may be helpful to members:
  - Revenue contributions to capital the quarter 1 report showed a projected underspend of £0.316m, this reflecting the additional contributions made to fund works in 2016/17. However Six Town Housing are making a one off contribution of £0.460m to the HRA towards the funding of major works. This contribution has been shown as a reduction in the Six Town Housing Management Fee to aid transparency.
- 6.4 The HRA acquired 4 affordable rent properties at the end of the last financial year and is aiming to acquire 9 more before the end of March. In addition work is ongoing on the new Extra Care scheme which will provide 60 units in the next financial year. The HRA will need to take loans before the end of this financial year to fund part of the development costs of the scheme and to ensure that the minimum level of balances is maintained. There will therefore be some additional costs for loan interest, which are not currently reflected in the projected outturn, however these are not expected to be significant.
- 6.5 The main impacts on the HRA year-end balance are normally **void levels**, the **level of rent arrears** and the **level of Right to Buy sales**.

#### Voids:

The rent loss due to voids for April to September was on average 1.24% which is better than the 1.6% void target level set in the original budget. If this performance was to continue for the rest of the year there would be an increase in rental income of £107k over the original budget; the projections of rental income in Appendix B have been calculated on this basis. Performance has continued to improve therefore the increase in rental income could be even higher; this will be reviewed at the end of the third quarter and taken into account when setting the target level for the next financial year.

Six Town Housing continue to review the voids processes and the various factors affecting demand.

### Arrears:

The rent arrears at the end of September totalled £1.478m, an increase of 20% since the end of March. Of the total arrears £0.573m relates to former tenants and £0.905m relates to current tenants. Approximately £0.241m of current tenant arrears are in cases where either the under occupancy charge applies or the tenants are in receipt of Universal Credit rather than Housing Benefit.

The Council is required to make a provision for potential bad debts. The contribution for the year is calculated with reference to the type of arrear, the amount outstanding on each individual case and the balance remaining in the provision following write off of debts.

Based on the performance to the end of September, projected for the full year, this provision would require an additional contribution of £0.356m to be made.

The 2017/18 HRA estimates allow for additional contributions to the provision totalling £0.477m, £0.179m for uncollectable debts and £0.298m to reflect the potential impact that welfare benefit changes could have on the level of rent arrears. Therefore there is a potential underspend of £0.121m. The projected outturn has not been amended to reflect this as rent arrears are volatile and the

impact of increased numbers of Universal Credit cases coupled with further benefit changes is ongoing.

#### Right to Buy Sales:

From April 2012 the maximum Right to Buy discount increased from £26,000 to £75,000.

This has resulted in an increase in the number of applications and ultimately sales. There were 47 sales in 2015/16 and this increased to 55 sales last year.

The forecast for 2017/18 was set at 70, this being an increase of 16 on the level of sales assumed for Bury in the Government's self–financing valuation.

From July 2014 the maximum Right to Buy discount increased to £77,000 and the maximum percentage discount on houses increased from 60% to 70% (in line with the discounts allowed on flats). The maximum discount now stands at £78,600.

From  $26^{th}$  May 2015 the qualifying period for Right to Buy was reduced from 5 years to 3 years.

The number of sales has a direct effect on the resources available to the HRA – the average full year rent loss for each dwelling sold is around £3,800.

There have been 33 sales in the period April to September. This is an increase of 6 compared to the same period last year. The number of applications currently proceeding is also higher than at this point last year (81 compared to 60). The forecast of 70 sales would still seem to be a reasonable estimate and has not been revised at this stage.

6.6 The Welfare Reform and Work Act requires a 1% reduction in social housing rents for 4 years from 2016/17 which has a significant impact on future HRA resources; it has recently been announced that following this period there will be a return to the previous rent policy i.e. increases of Consumer Price Inflation (CPI) plus 1%.

#### 7.0 PRUDENTIAL INDICATOR MONITORING

- 7.1 It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits". The authority's approved Prudential Indicators (affordability limits) for 2017/18 is outlined in the approved Treasury Management Strategy Statement.
- 7.2 The authority continues to monitor the Prudential Indicators on a quarterly basis and Appendix C shows the original estimates for 2017/18 (approved by Council on 22 February 2017) with the revised projections as at 30 September 2017. The variances can be seen in the Appendix together with explanatory notes. The Prudential Indicators were not breached during the first six months of 2017/18.

#### 8.0 TREASURY MANAGEMENT

#### 8.1 Investments:

8.1.1 At the 30th September 2017 the Council's investments totalled £30.5m and comprised:-

Type of Investment	£m
Call Investments (Cash equivalents)	29.5
Fixed Investments (Short term investments)	1.0
Total	30.5

- 8.1.2 All investments were made in line with Capita's suggested credit worthiness matrices and the approved limits within the Annual Investment Strategy were not breached during the first quarter of 2017/18.
- 8.1.3 The Council has earned the following return on investments:

Quarter 1 0.24% Quarter 2 0.18%

8.1.4 This figure is slightly lower than Sector's suggested budgeted investment earnings rate for returns on investments, placed for periods up to three months in 2017/18, of 0.20%.

## 8.2 Borrowing:

- 8.2.1 No new external borrowing was undertaken in the quarter to 30th September 2017.
- 8.2.2 At 30th September 2017 the Council's debts totalled £195.543m and comprised:-

		30 September 2017		
		Principal		Avg.
		£000	£000	Rate
Fixed rate funding				
	PWLB Bury	131,453		
	PWLB Airport	1,587		
	Market Bury	60,500	193,540	
Va	Variable rate funding			
	PWLB Bury	0		
	Market Bury	0	0	
Te	mporary Loans / Bonds	2,003 2,003		
То	tal Debt		195,543	3.96%

- 8.2.3 The overall strategy for 2017/18 is to finance capital expenditure by running down cash/investment balances and taking shorter term borrowing rather than more expensive longer term loans. With the reduction of cash balances the level of short term investments will fall. Given that investment returns are likely to remain low for the financial year 2017/18, then savings will be made by running down investments and taking shorter term loans rather than more expensive long term borrowing.
- 8.2.4 It is anticipated that further borrowing will be undertaken during this financial year.

#### 9.0 MINIMUM LEVEL OF BALANCES

9.1 The actual position on the General Fund balance is shown in the following table:

	£m
General Fund Balance 31 March 2017 per Accounts	8.393
Less: Minimum balances to be retained in 2017/18 Less: Forecast overspend at Month 6	-4.250 -3.491
Forecast Available Balances at 31 March 2018	+0.652

- 9.2 Based on the information contained in this report, on the risk assessments that have been made at both corporate and strategic level, on the outturn position for 2017/18 and using information currently to hand on the likely achievement of cuts options, there is no reason at present to take the minimum level of balances above the existing level of £4.250m.
- 9.3 In light of the above assessment it is recommended that the minimum level of balances be retained at **£4.250m**.
- 9.4 Members are advised that using available balances to fund ongoing expenditure would be a breach of the Council's Golden Rules. Likewise, Members are advised that the Authority faces significant funding reductions in the future, and balances are likely to be required to fund one-off costs of service transformation.

#### 10.0 EQUALITY AND DIVERSITY

10.1 There are no specific equality and diversity implications.

#### 11.0 FUTURE ACTIONS

11.1 Budget monitoring reports will continue to be presented to the Strategic Leadership Team on a monthly basis and on a quarterly basis to the Cabinet, Overview & Scrutiny Committee and Audit Committee.

#### Councillor Eamonn O'Brien, Cabinet Member for Finance and Housing

#### **List of Background Papers:-**

Finance Working Papers, 2017/18 held by the Interim Executive Director of Resources & Regulation.

**Contact Details:-**Steve Kenyon, Interim Executive Director of Resources & Regulation, Tel. 0161 253 6922, E-mail: <u>S.Kenyon@bury.gov.uk</u>



#### Bury MBC: Capital Budget Monitoring Statement Month 6 - 2017/18

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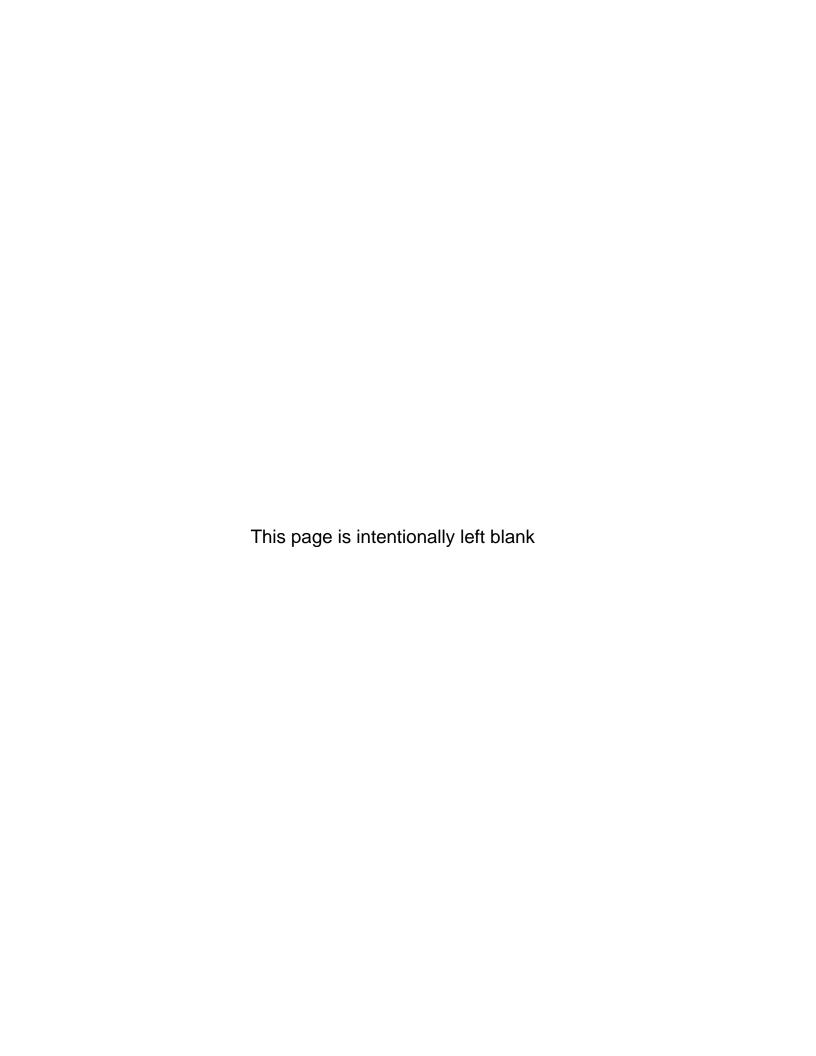
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		2017/18 Original Approved	Slippage	Adjust- ments	Revised Estimate Before Reprofile	Reprofiled to Future Years	Revised Estimate After Reprofile Col.4- Col.5	Forecast Outturn 2017/18	- 2017/18 Month 06 Actual	Month 6 Variance / (Underspend) or Overspend Col.7-Col.6
		£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Children, Young People & Culture	Support Services -Council Capital		51	9	61	-	61	82	75	21
Children, Young People & Culture	DFES - Devolved Formula	500	764	(41)	1,223	(899)	324	326	214	3
Children, Young People & Culture	NDS Modernisation	1,637	8,919	1,924	12,480	(8,416)	4,064	4,065	1,770	2
Children, Young People & Culture	Access Initiative		8		8	-	8	-	_	(8
Children, Young People & Culture			76		76	(68)	8	8	8	(0
	Upgrade and remodel Radcliffe Hall		_		_	-		_	_	_
Children, Young People & Culture			7		7	(7)		_	_	_
Children, Young People & Culture			22		22	(- /	22	22	_	_
Children, Young People & Culture			215		215	(135)	80	80	26	_
Children, Young People & Culture	· ·		13		13	(133)	-	-		_
Communities & Wellbeing	Contaminated Land		21	0	22	(13)	22	21		(0
		-	9	0		-		9	_	(0
Communities & Wellbeing	Air Quality	-			9	-	9		-	_
Communities & Wellbeing	Heat Network In Bury TC		54		54		54	54	-	-
Communities & Wellbeing	Environmental Crime	100			100		100	100	-	-
Communities & Wellbeing	Parks			102	102		102	102	22	-
Communities & Wellbeing	Play Areas	-	21		21		21	21	-	-
Communities & Wellbeing	Demolition of Radcliffe Pool		44		44		44	44	12	-
Communities & Wellbeing	Learning Disabilities	-	3	-	3	-	3	-	9	(3
Communities & Wellbeing	Improving Info.Management	-	7		7	-	7	7	5	-
Communities & Wellbeing	Older People		483	1,077	1,560	-	1,560	1,560	1,280	-
Communities & Wellbeing	Social Care Single Capital Pot	455	26	177	657		657	657	-	-
Communities & Wellbeing	Empty Property Strategy	-	610	-	610	-	610	610	87	-
Communities & Wellbeing	Housing development - Urban Renewa	-	8,800		8,800	(3,496)	5,303	5,413	1,726	110
Communities & Wellbeing	Disabled Facilities Grant	968	172	(44)	1,096	(388)	708	708	166	-
Communities & Wellbeing	Waste Management	-	53		53	-	53	-	-	(53
Resources & Regulation	Flood Repair & Defence		801	678	1,479		1,479	1,479	26	-
Resources & Regulation	Street Lighting LED Invest to Save	1,046	278		1,324		1,324	1,324	136	-
Resources & Regulation	Traffic Management Schemes	_	349	70	419		419	400	2	(19
Resources & Regulation	Prestwich Town Centre	_	1,761		1,761		1,761	1,761	189	-
Resources & Regulation	Planned Maintenance	5,322	3,170	(604)	7,889		7,889	7,881	645	(8
Resources & Regulation	Bridges	_	320	, ,	320		320	320	159	_
Resources & Regulation	Traffic Calming and Improvement	188	559	(28)	719		719	737	0	19
Resources & Regulation	Planning Environmental Projects	4	411	199	614	(156)	458	438	50	(19
Resources & Regulation	Development Group Projects		83	133	83	(150)	83	28	1	(55
Resources & Regulation	Corporate ICT Projects	71	-	6	76		76	71	_	(6
		71	191	0	191		191	244	81	53
Resources & Regulation	Corporate Property Initiatives  Radcliffe Market Redevelopment		(100)		(100)		(100)		01	100
Resources & Regulation			10						_	100
Resources & Regulation	Tile Street Refuse Removal		10		10		10	10 5	-	-
Resources & Regulation	Seedfield								5	5
Resources & Regulation	Radcliffe TC Redevelopment				-		-	15	15	15
Resources & Regulation	12 Tithebarn Street		43		43		43	42	1	(1
Resources & Regulation	Haworth Close LD Centre Demolition				-				16	-
Resources & Regulation	Q Park Airspace Development			27	27		27	35	35	8
Resources & Regulation	East Lancs Paper Mill master planning				_			36	36	36
Resources & Regulation	Chamberhall Development							-	30	_
Housing Public Sector	Housing programme Major works (HR.	9,991			9,991	(2,152)	7,839	7,839	1,219	1
Total Bury Council controlled p		20,281	28,253	3,551	52,085	(15,730)	36,355	36,555	8,044	199
•				2,331	0_,003	(23,730)	20,000	23,333	5,0 14	
Funding position: Capital Receipts		100	337	1,165	1,602	(80)	1,522	1,622	1	
Reserve / Earmarked Capital Rec	eipts	71	1,885	27	1,983	-	1,983	1,983		
General Fund Revenue Housing Revenue Account		9,991	44	21 0	65 9,991	(2,152)	7,839	7,839		
Capital Grants/Contributions		5,733	17,337	2,333	25,403		15,401			

runung position:								
Capital Receipts		100	337	1,165	1,602	(80)	1,522	1,622
Reserve / Earmarked Capital Receip	ts	71	1,885	27	1,983	-	1,983	1,983
General Fund Revenue		-	44	21	65		65	65
Housing Revenue Account		9,991	-	0	9,991	(2,152)	7,839	7,839
Capital Grants/Contributions		5,733	17,337	2,333	25,403	(10,002)	15,401	15,401
HRA/MRA Schemes		-		-	-		-	-
Supported Borrowing				-	-			
Unsupported Borrowing		4,386	8,650	6	13,042	(3,496)	9,545	9,645
		20,281	28,253	3,551	52,085	(15,730)	36,355	36,555

# Key for budget monitoring reports Projected Overspend (or Income Shortfall) a major problem with the budget a significant problem with the budget expenditure/income in line with budget a significant projected underspend (or income surplus) a major projected underspend (or income surplus)

more than 10% and above £50,000 more than 10% but less than £50,000

more than 10% but less than £50,000 more than 10% and above £50,000



#### **HOUSING REVENUE ACCOUNT** Appendix B

April 2017 - September 2017

	2017/18 Original Estimate	2017/18 Latest Estimate	2017/18 Projected Outturn	2017/18 Variation Over/(Under)
	£	£	£	£
INCOME  Dwelling rents	29,342,200	29,342,200	29,440,300	(98,100)
Non-dwelling rents	204,800	204,800	198,715	6,085
Heating charges	48,700	48.700	48,700	0,003
Other charges for services and facilities	896,100	896,100	921,000	(24,900)
Contributions towards expenditure	40,600	896,100 40,600	40,600	Ů Ó
Total Income	30,532,400	30,532,400	30,649,315	(116,915)
EXPENDITURE				
Repairs and Maintenance	0	0	0	0
General Management	822,700	822,700	828,088	5,388
Special Services	833,800	833,800	831,200	(2,600)
Rents, rates, taxes and other charges	98,000	98,000 178,800 298,200	98,000	0
Increase in provision for bad debts - uncollectable debt	178,800	178,800	178,600 297,900	(200)
Increase in provision for bad debts - impact of Benefit	298,200	298,200 4,432,600 7,926,900 42,400	297,900 4,432,600 7,926,900	(300)
Cost of Capital Charge	4,432,600	4,432,600	4,432,600	0
Depreciation/Impairment of fixed assets - council dwel	7,926,900	7,926,900	7,926,900	0
Depreciation of fixed assets - other assets			/	(9)
Debt Management Expenses Contribution to/(from) Business Plan Headroom Reserv	40,600	40,600	40,600 470,400	0
Contribution to/ (noin) business Flan Head oom Reserv		470,400	470,400	
Total Expenditure	15,144,400 	15,144,400	15,146,679	2,279
Net cost of services	(15,388,000)	(15,388,000)	(15,502,636)	(114,636)
			(11,400)	
Interest receivable - on balances	(52,300)		(52,300)	0
Interest receivable - on loans (mortgages)	(500)	(500)	(455)	45
Net operating expenditure	(15,452,200)	(15,452,200)	(15,566,791)	(114,591)
Appropriations				
Appropriation relevant to Impairment	0	0		0
Revenue contributions to capital	2,063,600	2,063,600	2,225,200	161,600
(Surplus) / Deficit before ALMO/SHU payments	(13,388,600)	(13,388,600)	(13,341,591)	47,009
Payments to Six Town Housing / Transfers re Strategic Housing Unit excluded from above	c			
Six Town Housing Management Fee Contribution to SHU Costs	13,058,600 320,000	13,058,600 320,000	12,598,600 320,000	(460,000) 0
Total	13,378,600	13,378,600	12,918,600	(460,000)
(Surplus) / Deficit after ALMO/SHU payments	(10,000)	(10,000)	(422,991)	(412,991)
Working balance brought forward	(1,010,000)	(1,010,000)	(1,010,000)	0
<u></u> -				(412,991)
Working balance carried forward	(1,020,000) 	(1,020,000)	(1,432,991) 	(412,991)

key for budget monitoring reports Projected Overspend (or Income Shortfall) of

a major problem with the budget - more than 10% and above 50K a significant problem with the budget - more than 10% but less than 50K expenditure/income on line with budget

a significant projected underspend (or income surplus) - more than 10% but un a major projected underspend (or income surplus) - more than 10% and above



The table below shows the prudential indicators as derived from the Treasury Management Strategy Report for 2017/18 and the Original Budget for 2017/18 as approved at Council in February 2017. The Original Budget for 2017/18 is compared with the Forecast Outturn for 2017/18 as at  $30^{th}$  September 2017.

CAPITAL EXPENDITURE	Original Budget 2017/18	Forecast Outturn at 30 September 2017	Variance	Notes
	£'000	£'000		
Estimate of Capital Expenditure				
Non-HRA	6,691	28,716	329.21%	
HRA existing expenditure	9,991	7,839		
TOTAL	16,681	36,556	_	1
Estimate of Capital Financing Requirement (CFR)				
Non-HRA	116,218	132,272	13.81%	
HRA existing expenditure	40,530	40,531		
HRA reform settlement	78,253	78,253		2
	235,001	251,055	_	3

AFFORDABILITY	Original Budget	Forecast Outturn at 30 September	Variance	Notes
	2017/18	2017		
	£'000	£'000		
Estimate of incremental impact of capital investment decisions				
Increase in council tax (band D, per annum)	-£1.10	£1.78		4
Increase in housing rent per week	£0.00	£0.00		5
Ratio of Financing Costs to net revenue stream				
Non-HRA	3.03%	3.07%	1.24%	6
HRA	14.14%	14.47%	2.32%	6
Net External Borrowing only to support the CFR in				
Medium Term	£'000	£'000		
Net External borrowing over medium term	192,509	192,509		7
Total CFR over Medium Term	235,001	251,056		7
Net External Borrowing < Total CFR	TRUE	TRUE	_	
			_	

EXTERNAL DEBT	Original Budget	Forecast Outturn at 30 September	Variance	Notes
	2017/18	2017		
	£'000	£'000		
Authorised limit of external debt				
Borrowing	190,700	206,800		
Other long term liabilities	5,000	5,000		
HRA reform settlement	79,300	79,300		
TOTAL	275,000	291,100	5.85%	8
Operational boundary				
Borrowing	155,700	171,800		
Other long term liabilities	5,000	5,000		
HRA reform settlement	79,300	79,300		
TOTAL	240,000	256,100	6.71%	8

TREASURY MANAGEMENT	Original Budget	Forecast Outturn at 30 September	Variance	Notes
	2017/18	2017		
Upper limit for fixed interest rate exposure				
Net principal re fixed rate borrowing / investments	115%	116%	1.03%	9
Upper limit for variable rate exposure				
Net principal re variable rate borrowing / investments	-15%	-16%	7.89%	9
Upper limit for total principal sums invested for > 364 days	£10 m	£10 m		10
			_	
Maturity structure of fixed rate borrowing at 30 September	Upper/lower		]	
2016	limit	Actual		
Under 12 months	40% - 0%	2.39%		
12 months and within 24 months	35% - 0%	8.36%		
24 months and within 5 years	40% - 0%	8.11%		
5 years and within 10 years	50% - 0%	14.97%		
10 years and above	90% - 30%	66.18%		

#### Notes to the Prudential Indicators:

- 1. The original budget shows the approved Capital Programme expenditure of £16,681,000. The forecast outturn of £36,556,000 is higher than budget because of slippage from 2016/17.
- 2. Following the Government announcement to reform the system of financing Council housing, the Authority had to pay the Department for Communities and Local Government £78.253m on the 28<sup>th</sup> March 2012. The Council financed this expenditure by PWLB loans.
- 3. Capital Financing Requirement relates to all capital expenditure i.e. it includes relevant capital expenditure incurred in previous years. The Capital financing requirement reflects the authority's underlying need to borrow.
- 4. The finance costs related to the increases in capital expenditure impact upon Council tax. The increase in Council Tax reflects the level of borrowing to be taken in 2017/18 to finance current and previous years' capital expenditure.
- 5. There is no direct impact of capital expenditure on housing rents as the housing rent is set according to Government formula.
- 6. The ratios for financing costs to net revenue stream for both General Fund and HRA have remained relatively stable.
- 7. To ensure that borrowing is only for a capital purpose and therefore show that the authority is being prudent this indicator compares the level of borrowing and capital financing requirement (CFR) over the medium term. The level of borrowing will always be below the CFR.
- 8. The authorised limit and operational boundary are consistent with the authority's plans for capital expenditure and financing. The authorised limit is the maximum amount that the authority can borrow.

Document Pack Page 41 9. The variable and fixed limits together look at the whole portfolio and will

therefore together always show 100% exposure. Variable interest rate limit can be positive or negative as investments under 364 days are classed as variable and are credit balances which are offset against debit variable loans. The smaller the balance of investments, the more likely the variable limit will be positive as the variable loan debit balance will be higher than the credit investment balance offset against it.

10.Principal sums invested for periods longer than 364 days have been set at £10m. The investment balance is estimated to be cash flow driven, however if the opportunity arises that surplus investment balances are available then advantage will be taken of favourable rates.



# Agenda Item 6

# REPORT FOR DECISION



DECISION OF:	STANDARDS SCRUTINY COMMITTEE					
DATE:		mber 2017				
	_	nber 2017				
SUBJECT:	LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS AND OMBUDSMAN'S ANNUAL REVIEW LETTER 2016/17					
REPORT FROM:	THE MON	ITORING OFFICER				
CONTACT OFFICER:		AMMOMD, ASSISTANT DIRECTOR - LEGAL OCRATIC SERVICES				
TYPE OF DECISION:	соммітт	COMMITTEE DECISION				
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain					
SUMMARY:	This report sets out findings and recommendations of the Local Government and Social Care Ombudsman					
OPTIONS & RECOMMENDED OPTION	(a) That the content of the Ombudsman's Annual Review Letter to the Council be noted (b) That the complaints made to the Local Government Ombudsman referred to the Council during 2016/17 and their outcomes be noted					
IMPLICATIONS:						
Corporate Aims/Policy Framework:		Do the proposals accord with the Policy Framework but will need approval of Full Council.				
Statement by the S151 Of Financial Implications and Considerations:		The cost of investigating complaints is contained within existing budgets.				
		A robust approach to investigation minimises risks to the Council				
Health and Safety Implica	ations	Investigations take accounts of appropriate Health & Safety requirements				
Statement by Executive D of Resources	There are no wider resource implications					
Equality/Diversity implica	There is no impact on equality matters as the report contains options for a discussion.					
Considered by Monitoring	Officer:	Yes – the legal implications are set out in the report and there is a statutory duty for the Monitoring Officer to prepare a formal report				

	to the Council where there has been an act which constitutes maladministration or service failure; and where the Ombudsman has conducted an investigation into the matter.
Wards Affected:	AII
Scrutiny Interest:	Not applicable

#### TRACKING/PROCESS

# **DIRECTOR: Interim Director of Resources and Regulation**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
11 September 2017			
Scrutiny Committee	Cabinet/Committe e	Council	

#### 1.0 INTRODUCTION

1.1. The Council receives an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman ("LGO"). This Report provides a brief commentary on the Ombudsman's Annual Review letter, including changes implemented and proposals for future working.

#### 2.0 Ombudsman's Jurisdiction

- 2.1 The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as:
  - to investigate complaints against councils and some other authorities
  - to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)

The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; and school admission appeal panels.

#### 2.2 Complaints and Enquiries Received by the Ombudsman in 2016/17

2.2.1 Last year, the Ombudsman provided, for the first time, statistics on how complaints upheld against the Council were remedied and those not pursued. This year's letter again includes a breakdown, showing the complaints and enquiries received and decisions made. The letter is attached as Appendix A. The number of complaints and enquiries received for the last two years is shown below:

2016/2017 - 57 2015/2016 - 53

2.2.2 The Ombudsman has, this year, chosen not to include a "compliance rate", which previously showed compliance with the Ombudsman's

recommendations. From April 2016 a new mechanism was introduced to ensure recommendations were followed by authorities.

- 2.2.3 In addition, it is clearly stated by the Ombudsman in the Annual Review Letter 2017 that: "We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the Council but who may never contact you."
- 2.2.4 The complaints received by the Ombudsman about the Council in 2016/17 were split across services as follows (note these are LGO designated service categories). These are compared with 2015/16.

Service Number of Complaints	2016/17	2015/16
Adult Care Services	12	13
Corporate & Other Services	1	1
Education & Children's Services	9	11
<b>Environmental Services</b>	11	13
Highways & Transport	9	5
Planning & Development	5	3
Housing	2	2
Benefits and Tax	8	5
Other	0	0

As Adult Care Services, Education & Children's Services and Highways & Transport are the largest service areas in any event, it is expected that these would be the services that the Ombudsman receives most complaints about.

#### 2.3 **Ombudsman Complaint Decisions**

Decision of Ombudsman in	2016/17	2015/16
Investigated – Upheld	6	5
Investigated – Not Upheld	8	10
Advice given	1	1
Closed after initial enquiries	15	12
Incomplete / Invalid	1	1
Referred back for local resolution	29	25

- 2.3.1 Appendix B to this report provides details of the six decisions upheld and the required actions by the Council to remedy these. The decision of "Upheld" is applied when the Ombudsman finds there is some fault in the way the Council acted even if it has agreed to put things right during the course of the Ombudsman investigation; or had already accepted it needed to remedy the situation before the complaint was apparent to the Ombudsman.
- 2.3.2 The actions required of the Council by the Ombudsman are included within Appendix B. It should be noted that this included financial redress totalling £3,032.00.

#### 3.0 OMBUDSMAN'S ANNUAL REVIEW LETTER

3.1 The Annual Review letter is the successor to the Ombudsman's Annual Letters. It provides an annual summary of statistics on the complaints made to the Local

Government Ombudsman (LGO) about this Council to the year ending 31 March 2017.

3.2 It is intended that the information provided by the Ombudsman, set alongside the data the Council records about local complaints, will assist in assessing the Council's performance.

#### 4.0 MOVING FORWARD WITHIN THE OMBUDSMAN'S ORGANISATION

- 4.1 The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.
- 4.2 The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letter is helping the sector to learn from its mistakes and support better services for citizens.
- 4.3 A survey carried out in 2015 demonstrated a significant proportion of councils are sharing the information the Ombudsman provides with elected members and scrutiny / standards committees. This approach is welcomed.

#### **5.0 FUTURE DEVELOPMENTS**

- 5.1 Members will be acutely aware of the continuing financial constraints being faced by the Council and the tough decisions around service provision that are being taken. The expectation of customers does not reduce in line with the challenges the Council faces. Indeed customers feel more empowered to hold the Council to account; and therefore it is envisaged that more customers will escalate their dissatisfaction beyond the Council's own complaint procedure, to the Ombudsman. Even as the Council becomes more of an enabling authority and commissioning many services, it remains entirely accountable for those services.
- 5.2 It should also be acknowledged that complaints to the Ombudsman do not always involve the Council or its appeals processes or any wrongdoing; but that they come from people who would have liked something more, or better, or a different outcome. It is unlikely that public expectations of services will diminish in the short term and therefore there is no reason to suppose that complaints will fall significantly. Despite these challenges, employees are making every effort to ensure that capacity to respond to the Ombudsman is maintained.
- 5.3 It remains the case that the Council does not receive significant criticism from the Ombudsman and therefore we should continue to deliver services within our own policy and procedure guidelines, as well as within statutory requirements.
- 5.4 It is important that the Council takes even greater measures to ensure that it is able to evidence that it learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and provides.

#### **List of Background Papers:**

None

#### Contact Details:

Jayne Hammond Assistant Director - Legal and Democratic Services

Local Government & Social Care

OMBUDSMAN

20 July 2017

By email

Pat Jones-Greenhalgh Interim Chief Executive Bury Metropolitan Borough Council

Dear Pat Jones-Greenhalgh

#### **Annual Review letter 2017**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the 'Social Care Ombudsman' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

#### **Complaint statistics**

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

During the year your Council raised a concern with my office about a planning complaint we were investigating. Amongst other things, the Council challenged the decision to investigate the complaint because it had not been through its local complaints process. Although we usually encourage the public to try to resolve problems directly with a council in the first instance, I have discretion to accept a complaint at any point in the process.

I hope this clarifies this issue and I would like to thank you for your Council's cooperation with our investigations over the course of the last year.

#### The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

#### As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or

- injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

#### **Manual for Councils**

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website <a href="https://www.lgo.org.uk/link-officers">www.lgo.org.uk/link-officers</a>

#### Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit <a href="www.lgo.org.uk/training">www.lgo.org.uk/training</a>

Yours sincerely

Michael King

Local Government and Social Care Ombudsman for England Chair, Commission for Local Administration in England

Local Authority Report: Bury Metropolitan Borough Council 81/03/2017

For further information on how to interpret our statistics, please visit our website: <a href="http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics">http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics</a>

# Complaints and enquiries received

Total	57
Other	0
Planning and Development	S
Housing	2
Highways and Transport	G
Environment Services	11
Education and Children's Services	6
Corporate and Other Services	-
Benefits and Tax	8
Care	1

Decisions made	made				Detailed Investigations	gations		
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld		Uphold Rate	Total
_	1 *	29	15	8	9		43%	09
Notes Our uphold rate The number of ra This is because, always find groun	is calculated in rel emedied complain while we may upt nds to say that fau	Notes  Our uphold rate is calculated in relation to the total number of detailed investigations. The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.	umber of detailed the number of uphe cause we find fau that ought to be n	investigations. eld complaints. llt, we may not emedied.	Complaints Remedied Satisfact by LGO Authority b Involve	Satisfactorily by Authority before LGO Involvement		

#### **Local Government Ombudsman Annual Review 2017**

#### **Upheld Complaints against the Council**

Six decisions were upheld following investigation by the Local Government Ombudsman and were completed by 31 March 2017 for inclusion in the Annual Review. The investigations are detailed below showing the required actions and whether these have been complied with.

#### Complaint reference: 15 015 103

The complainant complained that the Council failed to carry out a child protection investigation properly or work with the family sufficiently before starting care proceedings in relation to a child in her care. The complainant says that if the Council had followed proper procedures it would not have taken legal action.

#### Remedy

The Council to:

- make a payment of £500 to the complainant and £500 to the complainant's family to recognise the unnecessary distress and anxiety they experienced;
- cover their reasonable expenses in connection with the court process if they produce the necessary evidence;
- place a copy of the Ombudsman's final decision on this complaint on B's case records along with any statement the complainant wishes to make;
- Review its procedures to ensure it fully considers taking pre-proceedings action under the Public Law Outline in similar cases in future.

#### Remedy has been complied with

#### Complaint reference: 16 004 997

The complainant complains about the way in which the Council acted on a flawed assessment of their family which led to a Child Protection Plan. The complainant complains particularly about the actions of Inspire, an agency commissioned by the Council to support his family. The complainant also complains that the Council has failed to follow up recommendations after the complaint was upheld.

#### Remedy

In response to the draft decision, the Council agreed to make a payment of £500 in acknowledgement of the distress caused to the family by the actions of the Inspire worker;

The Council says that "actions following the recommendations of the Independent Panel have been taken by the Team Manager of the Safeguarding Unit; the work carried out has been reported back to the Assistant Director of Social Care"; it has also separately explained to Mr and Mrs X in a number of responses the actions it has taken. The Council's response to the Ombudsman's draft decision included a consolidated account of its actions.

#### Remedy has been complied with

Complaint reference: 16 001 103(

The complainant complained the Council refused to refund bailiff fees incurred in enforcing a Penalty Charge Notice (PCN). The court revoked the Order of Recovery and complainant believes the Council should reimburse her all associated fees and charges.

#### Remedy:

The Council agreed to refund the increased element of the PCN fee of £25, the administration fee of £7 and bailiff fees of £75 (£107).

#### Remedy has been complied with

# Complaint reference: 15 019 126 (associated with complaint reference 15 001 123 below)

The complainant complains about:

- The way the Council responded to requests by her late mother's neighbour to close a public right of way over the access to her mother's home; and
- The Council's failure to safeguard her late mother. She says the Council delayed starting a safeguarding investigation into the alleged harassment of her vulnerable, elderly mother by her neighbour and failed to carry out the eventual investigation properly.

#### Remedy:

The Council agreed to apologise to the complainant for the faults the LGO found in the way it handled the safeguarding alert and for the fact that its own complaints procedure failed to identify those faults.

#### Remedy has been complied with

#### **Complaint reference: 15017156**

The complainant complains the Council failed to refund bailiff costs and the parking fine following the decision of the Traffic Enforcement Centre (TEC).

In response to enquiries, the Council reissued the Notice to Owner to The complainant. This will give her the opportunity to challenge the original PCN. If it is found the PCN was not correctly issued the Council should make a further refund.

#### Remedy:

The LGO decision is the complaint will not be pursued further. The return of the bailiff fees has provided a remedy for most of complainant's complaint. When the LGO spoke on the telephone previously, she said this is what she was seeking. In addition the Council will now reissue the Notice to Owner which gives the complainant the right to appeal the PCN if she considers it was wrongly issued.

#### Remedy has been complied with

#### **Complaint reference: 15014189**

#### The complaint

The complainant complained on behalf of his mother that the Council took too long to act after a breach of a planning condition had been reported that was meant to ensure proper drainage of a new house and its garden.

The complainant was concerned that because the condition was not enforced, a public footpath on land they own was impassable.

#### Remedy:

The Council has agreed to take the following action to remedy the complaint: the Chief Executive will apologise to the complainant for the time it took to begin enforcement action and how it dealt with the complaint. It will pay the complainant £500 for the time and trouble in bringing her complaint to the Ombudsman.

The Council will consider its practice and procedures in light of this complaint to ensure it deals with planning enforcement complaints promptly in future.

Remedy has been complied with in part with two issues outstanding:

The Council will consider its arrangements for dealing with and responding to Ombudsman enquiries. **This part of the remedy is being implemented** 

The Council will inform the Ombudsman of any changes it makes in light of the complaint within 3 months from the date of the final decision. **This part of the remedy has yet to be implemented** 

# Complaint reference: 15 001 123 (associated with complaint reference 15019126 above)

#### The complaint

The complainant lives in a rural part of the Councils area. He bought his house in March 2012, one of two semi-detached cottages. In front of the cottages runs a watercourse running under a culvert. Over the top of the culvert and passing alongside and behind the cottages runs a right of way.

This also provides a vehicular access for the neighbouring cottage. In August 2012 a section of the culvert collapsed. The complainant had concerns his neighbour (the late 'Mrs X") continued to cross the culvert by car. The complaint about the Council encompasses the following issues:

- that it would not share details of inspections it commissioned to check the condition of the culvert both before and after its partial collapse;
- that it gave Mrs X planning permission to construct a metal bridge over the culvert that the complainant considers undermines its stability;
- that it failed to provide sufficient support to the complainant and his family when they became the targets of harassment and nuisance from Mrs X; in particular and that it failed to prosecute Mrs X for a statutory noise nuisance;
- that it wrongly labelled the complainant 'unreasonably persistent' in pursuing complaints about these matters; unfairly restricting his access to its services, officers and elected Councillors.

#### Agreed action

In its response to the Ombudsman's draft findings the Council has indicated it does not agree with the analysis above. However, it has indicated that it is prepared to take action to remedy the complaint and has agreed to the following. Within the next 20 working days it will:

a) Provide a written apology at a senior level to Mr C and Ms D for the faults found during this investigation;

- b) Provide a financial remedy to the complainant of £500 in recognition of the uncertainty and time and trouble arising from the Council's handling of the planning enforcement matter; £250 for the uncertainty and time and trouble arising from the noise nuisance investigation and £100 for any distress arising from its handling of his communications; making £850 in total;
- c) Liaise with the complainant to commission a suitably qualified independent person to re-examine the cross-section drawing upon which planning permission was given for the bridge to check its accuracy; in the event the independent person finds inaccuracies in the cross-section drawing then the Council should ask that independent person to re-consider if the bridge will impact the integrity of the culvert and the right of way passing over it remains safe to use; The complainant should give his prior consent for that independent person to have whatever access is required to the culvert for that purpose; the cost of that survey will be split 50/50 between the Council and The complainant;
- d) In the event in the event the bridge is found unsafe the Council should consider whether to close the right of way and advise The complainant if it has any scope to take further action in respect of this matter bearing in mind the bridge sits on land in his ownership;
- e) The Council will note in its records that the ownership of the culvert is The complainant and it should seek his permission should it need to enter the culvert and any point in the future.

The Council was not recommended to take any further action in respect of any reports of nuisance or harassment made by the complainant. This is because the investigator understands that at this time there are no ongoing reports and the complainant does not seek the Council's help in these matters. But in the event the complainant approaches the Council for more help with such matters then I would expect the Council to provide him with clear information about its potential ability to intervene in disputes involving owner occupiers. It should also consider if there is any help it can provide in terms of gathering evidence useful to the determination of what action it could take.

The Council was also not recommended to take any further action in respect of any restrictions in communications with the complainant. This was in the light of the facts set out at paragraph 71 and its comments at paragraph 75. These indicated that no further restrictions were in place on the complainant communications. In comments received on the draft report the Council suggested this might not be the case and that it only intended to communicate with the complainant in future by writing. I do not endorse this approach as I have no evidence to think it justified (as far as I am aware there have been no direct communications between the complainant and the Council or over 18 months now). Should the Council consider that at the present time the complainant's communications should remain restricted then it should write to him explaining the rationale for that decision. It was suggested it explain how long that restriction will apply; in respect of what matters and at what point its decision will be reviewed. It should also explain what right of appeal the complainant has to that decision or else signpost him to this organisation to consider a fresh complaint about any such restrictions.

Remedy has been complied with

# Agenda Item 7





Agenda Item

MEETING: SCRUTINY COMMITTEE

DATE: 22 November 2017

SUBJECT: Highway Maintenance

REPORT FROM: Peter Stokes/Neil S Long

REPORT STATUS: FOR PUBLICATION

#### 1.0 BACKGROUND

**1.1** Highway Operations is Bury Council's in-house team responsible for reactive highway maintenance, highway weed control, road markings, highway drainage, highway safety inspections, highway related customer inquiries, street works inspections and highway enforcement.

Section 41 of the Highways Act 1980 requires that the Highway Authority (Bury Council) maintains the highway. Highway Operations discharges this statutory duty and provides evidence of a defence to highway claims under Section 58 of the Highways Act 1980. This is provided by virtue of the inspection, maintenance and repair regimes employed by the service.

#### **Key Highway Assets Maintained By Highway Operations**

- Roads 660km
- Footways 1200km
- Road Gullies 42,500 no.
- Road signs 15,000 no.
- Guardrail 15km

#### **Highway Operations Key Stats.**

- Completed over 13,00m2 of carriageway and footway repairs in 16/17
- Complete 5,516km of walked Highway Safety Inspections per annum
- Resolved 7,235 customer enguiries in 2016/17

All Road markings, highway drainage repairs and highway weed control works are all carried out by external contractors, this equates to approximately 40% of the highway maintenance revenue budget for works. Procurement and supervision of these contracts is carried by Highway Operations Officers.

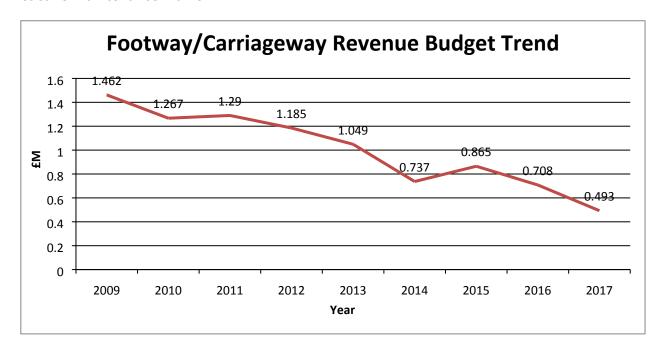
#### 2.0 ISSUES

#### **Highway Operations Budget, Performance & Financial Needs**

**The Highway Maintenance and Pothole Strategy Action Plan** is attached to this scrutiny report which provides details of investment, performance improvement measures, IT and technology investment, communications and actions in connection with the Council Motion 13<sup>th</sup> September 2017

Highway Operations revenue budgets for carriageway and footway maintenance have reduced by circa 66% since 2009. This cut has, in part, been offset through increases in capital

funding. Whilst capital funding is welcome, these monies are generally not able to be used for reactive maintenance works.



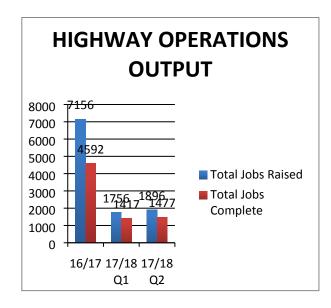
N.B. The total carriageway and footway revenue budget for 2017/18 is **£493,000** or £747/km of highway (based on a network length of 660km). The 2016/17 GM average carriageway and footway revenue budget was circa £1,100/km or **£726,000** for a 660km network length.

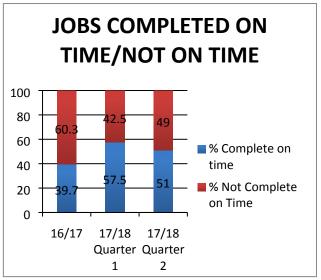
#### 2.1 Highway Operations Performance

Highway Operations employs a number of innovative systems and techniques in order to provide an efficient, modern service. These innovations include:

- Handheld GPS technology to record inspections, instruct works and record/photograph defects/completed works;
- CAT planing machines which reduce exposure to hand arm vibration and increase output;
- Spray injection patching machine which reduces exposure to hand arm vibration and significantly increase output; &
- Highway Inspector repairs.

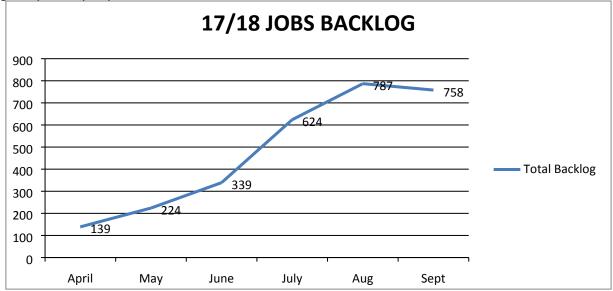
These innovations together with improvements in logistics and a focus on targeting insurance have helped to achieve significant gains in performance shown below:





NB. Projecting current performance the number of jobs completed will increase by circa 1200 this financial year than were completed in 16/17, this equates to an increase in output of circa 26%. Circa 55% of jobs are projected to be completed on time in 17/18, which is an increase of 15% on 16/17. Further improvements are projected for quarter 3 performance as new systems of work become embedded.

Despite the significant improvements made within Highway Operations there remains a disparity between capacity and the demands placed on the service. The current backlog of highway safety repairs is shown below.



It is projected that circa 1500 highway safety repair jobs will not be completed in 2017/18, which is 1000 jobs less than in 16/17.

#### 2.2 APSE State of the Market Survey - Highways - Nov 17

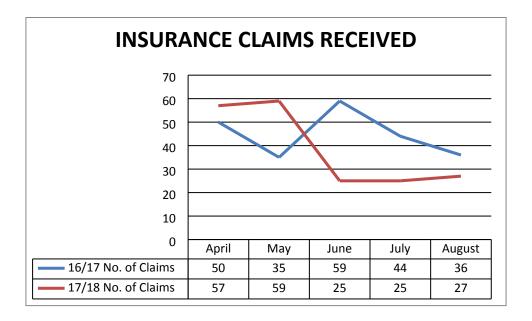
- 52% of respondents reported decreased budgets, whilst for 21% had increased (covered increase in funding to assist in flood recovery). 64% anticipated a decreased budget for 18/19 (again for increased people cited flood recovery funds but also Northern Powerhouse investment).
- 73% responded that they hadn't taken a more aggressive approach to defending claims.
- 43% of respondents estimated that existing damage to roads in the council area will be never repaired to an acceptable standard.

#### 2.3 Financial Needs

It is impossible to accurately determine future demands on Highway Operations as works are reactive in nature and the rate of formation of highway defects cannot be modelled, unlike general condition indices. However, in order to meet the current level of demand on the service it is estimated that circa £250,000 additional highway maintenance revenue works budget per annum is required. This would bring existing highway revenue budgets into line with our GM neighbours.

It is anticipated that any investment in highway maintenance revenue budgets will potentially be offset by a reduction in insurance claims payouts. The vast majority of highway insurance claims payouts are a made as a result of repairs not being completed on time, which impacts on our ability to provide a robust defence in court. Additional highways revenue budgets will be targeted on improving repair response times, thereby increasing the number of repairs completed on time.

The graph below shows how recent improvements in performance have translated into a reduction in the number of highway claims received.



#### 3.0 CONCLUSION

Highway Operations has a proven track record of efficiency and regularly completes pothole repairs at significantly lower cost than the national average of  $\pmb{£72}$  per pothole  $_{(a.)}$ . In 2017/18 the typical costs for Highway Operations to repair a pothole are  $\pmb{£48}$ , 33% below the national average.

The recently announced Highway Maintenance Investment of £10million, whilst welcome, will not be sufficient to achieve significant improvements in the condition of the highway network. The rate of formation of defects will therefore continue to accelerate and with that the demands on Highway Operations will increase. Despite the proven efficiency of Highway Operations an increase in the current level of highway maintenance revenue budget is required to meet the current and future level of demand. Without this investment Bury Council will in increasingly exposed to insurance claim payouts and potential reputational damage.

a. Average cost to repair a pothole according to Asphalt Industry Alliance 2017 Annual Local Authority Road Maintenance Survey (ALARM).

#### **Contact Details:-**

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**Peter Stokes** 

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# Agenda Item 8





Agenda Item

MEETING: SCRUTINY COMMITTEE

DATE: 22 November 2017

SUBJECT: Environmental Quality and Fly Tipping Strategy

REPORT FROM: Neil S Long

REPORT STATUS: FOR PUBLICATION

#### 1.0 BACKGROUND

**1.1** The Environmental Quality and Fly tipping Task Group (a small cross departmental group of Council officers) is working to improve the Council's response to increasing levels of fly tipping in the borough. The group has also been allocated a one-off **£100k** budget to tackle such problems through a range of methods.

The group has identified a long list of known hotspots most of which are targeted on a sporadic basis. From that work a number of sites stand out as more regular where various types of fly tipping is occurring and where a range of interventions such as signage, enforcement, targeted community action and deployment of CCTV may assist with catching offenders and act as a deterrent. Every location is very unique. Merely seeing vehicles use particular routes or hot spot areas doesn't provide adequate evidence to pursue tippers. They virtually need to be caught in the act unless there is secondary corroborative evidence.

#### 2.0 ISSUES

**The Environmental Quality Strategy Action Plan** is attached to this Scrutiny Report which provides details of investment, targeted community action, IT development, enforcement, CCTV, removal of fly tipping and signage together with details of where the one off £100k will be spent.

#### 2.1 Environmental Quality £100k funding

- **1. Common Management Information System £5,000** for all waste management enforcement issues utilizing the 'Flare' computer system currently used by Environmental Health and to review the process for consistent recording of fly tipping.
- **2. Targeted Neighbourhood Action £30,000** local initiatives that support neighbourhood working and led through the HUB's with Councillors, system leads, operational services and local residents as part of wider campaigns for behaviour change.

- **3. CCTV surveillance £15,000** List of all known hot spots together with top 10 priorities for initial action. Individual bespoke designs required as each hot spot has unique issues and challenges in collecting evidence. Includes CCTV signage that will act as a deterrent.
- **4. Replace damaged and missing bins £35,000** It is much more efficient to empty a litter bin rather than manually litter pick. Many litter bins are now either missing or damaged in town centre and green space locations. Where possible bins will provide for combined litter and dog fouling although there will be locations where a bespoke dog bin is still appropriate. Existing bin designs will be reviewed as part of this action.
- **5. Refresh Fly Tipping and Dog Fouling Signage £5,000** Using eye catching signs that can act as a deterrent and well as warn offenders that enforcement action will be taken or that CCTV is in operation. Signs can also be used as part of local neighbourhood initiatives and in various sizes to suite location.
- **6. Fly Tipping clearance in back streets and private land hot spots £10,000** One off funding to kick start improving non Council owned sites where following an investigation by Environmental Health it is not possible to trace the perpetrator or in some case identify a land owner. To be used where possible in conjunction with wider environmental quality initiatives.

#### 2.2 Environmental Health

Environmental Health enforcement officers investigate incidents of fly tipping and other waste offences which blight the borough. Matters are resolved through an informal approach, issuing legal notices including fixed penalties, works in default, simple cautions or prosecution.

Demand management work has been carried out with the call centre, Bury Council web site and Bury Directory to try and ensure only actionable waste problems come to the enforcement officers with higher quality evidence.

Two Environmental Health Officers have been deployed to neighbourhood hubs serving the high demand areas of Radcliffe and Bury East to carry out generic Environmental Health work. Most of this is around environmental quality. Since summer 2017 Waste Management Enforcement officers and hub EHO's have been working more closely to increase capacity.

#### 2.3 Enforcement Action

In 2017 so far 4 prosecutions and 2 Simple Cautions have been taken for fly tipping and duty of care offences. The prosecutions have been publicised via social media and the press and provoke plentiful positive response from the public.

Cleaning unadopted back streets is not a statutory responsibility for Bury Council and in the last 12 months environmental enforcement officers have encouraged householders and businesses to keep their private back streets clean as they would their gardens. In some cases enforcement action has been taken and the streets have been cleaned in default by contractors and invoices sent to the relevant residents and businesses. This is part of an ongoing

behaviour change initiative but it is acknowledged that in some cases the unadopted streets suffer serious fly tipping from persons unknown so residents feel victimised if asked to pay for a cleanup.

## 2.4 Public Rights of Way

Public rights of way form a substantial part of the highway network that is maintainable at public expense. Any route included in the Definitive Rights of Way Map is deemed to be the responsibility of the Highway Authority. This includes the duty to remove litter and fly tipping from these routes.

There are 310kms of public rights of way in Bury, made up of 650 individual paths. Some of these routes attract fly tippers as they are accessible by vehicles and are not in view of the local population. The erection of barriers preventing vehicular access is not always possible as many public rights of way are also access routes to properties for which the residents have a private right of access.

There have been 89 reports recorded of fly tipping on the public rights of way network in the current calendar year. The relevant items have been cleared by Cleansing Services, creating a significant demand on the service. "Hot spots" have been identified and considered for signage and CCTV coverage, although the remote locations of some of the fly tipped areas will make the use of cameras difficult due to the lack of a power supply and somewhere to attach the camera

### 2.5 Community Safety

The Council's Community Safety team are working hard to assist enforcement officers to collect evidence through CCTV deployment and actual observations. Out of hours and when something is actually happening, the public can contact the Council's 24/7 Control Room on Tel 0161-253-6606. Resources permitting a quick response visit by one of the Councils Community Response Officers may be deployed and evidence shared with Environmental Health.

Currently the team are researching best value new generation smart CCTV, upgrading existing CCTV in hotspot areas.

**Contact Details:-**

Neil S Long

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Children, Young People & Culture



# ANNUAL COMPLAINTS REPORT APRIL 2016 - MARCH 2017

Jane Whittam
Assistant Team Manager - Information
26 July 2017

#### **PURPOSE/SUMMARY:**

This report has been produced in line with the statutory requirement to update Members and provide current information in respect of complaints related to Children's Social Care Services. This report looks at the period 1 April 2016 to 31 March 2017, and will allow Members to see the extent and complexity of Children's Social Care Service's span of activity and to receive information relating to the quality of the services delivered.

Members are asked to note the content of the report and advise Officers of future requirements in respect of the reporting of complaints relating to Children's Social Care Services.

#### 1.0 INTRODUCTION

- 1.1 In line with guidance from the Department for Education, Local Authorities are required to publish an Annual Complaints Report covering the council year. This report is to provide current information in respect of complaints related to Children's Social Care Services for the year 2016 / 2017.
- 1.2 As part of our continued approach to monitoring performance, the status of complaints is also reported weekly to the Children's Senior Management Team. Lessons learnt from complaints are also discussed monthly within the Team Meetings and where there is wider learning at the monthly Children's Services Extended Managers Meeting.

#### 2.0 WHAT IS A COMPLAINT

- 2.1 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. A complaint may be made by written or verbal expression.
- 2.2 Complaints principally concern service delivery issues, including the perceived standard of these services and their delivery by service providers. These recorded figures only represent a percentage of complaints received as many complaints / concerns are managed daily on an informal basis operationally and are thus, not registered formally by the complaints section.
- 2.3 The Complaints Procedure is not designed to deal with allegations of serious misconduct by staff. These situations are covered under the separate disciplinary procedures of the Council.
- 2.4 It is a legal requirement that Children's Social Care Services has a distinct complaints procedure. This statutory procedure provides the means for a child or young person to make a complaint about the actions, decisions or apparent failings of a local authority's children's social care provision. It also allows an appropriate person to act on behalf of the child or young person concerned or to make a complaint in their own right.
- 2.5 For some service users and for children and young people in particular, it is not easy to make a complaint. This can be the case when the person using the service may be apprehensive about what may happen if they do complain. It is important, therefore, that all complaints are treated seriously, in confidence, investigated and are given due attention. It is therefore the role

of the Assistant Team Manager (Information) to provide a degree of independence and support to the complainant whilst ensuring the complaint follows the statutory procedure. If a complaint is received directly from a child or young person, an automatic referral is made for advocate support to Bury Children's Rights Service, which is an independent advocacy service commissioned by Children's Social Care. Feedback to complainants about their complaint is essential.

A prime objective of the Children's Social Care Complaints Procedure is to ensure the Local Authority develops a listening and learning culture where learning is fed back to children and young people who use services. Complaints present an opportunity for the Local Authority to learn why people who are using our services find them unsatisfactory, and how we can improve the services we provide.

#### 3.0 THE SOCIAL CARE COMPLAINTS PROCEDURE

- 3.1 The handling and consideration of complaints consists of three stages:-
  - Stage 1: Local Resolution,
  - Stage 2: Independent Investigation
  - Stage 3: Review Panel
- 3.2 Local Resolution requires the Local Authority to resolve a complaint as close to the point of contact with the service user as possible (i.e. through front line management of the service). Emphasis is placed on resolving complaints under Stage 1, local resolution, because this should provide a more timely response and is user friendly. The Department strives to investigate and resolve complaints within 10 working days although the procedure does allow a 20 working day time scale for more complex complaints. In most circumstances complaints are considered at Stage 1 in the first instance.
- 3.3 Where the complaint is not resolved locally, or the complainant is dissatisfied with the Local Authority's response, the complaint can be considered at Stage 2. An independent investigation is completed by a senior manager from outside the team to which the complaint refers to. This has the oversight of an Independent Person from outside the Local Authority to ensure a full and fair investigation is carried out. We aim to send a response with a full report within 25 working days, although this can be extended to 65 working days.
- 3.4 Where Stage 2 of the Complaints Procedure has been concluded and the complainant is still dissatisfied, they will be eligible to request further consideration of the complaint by a Stage 3 Review Panel. The Panel does not reinvestigate the complaint or consider any substantively new issues of complaint that have not been first considered at Stage 2. The purpose of the Panel is to consider the initial complaint and, wherever possible, work towards a resolution. The Panel should be convened within 30 working days of request and its report (including any recommendations) will be sent within 5 working days following the meeting. The Department then issues its response to the complainant within a further 15 working days.
- 3.5 Where a complainant remains dissatisfied with the Local Authority's response to the Review Panel's recommendations, the complainant has the right to refer

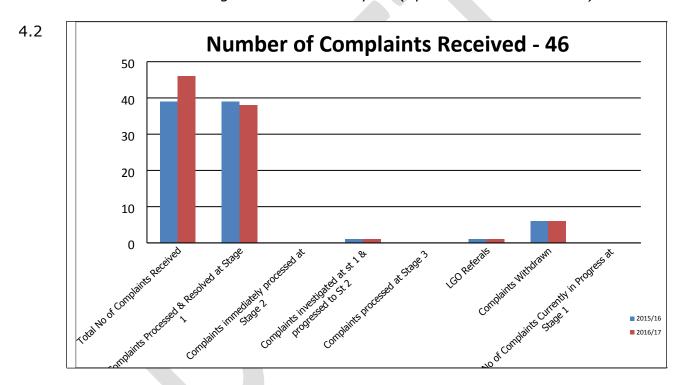
his / her complaint to the Local Government Ombudsman. The Assistant Team Manager (Information) will assist with this process as far as possible.

#### **ANALYSIS OF COMPLAINTS RECEIVED**

All figures detailed below are from 1 April 2016 to 31 March 2017. Reference is also made to outstanding complaints or complaints which were reported as not being agreed or completed as of 31 March 2016.

#### 4.0 SOCIAL CARE COMPLAINTS RECEIVED

4.1 A total number of 46 complaints were received across all social care teams during the 2016 – 2017 financial year. This reflects an 18% increase in the number of complaints received when compared with the 39 complaints that were received during the last financial year (April 2015 – March 2016).

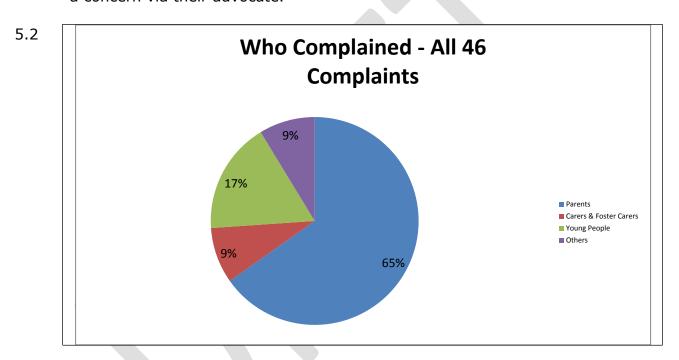


- 4.3 Of the 46 complaints received, 6 complaints were withdrawn and 1 complaint was an enquiry from the Local Government Ombudsman. This report therefore focuses on the complaints which were actually investigated at Stage 1 of the Social Care Complaints Procedure during the last financial year (April 2016 March 2017).
- 4.4 39 complaints were investigated at stage 1 of the Social Care Complaints Process during 2016 / 2017
- 4.5 We have also continued to record the number of informal concerns / complaints received into the Complaints Department, which have predominantly been requests for information. This does not include any informal concerns or complaints which have been raised directly with individual teams. There were 52 informal concerns / complaints logged within the Complaints Department which were resolved immediately by telephone

and did not result in a formal complaint being made. This is a slight decrease compared with the 67 informal concerns / complaints logged within the Complaints Department during 2015 / 2016; however it should be noted that often this type of concern is raised directly with individual team managers and is therefore not captured within this recording.

#### 5.0 WHO COMPLAINED?

5.1 The majority (65%) of the complaints received were received from parents. Young people are encouraged to raise their own concerns with the assistance of advocacy from Bury Children's Rights Service. Bury Children's Social Care Services and Bury Children's Rights Service continue to work with their joint working protocol to ensure that a consistent and timely service is offered to children and young people in the care of Bury Local Authority when they raise a concern via their advocate.



#### 6.0 ADVOCACY

- 6.1 4 complaints were made using the service of an external Advocate, compared with 3 during 2015 / 2016. The number of complaints received through Bury Children's Rights Service was 3, which was the same number as those received during 2015/2016.
- 6.2 Concerns and complaints received from Children and Young People in Care are very important. These young people are often supported to make a complaint by Bury Children's Rights.
- 6.3 The advocate from Bury Children's Rights Service will initially raise the concern with the Young Person's Social Worker, and if no response is received within a timely manner, this will be referred to the Social Worker's line Manager for a response.
- 6.4 Should a response not be provided within a timely manner, or if the Young Person is unhappy with the response, their advocate will assist the child or

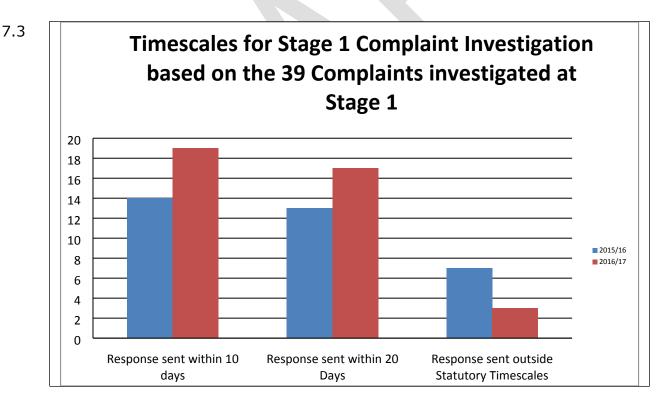
young person to make a formal complaint at Stage 1 of the Statutory Children's Social Care Complaints Procedure.

#### 7.0 TIMESCALES OF STAGE 1 SOCIAL CARE COMPLAINTS

7.1 Performance Indicators show that there has been an increase in the compliance of timescales for responding to complaints (both within ten working days and 20 working days).

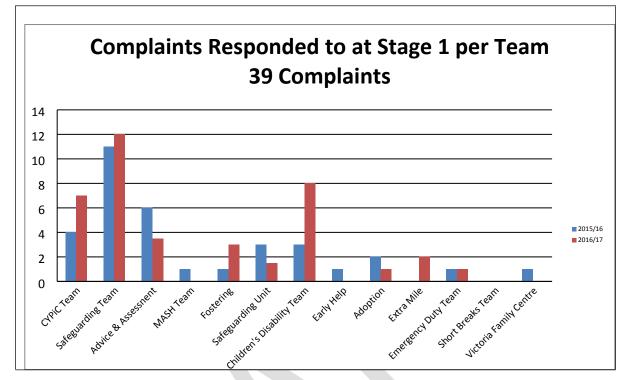
Year	10 Working Days	20 Working Days
2009 / 2010	Unavailable	60%
2010 / 2011	32.72%	65.46%
2011 / 2012	36.36%	79.55%
2012 / 2013	41.86%	90.96%
2013 / 2014	46.94%	95.92%
2014 / 2015	47.50%	82.50%
2015 / 2016	41.18%	79.42%
2016 / 2017	48.72%	92.31%

7.2 This resulted in 7.69% of complaints (3) being responded to outside of the statutory timescales.



#### 8.0 COMPLAINTS PER TEAM

8.1



- 8.2 For the second year running the figures show that there has been a marked decrease in complaints which have been investigated and responded to by the Advice and Assessment Team. There have however been increases in the number of complaints relating to cases held within the CYPiC and Children with Disability Teams.
- 8.3 The increase in complaints as a whole brings the figures more in line with those received in 2014/15, having dipped in 2015/16. Parents, carers and children are provided with complaints leaflets during visits, and are aware of how to make complaints. We continue to implement quality assurance of complaint responses, as this was received positively by Ofsted and is also a way of providing training and guidance to Team Managers who may be new to dealing with complaints.
- 8.4 For the second year running, complaints made regarding the Advice and Assessment Team have dropped by almost 50%, whilst complaints made in respect of the Safeguarding Team are similar to those made during the last two years.
- An increase in complaints has been noted in respect of the Children's Disability Team. There has been a change in the way this team now provides support, and the ways in which multi agency partners work with the Council and the families now means that there are more robust procedures and decision making in place.

Many families have transferred to the Direct Payment Scheme, meaning that families receive a budget to enable them to recruit and appoint their own

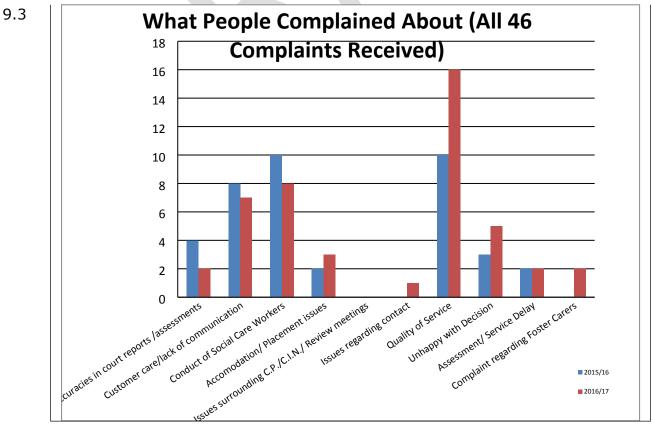
personal assistants to provide respite support. It should be noted that detailed work between the Social Work and Procurement teams had ensured that the majority of issues are resolved without progressing to complaint.

It should also be noted that the role of the Children with Disabilities Team has changed; in addition to providing care and support to families, the team now undertakes child protection activity where necessary. Half of the complaints received relate to families where there has been repeated legal involvement and a robust management approach, and others were in respect of the increased rigour of the team in moving the cases into Public Law Outline or Child Protection.

Until this year, the team have been based at the R'ed Centre, rather than within the central Council Offices. It may be that parents felt that it was easier to drop in and see staff there when attending the centre with their children and resolve issues without the need for a formal complaint.

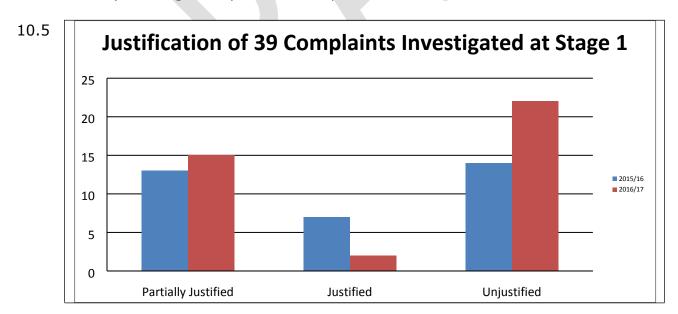
#### 9.0 WHAT PEOPLE COMPLAINED ABOUT

9.1 Many of the complaints received cover a variety of issues. Whilst on first glance, the graph below appears to show an increase in complaints about the quality of service, this is minimal. Due to the nature of individual complaints it is sometimes difficult to categorise these into specific themes other than the quality of service. Therefore this is a broad categorisation that cannot be broken down any further. In addition, due to the relative low numbers of complaints, any increases or decreases within the themes reported are small. There is no main pattern to the complaints received which is pleasing as it does not highlight a particular weak area within the teams / service.



#### 10.0 HOW WE DEALT WITH COMPLAINTS

- 10.1 Each of the 39 complaints investigated at Stage 1 were investigated by the relevant Team Manager, and a response was provided to the Complainant explaining the situation or what the service intends to do as a result of the complaint. In the majority of cases, a letter of explanation or an apology was sufficient to resolve the matter.
- 10.2 Whilst a number of complainants were initially dissatisfied with the Stage 1 outcome, we were able to resolve the majority of complaints without the need to progress to Stage 2 by offering meetings with the Strategic Lead for Safeguarding and the Assistant Team Manager (Information).
- 10.3 There was one complaint which was investigated at stage 2 of the Complaints Procedure; both elements of the complaint were partially upheld and the reports and outcome of the findings were sent to the complainant in April 2017.
- 10.4 There has been 1 complaint which was received by the Local Government Ombudsman and which we were asked to supply information to support their enquiry. They subsequently carried out an investigation and the outcome of the report will be published by the Local Government Ombudsman in July 2017. This has resulted in the Council making a payment of £500 to the claimant as a result of the service offered by a third party provider. This money is being recouped from the provider.



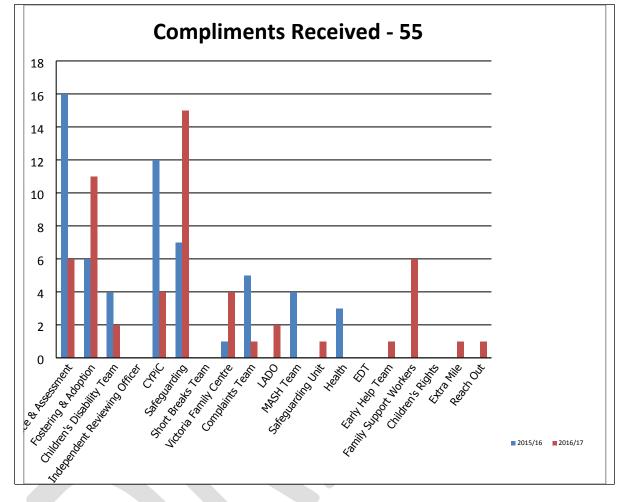
#### 11.0 QUALITY ASSURANCE / BUDGET POSITION

Permanent Team Managers are now familiar with carrying out complaint investigations and providing a written response; in addition quality assurance procedures have continued which have resulted in the Local Authority having been able to resolve complaints at Stage 1 of the Complaints process, sometimes with additional mediation. As outlined above, one Stage 2 Complaint Investigation was carried out during the financial year, at a cost of

£420.00.

#### 12.0 COMPLIMENTS RECEIVED





12.2 55 compliments regarding the Children's Social Care Teams have been received over the last twelve months, which is the same number as those received during the last financial year, however not all managers forward these to be logged. A discussion has already taken place within team meetings to encourage staff to record the compliments received.

#### 13.0 EQUAL OPPORTUNITIES MONITORING

- 13.1 Whist efforts have been made to monitor the ethnic origin of the Authority's complainants; many have not returned the diversity questionnaire.
- 13.2 Due to the limited number of questionnaires being returned, a true and accurate reflection of the Authority's Complainants cannot be reported.

#### 14.0 REPEAT AND VEXATIOUS COMPLAINTS

14.1 It should be noted that as reported in the last financial year we do still receive a small number of complaints which may be construed as either vexatious or repeated. This type of complaint impacts greatly on the time of both the Assistant Team Manager (Information) and Departmental Staff, and hinders the completion of other complaints.

14.2 The Local Government Ombudsman remains a source for advice in these situations, especially when it is clear that a Stage 2 Investigation would not provide a different outcome / resolution, and a small number of complainants were advised to contact the LGO if they remained unhappy with the Local Authority's response. Unfortunately due to restructuring within the LGO, there seems to be a lack of consistency in the advice received from different advisers. This is something that is being pursued by the North West Complaints Managers Group.

#### 15.0 DEVELOPMENT OF COMPLAINT MANAGEMENT & EXPERTISE

15.1 The North West Complaints Managers Group meets bi-monthly. Meetings are well attended. The network aims to raise standards for Complaint Management across Authorities. Whilst I have been unable to attend all meetings, the group continues to be a valuable source of advice and support.

#### 16.0 LEARNING FROM COMPLAINTS

- 16.1 In order to demonstrate learning from complaints and the Department's commitment to use complaints to improve standards of services, all Team Managers complete a "Lessons Learnt" form following each complaint investigation. All recommendations arising from complaints have been recorded and shared with the wider Social Care teams.
- 16.2 During the last twelve months, discussions have taken place with Team Managers in order that lessons learnt can be fed back to social work staff.
- 16.3 Feedback and discussion from complaints takes place with Team Managers and is fed back to staff during Team Meetings. Wider learning is also shared during the monthly Extended Manager's Meetings.
- 16.3 Some complaints identify lessons learnt in dealing with an individual or family; others offer a wider learning experience
- 16.4 The recommendations which have arisen from complaints during 2016 / 2017 which have now been implemented are detailed below:
  - Reinforce with social workers the importance of sharing conference reports with families prior to conference;
  - Reinforce the roles of the social worker and the commissioning team to ensure the quality assurance of commissioned services;
  - Review of care leavers financial entitlements and an update to the Staying Put arrangements;
  - Template Letter produced for parents to provide information about S20;
  - Ensuring clarity is provided to all involved with an IFA placement to avoid disputes at a later date;
  - Improvements in communication with partners and Legal when working jointly together and ensure that any CIN or CP clearly defines responsibilities:
  - A review of the foster carer handbook in relation to funding for extracurricular activities and additional costs;
  - A review of the commissioning team's role in monitoring complaints

- about 3<sup>rd</sup> party providers;
- A review of SGO Policies and Procedures and a further review of older SGO cases to ensure compliance;
- A new step detailed within the Conference Procedure social workers to check the attendance list to ensure all the relevant people are invited.

#### 17.0 CONCLUSIONS

- 17.1 The Complaints process has been monitored and evaluated throughout the year to ensure that we not only meet the requirements of the statutory regulations and guidance, but those of the families we work with.
- 17.2 There is still scope for the timescales in which we respond to complaints to be improved and for complaints to contribute towards improvements to the services we provide.
- 17.3 To ensure that we continue to work and resolve complaints quickly the Assistant Team Manager (Information) has worked with newer Team Managers in the investigation and response to complaints, and all written responses continue to go through a final stage of quality assurance.
- 17.4 It is essential to the smooth running of investigating and responding to complaints that delays are kept to a minimum, and that any delays in the investigation process do not add to the initial complaint. Whilst there has been a reduction in the number of complaints received, those that have been received have been more complex in nature. Therefore it is encouraging that despite the addition to working pressures for managers, we have improved the timescales for responding to complaints
- 17.5 Strict monitoring and following up on complaint investigation continues to be a priority to ensure complaints are responded to effectively within the ten day timeframe.

#### **Annual Complaints Report 2016/17 - Key Areas**

- The complaints report is a **statutory report** which details the Complaints received about Children's Social Care over the last 12 months.
- There has been an 18% increase in complaints received in a year where referral rates have also dropped. There are mixed reports from other LAs some seeing increases.
- There have been 52 informal complaints received into the complaints department; (a slight reduction on the 67 received last year), however this does not include those made directly to Social Work Teams.
- The vast majority of complaints are made from **parents.** The figures show that we have consistent numbers in the number of complaints this year via the Children's Rights Service who offer an **advocacy service** to support young people; this is due to a joint protocol and resolving "grumbles" at an earlier stage. .
- **Timescales** for responses have improved year. **48.72%** of complaints were responded to **within ten working days**, compared with 41.18% during the last financial year. The timescales for complaints responded to **within 20 working days** have also increased with **92.31%** of complaints being responded to within the 20 day timescale compared to 79.42% in the last 12 months. **Only 7.69%** of complaints were responded to outside of the statutory timescale; whilst this is a higher percentage than the last financial year (20.58%) the numbers actually reduced from 7 to 3.
- The majority of complaints were received for the Safeguarding Team which is not surprising as they are one of our largest teams. There has been a marked decrease in complaints which have been investigated by the Advice and Assessment Team; which we feel is linked to the stable and permanent workforce.
- There has been an increase in Complaints received about the Children with Disabilities Team;
   there have been changes in the role of the team and in addition many families have moved to the direct payment scheme as outlined in paragraph 8.5
- Whist we received a number of requests for **stage 2** of the complaints procedure, we were able to resolve these with mediation meetings. There was one investigation carried out at stage 2 at a cost of £420.
- This year, as with the previous 6 years I have reported on, we have had no complaints move to stage 3.
- We were asked to supply information to the Ombudsman regarding a number of complaints and the LGO then went on to investigate one of these. They subsequently carried out an investigation and the outcome of the report will be published in July 2016. The Council made a payment to the claimant of £500 as a result of the service offered by a third party provider.
- It is also pleasing that the department has continued to receive **compliments** from people who value the service and the staff.
- We have **learnt** from the complaints and procedures have been reviewed as a result of complaint investigations. Learning from complaints is shared within teams.

