

Meeting of the

STANDARDS COMMITTEE

Tuesday, 20 July 2010 at 7.30 p.m.

A G E N D A

VENUE

Room M71, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14
2BG

Members:	Deputies (if any):
Chair:	
Vice-Chair:	
Mr Ibrahim Ali	
Ms. S. Bagum	
Mr R. Hopkins	
Mr Barry Lowe	
Mr Eric Pemberton	
Mr Matthew William Rowe	
Vacancy	
Vacancy	
Vacancy	
Councillor Zara Davis	Councillor Gloria Thienel, (Designated
Councillor Carli Harper-Penman	Deputy representing Councillor Zara
Councillor Dr. Emma Jones	Davis)
Councillor Anwar Khan	
Councillor Md. Maium Miah	
Councillor Joshua Peck	
[Note: The quorum for this body is 3 Members, of whom two must be Independent Members].	

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

STANDARDS COMMITTEE

Tuesday, 20 July 2010

7.30 p.m.

1. ELECTION OF AN INDEPENDENT MEMBER AS CHAIR OF THE COMMITTEE

To receive nominations for the Independent Chair of the Standards Committee for 2010/2011.

2. ELECTION OF AN INDEPENDENT MEMBER AS VICE-CHAIR OF THE COMMITTEE

To receive nominations for the Independent Vice-Chair of the Standards Committee for 2010/2011.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

4. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
5. MINUTES		
To confirm as a correct record of the proceedings the minutes of the ordinary meeting of the Standards Committee held on 16 February 2010.	3 - 10	
6. REPORTS FOR CONSIDERATION		
6 .1 Standards Committee - Roles and Functions, Membership and Dates of Meetings	11 - 16	
6 .2 Annual Work Programme	17 - 20	
6 .3 Corporate Complaints and Social Care Complaints Annual Report 2009/2010	21 - 72	

**7. ANY OTHER BUSINESS WHICH THE CHAIR
CONSIDERS URGENT**

Agenda Item 4

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS COMMITTEE

HELD AT 7.30 P.M. ON TUESDAY, 16 FEBRUARY 2010

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Mr Patrick (Barry) O'Connor (Chair)

Mr Muhammad Habibur Rahman (Vice-Chair)

Ms Suzette Barry (Independent Member)

Mr Barry Lowe (Independent Member)

Mr Eric Pemberton (Independent Member)

Mr Matthew William Rowe (Independent Member)

Councillor David Snowdon

Other Councillors Present:

None Present.

Officers Present:

Isabella Freeman	– (Assistant Chief Executive [Legal Services] Chief Executive's)
John Williams	– (Service Head, Democratic Services)
Richard Parsons	– (Service Head Procurement and Corporate Programme, Resources)
Claire Symonds	– (Service Head, Customer Access, Communities Localities Culture)
Tony Qayum	– (Head of Audit Services, Internal Audit, Resources)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Waiseul Islam, Azizur Rahman Khan, Salim Ullah and Dr Emma Jones for whom Councillor David Snowdon was deputising.

2. DECLARATIONS OF INTEREST

None reported.

3. UNRESTRICTED MINUTES

RESOLVED

That the minutes of the meeting of the Standards Committee held on 20th October 2009 be agreed as a correct record and signed by the Chair subject to the following amendments:

- Inclusion of Mr Barry Lowe in the Members present list
- Item 5.2 – Anti Fraud Corruption Strategy – Red Book 2 – Progress Report. Substitution of December 2009 with March 2010.

Matters Arising

5.1 Ethical Standards Questionnaire – Outcomes Report

In relation to the request for training on the Whistleblowing Policy, Ms Isabella Freeman, Assistant Chief Executive (Legal Services) reported that the training and clarification sought had been provided. In relation to the training on hearings held on 11th November 2009, it was noted that there was a good Independent Member turnout but a low elected Member turnout due to good reasons.

4. DEPUTATIONS & PETITIONS

None received.

5. UNRESTRICTED REPORTS FOR CONSIDERATION

5.1 Corporate Governance Review - Assessment against CIPFA/ SOLACE Framework

Ms Isabella Freeman, Assistant Chief Executive (Legal Services) presented the Corporate Governance Review report and highlighted the key points. Ms Freeman reported that page 4 of the report comprised a list of the actions agreed in October 2008 at the previous review. As detailed the majority of tasks had been completed. A checklist had been formulated to identify any necessary compliance action as set out in the final column of Appendix A. There were only a few outstanding actions.

The Chair asked the Committee whether they saw merit in undertaking a self evaluation exercise to assess their performance and identify any areas of improvement. It was suggested that this idea could be examined in more detail at a later stage and that it would fit in with the Council's Corporate Governance Assessment. The Committee were supportive of this idea.

In reply to a question from the Chair, Ms Freeman confirmed that the results of the Annual Residents Survey were published on the Council's website. The results were positive overall.

RESOLVED:

That the progress on compliance/ action arising from the 2008 review as detailed in section 4 of the report be noted and the outcome of the 2009 review as detailed in Appendix A be agreed.

5.2 National Fraud Initiative 2008/09 and Anti Fraud Update Report

Mr Tony Qayum, Head of Audit Services, presented the progress report which provided an overview of anti fraud work undertaken during the past nine months by Audit Services.

Mr Qayum advised that since the last report to the Committee in February 2009, the Authority had received 18,000 matches from the Audit Commission for investigation. Mr Qayum reported on the value to the Authority of measuring the targets over a one year period rather than a longer duration. Appendix A summarised progress against the NFI milestones as at end December 2009.

Mr Qayum summarised current activities including the work undertaken in relation to Housing Fraud, Blue Badge irregularities and the CIPFRA Red Book 2 requirements.

In reply to questions regarding the Audit Commission's assessment process, Mr Qayum reported that the Audit Commission examined the best quality matches to identify areas for investigation. The Authority then took the recommended filters and applied local knowledge to assess what should be looked at. This allowed for a broader view to be taken and enabled the Authority to obtain a better understanding of the issues.

Mr Qayum reported on progress with recovering the sums lost as a result of overpayment and Council Tax Fraud as detailed in the report. He also summarised the recovery process.

In reply to a question about benchmarking assessments, Mr Qayum confirmed that Audit Services already carried out such exercises. He referred to the difficulties in trying to carryout such comparisons as different Authorities tended to have different approaches to managing fraud. He suggested that Audit Services could look into the variances between Authorities to establish where the Authority stands in terms of managing NFI. It was also reported that the Audit Commission monitored activity via their web portal, and any incidences of non compliance could be included in the future Comprehensive Area Assessment.

The Committee welcomed the progress report and the positive work carried out.

RESOLVED:

That the contents of this report be noted.

5.3 Local Assessment of Complaints Update - New Adult Social Care procedure

Ms Clair Symonds, Service Head for Customer Access presented the report as requested by the Committee at a previous meeting.

Ms Symonds reported that in general the emphasis was on finding effective solutions to services user's complaints through flexible investigations. Ms Symonds reported on the process for hearing complaints. No standard response time was stipulated. However the service were measuring the response times at 10,20 and 30 working days.

Attention was drawn to a new leaflet designed to promote the new complaints procedure developed in conjunction with the Primary Care Trust and partners. (The leaflet was subsequently circulated to Members of the Committee following the meeting). Ms Symonds also drew attention to the figures for the number of Adults Social Care Complaints resolved in the 3rd Quarter 2009/10. The figures indicated there appeared to be a small reduction in complaints.

The Resources Service were working closely with Adults Health and Wellbeing to ensure the new procedures were fully followed and would also monitor them on a regular basis.

It was also reported that monitoring reports would be brought to both the Standards Committee and also the Overview and Scrutiny Committee as part of the regular cycle of monitoring.

In response to questions from Members, Ms Symonds reported on the timeframe for answering complaints. During the most recent quarter, all complaints were resolved within 10 working days. It was clarified that the term 'Answered' in Table 1 meant that the Authority had done all that it could to resolve the complaint.

The Committee also heard about the value of receiving feedback as this helped improve services. It was also reported that where a complaint was not upheld, the service would report back to the complainant and provide them with an explanation.

The Council's staff had received training on the new complaints procedure and met with the partners to discuss the procedures.

Ms Symonds emphasised that the new regulations represented a procedural change rather than a change in how the system worked. Ms Symonds emphasised that the new procedures would be reviewed and that all partners involved were committed to the process.

RESOLVED:

That the contents of this report be noted.

5.4 Monitoring Report on Ethical Standards Training

Ms Isabella Freeman, Assistant Chief Executive (Legal Services) presented the report and highlighted the main points.

Members noted the need for further training and that this would be provided.

RESOLVED:

That the contents of this report be noted.

5.5 Monitoring Implementation of the Ethical Governance Protocol for Council Contracts Progress Report

Mr Richard Parsons Service Head Procurement and Corporate Programmes presented the progress report regarding adherence to the Council's Ethical Governance Protocol by suppliers and use of the Requisition to Pay (R2P) e-procurement system.

Mr Parsons reported on progress made in implementing the Protocol since agenda publication. A further 31 suppliers had signed up representing a total value of £10million. He briefly explained the purpose of the R2P system, how it would assist the Protocol and the size and number of the suppliers who had committed to it. Action was being taking to ensure all suppliers to the Council signed up to the Protocol. The goal was to have 100% of suppliers committed by Summer 2010.

Mr Parsons answered questions from members about the rollout of the R2P system and use of the traditional 'paper chase system'. The number of traditional invoices would be scaled down. 100% of business would be processed through the new system. The use of the paper based system was now only really about registering suppliers on the new system.

Mr Parsons also reported on the systems of review and the mechanisms for monitoring adherence to the protocol. The Procurement Service were requiring compliance with the protocol in all tenders.

It was also reported that Audit Services would be examining the checks and balances being applied to the R2P system.

RESOLVED:

That the contents of this report be noted.

5.6 Members Attendance and Interests - Monitoring Report

Mr John Williams, Service Head for Democratic Services presented the monitoring report. The report updated the Committee on a range of matters related to Councillors attendance at meetings, events, completion of timesheets and registration of interests.

Mr Williams also tabled an updated version of Appendix 1. (Summary of Members Monthly Timesheet Returns) incorporating timesheets completed since report publication.

Mr Williams drew attention to the key changes identified in the report. Members timesheets now showed the total number of hours recorded by the Member at the end of the month. The average total was broadly in line with the guidance set by the Independent Remuneration Panel.

Members considered the responses to the consultation on changes to the timesheet proforma (as attached at Appendix 4). Members expressed disappointed at the low number of responses and considered how the existing timesheet proforma could be improved.

In considering the responses, concern was expressed at the inclusion of the category 'time spent on reading and telephone calls' and the difficulty of recording these activities.

In relation to Appendix 1 regarding Councillors' timesheet submissions, concern was also expressed at the number of Members without any submissions since the start of the current municipal year. There were more Members without submissions and in arrears compared to previous years. It was reported that the Chair of the Committee and the Service Head of Democratic Services had spoken to Party Leaders regarding the need to submit timely timesheets. It was **Agreed** that the Chair of the Committee should write to the Members who had not completed any timesheets during the current municipal year to ask that this be rectified and that they clarify their reasons for non submission of timesheets.

It was also **Agreed** that the problem of Members not submitting timely timesheets should be incorporated into the Standards Committee's Annual Report to full Council to be published after full Council. Consideration was also given to alternative ways of publicising the findings.

Councillor Snowdon considered that the incidences of non completion of timesheets could be due to time constraints. He considered that Members often don't have time to keep an absolute record of everything they do and they don't usually record everything like informal events in their diaries. This illustrated the difficulty of the task.

RESOLVED:

1. That the information set out in Appendices 1, 2 and 3 of the report in relation to Councillors' submission of timesheets, attendance at formal

meetings and training events, and completion of the register of interests during the current municipal year be noted;

(ii) That the Chair be asked to write to those Councillor(s) who have not completed any timesheets during the current municipal year to ask that this be rectified and to clarify reasons for non submission of timesheets.

(iii) That the responses submitted by Councillors to the consultation on possible changes to the Members' timesheet proforma as set out at Appendix 5 be noted and it also be noted that the Committee expressed disappointment at the lack of responses;

(iv) That the revised format and content of the monitoring report be welcomed. The Committee considered that the new format was a lot clearer and better focused than previously

(iv) That further monitoring reports be submitted to the Committee at six monthly intervals and

(v) That the problems around Members not submitting timely timesheets be highlighted in the Standards Committee Annual Report to Full Council in addition to the action agreed under resolution 1 (ii) above.

6. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Mr John Williams, Service Head for Democratic Services, reported that the next scheduled meeting of the Committee was due to take place in April 2010. The Committee was asked to consider the need for this meeting or whether a June/July meeting would be more appropriate. It was **Agreed** that the next meeting in April be cancelled and that the next meeting of the Committee be held in June/July 2010.

The Committee were also informed that three Independent Members of the Committee would be retiring at the end of the Municipal year. The Members were invited to indicate to the Assistant Chief Executive (Legal Services) / Service Head for Democratic Services Mr Williams whether they wished to seek reappointment. There would be a recruitment exercise to seek new applicants.

The meeting ended at 8.40 p.m.

Chair, Mr Patrick (Barry) O'Connor
Standards Committee

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Agenda Item 6.1

Committee Standards Committee	Date 20 July 2010	Classification Unrestricted	Report No.	Agenda Item No. 6.1
Report of: Assistant Chief Executive Originating Officer(s): Amanda Thompson		Title Standards Committee - Roles and Functions, Membership and Dates of Meetings Ward(s) affected: N/A		

1. SUMMARY

- 1.1 This report details the roles and functions of the Standards Committee, its membership and dates of meetings.

2. RECOMMENDATION

- 2.1 That the report be noted.

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Name and telephone number of holder
and address where open to inspection

Council Minutes 26/05/10

Amanda Thompson
Democratic Services
020 7364 4651

3. BACKGROUND

- 3.1 The Standards Committee was re-established by Council at its Annual meeting held on Wednesday 26 May 2010. This report details the roles and functions of the Committee, its membership and dates of meetings.

4. COMPOSITION

a) Membership

The Standards Committee will be composed of:

- Councillors (who may not include the Leader or more than one other Cabinet Member), numbering two from the majority group on the Council and one from each of the other political groups on the Council; and
- nine suitable persons (an "Independent Member") who are not Councillors or officers of the Council or Members of any other body having a Standards Committee and who are not related to or have a close friendship or relationship with Councilors or Officers of the Council

- b) Independent Members will be appointed by the Council for a 3 year term of office subject to confirmation at the Annual Council meeting and each will retire on a rolling basis. An independent Member who has completed a 3 year term may apply to serve a further term or terms.

Independent Members will be entitled to vote at meetings.

c) Chairing the Committee

A member of the Executive may not chair the Committee. The chair and the vice chair of the Committee will be Independent Members.

5. ROLE AND FUNCTION

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct in accordance with the Code of Conduct for Members and other codes and protocols in Part 5 of the Constitution by Councillors, co-opted Members, church, other faith and parent governor representatives;
- (b) assisting the Councillors, co-opted Members and church, other faith and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising on the training of Councillors, co-opted members and church, other faith and parent governor representatives on matters relating to the Members' Code of Conduct;

- (f) granting dispensations to Councillors, co-opted Members, church, other faith and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- (h) advising the Council on other Codes and Protocols forming the authority's ethical framework;
- (i) to consider arrangements for the appointment of Independent Members to the Committee;
- (j) to review the Corporate Governance Framework of the Council ensuring the authority operates within a robust framework;
- (k) to consider any report referred to it by the Cabinet or any other Committee where there are implications for ethical standards and report back as appropriate;
- (l) to receive whistleblowing reports and reports on any ethical issues arising from audit investigations;
- (m) to receive quarterly monitoring reports on complaints under the Council's Corporate Complaints procedure;
- (n) granting and supervising any exemptions from political restrictions in relation to employees of the Council, having regard to any general advice given by the Secretary of State;
- (o) to report annually on its work to Council;
- (p) to appoint sub committees, each of which must be chaired by an Independent Member, to discharge any function specified in sections 57A and 57B of the Local Government Act 2000 (initial assessment and review of complaints relating to Member conduct);
- (q) to conduct hearings in respect of Councillor conduct relating to the Member Code of Conduct in accordance with the statutory guidance and regulations from time to time

In relation to its powers to deal with (g), (p) and (q) above the Committee has appointed Sub Committees:

- the Assessment Sub Committee to assess complaints received
- the Review Sub Committee to review the decision of the Assessment Sub Committee upon request from a complainant of any decision to take no further action;
- the Hearings Sub Committee to consider the report of the Monitoring Officer relating to any local investigation or any reference from the Standards Board for England following the investigation of a complaint of breach of the Code of Conduct by a Member of the Council

6. CURRENT MEMBERSHIP

- 6.1 The Annual Meeting of Council held on 26 May 2010 appointed the Councillors shown below to membership of the Committee.

<u>Members</u>		<u>Deputies</u>
Councillor Carli Harper-Penman	-	None notified
Councillor Anwar Khan	-	"
Councillor Joshua Peck	-	"
Councillor Zara Davis	-	Councillor Gloria Thienal
Councillor Maium Miah	-	" "

- 6.2 The following Independent Members of the Committee were re-appointed by the Council on 26 May 2010:

Mr I. Ali (until 20th May 2011)
Mr E. Pemberton (until 20th May 2011)

Mr B Lowe (until May 2012)
Mr M Rowe (until May 2012)
Ms S Bagum (until May 2012)
Mr R Hopkins (until May 2012)

The Chair and Vice-Chair will be appointed from the Independent Members of the Committee.

- 6.3 Three further Independent Members of the Committee are being recruited to serve until July 2013 and their appointment is due to be considered at the Council meeting on 14 July. This will be reported verbally at the Standards Committee meeting.
- 6.4 The quorum of the Standards Committee and its sub-committees shall be 3 of the total membership of the committee and must include at least two independent members, one of whom shall be Chair.

7. DATES OF MEETINGS

- 7.1 Council has agreed a schedule of dates for Council, Cabinet and Committee meetings and the following are the scheduled dates for the remaining meetings of the Standards Committee during the current municipal year:-

- 20 July 2010
- 12 October 2010
- 18 January 2011
- 12 April 2011

8. COMMENTS OF LEGAL SERVICES

The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 24th March 2010 and 26th May 2010.

9. COMMENTS OF THE CHIEF FINANCIAL OFFICER

9.1 There are no financial implications arising from this report.

10. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

10.1 Pursuant to section 53 of the Local Government Act 2000, the Council is required to establish a Standards Committee. Under section 54 of the same Act, the functions of that committee shall be to promote standards of conduct by Members and such other functions as considered appropriate. The current roles and functions are set out in the Council's Constitution.

11. ONE TOWER HAMLETS IMPLICATIONS

11.1 There are no anti poverty or equal opportunity implications arising from this report.

12. RISK ASSESSMENT

12.1 A robust Standards Committee is essential in ensuring the resilience of the Council's ethical framework.

13. RECOMMENDATION

13.1 That the report be noted.

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Agenda Item 6.2

Committee: STANDARDS COMMITTEE	Date: 20 July 2010	Classification: UNRESTRICTED	Report No.	Agenda Item No. 6.2
Report Of: Assistant Chief Executive (Legal Services) Originating Officer: Isabella Freeman		Title: Standards Committee – Work Programme Wards Affected: N/A		

1. SUMMARY

- 1.1 This report sets out a proposed work programme for the Standards Committee in the 2010/11 municipal year.

2. RECOMMENDATION

- 2.1 Members are recommended to agree the work programme set out in section 4 of this report.

LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

Tick if copy
supplied for register

If not supplied, name
and telephone number
of holder

Standards Committee file

Isabella Freeman 020 7364 4800

3. **BACKGROUND**

- 3.1 A key role of the Standards Committee is to promote high standards of ethical conduct for Members and officers. The standards that are achieved by the Council are audited periodically by the Audit Commission.
- 3.2 By putting in place a work programme for each municipal year the Standards Committee ensures that it is best placed to become an integral part of the work of the Council and can make a positive difference to ethical standards.
- 3.3 Section 4 below sets out a proposed work programme for 2010/11.

4. **PROPOSED WORK PROGRAMME FOR 2010/11**

4.1

ITEMS TO BE SCHEDULED FOR CONSIDERATION 2010/11	PROPOSED COMMITTEE
Annual Corporate Complaints Report	20 July 2010
Annual Fraud Report 2009/10	12 October 2010
Corporate governance review – assessment against CIPFA/SOLACE framework	12 October 2010
Monitoring implementation of the Ethical Governance Protocol for Council Contracts	12 October 2010
Half yearly corporate complaints report	12 October 2010
Revisions to the role and functions of Standards for England	12 October 2010
Local assessment of complaints - update report	18 January 2011
Review of the Member/Officer Protocol	18 January 2011
Monitoring report on ethical standards training	18 January 2011

Constitution review	12 April 2011
REGULAR ITEMS SCHEDULED FOR CONSIDERATION EACH MUNICIPAL YEAR	
Committee terms of reference	20 July 2010
Committee work programme	20 July 2010
Members' timesheets and attendance at Committees/Panels	12 October 2010 and 12 April 2011
National Fraud Initiative	Quarterly update reports

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no immediate financial implications arising out of this report.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICE)

6.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's Monitoring Officer and incorporates legal comments.

7. RISK MANAGEMENT IMPLICATIONS

7.1 A robust work programme will assist in ensuring that the Committee meets and discharges its statutory functions.

8. EQUAL OPPORTUNITY CONSIDERATIONS

8.1 There are no specific equal opportunity implications arising out of this report.

9. ANTI-POVERTY IMPLICATIONS

9.1 There are no specific anti-poverty implications arising out of this report.

10. SAGE IMPLICATIONS

10.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

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Agenda Item 6.3

COMMITTEE: Overview and Scrutiny	DATE: 2010	CLASSIFICATION: UNRESTRICTED	REPORT NO.	AGENDA ITEM NO. 6.3
REPORT OF: KEVAN COLLINS CHIEF EXECUTIVE ORIGINATING OFFICER(S): RUTH DOWDEN CORPORATE COMPLAINTS MANAGER		TITLE: CORPORATE COMPLAINTS AND SOCIAL CARE COMPLAINTS ANNUAL REPORT 2009 2010 Wards Affected: ALL		

1. Summary

- 1.1 This report contains a summary of complaints received by the Council in the period 1 April 2009 to 31 March 2010 through the Corporate Complaints Procedure, Children's Social Care and Adults Social Care Complaints Procedures and those received and determined by the Local Government Ombudsman in the same period. This report fulfils the statutory requirements under the Children Act 1989 to produce an annual report.
- 1.2 Under the Corporate Complaints procedure there are significant improvements in response times at each of the three stages.
- 1.3 Radical changes in the statutory Adults Social Care Complaints procedure has resulted in a greater focus on early resolution and community outreach, as well as placing the complainant at the heart of the process.
- 1.4 Children's Social Care Complaints continue under the three stage statutory process.
- 1.5 The Local Government Ombudsman has commented positively in the Annual Letter to the Council about our focus on local resolution, and prompt responses.
- 1.6 The Complaints Service is accredited with the Customer Service Excellent Award.

2. Recommendations

- 2.1 Note the content of the report.
- 2.2 Comment on how the issues arising from the report could inform the Overview and Scrutiny work programme.

Complaints Annual Report 2009-2010

Contents

- Section 1 Introduction
- Section 2 Corporate Complaints
- Section 3 Adults Social Care Complaints
- Section 4 Children's Social Care Complaints
- Section 5 Ombudsman Complaints
- Section 6 Risk Assessment
- Section 7 Improvement Initiatives

1 INTRODUCTION

- 1.1 This report addresses the volume of complaints received by the Council in the period 1 April 2009 to 31 March 2010, the outcomes and the standard of performance in dealing with them.
- 1.2 The Corporate Complaints Team work within the Customer Access division. The team comprises six members of staff, who register complaints under all stages of the Council's Corporate Complaints Procedure (see section 2), the statutory Adults and Children's Social Care Complaints Procedures (see sections 3 & 4), and those investigated by the Local Government Ombudsman (see section 5). The officers monitor complaint progression and provide management information on performance.
- 1.3 Officers also investigate some Adults Social Care complaints and stage 2 Children's Social Care complaints, and stage 3 corporate complaints on behalf of the Chief Executive.
- 1.4 Most successful organisations encourage service users to complain, and as such a high volume of complaints is often an indication of a healthy relationship with service users. However, complaints should be resolved at the lowest possible point and the escalation of complaints can indicate difficulties in addressing matters at the service level.

The Complaints Team's role is to:-

- receive complaints, enquiries and representations from service users and carers across all Council services including Adults' and Children's Social Care;
- support front line services by advising on statutory duties, internal policies and procedures;
- offer training and support to staff in resolving complaints;
- undertake complaint investigations as appropriate;
- organise and facilitate Independent Review Panels;
- liaise with the Local Government Ombudsman, handling all such complaint enquiries;
- provide reports to Team Managers and the Directorate Management Teams on a regular basis regarding the trends and progress of complaints;
- facilitate advocacy and support to complainants; and,
- ensure effective access for all service users to the statutory and non-statutory processes.

1.5 THE CORPORATE COMPLAINTS PROCEDURE

- 1.5.1 The Corporate Complaints Procedure is a three stage process, accepting issues from anyone who wants or receives a service from the Council, except where the matter is covered by another channel of redress, such as a legal or appeal process (e.g. benefits, parking penalty charges, leasehold matters), or where a statutory procedure exists.

At stages 1 & 2, the matter is addressed by the relevant service managers, and the final stage is an independent investigation by the complaints team on behalf of the Chief Executive.

1.6 ADULTS SOCIAL CARE PROCEDURES

- 1.6.1 The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009, in respect of the Health and Social Care (Community Health and Standards) Act 2003 sets out the process for considering Adult Social Care and Health complaints. The key principles require Local Authorities to:-
- consider Adults Social Care complaints once only;
 - involve the complainant in agreeing the method and likely timeframe for the investigation;
 - establish desired outcomes; and,
 - provide a unified approach to joint investigations with other bodies such as PCTs and other partners.
- 1.6.2 The revised statutory complaint procedures came into place for Adults Social Care Complaints on 1 April 2009 and the new procedure can be found on the Council's website.
- 1.6.3 The Council places a strong emphasis on the informal resolution of complaints and in assisting Social Care Teams in effectively managing and resolving complaints.

1.7 CHILDREN'S SOCIAL CARE PROCEDURES

- 1.7.1 There is a legal requirement under the Children Act 1989 for Local Authorities to have a system for receiving representations and complaints by, or on behalf of, people who use social care services, or their carers.
- 1.7.2 The Children's Complaints Procedure has three stages.

Stage 1 Complaints – Initial

Team Managers are required to provide a written response to complaints within 10 working days. There is a possible extension to 20 working days to allow for a local resolution and where complaints are complex.

Stage 2 Complaints – Formal

Investigations should be completed within 25 working days. However this can be extended to 65 working days in negotiation with the complainant due to the complexity of complaints.

An Independent Person is appointed to oversee formal complaints at Stage 2 relating to children and young people. This is a legislative requirement under the Children Act (1989) and ensures that there is an impartial element.

The report is passed to the Head of Service and an internal adjudication meeting is held before the report and outcomes are shared with the service user.

Stage 3 Complaints – Independent Review Panel.

An Independent Review Panel can review the case in the presence of the complainant and Service Head, and where appropriate make recommendations to the relevant Director.

1.8 THE LOCAL GOVERNMENT OMBUDSMAN

1.8.1 The Local Government Ombudsman is an independent watchdog to oversee the administration of Local Authorities, and considers complaints (usually) after the complainant has exhausted the internal complaints procedure, or Adults and Children's Complaints Procedures, as appropriate, and covers Education matters.

1.9 ENQUIRIES, COMMENTS AND COMPLIMENTS

1.9.1 In order to fully capture the team's contact with the public, all telephone and written enquiries are also recorded on the complaints component of the Council's Customer Relationship Management (CRM) database, see table 1.1 below.

	2008/09	2009/10	Variance	
Comments	7	6	-1	-14%
Compliments	36	65	29	81%
Enquiries	485	589	104	21%

Figure 1.1

1.9.2 Volumes of compliments and comments recorded are increasing slowly. Although progress is slow, capturing compliments centrally will lead to useful data on good practice.

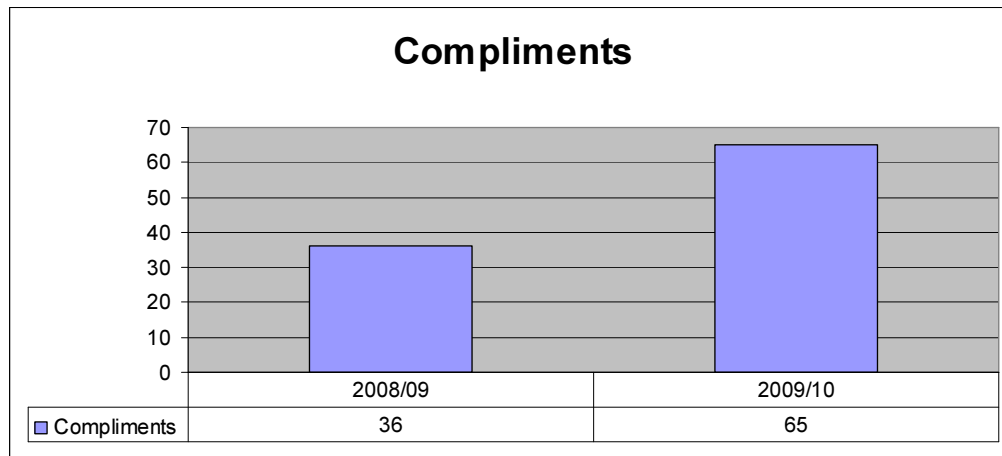


Figure 1.2

2 CORPORATE COMPLAINT STATISTICS AND ANALYSIS 2009 TO 2010

2.1 VOLUME OF COMPLAINTS

VOLUME OF COMPLAINTS				
	01/04/2008 31/03/2009	01/04/2009 31/03/2010	Change	
Stage 1	2332 83%	2292 81%	-40	-2%
Stage 2	344 12%	361 13%	17	5%
Stage 3	120 4%	184 6%	64	53%
Sum:	2796	2837	41	1%

Figure 2.1

2.1.2 Figure 2.1 shows that the total number of complaints received by the Council in the year is slightly lower than in the previous year, but the proportion escalated to stages 2 and 3 has increased.

2.1.3 In 2007/08 there were 87 stage 3 complaints, with 120 stage 3 complaints in 2008/09, and 184 in 2009/10. A further analysis of these records follows at section 2.4.

ESCLATION OF COMPLAINTS			
	01/04/2007 31/04/2008	01/04/2008 31/03/2009	01/04/2009 31/03/2010
Stage 1	2152	2332	2292
Stage 2	333	344	361
Stage 3	87	120	184
Escalated from Stage 1 to Stage 2	15.4%	12.3%	12.7%
Escalated from Stage 2 to Stage 3	4%	4.3%	6.5%

Figure 2.2

2.1.4 Figure 2.2 indicates an increase in the rate of escalation, and this is being monitored for each service area.

2.1.5 Figure 2.3 (below) demonstrates the seasonal trends and peaks in the reporting of complaints.

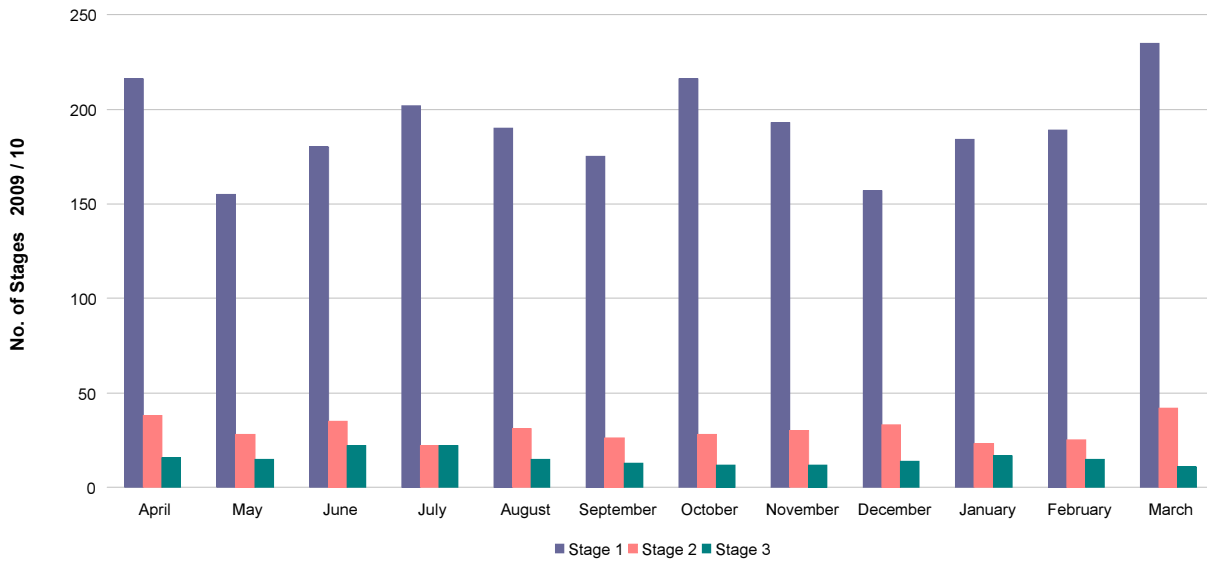


Figure 2.3

- 2.1.6 There is no obvious reason for the peaks which occur at different times year on year. Nevertheless any increases for individual services are discussed with the relevant managers and monitored.
- 2.1.7 Performance management through a variety of measures, including the use of weekly lists of complaints due and outstanding distributed to the Corporate Management Team, and monthly directorate performance figures, have effectively driven up response times. (see Section 2.2 overleaf)
- 2.1.8 The Corporate Management Team and Directorate Management Teams review reports on complaints each quarter in order to focus on areas of concern, both in terms of performance and service quality.

2.2 CORPORATE COMPLAINTS BY DIRECTORATE.
CORPORATE COMPLAINTS BY DIRECTORATE

Stage 1	01/04/2008 31/03/2009	Change	01/04/2009 31/03/2010		Not Upheld	Partially Upheld	Upheld	Withdrawn or Referred On	Completed In Time		Average Days to Complete
Adults Health & Wellbeing	7	-3	-43%	4	3	0	1	0	3	75%	9
Chief Executive's	32	3	9%	35	25	6	4	0	33	94%	7
Children Schools and Families	29	-6	-21%	23	13	3	7	0	17	74%	10
CLC	820	95	-12%	725	372	154	174	25	654	90%	8
Development & Renewal	185	17	9%	202	146	21	17	18	168	83%	8
Resources	293	84	29%	377	145	167	57	8	367	97%	5
Tower Hamlets Homes	966	40	-4%	926	457	9	444	16	868	94%	9
Totals	2332	40	-2%	2292	1161	360	704	67	2110	92%	8

Stage 2	01/04/2008 31/03/2009	Change	01/04/2009 31/03/2010		Not Upheld	Partially Upheld	Upheld	Withdrawn or Referred On	Completed In Time		Average Days to Complete
Adults Health & Wellbeing	2	0	0%	2	2	0	0	0	2	100%	4
Chief Executive's	11	-5	-45%	6	4	2	0	0	6	100%	11
Children Schools and Families	12	3	25%	15	9	4	2	0	9	60%	29
CLC	116	16	-14%	100	57	20	21	2	91	91%	15
Development & Renewal	53	11	-21%	42	25	6	6	5	36	86%	16
Resources	24	17	71%	41	29	6	4	2	40	98%	10
Tower Hamlets Homes	126	29	23%	155	96	2	56	1	143	92%	16
Totals	344	17	5%	361	222	40	89	10	327	91%	15

Stage 3	01/04/2008 31/03/2009	Change	01/04/2009 31/03/2010		Not Upheld	Partially Upheld	Upheld	Withdrawn or Referred On	Completed In Time		Average Days to Complete
Adults Health & Wellbeing	1	0	0%	1	1	0	0	0	1	100%	7
Chief Executive's	9	7	78%	16	6	7	2	1	12	75%	17
Children Schools and Families	3	5	167%	8	5	2	0	1	5	63%	19
CLC	34	38	112%	72	55	12	5	0	58	81%	16
Development & Renewal	26	10	-38%	16	15	1	0	0	10	63%	20
Resources	12	4	33%	16	13	2	0	1	12	75%	18
Tower Hamlets Homes	35	20	57%	55	18	17	20	0	40	73%	20
Figure 2.4 Totals	120	64	53%	184	113	41	27	3	138	75%	18

- 2.2.1 Figure 2.4 provides an overview of the complaints by directorate at each stage.
- 2.2.2 The annual figures for the percentage of complaints completed on time has risen significantly at stage 1, achieving 92%, building on the positive improvements of the previous year, (83%).
- 2.2.3 Similarly, at stage 2, an excellent 91% were completed in the standard time frame. Even though the volume of stage 3 complaints increased by 53% from 2008/09, the performance there increased by 5 percentage points to 75% completed in time and the average days to close fell to 18, well within the target of 20 working days; work is ongoing to improve this further.
- 2.2.4 As stated earlier, most Social Care complaints come under statutory procedures and are detailed in sections 3 and 4. Schools complaints also fall under a separate procedure at Stages 1 and 2, with the final stage coming under the Corporate Complaints Procedure, at stage 3.

2.3 Corporate Complaints by Service Area

- 2.3.1 The charts that follow provide a breakdown of the corporate complaints in each directorate by service area. For any service that moved into a new directorate structure, the year on year comparison is shown in the directorate current at 31 March 2009.

Adults Health and Wellbeing

Stage 1 Adults Health & Wellbeing by Service Issue

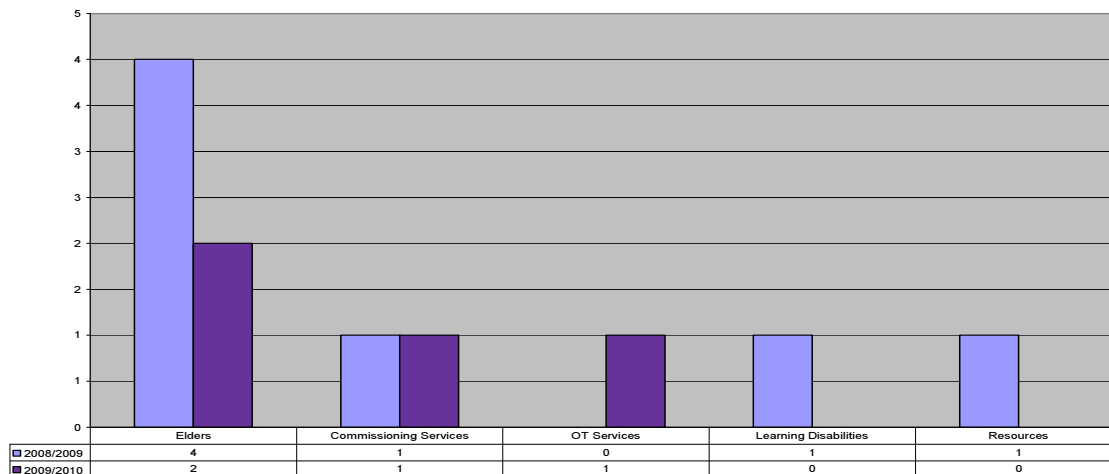


Figure 2.5

- 2.3.2 Corporate Complaints against Adults Health and Wellbeing relate to non-statutory processes and are few in number.

Chief Executive's

Stage 1 Chief Executive's by Service Issue

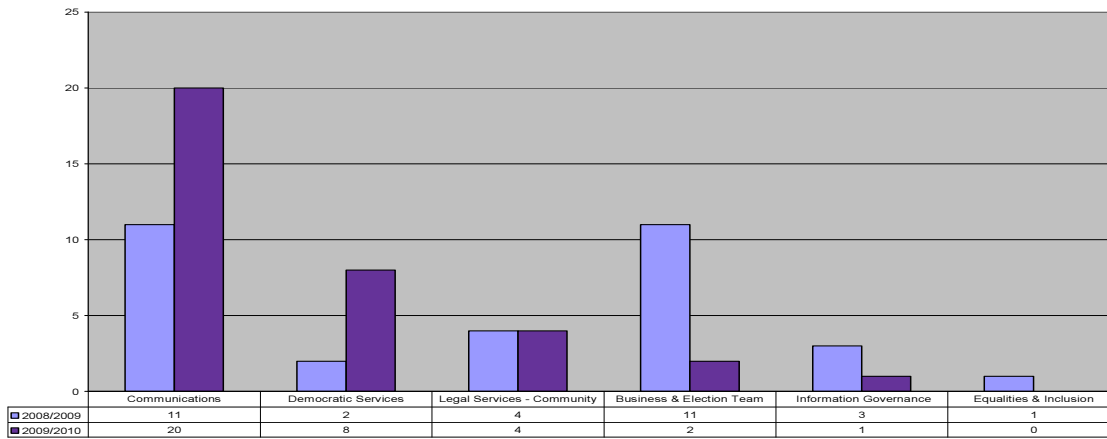


Figure 2.6

2.3.3 Although the volume of complaints in the Chief Executive's directorate is low in all sections, a number of complaints were received regarding East End Life, with some residents concerned to ensure weekly delivery, and others having requested for delivery to stop. Complaints against Democratic Services related to the publication of Members' expenses and timesheets on the Council's website. With no election within the reported period, complaints for this service fell.

Children's Services

2.3.4 Children's Services complaints are also low in number, see figure 2.7 below.

Stage 1 Children Schools and Families by Service Issue

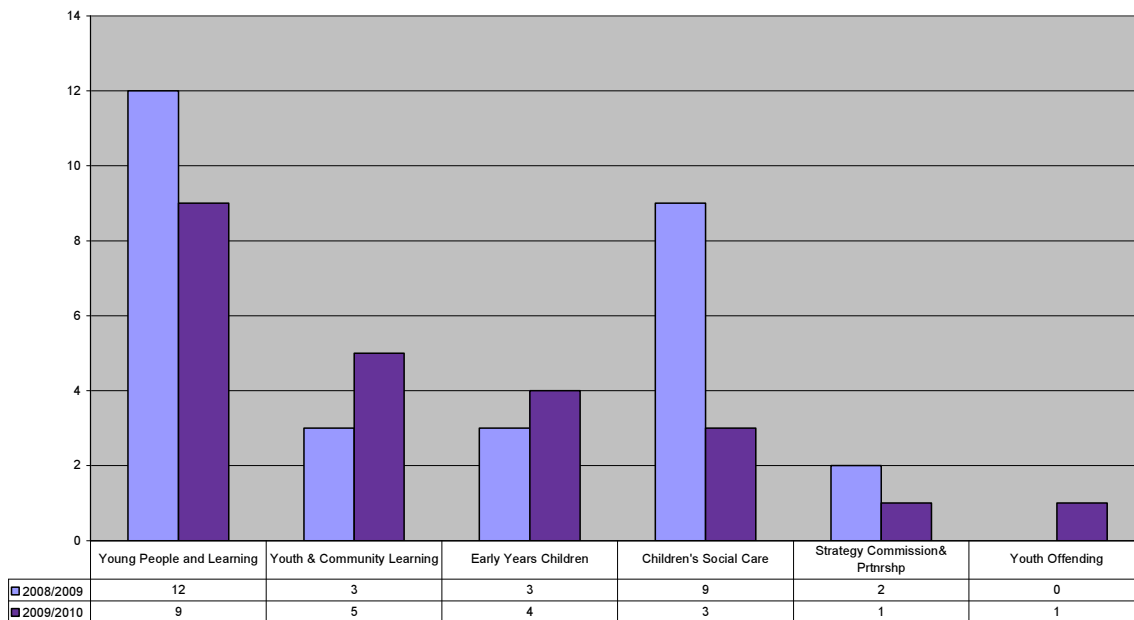


Figure 2.7

Stage 1 Communities Localities & Culture by Service Issue

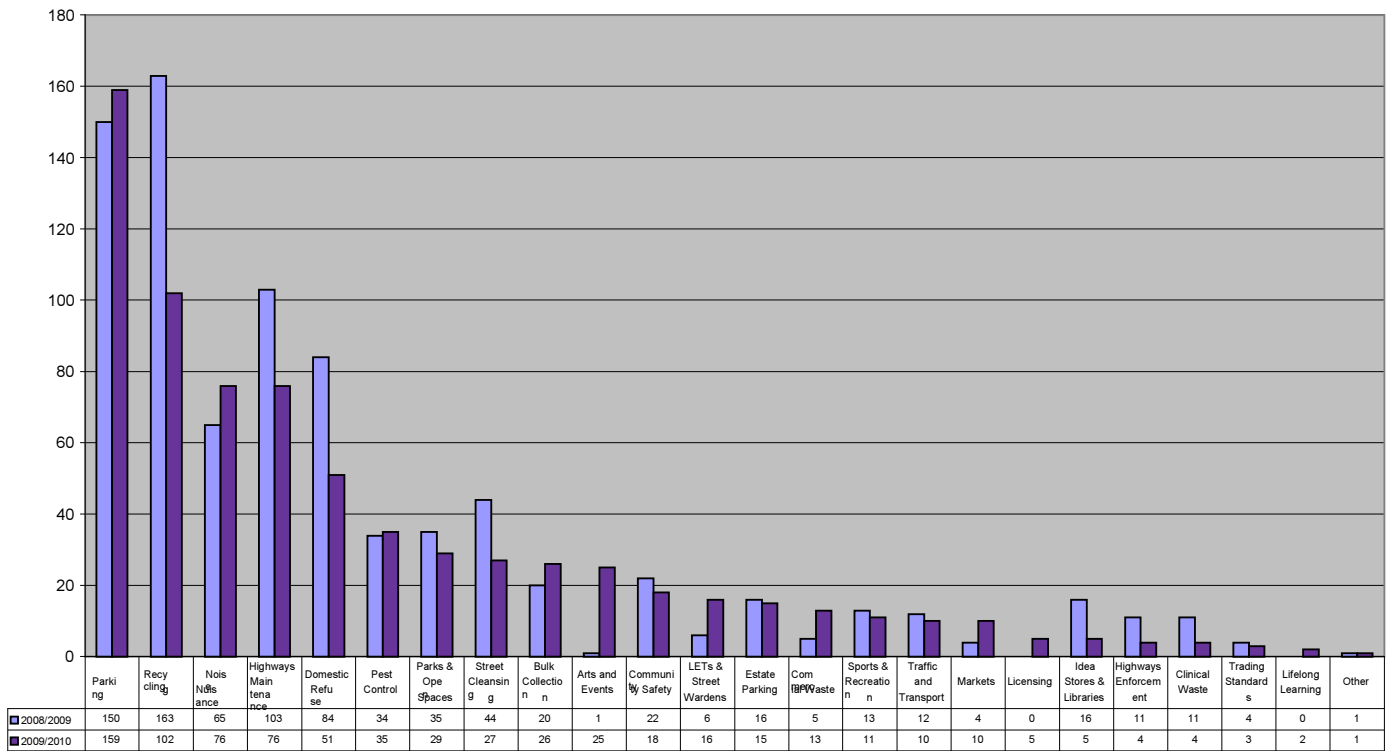


Figure 2.8

2.3.5 Complaints in Communities Localities and Culture (Figure 2.8) are spread across a range of services. Following a rise in complaints in 2008/09, performance issue have been addressed and volumes in 2009/10 have fallen. The volume of complaints regarding recycling and refuse collection has fallen considerably, as have street cleansing and highways maintenance.

Arts and events complaints surround two events in Victoria Park.

Development and Renewal

Stage 1 Development & Renewal by Service Issue

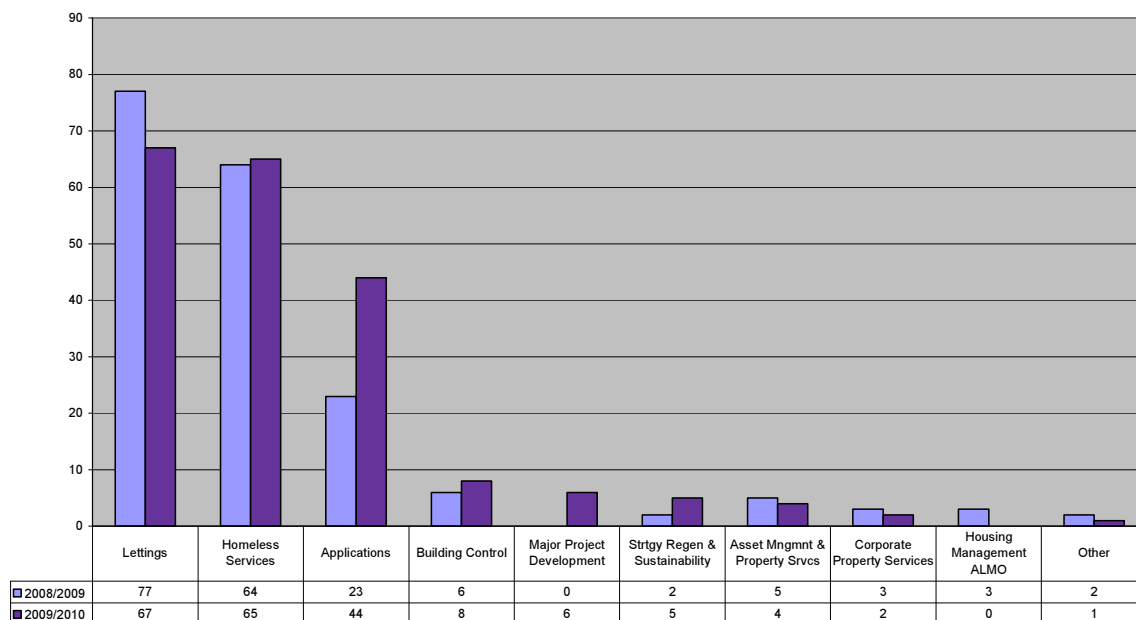


Figure 2.9

2.3.6 Complaints regarding Lettings have fallen, and Homeless Service remain at the same level as 2008/09. The rise in complaints regarding planning applications is thought to relate to the type of development occurring within the period, with a number of estate renewal programmes.

Resources

2.3.7 In the Resources directorate, services with a high rate of direct customer contact have the highest volume of complaints (see figure 2.10 overleaf). Council Tax is higher than others but, when considered against the volume of transactions across all households, this volume is not unduly high. The rise in contact centre complaints relates in the main to the transfer of the out of hours service to an external provider and these matters are followed up in contract monitoring meetings. In addition, the early stages of bedding in the Council's new telephony gave rise to a number of complaints.

The Council handled around 2,000 more new Benefits claims during the period 2009/10 than the previous year.

Stage 1 Resources by Service Issue

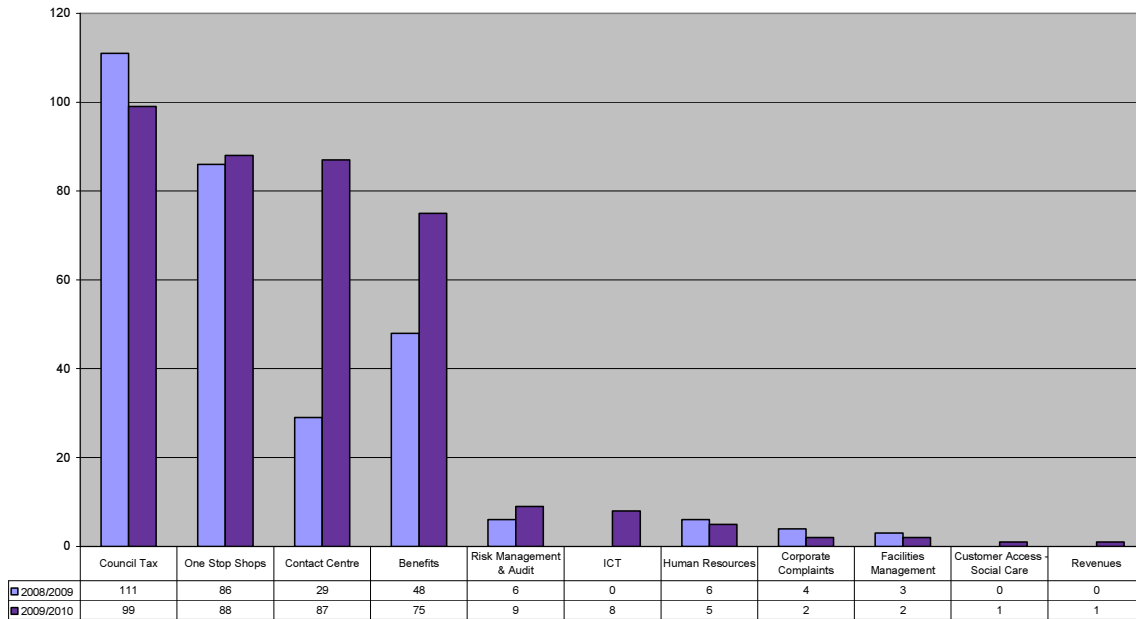


Figure 2.10

Tower Hamlets Homes

Stage 1 Tower Hamlets Homes by Service Issue

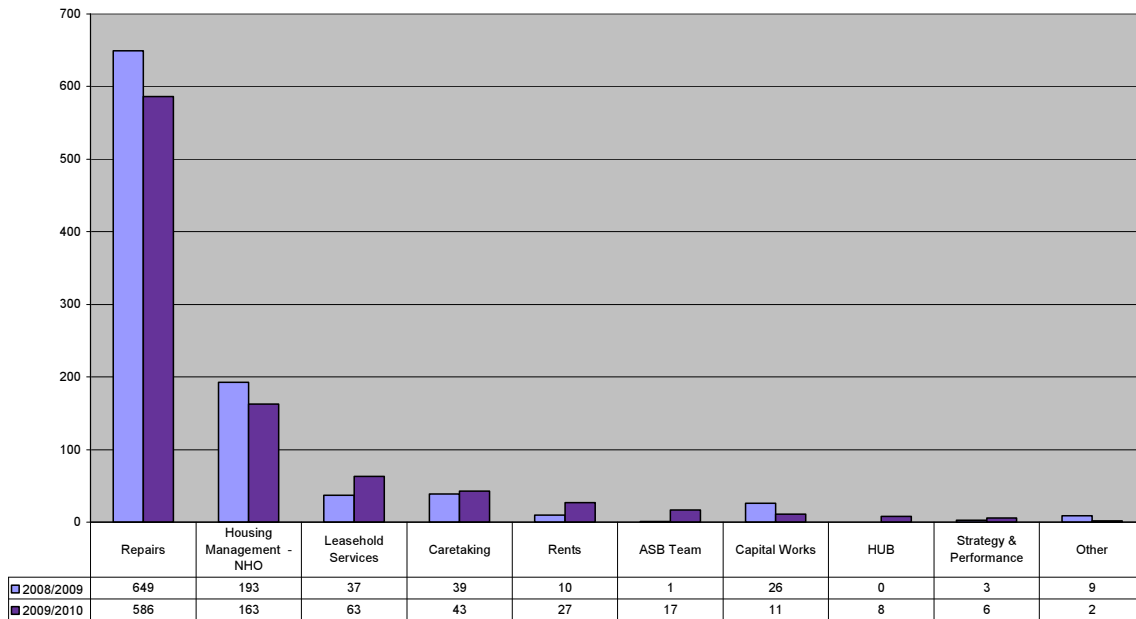


Figure 2.11

2.3.8 Housing related complaints have fallen overall, and this is noticeable in a number of key areas, with repair issues still comprising the highest volume, but reducing. Changes in charges for heating and hot water have given rise to a number of complaints about rents and service charges.

In 2008/09 ASB matters would have been recorded against the relevant Neighbourhood Housing Office, but with the new ASB team complaints are now grouped under this service.

2.4 STAGE 3 COMPLAINTS

Comparison of Stage 3 Complaints												
	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed In Time		Average Days to Complete
01/04/2008 31/03/2009	120	73	61%	24	20%	22	18%	1	1%	84	70.0%	20
01/04/2009 31/03/2010	184	113	61%	41	22%	27	15%	3	2%	138	75.0%	18
Change	64	40	1%	17	2%	5	-4%	2	1%	54	5.0%	2
	53%	55%		71%		23%		200%		64%		

Figure 2.12

2.4.1 The volume of complaints considered at stage 3 increased significantly and the escalation rate increased to 6.5% from 4.3%. The proportion upheld (or partially upheld) remained similar to the previous year at just under 40%. Figure 2.13 below takes a closed look at where the greatest increases fell by service, as well as the greatest decreases.

Biggest Changes (6) by Service Issue of Stage 3 Complaints

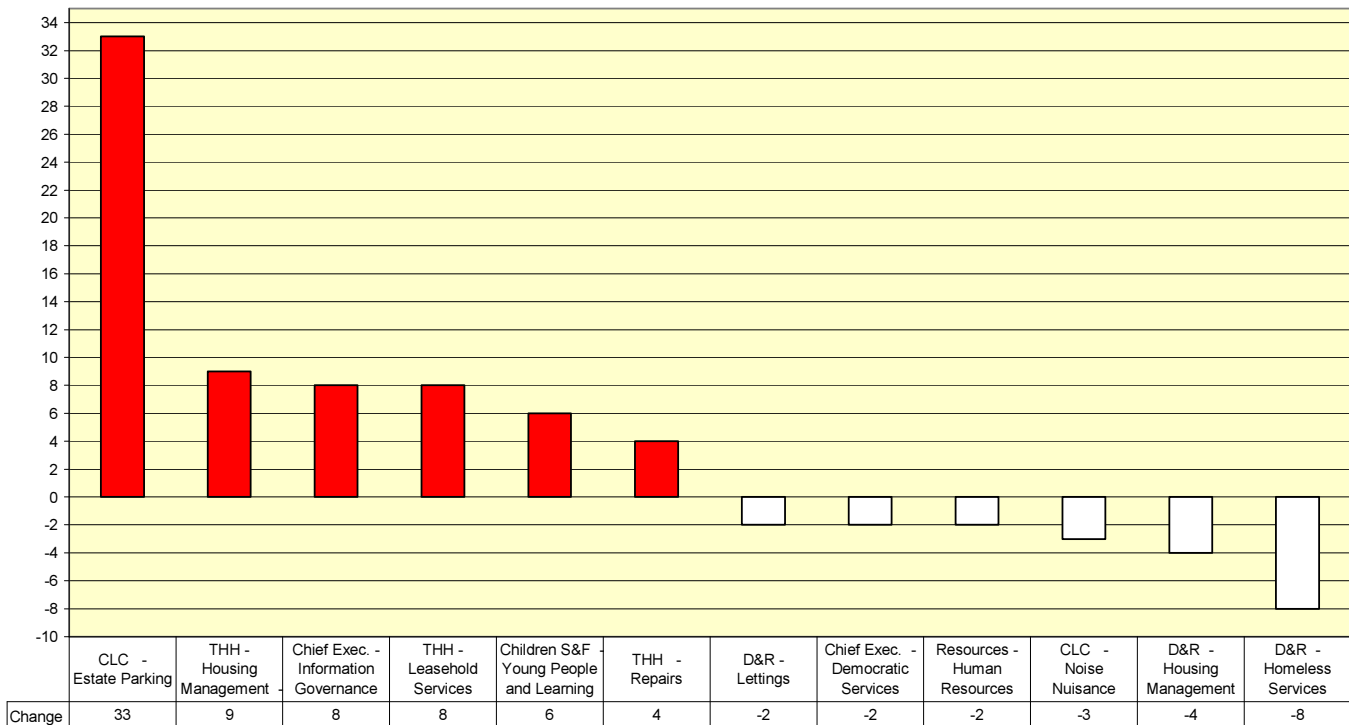


Figure 2.13

2.4.2 There are a number of issues that are only considered at the final stage of the corporate complaints procedure, and in this sense the procedure is used as a final appeal. Stage 3

Estate Parking complaints are in essence a final stage appeal against vehicle removal. Challenges to Freedom of Information requests are also considered at stage 3, and these are reflected in the figure for Information Governance. Both areas saw a significant increase in 2009/10. Stage 3 complaints against Homeless Services fell significantly in 2009/10.

2.4.3 A summary of compensation paid past three years is shown in below.

	Number of stage 3 cases warranting compensation	Total value of Compensation
2009/10	30	£5,345
2008/09	14	£3,390
2007/08	9	£1,374

Figure 2.14

2.4.4 Of the £5,345 compensation paid in 2009/10, £1,700 was in refunds for estate parking fees (8 cases), £2,465 for repairs (13 cases), and a further £1,000 for other housing matters (6 cases)

2.4.5 Summary of Key Issues in Stage 3 Complaints Upheld.

In a number (9) of instances, documents previously refused under the Freedom of Information Act 2000 were later provided. There were also three noticeable incidents of delays in processing and responding to Freedom of Information requests.

The need for devising and implementing a more robust policy on graffiti was identified.

On the majority of estate parking appeals, the actions of the Council were found to be justified. However, in nine cases refunds were issued, some as a gesture of goodwill.

Issues relating to blocked drains, housing conditions and repairs, cyclists, recycling, waste disposal and street maintenance have all been dealt with on an individual basis.

In a number (5) of instances relating to the conduct of staff, it was found that the officer involved were not necessarily at fault. However, it was generally agreed that staff could have been more helpful with a view of providing better customer service.

Issues surrounding delays in housing repairs, maintenance and the standard of work conducted were found to be largely related to the performance and conduct of contractors. In one notable incident, a complaint requested the service contract between the council and a contractor.

The incorrect billing of housing service charge or other services provided to Leaseholders were identified. In these six instances an apology and the applicable refunds were provided. In one instance a failure to change the records of a leaseholder was identified for the generation of an incorrect bill.

2.5 COMPLAINTS SERVICE USER PROFILES

2.5.1 The service can be accessed by email, fax, in person, minicom, phone, post, and web-form. A breakdown of access methods is provided in Figure 2.16 below.

BREAKDOWN OF HOW COMPLAINTS RECEIVED								
	01/04/2008 31/03/2009				01/04/2009 31/03/2010			
	Stage 1	Stage 2	Stage 3	Total	Stage 1	Stage 2	Stage 3	Total
Email	529	118	45	692	755	138	75	968
	22.7%	34.3%	37.5%	24.7%	32.9%	38.2%	40.8%	34.1%
Web	361	13	3	377	262	8	3	273
	15.5%	3.8%	2.5%	13.5%	11.4%	2.2%	1.6%	9.6%
Phone	952	90	7	1,049	912	103	10	1,025
	40.8%	26.2%	5.8%	37.5%	39.8%	28.5%	5.4%	36.1%
Post	464	114	64	642	347	104	92	543
	19.9%	33.1%	53.3%	23.0%	15.1%	28.8%	50.0%	19.1%
Fax	11	5	1	17	6	2	2	10
	0.5%	1.5%	0.8%	0.6%	0.3%	0.6%	1.1%	0.4%
In Person	15	4	0	19	10	6	2	18
	0.6%	1.2%	0%	0.7%	0.4%	1.7%	1.1%	0.6%
	2,332	344	120	2,796	2,292	361	184	2,837

Figure 2.15

2.5.2 Web form and email submissions increased to 43.7% of the total volume, with phone contact remaining at 36% and, although still a significant access route, postal contact falling to 19%.

2.5.3 EQUAL ACCESS TO THE SERVICE

BREAKDOWN OF CORPORATE COMPLAINTS BY ETHNICITY							
Ethnicity	2008 / 2009			Borough Population Projection	2009 / 2010		
	Stage 1	Stage 2	Stage 3		Stage 1	Stage 2	Stage 3
Asian Total	490	62	23		459	73	32
	41.5%	31.2%	35.4%	36.6%	36.8%	34.8%	37.2%
Bangladeshi	447	55	20		406	68	30
Chinese	9	2	2		7	1	0
Indian	15	3	0		18	2	0
Pakistani	2	1	1		9	1	2
Vietnamese	0	0	0		2	0	0
Other Asian Background	17	1	0		17	1	0
Black Total	85	14	9		89	15	4
	7.2%	7.0%	13.8%	6.0%	7.1%	7.1%	4.7%
African	25	4	2		35	3	2
Caribbean	40	5	3		36	10	2
Somali	12	3	2		9	1	0
Other Black Background	8	2	2		9	1	0
Mixed Heritage	18	5	1		28	5	1
	1.5%	2.5%	1.5%		2.2%	2.4%	1.2%
Other ethnic background	21	8	0		16	1	1
	1.8%	4.0%	0.0%		1.3%	0.5%	1.2%
White	566	110	32		656	116	48
	48.0%	55.3%	49.2%	51.0%	52.6%	55.2%	55.8%
English	440	78	20		513	90	32
Irish	18	5	2		29	7	2
Scottish	15	5	2		13	3	2
Welsh	10	1	0		9	4	2
White Other	83	21	8		92	12	10
Sub total (where ethnicity known)	1180	199	65		1248	210	86
Not Known	1024	131	46		863	117	87
Declined	128	14	9		181	34	11
Total	2332	344	120		2292	361	184

Figure2.16

2.5.4 The team continue to make every effort to collate equalities information from service users (Figure2.16). Overall the volume of complaints where ethnicity is known does not vary significantly from the projected Borough population.

Corporate Complaints by Gender	2008/09			2009/10		
	Stage 1	Stage 2	Stage 3	Stage 1	Stage 2	Stage 3
Female	1106 47%	131 38%	40 33%	1088 47%	141 39%	65 35%
Male	1213 52%	212 62%	78 65%	1198 52%	218 60%	117 64%
Not Known	13 1%	1 0%	2 2%	5 0%	2 1%	2 1%
Other	0 0%	0 0%	0 0%	1 0%	0 0%	0 0%
Totals:	2332	344	120	2292	361	184

Figure 2.17

- 2.5.5 It is noticeable that the proportion of male complainants taking matters through to the final stages of the complaints procedure is greater than for women.
- 2.5.6 The team collect equalities against the six strands, and this information is requested on complaint forms and web forms. However, collection rates on equalities data varies with people providing data on some strands more readily.

% of data known for each equalities strand	2008/09	2009/10
Age	36%	41%
Disability	40%	44%
Ethnicity	55%	61%
Gender	99%	100%
Religion	22%	32%
Sexual Orientation	13%	23%

Figure 2.18

- 2.5.7 Table 2.18 above shows that the collect rates have increased for each strand, but breakdowns have only been provided for strands with over 50% collection rates, (ethnicity and gender).

Stage 1 Complaints by Directorate and LAP Areas

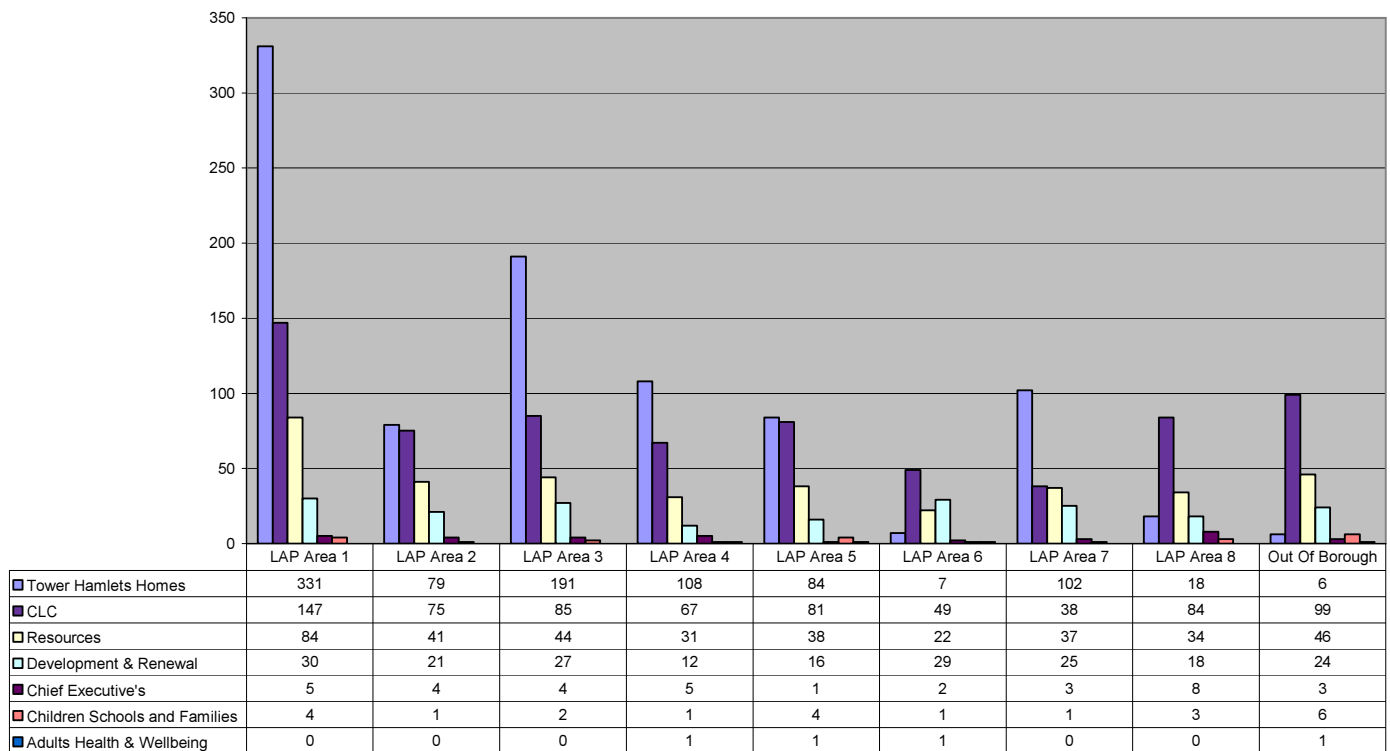


Figure 2.19

2.5.8 Figure 2.19 above shows the volume of complaints by LAP for stage 1, under each directorate. More detailed breakdowns can be provided by LAP on request, and complaints data will also be provided to Members through the performance digest later in the year.

3 Adults Social Care Complaints

3.1 New Procedure

3.1.1 From 1 April 2009, the Council adopted an interim procedure for handling Adult Social Care Complaints to meet the changes set out in section 1.7 of this document. From September to December 2009, the Complaints Team and Adults Health and Wellbeing Quality Team conducted a review of its impact, effectiveness and ease of access and the procedure has since been ratified and a communication strategy agreed. Along side data held on complaints considered since implementing the new procedure, a workshop was held for user and advocacy groups; individual complainants were asked for feedback; as were staff, to inform the review.

3.1.2 User groups, advocacy and support groups provided important insights to access issues and the complaints team is maintaining regular contact to ensure that there is an effective dialogue to maximise access and confidence.

- 3.1.3 The legislation sets out a requirement to cooperate and coordinate responses for issues that may overlap with Health services. In a successful joint venture with the PCT, joint publicity materials have been produced and distributed throughout the borough.
- 3.1.4 Some matters will always be raised direct with the service and resolved without recourse to a formal complaint procedure. In order to capture important data from these interactions, we have produced a proforma for services to hold their records. Use of this method of recording has increased over the year and data is intended to be used in future reports.
- 3.1.5 The new procedure allows one stage of investigation only, although the form this takes is agreed in the light of the issues raised. Over the year, a variety of methods have been used, including round table meetings, formal interview and file reviews, and liaison between the service manager and the complainant. Key to resolving matters has been the emphasis on identifying a resolution plan with the complainant.
- 3.1.6 As there is only one stage of investigation, table 3.1 below compares the 2009/10 single stage volumes with stage 1 complaint volumes for the previous year. Fewer complaints have been received. Whilst it is thought that this is due to the change in focus to early resolution, we are also mindful that publicity was limited until the review had been undertaken.

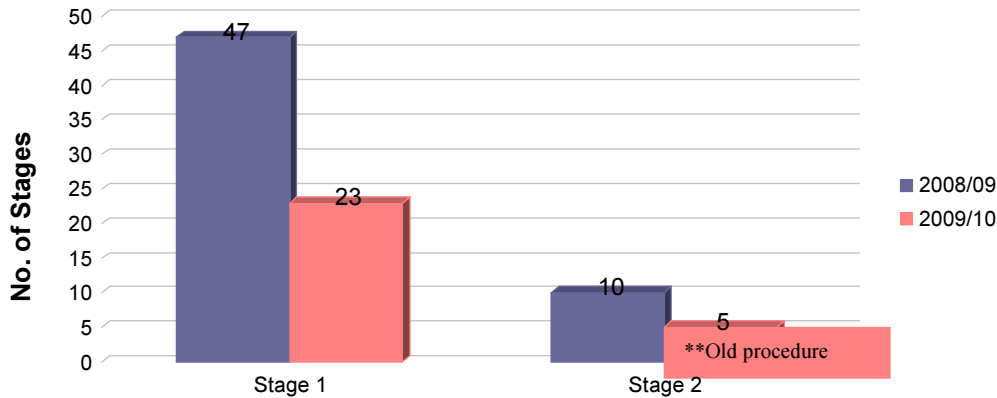
(Stage 1)	01/04/08 31/03/09	01/04/09 31/01/10	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Within 10 Days		Within 20 Days		Within 30 Days		Within 50 Days		Average Days to Close
Commissioning Services	0	1	0	0%	0	0%	1	100%	0	0%	0	0%	0	0%	1	100%	0	0%	22
Disability and Health	14	1	0	0%	0	0%	1	100%	0	0%	0	0%	1	100%	0	0%	0	0%	13
Elders	17	9	5	56%	1	11%	3	33%	0	0%	3	33%	6	67%	0	0%	0	0%	13
Learning Disabilities	3	2	0	0%	0	0%	2	100%	0	0%	2	100%	0	0%	0	0%	0	0%	7
OT Services	9	7	2	29%	3	43%	1	14%	1	14%	5	71%	1	14%	1	14%	0	0%	10
Resources	4	3	0	0%	0	0%	3	100%	0	0%	1	33%	1	33%	0	0%	1	33%	22
Totals:	47	23	7	30%	4	17%	11	48%	1	4%	11	48%	9	39%	2	9%	1	4%	13

Figure 3.1

- 3.1.7 The new procedure also does not set timescales for completion, and this is agreed at the onset of each case. In order to provide monitoring information we are capturing data of complaints closed within 10 working day brackets. Table 3.1 indicates that all but 3 complaints were completed in less than 20 working days (86%). The single stage captures complaints of various levels of complexity and the figures above are very positive in comparison to 2008/09, where 10 complaints escalated to stage 2 and five of those complaints were closed outside the extended target of 65 working days.

3.2 Overlap of Previous Procedure

- 3.2.1 Although all new complaints from 1 April 2009 fell under the new single stage procedure, complaints initially received prior to this date still progressed through the three stage procedure. Five complaints progressed to stage 2 and one to Review Panel.



Volume of Adults Health & Wellbeing Social Care Complaints				
Year	2008/09	2009/10	Variance	
Stage 1	47	23	-24	-51%
**Stage 2	10	**5	**_5	**_50%
Total Complaints	57	**28	**_29	**_51%

Figure 3.2

3.2.2 The new procedure places greater emphasis on resolving matters at the earliest opportunity and the complaints team is working with services to ensure that records of matters resolved at a service level are held in a format that can be used for further analysis in the coming year.

3.3 Reason For Complaints

3.3.1 The number of complaints challenging assessment decisions fell from 24 in 2008/09 to 7 in 2009/10.

COMPARISON OF COMPLAINTS BY REASON			
(Stage 1)	01/04/2008 31/03/2009	01/04/2009 31/03/2010	
Dissatisfaction of Policy/ Procedure	0	1	4%
Service Delay / Failure	9	3	13%
Appropriateness of Service.	1	1	4%
Attitude of Staff	4	2	9%
Challenge Assessment Decision	24	7	30%
Competence of Service	6	8	35%
Discriminatory Service	1	0	0%
Lack of Information	1	1	4%
Other Reason	1	0	0%
Totals:	47	23	

Figure 3.3

3.4 Access and Profiles

3.4.1 People making Social Care complaints by telephone has fallen from 54% to 14%, although it appears to be that initial phone calls are backed up by email or letter.

Breakdown of how Adults Social Care Complaints are received				
How Received	2008/09		2009/10	
Email	5	9%	8	29%
Fax	0	0%	1	4%
In Person	1	2%	3	11%
Phone	31	54%	4	14%
Post	20	35%	12	43%
Total Complaints	57		28	

Figure 3.4

3.4.2 Figure 3.5 below indicates that there is a slight under-representation of Asian service users making complaints. However, there were no issues of discrimination reported.

Adults Social Care by Ethnicity				
	No. of service users in 2009/10	Percentage of service users by ethnicity	Stage 1 complaints	Percentage of complainants by ethnicity
Asian	1591	25%	3	13%
Black	707	11%	2	9%
White	3777	59%	14	61%
Mixed Race	72	1%	0	0.0%
Other	175	3%	0	0%
Not Stated	54	1%	4	17%
Totals	6,346	100%	47	100%

Figure 3.5

3.5 Summary of key issues in upheld cases

Elders

Two complaints concerned inaccurate or misleading information; one relating to residential care cost and one on direct payments.

Omissions in a Hospital Social Work assessment and wrong information on eligibility for direct payments fed into a review of assessment process. A further issue about PCT services was responded to separately by PCT as further time was required for this issue.

One complaint was upheld as client was not being supervised in eating his main meal, another the agency experienced difficulties in getting an early morning service, and in one instance a door was left open by a carer.

A further 3 complaints related to shifts not being covered and poor communication with service users and relatives around changes in service times. All of these issues were taken up direct with the service provider.

OT Services

A complaint about installing equipment for disabled person resulted in re-assessment of service user being carried out.

Disability and Health

Failure to ensure services were up and running before service user was discharged from hospital resulted from the failure to fully complete form by student social worker.

Complaint about proposed change of service level and care provider to service user resulted in re-assessment being offered.

Learning Disabilities

Following a complaint about a lack of support to achieve certain tasks, it was agreed that assistance be provided to obtain personal documentation and sort out bills.

A request for short term additional resources was approved but not confirmed with service user and carer, resulting in the service not being used. After meeting the carer, an apology was given and explanation on how the procedure would be improved.

4 Children's Social Care Complaints

4.1 Complaint Volumes

4.1.1 Children's Social Care retains a three stage procedure, and complaint volumes remain at a similar level to 2008/09.

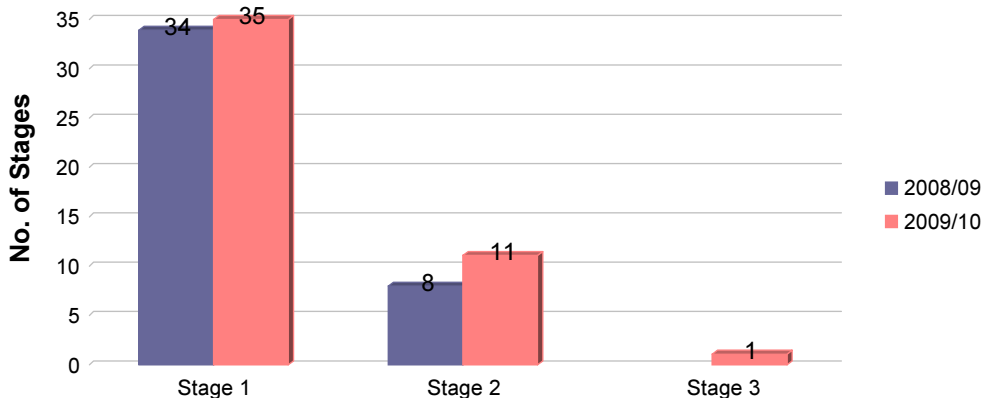


Figure 4.1

4.2 Complaint Response Times

Stage 1 Children's Social Care Complaints - Performance								
	Volume	Answered within 10 working days		Answered within 20 working days		Answered outside timescale		Average response times (days)
2008/09	34	17	50%	31	91%	3	9%	19
2009/10	35	21	60%	31	89%	4	11%	13

Figure 4.2

4.2.1 The above table (figure 4.2) shows that 60% of Stage 1 complaints in Children's Social Care were answered within the 10 working day time scale, and 89% completed in the extended times scale. Four complaints were answered outside of the timescales. However the overall response rate improved to an average of 13 working days.

4.2.2 It should also be noted that complaints in Children's Social Care are often complex and may require the Team Manager meeting with the young person, appointing an advocate, etc in order to resolve complaints.

Stage 2 Children's Social Care Complaints - Performance								
	Volume	Answered within 25 working days		Answered within 65 working days		Answered outside timescale		Average response times (days)
2008/09	8	1	13%	4	50%	4	50%	78
2009/10	11	1	9%	7	64%	4	36%	63

Figure 4.3

4.2.3. The Complaints Team aims to respond to 15% of stage complaints with 25 working days and to 80% within 65 working days. Figure 4.3 shows that more complaints were completed within the 65 working day deadline in 2009/10 than in the previous year.

4.2.4 Although this is an improvement, the team is still short of the 80% target. Children's Social care complaints are often complex and involve interviewing staff and service users. However, the Complaints Team continue to strive to improve this performance.

4.3 Reason for Complaint

Stage 1 Children's Social Care Complaints by Section						Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
	2008/09	Variance		Total 2009/10									
Children Looked After & Leaving Care	7	-2	-29%	5	14%	1	20%	0	0%	3	60%	1	20%
Children's EDT	0	1		1	3%	1	100%	0	0%	0	0%	0	0%
Children's Resources	3	2	67%	5	14%	5	100%	0	0%	0	0%	0	0%
Fieldwork Services	23	-2	-9%	21	60%	14	67%	5	24%	2	10%	0	0%
Integrated Services Children Disability	1	2	200%	3	9%	2	67%	1	33%	0	0%	0	0%
Total Stage 1 Complaints	34	1	3%	35	100%	23	66%	6	17%	5	14%	1	3%
Stage 2 Children Schools and Families Social Care Complaints by Section						Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
	2008/09	Variance		Total 2009/10									
Children Looked After & Leaving Care	2	-2	-100%	0	0%	0	0%	0	0%	0	0%	0	0%
Children's EDT	0	1		1	9%	0	0%	0	0%	1	100%	0	0%
Children's Resources	3	-1	-33%	2	18%	0	0%	2	100%	0	0%	0	0%
Fieldwork Services	3	5	167%	8	73%	3	38%	3	38%	2	25%	0	0%
Total Stage 2 Complaints	8	3	38%	11	100%	3	27%	5	45%	3	27%	0	0%

Figure 4.4

- 4.3.1 Fieldwork services have received the highest number of complaints at Stage 1 and Stage 2, as is expected (see Figure 3.8). This is due to the potentially contentious nature of the service and the large number of service users.
- 4.3.2 Section 4.5 contains a summary of the key issues upheld.
- 4.3.3 Figure 4.5 indicates that the highest number of complaints in Children's Social Care remains "challenging assessments decisions" which may result in re-assessment, if it is found that there were issues in the original assessment process.

Stage 1 Children Schools and Families Social Care Complaints by Reason						Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
	2008/09	Variance		Total 2009/10									
Challenge Assessment Decision	24	5	-14%	21	14%	12	57%	4	19%	4	19%	1	5%
Service Delay / Failure	3	3	66%	5	9%	4	80%	0	0%	1	20%	0	0%
Appropriateness of Service	0	1		1	3%	0	0%	1	100%	0	0%	0	0%
Attitude of Staff	3	1	33%	4	11%	4	100%	0	0%	0	0%	0	0%
Breach of Confidentiality	2	-2	-100%	0	0%	0	0%	0	0%	0	0%	0	0%
Competence of Service	1	3	300%	4	11%	3	75%	1	25%	0	0%	0	0%
Lack of Information	1	-1	-100%	0	0%	0	0%	0	0%	0	0%	0	0%
Total Stage 1 Complaints	34	1	3%	35	100%	23	66%	6	17%	5	14%	1	3%

Figure 4.5

4.4 Service User Profiles

Children's Services Social Care by Ethnicity				
	No. of service users in 2009/10	Percentage of service users by ethnicity	Stage 1 complaints	Percentage of complainants by ethnicity
Asian	1652	45%	10	29%
Black	392	11%	7	20%
White	928	25%	13	37%
Mixed Race	431	12%	3	9%
Other	62	2%	0	0%
Not Stated	165	5%	2	6%
Totals	3640	100%	35	100%

Figure 4.6

- 4.4.1 Figure 4.6 shows the number of those receiving a service by ethnicity and the volumes of complaints for each group. There is a higher proportion of complaints per head of the service user population for white clients and to a lesser degree black service users. Nevertheless this is a very small representation of the service user group, and matters of discrimination are examined where relevant.

Breakdown of how Children's Social Care Complaints are received				
How Received	2008/09		2009/10	
Email	5	12%	15	33%
Fax	2	5%	0	
In Person	2	5%	3	7%
Phone	12	29%	5	11%
Post	21	50%	22	48%
Web	0	0%	1	2%
Total Complaints	42		46	

Figure 4.7

- 4.4.2 The above table (figure 4.7) shows that the majority of complainants prefer to make complaints by telephone, and email usage is now increasing.

4.5 Summary of key issues in upheld complaints.

In four instances, challenges to the various social care assessments resulted in reassessment. In on notable case, a challenge to the disability and child support assessment resulted in the complainant provided with a new support package following re-assessment.

In two cases, challenges to the incorrect recording of information and the failure to disclose critical information were successfully challenged. In one of these instances, compensation was provided.

The social care team failed support of a looked after child while in police custody. This decision resulted in the prolonged detention of the teenager. The case identified a failure on the part of the Council to meet its obligation as a corporate parent.

The need for an internal audit and analysis of the competences and training of staff in adoption and fostering services were highlighted. This was as a result of three cases concerning procedural flaws that were successfully challenged.

5 LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINTS

5.1 Set out below are details of the complaints closed by the Ombudsman in 2009/10, their findings and the Council's response times to new enquiries.

5.2 Complaints Closed by the Ombudsman.

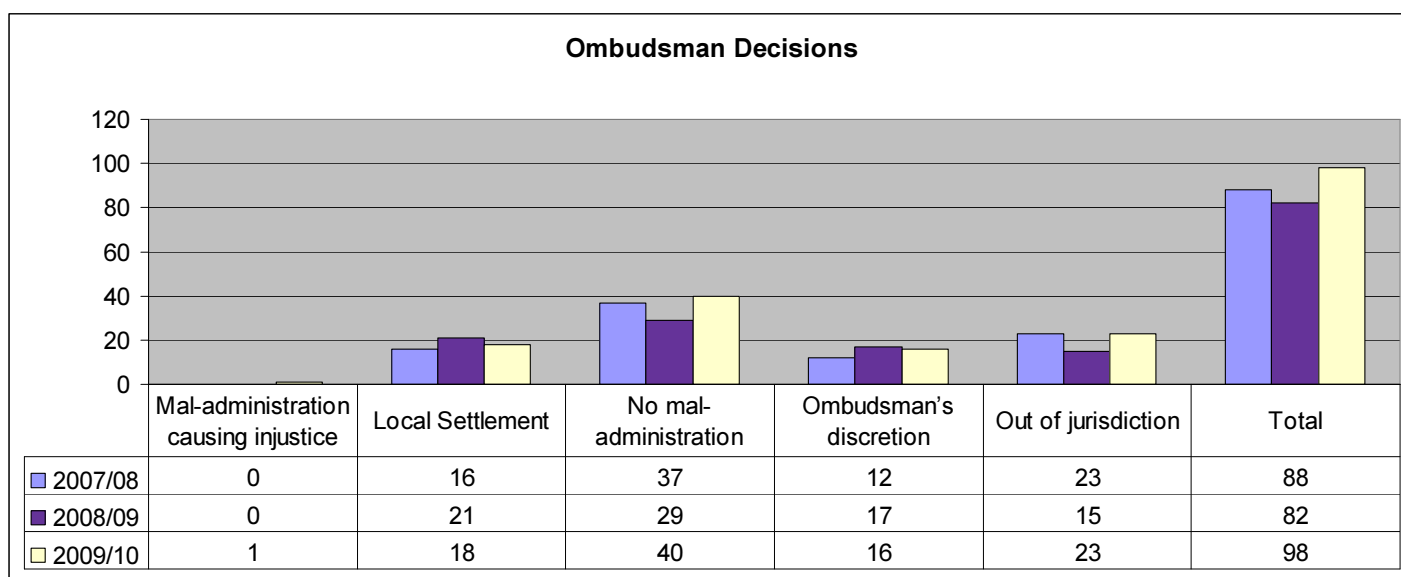


Figure 5.1

5.2.1 Set out in Figure 5.1 above is the volume of complaints closed by decision. The Ombudsman issued one formal report this year, this being the Council's first report in five years. Details are reported at section 5.3. Local Settlements are agreed where there is some indication of fault, or where a compromise might promote a positive relationship. At 24% of the total complaints determined (excludes out of jurisdiction), complaints settled is a relatively small proportion of complaints determined, and this compares favourably with the Ombudsman's average across all Councils (26.9%).

5.2.2 Figures 5.2 below and 5.3 overleaf show local settlements by directorate, and by directorate and division respectively. It is rare for a service to experience more than one settlement, indicating that errors are usually one off rather than systemic faults.

5.2.3 The increase in Tower Hamlets Homes complaints settled falls in the ASB team. This team is newly formed and previously these figures would have been shown against the Neighbourhood Housing Offices.

Ombudsmen Local Settlements by Directorate

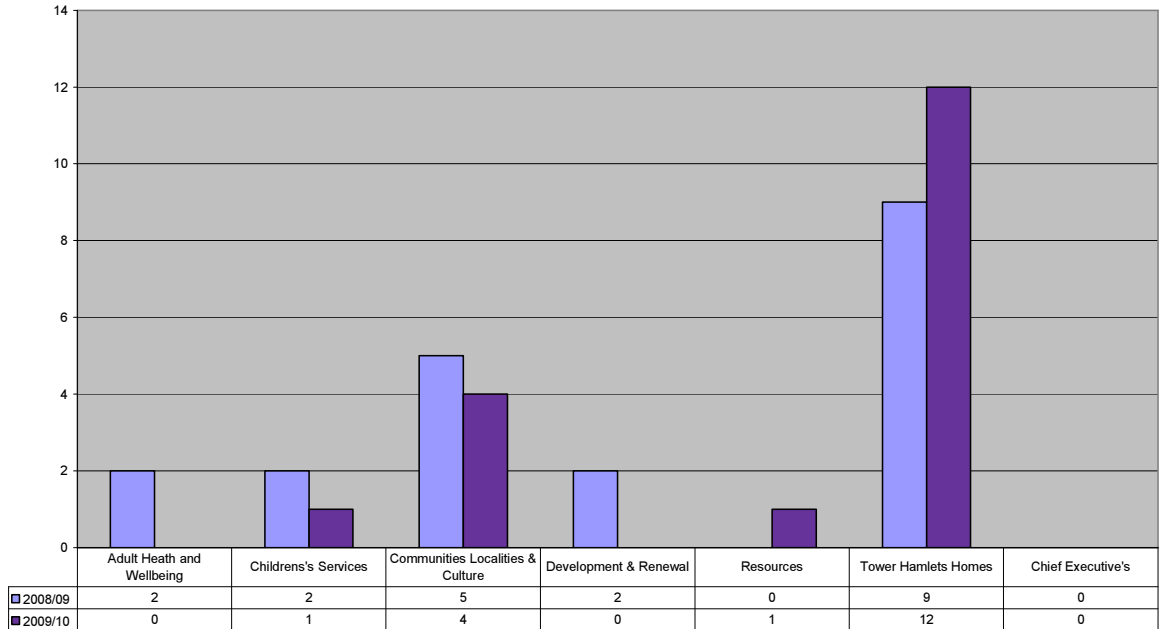


Figure 5.2

Ombudsmen Local Settlements by Service Issue

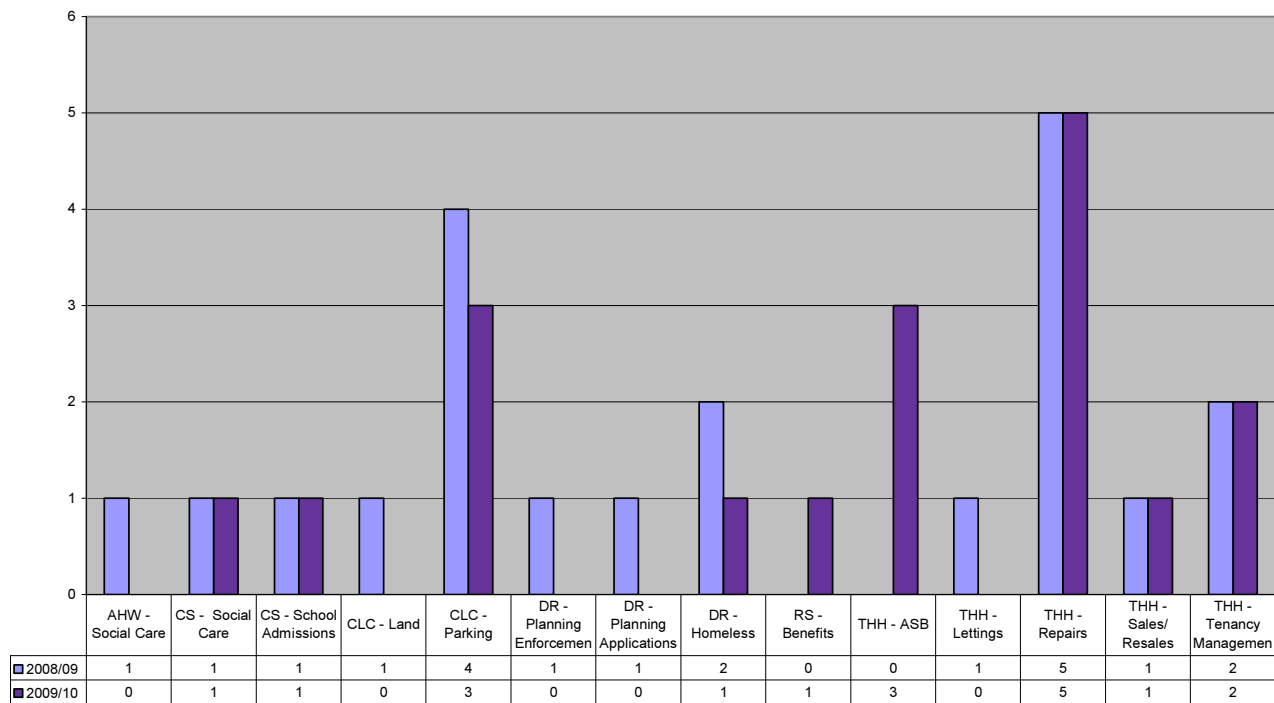


Figure 5.3

5.2.4 Summary of Local Settlements and Finding of Maladministration

Overall, £5,650 was paid over the 18 Local Settlements, and in 2008/09, £5,600 was paid in compensation across 21 Local Settlements.

A formal report finding maladministration in the handling of a planning application was determined in August 2009, and the Report was considered by the Strategic Planning Committee in November 2009. The error arose from an incorrect address being recorded for the application, resulting in neighbours missing the opportunity to comment on the application for a balcony on the adjacent property.

One applicant for Housing Benefits was awarded £500 for lost opportunity when determination of his claim was delayed.

As a gesture of goodwill, a number of Parking Scratch Cards were printed and sent to a disabled resident.

Regarding support to a mother with disabilities, a review panel had not been held as there was an ongoing dialogue with the complainant. However, it was agreed to proceed with a panel

In two cases of ASB action was taken to progress the cases and compensation of £300 for delay in one and £2,000 paid for delay and damage in the other.

There were five cases of delay in carrying out repairs to stop water penetration / roof leaks. Compensation offered varied from £750 to £100, alongside making good of decoration, depending on the severity of the detriment.

In two other Housing cases, one resident was awarded £100 for time and trouble because of the delay in obtaining a refund of Service Charges, and another £150 for time and trouble as their correspondence was not addressed satisfactorily.

With no evidence of a tenancy termination visit on file, a recharge was waived.

For Estate Parking Appeals, one complainant was paid £50 for time and trouble in pursuing complaint, and another refunded the removal fee.

Homeless Services agreed to amend their literature to explicitly inform users of the right to request a formal decision notice and paid £50 in compensation, offering a re-assessment to the complainant.

In one School Admissions case, a new appeal was offered as the decision letter was not clear about the grounds considered

5.3 Response times

- 5.3.1 The Ombudsman maintains statistics of the time taken for the first response from the initial enquiry, which are published nationally. Tower Hamlets is consistently one of the better performing London Boroughs, responding well under the Ombudsman's 28 day target.

Response Times		
	No of First Enquiries	Average no of days to respond
2007/08	50	16.2
2008/09	50	19.3
2009/10	56	19.6

Figure 5.4

5.3.2 The prompt turn-around time is usually reflected in all directorates, although there have been a few more delayed cases this year and performance can improve in some directorates.

	number of initial enquiries 2008/09	number of initial enquiries 2009/10	ave days to respond	% in time
Adult Health and Wellbeing	7	4	19	75%
Chief Executive's	0	0	0	n/a
Resources	2	3	21	67%
Children Schools & Families	6	8	17	100%
Communities Localities & Culture	11	9	17	88%
Development & Renewal	6	15	16	93%
Tower Hamlets Homes	17	21	20	67%
Total	49	60	19.6	82%

Figure 5.5

5.5 The Local Government Ombudsman's Annual Review is appended for information.

6 RISK ASSESSMENT

6.1 Areas of risk that the Council may face can be summarised as follows:

Project / Issue	Pen Picture	Value £m's	Risks / Comments
Complaints handling	The complaints procedures are explained in sections 2, 3 and 4 of this report. The volume of complaints is also contained in this report.	Difficult to quantify but includes officer time, cost of making good and compensation payments (the latter being the most easily measured). Reputation is also to be considered.	A complaint may lead to an Ombudsman ruling, judicial review or other legal remedy over justified complaints. The Council is also at risk from spurious or malicious complaints if these are not identified and handled appropriately.
Probability	Impact	Recommended Mitigating Action	Risk Owner
Low	Medium	The Complaints process should encourage the earliest possible resolution of complaints. Tracking first Stage complaints through the Siebel database will encourage and support officers to do this. The back up and co-ordinated working of Corporate Complaints, Insurance and Legal Services serve to support decision-making within Directorates on complaint issues. Policies on Complaint Handling, Compensation and Redress, and Dealing with Persistent Complainants are in place.	The relevant Corporate Director

7 IMPROVEMENT INITIATIVES

7.1 Quality Standards Accreditation

The Council achieved British Standards Institute Accreditation for Complaints Handling [CMS 86:2000] in March 2005 and the revised higher ISO 10002 accreditation in 2007. In the year 2008/09, as part of the Customer Access Division, the Complaints Service achieved accreditation to the Customer Service Excellence standard.

7.2 Staff Training and Development.

The Complaints Team continues to provide training workshops, advice and information sessions to teams. Direct feedback is also given to assist managers to improve the quality of their investigations and responses.

7.3 Monitoring Complaints.

Weekly outstanding lists are circulated to Directors and the Chief Executive. Detailed monthly monitoring is also distributed. Quarterly reports on quality issues and service improvements arising from complaints are discussed at the Corporate Management Team and Directorate Management Teams. Twice each year, information is submitted to the Overview and Scrutiny Committee and the Standards Committee.

7.4 Publicity.

The Complaints Team ensures that publicity is widely distributed to ensure effective access across the community. This includes linking with advocacy agencies and support groups to promote access. In addition the team measure knowledge within the local community of how to access the procedures to ensure the effectiveness of publicity.

The complaints procedures for Adults' and Children's Social Care place an increased emphasis on publicity in order to ensure that service users have a voice. The Complaints Team have a role in informing people of their right to complain and in empowering them to use the complaints procedure effectively. To this end the team is engaging with community groups to promote access.

7.5 Effective Learning Outcomes from Complaints.

Effective complaints procedures can help the whole authority improve the delivery of services by highlighting where change is needed.

Lessons learnt from complaints are considered by the Corporate Management Teams in quarterly monitoring reports.

The Complaints Team ensures that lessons learned from complaints are highlighted and fed back to improve service delivery. For example complaints investigations have highlighted the need to review policy guidance. Lessons learned from complaints investigations are also fed back to staff in supervision to enable discussion about improvements, any additional training required and learning points.

7.6 Equalities Monitoring

Issues and concerns on equalities issues are explored on an individual case basis, and considerable thought has been applied to the drafting of the revised procedure for Adults Social Care Complaints. Equalities Impact Assessments are scheduled to be reviewed during 2010/11.

8. Comments of the Chief Financial Officer

- 8.1 The report provides a summary of the complaints received by the Council in the period 1 April 2009 to 31 March 2010 through the Corporate Complaints Procedure and those received and determined by the Local Government Ombudsman. This report is also statutory requirement under the Children Act 1989.
- 8.2 There are no significant financial implications arising from the recommendations in this report and Corporate Complaints procedures and quality checks are designed to minimise the cost of making good and compensation, but where this is necessary, payment is contained within the Directorate budget.

9 Concurrent report of the Assistant Chief Executive (Legal)

- 9.1 The Council operates executive arrangements under the Local Government Act 2000. Pursuant to those arrangements the Council is required to have an Overview and Scrutiny Committee with the functions of: scrutinising and reviewing the Council's exercise of its executive and non-executive functions; and making reports and recommendations in relation to the same. The Council's Constitution makes provision consistent with the statutory requirements. The consideration of a complaints report may be considered as falling within the committee's review function.
- 9.2 The Council has statutory duties in respect of the handling of social care complaints as set out in the report. The proper handling of complaints and the consideration of information arising from a those complaints may also be consistent with good administration in the discharge of the Council's functions. It may contribute to improving the quality of services that the Council offers and hence to the Council's duty as a best value authority under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Proper complaints handling and review may also contribute to the avoidance of maladministration within the meaning of the Local Government Act 1974.

10. One Tower Hamlets Considerations.

- 10.1 The Annual Report provides a breakdown of the ethnicity of complainants and other aspects such as gender, age, faith, sexuality and disability are consider against each individual complaints and data collated. Corporate Complaint Procedures have been subject to Equalities Impact Assessments and action to increase the collection of equalities monitoring data, for comparison against borough profiles, has been successful. The Social Care complaints procedure is an important mechanism to ensure that vulnerable members of the community being assisted by the Council are able to voice their concerns.

- 10.2 There is a Social Care complaints leaflet available in five community languages and all complaints literature is widely distributed through out the borough and within the local voluntary sector agencies. There is also a leaflet for children and young people. This publicity ensures that all members of the community are made aware of the procedures.
- 10.3 Children’s Services also ensure that complainants are offered the opportunity of an interpretation service to assist them in making their complaint. Young people are always offered the opportunity of an advocate in line with the Children Act 1989.
- 10.4 The Social Care and Corporate complaints procedures provide an important mechanism for vulnerable service users to give feedback on services. Continuing publicity will ensure that all residents and service users will have better awareness of their right to voice any concerns.

11 Sustainable action for a greener environment

- 11.1 There are no specific implications.

12 Risk management implications.

- 12.1 The Complaints Team looks at means of redress where complaints are upheld. This successfully reduces the risk of Ombudsman Enquiries leading to findings of maladministration, and compensation claims.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 There are no specific implications.

11. EFFICIENCY STATEMENT

- 11.1 The purpose a good complaints system is to provide feedback to improve service delivery and the lessons learnt element of this report sets out how this has been done.

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Local Government Ombudsman
Annual Review 2009 / 2010

Ruth Dowden
Anchorage House x4162

12. APPENDICES

Appendix 1 – Local Government Ombudsman Annual Review 2009 / 2010

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Ruth Dowden
Claire Symonds
KC

Local Government
OMBUDSMAN

21 June 2010

Dr K Collins
Chief Executive
London Borough of Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2BG

If telephoning contact: Mr Redmond's PA on 020 7217 4692
email address: d.gorwala@lgo.org.uk

Dear Dr Collins

Annual Review 2009 / 2010

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year, set out in the annual review attached. I hope you find the review a useful addition to other information you have on how people experience or perceive your services.

The review is split into two sections. The first concerns complaints about your authority and the second section provides a general update on LGO developments. I would welcome any comments you may have on the form and content of the review.

We will publish all the annual reviews on our website (www.lgo.org.uk). We will wait for three weeks after this letter before doing so, to give you an opportunity to consider the review first. If any material factual inaccuracy is found we will reissue it. We will issue a press release about the publication of the annual reviews on our website. We will also publish on our website a summary of statistics relating to the complaints we have received and dealt with against all authorities.

I would again be happy to consider requests for me or a senior colleague to visit the authority to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and the review to be sent to you electronically so that you can distribute it easily internally and put the annual review on your website. You do not need to include this covering letter on your website.

Yours sincerely



Tony Redmond

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Tony Redmond
Local Government Ombudsman
Nigel Ellis
Deputy Ombudsman

**The Local Government Ombudsman's
Annual Review**

**The London Borough of Tower
Hamlets**

**for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about the London Borough of Tower Hamlets 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Tower Hamlets. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Our Advice Team received 149 enquiries and complaints about your Council in 2009/10. The Advice Team forwarded 104 of these to the investigative team.

There were 26 complaints passed back to the Council for investigation as the complainants had not exhausted all the stages in the Council's complaints procedure, and it seemed that they would not be disadvantaged by doing so. They were told they could resubmit their complaint to the Ombudsman if they were dissatisfied with the outcome of their complaint after it had been considered by the Council.

As in previous years, housing made up the largest single category and accounted for about one third of the total contacts with the Advice Team. There were 36 housing complaints forwarded to the investigative team. Transport and highways was the next largest category and accounted for almost a quarter all the enquiries and complaints received by the Advice Team. Education, public finance and children and family services accounted for a further 27 enquiries and complaints.

Complaint outcomes

I made decisions on 98 complaints against your Council during 2009/10. There were 23 cases that were outside my jurisdiction. In 40 cases I found no fault and in 16 exercised my discretion not to pursue the complaint, often because the injustice suffered was not sufficient to justify an investigation. I issued one report against your Council and agreed 18 local settlements.

Reports

When we complete an investigation, we generally issue a report. This year I issued one report where I found the complainants had suffered injustice due to maladministration. The report was about the Council's handling of a planning application. The Council did not advertise a planning application it had received for the construction of a balcony at a property next to the complainants' home, and thus denied them the opportunity to object to the works. The Council did not consider the application properly and granted consent for it even though it contravened its adopted policy. I concluded that the complainants suffered injustice through loss of amenity by overlooking and in the loss of value to their home. They were also put to time and trouble in making their complaint to the Council and to me.

I recommended that the Council should remedy the injustice by paying £1,000 compensation to recognise the disappointment the complainants felt because the Council had not properly considered the effect of the development on their amenity and to assist the complainants to take any measures they felt would mitigate their loss of amenity. I also recommended a £300 payment to recognise their time and trouble and a “before and after” valuation of their property.

The Council is still considering its response to my report.

Local settlements

A ‘local settlement’ is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the 75 complaints we decided against your authority which were in jurisdiction, 18 (24%) were local settlements.

The Council paid £5,650 compensation to settle 14 complaints. In the remaining four complaints classified as local settlements, the Council took action to resolve the complaint, or to review its procedures and working practices, and it was not necessary to recommend compensation.

The largest compensation payment was £2,000 to settle a complaint about neighbour nuisance and anti-social behaviour. I say more about this complaint in the section headed anti-social behaviour below. A total of £2,050 compensation was paid to settle eight housing complaints.

Housing repairs

We settled five complaints about housing repairs in 2009/10. There was a common theme in four of these cases. In each case there was an unreasonable delay by the Council in investigating recurring episodes of water penetration into the complainants’ homes caused by a leaking roof or a leak from the property above. In one case, the complainant suffered from a serious illness and he had to give up the use of his bedroom and sleep on the living room floor instead. In another case, the Council agreed to award urgent priority for a transfer because of its delay in getting to grips with the problem.

I accept that it can often be difficult to identify the source of water penetration to properties, and it may take time to eliminate the most likely causes. But in all these cases there was an unacceptable delay in rectifying the problem which caused real inconvenience and misery for the complainants who lived in unsatisfactory housing conditions for longer than necessary.

Anti-social behaviour

We settled three complaints about anti-social behaviour and neighbour nuisance in 2009/10. The following faults were found in the Council’s investigation of these cases:

- a failure to respond to a petition organised by residents complaining about anti-social behaviour by youths who were drinking and taking drugs in the stairwell of a block of flats;
- unreasonable delay in investigating complaints;
- a failure to interview neighbours during an investigation of a noise nuisance complaint

In one case, the Council agreed to pay the complainant £2,000 because there was an unreasonable delay of nine to 10 months during a two year investigation of a noise nuisance

complaint which adversely affected several residents in a block of flats, as well as a failure to follow its own policy and to consider the possibility of mediation at an early stage to try to resolve matters.

Homelessness

We settled one complaint made by a single homeless man who had approached the Council for assistance with housing. The Council's Housing Options & Support Team effectively told him he was not in one of the priority need groups and so it did not take a homelessness application or issue him with a written decision which he could then challenge by using the statutory review procedure.

The Council agreed to take a homelessness application, consider the complainant's circumstances afresh and then issue a decision. The decision letter would explain his right to request a review of the decision if it was adverse. The Council also paid £50 compensation to recognise the time and trouble in making the complaint.

The Council undertook to review its leaflets and the information on its website to make it clear that applicants have a right to request a formal decision letter. The Council also offered to send me a copy of the revised literature and I would be interested to see this information.

Housing Benefit

We settled one Housing Benefit complaint in 2009/10. The complainant was a former tenant of a Housing Association. The Housing Association commenced possession proceedings on grounds of rent arrears and obtained a date for an eviction hearing. There was unreasonable delay by the Council in determining the complainant's claim for housing benefit, even though it knew he was threatened with imminent eviction. The Court granted an order and the complainant was evicted before the housing benefit claim was determined and paid. However, when the lump sum payment of housing benefit was made, it did not clear all the rent arrears and the complainant still owed a substantial sum to his former landlord. So there was some uncertainty about whether the Court would have refused to make the order and the eviction would have been prevented if benefit had been awarded in good time. We recommended the Council should award £500 compensation to recognise the loss of opportunity for the complainant to present his case to the Court in a more favourable light with a lower level of outstanding arrears. The Council agreed to settle on this basis.

Parking

Many parking complaints are outside my jurisdiction because there is a right of appeal to a Parking Adjudicator or a Magistrate depending on the nature of the enforcement action being taken.

However we continue to receive complaints about the issuing of residents' parking permits and also about the removal or clamping of cars parked on housing estates. These complaints are within our jurisdiction and we settled three such complaints in 2009/10.

Two complaints were about the clamping or removal by Council contractors of vehicles parked on housing estates. In both cases, the Council agreed to refund the removal charges or release fees.

In the third settlement, the Council did not deal promptly with a resident's request for visitor's parking vouchers and, as a result, his carer was unable to park near his home. The Council readily agreed to issue him with 24 books of vouchers to remedy the complaint.

School admission appeals

Not all complaints are remedied by a payment of compensation. In one complaint we investigated there was some confusion about whether an Independent Appeal Panel had taken into account medical evidence when it considered an appeal for admission of a child to a primary school. The decision letter setting out the grounds on which the Panel could uphold an infant class appeal were incomplete. Although the Council did not accept the Panel's decision was flawed, it accepted the decision letter was defective and so it agreed to offer the parents a fresh appeal hearing. This was a satisfactory remedy and the parents were happy with this outcome.

Managing tenancies

The two complaints we settled identified a need for the Council to make changes to its systems and procedures. In one case the Council did not have a system to check the validity of service charges or a means of checking that work it had charged for had been done. The Council agreed to introduce new systems to improve the quality of information and it also refunded the charges paid by the complainant because it could not demonstrate how the charges had been calculated and whether they were reasonable for the work done.

In the other complaint, the Council failed to follow its procedure which provided for housing officers to visit tenants who were terminating their tenancy to explain the policy on recharging tenants if they did not remove their fixtures and fittings, and clear all their personal belongings, before they moved out of a property. The Council wrote off the amount it had recharged the tenant and it also agreed to review its procedures.

Liaison with the Local Government Ombudsman

My investigators made initial enquiries on 56 complaints this year. Your average time for responding was 19.6 days which is well within my requested timescale of 28 days. You have maintained your good response times despite a slight increase in the number of enquiries we made in 2009/10.

My investigators made many positive comments throughout the year about the Council's prompt responses to proposals for settlements, as well as the clear and helpful responses to their enquiries. On one occasion the Council gave an investigator wrong information about ownership of a housing estate but it addressed this error by drawing up a list of estates which it owns and manages, and those where it acts as a contractor to Housing Associations.

Your Corporate Complaints Manager attended one of our regular seminars for Council officers who deal with our enquiries and investigations. She also attended a seminar for officers involved in handling adult social care complaints under the new statutory procedure.

Training in complaint handling

I would like to take this opportunity to remind the Council that part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

Your Council continues to provide my investigators with timely and thorough responses to their enquiries on complaints. Officers in your Complaints team are ready to consider proposals for local settlements, and are pro-active in putting forward proposals in cases where they identify some administrative fault. This approach to complaint-handling is to be commended, and my investigators find your staff approachable and willing to engage in dialogue to try to resolve complaints where possible.

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	5	0	10	0	3	1	2	4	26
Advice given	0	0	0	3	1	2	1	8	4	19
Forwarded to investigative team (resubmitted prematures)	1	1	0	5	0	0	1	0	2	10
Forwarded to investigative team (new)	4	2	10	30	0	4	4	24	16	94
Total	6	8	10	48	1	9	7	34	26	149

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	18	0	0	40	16	23	98

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	56	19.6
2008 / 2009	50	19.3
2007 / 2008	50	16.2

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

Range of courses

The courses are designed and delivered by experienced investigative staff. We provide the trainer and materials. The authority provides the venue, lunch and refreshments.

- 1. Good Complaint Handling** – a course for those dealing with the early stages of complaints.
- 2. Effective Complaint Handling** – our core course for those involved in handling, investigating and resolving complaints.
- 3. Good Complaint Handling in Social Care (children)** – a subject specific course dealing with the early stages of the statutory procedures.
- 4. Effective Complaint Handling in Social Care (children)** – a subject specific course to take account of the later stages of the statutory procedures.
- 5. Effective Complaint Handling in Social Care (Adults)** – a subject specific course dealing with complaint handling under the new health and social care complaints arrangements.
- 6. Open courses** – for small numbers of staff from different authorities.
- 7. Customised courses** – to assist authorities to address particular issues in complaint handling.

Costs

Courses for up to 15	£1,025
Courses for up to 30	£1,735
Open courses, per delegate	£130
Customised courses	POA

What the delegates say

“At last, a clear concise approach to handling complaints – excellent.”

“Superb tutor with sound experience and knowledge, kept everybody involved and informed.”

“Excellent – informative, comprehensive and will make a difference to how I handle complaints in future.”



What the organisers say

“An excellent course. We will continue to run further courses for our authority.”

“If it prevents one complaint from escalating through the whole process it has more than paid for itself.”



Training in complaint handling

For more information please contact:

T: 01904 380226
F: 01904 380269
E: training@lgo.org.uk
W: www.lgo.org.uk/training-councils

Our courses

Good complaint handling is an essential part of customer care. Local authorities are becoming more and more aware of its benefits in enhancing customer relations, helping the organisation to learn and improve, and providing a better public service.

The Local Government Ombudsman (LGO), as part of its advice-giving role, offers a range of training courses on dealing with complaints – all devised by us to meet the particular needs of local government.



Courses are presented by experienced LGO investigators, so participants can be confident that the presenter has genuine practical expertise in complaint handling and can draw on a fund of real knowledge from our experience over more than three decades of investigating complaints.

Feedback from participants has shown that they find the courses stimulating and challenging, as well as being very beneficial for their work in dealing with complaints. Feedback from organisers confirms that courses are cost effective and result in improvements.

Good Complaint Handling

– Identifying and Processing Complaints

A one-day course developed for local authority staff who have direct contact with members of the public and who receive complaints as part of their day-to-day work. Front line staff have a crucial role to play in presenting the face of the authority to the public, particularly when dealing with service users when they have problems. They can also play an important part in the early resolution of complaints, to the benefit of service users and the authority. This course has been devised to help staff make the most of this.

Courses for social care staff for children and adults

The LGO also runs courses specifically designed to meet the needs of those who deal with the statutory social care complaints procedures for children and adults. The Good Complaint Handling in Social Care course focuses on local resolution and the Effective Complaint Handling in Social Care course focuses on investigating and resolving complaints (the later stages).

Open courses

We run courses for groups of staff from different authorities to assist those authorities who wish to train small numbers of staff and to give staff an opportunity to share ideas and experience. Contact us for details.

Effective Complaint Handling

– Investigating and Resolving Complaints

A one-day course devised for local authority staff involved in handling complaints in the higher stages of the authority's complaints procedures, after the informal stage and up to the point of deciding the complaint, including dealing with remedies. It is a course for managers, team leaders, departmental and corporate complaints officers. The course is designed to help those dealing with complaints to develop their skills in complaint investigation and resolution and to avoid the pitfalls that can result in dissatisfaction and referral to the Ombudsman.

Customised training

We can provide some training for authorities where they have identified particular problems or where they are in the process of reviewing or improving their complaints procedures. There will be a charge for course development as well as course delivery. Contact us for further information.