

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 1 July 2008 at 7.00 p.m.

A G E N D A

VENUE

M71, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

Members:	Deputies (if any):
Chair: Councillor Abdul Asad Vice-Chair: Councillor Bill Turner	
Councillor Shahed Ali Councillor Stephanie Eaton Councillor Waiseul Islam Councillor Ann Jackson Councillor Shiria Khatun Councillor Oliur Rahman Councillor A A Sardar Two Vacancies	Councillor M. Shahid Ali, (Designated Deputy representing Councillors Abdul Asad, Waiseul Ialm, Ann Jackson, Shiria Khatun, A. A. Sardar and Bill Turner) Councillor Lutfu Begum, (Designated Deputy representing Councillor Oliur Rahman) Councillor Carli Harper-Penman, (Designated Deputy representing Councillors Abdul Asad, Waiseul Islam, Ann Jackson, Shiria Khatun, A. A. Sardar and Bill Turner) Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Rania Khan, (Designated Deputy representing Councillor Oliur Rahman) Councillor Abdul Matin, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Abjol Miah, (Designated Deputy

representing Councillor Shahed Ali)
Councillor Fozol Miah, (Designated
Deputy representing Councillor Shahed
Ali)
Councillor Tim O'Flaherty, Designated
Deputy representing Councillor Stephanie
Eaton
Councillor M. Mamun Rashid, Designated
Deputy representing Councillor Shahed Ali
Councillor Salim Ullah, (Designated
Deputy representing Councillors Abdul
Asad, Waiseul Islam, Ann Jackson, Shiria
Khatun, A. A. Sardar and Bill Turner)

[Note: The quorum for this body is 4 voting Members].

Co-opted Members:

Mr Azad Ali	–	Parent Governor Representative
Terry Bennett	–	Church of England Diocese Representative
Mr D McLaughlin	–	Roman Catholic Diocese of Westminster Representative
Mr H Mueenuddin	–	Muslim Community Representative
One Vacancy - Parent Governor Representative	–	

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 1 July 2008

7.00 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

3 - 12

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 10th June 2008.

4. REQUESTS TO SUBMIT PETITIONS

To be notified at the meeting (if any).

5. REQUESTS FOR DEPUTATIONS

To be notified at the meeting (if any).

6. SECTION ONE REPORTS 'CALLED IN'

There were no decisions 'called in' from the meeting of Cabinet held on 11th June 2008.

7. SCRUTINY SPOTLIGHT: LEAD MEMBER

The Lead Member for Employment and Skills will attend to report on his portfolio.

8. PERFORMANCE MONITORING

8.1 Corporate Complaints and Social Care Complaints - Annual Report

13 - 50

9. SCRUTINY MANAGEMENT

9.1 Verbal updates from Scrutiny Leads

10. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

11. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

12. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

13. SECTION TWO REPORTS 'CALLED IN'

There were no decisions 'called in' from the meeting of Cabinet held on 11th June 2008.

14. PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS

15. ANY OTHER SECTION TWO (RESTRICTED) BUSINESS THAT THE CHAIR CONSIDERS URGENT

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE FOR MEMBERS OF THE OVERVIEW & SCRUTINY COMMITTEE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

There are particular rules relating to a prejudicial interest arising in relation to Overview and Scrutiny Committees

- You will have a prejudicial interest in any business before an Overview & Scrutiny Committee or sub committee meeting where both of the following requirements are met:-
 - (i) That business relates to a decision made (whether implemented or not) or action taken by the Council's Executive (Cabinet) or another of the Council's committees, sub committees, joint committees or joint sub committees
 - (ii) You were a Member of that decision making body at the time and you were present at the time the decision was made or action taken.
- If the Overview & Scrutiny Committee is conducting a review of the decision which you were involved in making or if there is a 'call-in' you may be invited by the Committee to attend that meeting to answer questions on the matter in which case you must attend the meeting to answer questions and then leave the room before the debate or decision.
- If you are not called to attend you should not attend the meeting in relation to the matter in which you participated in the decision unless the authority's constitution allows members of the public to attend the Overview & Scrutiny for the same purpose. If you do attend then you must declare a prejudicial interest even if you are not called to speak on the matter and you must leave the debate before the decision.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 10 JUNE 2008

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Abdul Asad (Chair)
Councillor Shahed Ali
Councillor Stephanie Eaton
Councillor Waiseul Islam
Councillor Shiria Khatun
Councillor A A Sardar
Councillor Bill Turner

Other Councillors Present:

Councillor Philip Briscoe
Councillor Peter Golds
Councillor Clair Hawkins
Councillor Sirajul Islam
Councillor Joshua Peck
Councillor Lutfur Rahman
Councillor David Snowdon

Co-opted Members Present:

–

Officers Present:

Suki Binjal	– (Interim Legal Services Manager)
Isobel Cattermole	– (Service Head, Resources, Childrens' Services)
Paul Evans	– (Interim Corporate Director Development & Renewal)
Afazul Hoque	– (Acting Scrutiny Policy Manager, Scrutiny and Equalities, Chief Executive's)
Michael Keating	– (Acting Assistant Chief Executive)
Martin Smith	– (Chief Executive)
Amanda Thompson	– (Team Leader - Democratic Services)

COUNCILLOR ABDUL ASAD IN THE CHAIR

1. ELECTION OF VICE-CHAIR

The Chair welcomed everyone to the first meeting of the Overview and Scrutiny Committee for the new Municipal Year.

MOVED by Councillor A A Sardar, **Seconded** by Councillor Shiria Khatun and

RESOLVED

That Councillor Bill Turner be elected Vice-Chair of the Overview and Scrutiny Committee for the current Municipal Year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ann Jackson and Mr H Mueenuddin, Co-opted Member.

3. DECLARATIONS OF INTEREST

The Chair declared a personal and prejudicial interest in agenda item 9.1 on the basis that he had been a Member of the Cabinet when the original decision was taken.

Councillor Shiria Khatun declared a personal and prejudicial interest in agenda item 9.1 on the basis that she had been a member of the Cabinet when the original decision was taken.

Following their declarations of interest both Members withdrew from the meeting during discussion of the item and did not return until after a decision had been made.

Councillor Joshua Peck and Councillor Clair Hawkins each declared a personal and prejudicial interest in agenda item 9.1 on the basis that they were Members of the Cabinet when the original decision was taken. Councillors Peck remained in the meeting to provide information and answer questions in relation to the Cabinet's decision. Councillors Peck and Hawkins then left the room during the Committee's discussion and decision on this agenda item.

4. UNRESTRICTED MINUTES

That the unrestricted minutes of the meeting held on 6 May 2008 be confirmed and as a correct record.

5. OVERVIEW AND SCRUTINY PROCEDURES

5.1 Terms of Reference

Mr Michael Keating, Acting Assistant Chief Executive, introduced the report asking the Committee to note its terms of reference being their first meeting of the new Municipal year.

Councillor Stephanie Eaton sought clarification in relation to paragraph 3.1 (i) of the report concerning the discharge of functions conferred by the Police and Justice Act 2006 and the Council's Crime and Disorder Committee and asked that this be confirmed as accurate.

RESOLVED

That the report be noted and confirmation of the discharge of functions conferred by the Police and Justice Act 2006 be reported back to the Committee.

5.2 Protocols and Guidance

Mr Michael Keating introduced the report which detailed the protocols for Members of the Overview and Scrutiny Committee and outlined procedures for the receipt of deputations and petitions.

RESOLVED

That the report be noted.

5.3 Schedule of Dates

Mr Michael Keating introduced the report detailing the schedule of meeting dates for the new Municipal year. The Committee were asked to note that the meeting on 9 September 2008 would begin at 5pm and not 7pm to take account of Ramadan.

RESOLVED

That the schedule of dates for meetings of the Overview and Scrutiny Committee for the Municipal Year 2008/2009 be noted.

5.4 Committee Membership/Appointment of Lead Scrutiny Members/Establishment of Health Scrutiny Panel/Co-optees

Mr Michael Keating introduced the report and advised the Committee of the need to agree the new scrutiny lead portfolios and lead members based on the new Community plan themes.

RESOLVED

1. That the membership of the Committee be noted;
2. That the new Scrutiny Lead Portfolios based on the Community Plan refresh and the new themes be agreed;
2. That the following Scrutiny Leads be appointed:-
 - Councillor Waiseul Islam – A Great Place to Live
 - Councillor A A Sardar – A Prosperous Community
 - Councillor Shiria Khatun – A Safe and Supportive Community
 - Councillor Stephanie Eaton – A Healthy Community
 - Councillor Ann Jackson – One Tower Hamlets
 - Councillor Bill Turner – Excellent Public Services
3. That the establishment by full Council on 21 May 2008 of the Health Scrutiny Panel and the appointment of Members thereto as detailed in paragraph 4.2 of the report be noted;
4. That the current details of the nominated/co-opted Members of the Overview and Scrutiny Committee as set out in the report be noted; and
5. That the details of arrangements for co-opted Members of the Health Scrutiny Panel be agreed.

6. REQUESTS TO SUBMIT PETITIONS

No petitions were received.

7. REQUESTS FOR DEPUTATIONS

No deputations were received.

8. SECTION ONE REPORTS 'CALLED IN'

8.1 Report Called In - Heron Quays West – Proposal to Use Compulsory Purchase Powers to Aid Land Assembly and Development

Further to their respective declarations of a personal and prejudicial interest, Councillor Abdul Asad and Councillor Shiria Khatun left the meeting for the duration of the Committee's consideration of this agenda item.

COUNCILLOR BILL TURNER IN THE CHAIR

Suki Binjal, Interim Legal Services Manager, informed Members that a letter had been received before the meeting from the solicitor representing a number of Third Parties currently occupying the site at Heron Quays West. The representative had asked that the letter be circulated to Members and its content read out to the meeting. Ms Binjal advised that such a representation would be regarded as a deputation and that in accordance with the Council Procedure Rules at Part 4.1 of the Council's Constitution (Rule 20.1), the deadline for receipt of deputation requests had passed before the letter was received.

The Committee agreed to hear the Call-in before considering whether or not to hear the representation.

Mr Michael Keating outlined the call-in procedure to the Committee.

Councillor Shirley Houghton for the Call-In Members referred to the reasons in their requisition and highlighted the main issues that they held with the provisionally agreed decision to use compulsory purchase powers in respect of land at Heron Quays West, mainly that the correct process and procedure was not followed by the Cabinet, and an independent valuation of the site had not been made.

Councillor Houghton then responded to questions from the Committee in relation to the content of the call-in requisition, and suggestions that the Cabinet were not in full possession of the facts.

The Committee then considered whether to hear the representation from the Third Parties raised previously. Councillor Oliur Rahman asked why the representation had not been received before the deadline for deputations. The representative for the Third Parties indicated that they did not wish formally to submit a deputation but merely to put forward a number of points as set out in their letter. Suki Binjal, Interim Legal Services Manager, advised the Committee that the Constitution provided for such third party contribution only by means of a deputation or petition. It was open to the Committee however to consider whether to suspend the relevant Procedure Rule to enable a deputation to come forward without the stipulated notice period.

Councillor Stephanie Eaton moved, and Councillor Oliur Rahman seconded, that Council Procedure Rule 20.1 be suspended in order to allow the Committee to debate whether to hear the deputation. This motion was put to the meeting and was agreed.

Following debate, the committee voted on whether to hear the deputation and decided that they would not.

Councillor Joshua Peck, Lead Member for Resources and Performance, on behalf of the Cabinet, then addressed the Committee in response to the Call-

in stating that the accuracy of the valuation had never been an issue and that the regeneration benefits for the community were huge and justified the Compulsory Purchase Order (CPO). He advised that he was satisfied that the process had been followed correctly and that the Cabinet had all the information it needed.

Committee Members then put detailed questions to Councillor Peck and Mr Paul Evans, Interim Director, Development and Renewal, on a number of issues including the influence of the proposed community benefits on the decision, the consultation process, and the information available to the Cabinet.

After questions and before the Committee debated the matter, Councillor Peck and Councillor Hawkins left the meeting.

Following the debate the Committee voted on whether to refer the item back to the Cabinet for further consideration and it was

RESOLVED:

That the alternative course of action proposed in the Call-in be not pursued and the decision of the Cabinet be confirmed.

9. BUDGET AND POLICY FRAMEWORK ISSUES

9.1 Children and Young People Plan - Annual Review and Update

COUNCILLOR ABDUL ASAD IN THE CHAIR

Councillor Clair Hawkins introduced the report detailing the review of the Children and Young People's Plan (CYPP) which had been updated by the Council's Children's Services and external partners.

Councillor Waiseul Islam stated that in addition to Tower Hamlets EBP, the following organisations should be included in youth partnerships/contracts and in the provision of work placements in Canary Wharf and city firms – Brick Lane Youth Development Association, Davenant Youth Centre of Excellence, Bangladesh Youth Movement, and the Sidney Youth Project.

During the discussion the Committee made a number of comments on the updated strategic objectives, activities and targets and

RESOLVED

That the following comments be made to the Cabinet on 11 June 2008:

The Overview and Scrutiny Committee welcomed the report on the Children and Young People's Plan Annual Review and Update. The Committee noted

the progress that had been made and were particularly pleased to note the four star rating for the service. It also noted that this was a partnership document and had been consulted widely with all the stakeholders including the views of young people.

However, the Committee felt there were a number of issues the Cabinet should consider in agreeing the updated plan and also in developing the new plan next year. This included the need to be more explicit in all plans for more affordable and social rental housing and in particular for this plan around the impact poor housing has on young people. The report discusses substance misuse but does not have any details about the growing problem of under age drinking within the borough and the subsequent problems this causes. This is an area of proposed scrutiny review this year which could make recommendations for the new plan to be developed in 2009/10.

The Committee also raised concerns in relation to sexual health and teenage pregnancy and asked that the Council continue working with external partners to provide advice and information to our young people.

The Committee highlighted that although a lot of good work had been done with partners there seemed to be lack of data available from the partner agencies such as accurate information on the levels of teenage pregnancies. It was noted that the Council was working with our partners to help build their capacity to provide more accurate and robust data.

The Committee commented that there was no specific mention of the problem of grooming of young children as highlighted by a recent report by Barnardo's. The Committee also highlighted the issue of disproportionate use of custodial sentencing on young people in Tower Hamlets.

Members felt that more work was needed to ensure that children can be given access to their local schools. Further work also needed to be done on reducing child poverty and ensuring young people from this Borough are benefiting from the economic benefits of Canary Wharf and the City through employment and training initiatives such as work placements.

9.2 Tower Hamlets Community Plan to 2010: Year 8 (2007/2008)

9.3 The Council's Strategic Plan 2006 to 2011: Year 3 Implementation Plan (2008/09) and Best Value Performance Plan

Councillor Lutfur Rahman, Leader of the Council, introduced the Community and Strategic Plans and highlighted the successes for the Council over the last 12 months, and the areas of opportunity and key challenges that the Council would face during the coming year.

Arising from the discussion a number of points were made which it was agreed should be referred to Cabinet for consideration as set out below:

RESOLVED

The Overview and Scrutiny Committee broadly welcomed the new Community Plan to 2020 and the Strategic Plan and the target areas that the Leader identified as priorities over the coming 12 months including tackling crime, improving employment rates, promoting community cohesion, improving housing, increasing recycling and maximising the benefits to the Borough derived from the Olympics. The Committee also emphasised a number of items requiring priority attention within the plans and which the Cabinet should consider in its debate on the adoption of the plans.

The Committee highlighted that the lack of figures on some of the targets within the Community Plan proved difficult to understand and scrutinise. The Committee also wished to reinforce to the Cabinet the importance of increasing social rental housing and ensuring housing within the borough is affordable for residents on low incomes.

The Committee supported the Leader's recognition of the importance of increasing housing stock within the Borough which met local needs and also in trying to achieve the maximum benefit for local residents from all major developments.

Finally the Committee reinforced the importance of continuing the Council's improvements in delivering on set targets within the Best Value Performance Plan. The Committee also believed that the Council should be benchmarking itself against other Boroughs, particularly the leading performers in each area, and driving forward its own goals and performance.

10. PERFORMANCE MONITORING

10.1 Diversity and Equality Action Plan 2007/08 - End of Year Monitoring report

Councillor Sirajul Islam, Deputy Leader of the Council, introduced the end of year progress report on the Council's Diversity and Equality Action Plan for 2007/8 which demonstrated that the Council was continuing to make good progress on the implementation of the diversity and equality agenda, and had responded effectively to recent changes in legislation and policy.

RESOLVED

That the report be noted.

11. SCRUTINY MANAGEMENT

11.1 Scrutiny Challenge Session – Interpreting and Translation Provision

The Chair introduced the report updating the Committee on the outcome of the Scrutiny Challenge Session on Interpreting and Translation Provision which had taken place in April 2008.

RESOLVED

That the report be noted.

12. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

The Chair **MOVED** and it was: -

RESOLVED

That the following pre-decision questions be submitted to Cabinet for consideration

Agenda Item 9.1 Housing Investment Programme 2008/09 to 2012/2013(CAB 001/089)

1. Can the Cabinet explain why the Disabled Facilities Grant is being cut by £88,000 in 2009/10?

This is an area that needs more funding judging by the increase in the elderly population in the borough, which is likely to rise over the next few years rather than decrease, also it is crucial to offer permanent changes homes upgrading to full mobility. We are chronically short on this need currently as seen in the Scrutiny Review of Choice Based Lettings. This area needs proper funding and full funding would also reduce costs that the council pays to 'rent' temporary equipment.

2. In relation to the Cash Incentive Scheme will the Cabinet consider the value of properties on the ground floor and those not on the ground floor should be the same as residents are told the properties are the same and we should reflect this on the value of this scheme.

Agenda Item 12.4 Award of Chillers for Anchorage House (CAB 009/089)

1. During the initial instalment of the equipment was there not a risk analysis done, did that analysis fail to identify that this equipment will come to an end at some point? What were the recommendations of the risk assessment at that time?
2. Should the problem with the old chillers not come up in the regular maintenance of the equipment? Why was this not raised then? Should there be a review on the company that is responsible to maintain this equipment?

3. When was the technical consultant first commissioned to review this problem and when was the technical specification for the tender first produced?
4. Why is this information not included in the report for Members to have a clear picture of the timescales?
5. In regards to the four specialist companies that were contacted how were they found? What assurance can you give that these companies are not known or related to any Officers or Members of the Council?
6. Will Allen Hubbard only install the new equipment or install and maintain it for "X" amount of years? If they are not maintaining it then who will and what would the cost implication be?
7. When are the new company expected to start work on the equipment? What would be the down side if the tender has to go out on OJEU from this point, can the equipment hold for another three months?

The meeting ended at 9.50 p.m.

Chair, Overview and Scrutiny Committee

Agenda Item 8.1

COMMITTEE: Overview and Scrutiny	DATE: July 2008	CLASSIFICATION: UNRESTRICTED	REPORT NO.	AGENDA ITEM NO.
REPORT OF: MARTIN SMITH CHIEF EXECUTIVE		TITLE: CORPORATE COMPLAINTS AND SOCIAL CARE COMPLAINTS ANNUAL REPORT		
ORIGINATING OFFICER(S): RUTH DOWDEN CORPORATE COMPLAINTS MANAGER		Wards Affected: ALL		

1. Summary

- 1.1 This report contains a summary of complaints received by the Council in the period 1 April 2007 to 31 March 2008 through the Corporate Complaints Procedure, Children's Social Care and Adults Social Care Complaints Procedures and those received and determined by the Local Government Ombudsman in the same period. This report fulfils the statutory requirements under the Children Act 1989 to produce an annual report.
- 1.2 Under the Corporate Complaints procedure there are significant reductions in stage 2 and Ombudsman complaints, demonstrating lower escalation rates. This is a very positive outcome, indicating that complaints are being resolved closer to the point of service delivery and to the satisfaction of the customer.
- 1.3 Adults and Children's Social Care Complaints come under new statutory procedures. The Council has achieved significant improvements in response times to Social Care complaints.
- 1.4 The Local Government Ombudsman has commented positively in the Annual Letter to the Council regarding the Council's response times, willingness to take action to settle complaints, reduction in volumes of complaints and positive liaison with the Ombudsman's office.
- 1.5 The Service has received reaccreditation to British Standards Institute standard for Complaint Handling (ISO 10002).

2. Recommendations

- 2.1 Members are asked to note the content of the report.

Local Government Act 2000 (Section 97)
List of Background papers used in the preparation of this report.

1 INTRODUCTION

- 1.1 This report addresses sets out the volume of complaints received by the Council in the period 1 April 2007 to 31 March 2008, the outcomes and the standard of performance in dealing with them.
- 1.2 The Corporate Complaints Team work within the Customer Access division. The team comprises seven members of staff, registers complaints under all stages of the Council's Corporate Complaints Procedure (see section 2), the statutory Adults and Children's Social Care Complaints Procedures (see section 3), and those investigated by the Local Government Ombudsman (see section 4). The officers monitor complaint progression and provide management information on performance.
- 1.3 Officers also investigate stage 2 Adults Social Care complaints and Children's Social Care complaints, and stage 3 corporate complaints on behalf of the Chief Executive.
- 1.4 Most successful organisations encourage service users to complain, and as such a high volume of complaints is often an indication of a healthy relationship with service users. However, complaints should be resolved at the lowest possible point and the escalation of complaints can indicate difficulties in addressing matters at the service level.

The Complaints Team's role is to:-

- receive complaints, enquiries and representations from service users and carers across all Council services including Adults' and Children's Social Care;
- support front line services by advising on statutory duties, internal policies and procedures;
- offer training and support to staff in resolving complaints;
- undertake Stage 2 and 3 complaint investigations as appropriate;
- organise and facilitate Independent Review Panels;
- liaise with the Local Government Ombudsman, handling all such complaint enquiries;
- provide reports to Team Managers and the Directorate Management Teams on a regular basis regarding the trends and progress of complaints;
- facilitate advocacy and support to complainants, and;
- ensure effective access for all service users to the statutory and non-statutory processes.

1.5 THE CORPORATE COMPLAINTS PROCEDURE

- 1.5.1 The Corporate Complaints Procedure is a three stage process, accepting issues from anyone who wants or receives a service from the Council, except where the matter is covered by another channel of redress, such as a legal or appeal process (e.g. benefits, parking penalty charges, leasehold matters), or where a statutory procedure exists. The Complaints Team process and investigate complaints relating to non-statutory duties and school complaints reaching stage 3, on behalf of the Chief Executive.

1.6 THE ADULTS AND CHILDREN'S SOCIAL CARE PROCEDURES

- 1.6.1 There is a legal requirement under the NHS and Community Care Act 1990 and the Children Act 1989 for Local Authorities to have a system for receiving representations and complaints by, or on behalf of people who use social care services, or their carers.
- 1.6.2 The revised statutory complaints procedures for Adults' and Children's Social Care came into force in September 2006.
- 1.6.3 The Council places a strong emphasis on the informal resolution of complaints and in assisting Social Care Teams in effectively managing and resolving complaints.
- 1.6.4 The main purpose of the complaints procedures are to ensure the voices and experiences of young people, vulnerable adults and their representatives are heard and to highlight where things have gone wrong in the system and help to ensure that the organisation learns from feedback from complaints.

1.7 THE LOCAL GOVERNMENT OMBUDSMAN

1.8.1 The Local Government Ombudsman is an independent watchdog and considers complaints (usually) after the complainant has exhausted the internal complaints procedure and covers Education and Social Services matters.

1.8 ENQUIRIES, COMMENTS AND COMPLIMENTS

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

2 CORPORATE COMPLAINT STATISTICS AND ANALYSIS 2007 TO 2008

2.1 VOLUME OF COMPLAINTS

VOLUME OF COMPLAINTS						
	2006 / 2007		2007 / 2008		Variance	
Stage 1	1841		2141		300	14.0%
	80.5%		83.5%			
Stage 2	330		335		5	1.5%
	14.4%		13.0%			
Stage 3	116		88		-28	-32%
	5.1%		3.4%			
Total	2287		2564		277	11%
	100.0%		100.0%			

Table 2.1

2.1.2 Table 2.1 shows that the total number of complaints received by the Council in the year is slightly higher than in the previous year, but the escalation to stage 2 has reduced, indicating that resolution of stage one was prompt and comprehensive.

2.1.3 The volume of stage 3 complaints fell to 3.4% of all complaints. This is an improvement on the previous year and more complaints are being resolved at the early stages.

CORPORATE COMPLAINTS				
	2006 / 2007		2007 / 2008	
		Escalation Rate against stage 1 06/07		Escalation Rate against stage 1 07/08
Stage 1	1841		2141	
Stage 2	330	18%	335	16%
Stage 3	116	6%	88	4%
Total	2287		2564	

Table 2.2

2.1.4 In total, of the complaints recorded at stage1, 16% progressed to stage 2, and 4% proceeded to stage 3, (table 2.2), indicating a lower overall progression rate than last year for each stage.

2.1.5 Chart 2.1 (below) demonstrates the seasonal trends and peaks in the reporting of complaints.

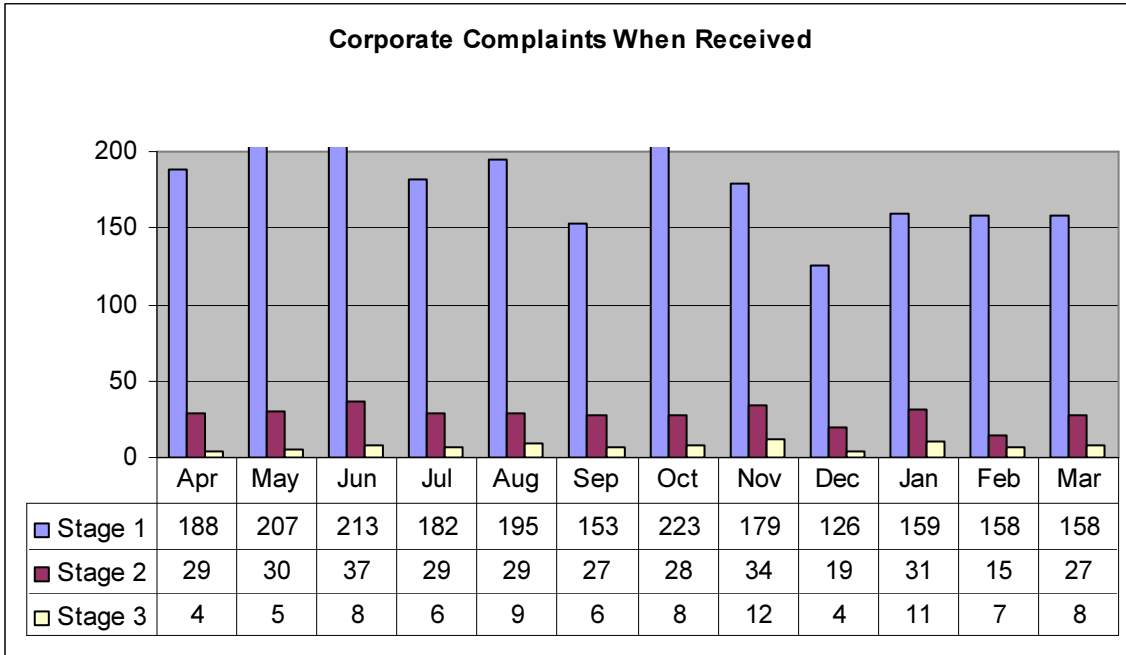


Chart 2.1

2.1.7 There is no obvious reason for the peaks which occur at different times year on year.

2.2 CORPORATE COMPLAINTS BY DIRECTORATE.

Corporate Complaints April 2007 to March 2008

Directorate	Total Received in 2006 / 2007	Total Received in 2007 / 2008	Upheld	Partially Upheld	Escalated to Next Stage (due to non response in time)	Not Upheld	Withdrawn or Closed	In Progress	Completed in Time	Average Days to Complete
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Stage 1

Adult's Health and Wellbeing	9	51	11 %	22 %	5	9.8 %	26 %	51 %	4	8%	0	0%	40	78%	8
Chief Executive's	169	177	33 %	19 %	2	1.1 %	77 %	44 %	9	5%	0	0%	149	84%	7
Children's Services	22	28	10 %	36 %	0	0.0 %	11 %	39 %	3	11 %	1	4%	16	57%	9
Communities Localities & Culture	571	714	344 %	48 %	3	0.4 %	199 %	28 %	34	5%	3	0%	350	49%	12
Development & Renewal	30	55	24 %	44 %	0	0.0 %	14 %	25 %	3	5%	0	0%	35	64%	10
Housing	1038	1116	482 %	43 %	10	0.9 %	587 %	53 %	32	3%	1	0%	769	69%	9
Total for Stage 1	1839	2141	904 %	42 %	20	0.9 %	914 %	43 %	85	4%	5	0%	1359	63%	10

Stage 2

Adult's Health and Wellbeing	3	16	1	6%	0	0.0 %	12 %	75 %	0	0%	0	0%	15	94%	15
Chief Executive's	25	20	3	15 %	1	5.0 %	10 %	50 %	0	0%	0	0%	17	85%	16
Children's Services	2	11	2	18 %	0	0.0 %	3 %	27 %	4	36 %	0	0%	9	82%	23
Communities Localities & Culture	60	82	26 %	32 %	0	0.0 %	38 %	46 %	5	6%	1	1%	55	67%	20
Development & Renewal	15	14	9 %	64 %	1	7.1 %	2 %	14 %	0	0%	0	0%	9	64%	20
Housing	264	192	73 %	38 %	1	0.5 %	108 %	56 %	7	4%	2	1%	160	83%	16
Total for Stage 2	369	335	114 %	34 %	3	0.9 %	173 %	52 %	16	5%	3	1%	265	79%	16

Stage 3

Adult's Health and Wellbeing	3	1	0	0%			0	0%	0	0%	0	0%	0	0%	30
Chief Executive's	14	9	2	22 %			4	44 %	0	0%	1	11%	5	56%	14
Children's Services	0	3	0	0%			2	67 %	0	0%	0	0%	3	100 %	15
Development & Renewal	9	4	1	25 %			2	50 %	0	0%	0	0%	3	75%	20

- 2.2.1 Table 2.3 provides an overview of the complaints by directorate at each stage.
- 2.2.2 In order to provide a fuller analysis of complaints, Development and Renewal figures are divided into Housing and other complaints. This enables better comparison with previous years.
- 2.2.4 As stated earlier, most Social Care complaints come under their statutory procedure and are detailed in section 3. Similarly, Education complaints come under a separate procedure at Stages 1 and 2. The final stage comes under the Corporate Complaints Procedure, at stage 3.
- 2.2.5 The charts that follow provide a breakdown of the corporate complaints in each directorate by service area.

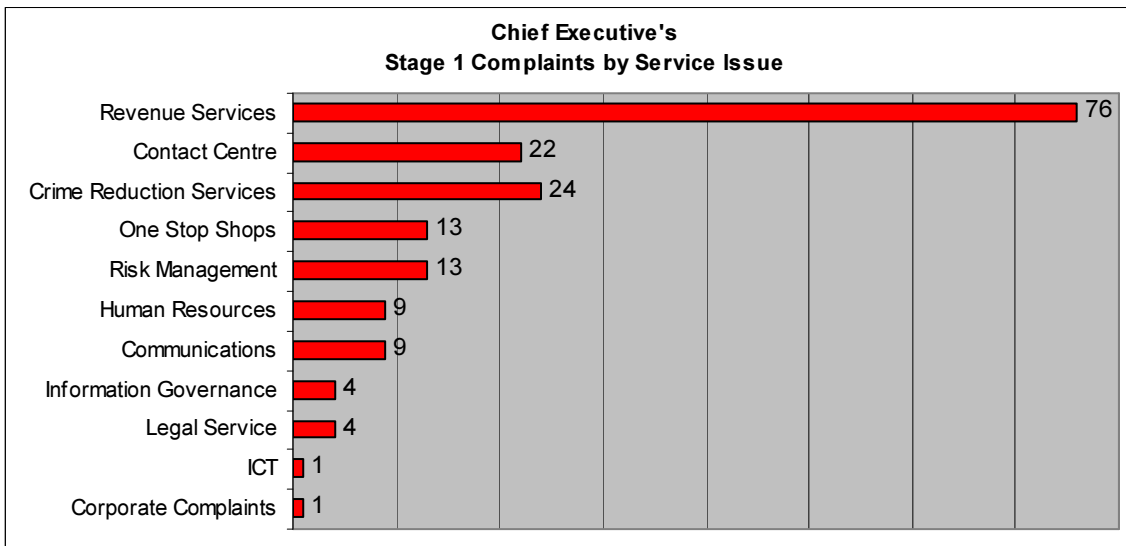


Chart 2.2

- 2.2.6 Although the volume of complaints regarding Revenue Service (chart 2.2) is higher than others in Chief Executives, when considered against the volume of transactions across all households, this volume is not unduly high.

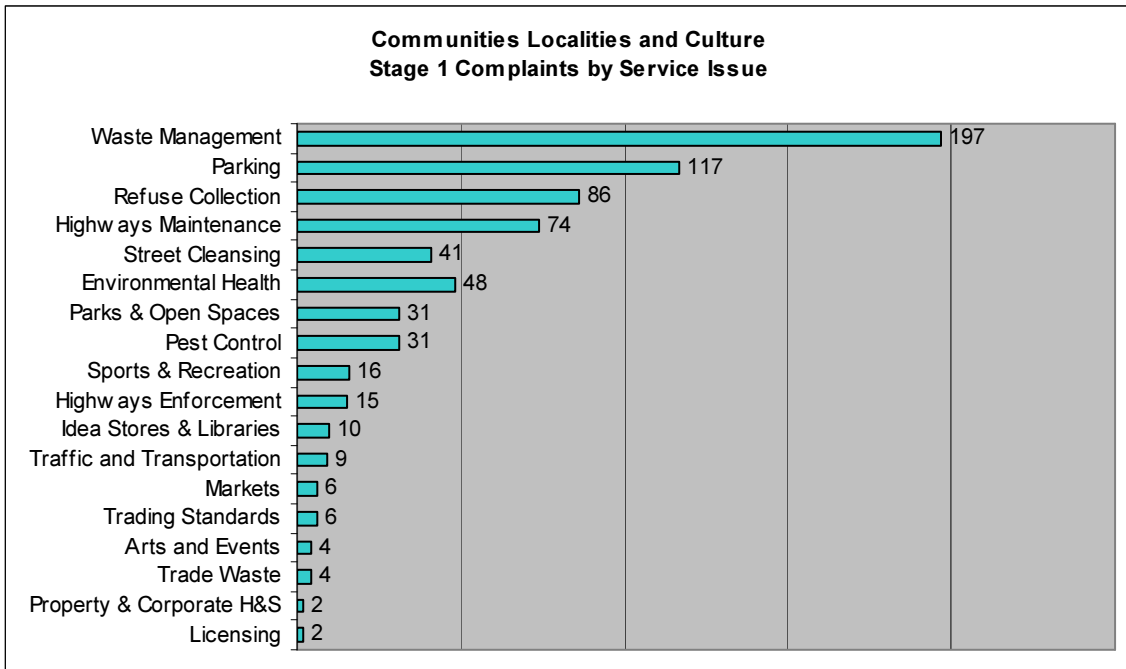


Chart 2.3

2.2.7 Complaints in Communities Localities and Culture (chart 2.3) are spread across a range of services. The volume of complaints regarding refuse collection and recycling (waste management) rose following the change of contactor in January 2007 and still remain a significant number for the directorate.

2.2.8 As stated earlier, Housing complaints are analysed separately to other Development and Renewal Complaints. The split of complaints regarding Planning applications and Building Control can be seen in chart 2.4.

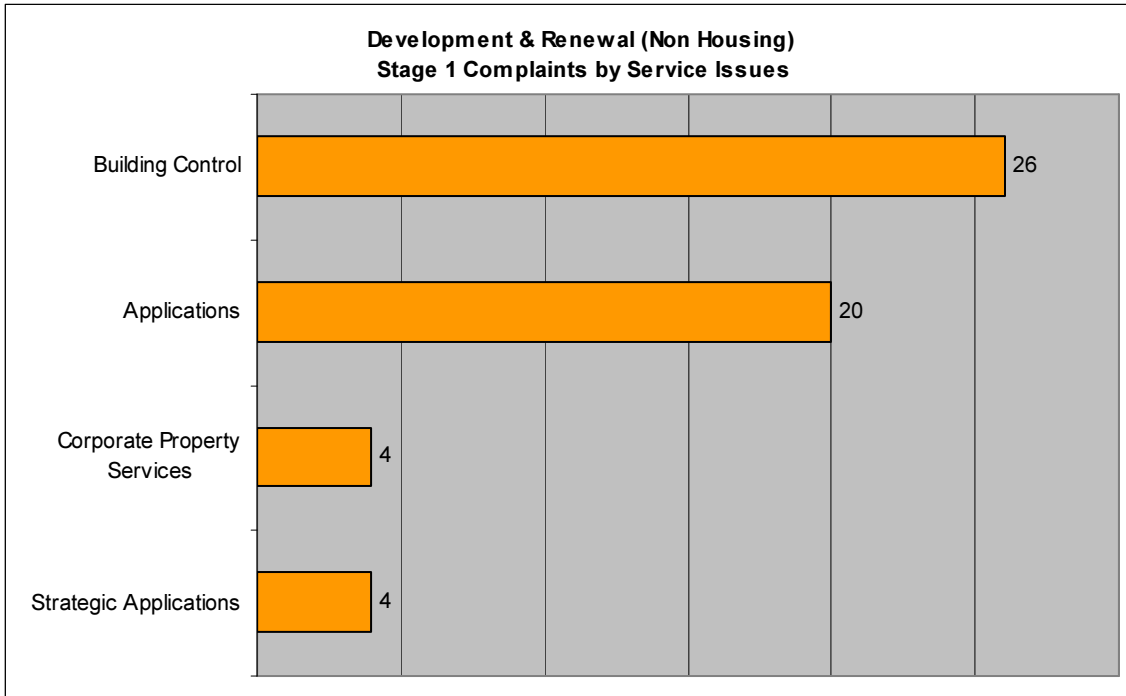


Chart 2.4

2.2.9 Housing related complaints fall into a number of areas, with repair issues comprising the highest volume (chart 6). These issues are reviewed under contract monitoring.

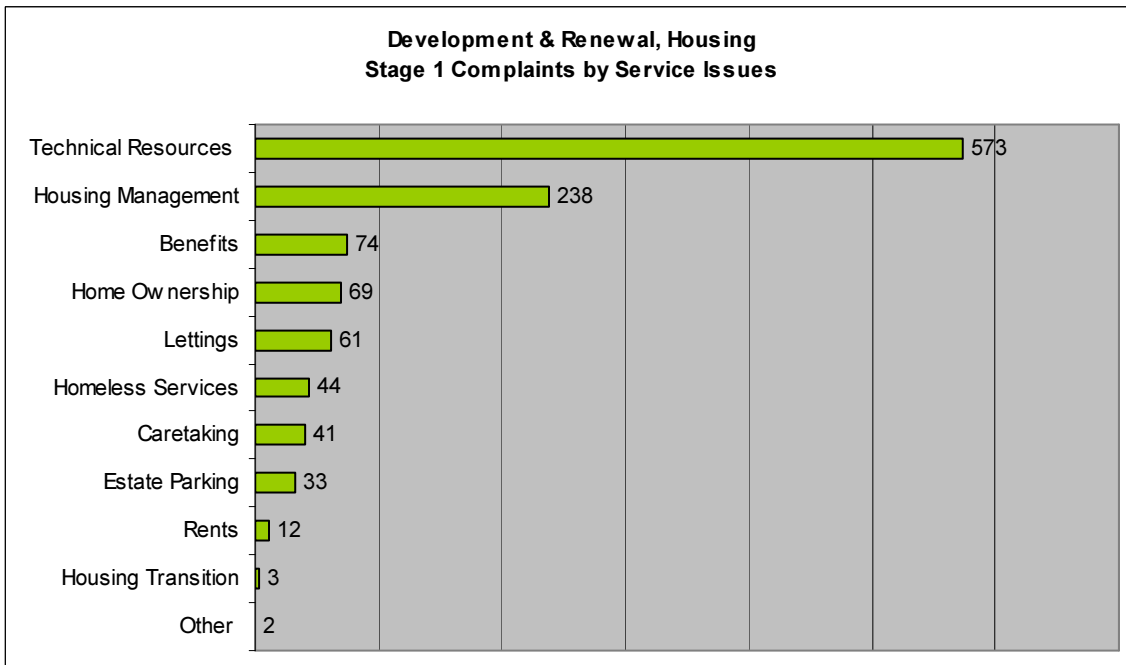


Chart 2.5

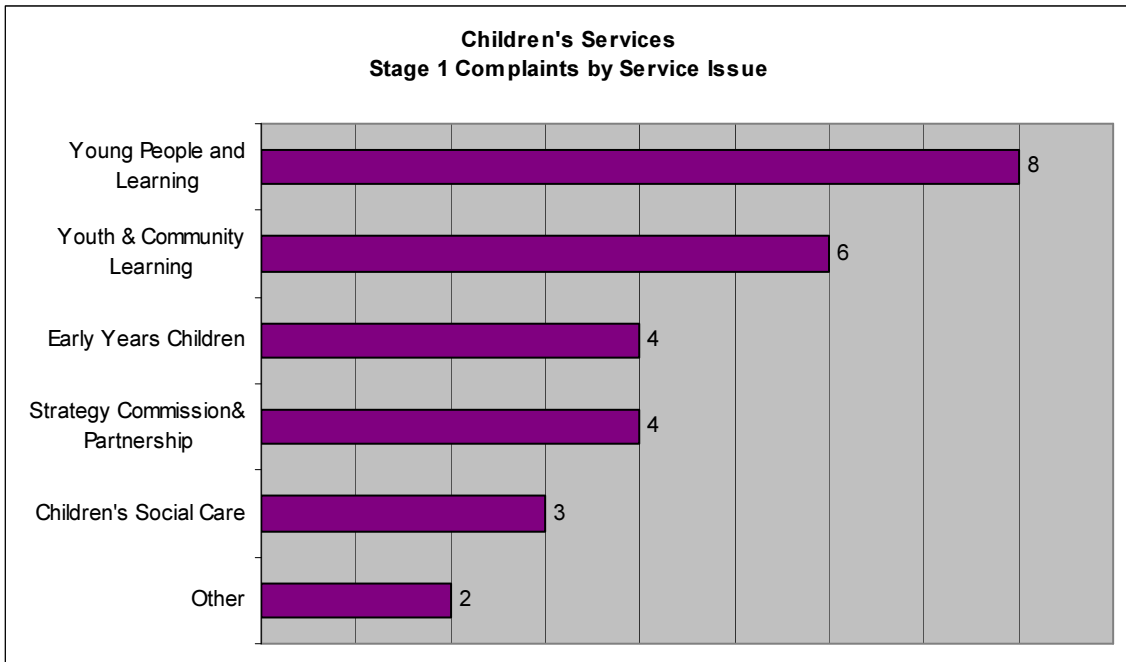


Chart 2.6

2.2.10 Corporate Complaints against both Adults Health and Wellbeing and Children's Services (charts 7 & 8) are few in number and relate to non-statutory processes.

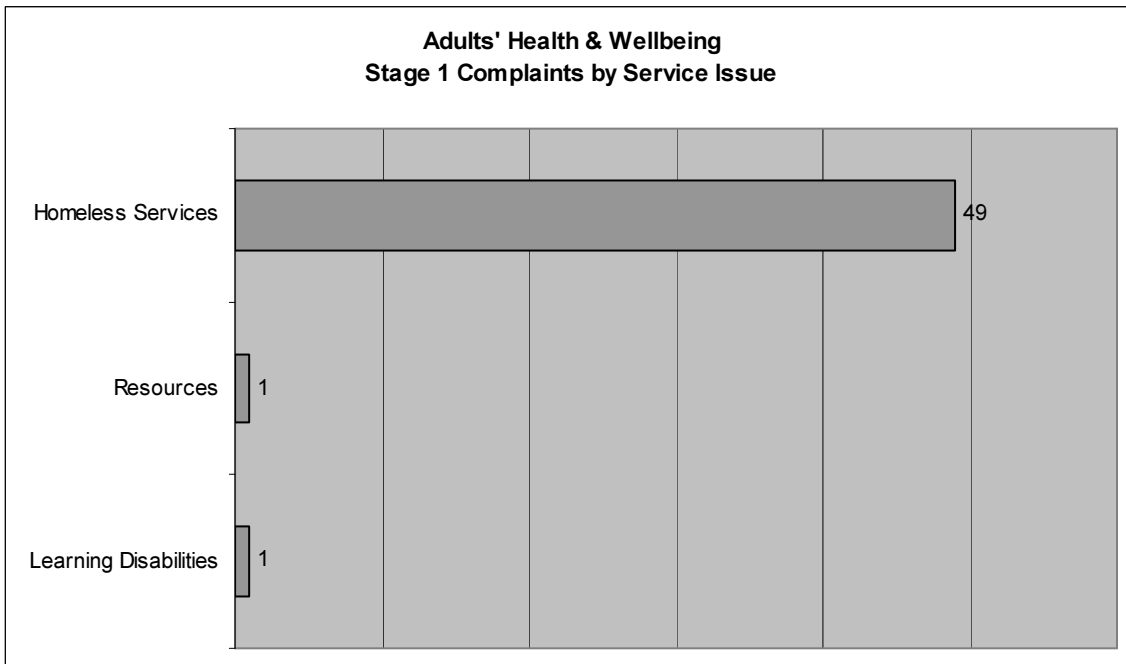


Chart 2.7

2.2.11 Tables 2.4 and 2.5 below compare the complaint volumes stage 2 and 3 for 2007/08 with the previous year for each directorate.

COMPARISON OF STAGE 2 COMPLAINTS BY DIRECTORATE FOR LAST YEAR			
Directorate	2006/ 2007	2007/ 2008	Variance
Chief Executive's	20 6.1%	20 6.0%	0 0.0%
Development & Renewal, Non Housing	12 3.6%	14 4.2%	2 16.7%
Development & Renewal, Housing	232 70.3%	192 57.3%	-40 -17.2%
Children's Services	3 0.9%	11 3.3%	8 266.7%
Communities Localities & Culture	61 18.5%	82 24.5%	21 34.4%
Adults Health and Wellbeing	2 0.6%	16 4.8%	14 700.0%
Total	330	335	5

Table 2.4

COMPARISON OF STAGE 3 COMPLAINTS BY DIRECTORATE FOR LAST YEAR			
Directorate	2006/ 2007	2007/ 2008	Variance
Chief Executive's	18 15.5%	9 10.2%	-9 -50.0%
Development & Renewal, Non Housing	10 8.6%	4 4.5%	-6 -60.0%
Development & Renewal, Housing	73 62.9%	57 64.8%	-16 -21.9%
Children's Services	1 0.9%	3 3.4%	2 200.0%
Communities Localities & Culture	14 12.1%	14 15.9%	0 0.0%
Adults Health and Wellbeing	0 0.0%	1 1.1%	1
Total	116	88	-28

Table 2.5

2.3 STAGE 3 COMPLAINTS

COMPARISON OF STAGE 3 COMPLAINTS								
	Total	Upheld	Partially Upheld	Not Upheld	Withdrawn or Closed	In Progress	Completed in Time	Average Days to Complete
2006 / 2007	116	28 24.1%	23 19.8%	61 52.6%	4 3.4%	0 0.0%	87 75.0%	19
2007/2008	88	15 17%	26 29%	44 50%	1 1%	2 2%	64 73%	16
Variance	28 24.1%	13	-3	17	3	-2		3 15.8%

Table 2.6

2.3.1 The average days to complete stage 3 investigations fell to 19 days, continuing the improvement from last year, falling within the corporate target of 20 days (table 2.6). However there is a small decrease in the proportion completed, at 73%. A target of 80% is set again for 2008/09, and case management is closely monitored.

2.3.2 Although the escalation rate of complaints is consistently decreasing year on year, further efforts must be made to ensure that complaints are resolved at an early stage.

2.3.3 In 2006/07 payments were made in 20 cases, totalling £4,260, an average payment of £213. In two cases accounts were adjusted and in a further case a recharge was removed.

2.3.4 In 2007/08 payments were made in 9 cases, totalling £1,374.74, averaging £144.

2.3.5 A summary of complaints upheld at stage 3 contained in Appendix 1 and information on lessons learned/ to be learnt from these and upheld ombudsman complaints for the year is contained in Appendix 2.

2.4 Monitoring

2.4.1 Service improvements have been made to help track complaints at all levels.

2.4.2 Weekly list of complaints due and outstanding are distributed to the Corporate Management Team, and monthly directorate performance figures are also used to monitor response times.

2.4.3 The Corporate Management Team and Directorate Management Teams review reports on complaints each quarter in order to focus on areas of concern. There are also regular meetings of Directorate Complaints officers lead by the Corporate Complaints Manager

2.5 COMPLAINTS SERVICE USER PROFILES

2.5.1 The service continues to provide bi-lingual access

2.5.2 The service can be accessed by phone, minicom, fax, post, email, web-form and in person, and a breakdown of access points is provided in table 2.7 below.

BREAKDOWN OF HOW COMPLAINTS RECEIVED								
How Received	2006 / 2007				2007 / 2008			
	Stage 1	Stage 2	Stage 3	Total	Stage 1	Stage 2	Stage 3	Total
Email	356 19.3%	72 21.8%	32 27.6%	460 20.1%	567 26.5%	83 24.8%	25 28.4%	675 26.3%
Web Form	359 19.5%	22 6.7%	2 1.7%	383 16.7%	318 14.9%	14 4.2%	0 0.0%	332 12.9%
Complaint Form or Letter	553 30.0%	151 45.8%	73 62.9%	777 34.0%	480 22.4%	149 44.5%	58 65.9%	687 26.8%
Fax	19 1.0%	3 0.9%	4 3.4%	26 1.1%	14 0.7%	6 1.8%	0 0.0%	20 0.8%
Telephone	533 29.0%	82 24.8%	5 4.3%	620 27.1%	746 34.8%	80 23.9%	4 4.5%	830 32.4%
In Person	21 1.1%	0 0.0%	0 0.0%	21 0.9%	16 0.7%	3 0.9%	1 1.1%	20 0.8%
Total	1841	330	116	2287	2141	335	88	2564

Table 2.7

2.5.3 Web form and email are increasing in popularity and now count for 41.5% stage 1 complaints, from 37% in 2006/07 and 22.3% in 2005/06. It should also be noted that the use of the phone (34.8%) and post (22%) are still significant access routes.

2.5.4 EQUAL ACCESS TO THE SERVICE

BREAKDOWN OF COMPLAINTS BY ETHNICITY							
Ethnicity	2006 / 2007			Borough Population Projection	2007 / 2008		
	Stage 1	Stage 2	Stage 3		Stage 1	Stage 2	Stage 3
Asian Total	280	56	20		245	37	8
% (where ethnicity known)	29.3%	31.3%	25.6%	36.6%	34%	28%	22%
Bangladeshi	253	52	18		226	36	6
Chinese	8	0	0		3	1	1
Indian	11	3	2		6	0	0
Pakistani	1	1	0		1	0	0
Vietnamese	2	0	0		0	0	0
Asian Other	5	0	0		2	0	0
Black Total	66	10	10		41	8	2
	6.9%	5.6%	12.8%	6.0%	5.5%	6%	5%
African	18	1	2		10	3	1
Caribbean	24	6	6		23	4	1
English	0	0	0		1	0	0
Somali	11	2	0		1	0	0
Black Other	13	1	2		1	1	0
Mixed Heritage	29	4	3		16	5	0
	3.0%	2.2%	3.8%		2%	3.7%	0%
Other ethnic background	2	2	0		3	0	0
	0.2%	1.1%	0.0%		0.003%	0.0%	0.0%
White	578	107	45		459	82	27
	60.5%	59.8%	57.7%	51.0%	60%	62%	73%
English	465	90	35		358	9	14
Irish	19	5	1		13	2	0
Jewish	4	0	0		0	0	0
Scottish	14	3	1		5	0	0
Welsh	2	0	0		13	4	3
White Other	74	9	8		70	17	10
Sub total (where ethnicity known)	955	179	78		764	132	37
Not Known	783	137	33		1323	196	51
Declined	103	14	5		54	7	0
Total	1841	330	116		2141	335	88

Table 2.8

2.5.5 The team continue to make every effort to collate equalities information from service users (table 2.8). There is a slightly higher representation from white service users accessing the complaints service.

2.5.6 Table 2.9 below shows the volume of complaints by ward and LAP for stage 1.

BREAKDOWN OF STAGE 1 COMPLAINTS BY LAP AREA FOR THE YEAR 2007 / 2008												
LAP Area	Ward	Total 2006 / 2007	Change		Total 2007 / 2008	Upheld	Partially Upheld	Escalated to Next Stage	Not Upheld	Withdrawn or Closed	Closed in Time	Average Days to Close
1	Bethnal Green North	91	22	24%	113	53	8	1	49	2	54	15
1	Mile End & Globetown	121	58	48%	179	80	9	0	86	4	95	14
1	Weavers	121	65	54%	186	96	16	2	70	2	105	13
Total For LAP Area 1		333	145	44%	478	229	33	3	205	8	254	14
2	Bethnal Green South	108	21	19%	129	53	10	3	59	4	79	12
2	Spitalfields & Banglatown	72	14	19%	86	27	21	1	35	2	53	14
Total for LAP Area 2		180	35	19%	215	80	31	4	94	6	132	12
3	St Dunstan's & Stepney Green	124	38	31%	162	76	14	3	66	3	91	14
3	Whitechapel	133	26	20%	159	58	16	2	80	3	96	12
Total for LAP Area 3		257	64	25%	321	134	30	5	146	6	187	12
4	Shadwell	82	25	30%	107	49	6	2	49	1	54	14
4	St Katharine's & Wapping	79	13	16%	92	40	10	0	40	2	58	12
Total for LAP Area 4		161	38	24%	199	89	16	2	89	3	112	13
5	Bow East	126	-19	-15%	107	47	11	1	46	2	58	14
5	Bow West	118	13	11%	131	58	12	1	58	2	63	15
Total for LAP Area 5		244	-6	-2%	238	105	23	2	104	4	121	15
6	Bromley-By-Bow	80	-15	-19%	65	35	7	2	19	2	38	16
6	Mile End East	50	-16	-32%	34	14	9	4	7	0	17	17
Total for LAP Area 6		130	-31	-24%	99	49	16	6	26	2	55	16
7	East India & Lansbury	92	-3	-3%	89	31	11	2	43	2	54	13
7	Limehouse	122	20	16%	142	66	2	3	69	2	98	11
Total for LAP Area 7		214	17	8%	231	97	13	5	112	4	152	12
8	Blackwall & Cubitt Town	93	-18	-19%	75	36	11	0	28	0	40	13
8	Millwall	65	4	6%	69	27	9	1	31	1	38	13
Total for LAP Area 8		158	-14	-9%	144	63	20	1	59	1	78	13
Out of Borough		164	52	32%	216	59	34	14	98	11	135	10
Total for Stage 1		1841	300	16%	2141	905	216	42	933	45	1226	13

Table 2.9

3 THE ADULTS AND CHILDREN'S SOCIAL CARE PROCEDURES

3.1 The Adults and Children's Complaints Procedure follow a similar framework, each having 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

If complainants are not satisfied with the Stage 1 response they have a right to go to Stage 2 investigation. Complaints are generally investigated internally by Complaints Officers, however in exceptional circumstances external investigators are used. 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.

Following thorough investigation of complaints, the investigator produces a report making recommendations, including any changes in service delivery, departmental policy and procedure etc. to the relevant Head of Service. An internal adjudication meeting is held and following this a copy of the report is sent to the service user and relevant managers within the Directorate.

Stage 3 Complaints – Independent Review Panel.

The complainant has a right to request an appeal to an Independent Review Panel if they don't agree with the findings of the Stage 2 investigation. This is chaired by an Independent Person and at least two other people who are independent of the Council.

The Panel will review the case and where appropriate make recommendations to the Director of Adult Health and Wellbeing or the Director of Children's Social Care.

3.2 General Trends in Complaints.

It is important to note that during 2007/08 there was a total of 4753 service users in Adult Health & Wellbeing and 3303 service users in Children's Social Care. Only 2.2% of service users made a complaint. In this context the Directorates receive only a small number of complaints.

3.3 Complaints registered

3.3.1 Adults Social Care

ADULT SOCIAL CARE COMPLAINTS			
Stage	2006 / 2007	2007 / 2008	Percentage Variance
Stage 1	64	103	60.93%
Stage 2	8	18	125.00%
Stage 3	3	2	-33.33%
Total Complaints	75	123	64.00%

Table 3.1

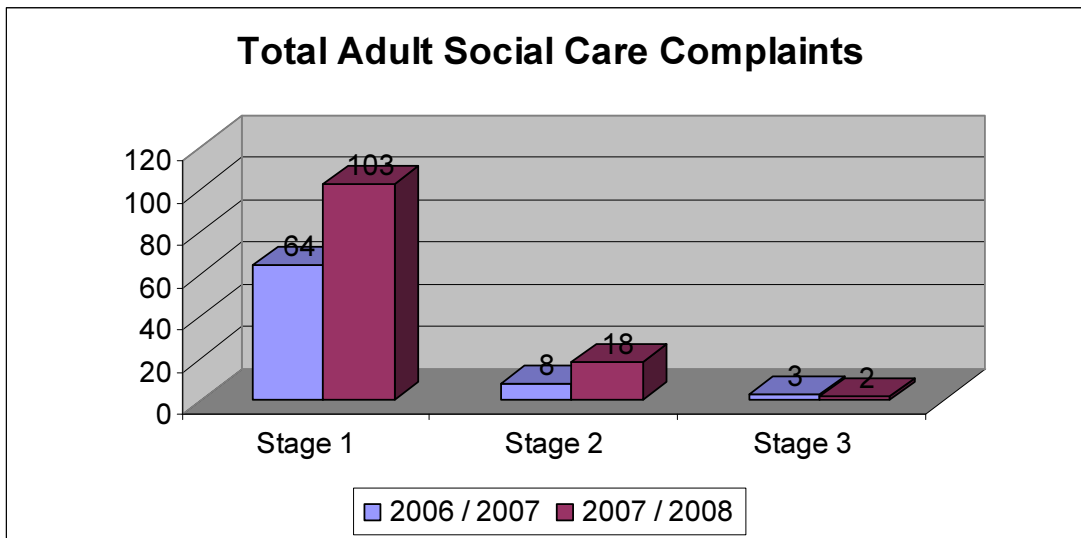


Chart 3.1

3.3.1.1 Table 3.1 above shows that the number of Stage 1 complaints increased by 61% in 2007/08 and the number of Stage 2 complaints increased by 125%.

3.3.1.2 The reasons for an increase in complaints in some service areas are explained in section 3.5.

3.3.1.3 The number of complainants going to Stage 3 of the complaints procedure remains a small proportion. This suggests better resolution at earlier stages.

3.3.2 Children's Social Care

CHILDREN'S SOCIAL CARE COMPLAINTS			
Stage	2006 / 2007	2007 / 2008	Percentage Variance
Stage 1	44	45	2.27%
Stage 2	11	9	-18.18%
Stage 3	0	0	Nil
Total Complaints	55	54	-1.81%

Table 3.2

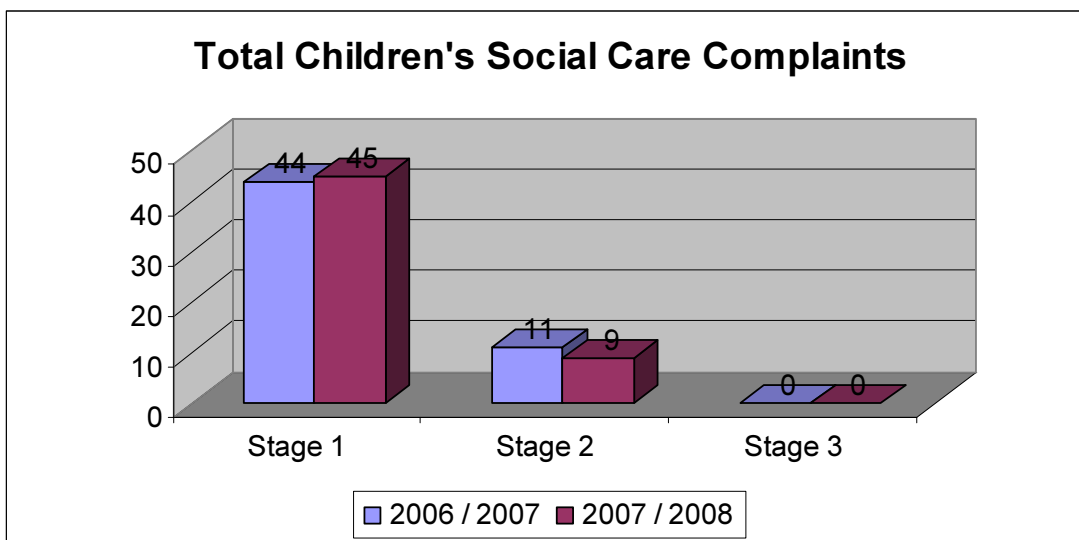


Chart 3.2

3.3.2.1 There has been a small increase in Stage 1 complaints this year (2%), as shown in table 3.2. However the number of Stage 2 complaints decreased by 18%. The lower rate of Stage 2 complaints suggests that there is more effective resolution of complaints at Stage 1 of the process. However the number remains very low.

3.3.2.2 There were no review panels in Children's Social Care this year which suggests that complainants were satisfied with the way their complaints were investigated at Stage 2.

3.4 Complaint Response Times, Complaints Concluded in 2007/08

STAGE 1 COMPLAINTS – RESPONSE TIMES FOR ADULT COMPLAINTS				
	Answered within 10 working days	Answered within 20 working days	Answered outside timescale	Average response time (days)
108	77	11	20	12
2006/2007*	71.3%	(Cumulative) 81.5%	18.5%	
102	66	32	4	9.1
2007/2008	64.7%	(Cumulative) 96.1%	3.9%	

*2006/07 figures combined Adults' & Children's Social Care complaints

Table 3.3

- 3.4.1 It is not possible to readily compare performance from last year because Adult and Children's Social Care were combined.
- 3.4.2 A target was set for 2007/08 to increase the proportion of Stage 1 responses answered within 10 working days to 80%. However the timescales can be increased to 20 working days with the agreement of the complainant. This is to allow for local resolution.
- 3.4.3 Table 3.3 above shows that 66 complaints (65%) within Adult Health & Wellbeing were answered within the 10 day time scales and only 4 complaints (4%) were answered outside the extended time scales.
- 3.4.4 Whilst the majority of complaints were answered within timescales there is a need to improve performance in responding to complaints within the 10 day time limit.
- 3.4.5 It is positive that 32 complaints (96.1%) were answered within the 20 working day time scales. The fact that Team Managers are taking longer to respond to complaints may also be a positive indication that attempts are being made at local resolution.

STAGE 1 COMPLAINTS – RESPONSE TIMES FOR CHILDREN'S SOCIAL CARE COMPLAINTS				
TOTAL	Answered within 10 working days	Answered within 20 working days	Answered outside timescale	Average response time (days)
108	77	11	20	12
2006/2007*	71.3%	(Cumulative) 81.5%	18.5%	
42	17	17	8	16.3
2007/2008	40.5%	(Cumulative) 81%	19%	

*2006/07 figures combined Adults' & Children's social care complaints

Table 3.4

- 3.4.6 There is an expectation that Team Managers will endeavour to answer complaints within the 10 working day time scales.

3.4.7 The above table (3.4) shows that only 17 (40.5%) of the complaints in Children's Social Care were answered within the 10 working day time scales. It also shows that 8 complaints (19%) were answered outside of the timescales. There is a need to improve performance in answering Stage 1 complaints within Children's Social Care.

3.4.8 However, it is positive that 81% of complaints were answered within the 20 working days timescales. It should also be noted that complaints in Children's Social Care are often complex and may require the Team Manager meeting with the young person, appointing an advocate etc in order to resolve complaints.

3.4.9 The Complaints Team has a role in monitoring complaints and ensuring that they are responded to in a timely manner and send early reminders for over-due complaints and a weekly list of overdue complaints to Heads of Service and Directors.

3.4.10. **Stage 2 Complaints Response Times**

STAGE 2 COMPLAINTS – RESPONSE TIMES FOR ADULTS' AND CHILDREN'S SOCIAL CARE COMPLAINTS				
TOTAL	Answered within timescale	Answered within 65 days	Answered outside timescale	Average response time (days)
19 2006/2007	1 5.3%	12 (Cumulative) 68.4%	6 31.6%	55
21 2007/2008	6 28.6%	12 (Cumulative) 85.7%	3 14.3%	44.6

Table 3.5

3.4.10.1 The Complaints Team aims to respond to 15% of complaints with 25 working days and to 80% within 65 working days.

3.4.10.2 Table 3.5 shows that 6 complaints (29%) were answered within the 10 day statutory time scales for the year 2007/08 and 12 complaints (86%) were answered within the 65 day time scale. 3 complaints were answered outside the time scales.

3.4.10.3 Social care complaints are often complex and involve interviewing staff and service users. However, there is a significant improvement in performance for the year 2007/08 and the Complaints Team have met their targets for responding to complaints within the 10 day time scales. Performance has improved in relation to the 65 working day time scales. Also average response times have improved. However, the Complaints Team continue to strive to improve performance.

3.5 Adults Social Care Reason For Complaint And Service Area

ADULT SOCIAL CARE COMPLAINTS (Stages 1 and 2)		
REASON FOR COMPLAINT	2006 / 2007	2007 / 2008
Appropriateness of service	2 2.8%	1 0.8%
Attitude of staff	5 6.9%	3 2.5%
Breach of confidentiality	1 1.4%	0 0%
Challenge assessment decisions	40 55.6%	94 77.7%
Change in service provider	0 0%	0 0%
Competence of service	6 8.3%	12 9.9%
Delays in service provision	6 8.3%	3 2.5%
Discriminatory practice	0 0%	0 0%
Failure to provide a service	8 11.1%	6 5%
Lack for information	3 4.2%	1 0.8%
Other reason	1 1.4%	1 0.8%
Total	72	121

Table 3.6

3.5.1 There were 94 complaints in 2007/08 challenging assessment decisions, (see table 3.6). The high percentage (78%) of complaints in this area is likely to be due to an increased focus within Adults Health & Wellbeing on the consistent application of the Council's eligibility criteria for community care services and the implementation of the policy decision taken in the budget setting for 2007/08 in relation to Older People's Services.

3.5.2 Comparison of Adult Health & Wellbeing Complaints by Section

COMPARISON OF ADULT SOCIAL CARE COMPLAINTS BY SECTION						
	Stage 1			Stage 2		
SECTION	2006 / 2007	2007 / 2008	Variance	2006 / 2007	2007 / 2008	Variance
Disabilities	24	24	0	5	3	-2
	37.5%	23.3%	Nil	62.5%	16.6%	-40%
Elders	23	66	+43	1	11	+10
	35.9%	64.1%	187%	12.5%	61.1%	1000%
Learning Disabilities	0	4	+4	0	2	+2
	0%	3.9%	N/A	0%	11.1%	N/A
Homeless Service	0	1	+1	0	0	0
	0%	1%	N/A	0%	0%	Nil
Mental Health	1	0	-1	0	1	+1
	1.6%	0%	-100%	0%	5.6%	N/A
OT Services	10	5	-5	2	1	-1
	15.6%	4.8%	-50%	25%	5.6%	-50%
Resources	6	3	-3	0	0	0
	9.4%	2.9%	-50%	0%	0%	Nil
Total	64	103	60.9%	8	18	125%

Table 3.7

3.5.2.1 It is evident from table 3.7 that the Elders Teams received the highest number of complaints at Stage 1 and Stage 2 this year. This is consistent with the fact that they are the largest single service within Adult Health & Wellbeing.

3.5.2.2 However there was a very large increase in complaints for this service both at Stage 1 and at Stage 2 for the year 2007/08. The decision that a need for a small amount of domestic home care assistance would not normally be taken as an indicator of substantial or critical risk under the Council's Fair Access to Care Services Eligibility Criteria is likely to have impacted on this number. 625 such cases were reviewed during 2007/8, and of these 486 people had their services withdrawn while a further 47 had services reduced.

3.5.2.3 Information was sent to service users in a letter prior to the review and information about the complaints procedure was also given to service users during contact. The fact that there is an increase in complaints in this area is a positive indication that service users and carers were given clear information about their right to complain if they were dissatisfied with the outcome of the review.

3.6 Children's Social Care - Reason For Complaint And Service Area

CHILDREN'S SOCIAL CARE COMPLAINTS BY SECTION						
SECTION	Stage 1			Stage 2		
	2006 / 2007	2007 / 2008	Variance	2006 / 2007	2007 / 2008	Variance
Child Protection & Reviewing	3 6.80%	1 2.20%	-66.6%	0 0%	0 0%	N/A
Children Looked After	2 4.50%	7 15.60%	250%	0 0%	0 0%	N/A
Children's Resources	2 4.50%	4 8.90%	100%	0 0%	3 33.30%	Nil
Fieldwork Services	24 54.60%	29 64.40%	20.8%	5 45.50%	6 66.70%	20%
Integrated Services	13 29.60%	4 8.90%	-69.2%	6 54.50%	0 0%	-100%
Total	44	45	2.3%	11	9	-18.2%

Table 3.8

3.6.1 Fieldwork services have received the highest number of complaints at Stage 1 and Stage 2 as is expected (see table 3.8). This is due to the potentially contentious nature of the service and the large number of service users.

3.6.2 There has been an increase in complaints at Stage 1 for Children Looked After Teams. However no complaints were escalated to Stage 2. This is an indication that there is resolution at earlier stages.

COMPARISON OF CHILDREN'S SOCIAL CARE COMPLAINTS BY REASON FOR COMPLAINT (Stage 1 and 2)		
REASON FOR COMPLAINT	2006 / 2007	2007 / 2008
Appropriateness of service	1 1.8%	1 1.9%
Attitude of staff	7 12.7%	12 22.2%
Breach of confidentiality	0 0%	1 1.9%
Challenge Assessment decision	23 41.8%	17 31.5%
Competence of service	10 18.2%	10 18.4%
Delays in service provision	4 7.3%	4 7.4%
Discriminatory practice	2 3.6%	0 0%
Failure to provide a service	3 5.5%	5 9.3%
Lack of information	4 7.3%	4 7.4%
Other reason	1 1.8%	0 0%
Total	55	54

Table 3.9

3.6.3 Table 3.9 indicates that the highest number of complaints in Children's Social Care remains "challenging assessments decisions".

3.7 Breakdown of Complaints by Ethnicity.

COMPLAINTS BY ETHNICITY IN PROPORTION TO NUMBER OF SERVICE USERS (ADULTS' & CHILDREN'S SOCIAL CARE)					
	No. of service users in 2007-08	No. of complaints received	Percentage of service users by ethnicity	Percentage of complaints by ethnic group	Variance
Asian	2231	40	27.7%	22.9%	-4.8%
Black	780	20	9.7%	11.4%	1.7%
White	3917	103	48.6%	58.9%	10.3%
Mixed Race	290	2	3.6%	1.1%	-2.5%
Other	190	0	2.4%	0.0%	-2.4%
Not Stated	648	10	8.0%	5.7%	-2.3%
Totals	8,056	175	100%	100%	

Table 3.10

3.7.1 Table 3.10 shows the number of service users by ethnicity and the volumes of complaints for each group. There is a higher proportion of complaints per head of the service user population for white clients and to a lesser degree black service users.

3.7.2 Work on analysing this further will indicate if this is due to the types of services accesses or differential treatment.

3.8 How Complaints Were Made.

CONTACT CHANNEL (ADULTS' & CHILDREN'S SOCIAL CARE COMPLAINTS)			
Contact Channel	Number of Complainants (2007/2008)	Percentage of Total Contact (2006/2007)	Percentage of Total Contact (2007/2008)
Phone	98	52.7%	56%
Post	63	40.2%	36%
In Person	1	3.9%	0.6%
Email	11	2.4%	6.3%
Fax	2	0.8%	1.1%
Total Complaints	175	100%	100%

Table 3.11

3.8.1 The above table (3.11) shows that the majority of complainants prefer to make complaints by telephone, and it is noticeable that the trend of email and web form usage noted for corporate complaints is not repeated for social care complaints.

3.9 Who Made the Complaint.

WHO MADE THE COMPLAINT (ADULTS' & CHILDREN'S SERVICES)		
Complainant	Number of Complaints	Percentage of Complaints
Advocate - Advice Worker	3	1.7%
Advocate - Family Member	30	17.2%
Advocate - Solicitor	4	2.3%
Service User (Adult)	87	49.7%
Service User (Living out of Borough)	2	1.1%
Service User (Child)	13	7.4%
Service User (Carer)	2	1.1%
Other	1	0.6%
Parent / Carer of Child	33	18.9%
Total Complaints	175	100%

Table 3.12

3.9.1 The largest single source of complaints about Adults' Services is from service users direct. For Children's Social Care complaints it is the parent/carer of the child, (see table 3.12).

3.10 Breakdown of Complaints by LAP Area

BREAKDOWN OF COMPLAINTS BY LAP AREA 2007 / 2008		
LAP Area	Ward	No. Complaints
1	Bethnal Green North	5
	Mile End & Globetown	16
	Weavers	11
Total For LAP Area 1		32
2	Bethnal Green South	8
	Spitalfields & Banglatown	6
Total for LAP Area 2		14
3	St Dunstan's & Stepney Green	10
	Whitechapel	9
Total for LAP Area 3		19
4	Shadwell	3
	St Katharine's & Wapping	10
Total for LAP Area 4		13
5	Bow East	13
	Bow West	13
Total for LAP Area 5		26
6	Bromley-By-Bow	4
	Mile End East	7
Total for LAP Area 6		11
7	East India & Lansbury	15
	Limehouse	11
Total for LAP Area 7		26
8	Blackwall & Cubitt Town	9
	Millwall	7
Total for LAP Area 8		16
Out of borough		18
TOTAL COMPLAINTS AT STAGES 1 AND 2		175

Table 3.13

3.10.1 The above table (3.13) indicates the number of complaint by ward and LAP. As the numbers are relatively small it is difficult to identify any real trends.

4 LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINTS

4.1 The LGO statistics for 2006/07 show the number of complaints received by the LGO reduced for the third year (see table 4.1 below). Housing complaints remained the largest volume, but is significantly lower than 2005/06.

LGO Complaints Received by Subject Area											
	Adult Care	Benefits	Children and Family	Education	Housing	Other	Planning / Building Control	Public Finance	Social Services - other	Transport and Highways	Total
2005/06	14	10	0	0	68	25	14	7	1	10	149
2006/07	7	7	4	0	47	18	12	5	0	12	112
2007/08	2	7	4	4	51	13	6	2	0	16	105

Table 4.1

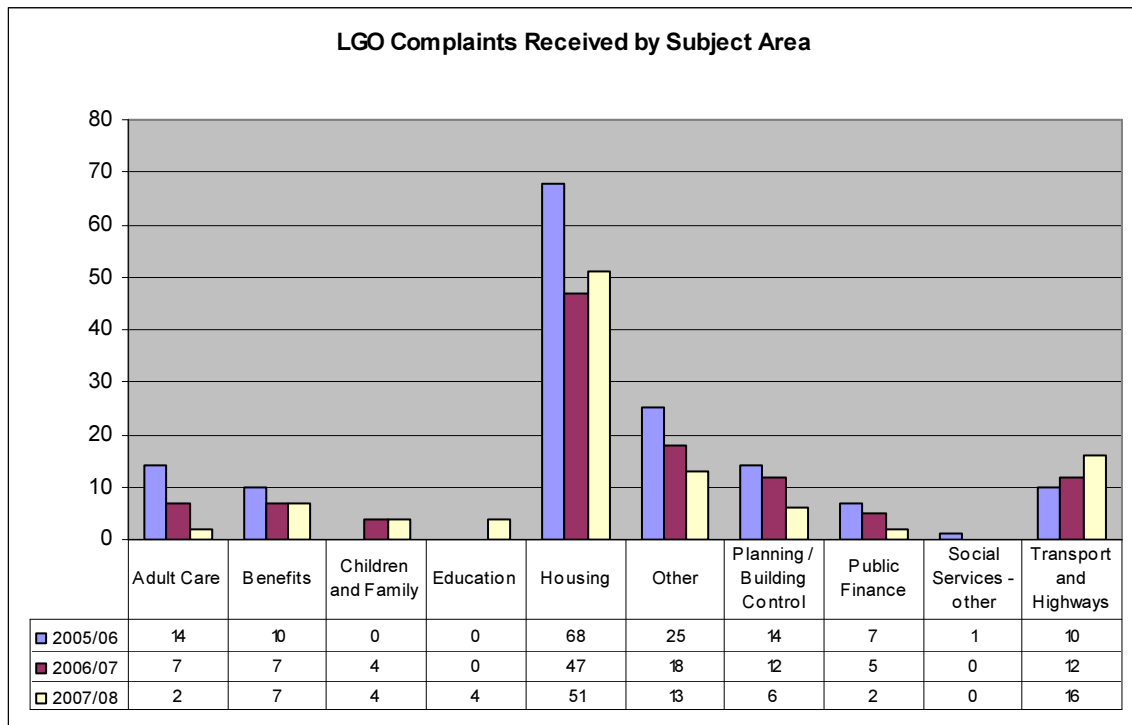


Chart 4.1

4.2 Complaints determined by the Ombudsman.

Determination	2005/06	2006/07	2007/08
Maladministration causing injustice	1	0	0
Local Settlement	31	24	16
No maladministration	46	24	37
Ombudsman's discretion	21	15	12
Out of jurisdiction	18	19	23
Premature complaints	50	29	33
Total excluding premature complaints	117	82	88
Total	167	111	121

Table 4.2

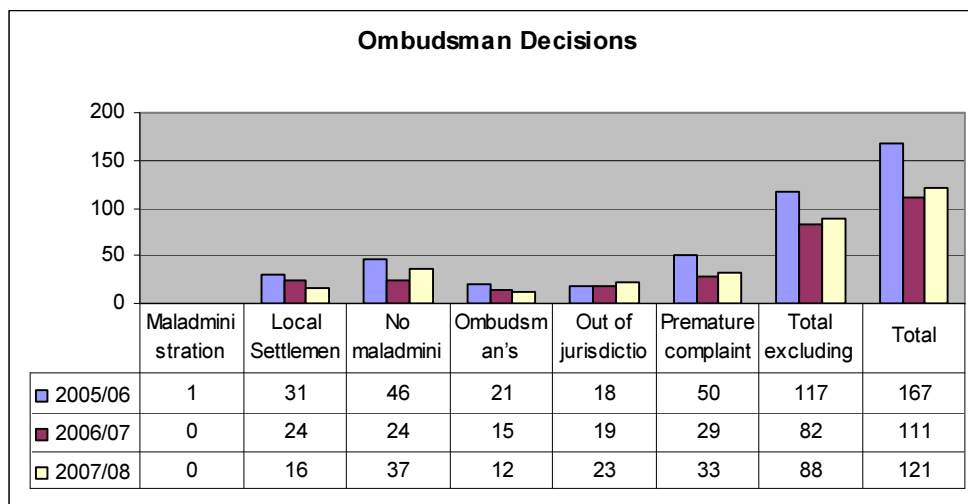


Chart 4.2

- 4.2.1 The Ombudsman determined (or closed) 88 complaints in 2007/08, see table 4.2 and chart 4.2 above.
- 4.2.2 Premature complaints are those directed to the LGO without prior reference to the Council's complaints procedure. In 27% of cases the ombudsman referred the matter to the Council to consider under the corporate or statutory social care complaints procedures.
- 4.2.3 The Council has sought the early resolution of complaints where there is either some indication of fault or where a gesture of goodwill may be appropriate to promote a positive relationship. These are recorded as Local Settlements and amount to 18% of the total (excluding premature complaints), a significant improvement on 29% last year.
- 4.2.4 In 23 cases the matter was considered to be outside the Ombudsman's jurisdiction or a matter they otherwise determined not to consider.
- 4.2.5 There were no findings of maladministration with injustice, for the second successive year.

4.3 Response times

4.3.1 The Ombudsman maintains statistics of the time taken for the first response from the initial enquiry, which are published nationally. Only 45% of London Boroughs achieve an average response time within their target of 28 days. The Council's performance has remained well within target at 17.6 days.

Response Times		
	No of First Enquiries	Average no of days to respond
2005/06	65	17.7
2006/07	48	18.6
2007/08	49	17.6

Table 4.3

4.3.2 The Ombudsman congratulated the Council on its response rate in the 2006/07 Annual Letter to the Council, and the prompt turn-around times have continued.

5 RISK ASSESSMENT

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

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

6 IMPROVEMENT INITIATIVES

6.1 British Standards Institute

The Council achieved British Standards Institute Accreditation for Complaints Handling [CMS 86:2000] in March 2005. There is an annual reaccreditation and in March 2007, the Council achieved the revised higher ISO 10002 accreditation and was reaccredited to this in 2008. This standard recognises the complaint handling processes, publicity and customer care. Few Local Authorities have achieved this accreditation. The inspection covered all elements of central complaint recording and monitoring; staff induction, training and customer care skills; the Council's monitoring of the quality of complaint response and resolution; senior management involvement in and support for effective complaints management; directorate processes for recording and monitoring complaints; escalation monitoring and handling of

outstanding issues; customer information, publicity and access and learning from customer feedback.

6.2 Staff Training and Development.

The Complaints Team has commission training from an external provider for general complaints handling and resolution, and specifically for Social Care complaints. This will continue throughout 2008/09. The training is aimed at Service Managers and Team Managers and covers all aspects of complaint handling. The training has received positive feedback.

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

6.3 Monitoring Complaints.

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

6.4 Publicity.

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

The complaints procedures for Adults' and Children's Social Care place an increased emphasis on publicity in order to ensure that service users have a voice. The Complaints Team have a role in informing people of their right to complain and in empowering them to use the complaints procedure effectively.

In conjunction with Children's Services, the team designing a new leaflet for young people following consultation with young people led by the Children's Rights Officer.

In 2008/09 the Communication and Publicity Strategy will be reviewed to take account of the new children's leaflet and the Adults and Children's Complaints Procedures.

6.6 Effective Learning Outcomes from Complaints.

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

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

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

The Complaints Team has also produced two Complaints Bulletins for Adults' and Children's Social Care, to help Team Managers identify future trends, awareness about complaints handling and offer advice on matters such as monitoring complaints more effectively, strategies to resolve complaints and learning outcomes from complaints.

APPENDIX 1

SUMMARY OF UPHELD STAGE 3 COMPLAINTS BY DIRECTORATE AND TYPE OF COMPLAINT 2006/2007

Service	Complaint & Reasons to Uphold	Redress
Adults Health and Wellbeing [1]		
1 Homeless Services	File lost	Apology and case processed
Chief Executive's [4]		
2 FOI	Appeal against exemptions	Information provided (in full in one case and with redactions for the other)
1 Legal Services	Failure to deal with correspondence in respect of a complaint	Address issues and apologies for delay
1 Revenues	Council tax recovery for previous years – billing unclear	Waiver fees
Children's Services [1]		
1 Meals on Wheels	Wrong meals being delivered	Resolve service delivery issues
Communities Localities and Culture [5]		
1 Idea Stores	Not safeguarding use of designated disabled parking bays	Procedures and facilities reviewed
2 Parking	1 Lack of clarity on documents required to obtain Public Services Permit 2 Appeal removal of vehicle as insufficient evidence	Rationalise application process Refund
1 Street Cleansing	Street not cleaned – Contractor records not comprehensive	Apology and require better record keeping
1 Refuse Collection	Collections occurring before 7am	Apology and contractor warned
Development and Renewal [1]		
1 Development Decisions	Delay in dealing with building not progressing in accordance with plans	Progress action and explain to resident
Housing [26]		
3 Home Ownership	Service Charge against Service Quality	Adjustments made
5 Housing Management	Various administrative issues	Resolve
1 Home Ownership	Major works billing delay	Compensation for delay
12 Technical Resources	Delay with various repairs – communal and individual	Complete works and where appropriate compensate
5 Caretaking	Quality of service	Improve service and apologise

The most common issues arising are failure to follow procedures and the time taken to identify the true source of the problem.

APPENDIX 2 – Lessons Learnt

Monitoring of the upheld stage 3 and Ombudsman complaints allows for trends to be identified and lessons to be learnt. Below is a list of the key issues and actions to be taken for the complaints monitored in this period. Implementation of these actions will be monitored over the coming months.

Issue	Action
Missed appointments and consequent delay in repairing properties	Regular and effective contract monitoring. Additionally, consideration of calling a sample of residents to check if appointments were met and work completed is being considered.
Web data out of date or contradictory to other published data.	Services to integrate processes for updating different publicity materials.
Record keeping – file notes and visit records are not always kept making it difficult to establish an audit trail.	All officers should take notes on site visits and on ad-hoc encounters with service users – protocol to be publicised
Errors in processes (e.g. schools admissions, Homeless & Lettings) not rectified immediately notified	Ensure that consideration of remedy is applied at the earliest stage

2. Comments of the Chief Financial Officer

- 2.1 This report recommends that the Overview and Scrutiny Committee notes the contents of the annual review of the complaints procedure report, a statutory requirement under the Children Act 1989.
- 2.2 There are no significant financial implications arising from the recommendations in this report that impact on the Children's Services and Adult's Health and Well Being Services Revenue or Capital Budgets, or other directorate budgets, in current and future years.
- 2.3 Corporate Complaints procedures and quality checks are designed to minimise the cost of making good and compensation, but where this is necessary, payment is contained within the Directorate budget.

3. Concurrent report of the Assistant Chief Executive (Legal Services)

- 3.1 Local authorities are required by an Order made under Section 7B Local Authority Social Services Act 1970 to establish a complaints procedure relating to their Social Services functions.
- 3.2 Complaints which relate to the exercise of a local authority's exercise of its child care functions are required to be considered under a procedure established by Section 26(3) Children Act 1989. An annual report on the operation of that procedure is required under the Representations Procedure (Children) Regulations 1991.
- 3.3 Advice is tendered as required on any potential service breach of statutory or other responsibilities and local settlement advocated to avert other legal action. This has been successful to date.

4. Equal opportunities Implications.

- 4.1 The Annual Report provides a breakdown of the ethnicity and gender of complainants and other aspects such as age and disability are collated. Corporate Complaint Procedures have been subject to Equalities Impact Assessments and action to increase the collection of equalities monitoring data, for comparison against borough profiles, has been successful. The Social Care complaints procedure is an important mechanism to ensure that vulnerable members of the community being assisted by the Council are able to voice their concerns.
- 4.2 There is a Social Care complaints leaflet available in five community languages and on tape in both English and Sylheti, which is widely distributed through out the Directorate and within the local voluntary sector agencies. There is also a leaflet for children and young people which is in community languages. This publicity ensures that all members of the community are made aware of the procedure.

4.3 The Directorate also ensures that complainants are offered the opportunity of an interpretation service to assist them in making their complaint. Young people are always offered the opportunity of an advocate in line with the Children Act 1989.

5. Anti-poverty implications

5.1 The Social Care and Corporate complaints procedures provide an important mechanism for vulnerable service users to give feedback on services. Continuing publicity will ensure that all residents and service users will have better awareness of their right to voice any concerns.

6. Sustainable action for a greener environment

6.1 There are no specific implications.

7. Risk management implications.

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