


Non-Executive Report of the: <b>Overview and Scrutiny Committee</b>  26 October 2016	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Melanie Clay, Corporate Director - LPG	<b>Classification:</b> Unrestricted
The Complaints and Information Annual Report 2015/16	

Originating Officer(s)	Ruth Dowden, Service Manager – Complaints and Information
Wards affected	All wards

## Summary

The Complaints and Information Annual Report 2015/16 sets out the Council's activities and performance in response to Information Governance matters and Information Requests; Corporate Complaints and Statutory Complaints for Children's and Adults Social Care.

## Recommendations:

The Overview and Scrutiny Committee is recommended to note priorities for action to improve performance and consider priorities for developments in practice for both information governance and complaints handling

### 1. **INTRODUCTION/SUMMARY**

- 1.1 The Complaints and Information Annual Report 2015/16 sets out the Council's activities and performance in response to Information Governance matters and Information Requests; Corporate Complaints and Statutory Complaints for Children's and Adults Social Care.

### 2. **FOR OVERVIEW AND SCRUTINY COMMITTEE TO CONSIDER**

- 2.1 OSC is recommended to note priorities for action to improve performance and consider priorities for developments in practice for both information governance and complaints handling.
- 2.2 This report is subsequently considered by Overview and Scrutiny Committee.

### 3. **BACKGROUND**

- 3.1 The Council receives an annual report on its complaints handling and information requests. This report accounts for the period 1 April 2015 to 31 March 2016.

- 3.2 The report's Introduction and Summary (section 1) sets out the key performance and activity points from the year.
- 3.3 Whilst the Council's escalation to internal process and to external regulators including the Information Commissioner and the Local Government and Housing Ombudsman are low, response rates could be improved in all areas of complaints and information requests.
- 3.4 The Corporate Complaints Procedure and Statutory Social Care Procedures seek to ensure that all people receiving or seeking to receive a service are treated in accordance with service standards and have an opportunity to address any concerns. The procedures are accessible to the community and can be accessed in a range of formats.
- 3.5 Responding to Information Requests and providing Council data through the Transparency and Open Data work stream promotes ease of access for the community to decision making processes and the activities of the Council.
- 3.6 The Complaints policies also address risk and provide the Council with a mechanism to identify issues that might otherwise lead to legal, reputational and other damage. This is enhanced by the policy on Compensation and Redress whereby a suitable settlement can be achieved commensurate with difficulties experienced.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 This report provides the annual complaints and information report for the period 1st April 2015 to 31st March 2016. There are no financial implications arising from this report. However In the event that the Council agrees further action in response to this report, then approval for any further resources will need to be approved using existing financial procedure rules before any commitments can be made.

#### **5. LEGAL COMMENTS**

- 5.1 The Council has a number of statutory duties regarding handling of information requests, including the time required to give responses. Sections 3 and 4 of the Complaints and Information Annual Report sets out the Council's performance against those required time limits.
- 5.2 The Council has statutory duties in respect of the handling of social care complaints as set out in the report. The proper handling of complaints and the consideration of information arising from a those complaints may also be consistent with good administration in the discharge of the Council's functions. It may contribute to improving the quality of services that the Council offers and hence to the Council's duty as a best value authority under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Proper complaints handling and review may also contribute to the avoidance of maladministration within the meaning of the Local Government Act 1974.
- 5.3 In carrying out its functions, the Council must comply with the public sector equality duty set out in section 149 Equality Act 2010, namely it must have due regard to the

need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The report sets out the Council's commitment to deal with all complaints, and information requests fairly and equally with the procedures themselves contributing to the positive opportunity for all residents and interested parties to raise concerns with service provision and gain a more detailed understanding of the Council's work.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 The Council seeks to secure continuous improvement in service provision and effective complaints resolution is a key tool in this process.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no specific implications in this report.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The complaints procedure provides a means of identifying issue and mitigating risk from errors and omissions in service delivery. Effective Information Governance policies and processes also enable the organisation to monitor the effectiveness of its approach in mitigating information governance related risks.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no specific issues.

# **Complaints and Information Governance Annual Report**

## **2015-2016**

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 2015/16. 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 2015 to 31 March 2016, 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 2015/2016 were that –

- A new software system called iCasework was introduced:
  - This brings together complaints, members enquiries and information requests into a single system accessible to all Council officers.
  - The system's document handling enables easier access to relevant documents and recording of file notes.
  - Integrated email has reduced postal costs and made contact more time efficient.
  - The system only went live at the end of July 2015. Therefore the full capacity of analysing customer feedback and information requests regrettably cannot be taken advantage of in this report. However from the end of the next financial year a greater depth of management data will be available to improve service delivery.
- Information Governance:
  - In 2014/2015 we met the compliance criteria for Health and Social Care Information Council Toolkit with 70% and in 2015/2016 we increased our compliance mark to 82%.
- FOI
  - One of the highest volumes in London.
  - The rate of requests for internal reviews from information requests remained low (at 3.1%).
  - Of 1944 requests the Council considered, only 3 cases were determined by the Information Commissioner (0.15%)

- Of the three ICO decisions, 1 was upheld
- Response rates were below target, at 85% completed in time
- Subject Access Requests
  - Performance improved from 85% completed in time in 2014/2015 to 90% in 2015/2016.
- Corporate Complaints
  - 33% increase from last year in Stage 1 complaints. This increase maybe due to the new system capturing more case and should not be viewed necessarily as a negative factor.
  - Individual services variance explained in the report, including where performance is required to improve.
  - Response rates at all three stages were below target.
  - However, resolution rates and escalation rates were positive, with only 2% being escalated to stage 3.
- Adult Social Care complaints saw:
  - Steady volume, with 52 in 2014/15 and 52 in 2015/16
  - Turn around slipped a little, and the Complaints and Information Team is working with services to improve management information to support high level performance.
- Children's Social Care
  - Increase in volume from 49 to 64.
  - Again, the service and complaints team are working to improve turnaround.
- Local Government Ombudsman
  - Increase in volumes from 128 to 149, however this is common across London and the country.
  - Benchmarking across London sees Tower Hamlets 22 out of 33 for fewest enquiries received by the LGO however many are not progressed to investigation.
  - Of those matters actually investigated (22 cases), 42% were upheld, and this compares favourably against other boroughs, ranked 6<sup>th</sup> lowest out of 33.
- Housing Ombudsman
  - 2 out of 37 cases closed were 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 remained below target.

- 1.5. Overall, the number of corporate complaints increased during 2015/2016 with Stage 1 complaints increasing by 33%. The reasons for this are unclear, however the population continued to increase in the borough.
- 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.
- 1.7 With volumes of complaints increasing, it is essential that the Council examines how to find effective resolution at the earliest opportunity. Additionally, mindful of the numbers escalating through the internal procedure and to the Ombudsmen, consideration will be given in 12016/17 to improve the procedure, with a view to streamlining to tow internal stages.



## **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. In 2015 Zena Cooke, Corporate Director – Resources, took over the role of SIRO.
- 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 six 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 2015/2016.
- 2.6.** The Council's information governance structure and arrangements are important for ensuring that all staff understand their responsibilities under the relevant legislation and how this is carried forward in practice. Our Governance arrangements are subject to review by the Information Commissioner should they wish to audit and are essential components of your submission to external accreditations.

- 2.7.** A full review of our policies procedures and guidance was undertaken and the documents updated.
- 2.8.** The Council's annual submission for the Health and Social Care Information Council (HSCIC) Toolkit (Information Governance assessment) was submitted in March 2016. The Council scored 82% improving on the 70% scored in the previous year. Each year the Council aims to achieve greater compliance. The 28 assessed components are graded 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 2015.
- 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 and is now pursuing the Mayor's agenda of transparency to a higher open data publication standard and increase the range of data.
- 2.13.** Compliance with the standard is met with the exception of two areas and these will be complete by December 2016. In order to meet the 4 star publication standard the Council requires a software platform to provide these formats.
- 2.14.** 5 star publication involves links to other web-sites and data sources for comparison. This is met in part and would be enhanced by use of a dedicated platform. A business case has been submitted for consideration.
- 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.
- 2.17.** However, there was one instance where the Information Commissioner received a complaint direct from a service user. In this case, the assessment of another service user's SEN support needs was sent to the wrong family. The Commissioner agreed that steps had been taken by the service to avoid recurrence and no further action was required.
- 2.18.** One further incident was reported direct to the Commissioner concerning Tower Hamlets Homes' residents' data. The case was closed due to lack of evidence as to whether or not there was a breach and if so this involved the Council. The Council committed to review protocols and ensure clarity over data sharing.
- 2.19.** Risk

- 2.20.** 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.
- 2.21.** Training
- 2.22.** Information Governance Training continues to be promoted in order to minimise risks for the Council. This includes e-learning packages, group training sessions, face to face training sessions and security information governance in team meetings. 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.
- 2.23.** Gap Analysis
- 2.24.** The Health and Social Care Information Centre Toolkit (Information Governance assessment) mentioned at section 28 provides a reliable starting point for consideration of improvement for the coming year.
- 2.25.** Level 3 requires that we not only have effective controls, policies, structures, technical measures and training in place, but also regular review processes, monitoring, satisfaction surveys, and compliance checks. It also requires that aspects of information governance are integrated into Council governance structures with changes regularly reported to senior management.
- 2.26.** . Fifteen of the 28 requirements are not yet achieving level 3. The solutions required to achieve compliance are grouped and summarised below. Please note that some requirements will need a combination of solutions. In compiling this summary due consideration has been given to the General Data Protection Regulation (GDPR) which will come into effect in May 2018. This will have implications for a number of the criteria, which are reviewed and updated annually. This report therefore anticipates updates
- 2.27. Proposed Solutions**
- 2.28. Policy Acceptance & Training Compliance Software** (to meet 5 requirements)  
Software that can distribute policy documents, briefings and training materials and record staff compliance and understanding. This automated solution will enable officers to report on non-compliance, send reminders and, where appropriate, limit systems and data access. Manual methods currently deployed to ensure training compliance are limited and highly time consuming.
- 2.29. Audits and Spot Checks** (to meet 6 requirements)  
A combination of spot checks made by the service for its own data and process, and engaging internal or external auditors would require resources to be available to undertake reviews and record the outcomes against agreed criteria.
- 2.30. Review Retention of Electronic Data** (to meet 3 requirements)  
A full review of all electronic data assets, including risk assessments, is required. Consideration is being given to engaging an external resource to complete the retention / deletion work and set up processes where by each directorate can

complete the processes in subsequent years. This could be effectively be combined with the first iteration of the risk assessments.

**2.31. Internal Processes for Information Governance**\_(to meet 5 requirements)

These are issues that can be picked up as business as usual for the IGG and the Complaints and Information Team. They include establishing Data Use guidance, a full register of Data Sharing Arrangements; a full register of Privacy Notices; and for Social Care, work on Data Quality and the NHS Number project;

**2.32. Governance**\_(to meet 1 requirement)

This simply requires that processes are in place to ensure that all new projects and any changes to processes involving personal data are referred to the Complaints and Information Team via the relevant project board at the outset. Information Governance must be integrated in the planning and record keeping of any such changes.

**2.33. ICT Review / Data Access Privileges**\_(to meet 1 requirements)

This includes reviewing access privileges to data from shared folders to software programmes, with an effective starters, leavers and movers process and periodic review. EDRMS would help with compliance however a cost / benefit analysis would need to be undertaken. Otherwise a limited programme of review could be established if Agilisys can extract data in a suitable format. Initial exploration of this did not result in a usable set of data for services to measure compliance / risk against.

**2.34. Legislative and Regulatory Changes**

**2.35.** There are two significant changes pending in terms of Information Governance.

**2.36.** The first is the General Data Protection Regulation, European Union legislation that will come into effect in May 2018. Whatever the UK position in relation to Europe on this date, we will need to demonstrate comparable safeguards and practice. The Council is seeking to have an action plan for compliance by December 2016.

**2.37.** The National Data Guardian (known as the Caldicott Guardian) has issued a consultation on Data Security, Consent and Opt-outs of data sharing. This applies specifically to social care and health data. The Council is currently addressing the consultation and considering how to integrate the standards into its governance framework.

### **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 2014/2015 and 2015/2016 are summarised in Figures 1 and 2. It should be noted that the method

of reporting performance has changed since last year's report. In that the new system now allows for performance measurement on month completed rather than month received. This gives the advantage of bringing the reporting of information governance requests in line with complaints reporting. It also has the advantage of not having to wait until all cases are completed before reporting can take place. The information requests for 2014/2015 have been amended to be in line with this new method.

Figure 1

FOI and EIR Requests	2014/15			2015/16		
	Completed	In Time		Completed	In Time	
Apr	217	181	83%	164	141	86%
May	160	129	81%	157	137	87%
Jun	145	108	74%	165	140	85%
Jul	209	168	80%	163	137	84%
Aug	205	165	80%	156	125	80%
Sep	177	149	84%	195	135	69%
Oct	196	173	88%	170	145	85%
Nov	192	186	97%	189	157	83%
Dec	149	149	100%	139	121	87%
Jan	146	137	94%	139	132	95%
Feb	185	174	94%	149	140	94%
Mar	202	193	96%	158	141	89%
<b>Total</b>	<b>2183</b>	<b>1912</b>	<b>88%</b>	<b>1944</b>	<b>1651</b>	<b>85%</b>

Figure 2

FOI & EIR Requests Closed	2014/15			2015/16			Change in Volume	
	Completed	In Time		Requests	In Time			
*Adults Services	494	469	95%	163	138	85%	-68	-14%
*Children's Services				263	227	86%		
Communities Localities and Culture	536	486	91%	489	426	87%	-47	-9%
Development and Renewal	343	309	90%	326	264	81%	-17	-5%
Law Probity and Governance	210	128	61%	184	134	73%	-26	-12%
Resources	469	414	88%	392	359	92%	-77	-16%
Tower Hamlets Homes	131	103	79%	127	103	81%	-4	-3%
	<b>2183</b>	<b>1909</b>	<b>87%</b>	<b>1944</b>	<b>1651</b>	<b>85%</b>	<b>-239</b>	<b>-11%</b>

3.7 The number of information requests decreased by 11% in 2015/2016 back to a similar level to that of 2013/2014.

3.8 Performance in responding to requests within the 20 working day statutory deadline regrettably feel increased from 87% to 85% in 2015/2016. This is attributed to staff across the Council adapting to the new software. Monitoring measures have been introduced to improve performance which appears to be effective.

### 3.9 Internal Review

Figure 3

FOI & EIR Reviews (Complaints)	2014/2015			2015/2016		
	Requests	Reviews	Escalation Rate	Requests	Reviews	Escalation Rate
Number Completed	2183	67	3.1%	1944	60	3.1%
% Completed in Time		90%			78%	
Number Upheld / Partly Upheld At Reviews		33			14	

3.10 On receipt of a response to an FOI or EIR request, an applicant may ask for an internal review (complaint) if they are dissatisfied with the response provided. Looking at the table above, Figure 3, the escalation rate has remained the same as last year. While it is disappointing to note the fall in response performance time, fewer cases were upheld or partially upheld which is an indication that information requests were being correctly responded to in the first instance. Out of the total 1944 requests received during 2015/2016, 60 (or 3.1%) were taken to internal review. This escalation rate is considered to be low. There were 14 cases (23.3% of those taken to 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.

3.11 Of the 14 cases that were upheld, further information was made available following Internal Review on 12 occasions.

3.12 Some of the information released after review related to registers of Members’ interests; houses of multiple occupation; management of estate parking spaces; funding allocation for Arts; Right to Buy offer prices; and treasury management advice contracts.

3.13 On two cases, a further explanation of the reasons for refusal including the application of the public interest test was provided.

#### 3.14 Complaints to the Information Commissioner

The Information Commissioner issued three decision notices concerning the Council in 2015/2016. The summaries from the ICO website are reproduced below, one of which was upheld with regard to the data published.

3.15 **Case ref FS50570743:** The complainant requested information relating to the Financial Viability Assessment for the Bishopsgate Goodsynd. The Commissioner’s decision is that the Council correctly applied regulation 12(5)(e) of Environmental Information Regulations as the information is commercially sensitive and the balance of the public interest on this occasion is best met in withholding the information.

3.16 **Case ref: FER0572743:** The complainant has requested Highways information relating to the adopted status and repair of local roads. The Commissioner’s decision is that the Council is entitled to rely on regulation 6(1)(e) of Environmental Information Regulations. The information is publically available and accessible by other means.

3.17 **Case ref FS0562053:** The complainant has requested from information relating to the Development Agreement for Blackwall Reach. The Council disclosed some information but refused to release other information citing regulation 12(5)(e) of the EIR. The Commissioner's decision was that regulation 12(5)(e) does not apply to the remaining withheld information. The remaining data was disclosed.



## 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 2015/2016 are set out in Figures 4 and 5.

Figure 4

Subject Access Requests	2014/15			2015/16		
	Completed	In Time		Completed	In Time	
Apr	15	6	50%	21	21	100%
May	15	5	36%	13	12	92%
Jun	16	6	50%	28	20	71%
Jul	14	10	83%	28	26	93%
Aug	17	13	93%	18	16	89%
Sep	31	28	97%	20	14	70%
Oct	18	15	100%	32	31	97%
Nov	18	17	100%	15	14	93%
Dec	39	31	86%	22	20	91%
Jan	16	12	86%	16	16	100%
Feb	13	7	78%	16	15	94%
Mar	24	13	68%	17	16	94%
<b>Total</b>	<b>236</b>	<b>163</b>	<b>80%</b>	<b>246</b>	<b>221</b>	<b>90%</b>

Figure 5

Subject Access Requests Closed	2014/15			2015/16		
	Completed	In Time		Requests	In Time	
*Adults Services	88	70	80%	47	37	79%
*Children's Services				62	55	89%
Communities Localities and Culture	34	32	94%	25	24	96%
Development and Renewal	32	30	94%	16	15	94%
Law Probity and Governance	10	8	80%	16	16	100%
Resources	62	52	84%	51	48	94%
Tower Hamlets Homes	9	7	78%	29	26	90%
	<b>235</b>	<b>199</b>	<b>85%</b>	<b>246</b>	<b>221</b>	<b>90%</b>

\*Adults Services and Children's Services were combined as ESCW in 2014/15

4.2 Requests for personal information held by the Council rose by 5% in 2015/2016 with response times improving to 90%. Some of this performance improvement can be attributed to the use of the new software iCasework and officers now using Adobe Professional to carry out redactions.

4.3 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.

- 4.4 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.
- 4.5 **Complaints to the Information Commissioner on Data Protection Subject Access provisions**
- 4.6 These matters are not published, so reference numbers are not given in this report. Three such complaints were considered by the ICO
- 4.7 One complainant believed that the Council had not provided all the data held in relation to him. After investigation the Commissioner determined that in all likelihood the Council had provided all the data held and this complaint was not upheld.
- 4.8 Two other Subject Access Request complaints were upheld due to the delay in providing the response.
- 4.9 **Information requests and Subject Access Requests by Service Area**
- 4.10 Adults Services and Children's Services Directorates
- 4.11 The Directorate previously known as Education, Social Care and Wellbeing (ESCW) was divided into two separate directorates now known as the Children's Service Directorate and the Adults Services Directorate. This coupled with the new iCasework system has meant that there has been a number of changes during 2015/16, especially with respect to FOI requests. Although the volume of FOI requests has decreased compared to the previous year, the directorate changes coupled with the loss of key members of FOI staff, and a lengthy recruitment process, has affected the overall FOI performance for the year. However the structural changes made as part of the Information Governance team restructure is now showing the intended benefits, which saw more resources being allocated to Subject Access Requests (SAR). Although the number of SARs increased by nearly a quarter compared to the previous year, the overall performance also increased. We expect that the performance will continue to improve for both FOIs and SARs as the changes and new systems are imbedded into our normal practice.
- 4.12 Resources
- 4.13 FOI: FOI requests considered by Resources remained at a fairly constant level, with 409 in 2014/15, to 392 in 2015/16. Performance improved from 84% completed in time to 92%, well within the corporate target.
- 4.14 Subject Access Requests again were at a constant rate with 49 in 2014/15 and 51 in 2015/16. Performance increased from 83% in time to 94%

#### 4.15 Communities, Localities and Culture

4.16 Due to the variety of services delivered by the Directorate, CLC continues to receive the highest number of FOI requests. Responses provided on time continue to exceed corporate performance. FOI requests that CLC received decreased by 9% (47) in 2015/16 compared to the previous year. This decrease is in line with the Council-wide decrease in FOI requests.

#### 4.17 Development and Renewal

4.18 In terms of numbers received the numbers were not significantly different from 14/15 to 15/16. However, there was a 9% drop in performance this may have been due to loss of an experienced member of staff in Business Support team at the end of 15/16.

4.19 Other than the introduction of iCasework in July 2015, in the later part of 15/16 (Jan/Feb/Mar) there were a number of staff shortages and changes in the Business Support team and the wider directorate (mainly Planning & Building Control) which meant there were less officers to process and respond to requests/complaints. We have worked on clearing the backlog that built up and to ensure that performance keeps on track, we have increased communications with service heads and teams across the services, working more collaboratively in highlighting responsibilities around iCasework. Clarity on processes and training provided, as a result of colleagues being more proactive in taking responsibility in responding to queries. We have recruited to vacant posts and staff are in the process of receiving training to increase better understanding of the system.

#### 4.20 Law, Probity and Governance

4.21 There was a reduction of number of FOIs by 12% from 2014/15 to 2015/16. While the change in volume is not significant enough to infer any trends from, this should be monitored to see if the drop in FOIs continue.

There has been an improvement in the number of FOIs completed in time which was 61% in 2014/15 to 73% closed in time for 2015/16, however this is still not at an acceptable level.

4.22 The number of subject access request had increased from 6 in 2014/15 to 16 in 2015/16. There was an improvement in performance on the SARs closed in time from 50% in 2014/15 to 100% in 2015/16, despite the increase in volume.

## **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 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 2015/2016. Overall, the number of complaints was significantly higher, the overall volume increased by 25%. Although the closed in time rate has fallen it should be considered that the volume responded to in time has increased. For example 2603 Stage 1 complaints were closed in time in 2014/15 and 3103 were completed in 2015/2016. This increase of 500 stage 1 complaints closed in time is 19% more. This increase in volume of complaints can be attributed to the new system better capturing feedback and should not be viewed necessarily in a negative light.

**5.8.** Tower Hamlets population grew to an estimated 295,200 in June 2015 based on the latest figures available. The rate of complaints has increased from 10.2 complaints per 1,000 population in 2014/2015 to 13.1 per 1,000 in 2015/2016.

**5.9.** The 2015/16 Annual Residents Survey was completed in June 2015 with 71% of residents being very/fairly satisfied with the way the Council run things. This represents a 6% increase on the previous year.

Figure 6

Volume of Corporate Complaints and Performance	2014/15			2015/16			Variance in Volumes	
	Answered	Closed in Time		Answered	Closed in Time			
Stage 1	2925	2603	89%	3879	3103	80%	954	33%
Stage 2	476	414	87%	394	295	75%	-82	-17%
Stage 3	163	134	82%	191	144	75%	28	17%
<b>Totals</b>	<b>3564</b>	<b>3151</b>	<b>88%</b>	<b>4464</b>	<b>3542</b>	<b>79%</b>	<b>900</b>	<b>25%</b>

5.10. Figure 7 provides a breakdown of Complaints by each directorate and stage with the variance for each stage.

Figure 7

Volumes of Complaints by Directorate and Stage	Stage 1			Stage 2			Stage 3		
	2014/15	2015/16	Variance	2014/15	2015/16	Variance	2014/15	2015/16	Variance
*Adults Services	50	6	42	6	1	-4	3	0	-2
*Children's Services		36			1			1	
Communities Localities and Culture	1170	1548	378	172	154	-18	49	62	13
Development and Renewal	239	253	14	71	48	-23	35	24	-11
Law Probity and Governance	47	41	-6	11	4	-7	5	1	-4
Resources	366	364	-2	36	29	-7	13	9	-4
Tower Hamlets Homes	1053	1622	569	180	157	-23	58	94	36
Non-Council Issues		9	9			0			0
<b>Totals</b>	<b>2925</b>	<b>3879</b>	<b>954</b>	<b>476</b>	<b>394</b>	<b>-82</b>	<b>163</b>	<b>191</b>	<b>28</b>

\*Adults Services and Children's Services were combined as ESCW in 2014/15

Figure 8 shows the escalation rates through the stages of the complaints process. Overall, 10% of Stage 1 complaints were escalated to Stage 2 of the complaints process which is a 6% reduction from escalation rate in the previous year. This demonstrates that the greater proportion of complaints are being resolved at the first stage, which is what the Council would hope to achieve with its complaints handling. Escalation rates for Stage 1 complaints to Stage 3 remain approximately the same as last year.

Figure 8

Escalation Rates by Directorate 2015/16						
Directorate	Stage 1	Stage 2		Stage 3	Stage 3	
		Stage 2	Escalated from Stage 1		Escalated from Stage 2	Escalated from Stage 1
*Adults Services	6	1	17%	0	0%	0%
*Children's Services	36	1	3%	1	100%	3%
Communities Localities and Culture	1548	154	10%	62	40%	4%
Development and Renewal	253	48	19%	24	50%	9%
Law Probity and Governance	41	4	10%	1	25%	2%
Resources	364	29	8%	9	31%	2%
Tower Hamlets Homes	1622	157	10%	94	60%	6%
Non-Council Issues	9	N/A	N/A	N/A	N/A	N/A
<b>Totals</b>	<b>3879</b>	<b>394</b>	<b>10%</b>	<b>191</b>	<b>48%</b>	<b>5%</b>

5.11. Figure 9 shows the rate at which complaints are upheld at Stage 1 of the process and the percentage completed on time.

5.12. During 2015/2016, response times for Stage 1 complaints fell from 89% to 80% completed on time. The figure of 80% is below the corporate target of 87%. However, the volume increased by 33% and the amount of responses in time increased by 500 (or 19%) with the same amount of resources.

Figure 9

Resolutions by Directorate 2015/2016 - Stage 1	Answered	Upheld / Partly Upheld		Not Upheld	Resolved upon receipt	Withdrawn or Referred On	Closed In Time	
Adults Services	6	3	50%	3	0	0	0	0%
Children's Services	36	10	28%	18	2	6	21	58%
Communities Localities and Culture	1548	567	37%	882	21	78	1441	93%
Development and Renewal	253	74	29%	152	0	27	182	72%
Law Probity and Governance	41	13	32%	17	5	6	29	71%
Resources	364	151	41%	197	3	13	332	91%
Tower Hamlets Homes	1622	594	37%	952	22	54	1089	67%
Non-Council Issues	9	N/A	N/A	N/A	N/A	9	9	100%
<b>Totals</b>	<b>3879</b>	<b>1412</b>	<b>36%</b>	<b>2221</b>	<b>53</b>	<b>193</b>	<b>3103</b>	<b>80%</b>

5.13. Figure 10 shows the rate at which complaints are upheld at Stage 2 of the process and the percentage completed on time. During 2015/2016, response times for Stage 2 have fallen from 87% to 75%, against a corporate target of 87% completed in time. Despite the volume of complaints at Stage 2 decreasing by 17% performance has fallen for the second year. The nature of investigation, complexity and issues raised will vary across the services the Council provides. Following the bedding in of the new software, performance should improve.

Figure 10

Resolutions by Directorate 2015/2016 - Stage 2	Answered	Upheld / Partly Upheld		Not Upheld	Resolved upon receipt	Withdrawn or Referred On	Closed In Time	
Adults Services	1	0	0%	1		0	0	0%
Childrens Services	1	1	100%	0		0	1	100%
Communities Localities and Culture	154	36	23%	111		7	140	91%
Development and Renewal	48	6	13%	38		4	34	71%
Law Probity and Governance	4	1	25%	2		1	3	75%
Resources	29	4	14%	23		2	27	93%
Tower Hamlets Homes	157	82	52%	69		6	90	57%
<b>Totals</b>	<b>394</b>	<b>130</b>	<b>33%</b>	<b>244</b>		<b>20</b>	<b>295</b>	<b>75%</b>

5.14. Figure 11 shows the rate at which complaints are upheld at Stage 3 of the process and the percentage completed on time. During 2015/2016, response times for Stage 3 complaints have fallen from 84% to 75%. This falls below the corporate target of 87% completed in time. It is noteworthy, however that there was an increase of 17% in the volume of Stage 3 complaints following a 44% increase the year before. Steps are being taken to address the delays and improve performance.

The introduction of the new system has impacted on officer's time in the complaints and information team as they have had to provide support to officers using the system across the Council. Now that the system has become more familiar it is hoped officers in the central team will have more time to complete Stage 3 investigations promptly.

Figure 11

Resolutions by Directorate 2015/2016 - Stage 3	Answered	Upheld / Partly Upheld		Not Upheld	Resolved upon receipt	Withdrawn or Referred On	Closed In Time	
Adults Services	0	0	-	0		0	0	-
Childrens Services	1	1	100%	0		0	1	100%
Communities Localities and Culture	62	23	37%	39		1	50	81%
Development and Renewal	24	7	29%	17		0	15	63%
Law Probity and Governance	1	0	0%	1		0	1	100%
Resources	9	1	11%	7		1	6	67%
Tower Hamlets Homes	94	57	61%	37		2	71	76%
<b>Totals</b>	<b>191</b>	<b>89</b>	<b>47%</b>	<b>101</b>	<b>0</b>	<b>4</b>	<b>144</b>	<b>75%</b>

### 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. Commentary on the significant issues for each directorate is set out below.

### 5.17. Adult Services and Children's Services

5.18. Adult Services and Children's Services came under a single directorate of Education, Social Care and Wellbeing (ESCW) last year. Following a reorganisation the two are now separated, however this has resulted in some difficulty in reporting comparisons in this report.

5.19. The volume of corporate complaints in each of these directorates is low and activity under the statutory complaints procedures is reported in sections 6 and 7.

### 5.20. Law, Probity and Governance (LPG)

#### 5.21. Volume of Complaints

- There was a decrease in the number of Stage 1 complaints from 47 in 2014/15 to 41 in 2015/16.
- There was a decrease in the number of Stage 2s by 7. In 2014/15 there was 11 and in 2015/16 there was 4. It can be translated that less were escalated to Stage 2 complaints.
- There was a decrease in Stage 3 complaints. 5 in 2014/15 and 1 in 2015/16. Again there is a down ward trend. LPG receive the lowest number of complaints in comparison to other Directorates.

#### 5.22. Escalation Rates

- In 2015/16 10% of Stage 1 complaints escalated to Stage 2.

- There was a 2% escalation to Stage 3, one complaint. This was not upheld, and closed in time.

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

**5.24.** While the overall volume of complaints received by CLC has increased by 32%, the percentage of complaints upheld or partially upheld has remained steady for Stage 1 (2014/15: 36%; 2015/16: 37%) while the percentages upheld or partially upheld at Stage 2 and Stage 3 have dropped from 44% to 23% and from 45% to 37% respectively. The increase in volume as well as the percentages upheld or partially upheld are in line with performance of the Council overall.

**5.25.** There has been a reduction in percentage terms as well as in real terms in the number of complaints escalated to Stage 2 of the complaints process. In the context of a substantial increase in the number of complaints received, this indicates an improvement in the quality of responses at Stage 1 and achieving greater levels of resolution early on.

**5.26.** CLC continues to perform highly in relation to completing complaint responses on time. On time performance has remained at comparable percentage levels to last year, while in real terms (due to the overall increase in complaints received following the introduction of iCasework) the number of complaints responded to on time has risen. CLC performance significantly exceeds corporate performance across all stages of the complaints process.

**5.27.** Due to changes in categorisation and the introduction of the new complaints handling systems, year on year comparisons are not available for specific services. It should also be noted in the context of overall service volumes, the number of complaints remains comparatively low. Whilst services will take every opportunity to learn from complaints, given numbers are relatively low (e.g. 445 complaints about recycling and waste collections in the context of more than 11m collections per annum) complaints cannot be used in isolation to draw strategic conclusions about service provision or performance.

### **5.28. Development and Renewal (D&R)**

**5.29.** 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. In terms of numbers received etc the numbers were not significantly different from 14/15 to 15/16. There was however an improvement in terms of the amount of complaints that escalated to S2 which was 11% less. Of those that did get escalated to S2, 1% more were escalated to S3 in 15/16 than in 14/15.

**5.30.** The majority of complaints are received by the Housing Options Service due to the increasing Housing crisis in Tower Hamlets and London as a whole.

### **5.31. Resources**



**5.32.** In 2015/16 the complaints for Council Tax and Business Rates at stage 1 accounted for 157 of the total 364 complaints received. Benefits received 99 complaints, 13 fewer than the previous year. The Customer Contact Centre received 51 complaints (2 more than last year) and One Stop Shops received 31 complaints, 5 fewer than the last year. 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. Therefore there would normally be a higher proportion of these services receiving complaints. As can be seen from the earlier tables, only 29 complaints (or 8%) were escalated to stage 2, of which 14 % were upheld. Only 1 of the 9 taken to the third stage was upheld. Therefore the upheld rate of 41% of stage 1 complaints indicates that there is effective management of complaints at stage 1, thus preventing escalation

### **5.33. Tower Hamlets Homes (THH)**

**5.34.** Of the 1721 complaints received, 505 complaints were dealt with as Getting It Sorted cases and were resolved quickly within 5 work days.

**5.35.** There were 24 more Stage 3 complaints in 2015/16 compared to 2014/15. Complaints escalated mainly related to Decent Homes, Repairs Mechanical & Electrical and Responsive Repairs. Escalation mainly occurred due to promises not being kept and the time taken to complete Decent Homes works.

**5.36.** This reflects the fact that the majority of transactions dealt with by THH relate to this service area and to place the level of complaints with in context it is of note that in 15/16 the repairs call centre dealt with 94,000 calls and raised 56,655 repair orders.

**5.37.** The implementation of the new software in July 2015 impacted upon our ability to respond swiftly to complaints and members enquiries, whilst we got to grips with the new system.

Rectifying performance was one of the first areas to be prioritised by the new CEO. Measures that have been put in place include:

- Heads of Service & Director sign off to drive up the quality of responses
- Increased monitoring, auditing and reporting of performance.
- work on a revised procedure – simplifying process and emphasising resolving the cause of complaint and communicating with the customer
- more proactive communication on serious service failures (e.g. loss of communal heating) to minimise need for residents to contact us
- 'blitz days' to clear overdue cases

### **5.38. Root cause of complaints**

The reason why residents mainly complained was due to the delays to provide (268) or deliver a service (203), followed by poor communication (184) and poor quality of work (165). This data is from iCasework and therefore relates to the period July 2015 – 31 March 2016.

### **5.39. Actions to improve THH service**

- Reviewed van stock to ensure less delays in obtaining parts
- A new 'Appoint System' will allow THH staff to see what time slots are available from the contractor. This will reduce the number of missed appointments, prevent the appointment being rescheduled due to operatives not being available and allow the contractor to complete the works first time.
- Mears supervisors are contacting residents after works have been completed (whilst the contractor is on site) to confirm the resident is happy with the works completed. Residents are also being kept informed on the progress of jobs to minimise complaints and call backs.
- Decent Homes have introduced a new suite of KPI's which includes tracking performance and communication issues. This allows us to monitor performance in real-time through our monthly project meetings with each contractor and also to implement improvement plans to bring contractors who are performing poorly back on track.
- Our contractors now send regular newsletters to residents where we are carrying out works on blocks to advise of the works that are to be carried out and keeping them up to date with any changes.
- We have also introduced local communication plans for Neighbourhoods or individual blocks, where we recognise that certain blocks might need a more tailored approach to consultation.
- We know we have outstanding Decent Homes works. We will do less works in 2016/17, so that we will be able to finish works that were started the previous year. We have
  - Divided work geographically into three delivery areas.
  - Increased contractor efficiency and drive value for money.
  - Will manage work locally at neighbourhood level.
  - Increased THH programme management efficiency.
  -
- Manage residents expectations by producing more publicity around rights and responsibilities
- Tackled poor performance of operatives, where poor quality of work identified from resident feedback
- Appointments slots for the Gas trades have been amended to allow operatives enough time to complete the works required.

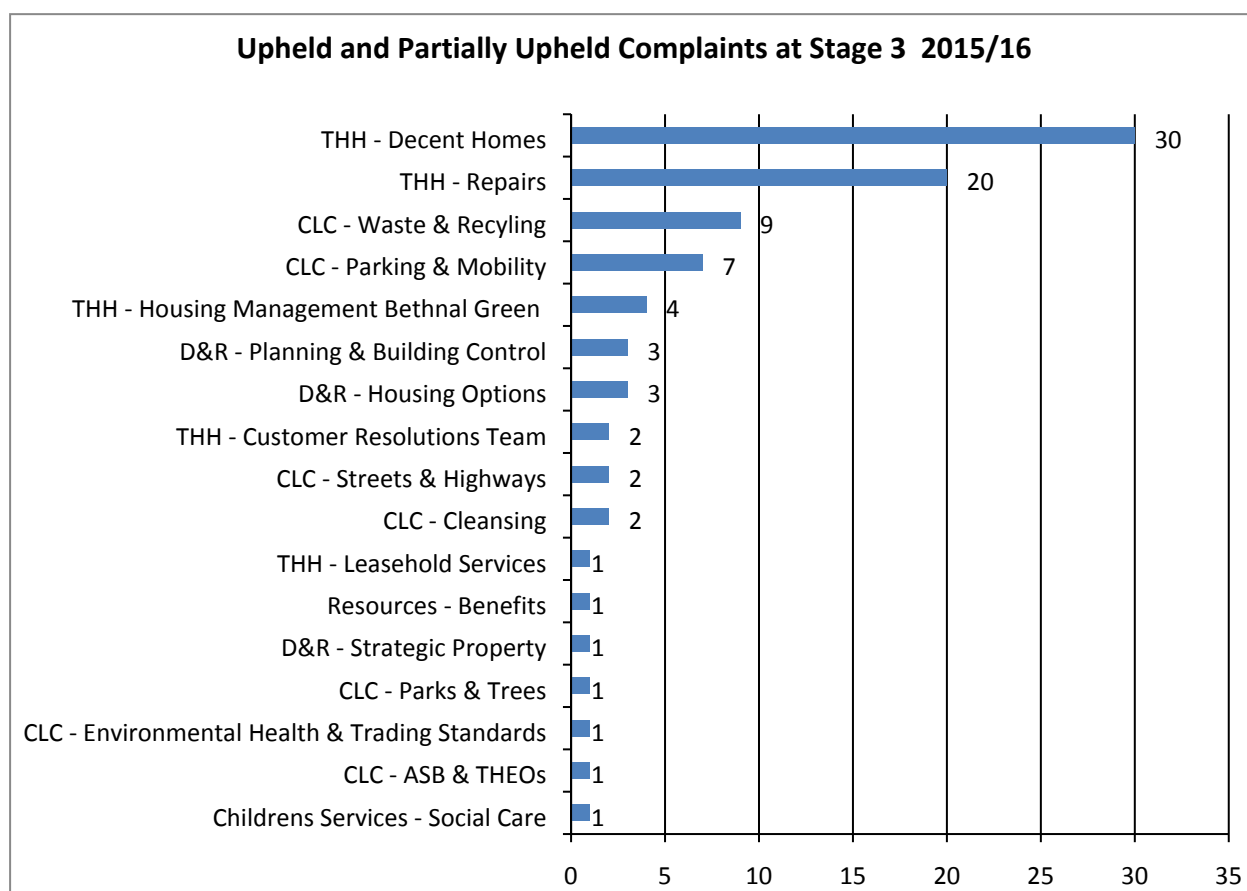
#### 5.40. Stage 3 complaints

5.41. The rate at which complaints were upheld or partially upheld at Stage 3 was higher in 2015/16 at 47% than in 2014/15 at 23%, however it is similar to the 2013/14 rate of 43%.

5.42. Stage 3 is an important review, as the last internal stage before the Local Government Ombudsman or Housing Ombudsman.

5.43. Figure 12 provide information about the areas in which complaints were upheld.

Figure 12



5.44. 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
2015/16	21	£10,142
2014/15	23	£8,186
2013/14	12	£3,385

## **5.45. Summary of Key Issues in upheld Stage 3 complaints**

### Communities, Localities and Culture

- 5.46.** There were 23 complaints for the Communities, Localities and Culture Directorate which were upheld. 5 related to domestic refuse and missed collection, 3 related to recycling, 2 related to Street Care and 13 for public services.
- 5.47.** One complaint concerned a pest control problem. £330 compensation was offered to cover complainant's cost of using private pest control and to cover cost of food that was contaminated.
- 5.48.** One complaint about an abandoned vehicle and the general condition of the street. The service apologised and remedial action was explained.
- 5.49.** Three complaints relating to applying for resident parking permits in a car free zone. One complainant was awarded parking permit as no car free agreement was in place.
- 5.50.** Two were complaints due to delay processing personalised disabled bay application or the process for removal of such bays. A bay was re-instated and £100 compensation awarded in one complaint. In the other a general disabled bay will be re-instated once works in the area are completed. Alternative parking arrangements were made in the short term.
- 5.51.** Three complaints about non collection of recycling waste. Apologies were given and increased monitoring of the site.
- 5.52.** Five complaints about missed collection of domestic waste. Apologies were given and a Veolia supervisor is monitoring the site.
- 5.53.** One complaint that the Council owns an area of land and is therefore responsible for repairs to the pavement. The service apologised for misinformation and acknowledged the Council is responsible.
- 5.54.** One complaint that the resident was entitled to a free bulk collection. Resident was found to be eligible for free bulk collection and was reimbursed £140.
- 5.55.** One complaint regarding planning permission needing to be obtained to carry out works on the trees. It was established permission was needed but apologies were given for not answering complaint in full at an earlier stage.

### Development and Renewal

- 5.56.** There were 7 complaints upheld in Development and Renewal Directorate. 3 related to Housing Options, 3 related to Planning and Building Control and 1 Strategic Property.
- 5.57.** One complaint in relation to an address not appearing properly on Royal Mail Postcode Finder. There was delay, mostly due to lack of cooperation from the leaseholder (not the resident) provisional addresses were added to the Land and Property Gazetteer Database.

- 5.58.** Two complaints were about statutory nuisance coming from plant built illegally. No enforcement will be taken about the noise nuisance as steps were taken to reduce the noise. Apologised for the delay in responding to initial complaint.
- 5.59.** One complaint about the lack of transparency in the lettings bidding system for ground floor properties. Bidding system was explained and additional text will be added to individual applications for clarity.

### Tower Hamlets Homes

- 5.60.** 57 Complaints were upheld/partly upheld. 30 of the complaints relate to Decent Homes Work, 17 relate to Repairs and General Build, 3 relate to Repairs Mechanical and Technical, 2 relate to the Customer Resolutions Team, 1 relates to Leasehold Services and 4 relate to Housing Management.
- 5.61.** £2310 compensation has been offered for Decent Homes complaints that were dealt with on iCasework (since July 2015). This compensation is mainly for inconvenience and stress caused as a result of defect Decent Homes works and delays in carrying out works.
- 5.62.** Reimbursement of food costs was a resolution on 2 occasions; one complaint was that workers left the fridge unplugged.
- 5.63.** Reimbursement for increased energy bills due to light being restricted by scaffolding was a proposed resolution to a complaint.
- 5.64.** In one complaint £3286.72 was offered in compensation for loss of amenities. This falls under Repairs Mechanical and Electrical.
- 5.65.** A total of £2250 was offered in compensation for complaints that were logged on iCasework for Repairs General Build.
- 5.66.** The largest compensation for Repairs General Build was £1000 due to outstanding works to roof.
- 5.67.** £600 compensation was offered due to outstanding repairs to property.
- 5.68.** In one complaint £200 compensation was offered due to a fault with immersion heater.
- 5.69.** 2 Housing Management complaints were in Stepney and £2000 Compensation was offered. £1000 for costs incurred and failure to communicate. £1000 was offered due to a bathroom being unusable for 10 months.

## 5.70. Complaints service user profiles

5.71. 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	2014/15		2015/16	
Email	1317	45%	1796	46%
Web / Self Service	408	14%	839	22%
Post	195	7%	170	4%
Phone	995	34%	1054	27%
In Person	10	0%	20	1%
<b>Total Complaints</b>	<b>2925</b>		<b>3879</b>	

5.72. Web usage and email increased significantly and this has been driven by the new software with its web form and the team sending this link to callers who wish to submit details on-line. Phone contact remains a significant part of the service.

5.73. The Council tries to collect equalities data to follow trends and analyse the impact of services on sectors of the community. Collection rates vary despite the option to submit data on the complaint web-form, the percentage known is not high enough to allow meaningful analysis for some strands (e.g. religion and sexual orientation).

5.74. 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 26% of complainants, this dataset is not robust enough to allow any conclusions to be drawn from it.

Figure 15

Stage 1 Complaints by Ethnicity	2014/15		Borough Projection	2015/16	
Asian	490	16.8%	41%	307	8.1%
Black	69	2.4%	7%	67	1.8%
Mixed /Dual Heritage	14	0.5%	4%	197	5.2%
Other	10	0.3%	2%	17	0.4%
White	465	15.9%	45%	409	10.8%
<b>Sub Total</b>	<b>1048</b>	<b>35.8%</b>		<b>997</b>	<b>26.3%</b>
Prefer Not to Say	172	5.9%		452	11.9%
Not Known	1705	58.3%		2340	61.8%
<b>Total Stage 1 Complaints</b>	<b>2925</b>			<b>3789</b>	

5.75. 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>2014/15</b>		<b>Borough Projection</b>	<b>2015/16</b>	
Female	1374	46.6%	48%	1061	27.4%
Male	1532	53.0%	52%	1188	30.6%
<b>Sub Total</b>	<b>2906</b>	<b>99.4%</b>		<b>2249</b>	<b>58.0%</b>
Prefer Not to Say	0	0.0%		346	8.9%
Not Known	19	0.6%		1284	33.1%
<b>Total Stage 1 Complaints</b>	<b>2925</b>			<b>3879</b>	

## 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 directly 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 in 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	2014 / 2015	2015 / 2016*	Upheld (or partially upheld)
Access to services	0	0	0
Challenge decision	7	3	2
Conduct/competence	6	4	3
Policy/procedure	0	0	0
Records/information held	0	0	0
Service delay/failure	8	12	11
Service quality	20	5	1
Other	7	3	2
<b>Total</b>	<b>48</b>	<b>27*</b>	<b>19</b>

**6.5** The figures for 2015/2016 have a gap where records for the third quarter are not held, and are likely (if estimated against the other quarters) to be up to 10 records short.



**6.6** 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.

**6.7** Figure 18 below compares the year on year volumes, showing no change.

Figure 18

Volume of Adult Social Care Complaints				
	2014/15	2015/16	Variance	
<b>Total Complaints</b>	52	52	4	8%

Figure 19

Adults Social Care Complaints by Service	Total	Upheld & Partly upheld	
Delivery Transformation & Independence	4	0	0%
Vulnerable Adults	3	0	0%
Access to Resources	1	1	100%
Commissioning Services	7	5	71%
Hospital and Community Integrated Services	7	3	43%
Learning Disability	5	3	60%
Mental Health Older People	1	0	0%
Occupational Therapy	1	0	0%
Personalisation Resources & Review	23	16	70%
<b>Total</b>	<b>52</b>	<b>28</b>	<b>54%</b>

**6.8** Figure 19 above shows the breakdown by service.

**6.9** 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 days, 20 working days and those over this. 30 (54%) of the complaints were completed within 20 working days. This is a drop against last year's performance.

Figure 20

Adults Social Care Stage 1 Complaints - By Performance								
Complaints Answered	Totals	Answered within 10 working days		Answered within 20 working days		Answered over 20 working days	Average Days to Complete	
2014/15	52	15	29%	33	63%	19	37%	21
2015/16	52	23	44%	31	60%	21	40%	29

**6.10** Figure 20 also demonstrates that the average number of working days to complete has increased from 21 to 29.

## 6.11 Access and Profiles

- 6.12** 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.
- 6.13 Summary of key issues in upheld cases**
- 6.14** Two concerned delay in assessment and communication regarding assessment.
- 6.15** One complaint concerned a paid for telephone line and there were difficulties when the billing schedule changed.
- 6.16** There were two complaints about liaison with agency providers and communication with their staff.
- 6.17** Two cases were upheld in relation to delay in conducting a re-assessment due to changing needs and one of these was requesting respite care.
- 6.18** A further two concerned staff communication in relation to assessment.
- 6.19** A provider complained about delay in the setup of a direct payment while a service user was moving from a previous provider's service.

## 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 rose in 2014/2015 as shown in Figure 22, there is no clear explanation for this.

Figure 22

Volume of Children's Social Care Complaints				
Year	2014/15	2015/16	Variance	
Stage 1	49	64	15	30%
Stage 2	3	8	5	160%
Review Panel	1	2	0	
<b>Total Complaints</b>	<b>53</b>	<b>73</b>	<b>20</b>	<b>37%</b>

**7.6 Complaint Response Times**

7.7 Figure 23 sets out the response times for Stage 1 complaints. It shows that 33% of Stage 1 complaints in Children’s Social Care were answered within the 10 working day time scale, and 50% completed in the extended time scale. This is a drop compared to last year, however it should be noted that was a 30% increase in complaints answered.

Figure 23

Children’s Social Care Stage 1 Complaints - By Performance						
Complaints Answered	Totals	Answered within 10 working days		Answered within 20 working days		Average Days to Complete
2014/15	49	21	43%	37	76%	11
2015/16	64	21	33%	32	50%	34

7.8 There were eight Stage 2 complaints this period with an average response time of 112 working days.

Figure 24

Children’s Social Care Stage 2 Complaints - By Performance						
Complaints Answered	Totals	Answered within 25 working days		Answered within 65 working days		Average Days to Complete
2014/15	3	0	0%	1	33%	81
2015/16	8	1	13%	0	0%	112

7.9 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.

7.10 Two statutory stage 3 panels were held within the year. One was not upheld and one was in part upheld, finding, as the stage 2 investigation has also identified, that the shared care arrangements, where the child was placed with a parent, were protracted and allowed to drift.

7.11 Children’s Social Care no longer support full care orders where the child is placed with the parent(s) and procedures have now improved the level of scrutiny with tracking and monitoring taking place as part of the review process. The service sent a further specific letter of apology acknowledging the actions where they could have done better and is considering the use of mental health training for relevant staff.

**7.12 Complaints by Service**

7.13 The areas on which complaints have been recorded at each stage are set out in figures 25 and 26 below.

Figure 25

	Total	Upheld	
Assessment & Early Intervention	9	5	56%
Child Protection & Reviewing	5	4	80%
Children Specialist Services	5	2	40%
Children's Social Care	43	15	35%
Early Years Children	1	1	100%
Family Intervention	1		
Family Support & Protection	4	2	50%
Youth Offending	1		
Other	2	1	50%
<b>Grand Total</b>	<b>72</b>	<b>30</b>	

**7.14** 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 26

Stage 2 Children's Social Care Complaints by Section				
	2014/15		2015/16	
Child Looked After & Leaving Care	1	33%	2	24%
Child Protection and Reviewing	1	33%	1	12%
Fieldwork Services	1	33%	5	62%
<b>TOTAL</b>	<b>3</b>		<b>8</b>	

### 7.15 Summary of key issues in upheld complaints

**7.16** There were eight complaints upheld.

**7.17** 3 complaints for Assessment and Early intervention were partially upheld due to delay in communicating decisions

**7.18** In Child Protection and Reviewing on one occasions there was a delay in providing minutes of a meeting, and in another complaint it was acknowledge that a meeting was not attended by the relevant officer, thus causing a delay.

**7.19** Another complaint concluded that insufficient information had been provided regarding a leaving care issue.

**7.20** In a Children with Disabilities case there was some confusion and delay in providing effective support when the family moved to another borough.

**7.21** One young person looked after complained that information was shared with a parent against their wishes.

**7.22** On the stage 2 complaints,

- 7.23** One upheld concern was that a report for review meeting was not provided with sufficient time for the parent to prepare for the meeting and that a meeting was cancelled at the last minute, without notification. In this instance the parent was not informed (although they had indicated that they were not attending).
- 7.24** Another complex case found that there was a gap in provision after a young person left SEN provision to return to live with family, and was only later accepted as having 'relevant child' status and support plans were put in place.
- 7.25** One of the two stage 3 panels was upheld in part

It was found, as also reflected in the stage 2 investigation, that the shared care arrangements were protracted and allowed to drift. Children's Social Care no longer support full care orders where the child is placed with the parent(s) and procedures have now improved the level of scrutiny with tracking and monitoring taking place as part of the review process.

The service sent a further specific letter of apology acknowledging where actions could have better completed and recognise the need for relevant staff to complete mental health training where this is warranted by the case.

## 8 LOCAL GOVERNMENT OMBUDSMAN AND HOUSING OMBUDSMAN COMPLAINTS

**8.1** 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.

**8.2** In 2015/16 the LGO received 149 complaints, and compared to London Boroughs (with 1<sup>st</sup> as high volume) Tower Hamlets ranked 20<sup>th</sup>.

**8.3** Figure 27 is a breakdown of complaints received from the LGO with their categories.

Figure 27

	LGO Complaints and Enquiries Received								
	Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environmental Services	Highways and Transport	Planning and development	Other	Total
2015/16	10	19	11	22	13	19	6	1	149
2014/15	12	15	7	13	6	29	37	0	128
2013/14	6	23	10	6	6	24	30		111

### 8.4 Complaints Closed by the Ombudsman

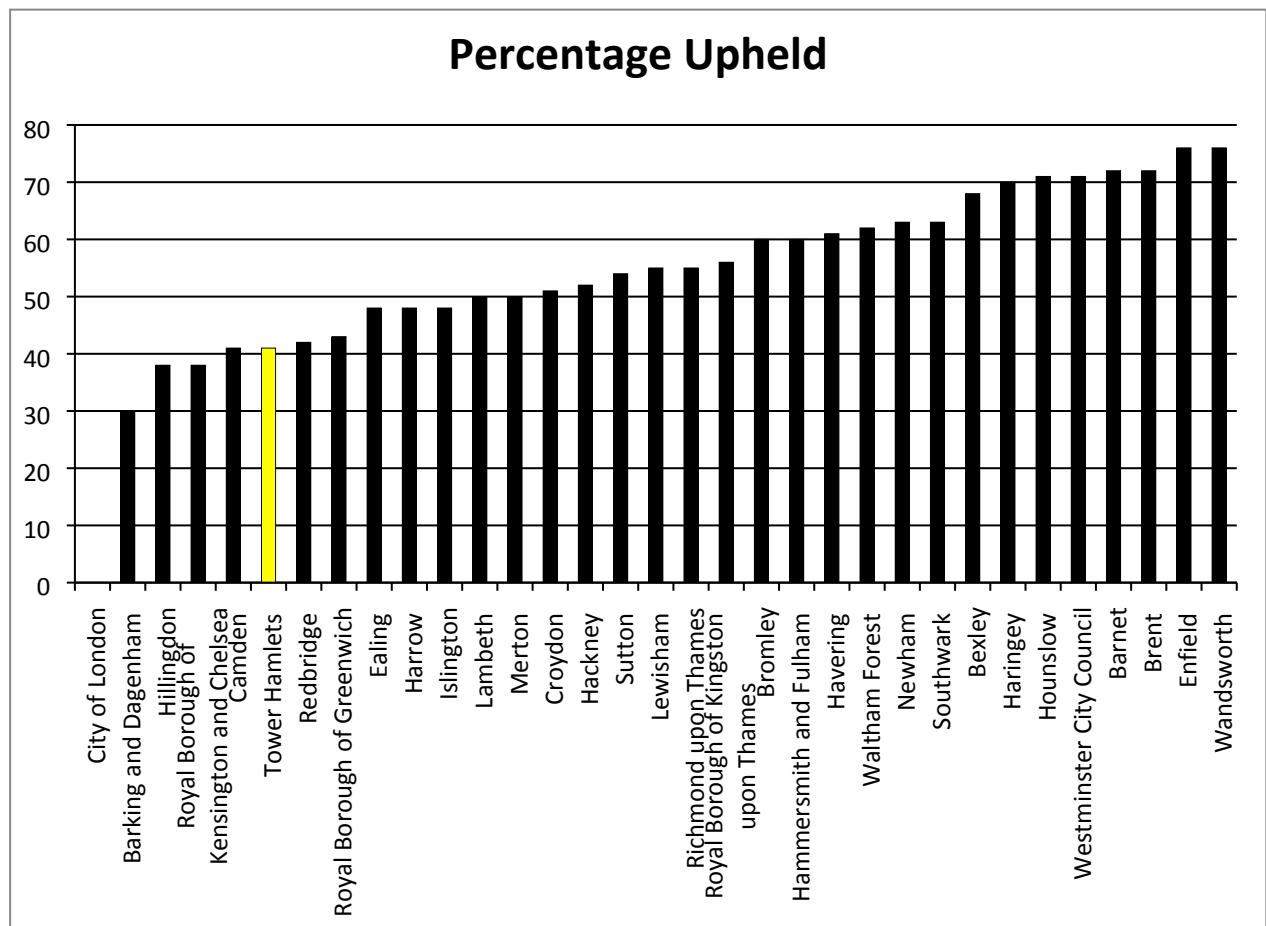
**8.5** As can be seen in Figure 28, 153 complaints were determined. The LGO has changed the way complaints are recorded and focused on those where an investigation took place. These are then noted as upheld or not upheld. In nine of these 22 cases some element of the complaint was upheld and 13 were not upheld. Accounting for the majority of the other cases not investigated, and the rise in overall volume, 78 cases were referred back to the Council as premature. 35 cases were dismissed after preliminary enquiries with the Council or on the basis of the information provided by the complainant.

Figure 28

	LGO Decisions Made						
	Detailed investigation		Other				
	Upheld	Not upheld	Advice given	Closed after initial enquiries	Incomplete /Invalid	Referred back for local resolution	Total
2015/16	9	13	11	35	7	78	153
2014/15	11	12	4	34	4	57	122
2013/14	10	3	11	40	3	51	118

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

Figure 29



**8.7** Figure 29 shows that Tower Hamlets had 41% of those case investigated upheld, with the highest percentages for some other authorities reaching 70 and 80%. In 2014/15 Tower Hamlets ranked 13<sup>th</sup> lowest upheld and in 2015/16 Tower Hamlets was 6<sup>th</sup> lowest. Please note this will also include complaints where the Council had already recognised the issue and remedied it.

**8.8** The overall volume of complaints considered varies across the boroughs. Tower Hamlets ranks 20 out of 33 for the fewest Ombudsman enquiries and complaints, as shown in figure 31 below.



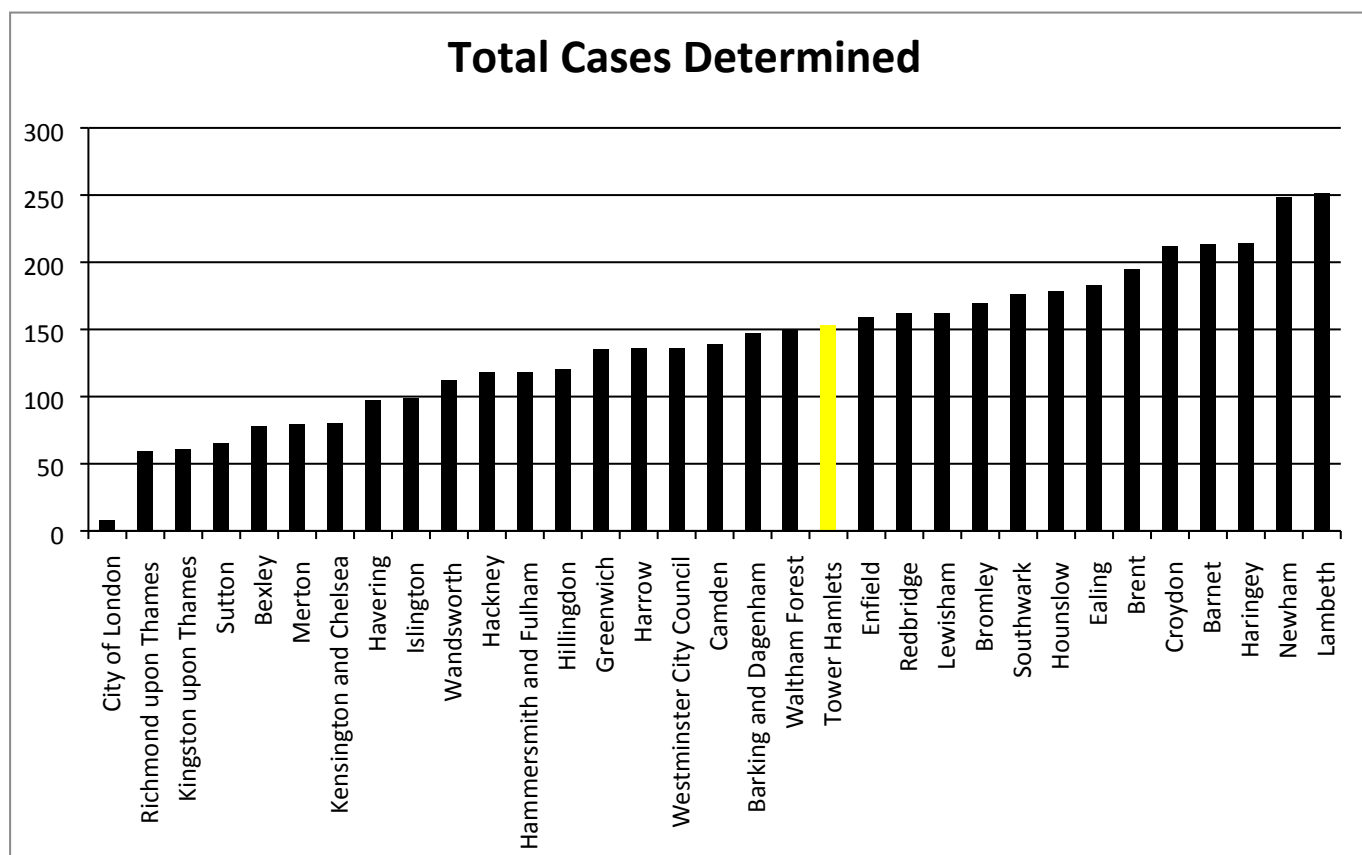


Figure 30

- 8.9** If the borough volumes are compared in relation to the number of the total complaints that were investigated (this figure is not shown), Tower Hamlets ranks 10<sup>th</sup> with only 22 progressed to investigation.
- 8.10** A report on the upheld Ombudsman complaints is appended, where details of the issues and action taken are set out.
- 8.11** 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 31

Housing Ombudsman Outcomes	2014/15	2015/16	
	Volume	Volume	Variance
Advice Given	20	32	12
Locally Resolved / Suitable Redress	3	2	-1
No Maladministration	3	0	-3
Outside Jurisdiction	6	4	-2
Refereed back for local resolution	12	10	-2
Withdrawn / Ineligible /Other	3	3	-
<b>Total</b>	<b>47</b>	<b>51</b>	<b>3</b>

- 8.12** There were 3 Tower Hamlets cases determined by the Housing Ombudsman in 2015/2016 where a resolution or remedy was required. Summaries of these are also contained in Appendix C.

## 9 IMPROVEMENT AND DEVELOPMENT INITIATIVES

### 9.1 External relationships

9.2 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.

9.3 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.

9.4 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.

### 9.5 Monitoring Complaints

9.6 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.

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

### 9.8 Transformation Board

9.9 In the 2nd and 3rd quarters of 2016/17 the Transformation Board will be considering the current complaint processes and how to improve the customer experience and the Council's performance.

### 9.10 Publicity

9.11 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.

9.12 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.

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

### 9.14 Effective Learning Outcomes from Complaints

- 9.15** Effective complaints procedures can help the whole authority improve the delivery of services by highlighting where change is needed.
- 9.16** Where appropriate, lessons learnt from complaints are considered by the Corporate Management Team in quarterly monitoring reports.
- 9.17** 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.
- 9.18 Equalities**
- 9.19** 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.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **APPENDICES**

Appendix A – Corporate Complaints by Directorate charts  
Appendix B – Ombudsman’s Annual Letter  
Appendix C – Upheld Ombudsman Complaints

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

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

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

- NONE

#### **Officer contact details for documents:**

- Ruth Dowden x4162

## APPENDIX A – CORPORATE COMPLAINTS BY DIRECTORATE

### Adults Services Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Building Development	1		0%
Contract Services	1	1	100%
Other Issues	4	2	50%

### Children's Services Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Assessment & Early Intervention	1	1	100%
Attendance & Welfare	4	1	25%
Child Protection and Reviewing	2		0%
Children Specialist Services	2		0%
Education Psychology & SEN	5	2	40%
Family Support & Protection	1		0%
Primary Achievement & Early Years	6	1	17%
Pupil Admissions	4		0%
School Governance	1		0%
Support for Learning	1		0%
Other Issues	9	5	56%

## Communities, Localities and Culture Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Arts & Events - Events and activities	35	7	20%
ASB & THEOs - ASB Investigations	27	7	26%
ASB & THEOs - Dog fouling / Stray Animals	3	1	33%
ASB & THEOs - THEOs	12	3	25%
Cleansing - Enforcement	6	2	33%
Cleansing - Fly tipping / flyposting	25	6	24%
Cleansing - General street cleansing	38	15	39%
Cleansing - Graffiti	2	0	0%
Cleansing - Other	10	3	30%
Community Safety & Domestic Violence & Hate Crime	1	0	0%
Environmental Health & Trading Standards - Housing safety and standards enforcement	12	4	33%
Environmental Health & Trading Standards - Investigations/inspections	2	0	0%
Environmental Health & Trading Standards - Licensing - Commercial	9	2	22%
Environmental Health & Trading Standards - Other	19	4	21%
Idea Store & Learning	7	5	71%
Markets	27	7	26%
Mobility - Disabled badge	11	4	36%
Mobility - Freedom Pass	6	2	33%
Mobility - Personalised Disabled Bay	11	1	9%
Noise nuisance enforcement and control	56	11	20%
Parking - Appeals	165	35	21%
Parking - Controlled parking zones	46	9	20%
Parking - Development	14	5	36%
Parking - Enforcement	89	2	2%
Parking - PCN Debt Recovery	71	12	17%
Parking - Permits	69	14	20%
Parking - Scratch cards	12	1	8%
Parking - Signs posts bays and lines	5	0	0%
Parking - Suspensions dispensations and skip licences	8	2	25%
Parks	23	6	26%
Passenger Transport	4	1	25%
Pest Control	22	12	55%
Recycling - Communal Dry	46	32	70%
Recycling - Door Step Dry	122	84	69%
Recycling - Food and Garden	49	33	67%
Sport & Physical Activities	8	2	25%
Streets & Highways - Cycle routes	3	0	0%
Streets & Highways - Enforcement	6	0	0%
Streets & Highways - Highways maintenance	37	9	24%
Streets & Highways - Other	48	6	13%
Streets & Highways - Road closures and diversions	12	2	17%
Streets & Highways - Street lighting	12	8	67%
Streets & Highways - Traffic calming and speed cameras	17	3	18%
Streets & Highways - Utilities companies	7	0	0%
Trees	15	5	33%

Waste - Bulk collection	66	49	74%
Waste - Clinical	4	3	75%
Waste - Commercial	11	7	64%
Waste - Contract	11	7	64%
Waste - Domestic Communal	61	36	59%
Waste - Domestic Door Step	167	98	59%

## Development and Renewal Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Corporate Property & Capital Delivery	10	6	60%
Housing Options - All Other Housing Options Issues	117	24	21%
Housing Options - Application Not eligible	6	2	33%
Housing Options - Application Suspended	5	0	0%
Housing Options - Assessment Review	4	2	50%
Housing Options - Medical Assessment	6	2	33%
Housing Options - Offer Appeal	3	2	67%
Housing Options - Temporary Accommodation	15	7	47%
Housing Options - Time on Waiting List	12	2	17%
Planning & Building Control -	27	4	15%
Planning & Building Control - General	14	4	29%
Planning & Building Control - Planning Enforcement	18	11	61%
Resources - D&R	4	1	25%
Strategy Regeneration & Sustainability	8	3	38%
Street Naming & Numbering	4	4	100%

## Law, Probity and Governance Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Complaints & Information	10	2	20%
Corporate Communications	5	2	40%
Electoral Services	7	3	43%
Legal Services	13	4	31%
Mayors Office	1	0	0%
Registrars Office	3	2	67%
Strategy & Performance	1	0	0%

## Resources Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Benefits	99	37	37%
Business Rates	7	1	14%
Contact Centre	51	32	63%
Corporate Finance - General Finance Issues	2	2	100%
Council Tax - Billing	84	36	43%
Council Tax - Other Issues	28	8	29%
Council Tax - Recovery	43	5	12%
Human Resources	5	2	40%
One Stop Shops	31	25	81%
Risk Management & Audit	14	3	21%

## Tower Hamlets Homes Stage 1 Complaints 2015/16 by Service and Outcome

Service	Answered	Upheld & Partly Upheld	
		Number	Percent
Leasehold Services - Re-sales / Buying Additional Property	2	2	100%
Leasehold Services - RTB application delay	26	3	12%
ASB	15	4	27%
Caretaking	27	11	41%
Decent Homes	431	182	42%
Repairs	795	304	38%
Customer Resolutions Team	15	2	13%
Estate Parking	35	12	34%
Estate Services	32	7	22%
Housing Service Centre	26	10	38%
Housing Management	149	33	22%
Chief Executive	2	1	50%
Drainage	5	3	60%
Rents	7	1	14%
Leasehold Service Charges	35	13	37%
Leasehold Major Works	13	4	31%
New Build THH	5	1	20%
Planned Maintenance	2	1	50%

21 July 2016

*By email*

Stephen Halsey  
Acting Head of Paid Service  
London Borough of Tower  
Hamlets

Dear Stephen Halsey,

Annual Review Letter 2016

I write to you with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.



## Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

## Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

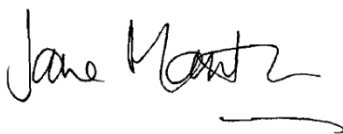
## Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



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

**Local Authority Report:** Tower Hamlets London Borough Council  
**For the Period Ending:** 31/03/2016

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

### Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
10	19	11	22	13	19	48	6	1	149

### Decisions made

Decisions made				Detailed Investigations			Total
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	
7	11	78	35	13	9	41%	153

#### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.  
 The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

#### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
7	1	100%



## Appendix C

Reference	Complaint	Council Remedy / Action
Housing		
201506035	<p>Complaint</p> <p>This concerned the length of time it took the Council to carry out repairs required to the living room window in the property together with the handling of her formal complaint</p>	<p>Action</p> <p>The Council paid Ms Y £200 compensation for failing to adhere to the timescales for responding to complaints.</p> <p>Officers had already acknowledged the delays and errors that occurred, apologised for this, completed the repairs required and offered reasonable redress for the service failures identified.</p> <p>Service Comments:</p> <p>The delay and error in the complaint progression is being reviewed in both THH and the Corporate Complaints team to ensure that all escalation requests are adequately recorded and progressed.</p>
201507286	<p>Complaint</p> <p>The landlord's offer of compensation in recognition of its acknowledged service failures when responding to his reports of a loss of electrical power. It is doubtful that operatives attended the property. No calling cards were left or photographs taken.</p>	<p>Action</p> <p>THH should pay Mr E the £90 previously offered, plus £120 compensation for his distress and inconvenience and the partial loss of use of his home. And ensure that contractors and sub-contractors fulfil their procedural requirements, in particular recording 'no access' call-outs.</p> <p>Service Comments:</p> <p>THH agreed the £120 as a goodwill gesture but believe that the amount already offered was appropriate.</p>

201507769	<p>Complaint</p> <p>Previously a resident had no heating or hot water as Mr Q would not provide access to engineers to switch over to the new system. The resident intermittently continued to complain even after the heating was switched over. Officers referred back to earlier correspondence rather than proactively establishing whether there was a current problem with Mr Q's heating and hot water supply between January and July 2014 and this problem was missed.</p> <p>The Council was also criticised for responding to his concerns under the disrepair protocol and not the complaints procedure</p>	<p>Action</p> <p>Officers subsequently attempted to contact and meet with Q on numerous occasions to try to establish what the current issues were and whether he was currently without heating and hot water. However Mr Q would not engage with THH and his refusal to grant access or engage with officers at this time was unreasonable.</p> <p>Service Comments:</p> <p>No further comment</p>
201406945	<p>Complaint</p> <p>THH, through its stock condition assessment process, identified YY House as requiring a roof refurbishment. Given lack of funds, they were carrying out patch repairs until resources became available. The decent homes funding made it possible to programme this work, subject to the competing priorities within the programme</p> <p>Ms Z lived in the property with water ingress causing internal damage. An offer of temporary accommodation was made in accordance with the policy but rejected due to décor and the floor level. Circumstances did not lead to an increase in priority for permanent accommodation. Ms Z had a claim settled under the disrepair protocol.</p>	<p>Action</p> <p>THH consider that there are lessons to be learnt. A range of issues, including record keeping, communication and the coordination of recurring problems such as the roof leak will be addressed.</p> <p>Service Comments:</p> <p>No further comment</p>
Noise Nuisance		

<p>14 001 469</p>	<p><b>Complaint</b></p> <p>Ms T consistently complained about street noise since 2010. However the Council did not installed noise monitoring equipment until November 2014. This left a level of uncertainty as it is not possible to conclude whether Ms T's amenity would have improved had the Council taken reasonably practicable steps sooner. The data from the noise monitoring equipment installed in November 2014 was analysed by an officer who decided that two of the recorded noises amounted to statutory nuisance but there is no documentary evidence to show any action was taken. On one occasion Ms T reported loudspeaker noise after 21:00. The Council did not pursue the matter because Ms T would not allow officers into her home to assess the noise. However the use of loudspeakers at this time is an offence and the Council had the powers to take action against the perpetrator. The Council tried to cease noise from a band in May 2015 and served an abatement notice. However the Council was prevented from taking enforcement action because it transpired the original notice was invalid.</p>	<p><b>Action</b></p> <ul style="list-style-type: none"> <li>• Review procedures and consider staff training to reinforce the Council's powers under Section 62 of the Control of Pollution Act;</li> <li>• consider introducing signage in the area to advise performers of the allowed hours for use of loudspeakers;</li> <li>• meet with Ms T to discuss the current strategies in place to tackle the wider noise nuisance in the area consider installing noise recording equipment at Ms T's property to identify ongoing causes of statutory nuisance.</li> </ul> <p><b>Service Comments:</b>  There has been no significant change to noise policy as our investigative duties are clear under the Control of Pollution Act 1974, we have a duty to investigate noise complaints.</p> <p>In respect of loudspeaker use on the street as identified on one occasion, we have informed the THEO management team and our noise support team of the need to allocate calls in a timely manner attend and deal with such instances by way of Fixed Penalty Tickets. This will have little impact given only 1 recorded incident in the past year.</p> <p>We determined that it is inappropriate and not proportionate to secure agreement for signage to be posted on street furniture/buildings given the number of breaches under this legislation.</p> <p>The service met with the complainant, listened to her</p>
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<p>Parking 14 020 553</p>	<p>Complaint</p>	<p>Action</p>

	<p>The Council wrongly revoked Mr J's disabled parking bay and then refused to relocate it despite a recommendation to do so. The Council failed to take account of the OT's primary recommendation that Mr J should have a disabled parking bay. It then misinterpreted the reasons for her decision. The OT's decision was that Mr J could manage to use a parking bay on a nearby street instead of one directly outside his home. The Council interpreted this as meaning he did not need a parking bay at all.</p>	<ul style="list-style-type: none"> <li>• Apologise to Mr J</li> <li>• Immediately provide him a disabled parking bay on the nearby street</li> <li>• Pay Mr J £1,000 to acknowledge the impact on him of its fault. This figure takes account of:             <ol style="list-style-type: none"> <li>a) The fact that Mr J did have access to a parking bay for some of the period affected by fault</li> <li>b) Mr J's vulnerability</li> <li>c) The length of time he has wrongly been without a designated parking bay</li> <li>d) The impact this has had on his day-to-day life.</li> </ol> </li> </ul> <p>The Council was asked to also review all the other decisions it has made about individual disabled parking bays during its audit, to check that these decisions have not been affected by the faults I have identified here.</p> <p>Service Comments: This case resulted from an unfortunate misunderstanding by officers of the meaning of the independent mobility assessor's report and as soon as the decision was received by the Council officers implemented the disabled bay as required.</p> <p>No evidence has been discovered that such errors were endemic to the process of assessing eligibility criteria for Personalised Disabled Bays.</p>
13 010 585	<p>Complaint</p> <p>Mr P complained that he felt he had wrongly been</p>	<p>Action</p> <p>A review mechanism should address concerns that:</p>



	<p>denied a parking permit under the Council's Permit Transfer Scheme.</p> <p>The Council was at fault in not providing an accessible right of review for residents whose Parking Transfer Scheme applications it refused. But, Mr P did not suffer injustice through this fault, as the Council reviewed his case a number of times, via Members' Enquiries and the complaints procedure. In Mr P's case the Council thoroughly reviewed matters and gave clear reasons why it did not propose to exercise its discretion to provide him with a parking permit in accordance with the Parking Transfer Scheme. The Council agreed to provide a right of appeal in the future.</p>	<ul style="list-style-type: none"> <li>• the Council had applied the eligibility criteria wrongly; or</li> <li>• there were extenuating circumstances; for example, a medical or family emergency, which delayed them in renewing their parking permit.</li> </ul> <p>The right of appeal has been established.</p> <p>Service Comments: This case was taken to the Ombudsman by a resident who did not accept that he was not eligible for a permit under the PTS. He made a number of enquiries both to councillors and through the Corporate Complaints procedure. Officers have implemented an appeals policy but as the Ombudsman stated, the matter had been adequately dealt with through the Complaints and Members' Enquiries processes.</p>
<p>Lettings and Homeless Services</p>		
<p>15 003 285</p>	<p>Complaint</p> <p>There was fault in the way the Council dealt with Mr B's homeless application. Record keeping was poor, officers failed to offer interim accommodation, delayed in reaching a decision on his case and securing accommodation, failed to assess his eligibility for the private rented scheme and relied on inaccurate evidence to deny him access to it.</p>	<p>Action</p> <p>The Council agreed to pay Mr B £1750 and consider him for the private rented scheme now</p> <p>Service Comments: This case has raised performance management issues which are now being addressed with the officer and line manager concerned. Procedures for taking applications and considering temporary accommodation from single clients have now been reviewed and implemented.</p>
<p>14 014 717</p>	<p>Complaint</p> <p>The Council offered a property in error to Ms X even</p>	<p>Action</p> <p>Apologised immediately the error was identified and offered</p>

	<p>though another tenant had already signed the tenancy agreement. The remedy already offered by the Council is appropriate in this case.</p>	<p>£250 compensation</p> <p>Service Comments: All refusals are now being formally emailed over for offers to be resulted by Lettings. Housing officers now <u>email</u> when a property is refused for Lettings to reoffer to other priority applicant(s) on the shortlist.</p>
15007496	<p>Complaint</p> <p>Mrs H rents a flat from the Council. She suffers from mental health problems and says that the fact that the flat is on the 7th floor makes her mental health problems worse. Mrs H wants to be re-housed to a ground floor flat and applied for re-housing on health grounds. The Council assessed Mrs H and did not give her a higher priority for re-housing. A review of the decision came to the same conclusion.</p> <p>Mrs H complained to the Ombudsman about the mental health assessment that had been carried out and the Council then offered Mrs H a re-assessment</p>	<p>Action</p> <p>The Council offered to re- assess Mrs H and this proposed action resolved any outstanding issue and no further action by the Ombudsman was needed.</p> <p>Service Comments:</p> <p>All negative review decisions are now considered by a senior manager before a decision letter is issued.</p>
Adult Social Care		

15 014 071	<p>Complaint</p> <p>Ms V complained the Council was wrong to remove her support with housework when it reviewed her needs in July 2015. Before making changes to her support plan, the Council should have reassessed Mrs V's needs under new eligibility criteria which are set out in the Care and Support (Eligibility Criteria) Regulations 2014 but did not do so. The July 2015 review of Mrs V's needs does not mention the outcomes identified in the Care and Support (Eligibility Criteria) Regulations 2014. Nor does it mention Mrs V's wellbeing. Therefore the review was not a Care Act compliant assessment of Mrs V's needs. The Council updated its policies in 2015 to take account of the Care Act 2014 which came into effect from 1 April 2015.</p>	<p>Action</p> <p>The Council should have reassessed Mrs V's needs under the Care Act. The Council needs to rectify its fault by reassessing Mrs V's needs under the Care Act. The Council updated its policies in 2015 to take account of the Care Act 2014.</p> <p>Service Comments:</p> <p>Subsequently, the Council has agreed and implemented a Resource Allocation policy which is being trialled for a 6 month period.</p>
15 005 715	<p>Complaint</p> <p>Miss A complained that the Council failed to respond to concerns about the domiciliary care her mother, Mrs B, received between September 2013 and February 2014. Her mother's support plan said she should receive a service between 08.00 and 09.00 each morning. However, she said for several months the carers had been arriving between 07.15 and 09.30 and sometimes after 10.00 and 11.00. It is clear from the care agency's response to Mrs B that she did not always receive a service in line with her support plan between September 2103 and February 2014. Because of her medical conditions this will have caused her some discomfort as well as distress. The Council did change the agency providing support but did not address the complaint about the poor service</p>	<p>Action</p> <ul style="list-style-type: none"> <li>• Apologise to Mrs B for not addressing her concerns about the care she received between September 2013 and February 2014;</li> <li>• Pay Mrs B £250 in financial redress</li> </ul> <p>Service Comments:</p> <p>The Council has strengthened its monitoring of the external domiciliary care providers it contracts with. In addition, the Commissioning team is leading on a retender of domiciliary care provision.</p>

	prior to transfer.	
Education		
14 013 011	<p><b>Complaint</b></p> <p>Ms M wished to move her child, P, to an independent school. Her child had a statement of special educational needs. There was no duty on the Council to name an independent school in P's statement. However, the Special Educational Needs Code of Practice says "If the LEA conclude that they cannot name the school proposed by the parents, they must tell the parents in writing of their right to appeal to the SEN Tribunal against the decision and the time-limits that apply". The Council said that as Ms M didn't make a request "via an Annual Review or following the issue of an amended statement...at that time she had no right of appeal". The Code does not say parents can only make representations at specific times. Although the Panel did not agree to a placement at School Y, it asked the current school to hold an interim Annual Review in accordance with paragraph 9:44 of the Special Educational Needs Code of Practice. This says "where a school identifies a pupil with a Statement of SEN who is at serious risk of disaffection...an interim or early review should be held...to consider the pupil's changing needs and recommend amendments to the statement".</p>	<p><b>Action</b></p> <p>The Council's error in not writing to Ms M informed her of her right to appeal did not cause Ms M injustice because the interim annual review should have given her fresh appeal rights.</p> <p><b>Service Comments:</b></p> <p>No further comment</p>