

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

1. Summary

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

2. Recommendations

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

Complaints Annual Report

2009-2010

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1 INTRODUCTION

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

The Complaints Team's role is to:-

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

1.5 THE CORPORATE COMPLAINTS PROCEDURE

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

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

1.6 ADULTS SOCIAL CARE PROCEDURES

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

1.7 CHILDREN'S SOCIAL CARE PROCEDURES

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

Stage 1 Complaints – Initial

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

Stage 2 Complaints – Formal

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

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

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

Stage 3 Complaints – Independent Review Panel.

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

1.8 THE LOCAL GOVERNMENT OMBUDSMAN

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

1.9 ENQUIRIES, COMMENTS AND COMPLIMENTS

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

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

Figure 1.1

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

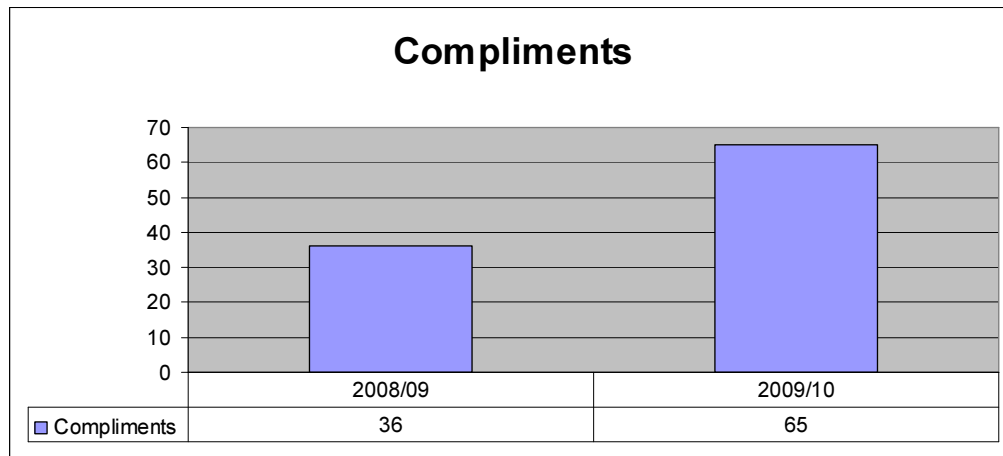


Figure 1.2

2 CORPORATE COMPLAINT STATISTICS AND ANALYSIS 2009 TO 2010

2.1 VOLUME OF COMPLAINTS

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

Figure 2.1

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

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

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

Figure 2.2

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

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

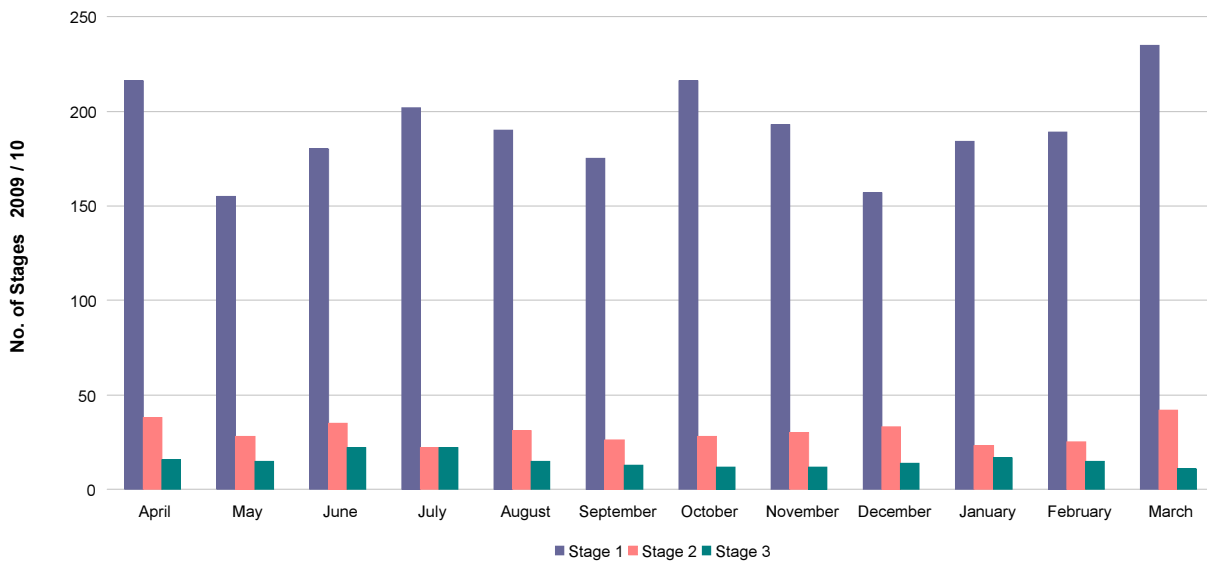


Figure 2.3

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

2.2 CORPORATE COMPLAINTS BY DIRECTORATE.
CORPORATE COMPLAINTS BY DIRECTORATE

Stage 1	01/04/2008 31/03/2009	Change	01/04/2009 31/03/2010		Not Upheld	Partially Upheld	Upheld		Withdrawn or Referred On	Completed In Time		Average Days to Complete
Adults Health & Wellbeing	7	-3	-43%	4	3	0	1	25%	0	3	75%	9
Chief Executive's	32	3	9%	35	25	6	4	11%	0	33	94%	7
Children Schools and Families	29	-6	-21%	23	13	3	7	30%	0	17	74%	10
CLC	820	95	-12%	725	372	154	174	24%	25	654	90%	8
Development & Renewal	185	17	9%	202	146	21	17	8%	18	168	83%	8
Resources	293	84	29%	377	145	167	57	15%	8	367	97%	5
Tower Hamlets Homes	966	40	-4%	926	457	9	444	48%	16	868	94%	9
Totals	2332	40	-2%	2292	1161	360	704	31%	67	2110	92%	8

Stage 2	01/04/2008 31/03/2009	Change	01/04/2009 31/03/2010		Not Upheld	Partially Upheld	Upheld		Withdrawn or Referred On	Completed In Time		Average Days to Complete
Adults Health & Wellbeing	2	0	0%	2	2	0	0	0%	0	2	100%	4
Chief Executive's	11	-5	-45%	6	4	2	0	0%	0	6	100%	11
Children Schools and Families	12	3	25%	15	9	4	2	13%	0	9	60%	29
CLC	116	16	-14%	100	57	20	21	21%	2	91	91%	15
Development & Renewal	53	11	-21%	42	25	6	6	14%	5	36	86%	16
Resources	24	17	71%	41	29	6	4	10%	2	40	98%	10
Tower Hamlets Homes	126	29	23%	155	96	2	56	36%	1	143	92%	16
Totals	344	17	5%	361	222	40	89	25%	10	327	91%	15

Stage 3	01/04/2008 31/03/2009	Change	01/04/2009 31/03/2010		Not Upheld	Partially Upheld	Upheld		Withdrawn or Referred On	Completed In Time		Average Days to Complete
Adults Health & Wellbeing	1	0	0%	1	1	0	0	0%	0	1	100%	7
Chief Executive's	9	7	78%	16	6	7	2	13%	1	12	75%	17
Children Schools and Families	3	5	167%	8	5	2	0	0%	1	5	63%	19
CLC	34	38	112%	72	55	12	5	7%	0	58	81%	16
Development & Renewal	26	10	-38%	16	15	1	0	0%	0	10	63%	20
Resources	12	4	33%	16	13	2	0	0%	1	12	75%	18
Tower Hamlets Homes	35	20	57%	55	18	17	20	36%	0	40	73%	20
Totals	120	64	53%	184	113	41	27	15%	3	138	75%	18

Figure 2.4

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

2.3 Corporate Complaints by Service Area

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

Adults Health and Wellbeing

Stage 1 Adults Health & Wellbeing by Service Issue

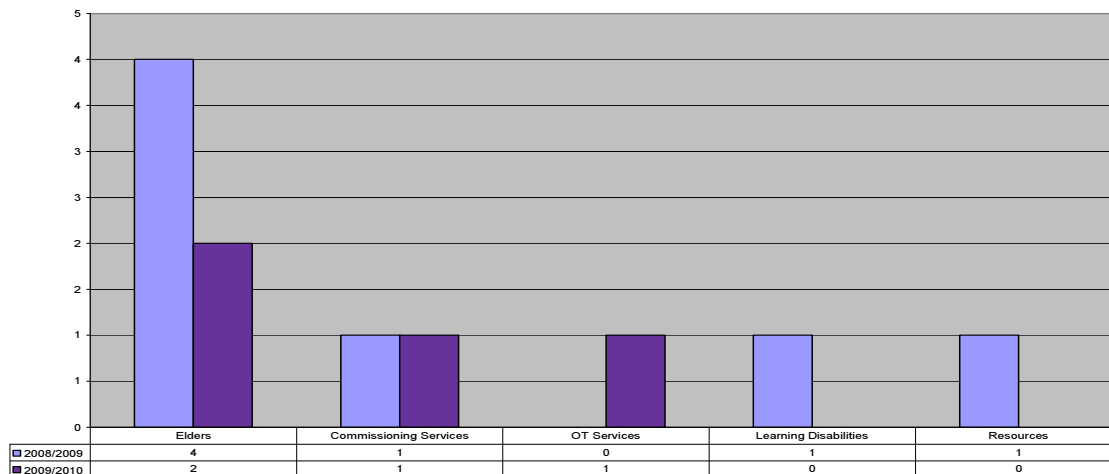


Figure 2.5

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

Chief Executive's

Stage 1 Chief Executive's by Service Issue

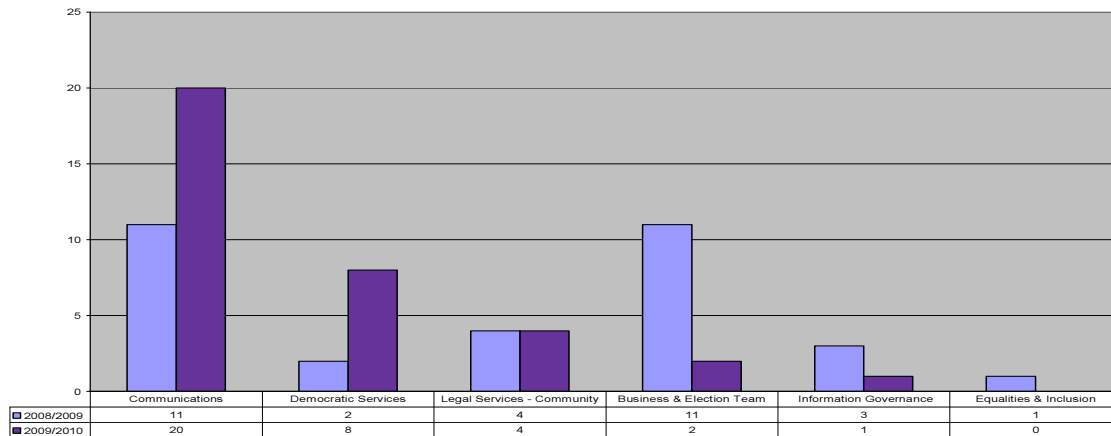


Figure 2.6

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

Children's Services

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

Stage 1 Children Schools and Families by Service Issue

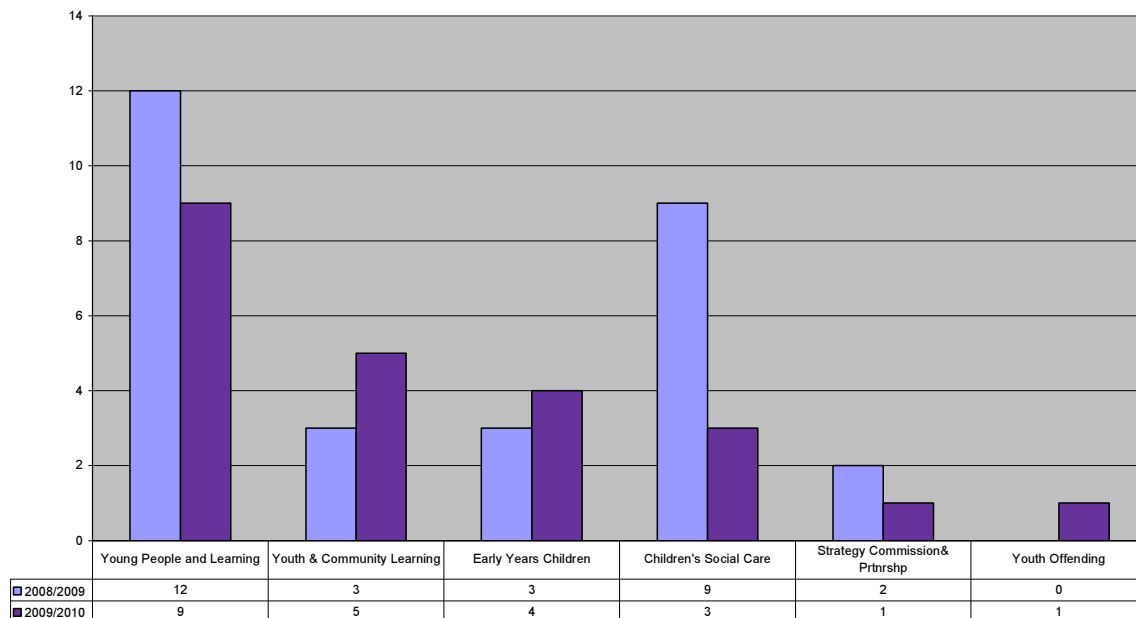


Figure 2.7

Stage 1 Communities Localities & Culture by Service Issue

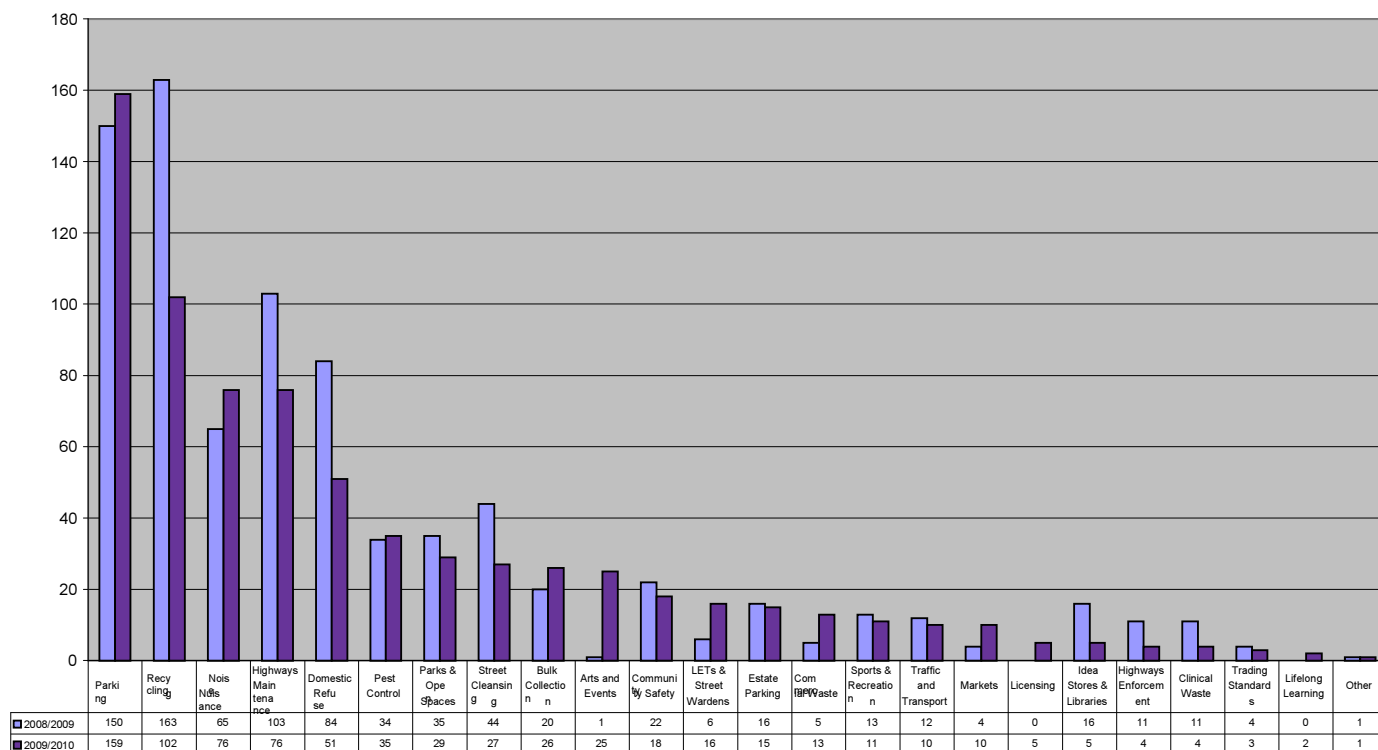


Figure 2.8

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

Arts and events complaints surround two events in Victoria Park.

Development and Renewal

Stage 1 Development & Renewal by Service Issue

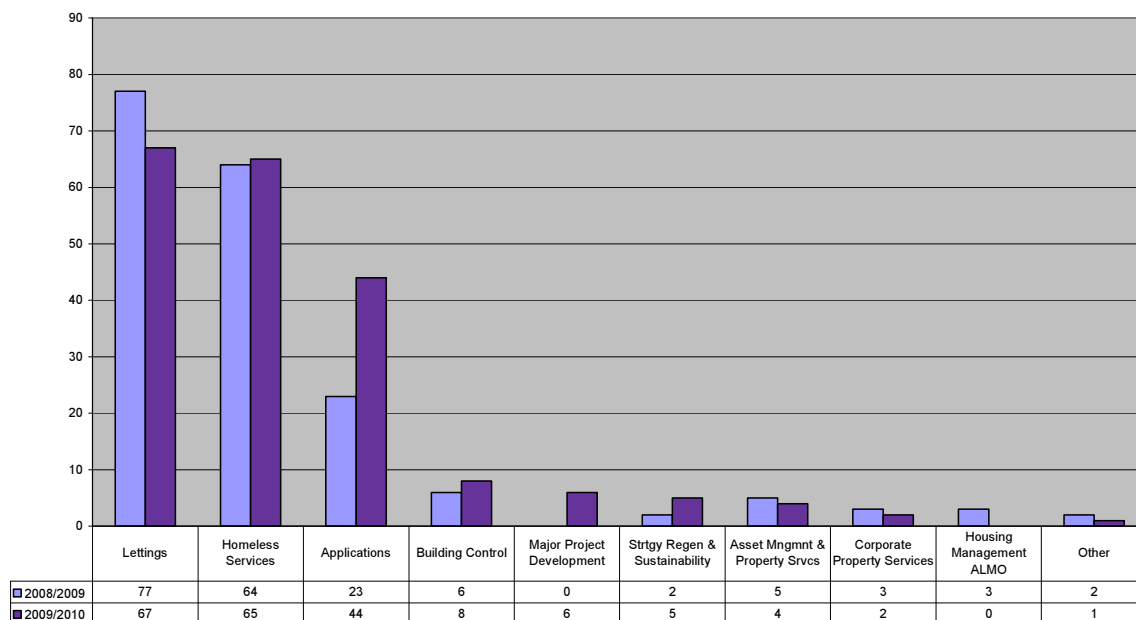


Figure 2.9

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

Resources

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

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

Stage 1 Resources by Service Issue

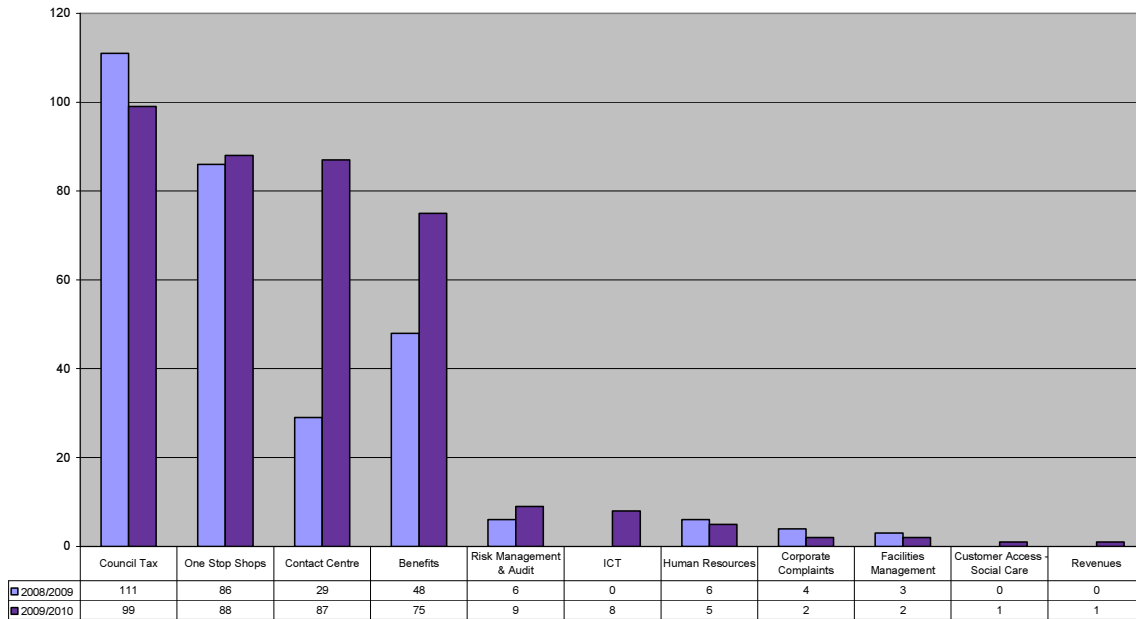


Figure 2.10

Tower Hamlets Homes

Stage 1 Tower Hamlets Homes by Service Issue

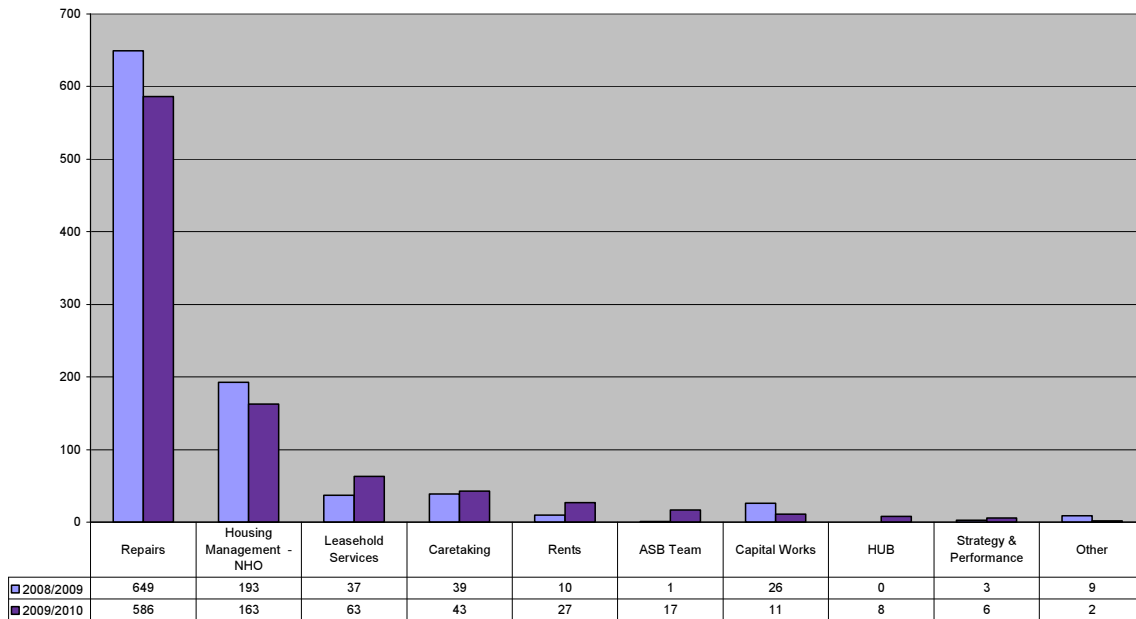


Figure 2.11

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

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

2.4 STAGE 3 COMPLAINTS

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

Figure 2.12

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

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

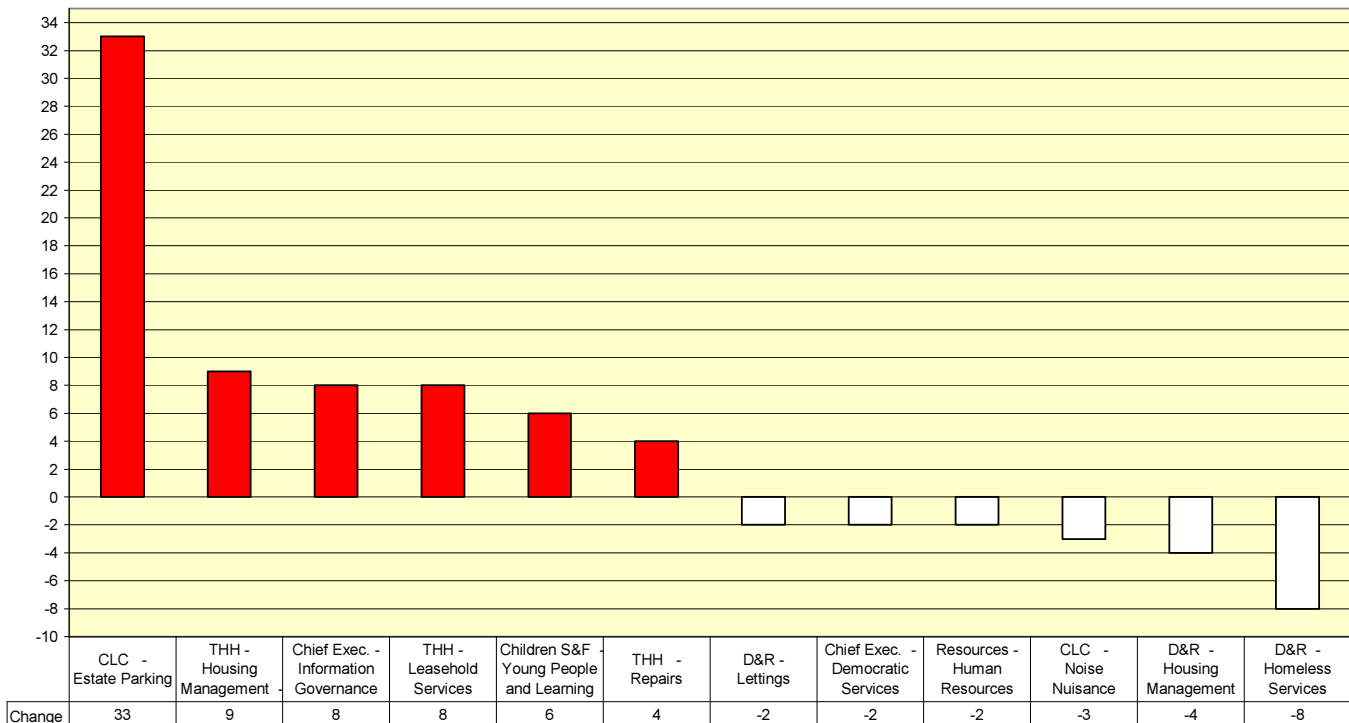


Figure 2.13

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

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

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

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

Figure 2.14

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

2.4.5 Summary of Key Issues in Stage 3 Complaints Upheld.

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

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

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

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

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

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

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

2.5 COMPLAINTS SERVICE USER PROFILES

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

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

Figure 2.15

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

2.5.3 EQUAL ACCESS TO THE SERVICE

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

Figure2.16

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

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

Figure 2.17

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

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

Figure 2.18

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

Stage 1 Complaints by Directorate and LAP Areas

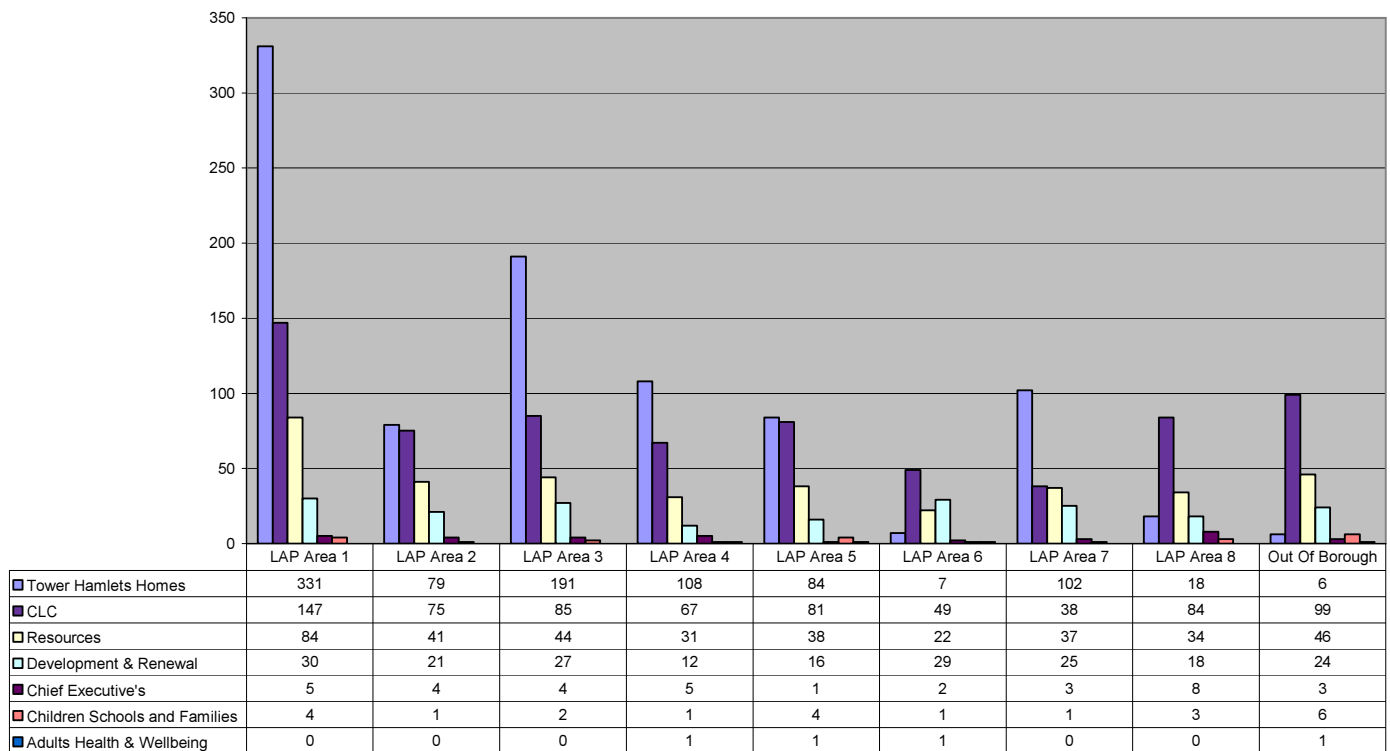


Figure 2.19

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

3 Adults Social Care Complaints

3.1 New Procedure

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

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

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

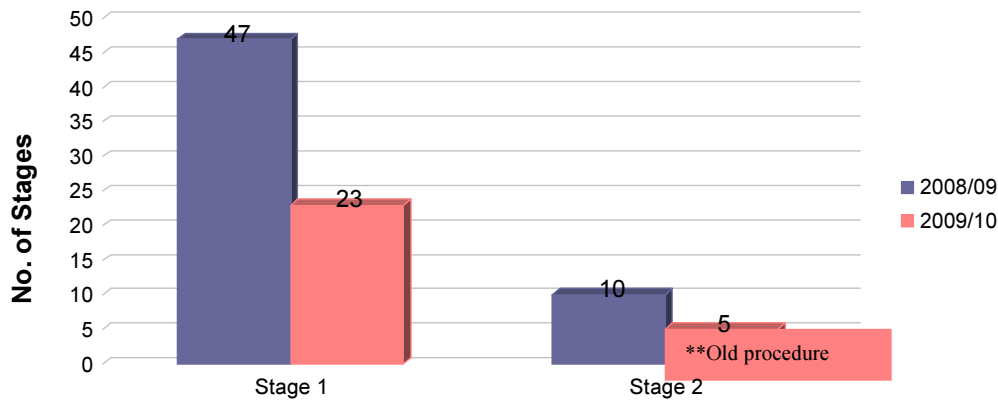
(Stage 1)	01/04/08 31/03/09	01/04/09 31/01/10	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Within 10 Days		Within 20 Days		Within 30 Days		Within 50 Days		Average Days to Close
Commissioning Services	0	1	0	0%	0	0%	1	100%	0	0%	0	0%	0	0%	1	100%	0	0%	22
Disability and Health	14	1	0	0%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

Figure 3.1

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

3.2 Overlap of Previous Procedure

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



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

Figure 3.2

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

3.3 Reason For Complaints

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

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

Figure 3.3

3.4 Access and Profiles

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

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

Figure 3.4

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

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

Figure 3.5

3.5 Summary of key issues in upheld cases

Elders

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

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

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

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

OT Services

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

Disability and Health

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

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

Learning Disabilities

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

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

4 Children's Social Care Complaints

4.1 Complaint Volumes

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

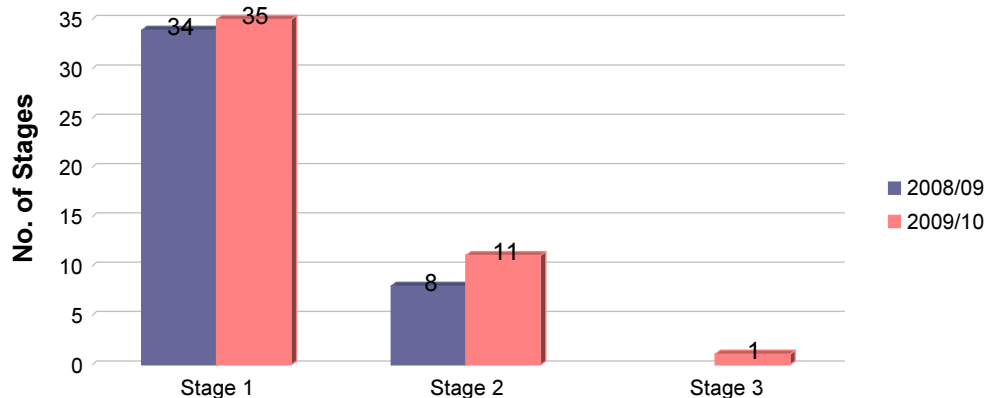


Figure 4.1

4.2 Complaint Response Times

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

Figure 4.2

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

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

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

Figure 4.3

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

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

4.3 Reason for Complaint

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

Figure 4.4

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

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

Figure 4.5

4.4 Service User Profiles

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

Figure 4.6

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

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

Figure 4.7

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

4.5 Summary of key issues in upheld complaints.

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

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

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

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

5 LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINTS

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

5.2 Complaints Closed by the Ombudsman.

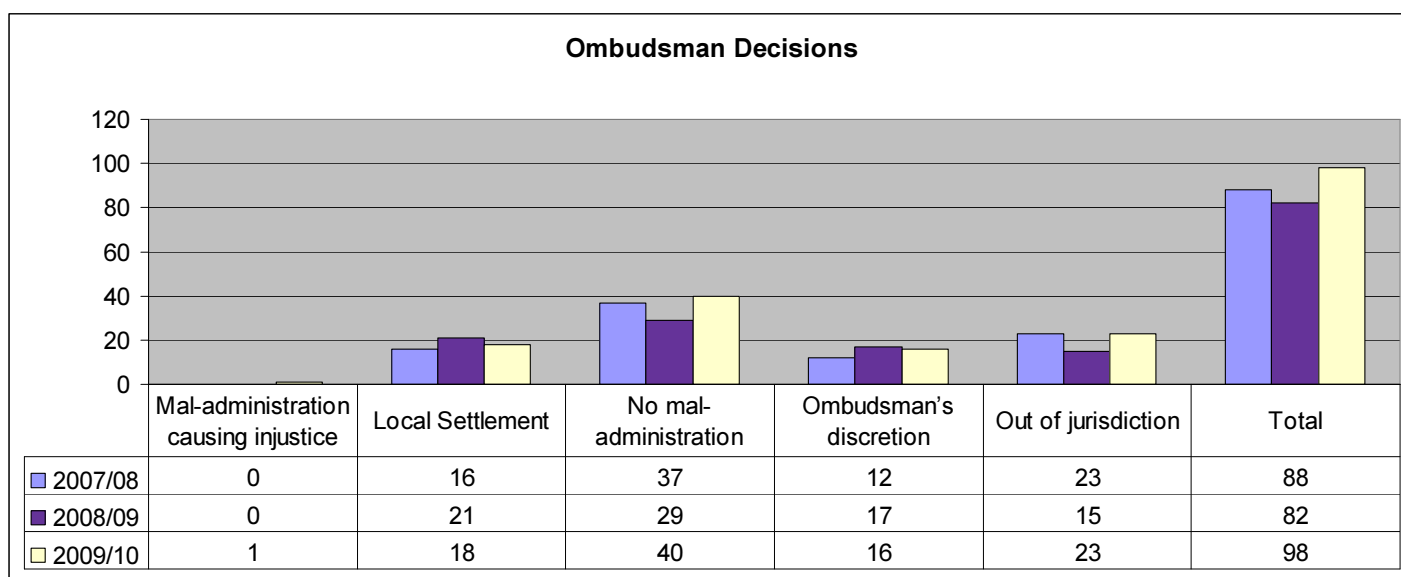


Figure 5.1

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

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

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

Ombudsmen Local Settlements by Directorate

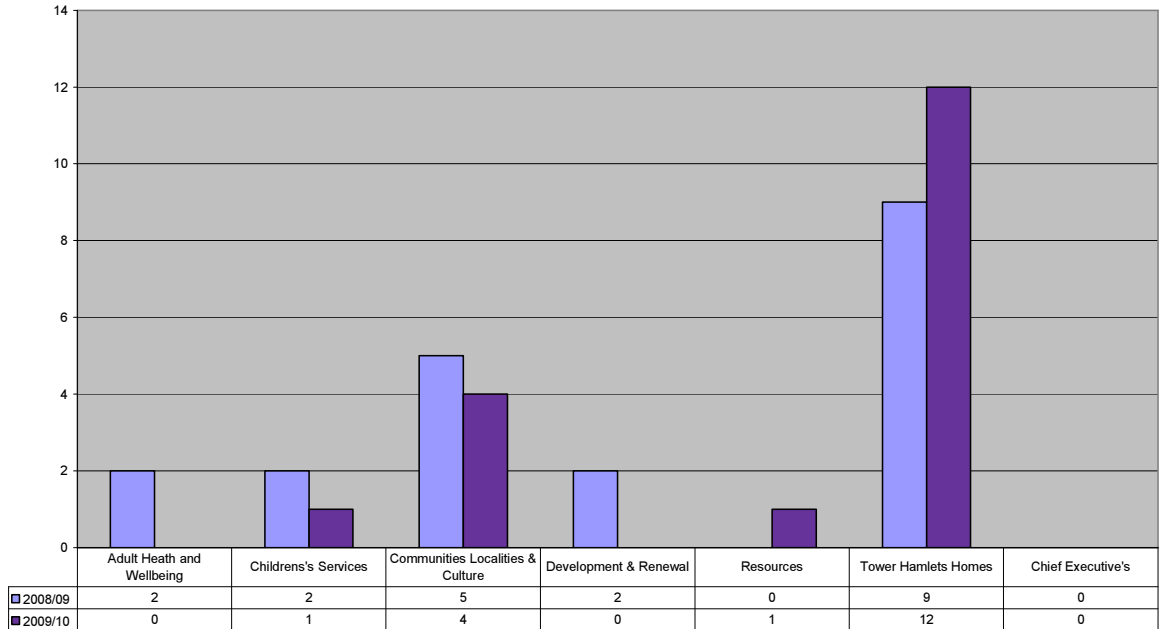


Figure 5.2

Ombudsmen Local Settlements by Service Issue

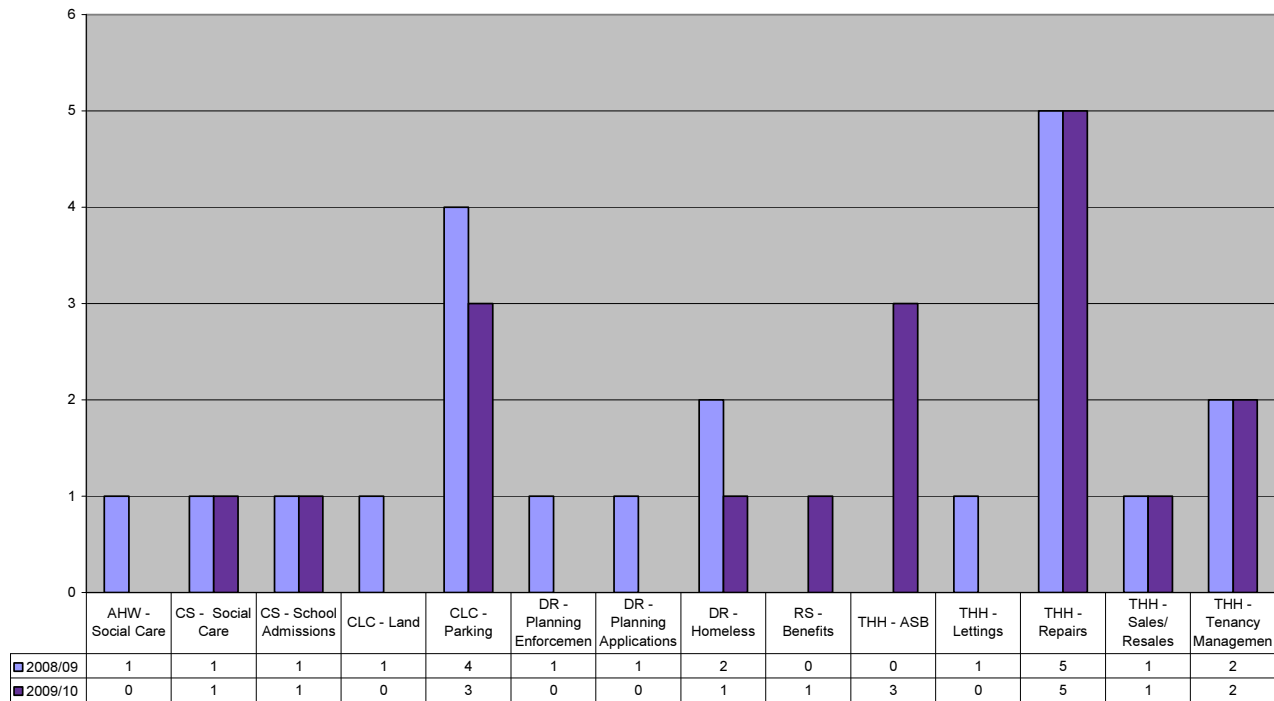


Figure 5.3

5.2.4 Summary of Local Settlements and Finding of Maladministration

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

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

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

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

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

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

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

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

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

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

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

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

5.3 Response times

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

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

Figure 5.4

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

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

Figure 5.5

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

6 RISK ASSESSMENT

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

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

7 IMPROVEMENT INITIATIVES

7.1 Quality Standards Accreditation

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

7.2 Staff Training and Development.

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

7.3 Monitoring Complaints.

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

7.4 Publicity.

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

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

7.5 Effective Learning Outcomes from Complaints.

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

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

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

7.6 Equalities Monitoring

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

8. Comments of the Chief Financial Officer

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

9 Concurrent report of the Assistant Chief Executive (Legal)

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

10. One Tower Hamlets Considerations.

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

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

11 Sustainable action for a greener environment

- 11.1 There are no specific implications.

12 Risk management implications.

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

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 There are no specific implications.

11. EFFICIENCY STATEMENT

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

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

Local Government Ombudsman
Annual Review 2009 / 2010

Ruth Dowden
Anchorage House x4162

12. APPENDICES

Appendix 1 – Local Government Ombudsman Annual Review 2009 / 2010
