

**Complaints and
Information
Governance
Annual Report**

2012-2013

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1. INTRODUCTION AND SUMMARY

- 1.1. This report provides information regarding the Council's handling of complaints and information requests in the year 2012/13. 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) and the Local Government 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 2012 to 31 March 2013, 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 2012/2013 were that –
- The rate of reviews from information requests remained low (at 2%).
 - The Information Commissioner determined only four complaints in relation to the Council, of which only one was upheld.
 - The Local Government Ombudsman made no reports against the Council for over four years.
 - There was a reduction in statutory complaints for both adults' and children's social care.
- 1.4. The response times for information requests fell, but measures are in place to bring these back in line with 2011/2012 levels.
- 1.5. Overall, the number of corporate complaints increased during 2012/2013. The reasons for increases are addressed in section 5 of the report. Notably, the year included the London 2012 Olympic Games and associated disruption, the growth in population, as well as the move towards implementation of the Government's social welfare reforms.
- 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 Service Head for Customer Access and ICT is the Council's senior information risk officer (SIRO) and has overall responsibility for information governance. The SIRO is supported by the corporate complaints and information team, managed by the Head of Legal Services – Community. 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,
- 2.3. 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.
- 2.4. A number of developments took place in relation to information governance during 2012/2013.
- 2.5. Public Health and the Information Governance Toolkit
- 2.6. In order to facilitate the transfer of public health staff, the Council sought to meet the requirements of the National Health Service's Information Governance Toolkit. The Toolkit specifies the standards of information governance expected by the NHS before it will allow organisations to connect to its information systems and receive information from the NHS. In March 2013 the Council was successfully assessed against the

Toolkit requirements. A plan has been prepared to further improve the Council's level of compliance with the Toolkit, which will be implemented during 2013/2014.

2.7. Secure email and protective marking

2.8. The Council concluded the pilot of the secure e-mail service Egress, which allows secure communications to be made to all organisations and individuals who are not covered by other forms of secure email, such as GCSX¹. Implementation of Egress is in progress, working in conjunction with the Council's partner Agilisys. The Council is implementing a schema for the protective marking of information, on a limited basis for the purpose of maintaining the GCSX Code of Connection.

2.9. Transparency

2.10. The Council reviewed the information it routinely makes available to the public and proposes to increase the categories of information during 2013/2014 by reference to the Government's voluntary code on transparency.

2.11. Information Risk

2.12. The Council carried out an organisation-wide review of risks in relation to paper-based records during 2012/2013. Most services reported low levels of risk. A small number of services identified medium level risks, which are being managed within the Council's corporate risk management framework.

2.13. Retention of information

2.14. In addition to ensuring that information is held securely, the Council must also only hold information for the length of time it is legitimately required. Some retention periods are set in law (e.g. social care records) and others by good practice. The Council has been conducting a wide-ranging review of its retention schedules, which should be finalised in 2013/2014.

2.15. Security incidents

2.16. 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.

¹ Government Connect Secure Extranet, and allows Councils to send secure email to each other and central government.

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 introduced 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, programmes, 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 2012/2013 are summarised in Figures 1 and 2.

Figure 1

FOI and EIR	2011/12 Total			2012/13 Total		
	Rec	In Time		Rec	In Time	
Apr	91	74	81%	122	114	94%
May	145	136	94%	134	129	96%
Jun	124	121	98%	98	95	97%
Jul	123	118	96%	156	147	94%
Aug	156	155	99%	138	124	90%
Sep	143	135	94%	130	107	82%
Oct	178	176	99%	147	125	85%
Nov	206	202	98%	152	108	71%
Dec	118	114	97%	101	62	61%
Jan	161	154	96%	172	127	74%
Feb	146	138	95%	187	127	68%
Mar	138	133	96%	138	106	77%
Total	1729	1656	96%	1673	1371	82%

Figure 2

FOI & EIR Requests	2011/12			2012/13			Change	
	Rec	In Time		Rec	In Time			
Chief Executive's	170	150	88%	210	122	58%	40	24%
CLC	427	418	98%	396	345	87%	-31	-7%
Development & Renewal	269	256	95%	270	204	76%	1	0%
ESCW	349	342	98%	309	299	97%	-40	-11%
Resources	450	428	95%	410	334	81%	-40	-9%
Tower Hamlets Homes	64	62	97%	78	67	86%	14	22%
Total	1729	1656	96%	1673	1371	82%	-56	-3%
		(39 EIR)			(18 EIR)			

- 3.7 The number of information requests remained high in 2012/2013, sustaining the very significant jump up in requests (79%) which took place from 2010/2011 to 2011/2012. There was a slight reduction from 2011/2012 to 2012/2013 of 56 requests (less than 3%), which is not significant. The Chief Executive's directorate experienced significant growth in the number of requests of 40 (24%).
- 3.8 Performance in responding to requests within the 20 working day statutory deadline fell to 82% in 2012/2013. Analysis by month indicates that December 2012 to February 2013 was a problem period. A combination of factors appears to have contributed to the reduced performance, but the most significant issue appears to have been a technical issue in which automated reminders ceased to be produced by the electronic system in November 2012. This was later detected and a new monitoring and reminder regime instituted –
- Automatic reminders are being sent again.
 - Requests are being escalated to senior managers at 15 days.
 - Performance is being reviewed at the most senior level.

3.9 The complexity of requests can have an impact on the time needed to respond and the workload of officers, regrettably the current system has no way of recording the level of complexity of requests.

3.10 The Council is in the process of procuring new software for handling information requests, member enquiries and complaints, which should enhance its ability to manage, monitor and report on these areas of work.

3.11 Internal Review

3.12 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 1680 requests received during 2012/2013, 34 (or 2%) were taken to Internal Review. This escalation rate is considered to be low. There were 12 cases (36% 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.

3.13 Some cases were refused in full or in part at the initial stage, due to the information containing personal data of other people.

- An applicant requested details about self insurance claims by address. The information was initially refused under section 40(2) as this would contain personal data. On review, the information was provided, having been anonymised by removing the second part of the postcode.
- Another applicant requested anonymised service charge information on a number of neighbouring properties. The information was initially refused under section 40(2) However, on review, the information was provided, having been anonymised by removing names and other details.

3.14 A further two review decisions considered the application of the exemption in section 31 of the FOI Act concerning law enforcement.

- Initially the information concerning pavement inspections was withheld as it could possibly lead to fraudulent claims for injury or damage. On review it was considered that there was a low likelihood of this occurring and the application of the section 31(1)(a) exemption was not upheld. The information was provided.
- An applicant requested detailed information in relation to all live business rates accounts with rateable value greater than or equal to £25,000. The information was refused for a number of reasons including the time required to prepare the information exceeding the prescribed time limit of 18 hours and under the section 31 exemption. However the review concluded that while section 31 (law enforcement) was valid and the information not supplied, the incorrect reason had been given and furthermore no assistance was given under section 16 of the Freedom of Information Act 2000, which is a duty to provide advice and assistance.

3.15 As with the case above, there is an obligation to offer advice and assistance to help applicants obtain relevant information, and in a timely fashion.

- An applicant requested complaints information for three years categorised by method of communication and a list of complaints upheld and remedies granted within the same period. THH provided some information, but not in the format requested as the information was not held in exactly the format. On review, it was found that insufficient assistance had been given to help modify the request so that more information could be disclosed, which was given in the review response.
- There were five complaints concerning delay in responding to the original request.
- An applicant sought information regarding a planning application and was directed to the planning portal. The request for internal communications was refused under EIR, Regulation 12(4)(e) Personal Data. The request was answered on Day 22. The applicant complained about the application of the exemption, the time taken and the failure to advise of the delay. This was upheld on review, with information provided (redacted to remove personal data) and an apology was given for delay.

3.16 Complaints to the Information Commissioner

3.17 The Information Commissioner issued four decision notices concerning the Council in 2012/2013. The summaries from the ICO website are reproduced below, only one of which was upheld.

3.18 Case Ref: FER0415204, April 2012. The complainant requested information relating to a site at Heron Quays West. Following the disclosure of some information, the only outstanding issue was the Council's decision to withhold information on the basis that it was covered by legal professional privilege and was excepted under regulation 12(5)(b) of the Environmental Information Regulations 2004 ("the EIR"). The Commissioner's decision is that the Council correctly relied on regulation 12(5)(b) to withhold the majority of the information.

3.19 Case Ref: FS50428745, July 2012. The complainant has requested information about a Cabinet meeting held on 8 June 2011. This was refused citing exemptions under section 36 (effective conduct of public affairs) and section 42 (legal professional privilege) as its bases for refusal. The Commissioner's decision is that the Council is entitled to withhold the requested information under section 42(1) of FOIA. No steps are required.

3.20 Case Ref: FS50442036, September 2012. The complainant has requested information about the commissioning of a report into recurrent unemployment, in a follow-up to a previous request for a copy of that report. The Council has not responded to the request. The Commissioner's decision is that the Council failed to provide a response

to the request within the statutory time limit of 20 working days, in breach of section 10(1) of the FOIA. The Commissioner requires the public authority to either, to comply with the requirements of section 1 of the FOIA, or to issue a valid refusal notice in accordance with section 17.

- 3.21 Case Ref: FS50440963, December 2012. The complainant requested a copy of a report into recurrent unemployment. The Council stated that the report was not held. Following further searches, both internally and external to the public authority, copies of late draft versions of the report were located and disclosed to the complainant. These were not, however, the information which had been requested and the Commissioner finds that the requested information is not held by the Council. The Commissioner's decision is that the Council has complied with section 1(1) of FOIA. The Commissioner does not require the public authority to take any steps to ensure compliance with the legislation.

3.22 Equalities

- 3.23 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 2012/2013 are set out in Figures 3 and 4.

Figure 3

DPA	2011/12			2012/13		
	Rec	In Time		Rec	In Time	
Apr	12	9	75%	24	20	83%
May	26	21	81%	36	35	97%
Jun	25	25	100%	14	13	93%
Jul	38	38	100%	10	6	60%
Aug	16	16	100%	13	10	77%
Sep	19	17	89%	19	14	74%
Oct	19	14	74%	19	12	63%
Nov	18	18	100%	26	19	73%
Dec	17	17	100%	5	3	60%
Jan	15	6	40%	20	12	60%
Feb	15	10	67%	18	11	61%
Mar	28	26	93%	14	6	43%
	248	217	88%	218	153	74%

Figure 4

Subject Access Requests	2011/12			2012/13			Change	
	Rec	In Time		Rec	In Time			
Chief Executive's	4	4	100%	5	5	100%	1	25%
CLC	17	16	94%	12	11	92%	-5	-29%
Development & Renewal	8	8	100%	3	2	67%	-5	-63%
ESCW	71	49	69%	88	43	49%	17	24%
Resources	139	131	94%	95	88	93%	-44	-32%
Tower Hamlets Homes	9	9	100%	15	12	80%	6	67%
Total	248	217	88%	218	153	74%	-30	-12%

4.2 Requests for personal information held by the Council rose 52% from 133 in 2010/11 to 248 in 2011/12. There was a reduction from 2011/2012 to 2012/2013 of 30 requests or 12%. The requests received in the Resources directorate generally concern Benefits and Revenues. The majority of Adults Health and Wellbeing and Children School and Families requests are for social care records.

- 4.3 The overall response rate was poor, with 74% being answered within the statutory timeframe. The performance fell in part to a glitch in the database preventing reminders from being sent, and an increasing complexity of requests. 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.
- 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.

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
- Its 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 on behalf of the Chief Executive.

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 2012/13. Overall, the number of complaints – excluding the FOI internal reviews – was 8% higher than in the previous year, rising from 2,420 to 2,622.

It should be noted that the period that this report relates to saw an increase in the Tower Hamlets population, from 237,900 in 2011/12 to 256,000 in 2012/13. This equates to an 8% increase. When taking this population increase into account, the rate of complaints for both 2011/12 to 2012/13 has remained similar at 10.2 complaints per 1,000 population.

The 2012/13 Annual Residents Survey also shows that overall satisfaction with the council has remained at a similar level to last year, with 64% of respondents stating they were very or fairly satisfied.

Figure 5

Volume of Corporate Complaints				
Year	2011/12	2012/13	Variance	
Stage 1	2017	2274	257	13%
Stage 2	302	277	-25	-8%
Stage 3 (FOI Internal Reviews)	132 (31)	155 (84)	-30 (23)	17% (171)
Total Complaints (Including FOI Internal Reviews)	2420 (2451)	2622 (2706)	202 (253)	8% 10%

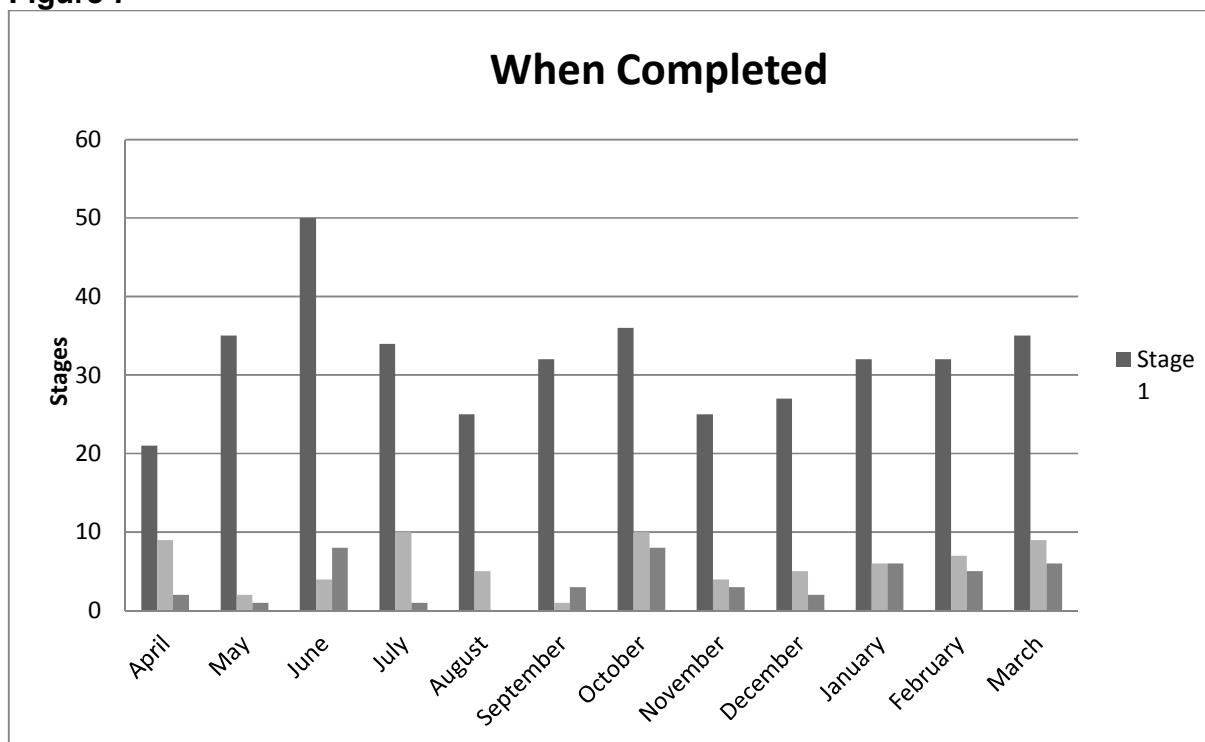
5.8 Figure 6 below shows the escalation rates through the stages of the complaints process. Overall, 15% of Stage 1 complaints were escalated to Stage 2 of the complaints process and 5% of Stage 1 complaints were escalated to Stage 3. This demonstrates that by far the greatest proportion of complaints is dealt with at the first stage, which is what the Council would hope to achieve with its complaints handling. The escalation rate of 2.5% for FOI requests compares favourably against the rate of 5% for overall Corporate Complaints.

Figure 6

Escalation Rates by Directorate 2012/13						
Directorate	Stage 1	Stage 2		Stage 3		Comments
		Stage 2	Escalated from Stage 1	Stage 3	Escalated from Stage 1	
Adults Health & Wellbeing	1	0	0%	0	0%	
Chief Executive's (Excluding FOI Reviews)	20	1	5%	1	5%	
Children Schools and Families	29	6	21%	2	7%	
CLC	1056	109	10%	25	2%	
Development & Renewal	231	36	16%	20	9%	
Resources	330	34	10%	9	3%	
Tower Hamlets Homes (Excluding Estate Parking Appeals)	607	91	15%	27	11%	
Totals	2274	277	12%	84	4%	

5.9 Figure 7 (below) demonstrates the seasonal trends and peaks in the reporting of complaints. There is no obvious reason for the peaks, which occur at different times year-on-year. Nevertheless, any increases for individual services are discussed, when they occur, with the relevant managers and are monitored.

Figure 7



5.10 Figure 8 shows the rate at which complaints are upheld at Stage 1 of the process and the percentage completed on time. During 2012/2013, response times for Stage 1 complaints were good, with 91% completed on time. This was 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 2012/13												
	Total		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
Adults Health & Wellbeing	1	0%	0	0%	0	0%	1	100%	0	0%	100%	2.0
Chief Executive's	20	1%	7	35%	1	5%	12	60%	0	0%	75%	11.1
Children Schools and Families	29	1%	8	28%	8	28%	12	41%	1	3%	69%	11.3
CLC	1056	46%	517	49%	177	17%	343	32%	19	2%	94%	7.5
Development & Renewal	231	10%	133	58%	40	17%	36	16%	22	10%	53%	14.1
Resources	330	15%	176	53%	96	29%	46	14%	12	4%	98%	5.6
Tower Hamlets Homes	607	27%	333	55%	36	6%	220	36%	18	3%	97%	7.8
Total Stage 1 Complaints	2274		1174	52%	358	16%	670	29%	72	3%	91%	8.0

5.11 Figure 9 shows the rate at which complaints are upheld at Stage 2 of the process and the percentage completed on time. During 2012/2013, response times for Stage 2 complaints were at 87%, meeting the 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.

Figure 9

Stage 2 Resolutions by Directorate 2012/13												
	Total		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
Adults Health & Wellbeing	0	0%	0	0%	0	0%	0	0%	0	0%	0%	0
Chief Executive's	1	0%	1	100%	0	0%	0	0%	0	0%	100%	21.0
Children Schools and Families	6	2%	0	0%	6	100%	0	0%	0	0%	83%	15.5
CLC	109	39%	47	43%	15	14%	42	39%	5	5%	92%	14.7
Development & Renewal	36	13%	25	69%	4	11%	4	11%	3	8%	64%	21.1
Resources	34	12%	27	79%	3	9%	1	3%	3	9%	97%	13.0
Tower Hamlets Homes	91	33%	25	27%	22	24%	38	42%	6	7%	88%	15.7
Total Stage 2 Complaints	277		125	45%	50	18%	85	31%	17	6%	87%	15.7

5.12 Figure 10 shows the rate at which complaints are upheld at Stage 3 of the process and the percentage completed on time. During 2012/2013, response times for Stage 3 complaints fell by three percentage points to 83%, slightly below the corporate target of 87% completed in time.

Figure 10

Stage 3 Resolutions by Directorate 2012/13												
	Total		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
Adults Health & Wellbeing	0	0%	0	0%	0	0%	0	0%	0	0%	0%	0
Chief Executive's	1	1%	1	100%	0	0%	0	0%	0	0%	100%	13.0
FOI Reviews	34	22%	17	50%	7	21%	5	15%	5	15%	76%	19.4
Children Schools and Families	2	1%	2	100%	0	0%	0	0%	0	0%	100%	20.0
CLC	25	16%	13	52%	7	28%	4	16%	1	4%	88%	17.0
Development & Renewal	20	13%	16	80%	2	10%	2	10%	0	0%	80%	19.9
Resources	9	6%	7	78%	1	11%	1	11%	0	0%	56%	19.7
Tower Hamlets Homes	64	41%	39	61%	9	14%	14	22%	2	3%	88%	17.3
Total Stage 3 Complaints	155		95	61%	26	17%	26	17%	8	5%	83%	18.2

- 5.13 FOI review performance times are disappointing, however almost 50% of the review requests for the whole period were submitted in December 2012 and January 2013 and this placed a strain on resources at that time which affected performance.
- 5.14 Volumes of Stage 3 complaints peaked in 2009/10 (184 cases). If the FOI reviews are taken out of the total, then those complaints progressing through the complaints procedure amounted to 101 in 2011/12 and 110 in 2012/13.
- 5.15 **Corporate Complaints by Service Area**
- 5.16 Set out in Appendix 1 are charts providing a breakdown of the Stage 1 Corporate Complaints in each directorate by reference to service area.
- 5.17 Adults Health and Wellbeing
- 5.18 Corporate Complaints against Adults Health and Wellbeing relate to non-statutory processes and are very few in number. Only one such complaint was received in 2012/13.
- 5.19 Chief Executive's
- 5.20 The volume of complaints in the Chief Executive's directorate is low in all sections. There was a reduction in complaints received overall and no significant trends to report.
- 5.21 Children's Schools and Families
- 5.22 Corporate Complaints against Children's Schools and Families relate to non-statutory processes and are Children's Services complaints were low in number. There is a small increase in reported period of complaints for the early years' service.
- 5.23 Communities Localities and Culture (CLC)
- 5.24 CLC receives the greatest number of Corporate Complaints of all directorates, which is to be expected having regard to the range of services it provides to the community. The most recent Annual Residents Survey showed a general increase in public satisfaction with many services, and the importance attached to these issues.
- 5.25 There was a very small increase (3%) in the number of CLC complaints received in 2012/13 (1190), compared to 2011/12 (1151). However, after factoring in the increase in population in 2012/13 (256,000 compared with 237,900 in 2011/12), the actual level of complaints received decreased from 4.84 per 1,000 residents last year, to 4.65 per 1,000 residents this year.
- 5.26 The majority of CLC complaints (89%) are dealt with at Stage 1. Only 10% of Stage 1 complaints are escalated to Stage 2, and of these, only 2% are escalated to Stage 3. In addition, compared to 2011/12 there has been a reduction in the number and percentage of complaints that were upheld or partially upheld, 588 (49%), down from

642 (56%). This means that not only have the proportion of complaints per head of population decreased but the number of valid complaints has also dropped by 7%.

- 5.27 Resolution times for CLC complaints across all 3 Stages were good, with 94% closed on time at Stage 1, 92% at Stage 2 and 88% at Stage 3. Effective performance management at all levels, including monthly directorate performance figures, has resulted in the prioritisation of response times. Overall, the percentage of complaints closed in time went up in 2012/13, from 90% to 94%.
- 5.28 There was a 36% reduction of the number of Stage 1 recycling complaints (116 compared with 181 in 2011/12). Most notable was a 48% reduction in dry recycling complaints (126 down to 65). Complaints about missed collections decreased by 48%, from 71 down to 37. Complaints relating to non-delivery of recycling bags dropped by 74%, from 27 down to 7.
- 5.29 In 2012/13 there were an additional 102 Stage 1 domestic refuse complaints compared to 2011/12 – a total of 239. It should be noted that as of March 2013 there were 75,526 collections per week (almost 4 million collections per year), meaning that the complaints relate to only 0.00006% of all annual collections. The increase in complaints from 2011/12 can be explained by the fact that there were an additional 3,931 collections per week (over 200,000 across the year), and also the disruption to collections during the Olympic & Paralympic Games period due to the operation of the Olympic Route Network. It should be noted that the 2012/13 Annual Residents Survey showed that satisfaction with refuse collection has remained at a similar level to last year.
- 5.30 Although the percentage of Stage 1 bulk collection complaints increased by 34%, in real terms this was only an increase of 13 complaints (51, up from 38). These complaints were largely attributed to missed collections (35 cases). Again this variation is too small to be strategically significant.
- 5.31 In 2012/13, Stage 1 street care complaints rose from 35 to 93. Just over a third of all these complaints (33) were attributed to street cleansing relating issues. It should be noted that the total area covered by street sweepers across the year (including where the same areas are swept multiple times throughout a day) is 328,443km. Therefore the number of complaints in relation to the service volume is extremely low.
- 5.32 Stage 1 Parking Services complaints increased slightly in 2012/13, from 258 to 280 complaints over the previous year. This increase is consistent with population growth – in 2012/13 there were 1.09 complaints per 1,000 residents, compared to 1.08 per 1,000 residents in 2011/12. The biggest issues were related to the appeals process (44 complaints), service delivery quality (32 complaints), enforcement (21 complaints), and permit renewal (19 complaints).
- 5.33 Stage 1 complaints from Parks increased from 6 to 37. Although these are relatively small numbers, the main issues were related to maintenance and service delivery quality. These can be explained by the additional pressures on Victoria Park during the Olympic & Paralympic Games period.

- 5.34 Stage 1 complaints relating to Arts & Events decreased by 35% in 2012/13 (22, down from 34). There has also been a 48% reduction in the number of noise nuisance complaints by (33, down from 63 in 2011/12) in 2012/13). Taken together, these figures demonstrate the improvements made in managing impacts from major events – and they are particularly impressive given the additional events in the Borough during the Olympic & Paralympic Games period, such as London Live in Victoria Park.
- 5.35 Although there was a small increase in total number of Traffic, Transportation & Highways complaints (16%, from 52 to 62), the low volumes of complaints mean that this increase is not considered statistically significant.
- 5.36 Development and Renewal
- 5.37 Overall Development and Renewal experienced a 14% increase in the number of complaints received in 2012/13. The volume of Stage 1 complaints rose by 19%. The majority of these were Stage 1 complaints for Housing Options, who received 37 more complaints than in 2011/12. This increase has been attributed to the pending welfare reform changes e.g. the likely effect of the benefits cap and general housing register assessment queries.
- 5.38 Despite the increase in Stage 1 complaints this has not translated into an increase in the number of Stage 2 or Stage 3 complaints; nor to a percentage increase in the number of complaints being up upheld or partially upheld.
- 5.39 Resources
- 5.40 The effect of the current economic climate has impacted on the number of complaints received in 2012/2013, as more Council taxpayers struggle to find the money to pay their Council tax on time. A majority of these cases were resolved by giving taxpayers additional time to pay and the number of upheld or partially upheld cases fell by over 28% on the previous year. At the same time the number Stage 2 complaints was lower than the previous year and only 1 case resulted in a Stage 3 investigation which was upheld. It should be noted that while there has been an increase in complaints regarding council tax, the 2012/13 Annual Residents Survey saw a 5 percentage points increase in resident satisfaction with the way the council collects council tax.
- 5.41 In respect of Business Rates, a significant amount of work has been done with local businesses to help ensure all reliefs and reductions are claimed, and extended payment arrangements offered where possible. Stage 1 complaints fell to only 6 in the year with 1 cases being upheld or partially upheld. There were no Stage 2 or Stage 3 complaints.
- 5.42 Tower Hamlets Homes
- 5.43 The most significant increase has been in relation to Stage 3 complaints. 37 of these were in fact single stage parking enforcement appeals following the appeals procedure with the contractor. Following a review by LBTH Corporate Complaints the contractor was advised to modify the way in which they considered the evidence submitted in appeals and improve the quality of responses provided to limit unnecessary

escalations in the appeals procedure. This coincided with changes in legislation to parking enforcement on private land with the introduction of an independent organisation resolving disputes following the appeals procedure. If these parking enforcement complaints are removed from the figures there is a reduction in the number of complaints at Stage 3.

5.44 Stage 3 complaints

5.45 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 were, in essence, a final stage appeal against vehicle removal, but there is now a statutory appeal process and are no longer considered under the complaints procedure. Challenges to FOI and EIR requests are also considered at Stage 3.

5.46 As indicated earlier in the report, the numbers of Stage 3 complaints increase by 23 to a total of 155 in 2012/2013. There was a fall in the percentage completed in time, but an increase in the number completed on time, with the average response time rising slightly to 18 days per complaint.

Figure 11

Stage 3 Complaints Response Times						
Financial Year	Total Answered	Completed in Time		Answered outside timescale		Average response times (days)
2010/11	129	109	85%	20	15%	17
2011/12	132	114	86%	18	14%	17
2012/13	155	128	83%	27	17%	18

5.47 The rate at which complaints were upheld or partially upheld at Stage 3 was lower in 2012/2013 at 34% compared with 42% in 2011/2012.

5.48 Figures 11 and 12 provide information about the areas in which complaints were upheld and where the greatest increases and decreases are to be found. There are only two areas with noted rises, one being FOI Internal Reviews, and we have seen that this only amounts to 2% of the volume of requests received, and for THH Decent Homes programme. This programme is for a limited period and the variance due to the amount of work undertaken in the period.

5.49 A summary of the issues upheld and partially upheld follows commencing at 5.4.7.

Figure 12

Upheld and Partially Upheld Stage 3 Complaints by Issue

2012/13 2011/12

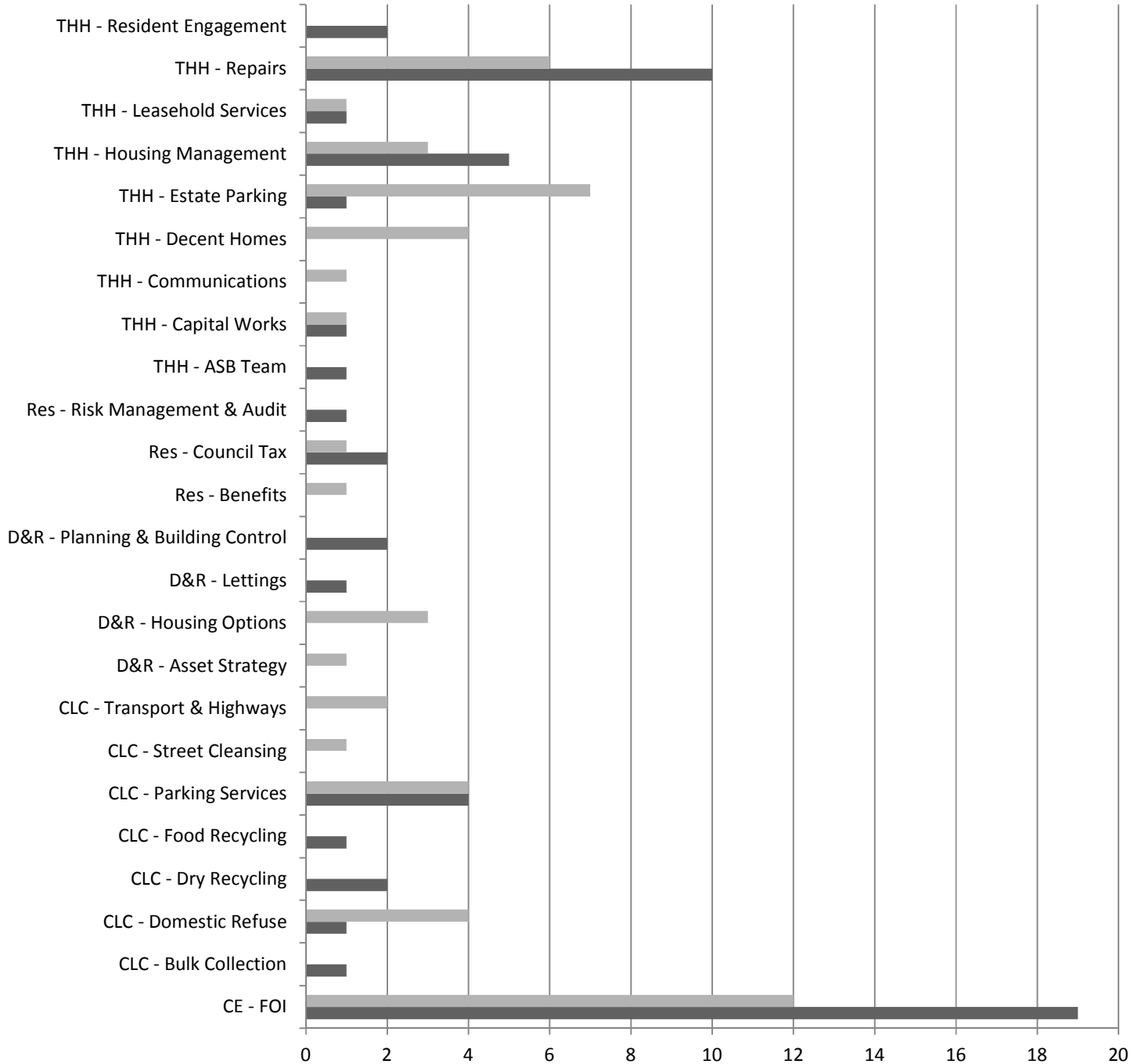
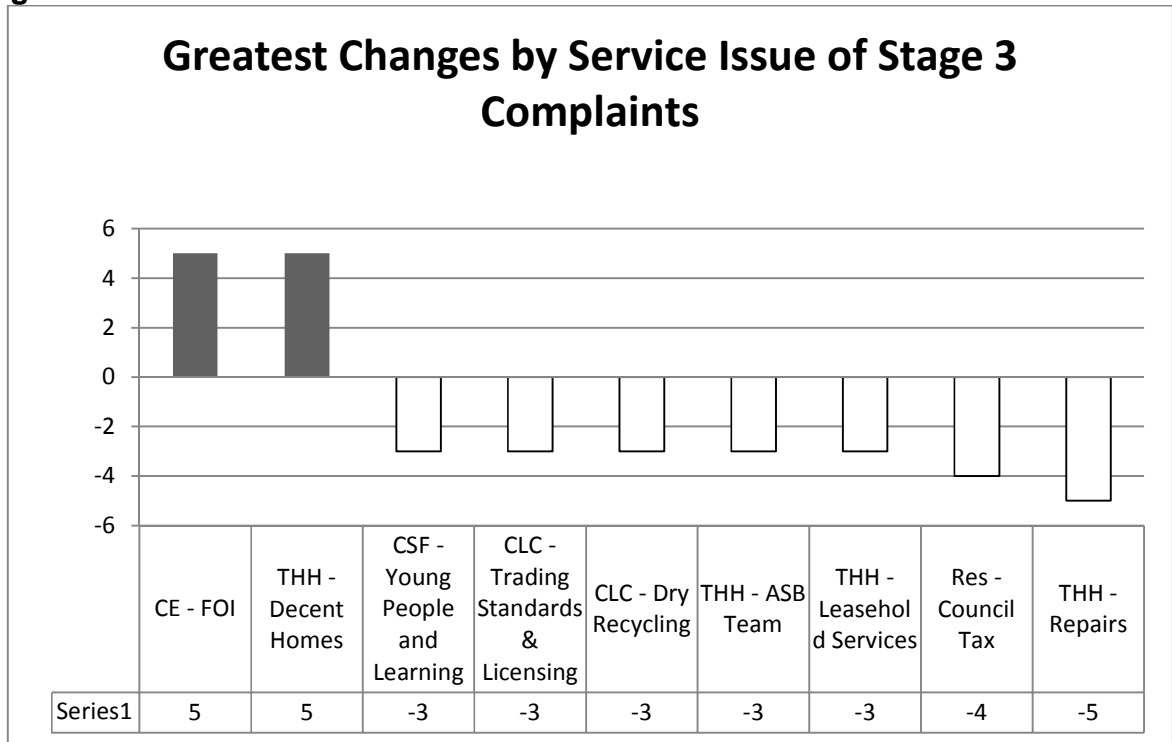


Figure 13



5.50 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 13 shows a summary of compensation payments made by the Council at Stage 3 during the past three years. This shows a continuing fall in compensation payments, both in the number of payments made and the total value of that compensation.

Figure 14

	Number of Stage 3 cases warranting compensation	Total value of Compensation
2012/13	8	£2,025
2011/12	7	£3,350
2010/11	15	£4,455

5.51 Summary of Key Issues in upheld Stage 3 complaints

5.52 Five complaints about the non-completion of Decent Homes works and the quality of the customer services received from the contractors were upheld. Recommendations were made about improving communications and carrying out final inspections.

5.53 Void works to a THH property were not completed and checks were not carried out on the availability of a gas supply for a cooker. Compensation was paid for the time the tenant did not have use of a cooker and a recommendation was made regarding checking void works in the future.

- 5.54 THH failed to deal with the issue of a shed being erected in a communal area causing an obstruction and possibly being a health and safety issue. Officers were reminded of the need to follow-up work.
- 5.55 The issue of damp within a knock-through property could have been handled better. An agreement was reached to carry out additional works as it was unsure when improvement works would be undertaken for the whole estate.
- 5.56 An unreasonable delay occurred in addressing an issue of water loss and the supply of hot water. Again recommendations were made concerning the importance of ensure prompt action and follow-up is needed.
- 5.57 A complaint concerning the delay in carrying out repairs to an estate road. Recommendations were made concerning the need to identify suitable contractors quicker for specialised work.
- 5.58 A One Stop Shop was closed on a Saturday and an insufficient and incorrect reason given on the web and the notices displayed.
- 5.59 Three complaints concerning repeated failed communal refuse collections were upheld. Recommendations were made regarding improving monitoring of repeated failed collections and finding solutions to access problems in some blocks.
- 5.60 Two complaints about car free developments were upheld due to poor communications and residents were given temporary extensions to keep their permits.
- 5.61 The contractor agreed to replace a refuse bin which they had accidentally damaged during a collection, however this failed to occur as promised. This was resolved by a street officer checking that the replacement had been delivered and offering a face to face apology.
- 5.62 Six Estate Parking Appeals were upheld on the grounds that the Contractor handling the appeals had either not considered all of the evidence correctly or properly taken into account mitigating factors. Advice was given to the contractor on how to handle appeals more fairly.
- 5.63 A PCN was cancelled by PATAS but Parking Services continued to chase payment. An apology was made and Parking Services were reminded of the need to be more vigilant in such cases.
- 5.64 One complaint regarding Council Tax recovery was upheld following the receipt on new information.
- 5.65 An error occurred during a subject access request on a housing application file and not all the information requested was supplied. Checks were made and the missing information provided. Officers were reminded to take more care in the future.

- 5.66 An error occurred in the length of time a homeless person was permitted to stay in bed and breakfast accommodation. Recommendations were made concerning this not reoccurring.
- 5.67 A vehicle was incorrectly removed as a parking suspension sign had been tampered with. Civil Enforcement officer did not check before removal. Compensation offered for what occurred and for the damage caused during the removal process. Officers were reminded of the need to follow procedures.
- 5.68 A complaint was upheld as promised action to address fly-tipping and street littering was not taking place as agreed. This was then remedied
- 5.69 A complaint was upheld regarding how a child had been dropped off from a school bus and handed over to the parents. On this occasion the child was not escorted to the front door and transport escorts are apologised and are fully aware of this requirement.
- 5.70 A benefits complaint was partially upheld as the wrong assessment had been made and the letters from the benefits section were considered to be a little heavy handed. The relevant staff were advised of more appropriate communication.
- 5.71 **Complaints service user profiles**
- 5.72 The complaints service can be accessed by email, in person, phone, post, and web-form. A breakdown of access methods is provided in Figure 15 below.

Figure 15

Breakdown of Stage 1 how complaints are received				
How Received	2011/12		2012/13	
Phone	650	32%	680	30%
In Person	8	0%	8	0%
Post	239	12%	165	7%
Fax	1	0%	1	0%
Email	924	46%	1204	53%
Web	195	10%	216	9%
Total Complaints	2017		2274	

- 5.73 Web and email usage increased again this year, from 56% in 2011/12 to 62% in 2012/13. The corresponding fall occurred in the use of post, from 12% to 7%.
- 5.74 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.

Figure 16 - % of data known for equalities strands

	2010/11	2011/12	2012/13
Age	43%	46%	29%
Disability	47%	48%	27%
Ethnicity	65%	66%	46%
Gender	100%	100%	100%
Religion	32%	32%	23%
Sexual Orientation	28%	28%	19%

5.75 The level of non-response presents challenges in terms of equality analysis. For example, Figure 17 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.” With “Given ethnicity data is only available for less than half of the 2,274 complainants, this dataset is not robust enough to allow any conclusions to be drawn from it.

Figure 17

Stage 1 Complaints by Ethnicity					
	2011/12		Borough Projection	2012/13	
Asian	393	40.3%	41%	476	45.7%
Black	75	7.7%	7%	71	6.8%
Mixed /Dual Heritage	11	1.1%	4%	15	1.4%
White	501	51.4%	45%	468	44.9%
Other	14	1.4%	2%	12	1.2%
Sub Total	975	100%	100%	1042	100%
Declined	130	-	-	118	-
Not Known	893	-	-	1114	-
Total Stage 1 Complaints	2017			2274	

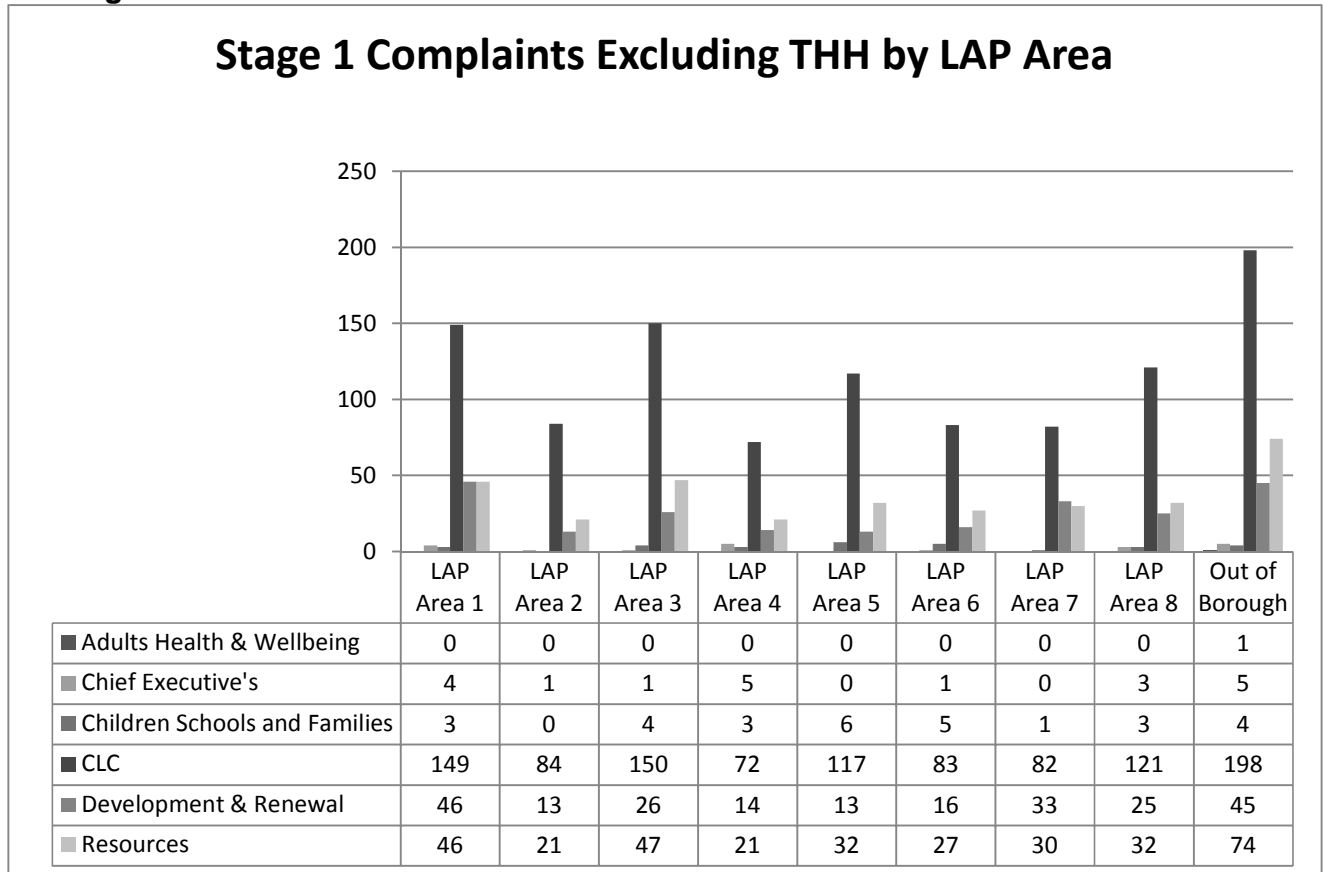
5.76 The one area in which there is complete data, is in relation to gender. The data are summarised in Figure 18 and show that men are somewhat over-represented compared to the expected population position. It is noticeable that the proportion of male complainants taking matters through to the final 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 18

Stage 1 Complaints by Gender					
	2011/12		Borough Projection	2012/13	
Female	879	43.6%	48%	1051	46.2%
Male	1138	56.4%	52%	1223	53.8%
Total Stage 1 Complaints	2017			2274	

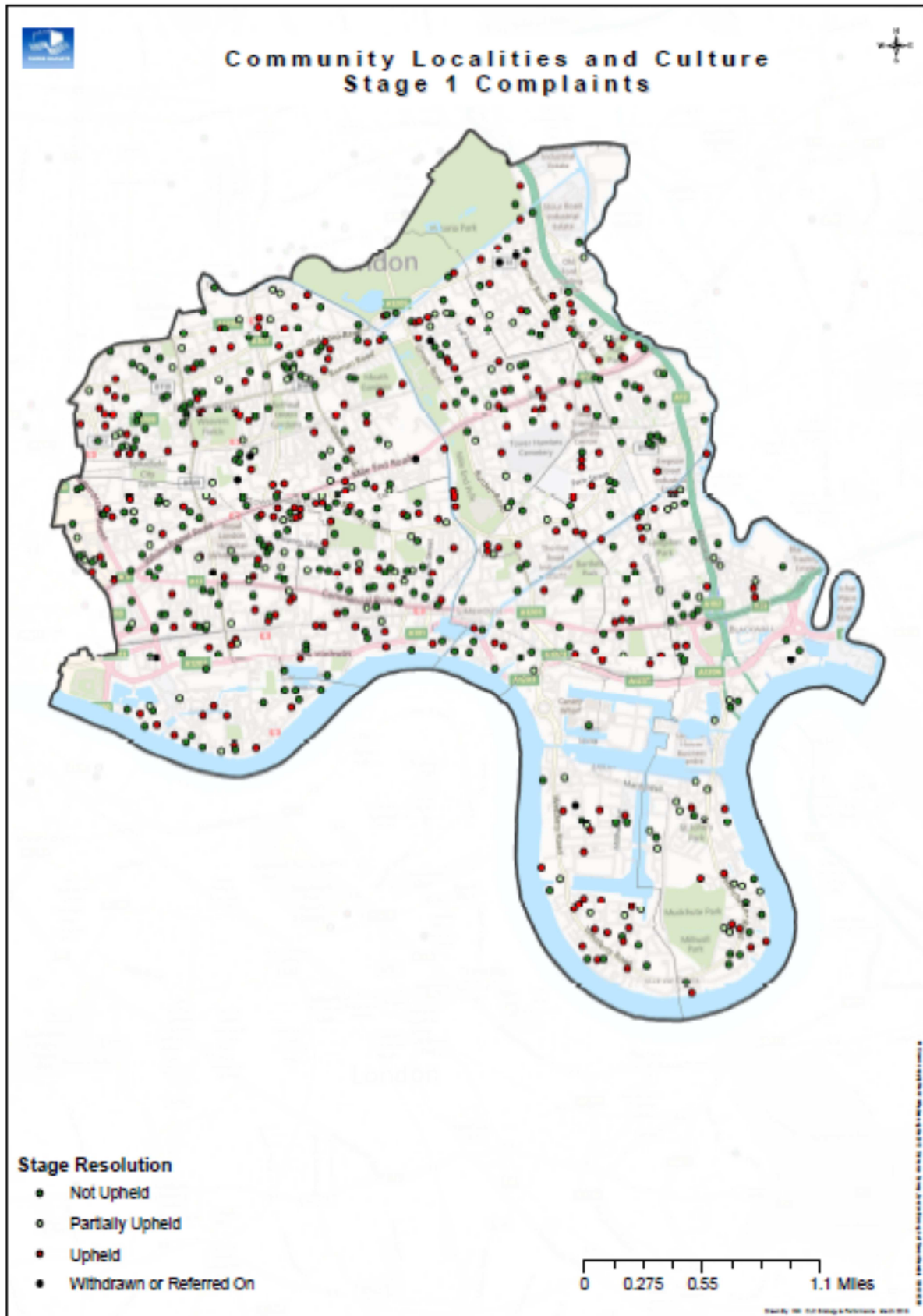
5.77 Figure 19 shows the volume of complaints by LAP for Stage 1, under each directorate. THH is excluded from this data as the volumes are determined by the location of the housing stock managed by them. The figures show there is not one particular LAP area that experiences significantly higher complaints than others.

Figure 19



5.78 It is possible to map the geographical spread of complaints along with other service data to pinpoint hotspots and service issues requiring attention. An example of this type of mapping is included in figure 20 below. Examination of similar maps for each directorate show a similar broad, even spread of complaints. There is no identifiable skew in the distribution of complaints, although service specific reports over shorter time periods may prove beneficial to the given service.

Figure 20



6. ADULTS SOCIAL CARE COMPLAINTS

6.1 Procedure, volumes and timeliness

6.2 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.

6.3 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.

6.4 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 21. 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 21

	Statutory Complaints 2012/13	Locally Resolved Concerns June 2012 – March 2013
Access to services	4	0
Challenge decision	22	5
Conduct/competence	14	8
Policy/procedure	1	2
Records/information held	0	0
Service delay/failure	18	23
Service quality	1	22
Other	0	3
Total	60	63

6.5 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.

6.6 Provider complaints for home care have been reported to the Transactional Commissioning team through quarterly monitoring returns since 2012/13. Provider complaints for residential and nursing care, day care and information and advice services have started to be reported to the Transactional Commissioning team with effect from 1st April 2013. Information is not available for 2012/13. Information on Supporting People services is not formally recorded, but it is checked by Monitoring Officers during visits². The table below provides a summary of provider complaints for home care over 2012/13:

Figure 22

	Home Care 2012/13
Challenge decision	0
Conduct/competence	6
Policy/procedure	0
Records/information held	0
Service delay/failure	15
Service quality	16
Other	5
Total	42

6.7 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.

6.8 Figure 23 below compares the year on year volumes and shows a fall in complaints in 2012/2013.

Figure 23

Volume of Adult Social Care Complaints				
Year	2011/12	2012/13	Variance	
	66	60	(6)	-9%
Total Complaints	66	60	-6	-9%

² This activity also takes place in Transactional Commissioning.

Figure 24

Adults Social Care Complaints by Division														
	2011/12		Variance		2012/13		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Commissioning Services	1	3	300%	4	7%	1	25%	0	0%	2	50%	1	25%	
Disability and Health	14	-	-79%	3	5%	1	33%	1	33%	1	33%	0	0%	
Elders	43	35	-81%	8	13%	2	25%	2	25%	2	25%	2	25%	
First Response	0	14	0%	14	23%	3	21%	5	36%	6	43%	0	0%	
Learning Disabilities	3	0	0%	3	5%	0	0%	3	100%	0	0%	0	0%	
Learning Disability	0	6	0%	6	10%	0	0%	4	67%	2	33%	0	0%	
Longer Term East	0	3	0%	3	5%	0	0%	1	33%	2	67%	0	0%	
Longer Term West	0	10	0%	10	17%	5	50%	1	10%	3	30%	1	10%	
OT Services	3	-2	-67%	1	2%	0	0%	1	100%	0	0%	0	0%	
Re-ablement	0	8	0%	8	13%	3	38%	3	38%	2	25%	0	0%	
Resources	2	-2	-100%	0	0%	0	0%	0	0%	0	0%	0	0%	
Totals	66	-6	-9%	60	100%	15	25%	21	35%	20	33%	4	7%	

6.9 The changes in service structure and reporting appear to be responsible for the variances seen in figure 24, in respect of the apparent variances (for example a fall in the numbers for ‘Elders’ and a rise in ‘Re-ablement’ and ‘Longer Term’.

6.10 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 25 indicates that 55 of the 60 complaints were completed within 20 working days, and at 92%, this is an improvement from last year’s performance of 79%.

Figure 25

Adults Social Care Complaints - By Performance																		
	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
2011/12	66	36	55%	16	24%	10	15%	2	3%	1	2%	0	0%	0	0%	1	2%	14
2012/13	60	43	72%	12	20%	2	3%	1	2%	0	0%	0	0%	1	2%	1	2%	11

6.11 Figure 25 also demonstrates that the average number of working days to complete was reduced to 11 from 14.

6.12 Services were reorganised during the period reported into the following areas: First response; Re-ablement; and Long Term Response. Some issues of changes and transition are reflected in the increase in complaints received in the second quarter.

Complaints are reported for the year under the user group structure in place at the beginning of the reporting period. The categories set by service user group reflect the old structure and will be updated for 2012/13 to reflect the structure implemented in August 2012. The rate by which complaints are upheld is highest amongst Disability and Health and Elders, and this is the group whose services were most affected by the restructuring.

6.13 Reason For Complaints

6.14 Figure 26 provides a summary of the reasons for which people complained.

Figure 26

Adults Social Care Complaints by Reason														
	2011/12		Variance		2012/13		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Access to Service	5	-1	-20%	4	7%	1	25%	2	50%	1	25%	0	0%	
Challenge Assessment Decision	30	-8	-27%	22	37%	10	45%	7	32%	3	14%	2	9%	
Conduct / Competence	8	6	75%	14	23%	1	7%	4	29%	7	50%	2	14%	
Policy / Procedure	1	0	0%	1	2%	0	0%	0	0%	1	100%	0	0%	
Records / Info Held	2	-2	-100%	0	0%	0	0%	0	0%	0	0%	0	0%	
Service Delay / Failure	18	0	0%	18	30%	3	17%	7	39%	8	44%	0	0%	
Service Quality	2	-1	-50%	1	2%	0	0%	1	100%	0	0%	0	0%	
Totals	66	-6	-9%	60	100%	15	25%	21	35%	20	33%	4	7%	

6.15 The number of complaints challenging assessment decisions fell in 2012/13 from the previous year. Complaints concerning delay or service failure remains at the same level. The only rise is in respect of staff conduct and you will see that some of these complaints were upheld. Case summaries of complaints upheld are contained in section 5.4.

6.16 Access and Profiles

6.17 The number of people making adult social care complaints by email has increased significantly in volume and as a proportion of the overall contact methods. The proportion of complaints received by post and telephone fell slightly. This continues the trend noted last year and this development mirrors what is occurring in Corporate Complaints although social care complaints had historically been received predominantly by telephone or post. Figure 27 shows the breakdown.

Figure 27

Breakdown of how Adults Social Care Complaints are received				
How Received	2011/12		2012/13	
	Email	19	29%	33
In Person	3	5%	1	2%
Phone	23	35%	12	20%
Post	21	32%	14	23%
Total Complaints	66	100%	60	100%

6.18 Figure 28 below provides a breakdown of adult social care complaints by reference to ethnicity. It indicates that there was an increase in complaints from Asian service users in absolute and percentage terms. Overall, however, the number and proportion of complaints received was not at variance with the proportion of Asian service users. At the same time there were no issues of discrimination reported.

Figure 28

Adults Social Care Complaints - By Ethnicity					
	2011/12		Borough Projection	2012/13	
	Asian	15		23%	41%
Black	8	12%	7%	3	5%
Declined	0	0%		1	2%
Mixed /Dual Heritage	0	0%	4%	1	2%
Not Known	7	11%		5	8%
White	36	55%	45%	28	47%
Totals	66			60	

6.19 Summary of key issues in upheld cases

6.20 Three complaints about external care providers were upheld and apologies were given for poor care given. The external carers are to be monitored more closely, noting the individual circumstances of each case.

6.21 There were 18 complaints concerning delays in assessments or delays in setting up the care services provisions. As a consequence, timescales are to be monitored and information is to be given to service applicants about the progress of their applications as appropriate.

6.22 Eight complaints were made about delays in reviewing care provision. Apologies were given and the scheduling of reviews is to be monitored.

- 6.23 Six complaints were made about withdrawal of service and each matter was investigated and services restored as appropriate.
- 6.24 14 complaints were made about communication problems and allegations of poor behaviour by social work or care staff. These were responded to as individually appropriate.

7. CHILDREN'S SOCIAL CARE COMPLAINTS

7.1 Procedures

7.2 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.

7.3 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.

7.4 Complaint volumes

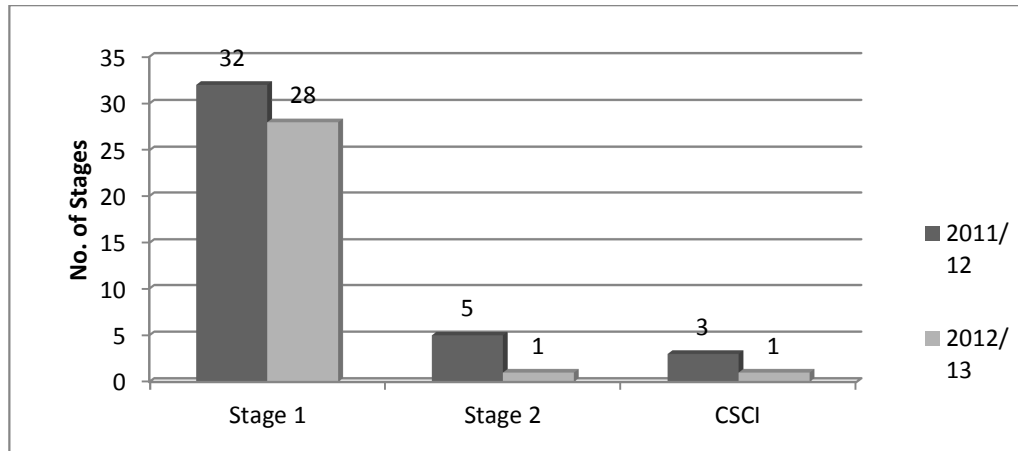
7.5 The number of children's social care complaints fell in 2012/2013 as shown in Figure 29 compared to 2011/2012.

Figure 29

Volume of Children's Social Care Complaints				
Year	2011/12	2012/13	Variance	
Stage 1	32	28	-4	-13%
Stage 2	5	1	-4	-80%
Review Panel	3	1	-2	-67%
Total Complaints	40	30	-10	-25%

7.6 The number of complaints completed at each stage in 2011/2012 is shown in Figure 30 and the number of Stage 2 and Review Panel is only one at each stage.

Figure 30



7.7 Complaint Response Times

7.8 Figure 31 sets out the response times for Stage 1 complaints. It shows that 57% of Stage 1 complaints in Children’s Social Care were answered within the 10 working day time scale, and 82% completed in the extended times scale. This is disappointing compared to last year and efforts are being made to address this. Five complaints were answered outside of the timescales and the average response time was 8 working days.

Figure 31

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)
2011/12	32	21	66%	30	94%	2	6%	6
2012/13	28	16	57%	23	82%	5	18%	8

7.9 There was only one Stage 2 complaint this period and this was responded in 34 working days.

Figure 32

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)
2011/12	5	1	17%	3	50%	2	33%	47
2012/13	1	0	0%	1	100%	0	0%	34

7.10 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.

7.11 Complaints by Service

7.12 The areas on which complaints have been recorded at each stage are set out in figures 33 to 35 below.

Figure 33

Stage 1 Children’s Social Care Complaints by Section													
	2011/12	Variance		2012/13		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Child Looked After & Leaving Care	12	-5	-42%	7	25%	3	43%	1	14%	3	43%	0	0%
Child Protection and Reviewing	2	0	0%	2	7%	2	100%	0	0%	0	0%	0	0%
Children’s Resources	2	0	0%	2	7%	1	50%	0	0%	0	0%	1	50%
Fieldwork Services	12	2	17%	14	50%	13	93%	0	0%	1	7%	0	0%
Int. Services Children Disability	4	-1	-25%	3	11%	0	0%	2	67%	1	33%	0	0%

7.13 Fieldwork services have received 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 34 – Internal review for fieldwork services

Internal Review - Children’s Social Care Complaints by Reason							
	2011/12	Variance		2012/13			
Challenge Assessment Decision	0	1	0%	1	100%	1	100%
Conduct / Competence	3	-3	-100%	0	0%	0	0%
Total Internal Review Complaints	3	-2	-67%	1	100%	1	100%

7.14 Section 7.18 contains a summary of the key issues upheld.

7.15 Figure 35 sets out general reasons underlying children’s social care complaints. It shows 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.

7.16 Service User Profiles

7.17 Figure 33 shows the volumes of complaints for each ethnic group. The volumes are low and there have been no indications that the complaints have been made following

an experience of discrimination. This compares favourably against the diversity in borough population.

Figure 35

Stage 1 Children's Social Care Complaints - By Ethnicity					
	2011/12		Borough Projection	2012/13	
	Asian	6		19%	41%
Black	2	6%	7%	5	18%
Mixed /Dual Heritage	1	3%	4%	2	7%
White	13	41%	45%	5	18%
Not Known	9	28%		5	18%
Declined	1	3%		0	0%
Total Stage 1 Complaints	32			28	

7.18 Summary of key issues in upheld complaints

7.19 Three complaints received about financial matters which were responded to by paying the young people involved the appropriate amount to compensate them for the financial support lost out on by them.

7.20 Three complaints received about the social worker's communication and relationship with the young person. The allocated social worker was changed where this was requested.

7.21 Two complaints were received about poor communication from the social worker. Apology given as appropriate and matters clarified to the complainant.

7.22 Review Panel Complaints

7.23 The single Review Panel convened in the period addressed a father's concerns that the family did not meet the threshold for social care involvement, and this was not upheld.

8. LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINTS

8.1 The Local Government Ombudsman

8.2 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.

8.3 Set out below are details of the complaints closed by the Ombudsman in 2012/2013, the findings and the Council's response times to new enquiries.

8.4 Complaints Closed by the Ombudsman

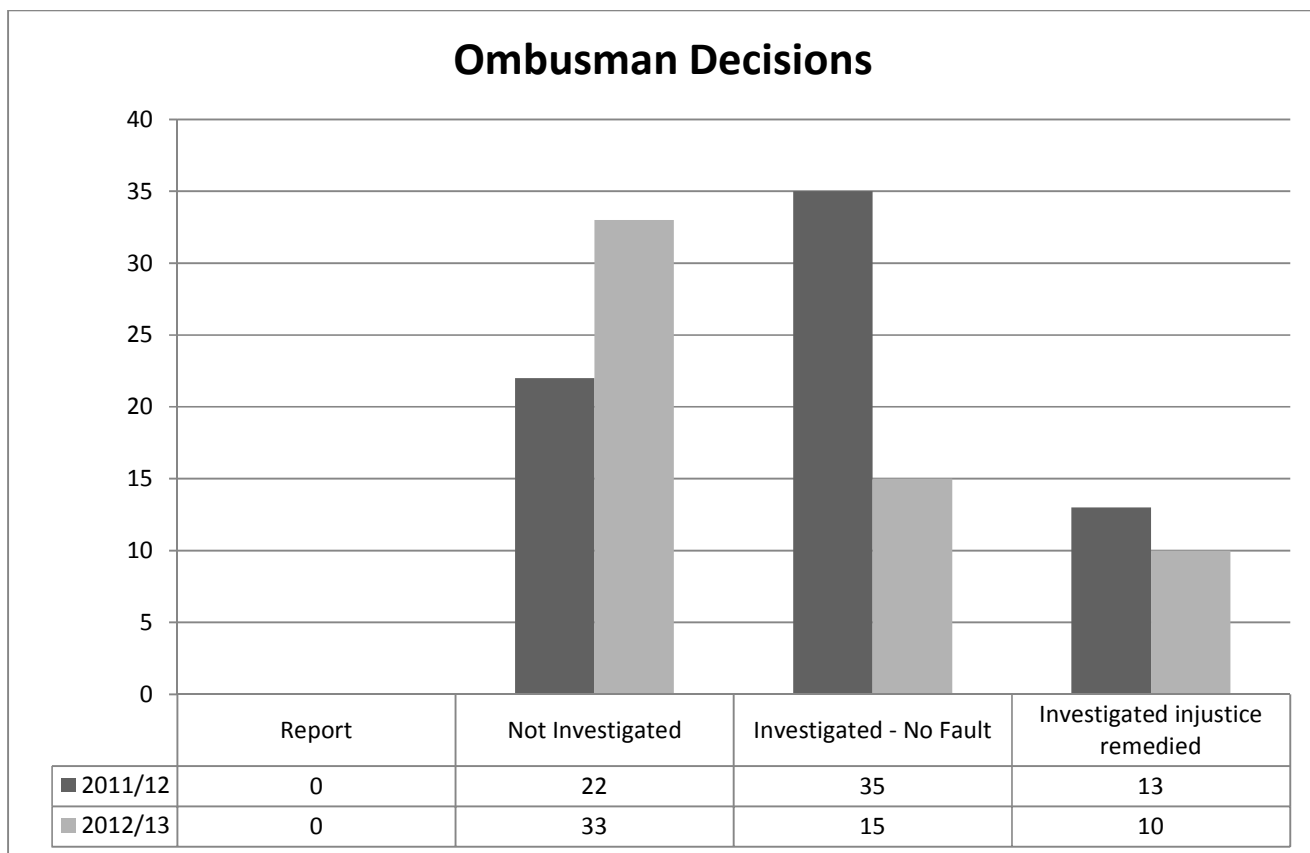
8.5 The Ombudsman introduced new categories for clarifying complaints during 2011/2012. The first three classifications indicate matters that were not investigated. For example, these cases may be determined by considering the information provided by the complainant, or by the Council providing the earlier complaints documentation. The second group records outcomes of complaints investigated by the Ombudsman, and the final category is matters concluding in a formal report. The penultimate classification, Injustice remedied during enquiries is the equivalent of the previous category, Local Settlement.

Figure 36

Complaints Determined By Ombudsman 2012 /13			
Investigation Type	Decision Category	Number of Decisions	
		2011/12	2012/13
Not Investigated	No power to investigate	4	6
	No reason to use exceptional powers to investigate	8	27
	Investigation not justified & Other	10	0
Investigated	Not enough evidence of fault	14	0
	No or minor injustice & Other	21	15
	Injustice remedied during enquiries	13	10
Report	Report	0	0
Total		70	59

8.6 Figure 36 records the decisions made by the LGO and shows there were no findings of maladministration made against the Council.

Figure 37



8.7 Due to the variance in recording categories, Figure 38 focuses on the overall volumes received in the past 3 years and the numbers settled. Whilst the Ombudsman has yet to release comparative figures across all authorities for 2012/13, the proportion settled by Tower Hamlets is some way lower than the national average in past years, which falls at around 23 to 25%.

Figure 38

	Number of Cases Closed	Number where settlement is achieved	Proportion settled
2009/10	99	19 (+ 1 report)	20%
2010/11	63	12	19%
2011/12	70	13	18.5%
2012/13	58	10	17%

8.8 Figures 39 and 40 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. Tower Hamlets Homes have seen a strong improvement in the number of complaints settled.

Figure 39

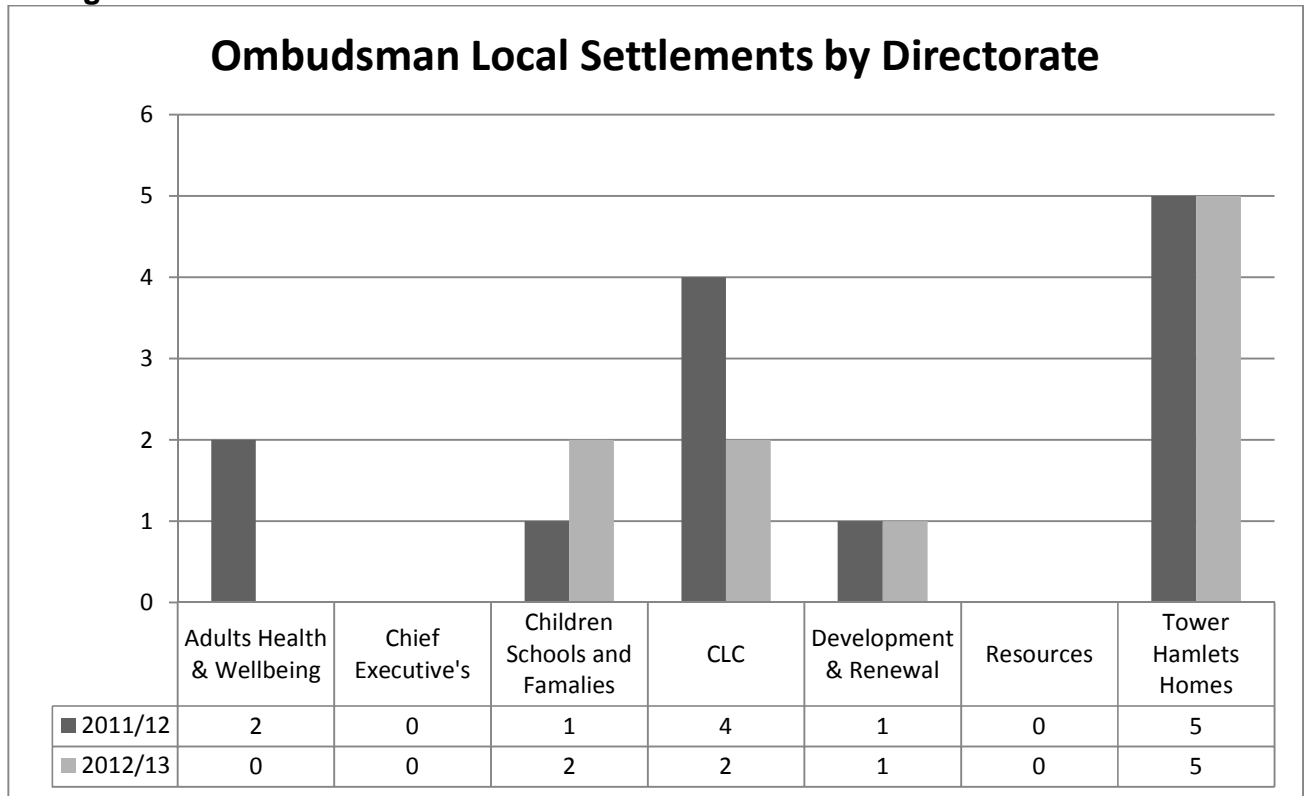
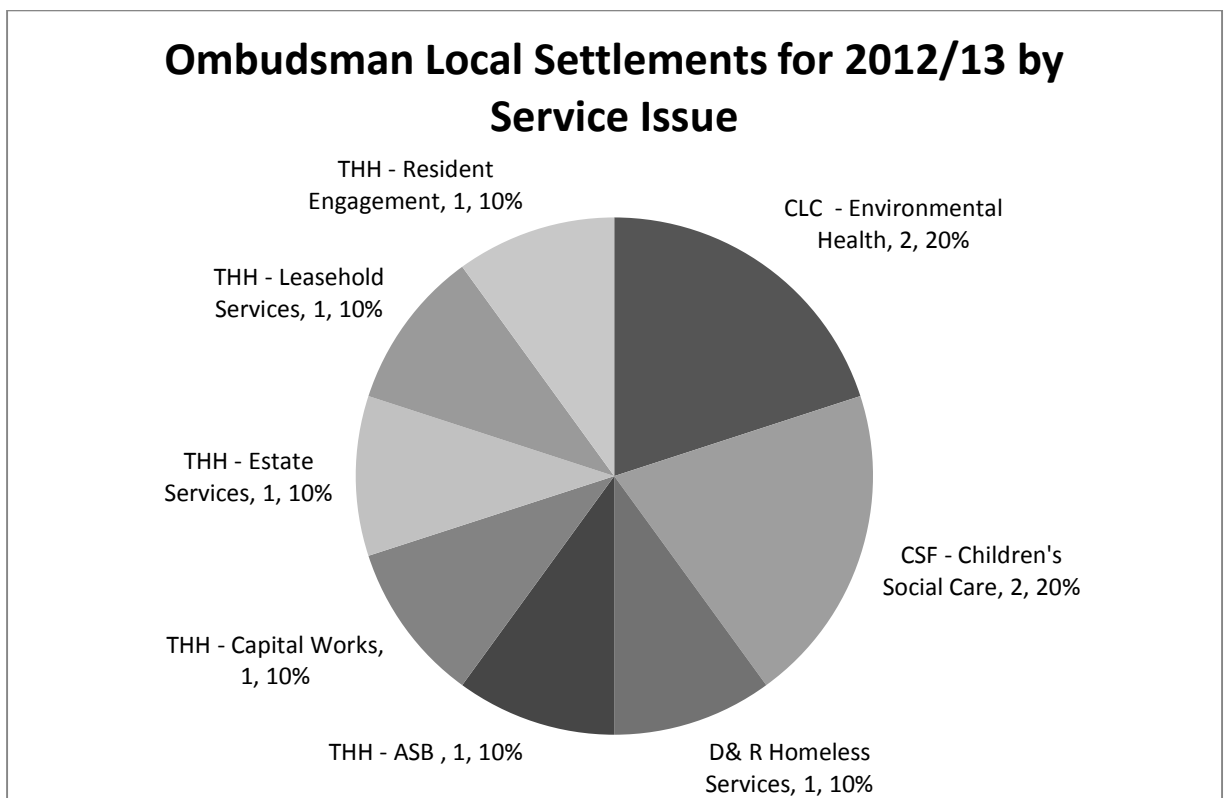


Figure 40



8.9 Summary of Local Settlements

- 8.10 One Children's Social Care complaint, where there was a delay in advising a complainant that he could not make a complaint as the matter was subject to a court decision resulted in an apology for the poor communication and £100 was given as a local settlement.
- 8.11 For one complaint where there was a delay in repairing the heating in a THH property, £300 was given as recompense and an action plan was agreed to resolve the problem.
- 8.12 In response to a Children's Social Care complaint, where the social worker did not deal with the Child Protection case properly, and the wider family were not contacted with a view to supporting the child,. £250.00 compensation was awarded.
- 8.13 Under the Decent Homes Work Programme, THH decoration work was not carried out properly. £75.00 was given in compensation.
- 8.14 During Decent Homes Work involving the refurbishment of a kitchen, THH agreed to carry out some disputed work and a local settlement of £100 given.
- 8.15 When it was established that Noise nuisance from THH tenant was not dealt with promptly, compensation of £250 was given.
- 8.16 Following a delay in assessing a Homeless Person, the applicant was provided with appropriate accommodation. £250 was also awarded.
- 8.17 Apology was given and local settlement of £150.00 following the lack of proper communication about THH major works.

8.18 Response times

- 8.19 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. The increase in average days is due to two particular cases requiring input from several services. Without these two cases the average days to respond would be 17.6 days. Figure 41 provides details of the Council's response times in the past four years.

Figure 41

Response Times		
	No of First Enquiries	Average no of days to respond
2009/10	56	19.6
2010/11	38	19.1
2011/12	35	18.5
2012/13	22	22.6

- 8.20 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. Figure 42 provides a breakdown of response times by directorate.

Figure 42

	Number	Days to respond	% in time, Internal target	% in time, Ombudsman target
Adults Health and Wellbeing	2	33	0%	50%
Children Schools & Families	1	21	100%	100%
CLC	2	14.5	100%	100%
Development & Renewal	5	13	80%	100%
Resources	1	26	0%	100%
THH	11	24	56%	91%
TOTAL	22	23	55%	91%

8.21 The Local Government Ombudsman's Annual Review is appended, but does not provide the detailed performance information of previous years..

9. RISK

- 9.1 Risks in relation to both information governance and complaints handling are managed in accordance with the Council's corporate risk management framework.
- 9.2 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. These eventualities could result in financial and reputational costs to the Council. The probability of something significant occurring is considered to be low and the impact medium. These risks are owned by the relevant corporate director for each service area.
- 9.3 By way of mitigation, 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 the Complaints and Information Team, Insurance and Legal Services serve to support decision-making within Directorates on complaint issues. The Council has policies in place on Complaint Handling, Compensation and Redress, and Dealing with Persistent and Vexatious Complainants.
- 9.4 The most significant risk associated with information governance is that the Council might breach its obligations under the Data Protection Act 1998 so as to improperly disclose personal data. The Information Commissioner may impose monetary penalties of up to £500,000 for each such breach. Failure to otherwise meet FOI, EIR or DPA obligations to provide data can result in the Information Commissioner issuing a notice against the Council or a fine being imposed. This is considered to be medium when assessed under the Council's risk framework.
- 9.5 By way of mitigation, audits have been conducted and the Information Governance Framework sets out the Council's policies, procedures and toolkits for managing data effectively. The Complaints and Information Team is actively involved in promoting effective data handling. Training is in place for all staff and security incidents are recorded and monitored. Directorates are being encouraged to carry out their own risk assessments in relation to their records management and information security. And each directorate has completed a paper based asset risk assessment with the outcomes collated. Action to mitigate risk will be subject to on-going assessment.

10. IMPROVEMENT AND DEVELOPMENT INITIATIVES

10.1 External relationships

10.2 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.

10.3 As members of the Public Sector Complaints Network (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.

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

10.5 Monitoring Complaints

10.6 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.

10.7 A similar 'due and outstanding' process is being implemented for information requests, and monitoring data included in the quarterly, half yearly and annual reports.

10.8 Changes to Housing Complaints

10.9 The Localism Act move responsibility for housing complaints from the Local Government Ombudsman to the Housing Ombudsman, with effect from 1 April 2013.

10.10 It also introduced 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.

10.11 The team has worked closely with THH to establish processes by which these complaints can be handled and consideration is being given to reducing the number of stages prior to the designate person stage.

10.12 Training has been provided jointly by the corporate team and THH, to members regarding this new role. This training will be repeated.

10.13 Publicity

10.14 The team ensures that complaints 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.

10.15 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.

10.16 Web pages for all the team's activities are currently being reviewed and updated.

10.17 Effective Learning Outcomes from Complaints

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

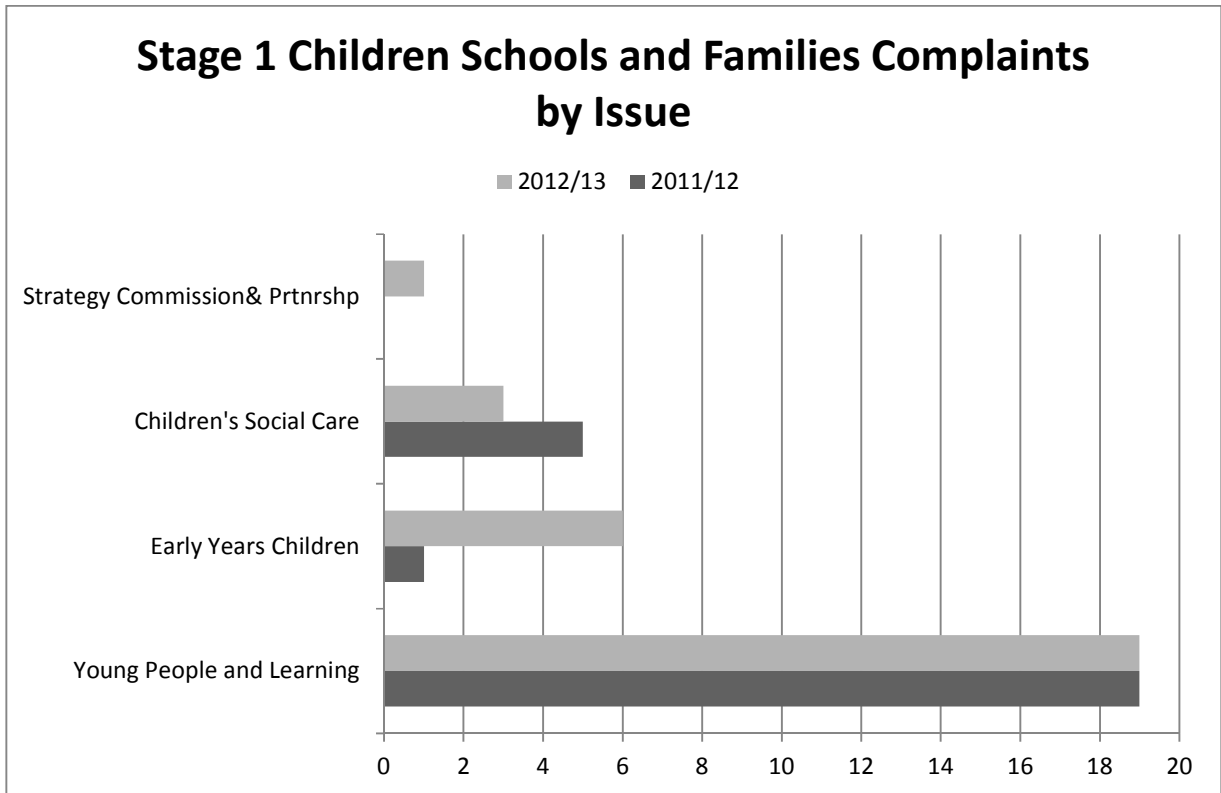
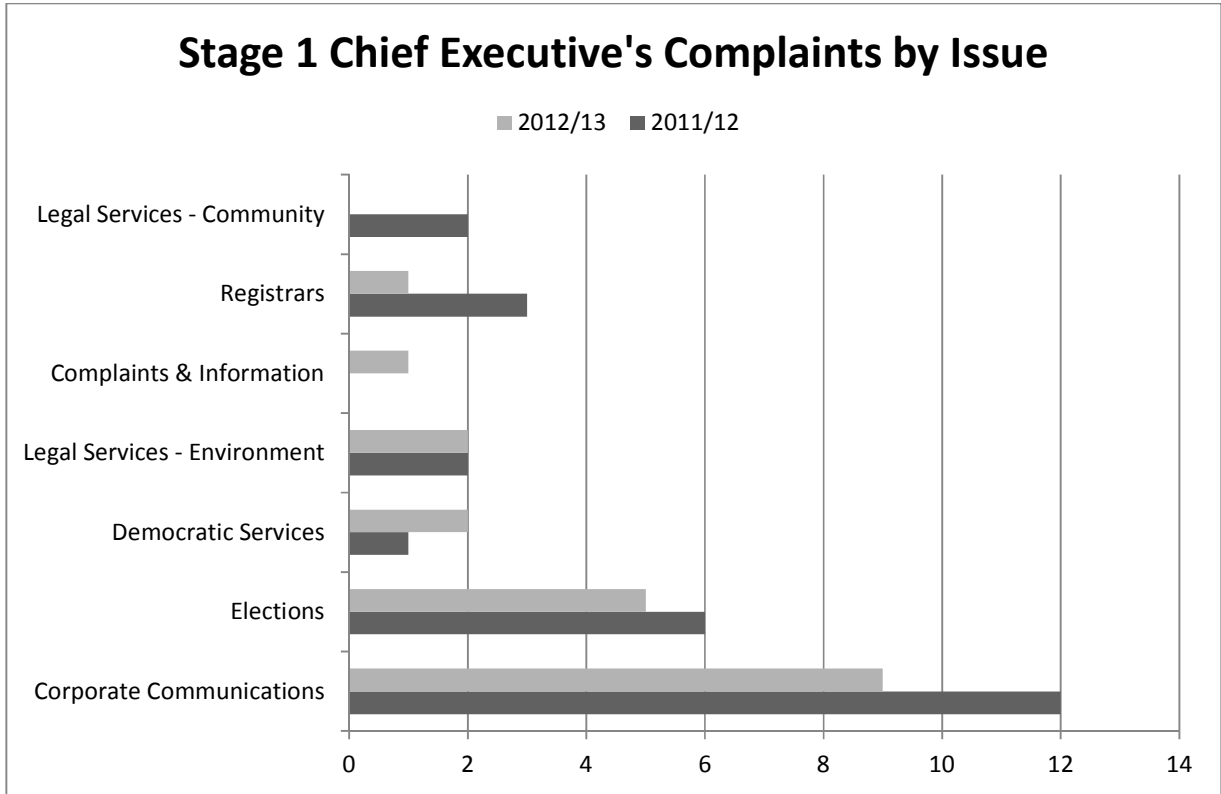
10.19 Where appropriate, lessons learnt from complaints are considered by the Corporate Management Team in quarterly monitoring reports.

10.20 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 complaints investigations are also fed back to staff in supervision to enable discussion about improvements, any additional training required and learning points.

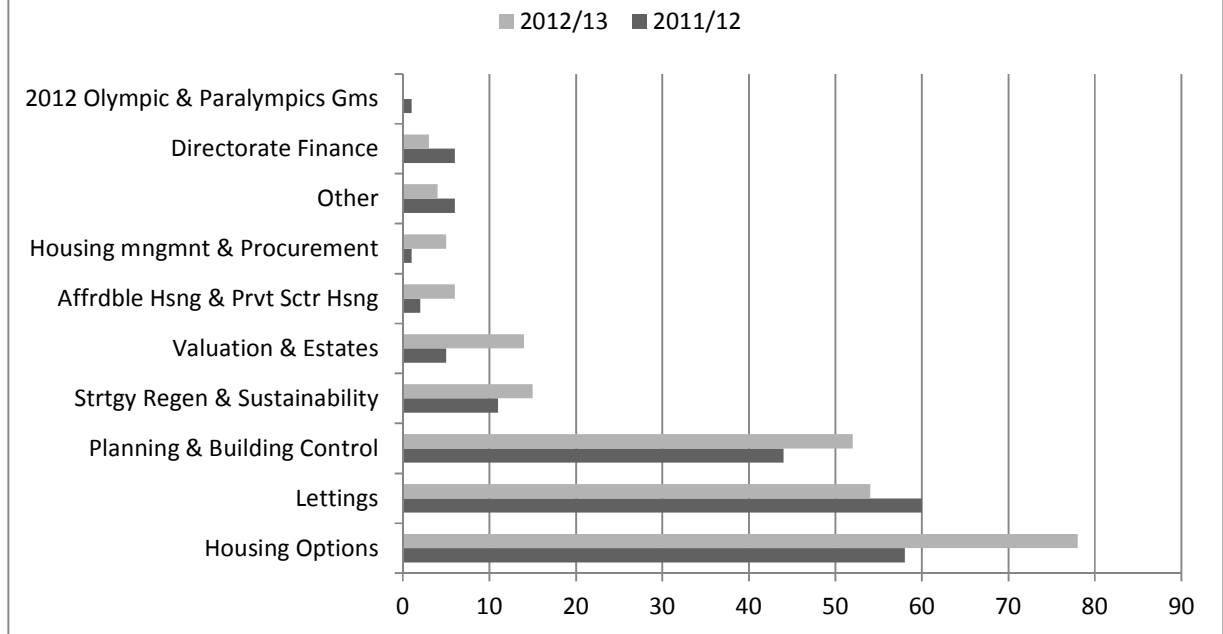
10.21 Equalities

10.22 Issues and concerns on equalities issues are explored on an individual case basis, in revising policy and in 2010/11 the service conducted further Equalities Impact Assessments and has a detailed plan to improve access. Any equalities issues raised as part of a complaint are also tracked to identify service issues and improvements.

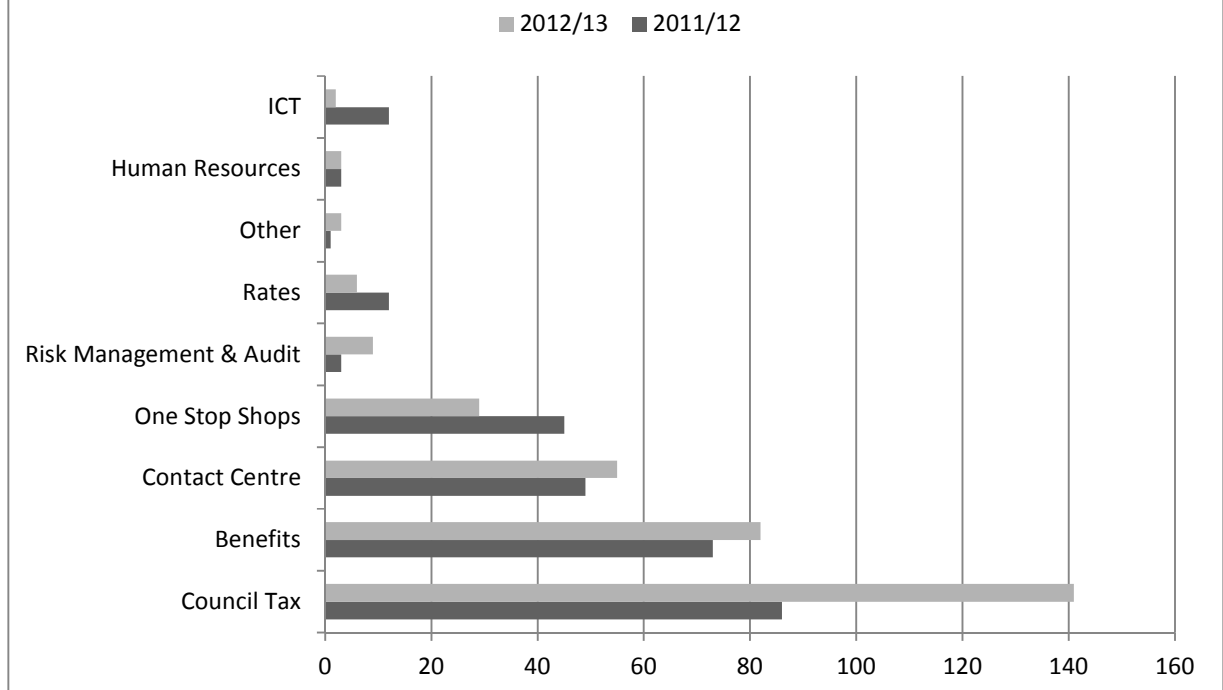
APPENDIX 1 – CORPORATE COMPLAINTS BY DIRECTORATE



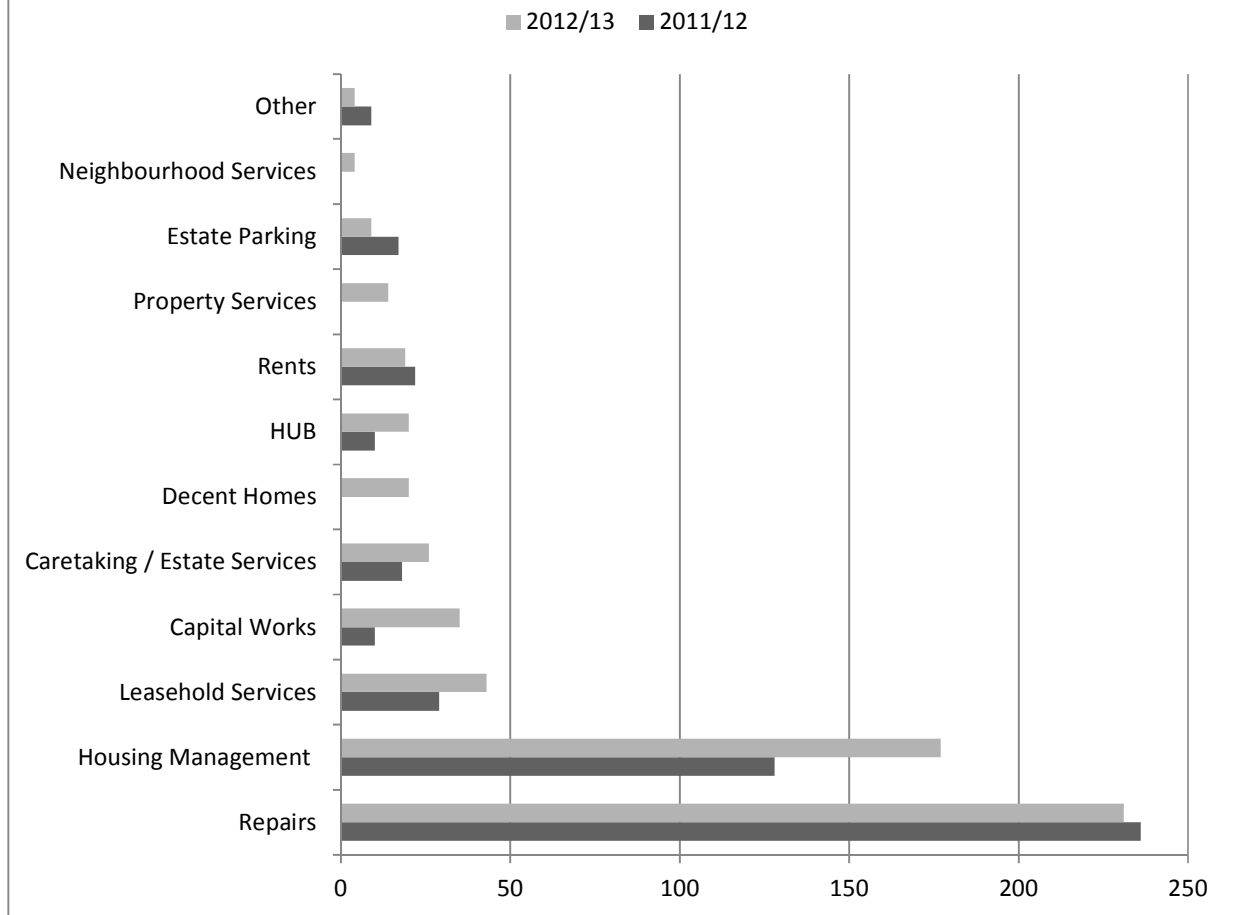
Stage 1 Development & Renewal Complaints by Issue



Stage 1 Resources Complaints by Issue



Stage 1 Tower Hamlets Homes Complaints by Issue



Stage 1 CLC Complaints by Issue

