

# **Complaints and Information Governance Annual Report**

## **2014-2015**

Version 1

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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 2014/15. It covers –

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

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

1.3. The highlights for 2014/2015 were that –

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

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

users. However, complaints should be resolved at the lowest possible point and the escalation of complaints can indicate difficulties in addressing matters at the service level. With these objectives in mind, the Council has adopted corporate performance standards, designed to ensure complaints are dealt with in a timely fashion. Performance is regularly reviewed by both the Corporate Management team and elected Members. The Complaints and Information Team identifies themes and works with the service areas to bring about effective change.

## **2. INFORMATION GOVERNANCE**

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

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

**2.7. ICO Audit**

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

**2.9. Information Asset Register**

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

**2.11. Transparency**

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

**2.13. Security incidents**

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

**2.15. Risk**

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

**2.17. Training**

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

### **3. INFORMATION REQUESTS**

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



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

Figure 1

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

Figure 2

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

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

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

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

### **3.10 Internal Review**

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

### **3.17 Complaints to the Information Commissioner**

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

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

### **3.24 Equalities**

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

## 4. SUBJECT ACCESS REQUESTS

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

Figure 3

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

Figure 4

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

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

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

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

#### 4.11 Resources

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

#### 4.14 Communities, Localities and Culture

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

## **5. CORPORATE COMPLAINT STATISTICS AND ANALYSIS**

### **5.1. The Corporate Complaints Procedure**

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

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

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

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

**5.5.** Most Social Care complaints come under statutory procedures and are detailed in sections 6 and 7 of this report. Schools complaints also fall under a separate procedure at Stages 1 and 2, with the final stage coming under the Corporate Complaints Procedure, at Stage 3.

### **5.6. Volume of complaints**

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

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

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

Figure 5

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

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

Figure 6

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

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



Figure 7

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

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

Figure 8

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

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

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

Figure 9

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

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

Figure 10

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

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

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

#### **5.17. Corporate Complaints by Service Area**

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

#### **5.19. Education, Social Care and Wellbeing (ESCW)**

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

#### **5.21. Law, Probity and Governance (LPG)**

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

#### **5.23. Communities Localities and Culture (CLC)**

#### **5.24. Volume of complaints**

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

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

#### **5.25 Upheld and partially upheld complaints**

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

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

## **5.26 Resolution times**

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

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

## **5.27 Complaints by service area**

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

### Streetcare (Fly-tipping, dumped waste)

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

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

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

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

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

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

### Street cleaning and pavements

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

### Parking service – Appeals process and Disabled Bay

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

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

### Idea Store & Idea Store Learning

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

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

#### **4.24 Development and Renewal (D&R)**

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

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

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

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

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

#### **4.29 Resources**

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

<b>Stage</b>	<b>14/15</b>	<b>13/14</b>
Stage 1	98%	99%

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

<b>Stage</b>	<b>14/15</b>	<b>13/14</b>
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Stage 2 – 100% 88%

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

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

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

#### **4.30 Tower Hamlets Homes (THH)**

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

#### **4.37 THH Complaints Service Improvement Action Plan**

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

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

#### **4.38 Future Focus**

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

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



### 4.39 Stage 3 complaints

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

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

Figure 11

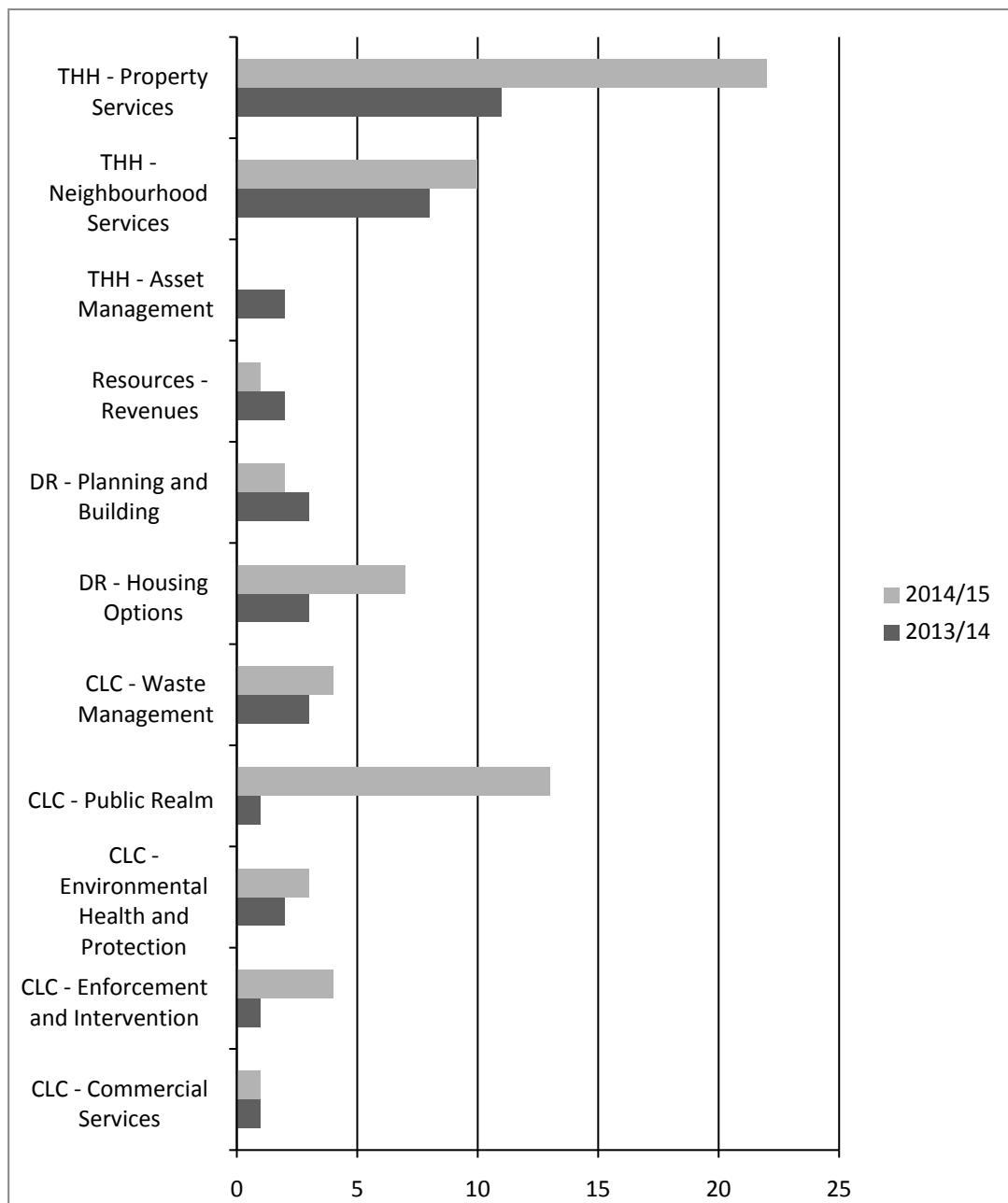
Stage 3 Complaints Response Times						
Financial Year	Total Answered	Completed in Time		Answered outside timescale		Average response times (days)
2012/13	155	128	83%	27	17%	18
2013/14	160	150	94%	10	6%	18
2014/15	230	193	84%	37	16%	19

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

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

Figure 12

### Upheld and Partially Upheld complaints at Stage 3



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

**Figure 13**

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

#### **4.45 Summary of Key Issues in upheld Stage 3 complaints**

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

##### Communities, Localities and Culture

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

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

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

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

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

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

## Development and Renewal

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

## Tower Hamlets Homes

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

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

Figure 14

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

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

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

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

**Figure 15**

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

**4.73** The one area in which there is complete data is in relation to gender. The data is summarised in Figure 16 and show that men are somewhat over-represented compared to the expected population position. It is noticeable that the proportion of male complainants taking matters through to the final stages of the Complaints Procedure is greater than for women. This is the case year after year. It may be difficult to identify the underlying causes for the identified disparity, but consideration can be given to this in the current year.

Figure 16

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

## 5 ADULTS SOCIAL CARE COMPLAINTS

### 5.1 Procedure, volumes and timeliness

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

- consider adult social care complaints once only;
- involve the complainant in agreeing the method and likely timeframe for the investigation;
- establish desired outcomes; and
- Provide a unified approach to joint investigations with partner bodies.

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

**5.4** Some matters will always be raised direct with the service and resolved without recourse to a formal complaint procedure. In order to capture important data from these interactions, we have produced a pro forma for services to hold their records. A summary of the Locally Resolved concerns is provided below in figure 17. These figures also include concerns made to commissioned providers that require investigation or action to be taken by a Council service. It appears that the locally resolved concerns may address different issues to those raise through the statutory process.

Figure 17

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



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

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

**5.6** The Statutory procedure allows one stage of investigation only, although the form this takes is agreed in the light of the issues raised. A variety of methods have been used, including round table meetings, formal interview and file reviews, and liaison between the Service Manager and the complainant. Key to resolving matters has been the emphasis on identifying a resolution plan with the complainant.

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

**Figure 18**

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

Figure 19

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

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

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

**Figure 20**

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

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

**5.10 Reason For Complaints**

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

**Figure 21**

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

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

### 5.13 Access and Profiles

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

Figure 22

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

### 5.15 Summary of key issues in upheld cases

- 5.16 Two complaints about OT Equipment Staff not carrying out tasks as requested. Apology given and on one occasion OT was changed.
- 5.17 Five complaints regarding the conduct and competence of staff, apology offered on all occasions
- 5.18 There were two complaints where there was poor communication from the social worker and an apology given.
- 5.19 One complaint challenging the reduction of personal care to elderly person which is alleged will put person in danger of falling when care not provided. Service user was offered a re-assessment.
- 5.20 There were three complaints where a poor service was given by a care agency and the situation is being monitored.
- 5.21 One complaint about claim for money owing for care home contribution to costs. Council offered to arrange repayment plan and reduce the debt by £200 as compensation.

## 6 CHILDREN'S SOCIAL CARE COMPLAINTS

### 6.1 Procedures

**6.2** There is a legal requirement under the Children Act 1989 for local authorities to have a system for receiving representations and complaints by, or on behalf of, people who use social care services and their carers.

**6.3** The Children's Complaints Procedure has three stages –

- **Stage 1 Complaints – Initial:** Team Managers are required to provide a written response to complaints within 10 working days. There is a possible extension to 20 working days to allow for a local resolution and where complaints are complex.
- **Stage 2 Complaints – Formal:** Investigations should be completed within 25 working days. However this can be extended to 65 working days in negotiation with the complainant due to the complexity of complaints. An Independent Person is appointed to oversee formal complaints at Stage 2 relating to children and young people. This is a legislative requirement under the Children Act 1989 and ensures that there is an impartial element. The report is passed to the Head of Service and an internal adjudication meeting is held before the report and outcomes are shared with the service user.
- **Stage 3 Complaints – Independent Review Panel:** An Independent Review Panel can review the case in the presence of the complainant and Service Head, and where appropriate make recommendations to the relevant Director.

### 6.4 Complaint volumes

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

Figure 23

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

## 6.6 Complaint Response Times

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

Figure 24

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

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

Figure 25

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

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

## 6.10 Complaints by Service

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

Figure 26

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

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

Figure 27

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

### **6.13 Summary of key issues in upheld complaints at Stage 3**

**6.14** There were 18 complaints upheld at Stage 3

**6.15** One complaint related to financial matters as birthday allowance and support allowance to carers have not been paid. Apology was given for the delay in resolving the issues and allowances were paid.

**6.16** One complaint challenging the change of social worker. The request was accepted to continue social worker support by present allocated worker.

**6.17** Three complaints related to the lack of support services for child

**6.18** One complaint regarding the conduct of LAC review meeting where young person was invited to attend. Some mistakes were made in the way meeting was conducted, an apology was given about the meeting.

**6.19** One complaint about a social worker report about SEN of child which mother says is incorrect. It was acknowledged that SEN statement needed to be amended. Amendments were made.

**6.20** One complaint about the lack of support by social worker for family on child protection register. There were some communication errors and mistakes made by social workers, apology was given.

**6.21** One complaint about the alleged lack of information about change and unsuitability of foster carers. It was found that information was not passed on promptly to child's mother about the change of foster carers. Contact details of the manager were given.

**6.22** Two complaints related to the conduct and lack of support from social workers. New social workers were allocated on both occasions.

**6.23** One complaint challenging a placement decision, placement was re-arranged as requested.

**6.24** One complaint related to the lack of adequate support from Leaving Care Services. Explained this was due to staff shortages and apologies given.



## 7 LOCAL GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN COMPLAINTS

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

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

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

Figure 28

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

### 7.4 Complaints Closed by the Ombudsman

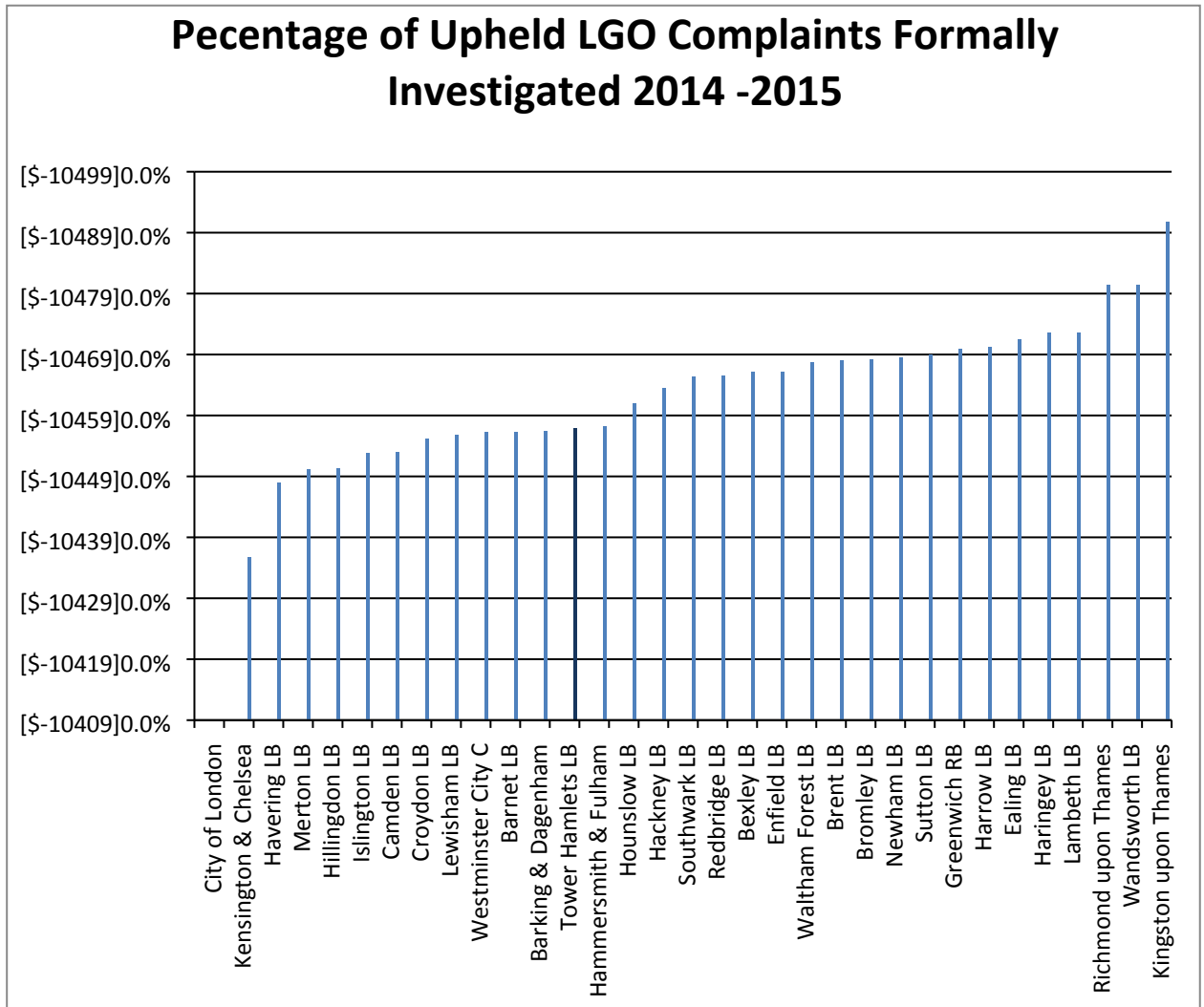
7.5 As can be seen in Figure 29, 122 complaints were determined. The LGO has changed the way complaints are recorded and focused on those where an investigation took place. These are then noted as upheld or not upheld. In eleven cases some element of the complaint was upheld. 57 cases were referred back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

Figure 29

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

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

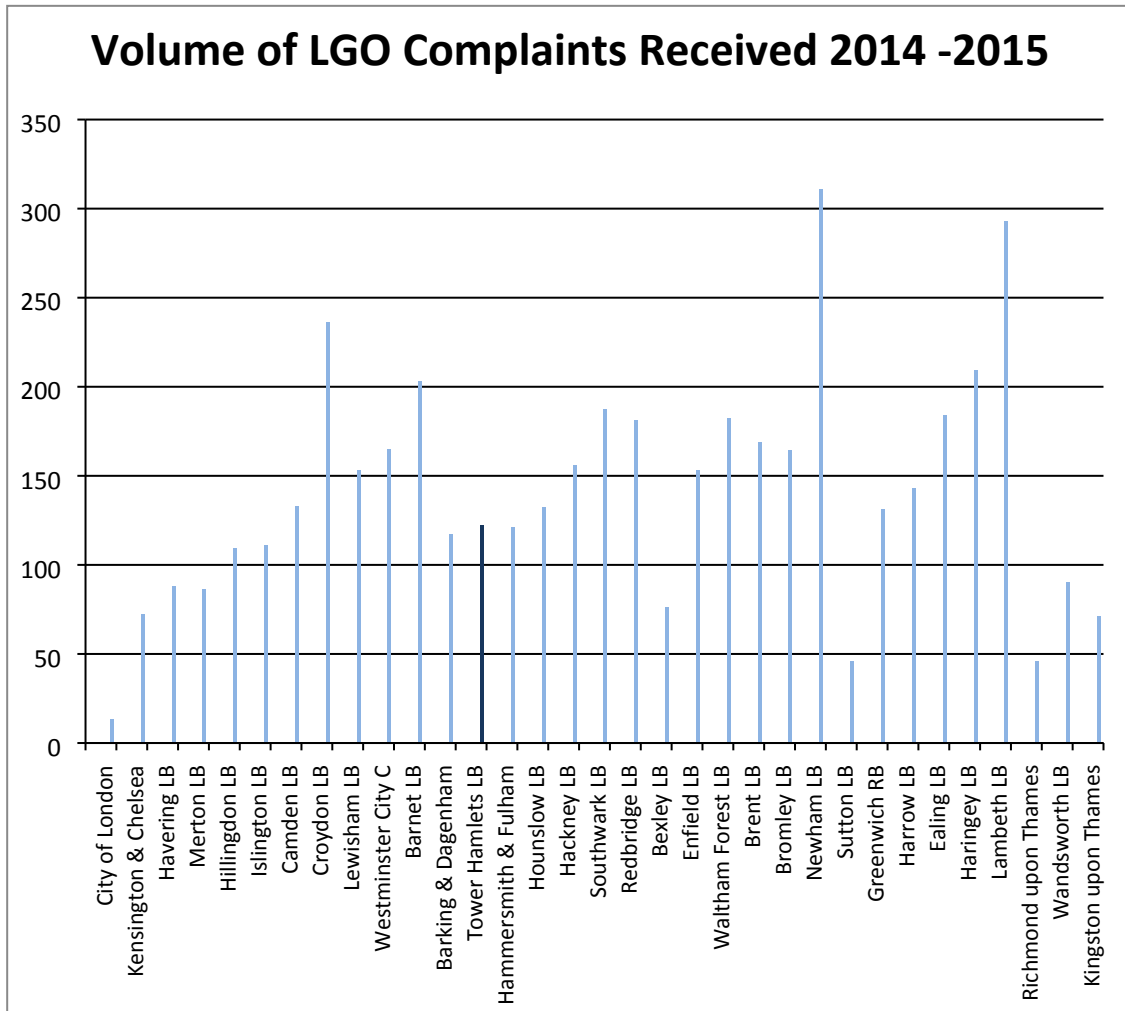
Figure 30



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

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

Figure 31



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

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

Figure 32

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

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

## 8 IMPROVEMENT AND DEVELOPMENT INITIATIVES

### 8.1 External relationships

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

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

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

### 8.5 Monitoring Complaints

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

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

### 8.8 Changes to Housing Complaints

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

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

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

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

### **8.13 Publicity**

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

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

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

### **8.17 Effective Learning Outcomes from Complaints**

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

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

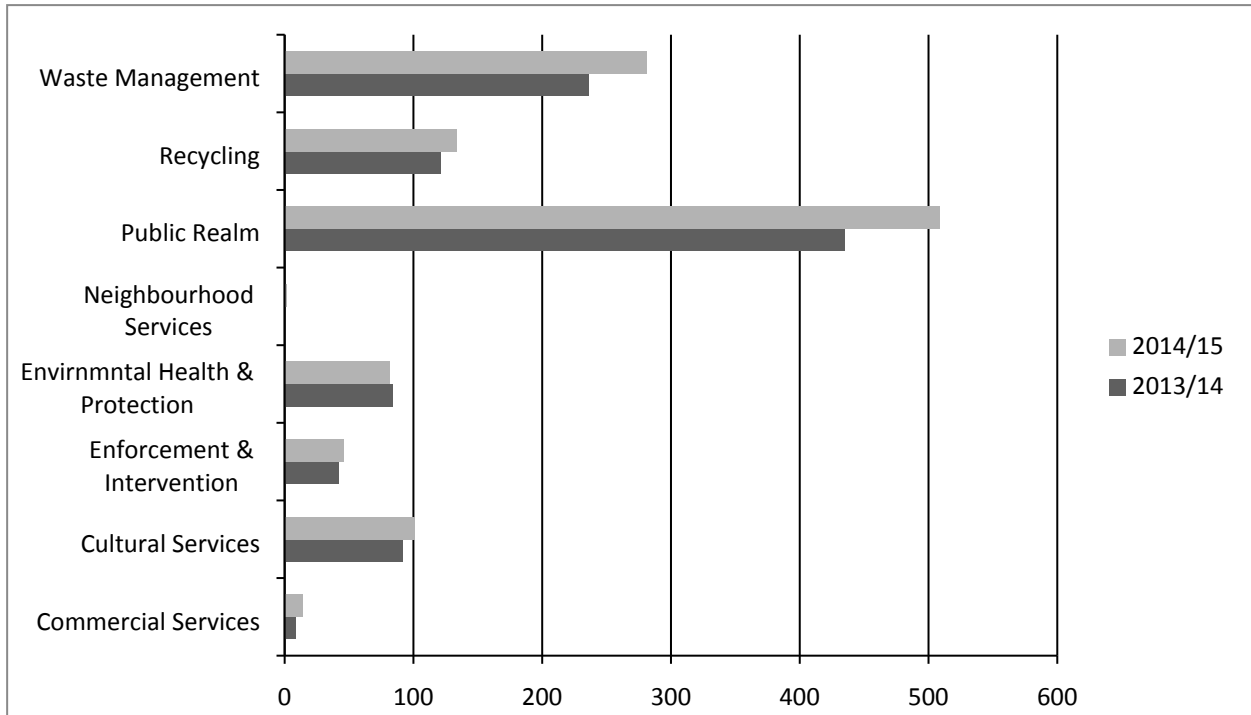
**8.20** The Complaints Team ensures that lessons learned from complaints are highlighted and fed back to improve service delivery. For example, complaints investigations have highlighted the need to review policy guidance, and the summaries of upheld cases are set out in this document. Lessons learned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

### **8.21 Equalities**

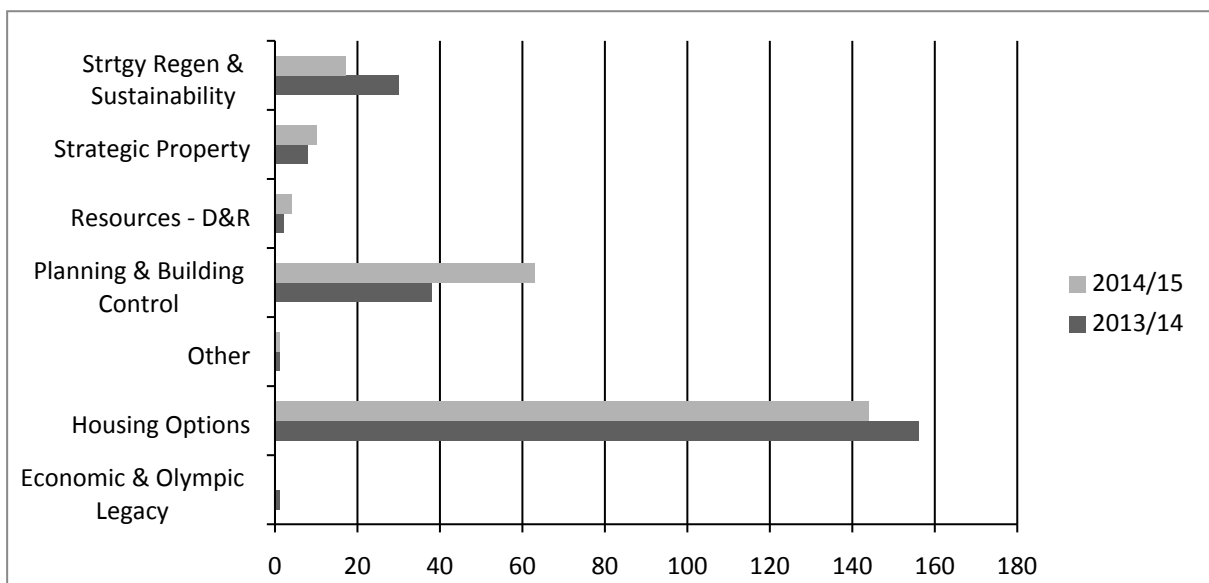
**8.22** Issues and concerns on equalities issues are explored on an individual case basis. Any equality issues raised as part of a complaint are also tracked to identify service issues and improvements.

## APPENDIX A – CORPORATE COMPLAINTS BY DIRECTORATE

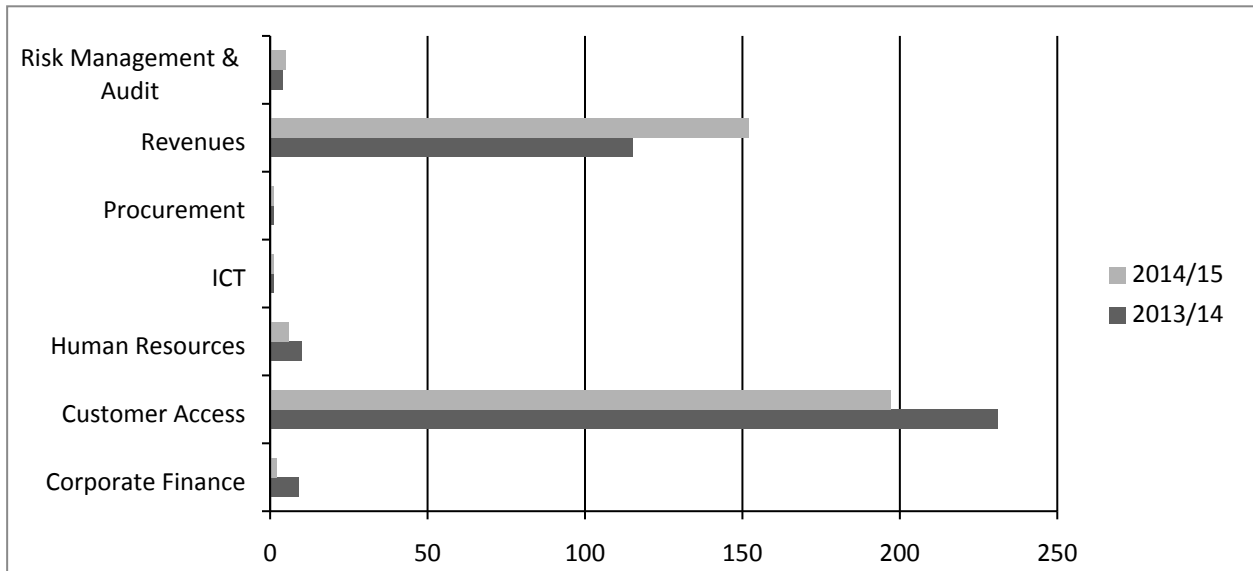
### Stage 1 CLC Complaints by Division and Section



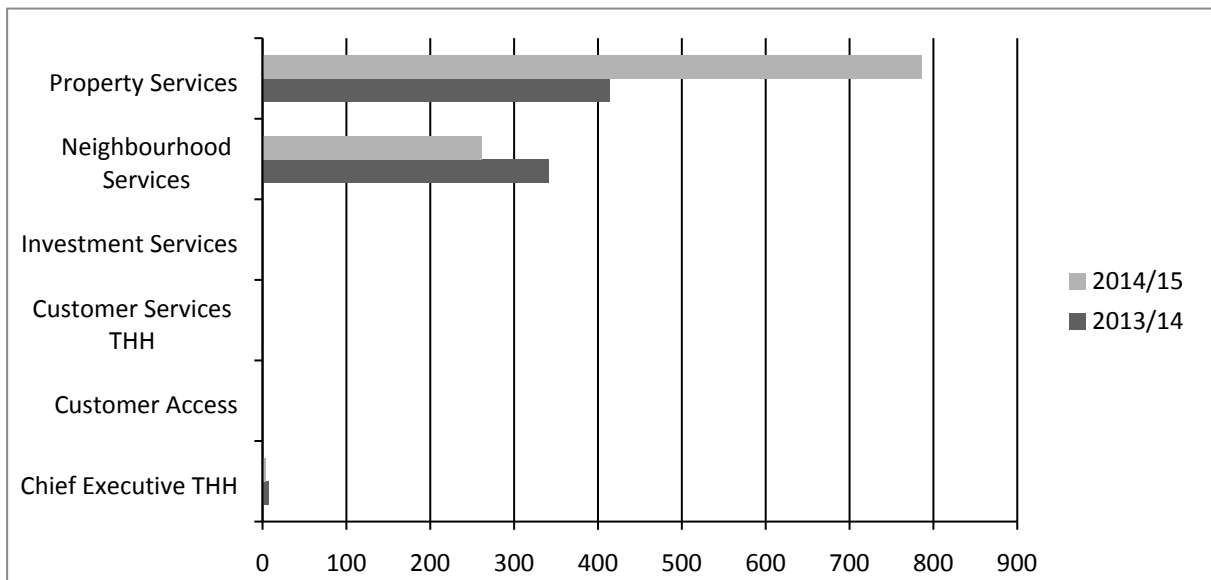
### Stage 1 Development & Renewal Complaints by Division and Section



### Stage 1 Resources Complaints by Division and Section

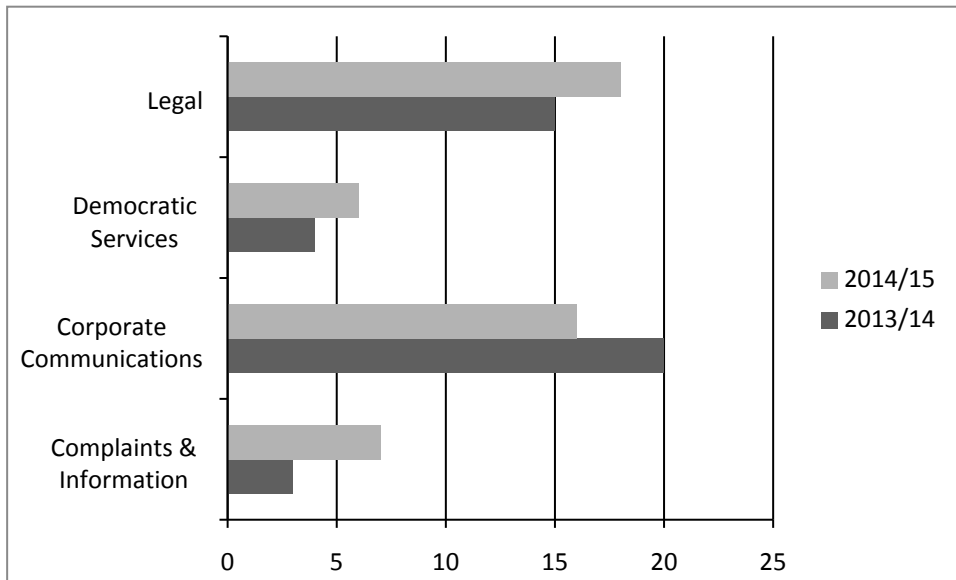


### Stage 1 Tower Hamlets Homes Complaints by Division and Section

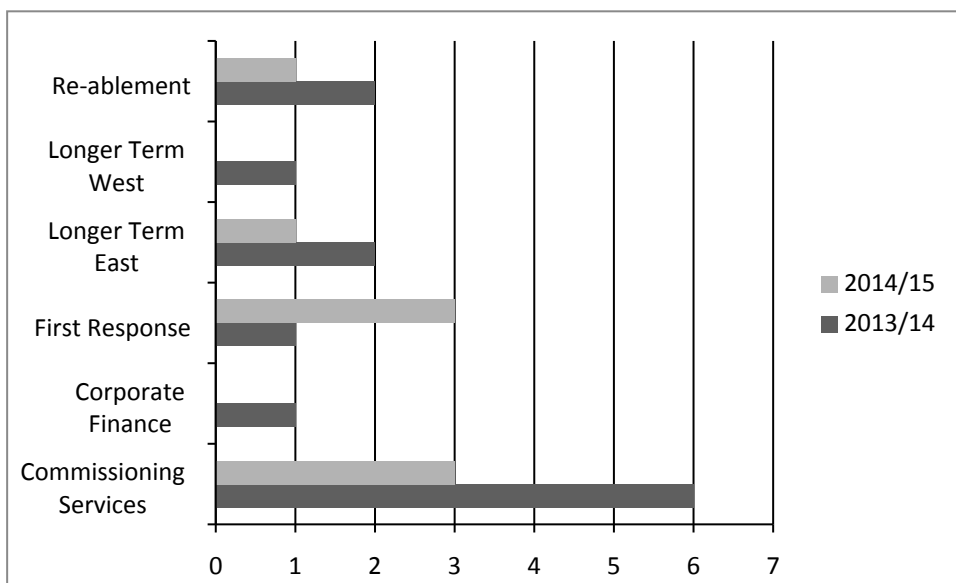




### Stage 1 LPG Complaints by Division and Section



### Stage 1 Adults Health & Wellbeing Complaints by Division and Section



## Stage 1 Children Schools and Families Complaints by Division and Section

