

Executive Decision Report

Decision maker and date of Leadership Team meeting or (in the case of individual Lead Member decisions) the earliest date the decision will be taken	Leadership Team - 26 February 2018 Forward Plan reference: N/A Leadership Team Portfolio: Deputy Leader and Lead Member for Grenfell Recovery, Housing and Property.	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
Report title	APPOINTMENT OF AN INDEPENDENT ADJUDICATOR FOR GRENFELL COMPLAINTS	
Reporting officer	Robyn Fairman	
Key decision	No	
Access to information classification	Public	

1. EXECUTIVE SUMMARY

- 1.1. This report seeks delegated authority to recruit and appoint an Independent Adjudicator to investigate stage three complaints which relate specifically to the Grenfell service and, where required, to review decisions made under the Grenfell rehousing policies.

2. RECOMMENDATIONS

- 2.1. This report recommends that the Leadership Team delegates authority to the Executive Director for Grenfell to appoint an Independent Adjudicator for a period of twelve months, either via the appointment of a fixed term post holder or a commissioning arrangement with an independent organisation.
- 2.2. The report also recommends that the corporate complaints procedure is modified for Grenfell complaints to include the Independent Adjudicator as an alternative to the Director or Executive Director for stage three.

3. REASONS FOR DECISION

- 3.1. An Independent Adjudicator is proposed for the Grenfell service to ensure that complex and highly sensitive complaints which progress to stage three are handled in a fair and objective way.
- 3.2. The proposed enhancement of the Council's existing complaints process will add an additional layer of independence which reflects the specific sensitivity and complexity of Grenfell-related complaints. This forms part of the Council's commitment to dealing with all complaints in an impartial and transparent way.

4. BACKGROUND

- 4.1. The Council currently operates a three-stage corporate complaints procedure. However, there is no central complaints team; instead, complaints are managed by individual services. Stage one complaints are dealt with by a Service Manager, stage two by a Head of Service, and stage three by a Director or Executive Director.
- 4.2. The Grenfell directorate has received few formal complaints to date but it is anticipated that numbers of complaints will increase as policies begin to be more clearly defined. There is an urgent need to ensure that such complaints are dealt with quickly and efficiently and are seen to be handled in a fair and transparent way.
- 4.3. The directorate is operating against the backdrop of a deficit of trust in the Council's policies and procedures, the introduction of a suite of new processes and a range of new policies with different thresholds for eligibility. Many of the services provided to survivors of the Grenfell tragedy and others affected are non-statutory and cases are complex, cross-cutting and highly sensitive.
- 4.4. With this in mind, the service is currently piloting a new process for Grenfell-related complaints. The new process will follow the corporate three-stage procedure, but will be managed and coordinated by a small Complaints Team within the Grenfell Enabling Service. The Independent Adjudicator is proposed as the third stage of this process to add an extra layer of independence and objectivity to the complaints process.
- 4.5. The Complaints Team will handle all complaints relating to the Grenfell rehousing process, the Key Work service, assistance centres and any other area of the Grenfell directorate. The new Housing Management service will have its own separate complaints route. Officers are currently reviewing the existing KCTMO complaints process with a view to improving service user experience and outcomes.
- 4.6. Any complaints which relate to business as usual services or have an available statutory route will be unaffected by this new process. The Complaints Team will triage all complaints and enquiries to ensure that they are directed down the appropriate route.

- 4.7. The Team will log, track and report on Grenfell complaints and will use the learning from complaints to improve service delivery and service user experience. It is hoped that a central team will enable efficient and timely responses to complaints, greater quality control, better intelligence and insight, and a greater degree of objectivity and independence.
- 4.8. The Council intends to conduct, from April 2018, a wider review of its complaints policy and procedures. Any learning from the new process, including from the Independent Adjudicator role, will be used to inform the wider corporate complaints review.

5. PROPOSAL AND ISSUES

- 5.1. This report seeks delegated authority to appoint an Independent Adjudicator to act as the third stage of the Grenfell complaints process. This is proposed as an alternative to the current procedure, under which stage three complaints are investigated by a Director or Executive Director.
- 5.2. The Independent Adjudicator will investigate final stage Grenfell complaints with the support of the Grenfell Complaints Team. He or she would review complex and sensitive cases, challenge evidence, question officers and form an independent judgement and propose redress where appropriate.
- 5.3. The Independent Adjudicator's main duties will be:
 - To act in an independent capacity in the adjudication of stage three complaints.
 - To lead on investigations of such complaints including analysing complex evidence and formulating an independent view.
 - To make a determination on such complaints with reasons and recommendations, and propose redress where the complaint is upheld and where appropriate.
 - To be responsible for identifying service improvements and making recommendations to the Executive Director for Grenfell and relevant Directors and/or Heads of Service.
 - To provide a regular report for the Leadership Team and Chief Executive with analysis of stage three complaints and observations and recommendations from cases.
- 5.4. The Independent Adjudicator service will be offered by default to all complainants with a stage three complaint relating specifically to Grenfell. However, complainants will have the option to follow the normal corporate procedure (under which a complaint goes to a Director or Executive Director) if they so wish.
- 5.5. The Independent Adjudicator may also be asked to review decisions made under the two Grenfell rehousing policies. Where requested, he or she will review

eligibility under the policies and the suitability of offers made under the terms of the policies. This will not prejudice any statutory rights of review.

Recruiting an Independent Adjudicator

- 5.6. The Independent Adjudicator will be appointed for a fixed period of twelve months and will be either a fixed term post holder employed by the Council on a part-time basis or an independent organisation commissioned by the Council to provide an adjudication service.
- 5.7. The preferred approach at this stage is to appoint an Independent Adjudicator employed directly by the Council on a part-time basis. This is in line with the way the Independent Adjudicator is recruited and appointed at Lewisham, which also offers an independent adjudication service for stage three complaints.
- 5.8. The successful candidate will be someone with no connection to the borough who lives and works remotely, coming to the Town Hall to attend meetings with staff or complainants only when necessary. He or she will have an informal reporting arrangement (a 'dotted line') to a Director outside the Grenfell directorate but will deliver a report to the Leadership Team and Chief Executive on a regular basis and will be responsible directly to them.
- 5.9. If this approach to recruitment is unsuccessful, we will look at commissioning an independent organisation to provide an Independent Adjudicator service.

6. OPTIONS AND ANALYSIS

- 6.1. An Independent Adjudicator is proposed to add a greater degree of independence to the Grenfell complaints process, with a view to giving complainants greater confidence that their cases are dealt with fairly and transparently.
- 6.2. The alternative to appointing an Independent Adjudicator would be to follow the current corporate procedure for stage three complaints, under which they would be investigated by a Director of Executive Director. This would not give due weight to the special circumstances set out in section 4 of the report above.
- 6.3. Lewisham Council is one of the only local authorities to offer an independent adjudication service for stage three complaints. Conversations with colleagues at Lewisham suggest that their Independent Adjudicator provides an additional layer of independence and objectivity to the complaints process, which is welcomed by complainants. The Adjudicator is also a source of valuable feedback to the Mayor, the Cabinet and senior officers on the Council's policies, systems and processes. Advice has been sought from colleagues at Lewisham on the design and operation of the independent adjudication service.
- 6.4. It is vital to ensure that the Independent Adjudicator is sufficiently independent to take a balanced and impartial view of cases. This is a risk in any arrangement where the Adjudicator is employed or commissioned directly by the Council. However, this risk is mitigated by the proposal to appoint someone outside the

structure of the Grenfell Directorate with a direct reporting line to the Leadership Team and Chief Executive. This proposal has been informed by conversations with colleagues at Lewisham and by analysis of relevant material supplied by them.

7. CONSULTATION AND COMMUNITY ENGAGEMENT

- 7.1. This proposal was discussed at the meeting of the Grenfell Recovery Scrutiny Committee on 30 October 2017, both as an alternative to the current process for stage three complaints and a mechanism for reviewing the suitability of offers under the Grenfell rehousing policies.
- 7.2. The proposal has also been discussed with colleagues at the Local Government Ombudsman, including the RBKC liaison officer. They are supportive of the proposal. Under the new process, complainants would still have recourse to the LGO after their case was reviewed by the Independent Adjudicator.

8. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS

- 8.1. The Independent Adjudicator will need to be aware of and compliant with all relevant equalities legislation as it applies to Grenfell services. The Adjudicator will also be required to familiarise him- or herself with the specific equalities and diversity issues affecting the relevant local communities.

9. LEGAL IMPLICATIONS

- 9.1. There are no legal implications for this report.

10. FINANCIAL AND RESOURCES IMPLICATIONS

- 10.1. The Independent Adjudicator's salary and costs will be paid for from the budget for the Grenfell Directorate. These costs are yet to be confirmed, but a job description has been evaluated by the Council's Human Resources team at HMgn101 (£53,200 to £72,000). On the assumption that this would be a part-time post, it is anticipated that the total costs will be well below the £100,000 Key Decision threshold.

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Local Government Act 1972 (as amended) – Background papers used in the preparation of this report: None

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Formal clearance requirements for all key decision reports

[insert]

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NT