

STANDARDS (ADVISORY) COMMITTEE

Tuesday, 24 November 2015 at 7.30 p.m.

MP701, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Matthew William Rowe

Vice-Chair: Eric Pemberton

John Pulford MBE, Salina Bagum, Nafisa Adam, Mike Houston, Daniel McLaughlin, Councillor Shah Alam, Councillor Marc Francis, Councillor Sirajul Islam, Councillor Mohammed Mufti Miah, Councillor Abdul Mukit MBE, Councillor Candida Ronald and Councillor Andrew Wood

Observers:

Elizabeth Hall (Independent Person)

Deputies:

Councillor Gulam Kibria Choudhury, Councillor David Edgar, Councillor Amy Whitelock Gibbs and Councillor Danny Hassell

The quorum for this body is 3 of the total membership including at least one Councillor and one Co-opted member.

Contact for further enquiries:

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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 Interim Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S)

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 15th September 2015.

TO FOLLOW

3. REPORTS FOR CONSIDERATION

3 .1	Complaints and Information Annual Report	5 - 66
3 .2	Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)	67 - 72
3 .3	Code of Conduct for Members - Complaints and Investigation Monitoring	73 - 76
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4. REPORTS FOR DISCUSSION

4 .1	Recruitment of an Reserved Independent Person	101 - 106
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5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

To consider any other unrestricted business that the Chair considers to be urgent.

Next Meeting of the Committee:

Tuesday, 15 March 2016 at 7.30 p.m. to be held in the MP701, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Interim Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Interim Monitoring Officer following consideration by the Dispositions Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Interim Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Melanie Clay, Director of Law, Probity & Governance & Monitoring Officer, 0207 364 4801


APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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Agenda Item 3.1

Non-Executive Report of the: Standards Advisory Committee 24 November 2015	 TOWER HAMLETS
Report of: Melanie Clay, Corporate Director – Law Probity and Governance	Classification: Unrestricted
Complaints and Information Annual Report	

Originating Officer(s)	Ruth Dowden, Complaints and Information Manager, Graham White, Interim Service Head – Legal Services
Wards affected	All wards

Summary

- This report provides information regarding the Council’s handling of complaints and information requests in the year 2014/15.
- A summary of the key features of the report is contained in the introduction section starting at section 1.3 in the body of the report.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Note the performance figures for 2014/2015 under the complaints procedures and for requests under the Freedom of Information Act and Data Protection Act.
2. Note the work of Council in relation to Information Governance matters.
3. Note that remedial action in respect of complaints and lessons learnt are will be drawn out further in the 6 month update report.

1. REASONS FOR THE DECISIONS

1.1 This report is for noting

2. ALTERNATIVE OPTIONS

2.1 This report is for noting

3. DETAILS OF REPORT

3.1 The requirement for an annual report on social care complaints is set out in the Children Act 1989 Representations Procedure (England) Regulations 2006 and statutory guidance.

3.2 An internal audit requirement in 1999 led to the service establishing an annual report on the council's handling of corporate complaints, and these complaints annual reports have been combined since 2006/07.

3.3 Following the merger of the Corporate Complaints team and the Information Governance team in 2011, the annual report also considers the Council's handling of requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998 (subject access requests).

3.4 As provided for in the constitution, the Complaints Annual Report is presented for consideration at the Overview and Scrutiny Committee (section 3.3.2 and article 6.02) and Standards Committee (section 3.3.3 and article 9.03 (m)).

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 This report provides the annual complaints and information report for the period 1st April 2014 to 31st March 2015. There are no financial implications arising from this report. However In the event that the Council agrees further action in response to this report, then approval for any further resources will need to be requested using existing financial procedure rules.

5. LEGAL COMMENTS

5.1 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.

- 5.2 In carrying out its functions, the Council must comply with the public sector equality duty set out in section 149 Equality Act 2010, namely it must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not.

6. EQUAL OPPORTUNITIES/ ANTI-POVERTY/ ONE TOWER HAMLETS CONSIDERATION

6.1 The Complaints functions ensure a review mechanism by which any element of service and access can be reviewed, and efforts are made to ensure that individual issues and broader equality issues are considered.

6.2 Freedom of Information and Transparency promote access to data across the population. Subject Access Requests under the Data Protection Act offer ease of access for service users to their own data.

7. BEST VALUE (BV) IMPLICATIONS

7.1 Best Value is achieved through early resolution of complaints and the reduction in escalation rate is noted in the report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no specific implications.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Risk implications are detailed in the report and the actions in maintaining a good standard of Information Governance practice as well as effective complaints handling mitigate risk to the organisation both in terms of financial penalty and reputation.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 - Local Government Ombudsman Annual Report 2014/15.
 - Appendix 2 – Corporate Complaints by Directorate charts
 - Appendix 3 – Ombudsman’s Annual Letter
-

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

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- Ruth Dowden x4162

Complaints and Information Governance Annual Report

2014-2015

Version 1

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- Section 5 Corporate Complaints
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- Section 7 Children's Social Care Complaints
- Section 8 Ombudsman Complaints
- Section 9 Improvement Initiatives

1. INTRODUCTION AND SUMMARY

1.1. This report provides information regarding the Council's handling of complaints and information requests in the year 2014/15. It covers –

- Information governance (section 2);
- Information requests under the Freedom of Information Act and Environmental Information Regulations (section 3);
- Subject access requests under the Data Protection Act (section 4);
- Complaints handling at all stages of the Council's Corporate Complaints Procedure (section 5);
- Complaints handling under the statutory Adults and Children's Social Care Complaints Procedures (sections 6 and 7);
- Complaints to the Information Commissioner (section 2), Local Government Ombudsman and Housing Ombudsman (section 8) in relation to complaints escalated to them;

1.2. In addition to addressing the volume of complaints and information requests received by the Council in the period 1 April 2014 to 31 March 2015, the report also looks at the outcomes of those cases; and the standard of performance in dealing with them. Policy and practice developments in information governance and complaints are also summarised.

1.3. The highlights for 2014/2015 were that –

- Information Governance audits revealed:
 - compliance at 70%, with all criteria met as satisfactory or above for Health and Social Care Information Council Toolkit.
 - , council completed improvement programme following the consensual audit by ICO in September 2014.
- FOI
 - One of the highest volumes in London.
 - Only 3% escalation to internal review and of 2161 only 5 to ICO (0.2%)
 - Of the five ICO decisions, 3 were upheld due to delay.
 - The rate of requests for internal reviews from information requests remained low (at 3.1%).
 - The Information Commissioner determined only five complaints in relation to the Council.
- Subject Access Requests
 - Performance improved from 61% in time 2013/14 to 80% in 2014/15
 - This improvement needs to continue.

- Corporate Complaints
 - 17% year on year increase in stage 1 complaints, LGO reports this is common across authorities.
 - Individual services variance explained in the report, including where performance is required to improve.
 - Escalation rates to the final stage fell from 5% to 4%
 - Adult Social Care complaints saw:
 - Fall in volume from 57 in 2013/14 to 52 in 2014/15
 - Turn around slipped, and Complaints and Information Team working with services to improve management information to support high level performance.
 - Children's Social Care
 - Small increase in volume from 46 to 49.
 - Again, the service and complaints team are working to improve turnaround.
 - Local Government Ombudsman
 - Increase in volumes from 11 to 128, however this is common across London and the country.
 - Benchmarking across London sees Tower Hamlets 13 out of 33 for fewest enquiries received by the LGO.
 - Of those matters actually investigated (23 cases), 47% were upheld, and this also compares favourably against other boroughs, ranked 13 again.
 - Housing Ombudsman
 - 3 out of 47 cases upheld and required remedy.
 - The Local Government Ombudsman and the Housing Ombudsman have made no reports against the Council since 2009/10.
- 1.4.** The response times for information requests improved, however these are still below target, but yet again there was a significant increase in the number of requests by 12%.
- 1.5.** Overall, the number of corporate complaints increased during 2014/2015 with Stage 1 complaints increasing by 17%. The reasons for increases are addressed in section 5 of the report. The reasons for this are unclear, however the population continued to increase in the borough and effects of the Government's social welfare reforms may have also had an effect.
- 1.6.** 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. With these objectives in mind, the Council has adopted corporate performance standards, designed to ensure complaints are dealt with in a timely fashion. Performance is regularly reviewed by both the Corporate Management team and elected Members. The Complaints and Information Team identifies themes and works with the service areas to bring about effective change.

2. INFORMATION GOVERNANCE

- 2.1.** Information governance encompasses the policies, procedures and controls designed to manage information across the Council. The Council has a framework of policies, procedures and guidance covering records management, information security and data protection. Information risk is managed within the Council's corporate risk management framework.
- 2.2.** The Council's Senior Information Risk Officer (SIRO) has overall responsibility for information governance. During 2014/2015, the SIRO role was held by Chris Holme, Interim Corporate Director – Resources.
- 2.3.** The SIRO is supported by the Corporate Complaints and Information team, managed by the Service Head - Legal Services. An Information Governance Group (IGG) of officers meets every 6 weeks to review information governance issues and to develop strategic approaches to legislation, policies, practice, risk management and quality assurance,
- 2.4.** The Council is a data controller within the meaning of the Data Protection Act 1998 and is required to process data in accordance with the data protection principles. These may be summarised as follows –
- Personal data shall be processed fairly and lawfully and only where one of the conditions specified in the Data Protection Act is met.
 - Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
 - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
 - Personal data shall be accurate and, where necessary, kept up to date.
 - Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
 - Personal data shall be processed in accordance with the rights of data subjects under this Act.
 - Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
 - Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- 2.5.** A number of developments took place in relation to information governance during 2014/2015.
- 2.6.** The Council's annual submission for the Health and Social Care Information Council (HSCIC) Toolkit (Information Governance assessment) was submitted in March 2015. The Council scored 70% (Satisfactory) having actioned the improvement plan from the

previous year. Each of the 28 components is ranged from 0 (not compliant) to 3 and the Council attained level 2 (satisfactory) or above for every component. A certificate was also obtained for the Public Sector Network (PSN) in August 2014.

2.7. ICO Audit

2.8. The Council was approached by the ICO in December 2013 with the offer of a voluntary audit of data protection practices and agreed the three focus areas as Records Management, Security of Personal Data and Subject Access Requests. The Council facilitated the audit in September 2014 and actioned an improvement plan, the outcomes of which were further reviewed by the ICO in May 2015. The audit provided a useful focus and the few actions still ongoing are incorporated into the 2015/16 Information Governance Work plan.

2.9. Information Asset Register

2.10. The information governance group embarked on a review of the Information Asset register in order to establish a single register for electronic and paper assets and to identify their properties, usage and potential risks.

2.11. Transparency

2.12. The Council improved the availability and quality of information published and has met the 2015 Government Code on Transparency requirements.

2.13. Security incidents

2.14. Information security incidents are required to be reported to the Corporate Complaints and Information team. These are recorded and the register is reviewed periodically by the IGG. None of the incidents registered resulted in or required reporting to the Information Commissioner.

2.15. Risk

2.16. The fitness or otherwise of the Council's information governance framework was made a corporate-level risk in 2013/2014 and is now the subject of regular review in accordance with the Council's risk management procedure.

2.17. Training

2.18. The annual Information Governance Training and Communication Programme is updated in the light of risks identified and security incidents. IN 2014/15 a council wide e-learning package was pushed out to all staff (and face to face sessions for staff not on ICT systems). A range of posters placed in print hubs, intranet messages and emails were used to raise awareness and bookable courses on FOI and Data Protection delivered.

3. INFORMATION REQUESTS

- 3.1 The Council is required to respond to information requests under both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 3.2 The Freedom of Information (FOI) Act 2000 was implemented in 2005 to help bring about a culture of openness within the public sector so that the information held by public authorities is available and accessible to all, both within and outside the communities they serve. It gives the public access to most structured information held by the Council unless it is appropriate for the Council to apply a legal exemption.
- 3.3 A separate but parallel process under the Environmental Information Regulations 2004 (EIR) provides for access to environmental information within the meaning of EU Directive 2003/4/EC. This covers information on –
- The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
 - Factors affecting or likely to affect the elements of the environment, such as noise or waste.
 - Measures (including administrative measures), such as policies, legislation, plans, programs, environmental agreements, and activities affecting or likely to affect the elements of the environment and factors affecting them.
 - Cost-benefit and other economic analyses and assumptions used within the framework of these measures and activities.
 - Reports on the implementation of environmental legislation.
 - The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment or, through those elements, by any of the factors, measures or activities referred to above.
- 3.4 The FOI Act and EIR both set a deadline of 20 working days for the Council to respond to written requests from the public. It is regulated by the Information Commissioner (ICO) and information on the ICO's investigations and decisions is set out below.
- 3.5 Information disclosed by the Council to applicants is usually also published on the Council's disclosure log, linked to the Council website. In this way a resource has been built up over time which is available to the public for reference.

3.6 Details of FOI and EIR requests received by the Council in 2013/2014 and 2014/2015 are summarised in Figures 1 and 2.

Figure 1

FOI and EIR	2013/14 Total			2014/15 Total		
	Rec	In Time		Rec	In Time	
Apr	161	139	88%	200	163	82%
May	148	131	89%	171	123	73%
Jun	134	115	86%	168	125	75%
Jul	165	146	90%	192	168	89%
Aug	154	121	80%	182	162	90%
Sep	118	87	74%	157	144	94%
Oct	172	141	82%	204	193	97%
Nov	179	153	86%	178	177	99%
Dec	126	109	87%	126	114	93%
Jan	220	192	88%	176	168	96%
Feb	180	150	83%	210	200	96%
Mar	169	135	79%	197	168	88%
Total	1926	1617	85%	2161	1905	89%

Figure 2

FOI & EIR Requests	2013/14			2014/15			Change	
	Rec	In Time		Rec	In Time			
CLC	497	420	86%	561	509	91%	64	13%
Development & Renewal	326	261	81%	364	326	91%	38	12%
ESCW	411	387	94%	449	433	97%	38	9%
Law Probity and Governance	168	113	69%	199	121	63%	31	18%
Resources	431	362	84%	460	411	92%	29	7%
Tower Hamlets Homes	92	76	83%	128	105	82%	36	39%
Total	1925	1619	85%	2161	1905	89%	236	12%

3.7 The number of information requests increased significant by 12% in 2014/2015. On the whole this was across all directorates, except Law Probity and Governance, where there was a reduction in requests.

3.8 Performance in responding to requests within the 20 working day statutory deadline increased from to 85% in 2014/2015 to 89%. This may appear only a modest increase in performance, but it should be considered that the number of requests increased by 12% and there were no changes in the number of officers available to process these. Steps were taken to improve performance; however the IT system in place during the period reported is outdated and does not handle automated reminders. It was replaced in July 2015 by a new system, which should help us further improve on performance.

3.9 There have been many complex requests, which may have an impact on the time needed to respond and the workload of officers. Regrettably the then current system has no way of recording the level of complexity of requests.

3.10 Internal Review

- 3.11 On receipt of a response to an FOI or EIR request, an applicant may ask for an internal review if dissatisfied with the response provided. Out of the total 2161 requests received during 2014/2015, 67 (or 3.1%) were taken to Internal Review. This escalation rate is considered to be low, although higher than 2.6% the previous year. There were 33 cases (50% of those taken on review) in which the applicant's complaint was upheld in whole or in part following an internal review. Set out below is a summary of the upheld cases.
- 3.12 Eight complainants were given apologies because the FOI was not answered in time.
- 3.13 In six cases incorrect information was originally given and following review the correct information was provided with an apology.
- 3.14 In six instances the applicant was told that the time required to respond would exceed the 18 maximum hours, but the review found this to be incorrect and the information was then provided with an apology.
- 3.15 Six complaints involved instances where information was wrongly withheld because of the incorrect application of an exemption.
- 3.16 Four cases involved requests where some information could have been provided with appropriate redactions but was not. The information was redacted and provided following the review.

3.17 Complaints to the Information Commissioner

- 3.18 The Information Commissioner issued five decision notices concerning the Council in 2014/2015. The summaries from the ICO website are reproduced below, none of which were upheld with regard to the data published. However three were upheld in regard to delay.
- 3.19 **Case ref FS50557032:** The complainant has requested information from the London Borough of Tower Hamlets ("the Council") relating to the grounds on which five applicants were placed above her for a property. The Commissioner's decision is that the Council correctly applied section 40(2) of FOIA.
- 3.20 **Case ref: FS50553348:** The complainant has requested from the London Borough of Tower Hamlets ("the Council") information relating to the statement of persons nominated in 2010. After investigation, the Information Commissioner has found that the information sought by the complainant is not held by the Council for the purposes of FOIA. The Commissioner's decision is that the Council is entitled to rely on section 3(2)(a) of the FOIA. However the Council has breached section 10 as it failed to provide a substantive response within twenty working days. The Commissioner requires the public authority to take no steps.

- 3.21 **Case ref FS50549048:** The complainant has requested from the London Borough of Tower Hamlets (“the Council”) information relating to the declaration of election results, the storage of ballot boxes and suspected fraudulent ballot papers. After investigation, the Information Commissioner has found that the information sought by the complainant is not held by the Council for the purposes of FOIA. The Commissioner’s decision is that the Council is entitled to rely on section 3(2)(a) of the FOIA.
- 3.22 **Case ref FS50547099:** The complainant has requested the council to disclose information relating to a BBC Panorama program relating to the recent media investigations surrounding Lutfur Rahman. The council responded releasing some information but refusing to disclose other information under sections 43 and 36 of the FOIA. During the Commissioner’s investigation the council released further information, which then satisfied this element of the complainant’s complaint. He however requested the Commissioner to consider how the request had been handled and to record any procedural breaches of the FOIA. The Commissioner has reviewed how this request was handled and he has found that the council did not meet the statutory deadline, or explain in full the reasons for refusing the request. He does not however require any further action to be taken.
- 3.23 **Case ref FS50548231:** The complainant has requested the council to disclose copies of all correspondence between Lutfur Rahman, various staff within the council, any PR firms specifically dealing with Lutfur Rahman and the council’s press office over a two month period. The council responded providing a link to some relevant information on the subject. It then later issued a further response confirming that it wished to rely on sections 31, 36 and 40 of the FOIA. During the Commissioner’s investigation the council released the requested information, with a small amount of personal data redacted under section 40. The complainant had no complaint about the application of section 40, but felt that further recorded information should be held. He also wished the Commissioner to consider how the request had been handled and to record any procedural breaches of the FOIA. The Commissioner has decided that on the balance of probabilities the council does not hold any further recorded information. He has however reviewed how the request was handled and found that the council did not meet the statutory deadline, or explain in full the reasons for refusing the request.

3.24 Equalities

- 3.25 The Council does not seek equalities monitoring information at the point of request, as this may be seen as a barrier to information requests. When providing responses, the Council invites applicants to complete a combined customer satisfaction and equalities monitoring questionnaire. Regrettably the volumes of responses are not sufficiently high to enable significant conclusions to be drawn for the purposes of the Council’s public sector equality duty.

4. SUBJECT ACCESS REQUESTS

4.1 The Data Protection Act 1998 (DPA) governs the collection, storage, and processing of personal data, in both manual and electronic forms. It is regulated by the Information Commissioners Office (www.ico.gov.uk). It requires those who hold personal data on individuals to be open about how the information is used, and requires the Council to process data in accordance with the principles of the Act. Individuals have the right to find out what personal data is held about them, and what use is being made of that information. These 'Subject Access Requests' should be processed by the Council within a period of 40 calendar days. Details of the requests received in 2014/2015 are set out in Figures 3 and 4.

Figure 3

Subject Access Requests	2013/14			2014/15		
	Rec	In Time		Rec	In Time	
Apr	21	13	65%	15	6	50%
May	24	6	32%	15	5	36%
Jun	12	6	55%	16	6	50%
Jul	35	14	50%	14	10	83%
Aug	8	5	83%	17	13	93%
Sep	16	12	80%	31	28	97%
Oct	21	10	59%	18	15	100%
Nov	18	6	43%	18	17	100%
Dec	14	11	85%	39	31	86%
Jan	7	5	71%	16	12	86%
Feb	18	11	73%	13	7	78%
Mar	20	12	71%	24	13	68%
	214	111	61%	236	163	80%

Figure 4

Subject Access Requests	2013/14			2014/15			Change	
	Rec	In Time		Rec	In Time			
CLC	12	7	88%	15	10	100%	3	25%
Development & Renewal	8	5	71%	9	5	100%	1	13%
ESCW	104	56	58%	144	107	77%	40	38%
Law Probity and Governance	8	2	40%	6	3	100%	-2	-25%
Resources	70	35	61%	49	29	83%	-21	-30%
Tower Hamlets Homes	12	6	67%	13	9	82%	1	8%
Total	214	111	61%	236	163	80%	22	10%

4.2 Requests for personal information held by the Council rose slightly in 2014/15. Although which directorate is receiving these did change as can be seen in Figure 4. However, ESCW still receive the most requests (social care files) and these rose more significantly.

4.3 The overall response rate has improved with 80% being answered within the statutory timeframe. The performance was not helped by the shortcoming in the software, but also many of the complaints were very complex in size and nature. Work is being done to raise this performance, by –

- Improving the internal processes and raising awareness
 - Modifying the database to ensure automated reminders are sent
 - Producing weekly due and outstanding lists.
 - More formal training has and will be provided to team members
 - The new software should also assist in improving performance.
- 4.4 Requests for personal identifiable information are collated by the relevant service area and assessed under the Data Protection Act criteria. The Corporate Complaints and Information team advise on preparation of files for release, and ensure that appropriate action is taken to safeguard data pertaining to other people and ensure that third party data redacted.
- 4.5 Some of the files held can be large with significant amounts of data provided by third parties (e.g. medical reports) and / or relating to other people (e.g. family members / neighbours). In order for there to be a prompt response to all requests, consideration must be given to the resources required in each directorate or service area to meet the changing demand.
- 4.6 **Information requests and Subject Access Requests by Service Area**
- 4.7 Education Social Care and Wellbeing Directorate
- 4.8 FOI/EIR performance: There has been an increase from 411 FOI requests in 2013/14 to 449 FOI requests during 2014/15. Annual increases in the number of FOI requests received is now an established trend over the last couple of years. Despite the increase in requests there has still been an improvement in performance from 94% in 2013/14 to 97% of requests completed on time in 2014/15. The majority of FOI requests that go over the timescale are usually sensitive requests that are often more complex or require exemption.
- 4.9 Subject Access Requests: ESCW receive a significant amount of Subject Access Requests compared to other Directorates and are primarily sensitive requests for social care records. The number of requests received have increased from 104 in 2013/14 to 144 in 2014/15. The overall performance of requests completed within the 40 day time scale, despite the 38% increase in requests, has also increased from 58% 2013/14 to 77% of requests completed within timescales.
- 4.10 The ESCW Information Governance function has been part of a restructure to improve poor performance during the early part of the year. The result of the restructure saw the Access to Records Team and the ESCW IG team merge. Processes have and are continuing to be improved as a result of the new IG team. The merger was completed in April 2015 and resulted in the loss of some staff to the ER or VR processes and vacant posts to be filled. Performance has dipped during the last part of the financial year due to the loss of staff and the delay in being able to recruit to vacant posts.

4.11 Resources

- 4.12 FOI: 92% of our FOIs were responded to within the statutory response period although this is slightly below the 95% corporate target. A more detailed look at the figures show that In Q3 the directorate responded to 98% of all FOIs on time and 97% in Q4, unfortunately its performance in Q1 (82%) and Q2 (92%) has brought down the final year-end outturn. We have recognised this and for 2015/16 will closely monitor Q1 and Q2 performance. We have a standing item on our DMT agenda looking at responses due for FOIs, MEs and Complaints. Our business support team do a sterling job of ensuring a smooth transition in FOIs being triaged appropriately and forwarded quickly and accurately to services in the directorate. We have KPIs setup on Excelsis which track the performance of FOIs, MEs and Complaints. Every quarter this data is reported to DMT through the quarterly performance monitoring report.
- 4.13 SAR: In 2014/15 83% of subject access requests were completed on time, although due to the sensitive nature of these requests made under the Data Protection Act and there being no central record of SARs in the directorate as they go straight to the service in question it's very difficult to explain why they are being held up above the 40 days statutory time limit – if IG could provide further information as to the service area they relate to we may be able to get further commentary from the relevant service(s).

4.14 Communities, Localities and Culture

- 4.15 FOI and EIR requests that CLC received increased by 13% (64) in 2014/15 compared to the previous year. This increase is in line with the Council-wide increase in FOI and EIR requests.
- 4.16 In spite of the increase in requests, CLC performance in responding to requests within the 20 working day statutory deadline improved from 86% (420) in 2013/2014 to 91% (509) in 2014/15.

5. CORPORATE COMPLAINT STATISTICS AND ANALYSIS

5.1. The Corporate Complaints Procedure

5.2. The Complaints Procedure is detailed on the Council's web site, where the Council states "we want to hear from you" and specifies –

- Its desire to give the best possible service;
- That it can only find out what needs to improve by listening to the views of service users and others;
- Its commitment to continuously improving services; and
- It's undertaking to act on what it is told.

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

5.4. At stages 1 and 2 of the complaints procedure, the matter is addressed by the relevant service managers. At the third and final stage, an independent investigation is conducted by the Complaints and Information Team currently on behalf of Head of Service – Legal Service.

5.5. Most Social Care complaints come under statutory procedures and are detailed in sections 6 and 7 of this report. 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.

5.6. Volume of complaints

5.7. Figure 5 provides summary information about the total number of complaints received by the Council in 2014/15. Overall, the number of complaints – excluding the FOI internal reviews – was 21% higher than in the previous year.

5.8. Tower Hamlets population has grown from 256,000 in June 2012 to 273,000 in June 2013, based on the latest figures available. When taking this population increase into account, the rate of complaints for both 2013/14 to 2014/15 has remained similar at 10.2 complaints per 1,000 population.

5.9. The 2014/15 Annual Residents Survey was completed in June 2014, however the results have not yet been calculated so it is not possible to comment on the overall satisfaction. Last year in the Annual Residents Survey 64% of respondents stated they were very or fairly satisfied with the Council.

Figure 5

Volume of Corporate Complaints				
Year	2013/14	2014/15	Variance	
Stage 1	2477	2925	448	17%
Stage 2	372	476	104	25%
Stage 3	160	230	70	36%
FOI Internal Reviews (Stage 3)	51	67	16	27%
Total Complaints	3009	3631	622	19%

5.10. Figure 6 provides a breakdown of Complaints by each directorate and stage with the variance for each stage.

Figure 6

Volumes of Complaints by Directorate and Stage	Stage 1			Stage 2			Stage 3		
	2013/14	2014/15	Variance	2013/14	2014/15	Variance	2013/14	2014/15	Variance
CLC	1019	1170	151	150	172	22	30	49	19
Development & Renewal	236	239	3	55	71	16	17	35	18
ESCW	41	50	9	9	6	-3	4	3	-1
Law Probity and Governance	42	47	5	6	11	5	58	72	14
Resources	371	366	-5	25	36	11	11	13	2
Tower Hamlets Homes	768	1053	285	127	180	53	40	58	18
Total complaints	2477	2925	448	372	476	104	160	230	70

5.11. Figure 7 shows the escalation rates through the stages of the complaints process. Overall, 15% of Stage 1 complaints were escalated to Stage 2 of the complaints process which is the same escalation rate as the previous year. Escalation rates for Stage 1 complaints to Stage 3 fell from 5% to 4% which is an improvement. This demonstrates that the greatest proportion of complaints is dealt with at the first stage, which is what the Council would hope to achieve with its complaints handling. The escalation rate of 2.6% for FOI requests compares favourably against the rate of 4% for overall Corporate Complaints.

Figure 7

Escalation Rates by Directorate 2014/15 (Excludes FOI Reviews)					
Directorate	Stage 1	Stage 2		Stage 3	
		Stage 2	Escalated from Stage 1	Stage 3	Escalated from Stage 2
CLC	1170	172	15%	49	28%
Development & Renewal	239	71	30%	35	49%
ESCW	50	6	12%	3	50%
Law, Probity & Governance	47	11	23%	5	50%
Resources	366	36	10%	13	36%
Tower Hamlets Homes	1053	180	17%	58	32%
Totals	2925	476	16%	163	34%

5.12. Figure 8 shows the rate at which complaints are upheld at Stage 1 of the process and the percentage completed on time. During 2014/2015, response times for Stage 1 complaints have remained the same with 89% completed on time. The figure of 89% is ahead of the corporate target of 87%. Performance management through a variety of measures, including distribution to the Corporate Management Team of weekly lists of complaints due and outstanding, and monthly directorate performance figures, have effectively maintained response times at a high level.

Figure 8

Stage 1 Resolutions by Directorate											
2014/15	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
CLC	1170	711	61%	135	12%	282	24%	42	4%	94%	7.8
Development & Renewal	239	148	62%	31	13%	32	13%	28	12%	74%	8.3
ESCW	50	17	34%	8	16%	23	46%	2	4%	68%	11.6
Law, Probity & Governance	47	20	43%	4	9%	16	34%	7	15%	79%	10.5
Resources	366	185	51%	93	25%	63	17%	25	7%	98%	4.3
Tower Hamlets Homes	1053	525	50%	101	10%	371	35%	56	5%	86%	8.7
Total Stage 1 Complaints	2925	1606	55%	372	13%	787	27%	160	5%	89%	7.8

5.13. Figure 9 shows the rate at which complaints are upheld at Stage 2 of the process and the percentage completed on time. During 2014/2015, response times for Stage 2 have improved from 82% to 87%, against a corporate target of 87% completed in time. At Stage 2, the nature of investigation, complexity and issues raised will vary across

the services the Council provides. Steps are being undertaken in the directorates where performance targets have not been met to address any delays.

Figure 9

Stage 2 Resolutions by Directorate											
2014/15	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
CLC	172	109	63%	19	11%	40	23%	4	2%	94%	15.9
Development & Renewal	71	47	66%	9	13%	10	14%	5	7%	76%	17.5
ESCW	6	3	50%	1	17%	2	33%	0	0%	83%	14.3
Law, Probity & Governance	11	7	64%	2	18%	2	18%	0	0%	45%	32.2
Resources	36	27	75%	3	8%	5	14%	1	3%	100%	11.3
Tower Hamlets Homes	180	62	34%	23	13%	88	49%	7	4%	86%	16.8
Total Stage 2 Complaints	476	255	54%	57	12%	147	31%	17	4%	87%	16.5

5.14. Figure 10 shows the rate at which complaints are upheld at Stage 3 of the process and the percentage completed on time. During 2014/2015, response times for Stage 3 complaints have fallen from 94% to 84%, this falls below the corporate target of 87% completed in time. It is noteworthy, however that there was a significant increase of 44% in the volume of Stage 3 complaints. This was also been impacted by the increase work load due to the large increase in FOI requests that the Complaints and Information Team also handle. Steps are being taken to improve the address the delays.

Figure 10

Stage 3 Resolutions by Directorate											
2014/15	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
CLC	49	25	51%	13	27%	9	18%	2	4%	80%	19.3
Development & Renewal	35	23	66%	7	20%	3	9%	2	6%	74%	20.3
ESCW	3	2	67%	0	0%	0	0%	1	33%	67%	18.7
Law, Probity & Governance	5	2	40%	3	60%	0	0%	0	0%	100%	13.0
LPG* - FOI Reviews	67	30	45%	13	19%	20	30%	4	6%	90%	17.3
Resources	13	9	69%	0	0%	1	8%	3	23%	100%	17.5
Tower Hamlets Homes	58	23	40%	11	19%	21	36%	3	5%	83%	21.1
Total Stage 3 Complaints	230	114	50%	47	20%	54	23%	15	7%	84%	19.0

5.15. FOI review performance times have slightly dropped from 92% to 90% over the previous year, despite an increase in volume of reviews by 50%. Almost all of the reviews this year were carried out by the Complaints and Information Team.

5.16. Overall the volume of Stage 3 complaints (both escalations from Stage 1 and Stage 2 Complaints and FOI Reviews) has significantly increased over the previous year from 160 to 230, an increase of 70%, but the mix of these has changed with more FOI Reviews.

5.17. Corporate Complaints by Service Area

5.18. Set out in Appendix 1 are charts providing a breakdown of the Stage 1 Corporate complaints in each directorate by reference to service area.

5.19. Education, Social Care and Wellbeing (ESCW)

5.20. ESCW is the directorate that covers the previous directorates of Adults Health and Wellbeing and Children's Schools and Families. Corporate Complaints relate to non-statutory processes and are very few in number. Therefore small increases in numbers can therefore present a misleading percentage variation and should be considered with caution.

5.21. Law, Probity and Governance (LPG)

5.22. The volume of complaints in the Law, Probity & Governance directorate is low in all sections. There was a reduction in complaints received overall and no significant trends to report.

5.23. Communities Localities and Culture (CLC)

5.24. Volume of complaints

CLC delivers a wide range of universal customer-facing services impacting residents' everyday lives. The number of complaints is therefore reflective of the numbers of customers served by universal services rather than targeted services. CLC continues to receive the largest number of Corporate Complaints among all directorates (40% of the total complaints that the Council received in 2014/15 – 1170 out of 2925). This, however, cannot be interpreted as demonstrating a lower quality of service provision.

While the number of complaints in the Directorate increased year on year by 15%, this is reflective of the overall 18% increase of complaints received by the Council.

5.25 Upheld and partially upheld complaints

In 2014/15, there were 417 complaints 'upheld' or 'partially upheld' at Stage 1 and 59 at Stage 2. The number of the 'partially upheld' or 'upheld' Stage 1 and 2 complaints were comparable to those of 2013/14. Not upheld Stage 1 complaints increased by 127 in 2014/15 from the previous year, which was equivalent to 84% of the total increase in complaints received by the Directorate. This suggests that the service performance was maintained. The increase of the not-upheld complaints is thought to have been affected by other reasons, including media attention the Council received in 2014/15.

Stage 3 partially upheld and upheld complaints increased from 6 to 22. The Directorate will review the responses to the Stage 2 complaints which were later escalated to Stage 3, aiming to understand reasons for the increase.

5.26 Resolution times

Resolution times for Stages 1 and 2 complaints were good, with 94% closed on time. This was an improvement from the previous year (93% Stage 1 and 90% Stage 2).

Effective performance management, including monthly directorate performance figures, has resulted in the prioritisation of response times at Stages 1 and 2.

5.27 Complaints by service area

The number of complaints received remained broadly steady across all service issues with very minor increases or decreases that are not significant enough to draw strategic conclusions in the context of the volume of overall service delivery. There were a small number of variations compared to 2013/14 for which additional contextual information is provided below.

Streetcare (Fly-tipping, dumped waste)

The number of complaints about dumped waste and fly-tipping increased from 22 in the previous year to 47, of which 21 complaints were upheld or partially upheld. This means that an upheld or partially upheld complaint was made by one in every 13,169 residents. Considering the Borough's population in 2014 (276,544) and the volume of the service, the number of the upheld or partially upheld complaints remains very small.

A number of complaints were made in respect of fly-tipping on private land. Where possible, officers will take steps to find out who the land owner is and make contact with them to advise of the issue and for them to take responsibility for their land. On occasions the Council will take steps to clear the waste at the land owners' expense (recharge). Complaints made about waste / fly tipping on private land are not reflective of Council performance in relation to dealing with fly tipping on the land it owns and maintains.

Failed collections (Domestic refuse, garden recycling and bulk collection),

There were additional 12 complaints of failed collections (domestic reuse: communal and doorstep), but the number of upheld or partially upheld complaints decreased by 33. This suggests the service maintained the service level or rather improved.

There were an additional 22 complaints about failed collections (garden recycling and bulk collection). A number of complaints about failed collections were made as customers were unaware of the changes of collection dates due to public holidays. These changes are published in East End Life in advance. In the context of more than

11m collections per year, the number of complaints about the service remains extremely low.

Street cleaning and pavements

The number of complaints about street cleaning and pavements increased (29 to 68). However, the number of upheld or partially upheld decreased from 29 to 24 indicating that service performance has been maintained as is reflected in third party monitoring of street cleanliness.

Parking service – Appeals process and Disabled Bay

The number of complaints about the parking appeals process halved from 65 to 32. This is reflective of the improved performance of the parking service 2014/15, when the service has responded more quickly to customer representations (within 5-10 days, as opposed to 30-40 days in 2013/14). This has reduced the number of repeat complaints.

Complaints about Disabled Parking Bays increased from 1 to 29. This was due to a review of the Personalised Disabled Parking Bay scheme. The purpose of the review was to ensure that all 444 designated bays were still needed and that the users of those bays remained eligible under the scheme criteria. The process has been complete and it is expected that the number of complaints in the coming year will decrease.

Idea Store & Idea Store Learning

In 2014/2015, the Idea Store service received a slightly higher number of complaints for services at Idea Stores in comparison to the previous year (18, up from 14). Considering that the Idea Stores and libraries have ca. 2,100,000 visits every year, these numbers are very small, as they amount to 1 complaint for every 116,000 visits.

There were 9 complaints about Idea Store Learning compared to 1 in the previous year. The changes in the fee structure and the delays in repayment for cancellation of programmes provided the majority of complaints in this area. Recent upgrades to the Council's online payments system are expected to speed up repayments.

4.24 Development and Renewal (D&R)

4.25 The overall volume of complaints in D&R has stayed broadly the same, when compared to last year. However, this masks changes to the volume of complaints received in particular services.

4.26 There has been an increase (38 in 2013/14 to 63 in 2014/15) in the number of complaints received in the Planning & Building Control service. The most significant increase has been within the Building Control department, showing an increase from 5 to 18 complaints. It is acknowledged that while this represents a significant increase in percentage terms, the actual number of complaints remains relatively low. The

authority's planning and building control department is one of the busiest in the country. The authority deals with the largest and most complex planning applications in the country and the building control surveyors are operating at the cutting edge of construction and fire safety methodology.

4.27 The Development Management and Building Control services are both currently undergoing a structural review to ensure that staffing levels and officers' responsibility and accountability are fit for purpose in an increasing demanding development market. In particular the Street Naming & Numbering service is to be enhanced with a more senior manager post to be created a larger team of officers to be developed to better deal with street naming and numbering requests expeditiously

4.28 The directorate's performance on responding to complaints within 10 working days remains below the expected standard. However, there has been improvement for the second consecutive year, increasing the percentage of complaints responded to within 10 working days from 68% to 74% and reducing the average number of working days to close a complaint from 10 to 8.3. It is noted that there is still work to be done to bring performance up to the expected standard.

4.29 Resources

In 2014/15 the complaints for Council Tax and Business Rates at stage 1 accounted for 42% of all of the directorate's complaints, in numbers this equated to 112 complaints for council tax and 12 for rates out of the total 366 complaints received. Benefits accounted for 31% receiving 112 complaints. The Customer Contact Centre received 49 complaints and One Stop Shops received 36 complaints accounting for 23% of all complaints, the remaining others equated to 5% amounting to 17 complaints. The profile of services in Resources is a mix of back office and customer facing services. Most of the complaints received by Resources are concentrated on the frontline facing services this bias is expected due to the customer facing nature of these services and therefore there would normally be a higher proportion of these services receiving complaints. As can be seen from the stats a lower number of these complaints were upheld at stage 1, 2, and 3 with 50-75% of complaints not being upheld.

Stage	14/15	13/14
Stage 1	98%	99%

We continued to maintain a good level of performance in resolving stage 1 complaints, 98% of complaints were resolved on time which is well above the corporate target. This level of performance also shows that the directorate has been effective in resolving most of its complaints in the first instance thereby reducing inconvenience to customers and limiting the cost and time of a more prolonged process. It is useful to note that 51% (185) of complaints at stage 1 were not upheld, 25% (93) partially upheld with 17% (63) upheld and 7% (25) withdrawn.

Stage	14/15	13/14
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Stage 2 – 100% 88%

At stage 2 all complaints were resolved on time an excellent level of performance considering volumes have risen (in 14/15 we had received 15 more complaints that reached stage 2 than in 13/14) but our performance has risen with it. 75% (27) of complaints were not upheld, 8% (3) being partially upheld with 14% (5) being upheld and 3% (1) withdrawn.

Stage 14/15 13/14
Stage 3 - 100% 100%

As at 13/14 we have again resolved all complaints in 14/15 at stage 3 on time. 73% (8) of complaints were not upheld with 9% (1) being upheld and 18% (2) withdrawn.

4.30 Tower Hamlets Homes (THH)

- 4.31** Complaints increased by 25% compared to last year whilst Members enquiries reduced by nearly 40%. The increase in complaints is mostly a function of the enormous number of homes being improved through the Decent Homes programme.
- 4.32** We plan to implement changes to the way we handle complaints this year with a shift on focus onto quick resolution rather than investigation. We have improved the way we monitor ongoing communication with residents that have made a complaint and providing progress updates until a complaint is fully resolved.
- 4.33** We received 1053 Stage 1s, 285 more than 2013/14 and received 180 Stage 2s, 53 more than 2013/14.
- 4.34** The main issues have been delays in contractors completing works, and insufficient communication with residents when there are delays. The main lesson learnt is therefore that our focus for 2105/16 need to improve our communication with residents especially if there are delays in carrying out repairs.
- 4.35** As part of the ongoing learning from complaints all THH staff who respond to Stage 1 complaints that are upheld are required to complete lesson learnt where the service area determines whether there is a process/procedural/training change required. This information has fed into our Complaints Service Improvement Plan to ensure that we are improving our services.
- 4.36** 99.3% of all THH staff attended our Customer Care Here to Help programme. Our key focus is to ensure that staff provide a positive first response to problems and offer alternative solutions when we are not in a position to agree to a resident's request. We know that if we consistently provide progress updates and follow up on promises made this will improve the way we manage complaints and lead to more satisfied residents.

4.37 THH Complaints Service Improvement Action Plan

Listed below are the key Complaints Service Improvement Actions identified, which have been completed.

- To ensure that we provide progress updates until resolution of service charge queries we have produced an outstanding query log
- Following complaints regarding the frequent breakdown with mechanical gates our main contractor has changed the subcontractor who carried out this type of work and we have seen an improvement in the work undertaken
- We have amended the billing process for major works, invoicing once the final account is received at the end of the works. Previously we produced an estimated bill after the first evaluation. To reduce the number of complaints regarding issues relating to TV aerials we now have a TV aerial renew programme
- A guidance note has been produced for staff regarding aids and adaptations to ensure referrals are made to OTs sooner
- To ensure residents are kept updated regarding Decent Homes works, three months after carrying out the survey a 'not forgotten' letter is sent updating residents when the work will commence.
- To reduce complaints where multi skill operatives are required, every Mears operative has had a skills assessment to identify training needs, so that we can increase the number of multi-skilled operatives

4.38 Future Focus

Some of the areas of focus for the year ahead will be:

- Embedding the introduction of Getting It Sorted to resolve complaints quicker with an outcome to minimise the escalations of complaints
- Consider changing from a 3 to 2 stage complaint process
- Implement the complaints process using the new complaints handling software.
- Roll out E Learning Training on Dispute Resolution to complaint handlers
- Review our complaint procedures.
- Obtain agreement from LBTH to recognise the Resident Complaint Panel and jointly support them to fulfil their role to agree local resolution to reduce the number of cases referred from and to the Housing Ombudsman
- Track promises made for Stage 1 and 2 complaints to prevent unnecessary calls from residents and to prevent cases from escalating unnecessarily

4.39 Stage 3 complaints

4.40 Challenges to FOI and EIR requests are considered at the final stage of the Corporate Complaints Procedure and in this sense the procedure is used as a final appeal.

4.41 As indicated earlier in the report, the numbers of Stage 3 complaints increased by 60 in 2014/2015. The percentage completed has dropped to 84% and the average response time has increased to 19 days per complaint as can be seen in Figure 11.

Figure 11

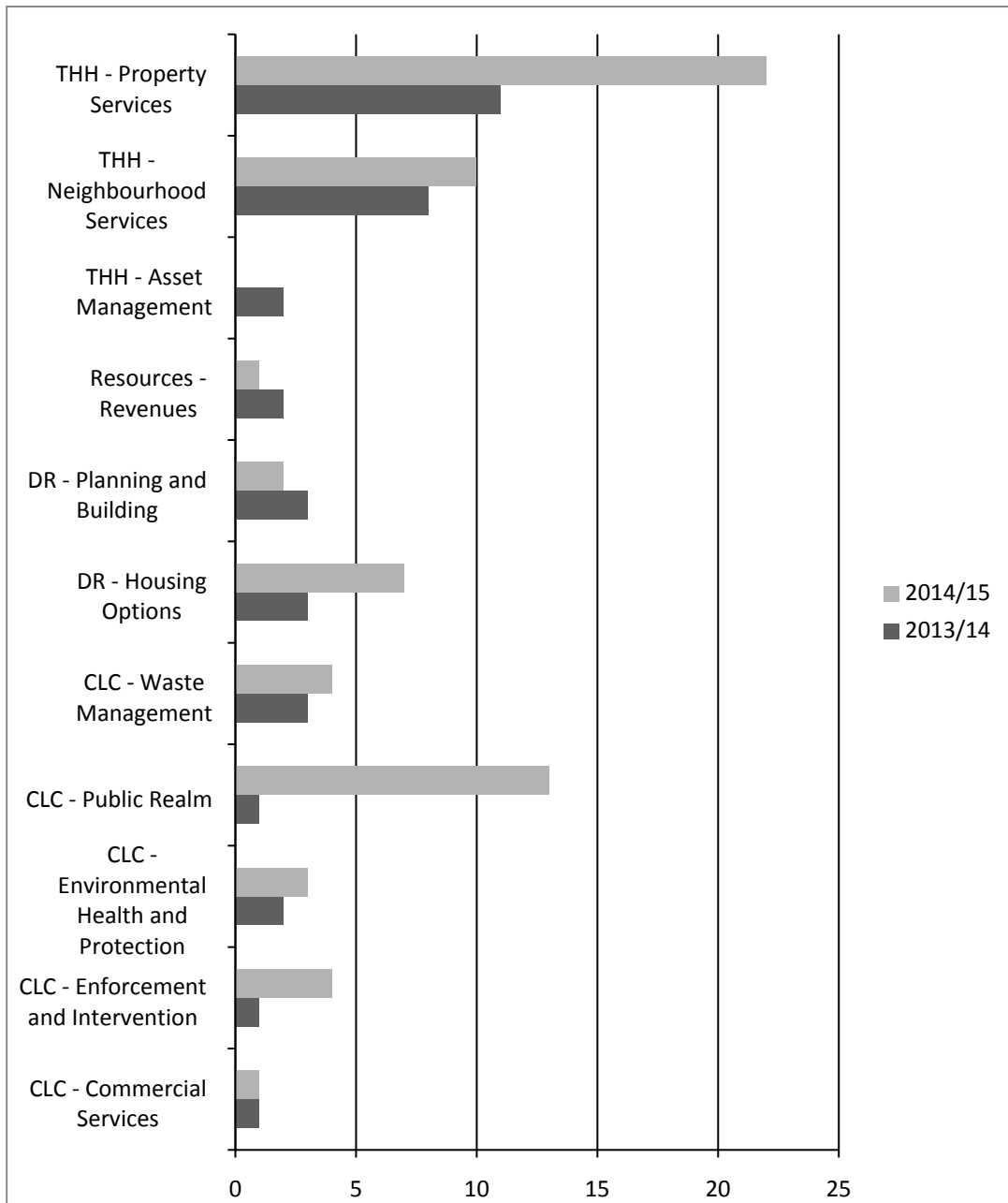
Stage 3 Complaints Response Times						
Financial Year	Total Answered	Completed in Time		Answered outside timescale		Average response times (days)
2012/13	155	128	83%	27	17%	18
2013/14	160	150	94%	10	6%	18
2014/15	230	193	84%	37	16%	19

4.42 The rate at which complaints were upheld or partially upheld at Stage 3 was lower in 2014/15 at 23% compared with 43% in 2013/2014.

4.43 Figure 12 provide information about the areas in which complaints were upheld and where the greatest increases and decreases are to be found. However, as apart from FOI review cases it is difficult to see any trend here due to the spread of complaints across service areas.

Figure 12

Upheld and Partially Upheld complaints at Stage 3



4.44 The Council sometimes makes a compensation payment to a complainant. This will be done in cases where a complaint is upheld and an apology or some other action is considered to be an insufficient remedy. Figure 14 shows a summary of compensation payments made by the Council at Stage 3 during the past three years.

Figure 13

	Number of Stage 3 cases warranting compensation	Total value of Compensation
2014/15	23	£8,186
2013/14	12	£3,385
2012/13	8	£2,025

4.45 Summary of Key Issues in upheld Stage 3 complaints

4.46 In total 33 FOI review complaints were upheld or partially upheld, details of which are summarised in section 3 above. Of the Corporate Complaints upheld (or partially upheld) the key issues are summarised below:

Communities, Localities and Culture

4.47 There were 9 complaints for the Communities, Localities and Culture Directorate which were upheld. 4 related to domestic refuse and missed collection, 1 related to recycling, 3 for public services and 1 related to Streetcare.

4.48 One complaint where missed collection of domestic refuse was not happening on a weekly basis. Complainant was given compensation of £25 and reminded to report all missed collection to Customer Contact Centre.

4.49 Three complaints from residents about missed collection. Apology given and advised that there will be further monitoring and a formal notification given to Veolia of consistent missed collection.

4.50 One complaint was in regard to missed collection and a goodwill payment of £30 was given to the resident, with assurances that refuse collections will be monitored.

4.51 One complaint about a complainant who felt they were being targeted by CEO's and issuing him with parking tickets. It was decided to cancel the outstanding PCNs on the basis that they were served when correct signages were not in place. Apologies were made that this was not done earlier and for the PCN being served incorrectly

4.52 One complaint about a complaint who requested refund of Bailiff charges for recovery of debt belonging someone driving a car to which the owner no longer is the registered keeper. Registered owner proved that DVLA had been informed he was no longer the registered keeper. Bailiff action refunded £805.10

Development and Renewal

- 4.53** There were 3 complaints upheld in Development and Renewal Directorate. All 3 related to Housing Options.
- 4.54** One complaint regarding ASB-Ongoing Noise Nuisance/ late night parties and Drug taking in area 14 Kerry House by tenant [Name Redacted]. 4 month delay resulted in avoidable ASB. Offer an ex-gratia payment of £250 as a goodwill gesture in recognition of the additional ASB nuisance. Steps are being taken to improve the process. Officers to be more diligent in future.
- 4.55** One complaint about the way their complaint was dealt with at Stage 1 and 2. Apology and £250.00 previously offered at Stage Two

Tower Hamlets Homes

- 4.56** There are 4 complaints related to Capital Works, 1 regarding Caretaking and 5 regarding Decent Homes.
- 4.57** One complaint regarding service charge and a delay in providing actuals which led to the rebate not given to complainant until three years later. This was due to various issues regarding the works. THH also did not keep him informed and he had to continuously chase. Apologies for the poor service and offer £200 for time and trouble
- 4.58** One complaint about a complainants final account which was late, they were advised that New procedures, in future will be issued within 3 months. They were asked to explain how inconvenienced so that we can assess compensation
- 4.59** One complaint about Problems with Hot Water and Heating System at Orion House. Complained about the hot water and heating system at Orion House which has not been working properly since 12 December 2014. Boiler system is running very close to optimum with regard to hot water service however the heating system is not at full capacity. System has been due for replacement for many years however the operation has been hampered by presence of asbestos
- 4.60** Five THH complaints about Decent Homes work not being completed properly. The work was inspected again and after the survey was carried out remedial work was done as appropriate.
- 4.61** One THH complaint was raised about Breyer Group not being in contact with the resident with regard to the laminate flooring that was water damaged during DH boiler replacement works. Contractor should have contacted tenant sooner and THH complaints to ensure responses are of a better quality. £100.00 was offered and laminate flooring in hallway to be replaced by Breyer

- 4.62** One THH complaint Decent Homes works to Kitchen were not completed. Improvements needed and redecoration of flat not carried out as promised. Faults were rectified and a compensation of £200 was offered.
- 4.63** Five complaints related to Mears about outstanding works and repairs.
- 4.64** One THH complaint was raised about a leak in property which was not fixed. Leak was fixed and £200 compensation was offered.
- 4.65** One THH complaint relating to poor customer service at Mears and outstanding repairs (Leak/Scaffolding). An Apology was given and a £950.00 compensation and agreement from [Name Redacted] to centralise a bedroom light fitting
- 4.66** Six THH complaint related to Neighbourhood Services. 4 in Bethnal Green and 2 in Stepney Wapping.
- 4.67** One THH complaint was raised about lift replacement works and how this effected the wellbeing of a disabled resident. It was found that there should have been close liaison between Property Services and NHO and notification at a far earlier stage. There was n oversight by Housing Officer in allocating a decant property and also of Lift Engineer who felt that NHO was lead. An apology was given and an offer of £2400 compensation
- 4.68 Complaints service user profiles**
- 4.69** The complaints service can be accessed by email, in person, phone, post, and web-form. A breakdown of access methods is provided in Figure 14 below.

Figure 14

Breakdown of Stage 1 how complaints are received				
How Received	2013/14		2014/15	
Email	1183	48%	1317	45%
Web	454	18%	408	14%
Fax	1	0%	0	0%
Post	145	6%	195	7%
Phone	682	28%	995	34%
In Person	12	0%	10	0%
Total Complaints	2477		2925	

- 4.70** Web usage decreased this year, and there was a significant increase in the use of phone. This is against the trends of the past few years which saw web and email usage increase.

4.71 The Council tries to collect equalities data to follow trends and analyse the impact of services on sectors of the community. Collection rates vary and although they are increasing year on year for most strands, the percentage known is not yet high enough to allow meaningful analysis for some strands (e.g. religion and sexual orientation). Improvements in collection rates have been small, if at all, despite follow up emails being sent to request data.

4.72 The level of non-response presents challenges in terms of equality analysis. For example, Figure 15 sets out a breakdown of complaints by reference to ethnicity. It is thought that overall the volume of complaints does not vary significantly from the projected Borough population. However, the volume of complaints for which ethnicity is not known still has the potential to mask the true position, given that ethnicity data is only available for only 48% of the 2,474 complainants, this dataset is not robust enough to allow any conclusions to be drawn from it.

Figure 15

Stage 1 Complaints by Ethnicity					
	2013/14		Borough Projection	2014/15	
Asian	597	24.1%	41%	490	16.8%
Black	97	3.9%	7%	69	2.4%
Mixed /Dual Heritage	16	0.6%	4%	14	0.5%
Other	7	0.3%	2%	10	0.3%
White	486	19.6%	45%	465	15.9%
Sub Total	1203	-	-	1048	-
Declined	179	7.2%	-	172	5.9%
Not Known	1095	44.2%	-	1705	58.3%
Total Stage 1 Complaints	2477			2925	

4.73 The one area in which there is complete data is in relation to gender. The data is summarised in Figure 16 and show that men are somewhat over-represented compared to the expected population position. 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. This is the case year after year. It may be difficult to identify the underlying causes for the identified disparity, but consideration can be given to this in the current year.

Figure 16

Stage 1 Complaints by Gender					
	2013/14		Borough Projection	2014/15	
Female	1155	46.6%	48%	1374	47.0%
Male	1314	53.0%	52%	1532	52.4%
Not known	8	0.3%		18	0.6%
Total Stage 1 Complaints	2277			2925	

5 ADULTS SOCIAL CARE COMPLAINTS

5.1 Procedure, volumes and timeliness

5.2 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, made under the Health and Social Care (Community Health and Standards) Act 2003, set out the process for considering adult social care and health complaints. The key principles require Local Authorities to:-

- consider adult 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 partner bodies.

5.3 The current statutory complaint procedure came into place for adult social care complaints on 1 April 2009 and can be found on the Council's website. The Council places a strong emphasis on the informal resolution of complaints and in assisting social care teams in effectively managing and resolving complaints.

5.4 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 pro forma for services to hold their records. A summary of the Locally Resolved concerns is provided below in figure 17. These figures also include concerns made to commissioned providers that require investigation or action to be taken by a Council service. It appears that the locally resolved concerns may address different issues to those raise through the statutory process.

Figure 17

Locally Resolved Concerns April 2014 – March 2015		Not Upheld	Partially Upheld	Upheld
Access to services	0	0	0	0
Challenge decision	7	2	3	2
Conduct/competence	6	2	3	1
Policy/procedure	0	0	0	0
Records/information held	0	0	0	0
Service delay/failure	8	1	3	4
Service quality	20	3	10	7
Other	7	5	1	1
Total	48	13	20	15

5.5 Complaints are also made to and resolved by a commissioned provider and can be grouped into the following categories:

- A. Home care.
- B. Residential / nursing care.
- C. Day care.
- D. Information, advice and advocacy services.
- E. Supporting People services.

5.6 The Statutory procedure allows one stage of investigation only, although the form this takes is agreed in the light of the issues raised. 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.

5.7 Figure 18 below compares the year on year volumes and shows another fall in complaints in 2014/2015, by a modest 3%.

Figure 18

Volume of Adult Social Care Complaints				
	2013/14	2014/15	Variance	
Total Complaints	57	52	-5	-9%

Figure 19

Adults Social Care Complaints by Division - 2014/15 First Half								
	Total		Not Upheld		Partially Upheld		Upheld	
Commissioning Services	6	21%	1	17%	3	50%	2	33%
First Response	5	18%	4	80%	0	0%	0	0%
Learning Disability	2	7%	0	0%	0	0%	2	100%
Longer Term East	3	11%	2	67%	0	0%	1	33%
Longer Term West	4	14%	2	50%	2	50%	0	0%
Re-ablement	8	29%	5	63%	1	13%	2	25%
Totals	28	100%	14	50%	6	21%	7	25%

Adults Social Care Complaints by Division - 2014/15 Second Half								
	Total		Not Upheld		Partially Upheld		Upheld	
Commissioning Services	7	29%	1	14%	2	29%	3	43%
First Response	5	21%	4	80%	0	0%	1	20%
Learning Disability	1	4%	1	100%	0	0%	0	0%
Longer Term East	4	17%	1	25%	2	50%	1	25%
Longer Term West	4	17%	2	50%	1	25%	1	25%
Re-ablement	3	13%	2	67%	1	33%	0	0%
Totals	24	100%	11	46%	6	25%	6	25%

5.8 The Complaints Procedure does not specify timescales for completion, as these are agreed at the outset of each case. In order to provide monitoring information we are capturing data of complaints closed within 10 working day brackets. Figure 20 indicates that 18 of the 52 complaints were completed within 20 working days, and at 35%, this is an improvement over last year's performance.

Figure 20

Adults Social Care Complaints - By Performance																		
Complaints Answered	Totals	Within 10 working days		Within 20 working days		Within 30 Working Days		Within 40 Working Days		Within 50 Working Days		Within 60 Working Days		Within 70 Working Days		Over 70 Days		Average Days to Complete
2013/14	57	37	65%	16	28%	4	7%	0	0%	0	0%	0	0%	0	0%	0	0%	9
2014/15	52	15	29%	18	35%	8	15%	4	8%	2	4%	3	6%	2	4%	0	0%	21

5.9 Figure 20 also demonstrates that the average number of working days to complete has increased from 9 to 21.

5.10 Reason For Complaints

5.11 Figure 21 provides a summary of the reasons for which people complained.

Figure 21

Adults Social Care Complaints by Reason													
	2013/14	Variance		2014/15	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		
Access to Service	0	-2	0%	2	4%	2	100%	0	0%	0	0%	0	0%
Challenge Assessment Decision	24	-9	7%	15	29%	9	60%	3	20%	2	13%	1	7%
Conduct / Competence	15	0	7%	15	29%	5	33%	6	40%	4	27%	0	0%
Service Delay / Failure	14	-4	10%	10	19%	2	20%	2	20%	6	60%	0	0%
Service Quality	1	-1	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Not specified	3	7	10%	10	19%	7	70%	1	10%	1	10%	1	10%
Totals	57		2%	52	100%	25	48%	12	23%	13	25%	2	4%

5.12 The reasons why people have complained remain much the same as the previous year.

5.13 Access and Profiles

5.14 The method of how people are making complaints has changed slightly, but as the numbers involved are relatively small it is difficult to draw any conclusions on this. Figure 25 shows the breakdown.

Figure 22

Breakdown of how Adults Social Care Complaints are received				
	2013/14		2014/15	
Email	24	42%	30	58%
In Person	2	4%	1	2%
Phone	10	18%	7	13%
Post	19	33%	14	27%
Web	2	4%		-
Total Complaints	57		52	

5.15 Summary of key issues in upheld cases

5.16 Two complaints about OT Equipment Staff not carrying out tasks as requested. Apology given and on one occasion OT was changed.

5.17 Five complaints regarding the conduct and competence of staff, apology offered on all occasions

5.18 There were two complaints where there was poor communication from the social worker and an apology given.

5.19 One complaint challenging the reduction of personal care to elderly person which is alleged will put person in danger of falling when care not provided. Service user was offered a re-assessment.

5.20 There were three complaints where a poor service was given by a care agency and the situation is being monitored.

5.21 One complaint about claim for money owing for care home contribution to costs. Council offered to arrange repayment plan and reduce the debt by £200 as compensation.

6 CHILDREN'S SOCIAL CARE COMPLAINTS

6.1 Procedures

6.2 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 and their carers.

6.3 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.

6.4 Complaint volumes

6.5 The number of children's social care complaints rose in 2014/2015 as shown in Figure 23, there is no clear explanation for this.

Figure 23

Volume of Children's Social Care Complaints				
Year	2013/14	2014/15	Variance	
Stage 1	46	49	3	6%
Stage 2	3	3	0	0
Review Panel	0	1	1	100
Total Complaints	49	53	19	8%

6.6 Complaint Response Times

6.7 Figure 24 sets out the response times for Stage 1 complaints. It shows that 43% of Stage 1 complaints in Children’s Social Care were answered within the 10 working day time scale, and 76% completed in the extended times scale. This is a drop compared to last year while the volume of complaints remains similar.

Figure 24

Stage 1 Children's Social Care Complaints - By Performance								
	Total	Answered within 10 working days		Answered within 20 working days		Answered outside timescale		Average response times (days)
2013/14	46	31	67%	43	93%	3	7%	6
2014/15	49	21	43%	37	76%	12	24%	11

6.8 There were three Stage 2 complaints this period with an average response time of 81 working days.

Figure 25

Stage 2 Children Schools and Families Social Care Complaints - By Performance								
	Total	Answered within 25 working days		Answered within 65 working days		Answered outside timescale		Average response times (days)
2013/14	3	0	0%	2	67%	1	33%	59
2014/15	3	0	0%	1	33%	2	67%	81

6.9 Complaints in Children’s Social Care are often complex and the regulations require the Council to appoint an independent person to oversee the investigation. This can create challenges in managing response times. However, the Complaints and Information Team continues to strive to improve this performance and works closely with the Children’s Rights Officer to ensure effective liaison with the young person.

6.10 Complaints by Service

6.11 The areas on which complaints have been recorded at each stage are set out in figures 26 and 27 below.

Figure 26

Stage 1 Children's Social Care Complaints by Section				
	2013/14		2014/15	
Child Looked After & Leaving Care	14	30%	10	20%
Child Protection and Reviewing	6	13%	8	16%
Children's Resources	6	13%	3	6%
Fieldwork Services	14	30%	23	47%
Int. Services Children Disability	6	13%	3	6%
Not specified	0	-	2	4%
TOTAL	46		49	

6.12 Fieldwork services continue to receive the highest number of complaints at Stage 1 and Stage 2, as is expected. This is due to the potentially contentious nature of the service and the large number of service users.

Figure 27

Stage 2 Children's Social Care Complaints by Section				
	2013/14		2014/15	
Child Looked After & Leaving Care	0	-	1	33%
Child Protection and Reviewing	1	33%	1	33%
Fieldwork Services	2	67%	1	33%
TOTAL	3		3	

6.13 Summary of key issues in upheld complaints at Stage 3

- 6.14** There were 18 complaints upheld at Stage 3
- 6.15** One complaint related to financial matters as birthday allowance and support allowance to carers have not been paid. Apology was given for the delay in resolving the issues and allowances were paid.
- 6.16** One complaint challenging the change of social worker. The request was accepted to continue social worker support by present allocated worker.
- 6.17** Three complaints related to the lack of support services for child
- 6.18** One complaint regarding the conduct of LAC review meeting where young person was invited to attend. Some mistakes were made in the way meeting was conducted, an apology was given about the meeting.
- 6.19** One complaint about a social worker report about SEN of child which mother says is incorrect. It was acknowledged that SEN statement needed to be amended. Amendments were made.
- 6.20** One complaint about the lack of support by social worker for family on child protection register. There were some communication errors and mistakes made by social workers, apology was given.
- 6.21** One complaint about the alleged lack of information about change and unsuitability of foster carers. It was found that information was not passed on promptly to child's mother about the change of foster carers. Contact details of the manager were given.
- 6.22** Two complaints related to the conduct and lack of support from social workers. New social workers were allocated on both occasions.
- 6.23** One complaint challenging a placement decision, placement was re-arranged as requested.
- 6.24** One complaint related to the lack of adequate support from Leaving Care Services. Explained this was due to staff shortages and apologies given.

7 LOCAL GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN COMPLAINTS

7.1 The Local Government Ombudsman is an independent watchdog appointed to oversee the administration of local authorities. The LGO considers complaints (usually) after the complainant has exhausted the internal complaints procedure, or the adults' or children's complaints procedures, as appropriate. The LGO also deals with education matters.

7.2 In 2014/15 the LGO received 128 complaints, and compared to London Boroughs (with 1st as high volume) Tower Hamlets ranked 23rd. The highest volume was 308 complaints and the lowest 62.

7.3 Figure 28 is a breakdown of complaints received from the LGO with their categories.

Figure 28

	LGO Complaints and enquiries received							Total
	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing Planning and development	
2014/15	12	15	7	13	6	29	37	128
2013/14	6	23	10	6	6	24	30	111

7.4 Complaints Closed by the Ombudsman

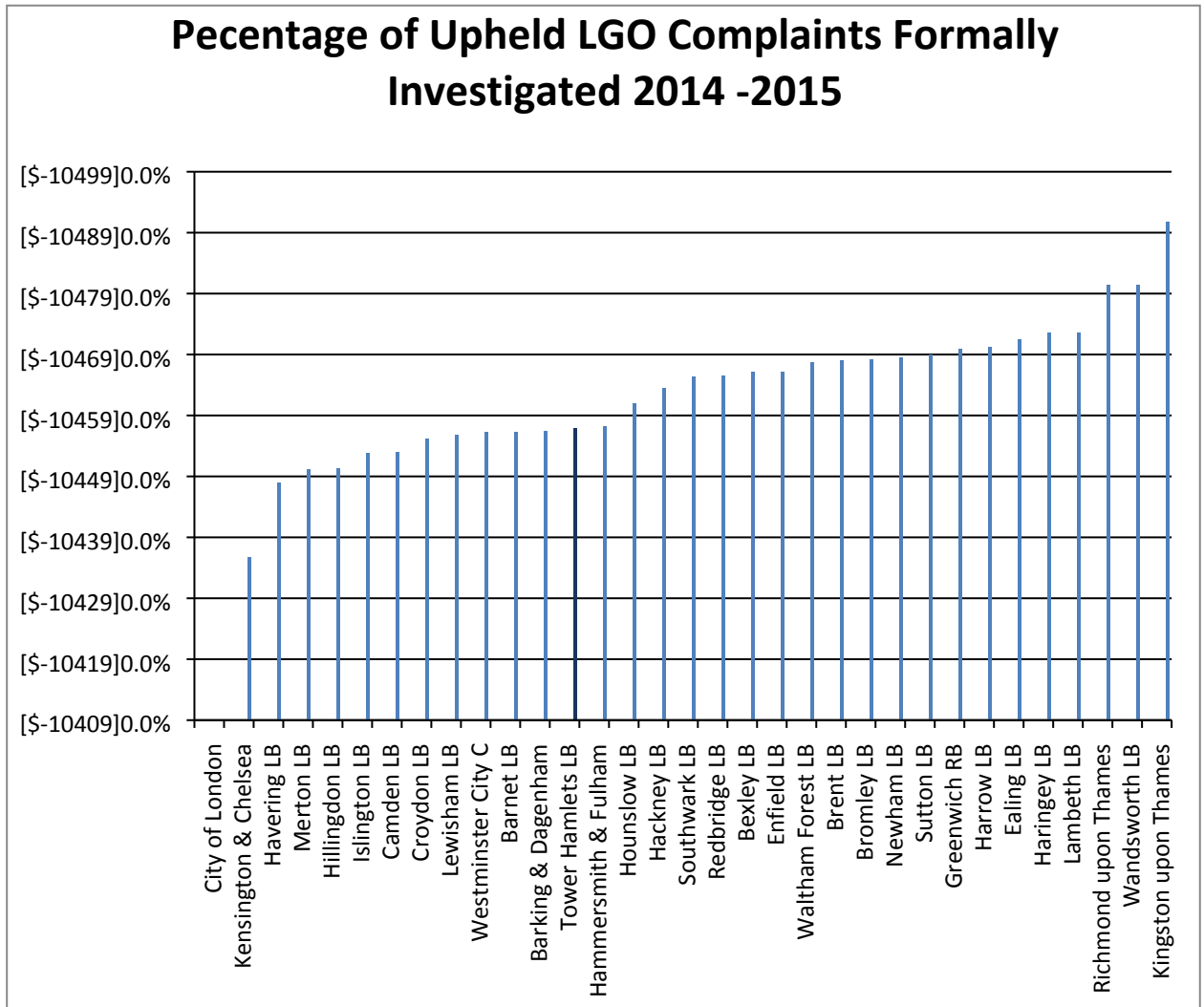
7.5 As can be seen in Figure 29, 122 complaints were determined. The LGO has changed the way complaints are recorded and focused on those where an investigation took place. These are then noted as upheld or not upheld. In eleven cases some element of the complaint was upheld. 57 cases were referred back to the Council as premature. In four cases advice was given to the complainant and 34 cases were dismissed after preliminary enquiries with the Council or on the basis of the information provided by the complainant.

Figure 29

	LGO Decisions made						Total
	Detailed investigation		Other				
	Upheld	Not upheld	Advice given	Closed after initial enquiries	Incomplete /Invalid	Referred back for local resolution	
2014/15	11	12	4	34	4	57	122
2013/14	10	3	11	40	3	51	118

7.6 The Ombudsman ranks Local Authorities on the percentage of the complaints they formally investigate that were upheld.

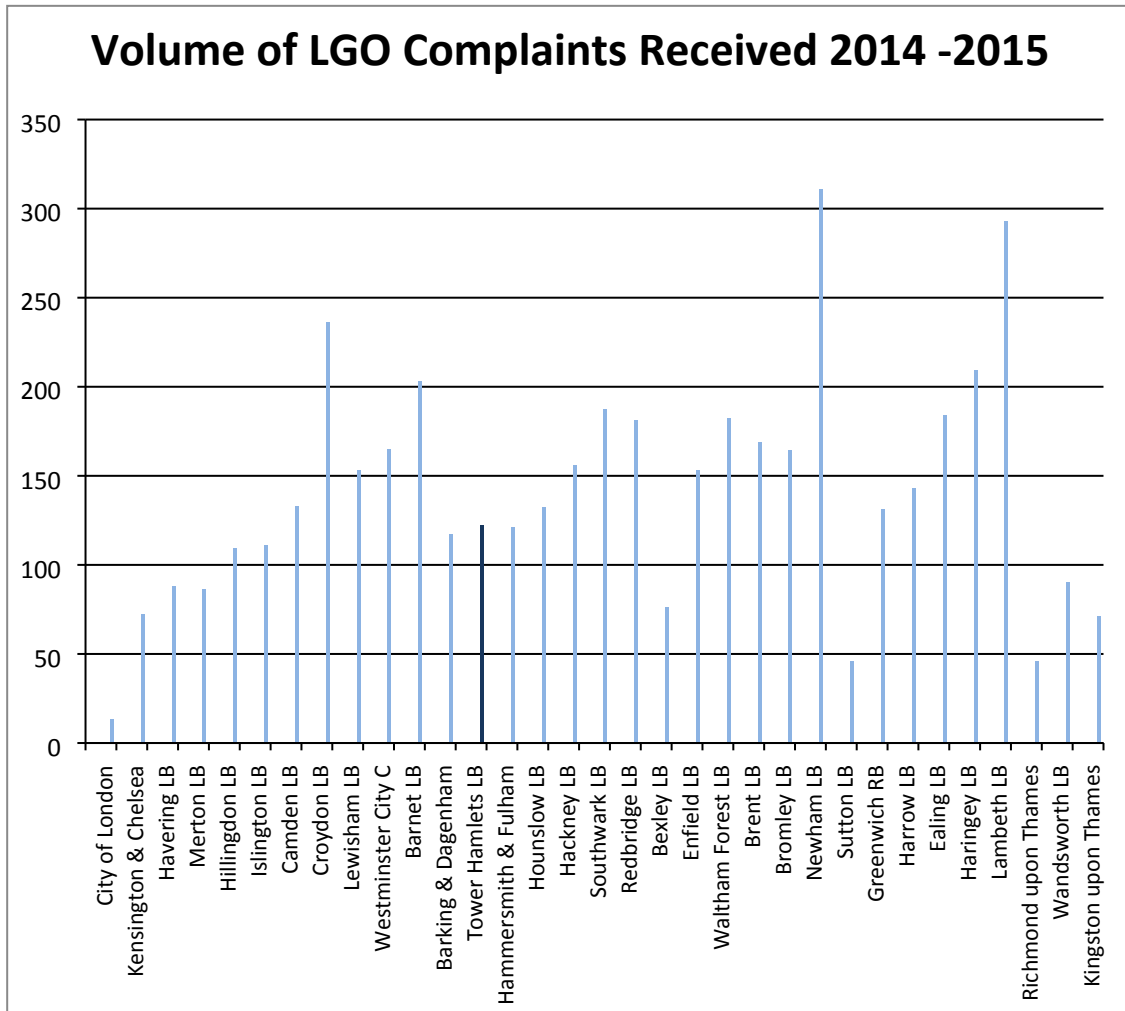
Figure 30



7.7 Figure 30 shows that Tower Hamlets had 47% of those case investigated upheld, with the highest percentages for other authorities reaching 70 and 80%. Please note this will also include complaints where the council had already recognised the issue and remedied it.

7.8 The overall volume of complaints considered varies across the boroughs. Tower Hamlets ranks 13 out of 33 for the fewest Ombudsman enquiries and complaints, as shown in figure 31 below.

Figure 31



7.9 A report on the upheld Ombudsman complaints is now submitted to Cabinet, where details of the issues and action taken are set out.

7.10 The Housing Ombudsman considers most housing complaints, and in particular tenancy issues. The Housing Ombudsman's Office do not classify complaint outcomes in the same way as the LGO, and prefer to seek local resolution in as many cases as possible.

Figure 32

Housing Ombudsman Outcomes	2013/14	2014/15	
	Volume	Volume	%
Advice Given	12	20	42%
Locally Resolved / Suitable Redress	0	3	6%
No Maladministration	0	3	6%
Outside Jurisdiction	0	6	13%
Refereed back for local resolution	11	12	25%
Withdrawn / Ineligible	0	3	6%
Total	24	47	

7.11 There were 3 Tower Hamlets cases determined by the Housing Ombudsman in 2014/2015 where a resolution or remedy was required.

8 IMPROVEMENT AND DEVELOPMENT INITIATIVES

8.1 External relationships

8.2 Members of the Complaints and Information Team represent the Council on the board of Data Share London, a London Councils initiative. They also participate regularly at Information Security for London, the London Information Rights Forum and the Information and Records Management Society Local Government group meetings.

8.3 As members of the Public Sector Complaints Network (for Corporate Complaints), and regional networks for Social Care complaints, the team work with other authorities on key policy and practice issues in terms of complaints handling.

8.4 The team is also the organisation's link point to the Local Government Ombudsman, Housing Ombudsman and Information Commissioner's Office, leading on all communication, case management and best practice updates.

8.5 Monitoring Complaints

8.6 Weekly outstanding lists for complaints and information requests have been circulated to Directors and Service Heads. Detailed monthly monitoring is also provided to the Corporate Management Team and Directorate Management Teams.

8.7 This is being revised to be accommodated in the new software, iCasework, implemented in July 2015.

8.8 Changes to Housing Complaints

8.9 The Localism Act moved responsibility for housing complaints from the Local Government Ombudsman to the Housing Ombudsman, with effect from 1 April 2013, introducing a new complaints stage involving consideration by a 'designated person' prior to consideration by the Housing Ombudsman. This is to promote local resolution via an elected member, MP, or tenant panel.

8.10 The team has worked closely with THH to facilitate residents to establish a Tenant Panel to handle the designated person stage.

8.11 Training has been provided jointly by the corporate complaints and information team and THH, to members regarding this new role. Quarterly meetings with the panel are to be held.

8.12 Once THH are happy with the panel set up they will ask the Council to recognise the group. The Council can then inform the Housing Ombudsman and have the panel registered.

8.13 Publicity

8.14 The team ensures that complaints publicity is widely available 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.

8.15 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 and have joint publicity with NHS partners for social care, and working with the Children's Rights Officer.

8.16 Web pages for all the team's activities were updated in June 2015.

8.17 Effective Learning Outcomes from Complaints

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

8.19 Where appropriate, lessons learnt from complaints are considered by the Corporate Management Team in quarterly monitoring reports.

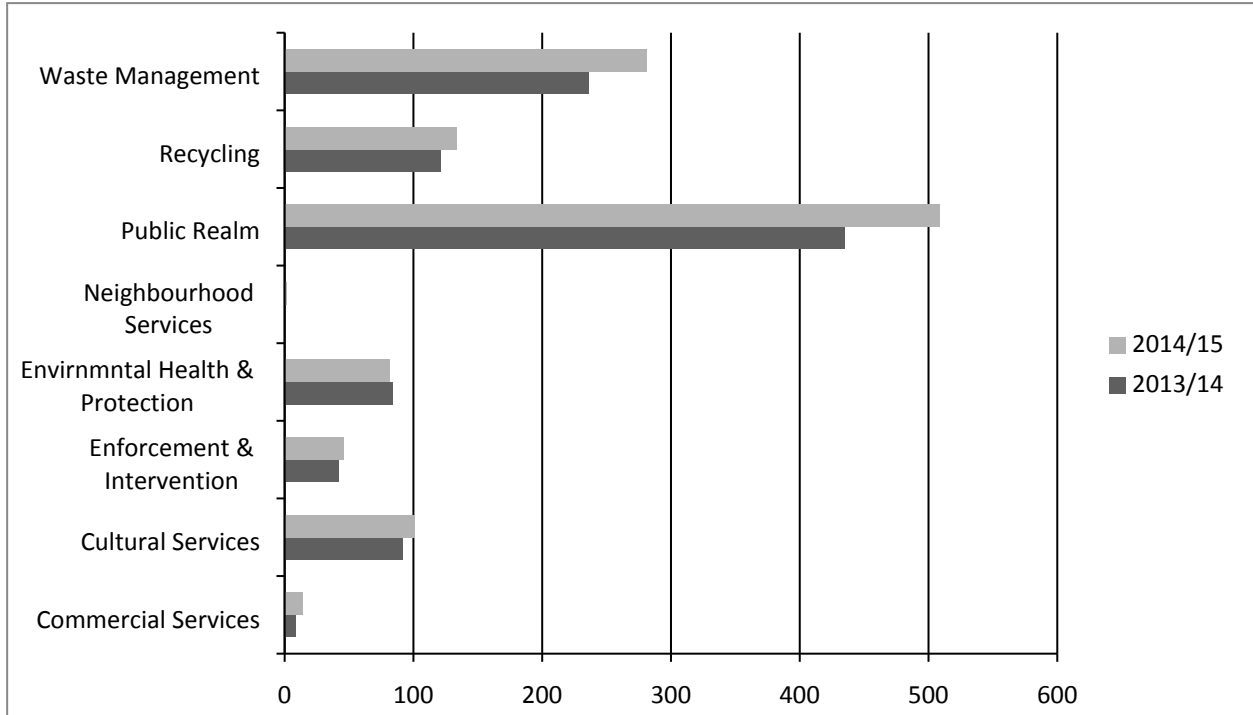
8.20 The Complaints Team ensures that lessons learned from complaints are highlighted and fed back to improve service delivery. For example, complaints investigations have highlighted the need to review policy guidance, and the summaries of upheld cases are set out in this document. Lessons learned from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

8.21 Equalities

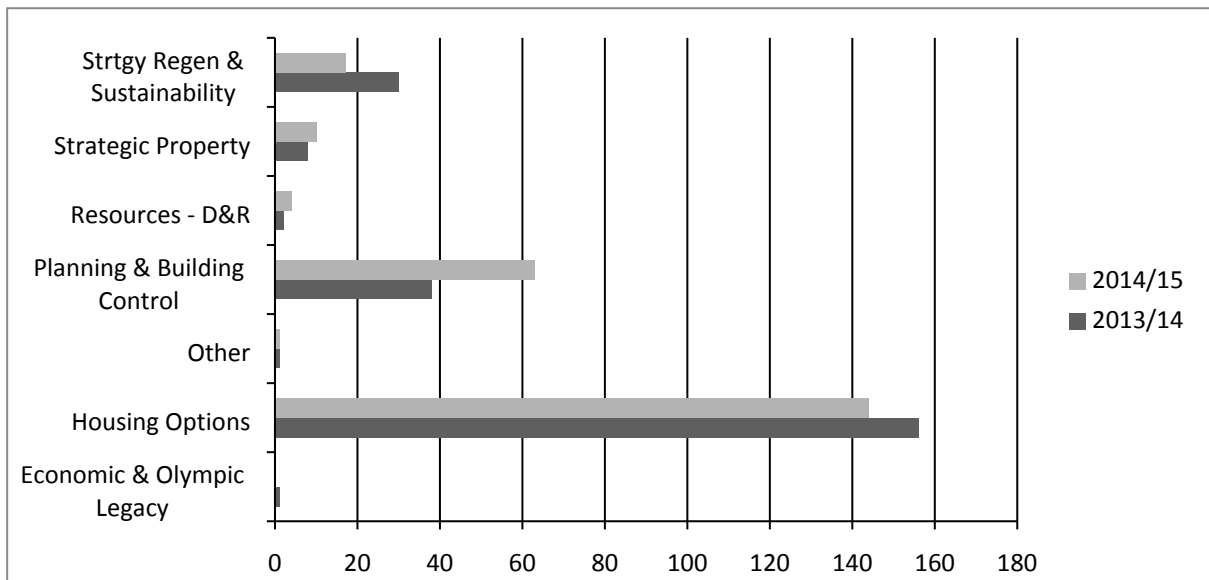
8.22 Issues and concerns on equalities issues are explored on an individual case basis. Any equality issues raised as part of a complaint are also tracked to identify service issues and improvements.

APPENDIX A – CORPORATE COMPLAINTS BY DIRECTORATE

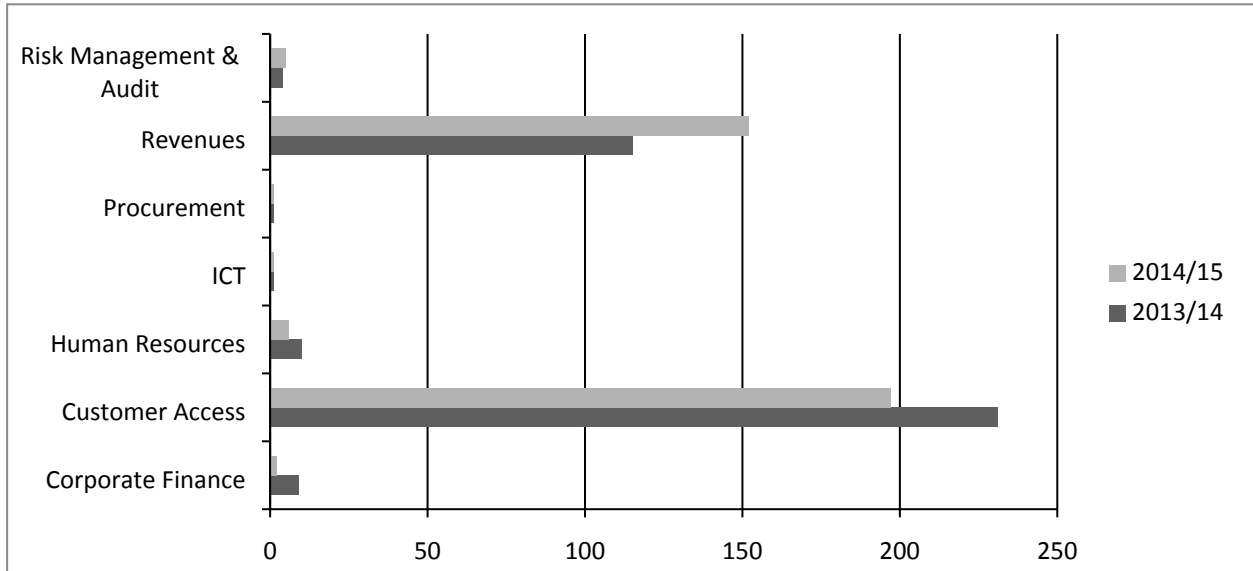
Stage 1 CLC Complaints by Division and Section



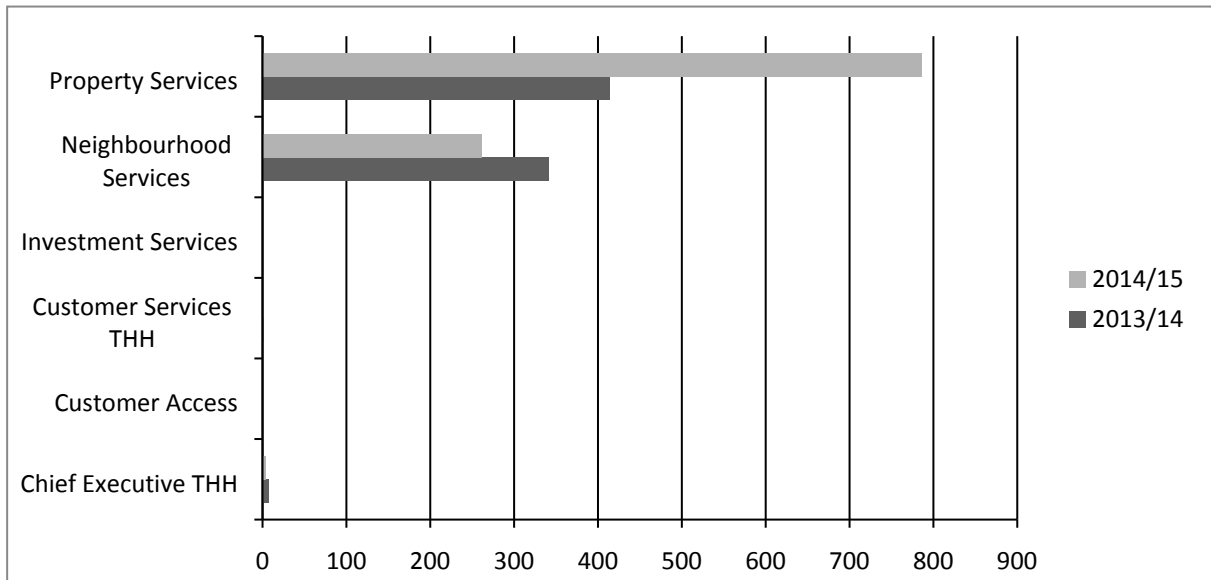
Stage 1 Development & Renewal Complaints by Division and Section



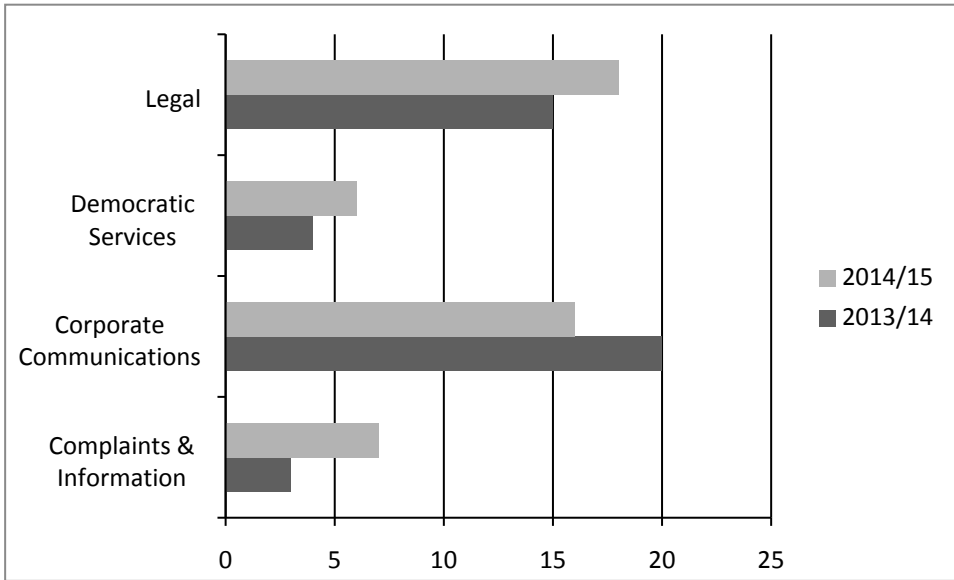
Stage 1 Resources Complaints by Division and Section



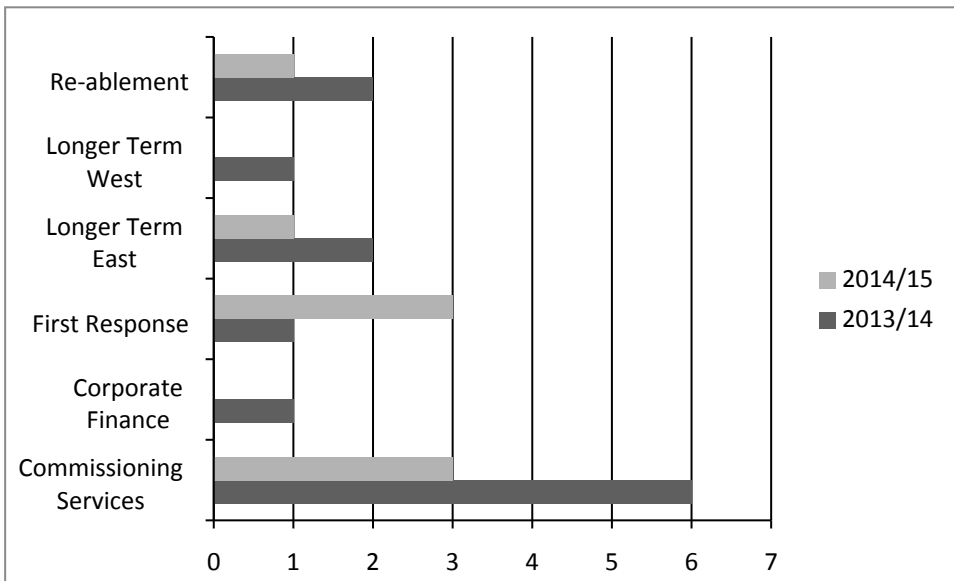
Stage 1 Tower Hamlets Homes Complaints by Division and Section



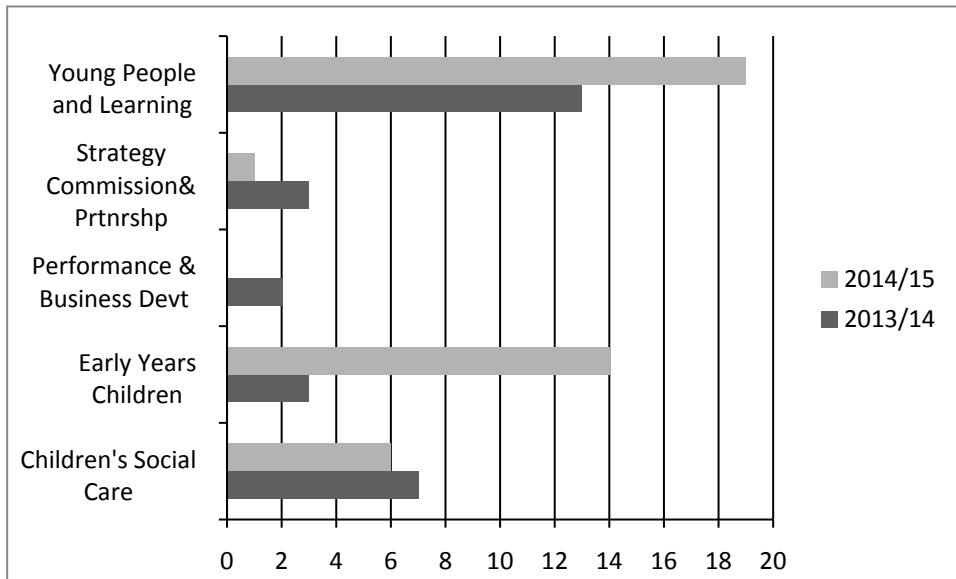
Stage 1 LPG Complaints by Division and Section



Stage 1 Adults Health & Wellbeing Complaints by Division and Section

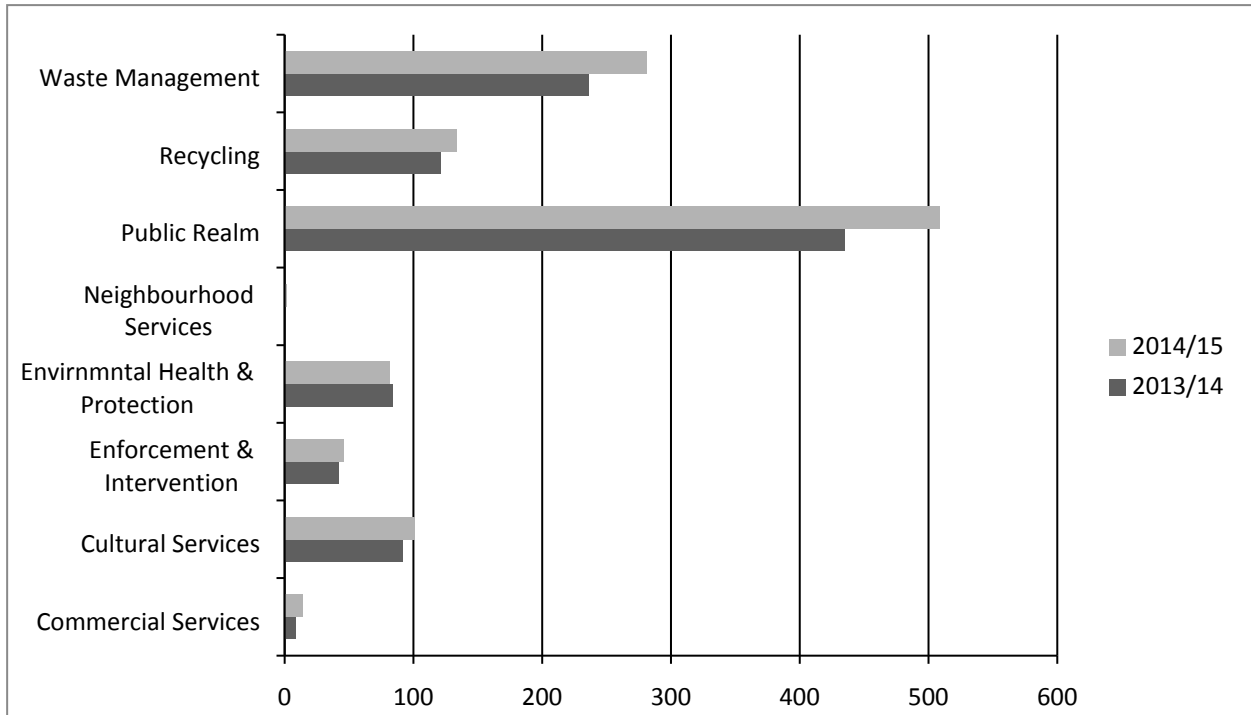


Stage 1 Children Schools and Families Complaints by Division and Section

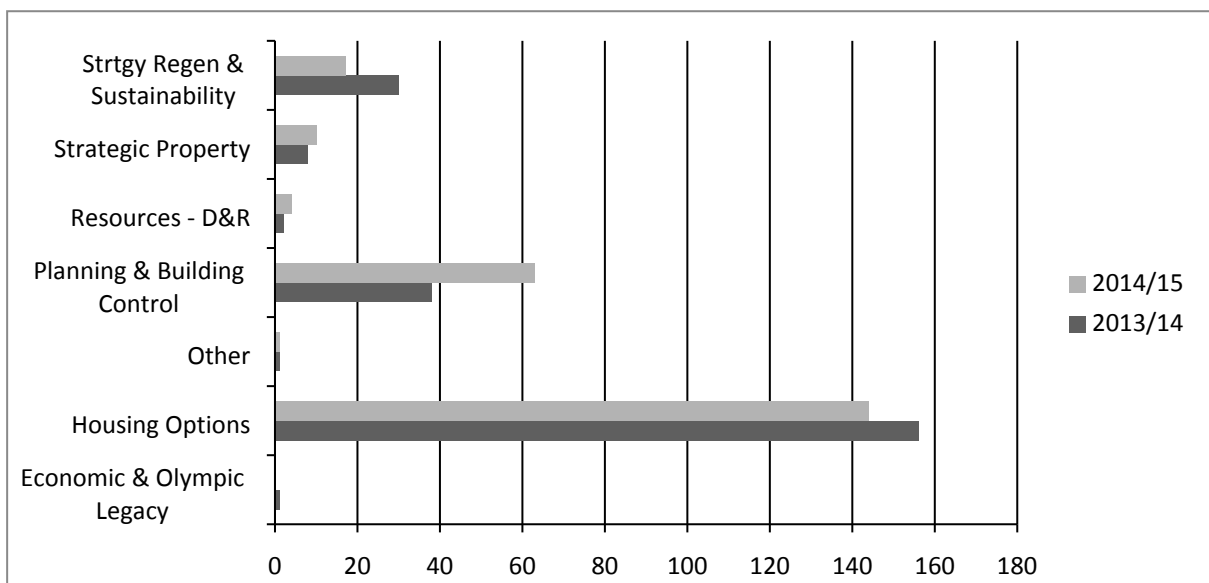


APPENDIX 2 – CORPORATE COMPLAINTS BY DIRECTORATE

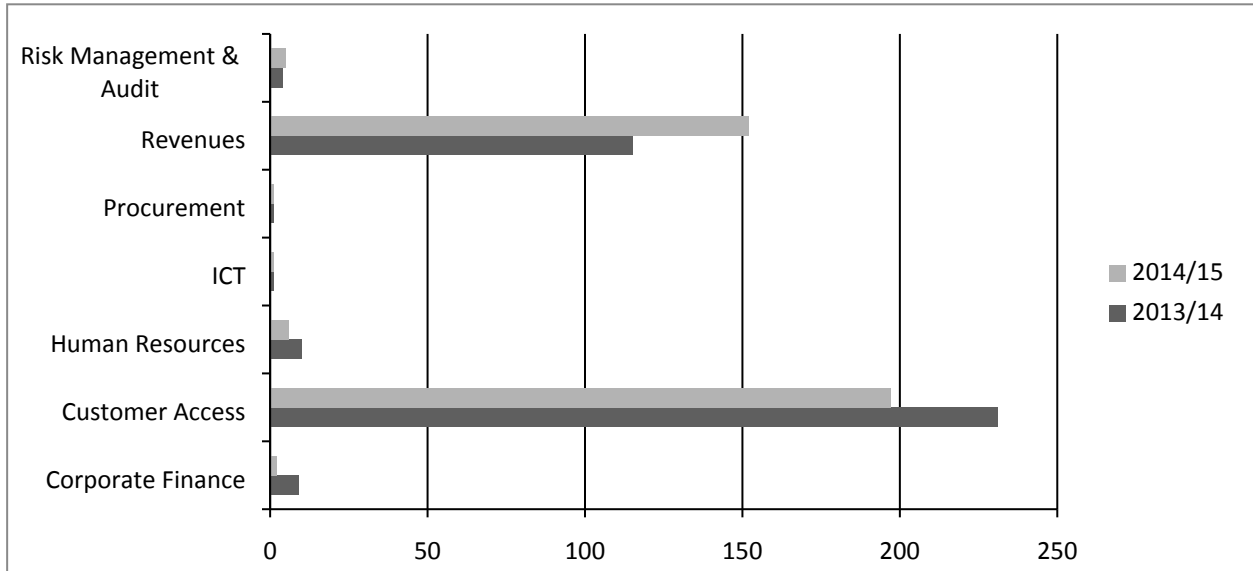
Stage 1 CLC Complaints by Division and Section



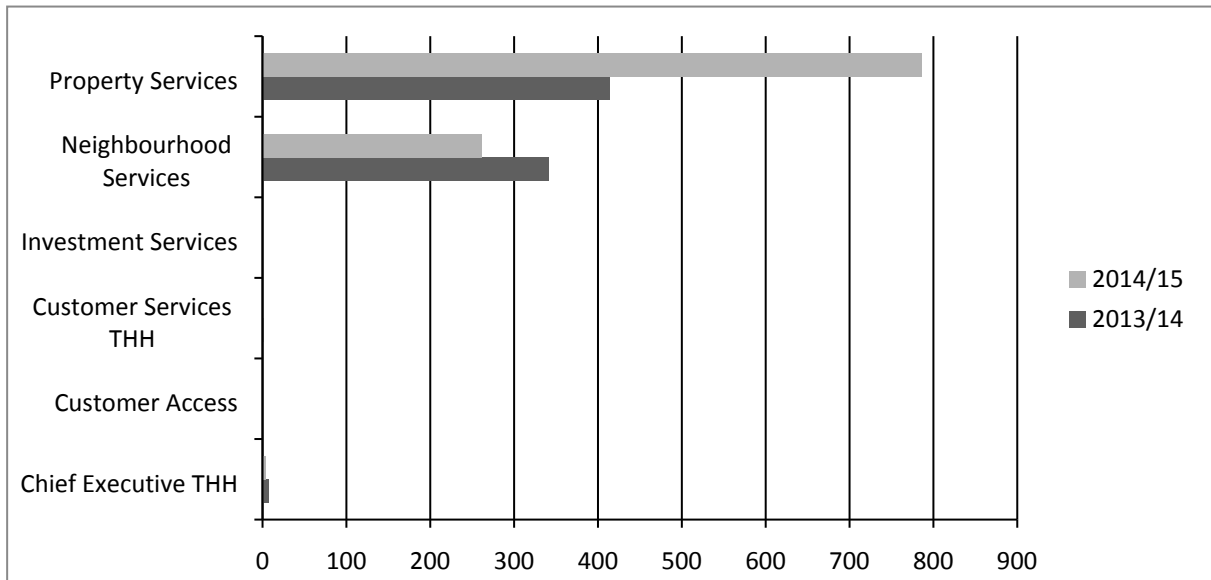
Stage 1 Development & Renewal Complaints by Division and Section



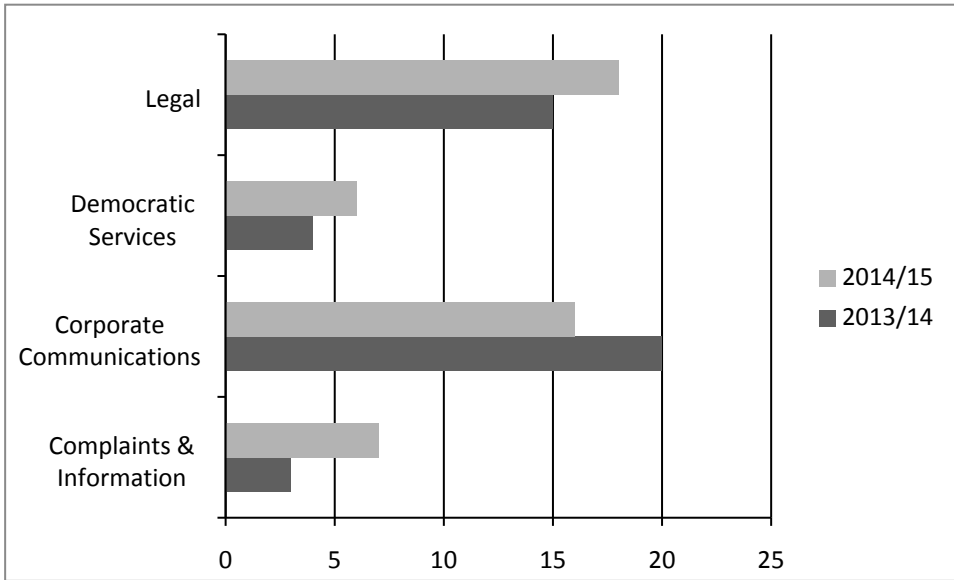
Stage 1 Resources Complaints by Division and Section



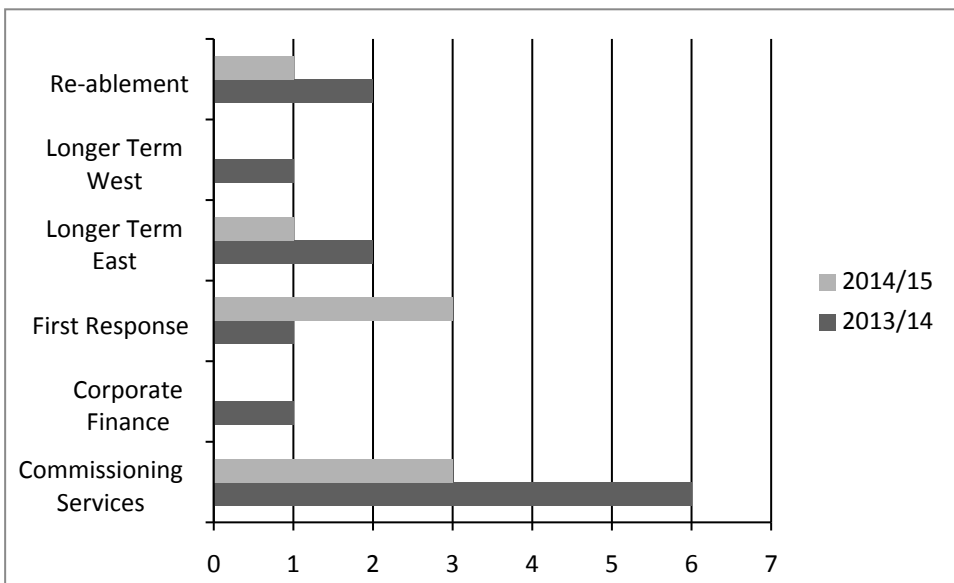
Stage 1 Tower Hamlets Homes Complaints by Division and Section



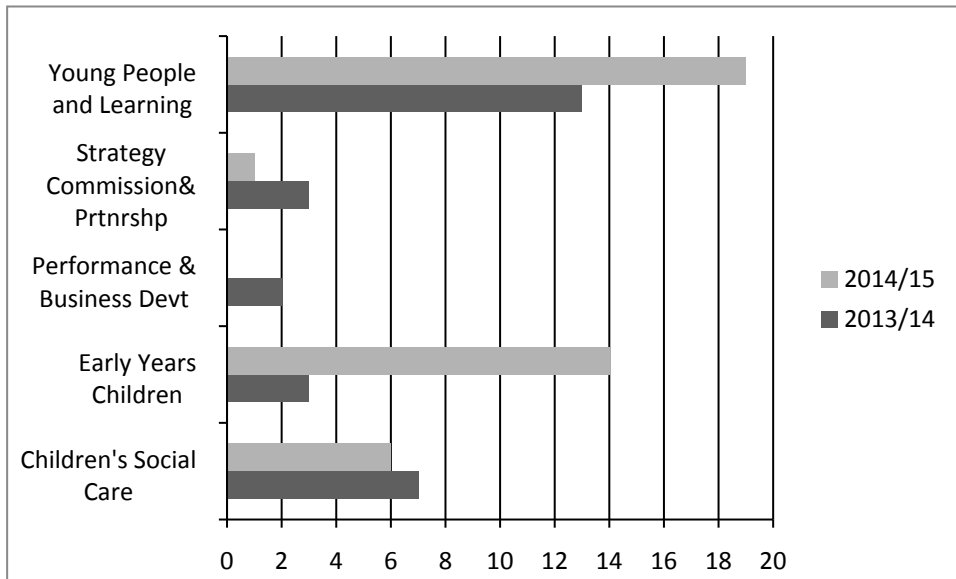
Stage 1 LPG Complaints by Division and Section



Stage 1 Adults Health & Wellbeing Complaints by Division and Section



Stage 1 Children Schools and Families Complaints by Division and Section



18 June 2015

By email

Mr Stephen Halsey
Acting Head of Paid Service
Tower Hamlets Council

Dear Mr Halsey

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – London Borough of Tower Hamlets

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received


Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Tower Hamlets LB	12	15	7	13	8	29	37	7	128

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Decisions made

Local Authority	Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not Upheld					
Tower Hamlets LB	11	12	4	34	4	57	122

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Non-Executive Report of the: Standards Advisory Committee 24 November 2015	
Report of: Monitoring Officer	Classification: Unrestricted
Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)	

Originating Officer(s)	Melanie Clay
Wards affected	All wards

Summary

The codes of practice issued by the Home Office in relation to Part 2 of the Regulation of Investigatory Powers Act 2000 (“**RIPA**”) recommend that elected members have oversight of the Council’s use of these provisions. This report summarises the Council’s use of those powers and other activities under RIPA.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Consider and comment upon the information provided in the report.

1. REASONS FOR THE DECISIONS

- 1.1 The information in the report is provided so that elected and independent members may oversee the Council's use of powers under RIPA.

2. ALTERNATIVE OPTIONS

- 2.1 It is open to members to provide such comments on the Council's use of RIPA powers as they consider appropriate.

3. DETAILS OF REPORT

3.1 Covert investigation and RIPA

- 3.2 The Council has broad statutory functions and takes targeted enforcement action in relation to those functions, having regard to the Tower Hamlets Community Plan, the Council's Local Development Framework, any external targets or requirements imposed under relevant legislation and the Council's enforcement policy. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

- 3.3 RIPA was enacted to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It is designed to ensure that public authorities do not contravene the obligation in section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with an individual's rights under the European Convention on Human Rights ("ECHR"). It is particularly concerned to prevent contravention of the qualified right in Article 8 of the ECHR to respect for private and family life, home and correspondence.

3.4 The Council's use of RIPA

- 3.5 The Monitoring Officer is the senior responsible officer for ensuring the Council complies with RIPA.

- 3.6 The Council has policies on the use of directed surveillance or covert human intelligence sources. The current versions of these policies were approved by Cabinet on 3 October 2012, as appendices to the Council's enforcement policy. The Council has in place guidance manuals to assist officers in the authorisation process. The policy is in the course of being refreshed.

- 3.7 The Council's current priorities for using RIPA, as specified in its policies are –

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks

- Fraud, including misuse of disabled parking badges and claims for housing benefit
 - Illegal money-lending and related offending
 - Breach of licences
 - Touting.
- 3.8 These priorities will be considered in the review of the enforcement policy.
- 3.9 The Council may only use covert investigation for the purposes of serious offences. This means an offence of the following kind –
- An offence punishable by a maximum term of at least 6 months of imprisonment.
 - An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children).
 - An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children).
 - An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children).
 - An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).
- 3.10 The Council must also have approval from a court, in addition to an internal authorisation granted by its authorising officer, before carrying out covert surveillance.
- 3.11 In accordance with the Council's policies and manuals, a central record is maintained in Legal Services of all authorisations and approvals granted to carry out either directed surveillance or to use covert human intelligence sources (authorisations under Part 2 of RIPA). The Council provides an annual return to the Office of Surveillance Commissioners (“OSC”), based on the central record.
- 3.12 In order to ensure that applications for RIPA authorisation are of an appropriate standard, the Council's policies and manuals provide that all applications for authorisation to conduct directed surveillance or to use covert human intelligence sources should be considered by a gatekeeper before being passed on to the authorising officer. The Council has a single gatekeeper (the Head of Community Safety Enforcement & Markets within the Community Safety Service). In the absence of the Head of Community Safety Enforcement & Markets, the HLS may act as gatekeeper. The gatekeeper must work with applicant officers to ensure an appropriate standard of applications, including that applications use the current template, correctly identify known targets and properly address issues of necessity, proportionality and collateral intrusion.
- 3.13 The Council has a single authorising officer (Service Head - Community Safety), who has responsibility for considering applications to use directed surveillance or covert human intelligence sources. The policies provide that

the Head of Internal Audit may stand in for the Service Head, Safer Communities where the Monitoring Officer or HLS consider it necessary.

- 3.14 The Council's policies and manuals require officers who apply for RIPA authorisations to expeditiously forward copies of authorisations, reviews and cancellations to Legal Services for the central record. The HLS (or deputy) may attend fortnightly at CLC's internal deployment and tasking meetings to ensure the central record is being kept up to date. Representatives of each service area in CLC and the Police attend these meetings. The Council's authorising officer and gatekeeper attend. The meetings provide an opportunity to check the status of applications and authorisations under RIPA and a forum at which officers may present any operations plans where covert investigation may be required and seek a steer from those at the meeting.

3.15 The Council's RIPA applications in Q2

- 3.16 One application has been made for a RIPA authorisation in the second quarter of 2015/2016 (under Unique Reference Number 15/16 –CS -005) by the Trading Standards Service. This was authorised on 14th September 2015. Judicial Approval was obtained on 6th October 2015. The investigation is ongoing and is subject to review. The Committee will be updated in due course regarding any enforcement action taken.

3.17 Update

- 3.18 The annual RIPA report indicated that the Committee would be updated in due course on any enforcement action taken following the single authorisation granted in 2014/2015. However, those matters have not yet reached a point at which a report may be made.
- 3.19 The annual report also indicated that training needed to be arranged. This is yet to be put in place as difficulties have been experienced with the previous supplier and alternative arrangements may need to be made. Legal Services are making further enquiries.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This is a report of the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") to the Standards Committee. There are no financial implications arising from the recommendations in this report.

5. LEGAL COMMENTS

- 5.1 Legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

- 6.2 The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3 Enforcement action may lead to indirect discrimination in limited circumstances, but this will be justified where the action is necessary and proportionate. Necessity and proportionality are key considerations in respect of every application for authorisation under RIPA.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report does not propose any direct expenditure. Rather, it is concerned with regularising decision-making in areas in which the Council is already active. The enforcement policy seeks to ensure that enforcement action is targeted to the Council's policy objectives. This is more likely to lead to efficient enforcement action than a less-controlled enforcement effort. It is also proposed that members will have an oversight role through the Standards Committee. This will provide an opportunity to judge whether the Council's enforcement action is being conducted efficiently.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council's reputation. It is considered that proper adherence to RIPA, the codes of practice, the Council's policies and guidance will ensure that risks are properly managed. Oversight by the Standards Committee should also provide a useful check that risks are being appropriately managed.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 As set out in paragraphs 3.1 and 3.2 of the report, the Council's use of covert investigation may be a necessary part of its enforcement work, but must be carried out having regard to the requirements of RIPA.
-

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE


Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

Non-Executive Report of the: Standards Advisory Committee 24 November 2015	
Report of: Melanie Clay Corporate Director Law Probity & Governance	Classification: Unrestricted
Code of Conduct for Members – Complaints and Investigation Monitoring	

Originating Officer(s)	Melanie Clay
Wards affected	N/A

Summary

The Council’s arrangements for dealing with complaints of breach of the Code of Conduct for Members provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to the Advisory Committee on the number and nature of complaints received and action taken as a result.

The arrangements as revised by full Council on 18 September 2013 also provide that in cases where the Monitoring Officer has extended the time period of investigations into complaints from two months to three months, s/he provide a report on the reasons to the Advisory Committee for noting.

Recommendations:

The Standards Advisory Committee is recommended to:

1. That Members of the Advisory Committee note the complaints and investigation monitoring information contained Appendix 1 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This is a noting report for consideration by Members and does not require a decision.

2. ALTERNATIVE OPTIONS

- 2.1 N/A

3. DETAILS OF REPORT

- 3.1 There are 5 new complaints of alleged breach of the Code of Conduct for Members which are being considered in accordance with the Council's existing arrangements for dealing with complaints of breach of the Code.

- 3.2 of the Advisory Committee should also note that the Mayor has responded to the proposed amendments to the arrangements for dealing with alleged breaches under the Code of Conduct as recommended by the Advisory Committee. These proposals are now being considered by the incoming Monitoring Officer who will also be following up with the other political group leaders for their responses to the proposals before reporting back to the Advisory Committee.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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

5. LEGAL COMMENTS

- 5.1 This report has been prepared by the Monitoring Officer and incorporates legal comments.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 There are no specific anti-poverty or equal opportunity implications arising out of this report.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Council is a best value authority within the meaning of section 1 of the Local Government Act 1999. As such the Council is required 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 (the best value duty).

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

9.1 The provision of quarterly reports relating to the number and nature of complaints assists the Advisory Committee in exercising its oversight role in terms of promoting and maintaining high standards of conduct.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific crime and disorder reduction implications arising out of this report.

11. EFFICIENCY STATEMENT

11.1 This report is not concerned with proposed expenditure, the use of resources or review/changing service delivery and an efficiency statement is not therefore not required.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 Complaints and Information Monitoring Information

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:


- N/A

Appendix 1

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Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status	Current Position
01/2015	10/09/2015	Member of the public.	Failure to treat with respect.	No investigation required.	N/A	Awaiting decision of the Investigation & Disciplinary Sub-Committee.
02/2015	19/08/2015	Member of the public.	Failure to treat with respect.	No investigation required.	N/A	Awaiting decision of the Investigation & Disciplinary Sub-Committee.
03/2015	10/09/2015	Member of the public.	Failure to declare interest/predetermination	N/A	N/A	Planning issue referred to the Strategic Development Committee.
04/2015	12/10/2015	Member of the public.	Failure to treat with respect.	To be arranged.	N/A	Consultation with IP to be arranged when initial assessment of complaint has been completed.
05/2015	11/09/2015	Member of the public.	Failure to treat with respect.	To be arranged.	N/A	Consultation with IP to be arranged when initial assessment of complaint has been completed.

Agenda Item 3.4

<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>24 November 2015</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Melanie Clay Corporate Director Law Probity & Governance</p>	<p>Classification: Unrestricted</p>
<p>Transparency Protocol: A Transparent Mayor, an Open Council</p>	

<p>Originating Officer(s)</p>	<p>Melanie Clay</p>
<p>Wards affected</p>	<p>All Wards</p>

Summary

The Transparency Protocol: A Transparent Mayor, an Open Council report that went to Cabinet 3 November 2015 is attached for the Committee's consideration.

Recommendations:

The Standard Advisory Committee is recommended to:

1. Note and consider on the Transparency Protocol.

1. REASONS FOR THE DECISIONS

1.1 The report is to note and consider.

2. ALTERNATIVE OPTIONS

2.1 N/A.

3. DETAILS OF REPORT

3.1 The Transparency Protocol provides an overview of actions the Council currently undertakes to promote transparency and actions the current Mayor has put in place to improve transparency.

3.2 In addition a further set of longer term actions are proposed.

3.3 The purpose of the Transparency Protocol is to ensure that residents and Members will be informed, involved and empowered to scrutinise and hold the Mayor and Cabinet to account. The Protocol will increase the transparency around decision making; the Mayor's activities and priorities; procurement, contract and grants and budgets and expenditure. This will be undertaken through communications, data publication; participation, responsiveness and consultation and the Council's democratic processes.

3.4 The Transparency Protocol provides the framework for the work the Council will undertake on this agenda. This work will be further developed through the work being undertaken by the Overview & Scrutiny Committee through their Transparency Commission and by the Government.

3.5 The Transparency Protocol is attached in appendix 1.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no specific financial implications arising from this report.

5. LEGAL COMMENTS

5.1 There are no specific legal implications arising from this report.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 One of the key elements of the One Tower Hamlets vision is to support community engagement and leadership. By increasing levels of transparency and opportunities for public involvement to scrutinise decision making, the Protocol and the actions it contains, will support the aims of the One Tower Hamlets vision.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Transparency Protocol contributes to the Council's requirements, under the Central Government directions and the Best Value plan, to improve the Council's culture. By enhancing resident and member scrutiny the Transparency Protocol will also enhance the Council's effectiveness in delivering services and policy.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no sustainable action for a greener environment implications resulting from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Improving transparency, through the actions identified in this report, will increase public trust in decision making and improve the scrutiny of decision making, reducing risks around policy and service effectiveness.
- 9.2 Increasing transparency, through the publication of more data, could increase risks around data protection, confidentiality and commercial sensitivity. The Council's data protection and information governance procedures will mitigate this risk through the provision of guidelines and advice on the proper publication of data.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reduction implications resulting from this report.

11. SAFEGUARDING IMPLICATIONS

- 11.1 Whilst the actions in this report are designed to increase transparency of decision making and information in the Council, this will always be within the boundaries of the Data Protection Act and the Council's duty to protect residents' data, including around safeguarding duties.

Linked Reports, Appendices and Background Documents

Linked Report

- Transparency Protocol A Transparent Mayor, an Open Council - 3 November 2015


Appendix

- Transparency Protocol

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents: N/A

<p>Cabinet</p> <p>3rd November 2015</p>	
<p>Report of: Melanie Clay, Corporate Director for Law, Probity and Governance</p>	<p>Classification: Unrestricted</p>
<p>Transparency Protocol: A Transparent Mayor, an Open Council</p>	

Lead Member	John Biggs, Mayor of Tower Hamlets
Originating Officer(s)	Ellie Kuper Thomas, Senior Strategy, Policy and Performance Officer / Louise Russell, Service Head, Corporate Strategy and Equality
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	One Tower Hamlets

Executive Summary

The Transparency Protocol, attached in appendix 1, provides a starting point for what a transparent and open Council and Mayor could look like and what actions need to be put in place to achieve these proposals.

The protocol provides an overview of actions the council currently undertakes to promote transparency, further actions which have been put in place and suggests longer term actions to promote transparency.

The Transparency Protocol provides a starting point for the work the Council is undertaking on this agenda. This work will be further developed through the work being undertaken by the Overview and Scrutiny Committee through their Transparency Commission.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree the principles and action plan contained in the Transparency Protocol, contained in appendix 1 of this report.

1. REASONS FOR THE DECISIONS

- 1.1 The Mayor's manifesto commitments, now incorporated into the Council's Strategic Plan and agreed by Cabinet in July 2015, included a commitment to increasing transparency of the Council and Mayor. This was detailed through a range of commitments, including attending Overview and Scrutiny meetings, answering public questions, and setting up Public Meetings across the borough. The Transparency Protocol sets out the framework for the delivery of these commitments.
- 1.2 In addition, following the Best Value Inspection, undertaken during 2014, the Council was issued with directions from central government and Commissioners were appointed to support the Council in their successful completion. One of the areas for improvement was organisational culture. The actions contained in the Transparency Protocol, by increasing transparency and the ability of members to better scrutinise the executive, will play an important role in improving the organisational culture.
- 1.3 The Governance Review Group, a cross party working group, is currently developing an action plan reflecting the following objectives:
- To enable agile, lawful and effective decision-making.
 - To increase transparency of decision-making.
 - To enhance the prior scrutiny of decision-making.
 - To increase the effectiveness of audit of delivery of outcomes.
 - To make effective use of available councillor time.
 - To ensure understanding of the council's constitution in relation to those matters that are Executive Functions' and those that are reserved for 'Full Council'
- The timely agreement of the Transparency Protocol actions can feed into the development and completion of these areas of work.

2. ALTERNATIVE OPTIONS

- 2.1 The Mayor in Cabinet could choose not to adopt a Transparency Protocol.
- 2.2 Alternatively the Mayor in Cabinet could choose to only undertake some of the actions outlined in the Transparency Protocol.
- 2.3 Neither of the above options are recommended as this would reduce the Council's focus and public commitment to delivering further transparency and organisation change.

3. DETAILS OF REPORT

- 3.1 The Transparency Protocol provides an overview of actions the Council currently undertakes to promote transparency and actions the current Mayor has put in place to improve transparency.
- 3.2 In addition a further set of longer term actions are proposed.
- 3.3 The purpose of the Transparency Protocol is to ensure that residents and members will be informed, involved and empowered to scrutinise and hold the

Mayor and Cabinet to account. The Protocol will increase the transparency around decision making; the Mayor's activities and priorities; procurement, contracts and grants and budgets and expenditure. This will be undertaken through communications; data publication; participation, responsiveness and consultation and the Council's democratic processes.

- 3.4 The Transparency Protocol provides the framework for the work the Council will undertake on this agenda. This work will be further developed through the work being undertaken by the Overview and Scrutiny Committee through their Transparency Commission and by the Governance Review Group.
- 3.5 The Transparency Protocol is attached in appendix 1.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 [Financial implications to be prepared by Directorate Finance Manager and agreed with Corporate Finance]

5. LEGAL COMMENTS

- 5.1 Local authorities are encouraged to be transparent and open in their decision-making and business dealings generally. Legislation provides a minimum level of publication through the Local Government Acts 1972 and 2000, the Localism Act 2011 and a variety of attendance regulations. The Council has always met the statutory requirements.
- 5.2 The Council has discretion to go beyond the statutory minimum in the interests of developing its transparency and openness and the proposals in this report and the accompanying protocol are all matters within their discretion.
- 5.3 There are no immediate legal implications arising from this report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 One of the key elements of the One Tower Hamlets vision is to support community engagement and leadership. By increasing levels of transparency and opportunities for public involvement to scrutinise decision making, the Protocol and the actions it contains, will support the aims of the One Tower Hamlets vision.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Transparency Protocol contributes to the Council's requirements, under the Central Government directions and the Best Value plan, to improve the Council's culture. By enhancing resident and member scrutiny the Transparency Protocol will also enhance the Council's effectiveness in delivering services and policy.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no sustainable action for a greener environment implications resulting from this report

9. RISK MANAGEMENT IMPLICATIONS

9.1 Improving transparency, through the actions identified in this report, will increase public trust in decision making and improve the scrutiny of decision making, reducing risks around policy and service effectiveness.

9.2 Increasing transparency, through the publication of more data, could increase risks around data protection, confidentiality and commercial sensitivity. The Council's data protection and information governance procedures will mitigate this risk through the provision of guidelines and advice on the proper publication of data.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reduction implications resulting from this report.

11. SAFEGUARDING IMPLICATIONS

11.1 Whilst the actions in this report are designed to increase transparency of decision making and information in the Council, this will always be within the boundaries of the Data Protection Act and the Council's duty to protect residents' data, including around safeguarding duties.

Linked Reports, Appendices and Background Documents

- Appendix 1: Transparency Protocol

Linked Report

- NONE

Appendices

- NONE

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

N/A

Appendix 1

Transparency protocol:

A Transparent Mayor, an Open Council

1. INTRODUCTION

In the Mayor 2015 election, I campaigned on a pledge to lead the borough in an open and transparent way. Following my election I have requested the development of a Transparency Protocol to enable me to put this pledge into action.

This paper provides a starting point for what a transparent and open Council and Mayor might look like and what actions need to be put in place to achieve these proposals. It includes more detail on the pledges I made in my manifesto which were designed to increase transparency. These include my commitment to answer questions from the public and councillors at every full Council meeting; to attend Overview and Scrutiny meetings as invited and to set up Public Meetings across the borough. It also makes new suggestions, as I want to be ambitious in this regard, to maximise the transparency of the Council, ensuring we become a leading borough in this field.

The Council is emerging from a turbulent past few years which have had an impact on the trust residents have in the work of the Council. National scrutiny has been focussed on the Council, highlighting areas for improvement and creating an opportunity to make changes. Most importantly, it has demonstrated a need for organisational culture change: away from a protective and defensive approach to one which recognises the importance of openness and engagement, and embraces the opportunities this will bring about.

Having undertaken reviews into Transparency at the GLA, it is my view that it is not only important to be transparent through the publication of decisions or information and data, but also to provide a rationale and explanation for the decisions made. The benefits of this approach are manifold, but have even greater importance in the face of the difficult decisions which will soon be facing the Council. As the national policy of austerity continues and the Council develops ways to respond, it is vital that residents are informed about the decisions made, the reasons behind them, and are involved in developing options and providing feedback.

The purpose behind this transparency initiative is for residents to be informed, able to influence decision making, especially where they are affected, and are empowered to hold the Mayor and Cabinet to account.

Councillors, both those on the Overview and Scrutiny Committee and all non-executive members, play an important role in scrutinising decision making and improving policy making, within the Council. They must be supported, through the provision of timely information and officer time, to ensure they can undertake this role effectively.

Moving towards a more transparent Council will involve a whole host of new actions which will affect the way we communicate with residents, engage and consult with residents and undertake decision making.

This is an important issue for the Council and I am extremely pleased that the Overview and Scrutiny Committee has established a Transparency Commission to look at this issue. The actions contained in this report do only provide the starting point for the work the Council needs to undertake on this agenda and I look forward to receiving their recommendations and trust this document will help to inform their deliberations and final report.

With the above considerations in mind, I have laid out the following principles, which I hope demonstrate my commitment to governing in a transparent way which will help create a culture shift to a more transparent Council.

As Mayor, I will personally:

- as a default, take all decisions in public through Cabinet, and where this is not possible, a clear reason will be provided to explain why;
- be open to public, scrutiny and opposition questions at all public decision making forums, which will be answered by the Mayor and/or Cabinet Member;
- create more opportunities, through public meetings, for residents to ask questions and raise concerns.

As Mayor, I will lead an organisation, which:

- involves residents and Councillors in consultation at the earliest possible point in any policy or decision making process;
- as a default, make information available to the public and all Councillors in a timely and easily accessible format;
- actively communicates with residents and responds to queries positively.

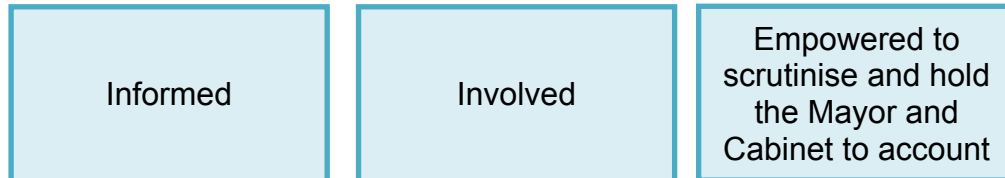
This paper outlines what activities the Council already has in place to promote transparency and provides an overview of further actions I have put in place, and am proposing to put in place, to further this agenda and promote culture change across the organisation.

Mayor John Biggs

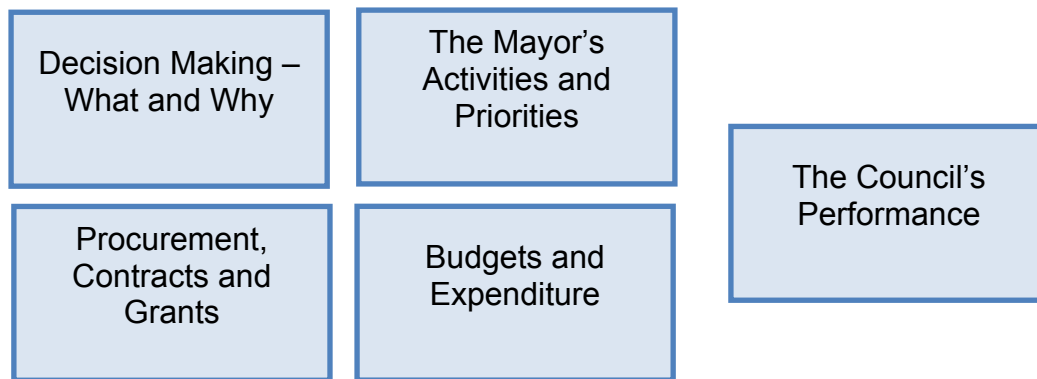
2. AIMS AND OBJECTIVES:

In order to fulfil the principles established by the Mayor to further embed transparency into the culture of the Council, the following aims and objectives have been devised for the Transparency Protocol. The focus for these aims and objectives are the areas of Council activity which are Mayor and Executive functions; areas of greatest public interest and those areas which can promote and enhance transparency.

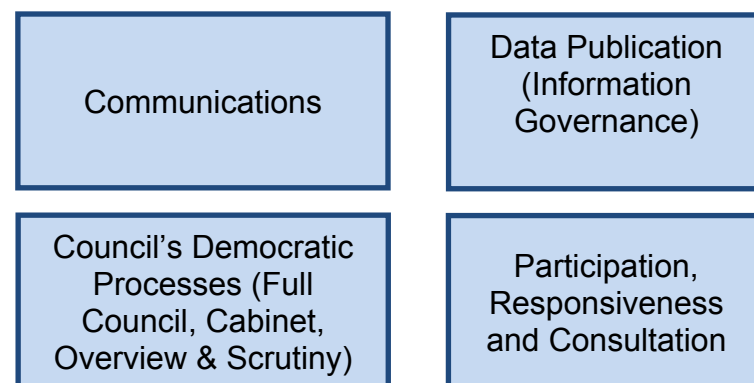
The Public and Members will be:



About:



Through:



3. BACKGROUND:

Across these four key areas: Communications; Data Publication; Participation, Responsiveness and Consultation and the Council's Democratic Processes, the Council already undertakes a range of activities to keep residents informed, engaged and able to hold the Mayor and Councillors to account. The following provides an overview of these activities.

3.1. Communications:

The Council currently uses a print version of East End Life, social media and proactive media releases to local and national press to advise residents on the Mayor's activities and priorities, upcoming consultations and decision making.

This is supplemented by additional communications directly undertaken by the Mayor including interviews, columns in the Wharf, East London Advertiser and East End Life.

There has also been a tradition of an annual Mayoral Report which outlines key activities and performance (published in East End Life).

3.2. Publication (Information Governance):

The Council has a dedicated section of the Council's website where it publishes the information it currently has a duty to publish under the Statutory Requirement under Local Government Transparency Requirements (2015). This includes:

- Council spend over £500
- Spend on Procurement Cards
- Invitations to Tender
- Contracts above £25k
- Land and Assets in Local Authority ownership, including Social Housing Assets
- Grants
- Organisational Chart (of top three tiers)
- Trade Union Facility Time
- Parking account and spaces
- Senior Salaries (numbers earning over £50,000 and their responsibilities; names of those earning over £150,000)
- The Constitution
- The pay multiple
- Fraud
- Publications Scheme

The Council also has in place systems to respond to freedom of information requests in line with the relevant legislation. These responses are all published on the Council's website.

The Council also currently publishes quarterly information on the Council's budget and performance monitoring, through the Cabinet process.

3.3. Participation, Responsiveness and Consultation:

The Council currently has several different routes to help residents contact the council about a personal query or complaint. The corporate complaints service, member's surgeries and the member enquiry system.

Each service is currently responsible for running consultations on any service changes or in accordance with legislative requirements. In addition there is a cross cutting consultation, Your Borough Your Voice, which asks residents views on the budget and the future of service delivery.

The annual residents' survey provides the Council with regular feedback from residents about services in the borough. Whilst not in-depth feedback, it does allow tracking of key indicators and themes over time, and enables some comparison with other London Boroughs.

To enable more in-depth consultation with residents, the Council consults regularly with a series of themed groups. These include:

- Tower Hamlets Safer Neighbourhood Board (SNB) which ensures communities are more closely involved in problem solving and crime prevention in Tower Hamlets.
- Healthwatch Tower Hamlets, whose purpose is to bring residents and users voice to health and social care commissioners and providers.
- There is also a series of equalities forums: the Interfaith Forum, an LGBT Community forum, New Residents and Refugee Forum and Older People's Reference Group, and Local Voice (disabled residents' forum).

Alongside the themed groups, the Council developed a programme of Community Champions Co-ordinators and Ward Forums which supported actions within ward areas by bringing residents and service providers together, developing community led solutions, supporting active citizenship and improving cohesion within the locality. The latest round of decision making and community budgeting has come to an end and these community engagement mechanisms are being reviewed to see if a better method of localised consultation can be devised.

3.4. Council's Democratic Processes:

The following processes are put in place to enable Council decision making to be transparent and enable scrutiny and questioning from non-executive members and the public.

Mayor's Decisions: Whilst for reasons of urgency these are the only decisions not made in public, key decisions do have to be listed on the forward plan. The decisions are also then published on the website.

Cabinet: Most Mayoral decisions are made at Cabinet meetings which are public and webcast. Decisions are listed on the forward plan before the meeting and the agenda, reports and background papers must be published before the meeting. Decisions and full minutes are published. Public questions are allowed at chair's discretion; questions are required in advance and must be on subject of reports being considered. All reports considered at Cabinet are considered the night before at the Overview and Scrutiny Committee. The Chair of Overview and Scrutiny is provided with an opportunity to ask the Committee's questions on the reports. There is also an opportunity for the Mayor to give a short address to the Cabinet.

The following rules apply to publication around decision making. For key decisions (which involve major spending, or savings, or which have a significant impact on the local community) 28 clear days' notice must be provided via the Forward Plan or an Individual Mayoral Decision Notice. General Exception Notice is required for decisions taken between 5 and 28 clear days. Special Urgency must be agreed with the Chair of Overview and Scrutiny. The agenda and papers must be published five working days in advance. Some papers are exempt from publication as they contain personal, commercial or otherwise sensitive information.

The above executive functions are scrutinised by the Overview and Scrutiny Committee. This meeting is held in public. The Committee undertakes three main roles:

- to undertake scrutiny on upcoming decisions
- to call in decisions already made to prompt reconsideration
- to undertake in-depth scrutiny spotlight sessions and reports on policy areas.

Full Council: Full Council meetings are held in public and webcast. Decisions are listed on the forward plan and the agenda, reports and background papers must be published before the meeting. Decisions and full minutes are also published. There is an opportunity for the Mayor to give a short address to the Council. There are dedicated slots for petitions, public and member questions. These have to be received in advance and any questions which do not receive an answer in the meeting will receive a written answer.

4. NEW ACTIONS IN PLACE TO PROMOTE TRANSPARENCY:

The processes outline above, properly implemented, show that the Council takes transparency seriously and has in place a range of activities designed to promote transparency across these four areas: Communications; Data Publication; Participation, Responsiveness and Consultation and the Council's Democratic Processes. But more can be done to make the Council transparent and enable residents to be engaged and empowered.

Since the election of Mayor John Biggs in June 2015, the Mayor has already made key changes to increase the level of transparency of his own actions and those of Council. These are detailed below:

4.1. Communications:

- The Opposition Group Leaders now have a monthly column each in East End Life.

4.2. Participation, Responsiveness and Consultation:

- The Mayor has committed to responding to all non-vexatious correspondence within 10 working days, either directly or via the Member's Enquiry process.
- The Mayor holds a weekly surgery which all residents are able to attend, by appointment.

4.3. The Council's Democratic Processes:

- The Mayor has committed to attending, and has attended, all Overview and Scrutiny meetings he has been invited to.
- The Mayor publishes all Individual Mayoral Decisions in the Cabinet papers which follows the decision, as well as on the Council's website
- The nature of the Cabinet meeting has been altered to allow for further scrutiny by non- executive members, with Group Leaders invited to speak and ask questions on agenda items.
- The Mayor is reducing the number of exempt papers produced in the decision making process. The Mayor and Cabinet Members actively challenge their use during the successive stages of report preparations.
- The Mayor provides a written Mayoral report to Full Council on the Mayor's activities over the preceding two months, including key decisions made and the Mayor's diary.
- The Mayor has also committed to sharing the answering of petitions, public and member questions in Full Council with Cabinet Members.

5. FURTHER ACTIONS TO PROMOTE TRANSPARENCY:

In addition to the actions listed above, which have already increased the transparency of the Mayor and the Council, a further set of longer term actions are proposed.

These will:

- Move the Council beyond the Local Government Transparency requirements;

- Benefit from emerging best practice and new legal freedoms regarding transparency;
- Fulfil the Mayor's Manifesto commitments regarding transparency, including establishing a Housing Scrutiny Committee involving residents and setting up public meetings across the borough;
- Improve the transparency of decision making, in a way which provides both the publication of decisions and an explanation for the decisions made:
- Improve the public understanding of how well the Council is performing:
- Improve decision making through the early incorporation of resident consultation and scrutiny involvement.

These actions are provided in the table below, along with details of how they will be progressed and the action deadlines. Many of these actions will be taken forward through a range of strategies and plans which are currently under development.

The Mayor is looking forward to receiving the recommendations of the Transparency Commission, will give full consideration to these recommendations and will produce a further action plan after receipt of the Overview and Scrutiny recommendations.

Action	Progress to Date	Next Steps	Lead	Deadline
Communications				
Investigate how to broaden the use of social media into democratic meetings including Cabinet and Full Council. This could include welcoming public filming and tweeting or introducing a council meeting hashtag.	Initial discussions held with Communications about tweeting decisions from Cabinet meetings. The public are already able to film all our formal meetings.	To be incorporated into the Communications Review and the Community Engagement Strategy	Louise Russell / Matthew Mannion	January 2016
Develop approaches for residents interested in particular topics, for example, planning, licencing, community safety or in particular areas (wards/ LAPS), to be alerted about decision making or consultations taking place about their area of interest.	Communications are developing 10-15 'tags' or keywords that can be used to attach to all reports to allow us to highlight topics on the website and get people to sign up to alerts on particular tags.	To be incorporated into the Communications Review and the Community Engagement Strategy	Louise Russell	March 2016

Action	Progress to Date	Next Steps	Lead	Deadline
Data Publication				
Explore the feasibility of publishing spend and contracts under a lower threshold		Through existing information governance processes	Ruth Dowden	Review Spend and contracts by December 2015 and institute publication by April 2016
Explore the feasibility of publishing the names of all officers at Service Head level and above.		Through existing information governance processes	Ruth Dowden / Simon Kilbey	Review options with the Corporate Management Team by December 2015 and institute publication by April 2016
Engage with residents on what areas of performance are of most importance to them and produce an easy to read performance scorecard for publication		To be explored in the next Annual Residents Survey and produced as part of the year end Annual Report.	Louise Russell	May 2016

Action	Progress to Date	Next Steps	Lead	Deadline
Explore the possibility of requiring developers to publish Planning Viability Assessments, which have previously been restricted due to commercial sensitivity.	The Council is already part of the Inter-Borough Viability Working Group, with 20 other London local authorities and are developing a Viability Protocol to standardise a number of key viability parameters and clarify the approach towards transparency of viability appraisals.	Legal advice is being sought on possible adoption processes.	Owen Whalley	September 2016
Review procurement thresholds and channel all contract expenditure over £5,000 through the Councils e-tendering system. Publish detailed summary of all new contracts as part of the Transparency Code.		To be incorporated into the refresh of the Procurement Strategy	Zamil Ahmed	May 2016
Review the way in which the Council publishes contracts			Melanie Clay	September 2016

Action	Progress to Date	Next Steps	Lead	Deadline
Participation, Responsiveness and Consultation				
<p>Develop a series of both formal and informal 'Meet the Mayor' events. These will include the Mayor attending events or markets and high streets in the borough so that residents can have the opportunity to quickly raise issues and concerns; the Mayor undertaking a series of structured visits to organisations which would reach across equalities groups, wards and interests; and a formal set of Question Times, where the public can ask the Mayor (and Cabinet and / or Heads of Partner organisations) questions. These will all be timetabled in advance and advertised (where appropriate) for wider public attendance.</p>		<p>To be incorporated into the Community Engagement Strategy and trialled during the consultation on this year's budget</p>	<p>Louise Russell</p>	<p>January 2016</p>


Action	Progress to Date	Next Steps	Lead	Deadline
Develop a new localised consultation mechanism		To be incorporated into the Community Engagement Strategy	Louise Russell	April 2016
Explore options to involve residents in Housing Scrutiny		To be undertaken through a refresh of the borough wide resident scrutiny panel and to explore with Tower Hamlets Homes and the RPs working in the borough how resident scrutiny can be improved.	Jackie Odunoye	April 2016
Develop an improved consultation process for policy development and service change, to improve decision making.		To be incorporated into the Community Engagement Strategy	Louise Russell	March 2016

Action	Progress to Date	Next Steps	Lead	Deadline
Council's Democratic Processes				
Improve awareness of Council meetings through the targeted use of social media, or through email contact lists to interested residents, businesses and organisations.	People can already sign up to receive alerts when agendas to particular meetings are published (or when issues relating to their wards are published).	To be incorporated into the Communications Review and Community Engagement Strategy	Matthew Mannion	Complete review by March 2016
Adapt the Individual Mayoral Decision report template to include a reason for their use, such as demonstrable urgency.		To be adapted for the next Individual Mayoral Decision	Matthew Mannion	Immediate
Review the current decision making process to improve the speed and transparency of the Council's decision making			Melanie Clay	March 2016

Action	Progress to Date	Next Steps	Lead	Deadline
Develop and promote new guidelines on the use of Exempt Papers and their availability to non-executive members.		To be presented to the Governance Review Working Group <i>[Any changes to the current rules will require amendments to the Constitution]</i>	Melanie Clay	January 2016
Work with Overview and Scrutiny Committee to develop target information response times, to better enable their scrutiny function			Louise Russell / Melanie Clay	December 2015
Ensure major policies and strategies are discussed with Overview and Scrutiny Committee in advance to improve the use of pre-decision scrutiny, enabling the committee to help question and shape policy during its development, rather than the night before Cabinet.	This process has been developed for budget scrutiny, which does involve pre-decision scrutiny sessions.		Louise Russell / Melanie Clay	December 2015

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Agenda Item 4.1

Non-Executive Report of the: Standards (Advisory) Committee 24 th November 2015	 TOWER HAMLETS
Report of: Director of Law, Probity & Governance	Classification: Unrestricted
Recruitment of an Reserved Independent Person	

Originating Officer(s)	Matthew Mannion, Committee Services Manager
Wards affected	N/A

Summary

A discussion item for Members of the Standards (Advisory) Committee to consider and offer views on whether recruitment of a new Reserve Independent Person is required for the Standards (Advisory) Committee.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Consider and note the discussions at the meeting.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for discussion only and no specific decisions are required.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 The Standards (Advisory) Committee agreed to recommend to the Council that an Independent Person and a Reserve Independent Person should be appointed. It was noted that the purpose of appointing a Reserve Independent Person was to ensure that the necessary advice is available on all matters, including when the Independent Person is unable to act for any reason.
- 3.2 An Independent Person may be consulted by a member or co-opted member of the Council against whom a complaint has been made. It would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the advisory role at the investigations stage of that complaint.
- 3.3 The Localism Act 2011 gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person or the process will be unwieldy. The Standards Advisory Committee therefore agreed that a Reserve Independent Person should be appointed who can be consulted in the event that the Independent Person is unable to discharge the function for any reason.
- 3.4 The Standards (Advisory) Committee on 12th July 2012 agreed a process for recruitment of an Independent Person and Reserve Independent Person. Following this process, Council on 26th June 2013 made the following appointment to:
- Reserve Independent Person:-** That **Ms Ezra Zahabi** be appointed as Reserve Independent Person with effect from 1st July 2013 for a term of office of three years.
- 3.5 Ms Ezra Zahabi, has now notified Officers of her resignation from the position of Reserve Independent Person in October 2015.
- 3.6 Members of the Committee are to now discuss whether a new recruitment to a Reserved Independent Person is required.

- 3.7 As stated above a Reserved Independent Person is only required when the Independent Person is unable to discharge their duties. It is to be noted that Ms Ezra Zahabi has not been called for any duties during her term of office.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This is a discussion paper and there are no financial implications arising from it.

5. LEGAL COMMENTS

- 5.1 The requirement to appoint at least one independent person is in Section 28(7) of the Localism Act 2011. The appointment of a Reserve Independent Person will ensure that the Council fulfils its statutory duty at all times.
- 5.2 As this is a report of the Director of Law, Probity and Governance other relevant legal considerations are contained in the body of the report and in the role description for the post at Appendix 1.
- 5.3 There are no other immediate legal implications arising from this report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 N/A

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 N/A

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 N/A

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 N/A

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 N/A

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 - Independent Person – Job Description/Job Specification

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None
-

Officer contact details for documents:

- N/A

INDEPENDENT PERSON: ROLE DESCRIPTION

Under the Localism Act 2011, the Council must promote and maintain high standards of conduct by members and co-opted members of the authority.

To this end the Council has adopted a Code of Conduct for Members and has agreed arrangements for dealing with any allegation that a member or co-opted member has breached the code.

In accordance with the requirements of the 2011 Act, these arrangements include the appointment of an Independent Person to advise on breaches of the Member Code of Conduct.

The Independent Person will:

- Be available for consultation if an allegation of breach of the Members' Code of Conduct is received by the Council.
- Liaise as necessary with the Council's Monitoring Officer to consider complaints against Members and offer his/her impartial views on the case, including any investigations undertaken.
- Advise the Council prior to any decision to investigate an allegation or complaint relating to whether a member has failed to comply with the Code of Conduct.
- Attend meeting of the Standards Advisory Committee and/or its sub-committees as required
- Contribute to any review of the operation of the standards arrangements and complaints procedure established by the Council under the provisions of the Localism Act 2011.

The Independent Person may:

- Be consulted by the Council's Monitoring Officer in respect of an allegation against a Member in other circumstances.
- Be consulted by a member or co-opted member of the Council against whom an allegation or complaint has been made.

The views of the Independent Person will be considered by the Council's Standards Advisory Committee, who are responsible for recommending on the outcome of any complaints and any remedial action.

INDEPENDENT PERSON: PERSON SPECIFICATION

The Independent Person will possess the following attributes, to be assessed through an application and interview process:

- Personal integrity and honesty
- A keen interest and commitment to maintaining high standards in public life.
- A wish to serve the local community and uphold local democracy
- An interest in and awareness of the functions of local government relating to ethical governance, in particular the role of elected Members and the relevant Codes of Conduct.
- Independence, impartiality and experience of exercising sound objective judgements in relation to complex matters
- Excellent questioning, analytical and evaluation skills in order to advise whether a breach of the Code of Conduct or complaint should be investigated.
- A commitment to promoting equality and an awareness of the issues affecting a diverse community in an inner London borough
- Excellent communication skills in particular the ability to provide clear rationale for advice and to explain decision making when required.
- Experience of dealing with private and sensitive issues, exercising discretion and maintaining confidentiality of information received.
- Flexibility to deal with urgent requests.
- Aged 18 or over and with a mature and sound temperament

The Independent Person will not be:-

- A Member, co-opted member or employee of the London Borough of Tower Hamlets; or have held such a post within the previous 5 years.
- A relative or close friend of such a person; or
- An active member of a political party.