

Meeting of the

# **OVERVIEW & SCRUTINY COMMITTEE**

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**Tuesday, 4 November 2008 at 7.00 p.m.**

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## **A G E N D A**

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### **VENUE**

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Abdul Asad</b> <b>Vice-Chair: Councillor Bill Turner</b>	
<b>Councillor Stephanie Eaton</b> <b>Councillor Waiseul Islam</b> <b>Councillor Ann Jackson</b> <b>Councillor Shiria Khatun</b> <b>Councillor Abjol Miah</b> <b>Councillor Oliur Rahman</b> <b>Councillor A A Sardar</b> <b>Two Vacancies</b>	Councillor M. Shahid Ali, (Designated Deputy representing Councillors Abdul Asad, Waiseul Ialm, Ann Jackson, Shiria Khatun, A. A. Sardar and Bill Turner) Councillor Lutfa 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 Fozol Miah, (Designated

Deputy representing Councillor Abjol Miah)  
Councillor Harun Miah, (Designated Deputy representing Councillor Abjol Miah)  
Councillor Tim O'Flaherty, Designated Deputy representing Councillor Stephanie Eaton  
Councillor M. Mamun Rashid, Designated Deputy representing Councillor Abjol Miah)  
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](mailto:amanda.thompson@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 4 November 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 - 8

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 7 October 2008.

#### 4. REQUESTS TO SUBMIT PETITIONS

To be notified at the meeting.

#### 5. REQUESTS FOR DEPUTATIONS

To be notified at the meeting.

#### 6. SECTION ONE REPORTS 'CALLED IN'

There were no Section One reports 'called in' from the meeting of Cabinet held on 8 October 2008.

#### 7. SCRUTINY SPOTLIGHT: LEAD MEMBER

The Deputy Leader, Councillor Sirajul Islam, will attend to report on his portfolio.

(Time allocated – 30 minutes)

#### 8. REPORTS FOR CONSIDERATION

##### 8.1 Corporate Complaints - Half Year Report

9 - 40

(Time allocated – 30 minutes)

## **9. SCRUTINY MANAGEMENT**

### **9.1 VERBAL UPDATES FROM SCRUTINY LEADS**

(Time allocated – 15 minutes )

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

(Time allocated – 15 minutes).

### **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 Section Two reports 'called in' from the meeting of Cabinet held on 8 October 2008.

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

(Time allocated 5 minutes).

### **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, 7 OCTOBER 2008**

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

**Members Present:**

Councillor Abdul Asad (Chair)  
Councillor Stephanie Eaton  
Councillor Waiseul Islam  
Councillor Ann Jackson  
Councillor Shiria Khatun  
Councillor Abjol Miah  
Councillor A A Sardar  
Councillor Bill Turner (Vice-Chair)

**Other Councillors Present:**

Councillor Anwara Ali  
Councillor Alibor Choudhury  
Councillor Marc Francis  
Councillor Sirajul Islam  
Councillor Joshua Peck  
Councillor Lutfur Rahman

**Co-opted Members Present:**

Mr H Mueenuddin – Muslim Community Representative

**Officers Present:**

Lutfur Ali – (Assistant Chief Executive)  
Suki Binjal – (Interim Head of Legal Services - Community,  
Chief Executive's)  
Paul Evans – (Interim Corporate Director Development &  
Renewal)  
John Goldup – (Corporate Director, Adults Health and Wellbeing)  
Afazul Hoque – (Acting Scrutiny Policy Manager, Scrutiny and  
Equalities, Chief Executive's)  
Michael Keating – (Service Head Scrutiny & Equalities, Chief  
Executive's)  
Michael Kiely – (Service Head, Development Control and Building  
Control, Development & Renewal)  
Beverley McKenzie – (Members Support Manager)

Amanda Thompson – (Team Leader - Democratic Services)  
John Williams – (Service Head, Democratic Services)

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Oliur Rahman.

## **2. DECLARATIONS OF INTEREST**

Councillor Stephanie Eaton declared a personal interest in agenda item 13.1 as she was a ward member.

Councillors Anwara Ali, Alibor Choudhury, Marc Francis, Sirajul Islam and Lutfur Rahman each declared a personal and prejudicial interest in agenda item 6.1 on the basis that they were Members of the Cabinet when the original decision was taken, and all left the room during the Committee's decision making and voting on this item.

## **3. UNRESTRICTED MINUTES**

### **RESOLVED**

That the unrestricted minutes of the meeting held on 9 September 2008 be confirmed as a correct record.

## **4. REQUESTS TO SUBMIT PETITIONS**

None received.

## **5. REQUESTS FOR DEPUTATIONS**

None received.

## **6. SECTION ONE REPORTS 'CALLED IN'**

### **6.1 Report Called In - 33-37 The Oval and Bethnal Green Gasholders Site, E3**

Further to their respective declarations of a personal and prejudicial interest, Councillors Anwara Ali, Alibor Choudhury, Marc Francis, Sirajul Islam and Lutfur Rahman left the room during the Committee's decision making and voting on this item.

Mr Lutfur Ali outlined the call-in procedure to the Committee.

Councillor Golds 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 enter into a conditional agreement with the Developer to acquire land known as 33-37 The Oval, as well as the commissioning of a comprehensive investigation by the Chief Executive to establish whether the Authority has put in place adequate controls to prevent a recurrence of the procedural errors.

Councillor Golds advised that the reasons that these two options were placed before the Cabinet was that planning permission had been granted for the site without the Council consulting the Health and Safety Executive (HSE) as it was legally required to do due to the presence of a gas works. This failure to consult had left the original planning permission vulnerable to legal challenge by the HSE, and both the Council and the Developer exposed to costs arising out of this.

Councillor Golds stated that the planning permission had been granted under delegated powers which was not appropriate for an application of this size, and the Council had not prevented the development of the site which was now considerable. No information had been placed before Members as to why officers sought to proceed with the flawed application over the objection of the HSE and the risk of involving the Secretary of State. This issue was placed before the Cabinet when the Lead Member for Resources was not present and so the Cabinet did not discuss the issues of affordability of either option.

Councillor Golds then responded to questions from the Committee concerning the adequacy of the proposed investigation and the possibility of incurring further costs if the developer was challenged.

Councillor Josh Peck, Lead Member for Resources and Performance, then addressed the Committee on behalf of the Cabinet in response to the Call-in and made the following points:

The matter did not come before either of the Council's Development Committees because it was a case that was capable of being dealt with under delegated powers. The Cabinet report made clear that officers should have been aware of the gas works, this was not denied and therefore the failing was with the Council who then granted planning permission without consulting the HSE. All Members of the Cabinet were aware of the finances involved not just the Lead Member.

Committee Members then put detailed questions to Councillor Peck on a number of issues concerning the monitoring of delegated decisions, the length of the investigation, and the Environmental Impact Assessment.

Following the discussion 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 not be pursued and the decision of the Cabinet be confirmed, subject to the following comments being submitted to the Cabinet for consideration:

1. The investigation should be transparent and open to consultation with Members of the Overview and Scrutiny Committee, Development Committee and Strategic Development Committee;
2. The investigation should also consider if the Developer tried to mitigate any loss to the Council and if development activity was halted as soon as possible;
3. The Chief Executive's investigation should also review the Council's delegated powers and also explore ways in which community awareness could be increased in relations to such developments through the LAPs.

## **7. SCRUTINY SPOTLIGHT: LEAD MEMBER**

Councillor Anwara Ali, Lead Member for Health and Well Being, gave a presentation on the key issues, opportunities and challenges arising from her portfolio.

The Committee noted that Tower Hamlets continued to be one of the top performing social care Directorates in London, and good working relations had been developed with NHS partners, as demonstrated by the success of the LinkAge Plus Programme.

A key priority for the remainder of 2008/09 was Mental Health as this area required more work in order to improve services for residents. It was also important to maintain a democratic oversight of health care in Tower Hamlets.

The main challenges included the ageing population and growing demand for services, pressure on resources and uncertainty about future organisation of the NHS in London.

Members of the Committee raised issues around the importance of addressing the huge health inequalities that existed in Tower Hamlets, and expressed concern about the consultation that was taking place in relation to the Pollards Row Surgery and the need to ensure that the Council did not face similar issues to those experienced in connection with the St Paul's Way Medical Centre. Members also raised concerns about child obesity and the growing number of fast food outlets in the Borough which was helping to exacerbate the problem.

The Chair thanked Councillor Ali for her presentation.

## **8. PERFORMANCE MONITORING**

### **8.1 Members Enquiries**

Councillor Sirajul Islam, Deputy Leader of the Council, introduced a report detailing the progress made on the Members' Enquiries Business Process Improvement (BPI) project, which aimed to enhance both the speed and quality of responses to enquiries.

The Committee were advised that although performance had improved gradually during the project, it was still short of the target of 85% of Enquiries responded to within ten working days. A further review was underway to identify actions to maintain the focus on improvement. The results of this were starting to be seen with 81% of enquiries being responded to during September 2008.

The Committee noted that more than half of the enquiries received had to be dealt with by agencies that were not directly part of the Council and discussions had started with the Registered Social Landlords (RSLs) in order to achieve the desired improvements.

The Committee welcomed the progress that had been made with the BPI Project but expressed concern in relation to the quality of responses received from both the Council and external partners, particularly some of the RSLs, and asked that the Council continue the discussions to improve both response time and quality.

## **9. SCRUTINY MANAGEMENT**

### **9.1 Overview and Scrutiny Recommendation Tracking Report**

Michael Keating, Service Head, Scrutiny and Equalities, provided the six monthly recommendation tracking report to monitor progress implementing the Committee's past recommendations.

The Committee welcomed the progress that had been made with implementing the recommendations and was pleased to note some of the positive outcomes from the scrutiny reviews.

## **10. 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 6.2 The Provision of Structural Checking Consultancy Services for Building Control – Contract No. DR3040 Building Control (Higher Value Works) – (Three year Contract with 1 Year Extension) and Contract No. DR3011 Building Control (Lower Value Works) – (Three Year Contract with 1 Year Extension) (CAB 053/089)**

Given the controversy surrounding use of consultants in local government generally, have we considered developing a cross borough East London approach to the use of consultants which would provide consistent standards, better outcomes and value for money?

**Agenda Item 7.1 Building Schools for the Future (BSF) – Wave 5 Outline Business Case (CAB 055/089)**

Has the Council considered possible problems on costing given the current economic climate and do we have any indemnity insurance to cover these?

**Agenda Item 8.1 ASBO Publicity Protocol (CAB 059/089)**

Can the Cabinet outline how they have fully considered the safety implications of this protocol for local residents?

**Agenda Item 10.1 Priorities and Arrangement for Mainstream Grants 2009-2012 (CAB 060/089)**

Will the Cabinet consider cross-funding options with regard to the older people's agenda where there are clear links between educational, social and physical activities?

The meeting finished at  
9.15pm.

Councillor Abdul Asad, Chair

# Agenda Item 8.1

<b>Committee:</b> <b>Overview and Scrutiny</b>	<b>Date:</b> 24 October 2008	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b> 8.1
<b>Report of:</b> Corporate Director – Resources, Chris Naylor <b>Originating officer(s)</b> Ruth Dowden Corporate Complaints Manager		<b>Title:</b> CORPORATE COMPLAINTS Half Year Report 2008 / 2009  <b>Wards Affected:</b> All		

## 1. SUMMARY

- 1.1 This report contains a summary of complaints completed by the Council in the period 1 April 2008 to 31 September 2008 through the Corporate Complaints Procedure, Social Care Complaints Procedures and those received and determined by the Local Government Ombudsman in the same period.
- 1.2 In general, improvements in complaint response times and early resolution of complaints are noted through the Corporate Complaints Procedure and by the Local Government Ombudsman.
- 1.3 The Service has been quality accredited for four years, achieving accreditation to ISO 100002 Complaints Handling Standard. The Service is seeking accreditation under the Customer Service Excellence scheme early in the new year as part of the submission by the Customer Access Department. This is the new scheme that replaces the Charter Mark

## 2. RECOMMENDATIONS

Overview and Scrutiny is recommended to:-

- 2.1 Note the content of the report

### 3. **BACKGROUND**

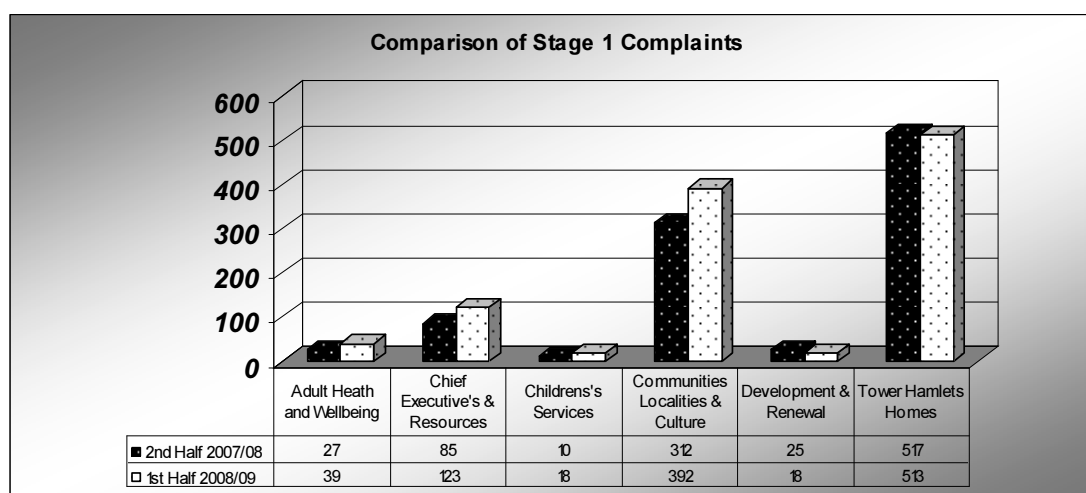
3.1 This report is a mid year update on the work of the Corporate Complaints team, following the Complaints Annual Report, usually considered by Overview and Scrutiny each July for the preceding year.

### 4. **CORPORATE COMPLAINTS**

4.1 Table 1 indicates the volume of stage1 complaints received for each directorate, comparing the first six months of 2008/09 with the preceding six months.

4.2 However, there will be some variance over these periods as some services moved directorate following restructuring. (For example, Benefits move into Resources; Estate Parking to Communities Localities and Culture; Antisocial Behaviour to Communities Localities and Culture).

Table 1: Stage 1 complaints

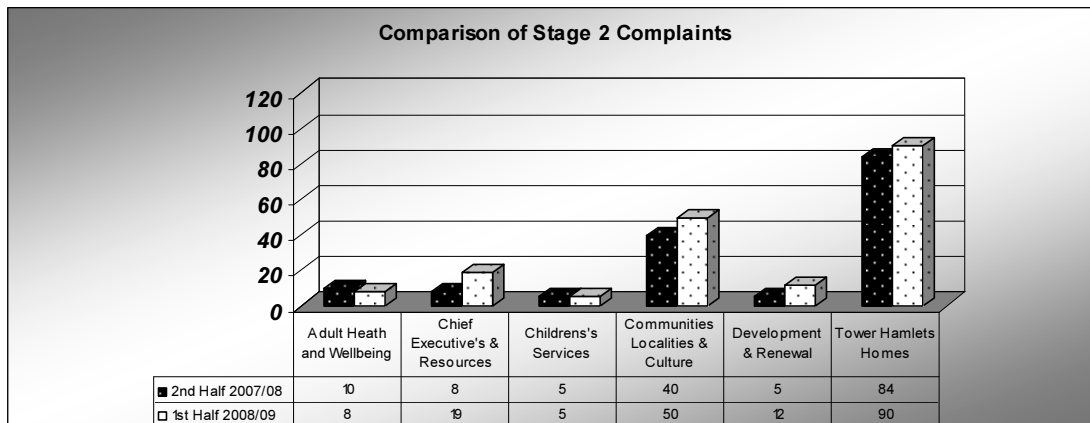


4.3 A more detailed breakdown by Directorate and service area is provided at Appendix 1. This minimises distortion (following restructuring) by adding complaints from the previous period into the new directorate.

4.4 Most Social Care complaints come under the statutory Children's and Adults' complaints procedures; these are addressed in section 9. Non-statutory complaints dealt with under the Corporate Complaints Procedure are reported in this section and Appendix 1

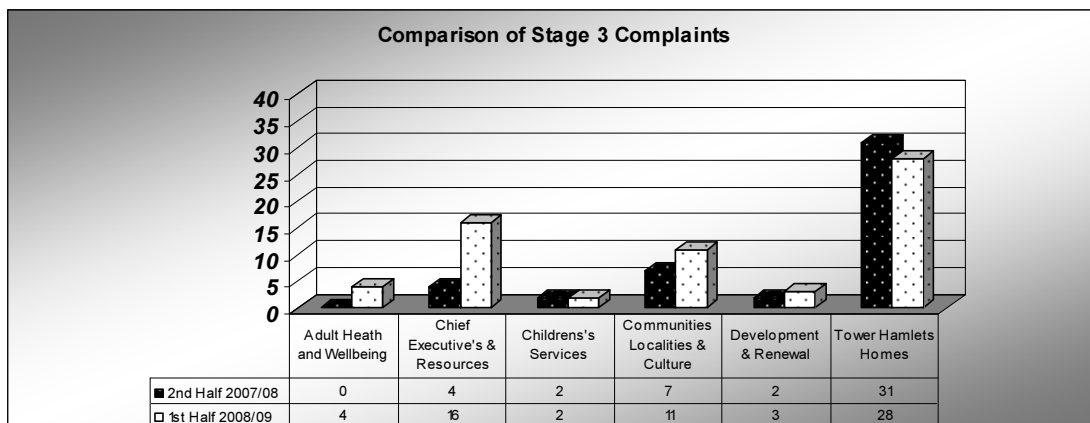
4.5 The overall volume of Stage 1 complaints rose. This appears to be a trend across all Council services. Variance within services are set out and analysed in Appendix 1.

**Table 2: Stage 2 complaints**



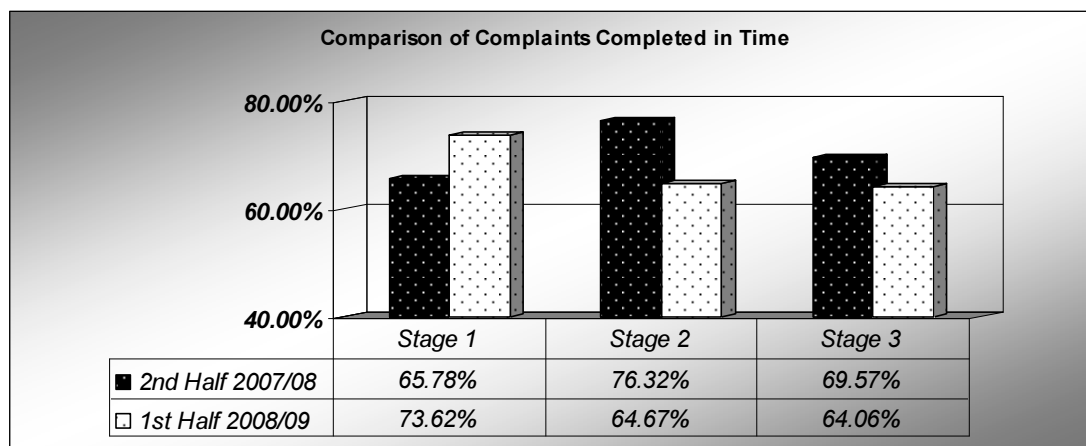
4.6 The percentage of complaints escalated to Stage 2 has fallen overall. Given the overall increase in Stage 1 complaints, this is positive indicating that many complaints are resolved at the first Stage.

**Table 3: Stage 3 complaints**



4.7 The escalation of complaints to Stage 3 increased slightly, and this is fairly consistent across all directorates. However, volumes upheld have fallen, and details are provided in section 8.12

Table 4: Complaints Completed in Time



- 4.8 The proportion of Stage 1 complaints completed in time has increased over the past six months and the outturn for the first 6 months of 2008/09 is 73.6%, moving closer to the ambitious target of 80% set to try to drive up performance. Robust monitoring processes are also in place, including regular review by the Performance Review Group, chaired by the Chief Executive. Detailed weekly and monthly lists are provided by directorate and section, and improvement plans in each directorate have proved effective in achieving what is now a month on month improvement.
- 4.9 Regrettably, the focus on Stage 1 response times appears to have had an adverse effect on Stage 2 and 3 response times. The average days to complete Stage 3 investigations is now 20 days, contrary to the improvements achieved last year.
- 4.10 A team and individual improvement plan has been established for the Corporate Complaints Team to address this.
- 4.11 More detail of the volumes and performance regarding response times is shown overleaf in table 5.



Table 5 Breakdown by Directorate – Resolution and Response Times

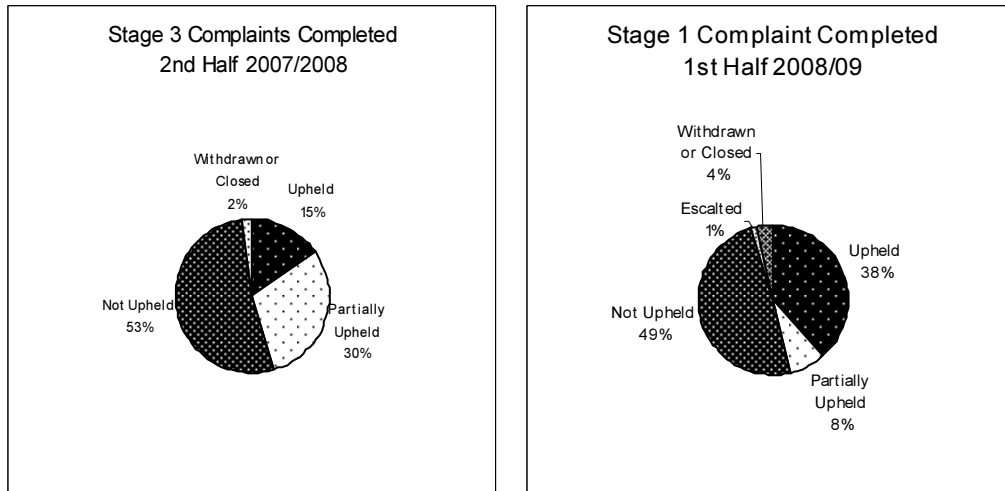
Directorate	Total		Upheld	Partially Upheld	Escalated to Next Stage (from delay)	Not Upheld	Withdrawn or Closed	Completed in Time	Average Days to Complete
	2 <sup>nd</sup> Half 2007/08	1 <sup>st</sup> Half 2008/09							
Adult Health and Wellbeing	22	39	9	3	1	25	1	32	10
Chief Executive's	94	18	1	8	0	8	1	9	10
Resources	0	105	15	25	1	61	3	98	5
Children's Services	19	18	7	1	2	7	1	13	11
Communities Localities & Culture	409	392	154	50	3	166	19	283	10
Development & Renewal	29	18	5	2	1	8	2	11	11
Tower Hamlets Homes	603	513	231	0	5	265	12	366	9
<b>Total for Stage 1</b>	<b>1176</b>	<b>1103</b>	<b>422</b>	<b>89</b>	<b>13</b>	<b>540</b>	<b>39</b>	<b>812</b>	<b>9</b>
Adult Health and Wellbeing	5	8	1	2	0	5	0	2	21
Chief Executive's	12	9	0	5	0	3	1	8	8
Resources	0	10	0	1	0	9	0	9	12
Children's Services	6	5	3	0	0	1	1	2	29
Communities Localities & Culture	44	50	5	10	1	33	1	30	19
Development & Renewal	6	12	1	1	1	8	1	9	18
Tower Hamlets Homes	108	90	35	0	3	50	2	59	17
<b>Total for Stage 2</b>	<b>181</b>	<b>184</b>	<b>45</b>	<b>19</b>	<b>5</b>	<b>109</b>	<b>6</b>	<b>119</b>	<b>18</b>
Adult Health and Wellbeing	0	4	0	2		2	0	2	25
Chief Executive's	5	8	1	3		3	1	5	23
Resources	0	8	0	2		6	0	4	21
Children's Services	1	2	0	0		2	0	1	27
Communities Localities & Culture	6	11	2	0		9	0	10	16
Development & Renewal	2	3	0	1		2	0	2	23
Tower Hamlets Homes	27	28	3	3		22	0	17	21
<b>Total for Stage 3</b>	<b>41</b>	<b>64</b>	<b>6</b>	<b>11</b>		<b>46</b>	<b>1</b>	<b>41</b>	<b>20</b>

Table 6: Stage 3 Complaints Resolution

Stage 3 Complaint Completed	Upheld	Partially Upheld	Not Upheld	Withdrawn or Closed	Completed in Time	Average Days to Complete
2nd Half 2007/08	7	14	24	1	69.57%	16
1st Half 2008/09	6	11	46	1	64.06%	20

4.12 The average number of days to complete Stage 3 investigations has increased to the target time of 20 working days. The proportion completed in time decreased and cases are being closely monitored to improve performance at this important stage of the procedure.

Table 7: Resolution of stage 3 complaints.

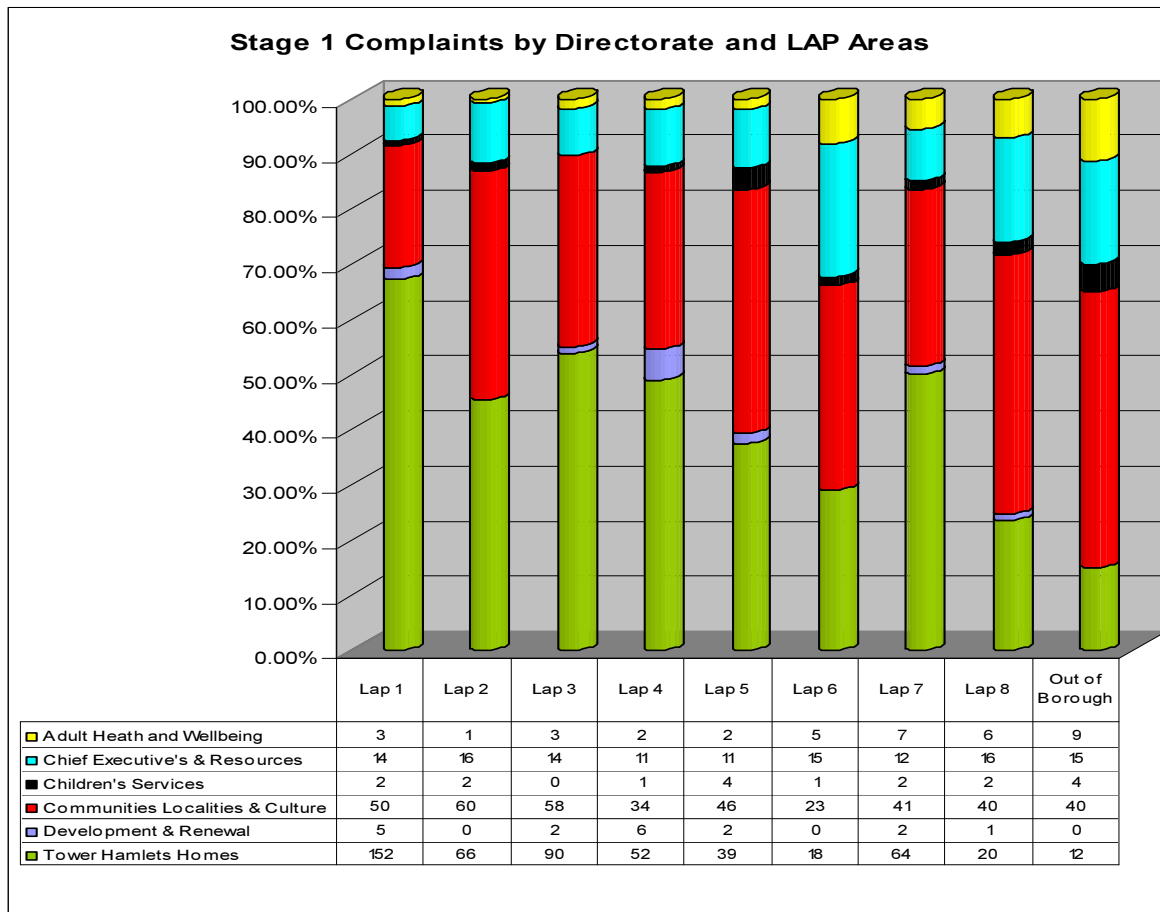


4.13 Table 7 shows the breakdown of resolution, indicating for both periods a fairly even split of complaints upheld and not upheld.

4.14 On occasions, complaints arise that require specific measures to resolve. Where necessary, the Complaints Team liaise with, or refer matters on to, the appropriate Corporate Director, Internal Audit and/ or Legal Services. However, there are not complaints giving rise to such concerns in the period reported.

4.15 Table 8, below, shows complaints received by LAP area and by Directorate. This reflects differing priorities in parts of the borough.

Table 8: Comparison by LAP Area



4.16 Table 8 shows the proportion of complaints by directorate (giving an indication of the community plan theme) although variance between LAPs should be considered bearing in mind the differing composition of the areas. For example, out of borough complaints for Adults Health and Wellbeing will be due to people being placed in Out of Borough temporary accommodation; Tower Hamlets Homes complaints will vary depending on stock volumes in given localities.

4.17 The same data is set out in Table 9 overleaf by Directorate and volume, against each LAP area.

Table 9

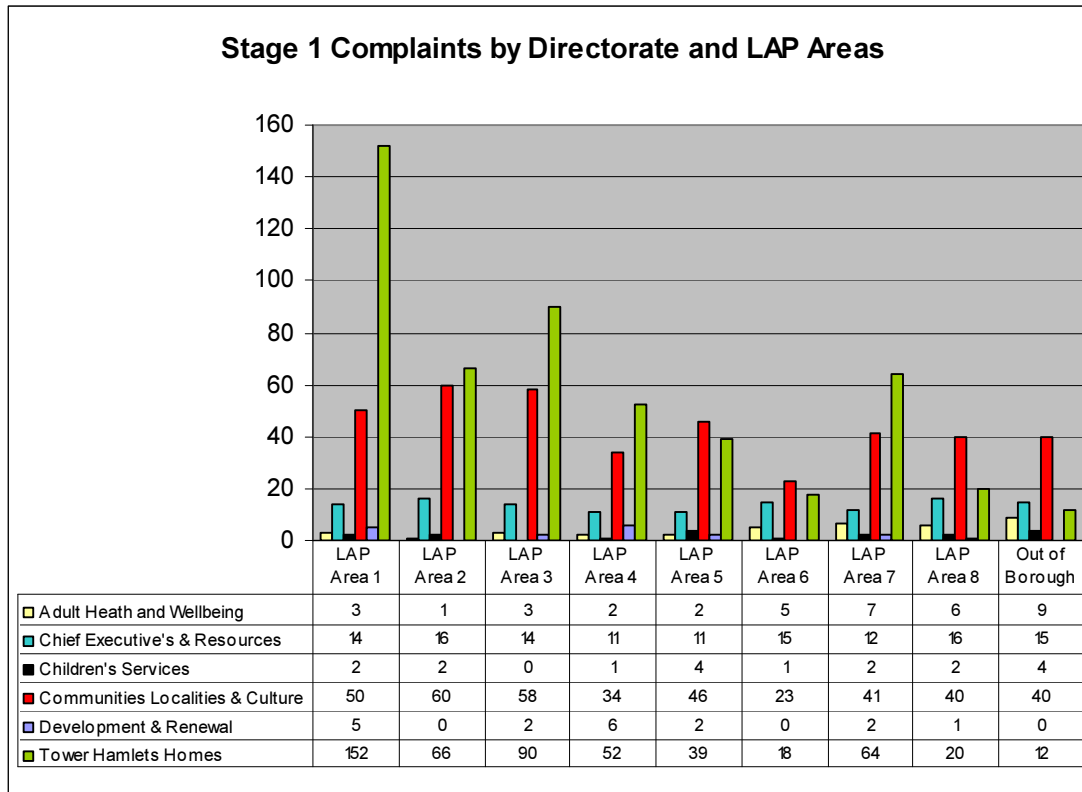


Table 10: Contact channels

BREAKDOWN OF HOW COMPLAINTS RECEIVED								
How Received	2 <sup>nd</sup> Half 2007/08				1 <sup>st</sup> Half 2008/09			
	Stage 1	Stage 2	Stage 3	Total	Stage 1	Stage 2	Stage 3	Total
Email	277 28.4%	41 27.0%	15 32.6%	<b>333</b> <b>28.4%</b>	284 25.7%	66 35.9%	21 32.8%	<b>371</b> <b>27.5%</b>
Web Form	111 11.4%	4 2.6%	0 0.0%	<b>115</b> <b>9.8%</b>	163 14.8%	3 1.6%	2 3.1%	<b>168</b> <b>12.4%</b>
Complaint Form or Letter	217 22.2%	66 43.4%	28 60.9%	<b>311</b> <b>26.5%</b>	224 20.3%	61 33.2%	35 54.7%	<b>320</b> <b>23.7%</b>
Fax	7 0.7%	4 2.6%	0 0.0%	<b>11</b> <b>0.9%</b>	6 0.5%	3 1.6%	0 0.0%	<b>9</b> <b>0.7%</b>
Telephone	357 36.6%	35 23.0%	2 4.3%	<b>394</b> <b>33.6%</b>	417 37.8%	48 26.1%	6 9.4%	<b>471</b> <b>34.9%</b>
In Person	7 0.7%	2 1.3%	1 2.2%	<b>10</b> <b>0.9%</b>	9 0.8%	3 1.6%	0 0.0%	<b>12</b> <b>0.9%</b>
<b>Total</b>	<b>976</b>	<b>152</b>	<b>46</b>	<b>1174</b>	<b>1103</b>	<b>184</b>	<b>64</b>	<b>1351</b>

4.18 The comparison of contact channels shown in Table 10 points to the continuing use of email and web access. Nevertheless, traditional access channels still

remain important and the volume and proportion taken by phone has also increased.

Table 11: Ethnicity

BREAKDOWN OF COMPLAINTS BY ETHNICITY							
Ethnicity	2 <sup>nd</sup> Half 2007/08			Borough Population Projection	1st Half 2008/09		
	Stage 1	Stage 2	Stage 3		Stage 1	Stage 2	Stage 3
<b>Asian Total</b>	<b>157</b>	<b>20</b>	<b>2</b>		<b>204</b>	<b>31</b>	<b>9</b>
	<b>42.9%</b>	<b>32.3%</b>	<b>10.0%</b>	<b>36.6%</b>	<b>42.9%</b>	<b>36.0%</b>	<b>45.0%</b>
Bangladeshi	143	20	2		178	29	8
Chinese	4	0	0		2	0	1
Indian	1	0	0		3	0	0
Pakistani	1	0	0		1	0	0
Vietnamese	1	0	0		0	0	0
Asian Other	7	0	0		20	2	0
<b>Black Total</b>	<b>20</b>	<b>6</b>	<b>0</b>		<b>34</b>	<b>7</b>	<b>3</b>
	<b>5.5%</b>	<b>9.7%</b>	<b>0.0%</b>	<b>6.0%</b>	<b>7.1%</b>	<b>8.1%</b>	<b>15.0%</b>
African	4	1	0		7	2	1
Caribbean	13	4	0		14	0	0
English	0	0	0		3	2	1
Somali	2	0	0		4	2	1
Black Other	1	1			6	1	0
<b>Mixed Heritage</b>	<b>9</b>	<b>3</b>	<b>0</b>		<b>6</b>	<b>1</b>	<b>0</b>
	<b>2.5%</b>	<b>4.8%</b>	<b>0.0%</b>		<b>1.3%</b>	<b>1.2%</b>	<b>0.0%</b>
<b>Other ethnic background</b>	<b>3</b>	<b>0</b>	<b>0</b>		<b>12</b>	<b>2</b>	<b>0</b>
	<b>0.8%</b>	<b>0.0%</b>	<b>0.0%</b>		<b>2.5%</b>	<b>2.3%</b>	<b>0.0%</b>
<b>White</b>	<b>177</b>	<b>33</b>	<b>18</b>		<b>220</b>	<b>45</b>	<b>8</b>
	<b>48.4%</b>	<b>53.2%</b>	<b>90.0%</b>	<b>51.0%</b>	<b>46.2%</b>	<b>52.3%</b>	<b>40.0%</b>
English	136	19	8		166	32	6
Irish	5	0	0		6	3	0
Jewish	0	0	0		0	0	0
Scottish	2	0	0		5	1	0
Welsh	6	2	1		5	1	0
White Other	28	12	9		38	8	2
Total where ethnicity is known	<b>366</b>	<b>62</b>	<b>20</b>		<b>476</b>	<b>86</b>	<b>20</b>
<b>Not Known</b>	<b>582</b>	<b>84</b>	<b>26</b>		<b>589</b>	<b>96</b>	<b>42</b>
<b>Declined</b>	<b>28</b>	<b>6</b>	<b>0</b>		<b>37</b>	<b>2</b>	<b>2</b>
<b>Total</b>	<b>976</b>	<b>152</b>	<b>46</b>		<b>1102</b>	<b>184</b>	<b>64</b>

4.19 The team routinely monitor the ethnicity, age and disability of complainants. Table 11 sets out the ethnicity. It is hoped that by the Annual Report for 2008/09,

monitoring on the six main equalities categories will be possible as these are now collected.

4.20 The Corporate Complaints team are reviewing how best to collect equalities data as the response rate to these questions has fallen.

5 SOCIAL CARE COMPLAINTS (Statutory)

5.1 Legislation for Adults and Children’s Social Care complaints allows two target times at each stage. Stage 1 complaints have a target of 10 working days, which can be extended to 20 working days. At stage 2, the target is 25 working days, which can be extended to 65 working days.

5.2 The corporate target for complaints completed in target is 80%, and of the Adults Social Care Complaints completed, improvements have been made in achieving the shorted timescale and the target was exceeded for the extended timescale. (Table 12 below)

5.3 The escalation rate has fallen in the first half of 2008/09.

Table 12: Adults Social Care Complaints

<b>Complaint Stage</b>	<b>2<sup>nd</sup> Half 2007/08</b>	<b>Completed within timescale</b>	<b>Completed in extended timescale</b>
<b>Stage 1</b>	20	60%	100%
<b>Stage 2</b>	10	30%	70%
<b>Complaint Stage</b>	<b>1<sup>st</sup> Half 2008//09</b>	<b>Completed within timescale</b>	<b>Completed in extended timescale</b>
<b>Stage 1</b>	25	72%	92%
<b>Stage 2</b>	2	0%	100%

5.4 Although there is a small increase in Adults Social Care Complaints, the volume is still low both in comparison to previous years (65 in the full year 2006/07), and in comparison to other local authorities (London average in 2006/07 was 115).

6.5 Table 13 below indicates that fewer Children’s Social Care complaints were completed within the shorter and extended timescale. Steps are being taken to improve performance and this is being closely monitored.

Table 12: Children's Social Care Complaints

<b>Complaint Stage</b>	<b>2<sup>nd</sup> Half 2007/08</b>	<b>Completed within timescale</b>	<b>Completed in extended timescale</b>
<b>Stage 1</b>	15	47%	100%
<b>Stage 2</b>	1	0%	100%
<b>Complaint Stage</b>	<b>1<sup>st</sup> Half 2008//09</b>	<b>Completed within timescale</b>	<b>Completed in extended timescale</b>
<b>Stage 1</b>	12	39%	85%
<b>Stage 2</b>	1	0%	100%

## 7 LOCAL GOVERNMENT OMBUDSMAN (LGO)

### Annual Letter 2007/08

- 7.1 The Ombudsman's Annual Letter 2007/08 (Appendix 2) is very positive.
- 7.2 Volumes of complaints investigated remained similar to those investigate the previous year. The Ombudsman commends the Council for the excellent speed of response rates and constructive and helpful attitude in resolving complaints as well as the quality of complaints investigation within the Council.
- 7.3 No reports or findings of Maladministration were issued in 2007/08 and this has been the case for the past three years.

### First Enquiries 2008/09

- 7.4 Table 14 below sets out the Council's response record to new Ombudsman complaints for last six months of 2007/08 compared with the first six months of 2008/09.

Table 14: Ombudsman Complaints

	number of initial enquiries		ave days to respond		% in time	
	07/08 (last 6 months)	08/09 (first 6 months)	07/08 (last 6 months)	08/09 (first 6 months)	07/08 (last 6 months)	08/09 (first 6 months)
Adults Health and Wellbeing	2	2	19.5	18.5	100%	100%
Chief Executive's & Resources	1	1	4	20	100%	100%
Children's Services	1	5	28	22	0%	60%
Communities, Localities and Culture	5	3	23	23	40%	33%
Development and Renewal	2	4	8	18	100%	100%
Tower Hamlets Homes	11	14	16	18	91%	93%
<b>Total</b>	<b>22</b>	<b>29</b>	<b>17.1</b>	<b>20</b>	<b>77%</b>	<b>83%</b>

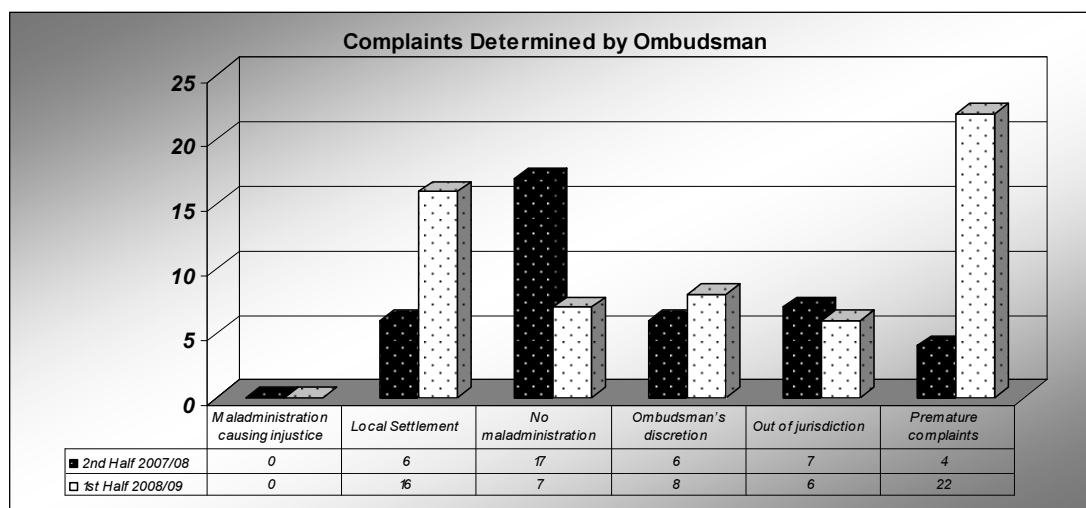
- 7.5 The increase in complaints considered by the Ombudsman for Children's Service relate to School Admissions Appeals. As they may occur during the school closure period, some have taken a little longer to respond to in full. These complaints have been closed with no findings against the Council.
- 7.6 In Communities Localities and Culture, two complaints took longer to respond to. One was a complex case of neighbour nuisance, involving the ASB team, Environmental Health, and Housing. The second related to a parking permit application and a Local Settlement was offered and agreed, details below in section 10.11.
- 7.7 The complaint taking the longest to respond to (28 days) was complex Children's Social Care complaint. There were 12 elements to the complaint, and the detailed response allowed the complaint to move quickly to resolution. Details of the settlement against three elements of the complaint are provided in the section 10.11 below.



Table 15: Complaints determined by the Ombudsman

Determination	2007/08 (last 6 months)	2008/09 (first 6 months)
Maladministration causing injustice	0	0
Local Settlement	6	16
No maladministration	17	7
Ombudsman's discretion	6	8
Out of jurisdiction	7	6
<b>Sub total</b>	<b>37</b>	<b>37</b>
Premature complaints	4	22
<b>Total</b>	<b>41</b>	<b>59</b>

Table 16: Complaints determined by the Ombudsman



- 7.8 The Ombudsman has made no findings of Maladministration against the Council and this positive record has been maintained for the past three years.
- 7.9 Premature complaints are those directed to the LGO without prior reference to the Council's complaints procedure and are therefore referred back to the Council for consideration. In April 2008 the Ombudsman set up a new advice line acting as the first point of contact and this has resulted in a large increase of premature complaints for many Councils.
- 7.10 The Council has sought the early resolution of complaints where there is some indication of fault, or where it is appropriate to pay compensation or make a gesture of goodwill to improve the complainant's position. In such instances the Council has agreed Local Settlements to ensure best practice in customer care. As eight Local Settlements were confirmed in April 2008, this might explain the difference in volume of Settlements achieved in the comparative 6 months.

7.11 The local settlements achieved were as follows:

Housing

7 repairs issues were settled with works completed and payments of between £50 and £300 for delay.

1 repair case was more serious and payment of £1,000 was made for delay in resolving faulty windows.

The Council reimbursed legal fees of £2,350 to one leaseholder who asked to purchase a small communal area adjacent to their property. Although this was a complex sale to complete, there was delay on the part of the Council.

Parking

The Council reimbursed £100 in respect of a parking permit, following the applicant identifying incorrect fee information on the website.

A reimbursement of £100 was made as a goodwill gesture to a disabled resident who could have obtained a free permit if she had informed the Council of the disability when applying.

Children's Services

In one complex Social Care case, a total payment of £900 was made to the parents of a teenager in foster care, when translation facilities were not available, on one occasion information was not passed on, and documents were not made available prior to a case review. Other elements of complaint are not upheld. Issues were addressed at the time with the officers involved and it is not considered that the mistakes would readily recur.

In one Education Appeal, although the application was correctly processed and considered at Appeal, the child was placed at the top of the waiting list and a place became available.

Adults Health and Wellbeing

A Homeless applicant was awarded £500 to compensate for delay in completing a home visit to complete assessment. Policy revised.

8 SUMMARY

8.1 The Council's Corporate Complaints Procedure complies with the International Standard for Complaints Handling ISO 10002.

8.2 The Council's performance in handling complaints is improving, although work is still needed to improve this further, particularly for Stage 1 complaints. Tower Hamlets residents have indicated a significant increase in satisfaction.

8.3 Measures are in place to ensure that issues with significant implications for the Council or indicating impropriety are dealt with promptly and appropriately.

8.4 External review through the Ombudsman has found no cases of maladministration in the past three years.

**9. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

9.1 The recommendation has no financial implications. Service procedures and quality checks are designed to minimise the cost of making good and compensation, where this is necessary. Any such expenditure will be contained to within the relevant directorate's budget.

**10. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

10.1 Advice is tendered as required on any potential service breach of statutory or other responsibilities and local settlement advocated to avert other legal action.

**11. ONE TOWER HAMLETS CONSIDERATIONS**

11.1 Corporate Complaint Procedures have been subject to Equalities Impact Assessments and following the recent assessment, additional monitoring categories and a revised leaflet are being introduced. The Annual Report provides a breakdown of the ethnicity and gender of complainants and other aspects such as age and disability are collated.

**12. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

12.1 N/A

**13. RISK MANAGEMENT IMPLICATIONS**

13.1 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. The Complaints process should encourage the earliest possible resolution of complaints. The established systems for tracking first Stage complaints 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.

**14. EFFICIENCY STATEMENT**

14.1 N/A

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

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
Local Government Ombudsman Annual Letter 2007/08	Attached at Appendix 2

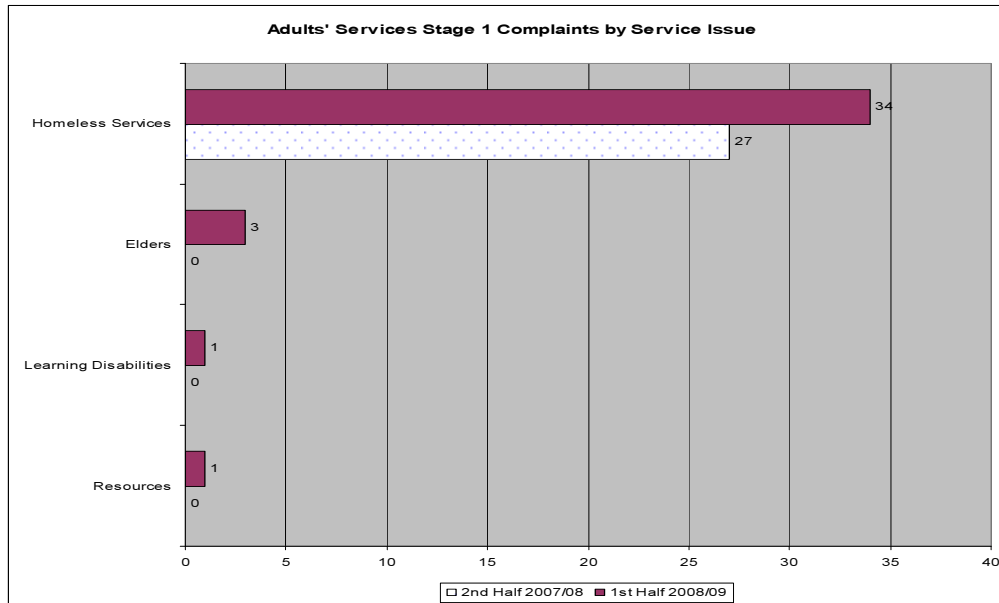
**15. APPENDICES**

- Appendix 1 – Corporate Complaints Stage 1 Comparison by Service Area
- Appendix 2 - Local Government Ombudsman Annual Letter 2007/08

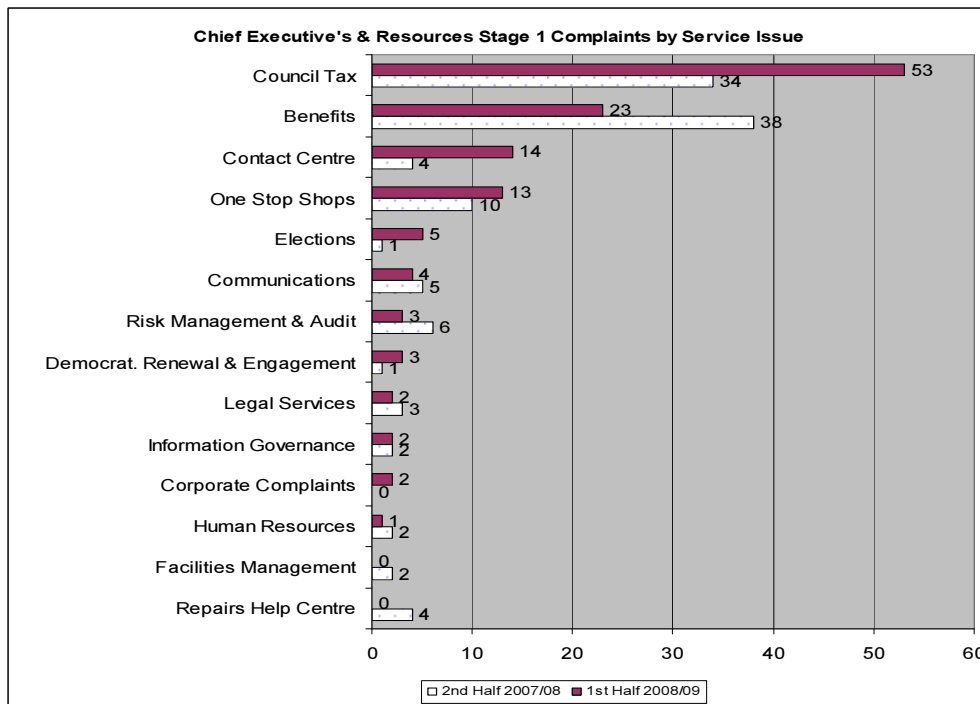
## Corporate Complaints Stage 1 Comparison by Service Area

## Appendix 1

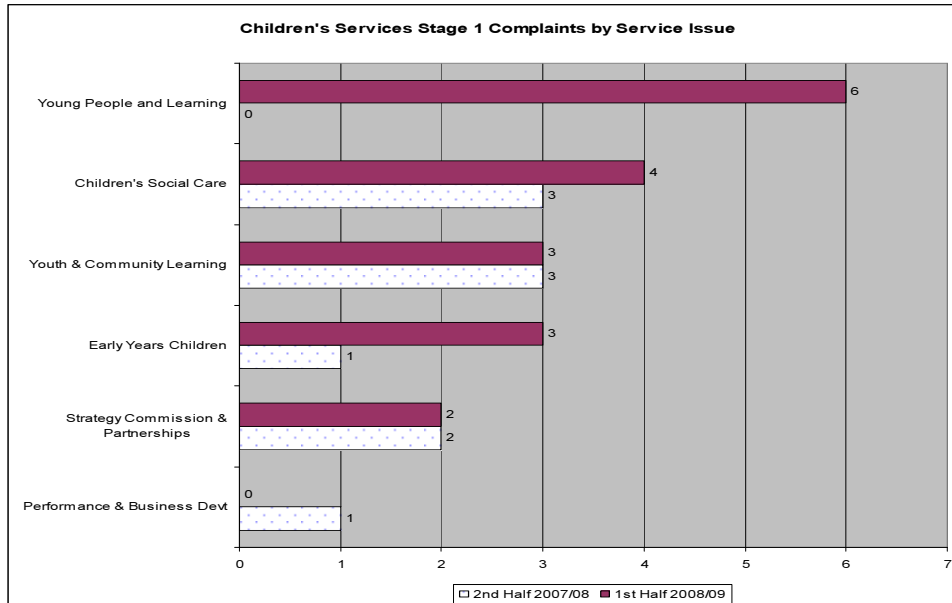
1 Please note, where service have moved into a new directorate at the year end, the comparative complaints figures in the tables below are shown under the new directorate. This applies to Benefits, Estate Parking, and Anti Social Behaviour/ Crime Reduction.



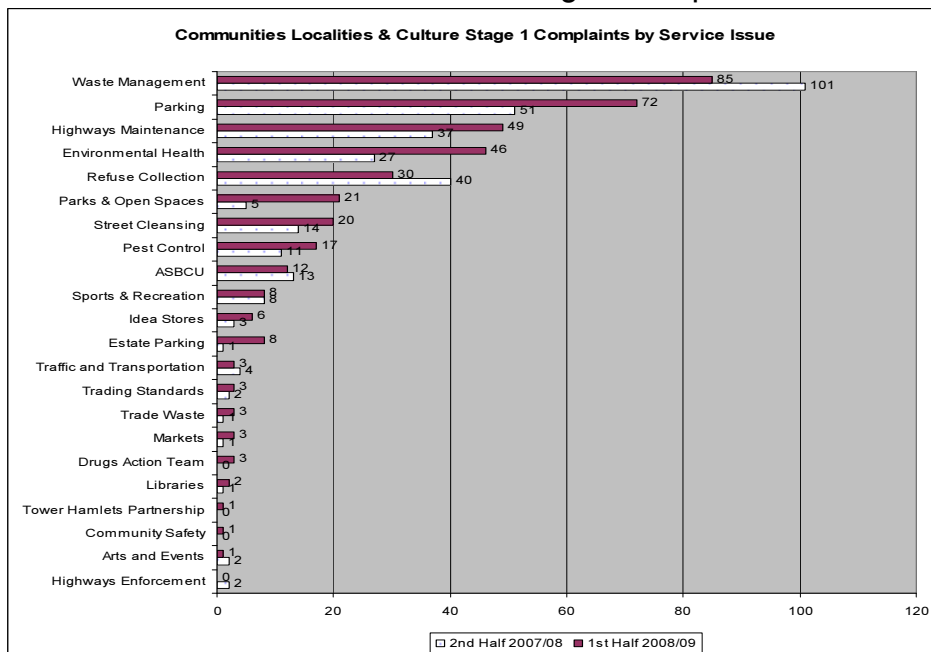
2 The volume of complaints in Adults Health and Wellbeing remains low. Although there are more Homeless Service Complaints, the number is still relatively low and the increase may be attributed to the activities of an advice centre challenging decisions and also a seasonal variance, with more complaints historically received in the spring / summer.



3 In Chief Executive's and Resources, in the main numbers remain low. There is a reduction in Benefits complaints and although Council Tax numbers look to have increased, this may be due to the timing of the annual billing run.

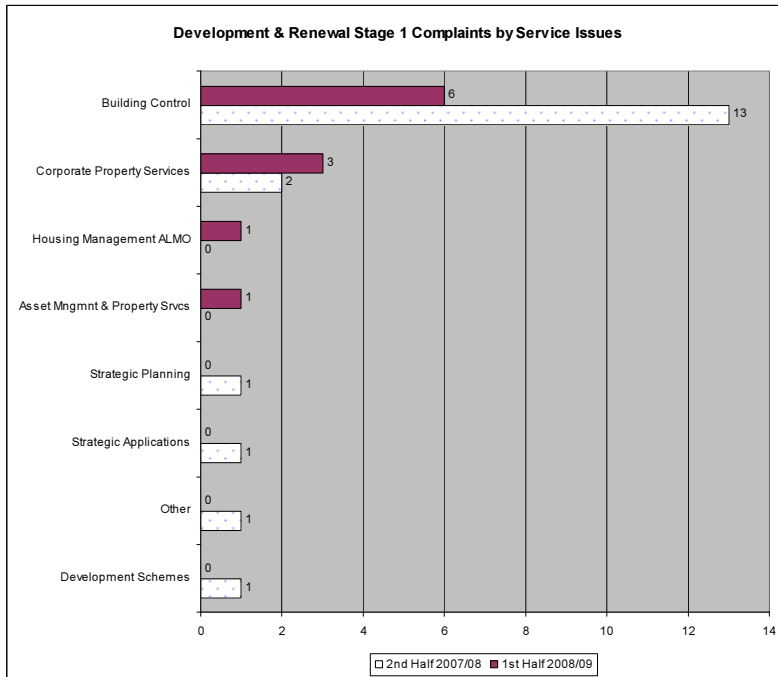


4 Children's services have few Stage 1 complaints.

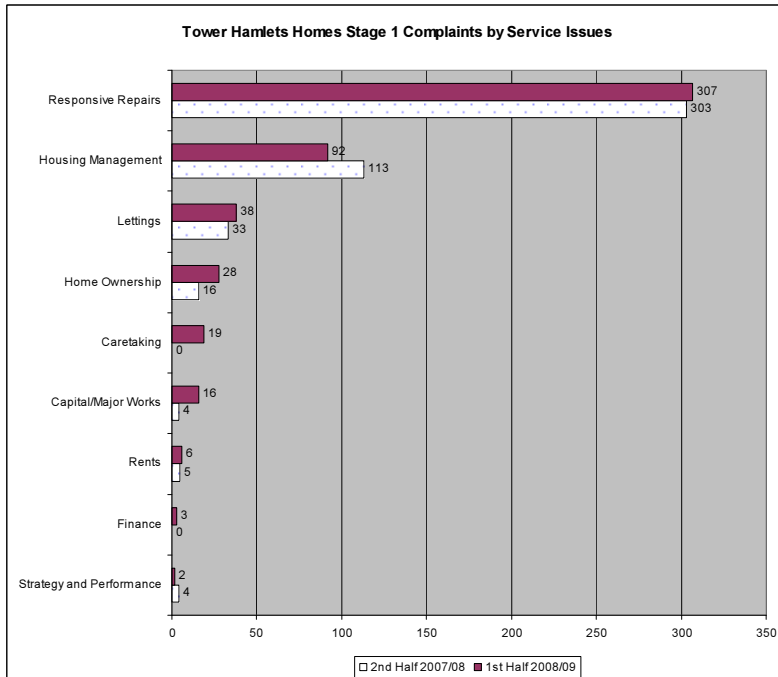


5 In Communities Localities and Culture, close monitoring of the refuse and recycling contractor's performance has led to a significant reduction in complaints numbers. Very few parking complaints received are upheld, and mostly relate to circumstantial issues following the issue of a penalty charge notice. The figures represent a modest increase and there is no specific cause requiring strategic intervention on the part of the service.

6 Managers within Environmental Health have received an increase in the number of noise nuisance complaints, which vary from noisy neighbours to noisy machinery. Resources are in place to investigate these complaints as and when they arise. Complainants are also advised of the out-of-hours service contact numbers so that they can report incidents direct to Environmental Health and the service can respond swiftly. It should be noted that the majority of the noise nuisance complaints were also not upheld.



7 Development and Renewal complaints are also few.



8 Since July 2008, Tower Hamlets Homes have undertaken to receive Stage 1 and 2 complaints direct and anticipate that being the first point of contact will enable their Customer Service Team to deal with issues locally and take action to minimise the numbers of complaints registered and increase customer satisfaction.

9 There has been and continues to be a review of structures in caretaking and Housing Management which has impacted positively on the volume of complaints.

10 Work has been undertaken to establish and implement a service improvement plan in conjunction with repairs contractor partners.



Ruth Dauden  
Ref Ms

C. Symonds  
Local Government  
**OMBUDSMAN**

18 June 2008

Mr M Smith  
Chief Executive  
London Borough of Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2BG

Our ref: TR/AL  
(Please quote our reference when contacting us)

**If telephoning please contact Paul Conroy on 020 7217 4628  
email address: p.conroy@lgo.org.uk**

Dear Mr Smith

**Annual Letter 2007/08**

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year, set out in the annual letter attached. I hope you find the letter a useful addition to other information you have on how people experience or perceive your services.

I would again very much welcome any comments you may have on the form and content of the letter.

We will publish all the annual letters on our website ([www.lgo.org.uk](http://www.lgo.org.uk)) and share them with the Audit Commission. We will wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it. We will also publish on our website a summary of statistics relating to the complaints we have received and dealt with against all authorities.

I would again be happy to consider requests for me or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and put the annual letter on your Council's website. This covering letter is not intended for publication.

Yours sincerely

  
Tony Redmond

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Millbank Tower  
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SW1P 4QP

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**Tony Redmond**  
Local Government Ombudsman  
**Peter MacMahon**  
Deputy Ombudsman

OMBUDSMAN

Local Government

18 June 2019

Ms. [Name]  
[Address]  
[City]

Dear Ms. [Name]

Thank you for your letter of 14 June 2019 regarding [Subject]

I am sorry to hear that [Issue]

As a result of [Action]

I have reviewed the information you provided and I am sorry to hear that [Issue]

I have also reviewed the relevant legislation and I am sorry to hear that [Issue]

The Local Government has a duty to provide services to its residents and I am sorry to hear that [Issue]

I have discussed this matter with the relevant officials and I am sorry to hear that [Issue]

I have also discussed this matter with the relevant officials and I am sorry to hear that [Issue]

[Signature]

**The Local Government Ombudsman's  
Annual Letter**

# **The London Borough of Tower Hamlets**

**for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

The Local Government Ombudsman's  
Annual Letter  
The London Borough of Tower  
Hamlets  
for the year ended  
31 March 2008

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## Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about the London Borough of Tower Hamlets. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## Complaints received

In this year we received 105 complaints, a reduction for the second year running (I received 112 complaints last year, and 149 in 2005/06). As in previous years, around half of these complaints (51) were about housing. This is not unusual for a London Borough where demand for affordable housing far outstrips supply.

Other significant sources of complaints were transport and highways, with 16. This includes complaints about parking enforcement.

The remaining complaints spanned a number of different services including both Adult Care Services and Children and Family Social Services, Benefit administration, Planning, Local Taxation, and Education. The 13 complaints categorised as "Other" include those made about anti social behaviour.

## Decisions on complaints

We made decisions on 121 complaints during the year as we carried some forward from the preceding year. None of the complaints we investigated this year justified the issue of a report.

### **Local settlements**

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen nationally determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). We settled 16 complaints against your council this way – which, at 25%, is very close to the national average.

Of the complaints we settled in this way the most striking was where we found that a tenant had been living in unsatisfactory conditions for over two years because of delay in carrying out repairs. We agreed with the Council that the tenant should be offered £2,250 compensation to reflect this. In three other cases we found unreasonable delay in dealing with repairs, for which we agreed a total of £1000 in settlement.

Housing also produced some justified complaints about the allocation of homes and how the Council dealt with reports of homelessness or threat of homelessness. In one case, the Council's delay of several months in dealing with a request for a review of an applicant's priority for being re-housed caused anxiety. Although the review found that the applicant was not in urgent need and so their priority remained the same as before, we agreed that the unnecessary anxiety in waiting for a re-determination merited £100 in compensation. Two other complaints concerned difficulties over the making of offers of accommodation, because of a breakdown in internal communication. For these two complaints we recommended a total of £600 in compensation.

/...

One unusual complaint concerned the allocation of pitches in a street market. We found that the complainant had been treated less well than other traders, and had had to work in a poor environment. Your Council agreed to offer the complainant £2,000 and to commission a review of the markets by the internal auditors.

Two complaints that were settled arose from delay or failure in dealing with planning enforcement issues. The Council told me that it was reviewing its enforcement procedures. I understand this review is still underway and that it is intended to "re-launch" the enforcement service later this year. I would be grateful if you could keep me updated.

I mentioned above that parking enforcement complaints are part of the transport and highways category. Many such complaints are outside my jurisdiction since there is an alternative right of appeal to a Parking Adjudicator. However, I have settled two complaints which were within my jurisdiction. The first was a case where a car was impounded because the owner did not display the temporary licence she had bought. She said she had not been advised she needed to display the licence, and that she was reluctant to do so because it contained personal information about her (including her name, address and telephone number). Your Council agreed to refund the charges for impounding the car, to ensure that written advice made clear that temporary licences should be displayed, and to amend the licences so that no personal information would be shown.

The other parking complaint involved the Council's failure to respond to correspondence, with the result that the complainant lost the chance to appeal to the Adjudicator. As a result the complainant incurred costs of over £700, which your Council agreed to refund. Again, in this case some procedural improvements were identified, and this is a suitable point to acknowledge your Council's willingness to learn from justified complaints and make appropriate changes.

### **Other findings**

Of the remaining 105 decisions, 33 were referred back as "premature" because I did not think the Council had yet had sufficient opportunity to deal with them. 23 were outside my jurisdiction for other reasons. Of the remaining 49, I found no maladministration in 37 complaints and discontinued my investigation in 12 others, often because there seemed to have been no significant injustice to the complainant.

### **Your Council's complaints procedure and handling of complaints**

A number of complaints were made to me that I considered were 'premature' as the Council had not had a reasonable opportunity of dealing with them in an effort to satisfy the complainant. These accounted for 27% of all decisions which is exactly the same as the national average for all local authorities in England.

Of the complaints I have considered that have first been through the Council's three stage complaints procedure, it seemed to me that they had been handled well with careful consideration given to the main issues at each stage of the process.

### **Liaison with the Local Government Ombudsman**

Responsibility for dealing with your Council returned to my office this year. As part of that process I met the Council's senior management team and I notice that the Council's Link Officer – tasked with compiling responses to our enquiries – attended a seminar at our office on 18 October 2007. My staff inform me that the arrangements for responding to my enquiries is effective. The average response time is just 17.6 days, well within my requested timescale of 28 days, and in some cases I know the response has been considerably quicker than that. Given that a third of London Boroughs do not manage to achieve an average response time below 36 days, this is a considerable achievement and undoubtedly assists us in arriving at timely decisions on complaints which we receive.

## Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

## LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> Floor Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

June 2008

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

Handling complaints training

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (Identifying and Processing Complaints) and Effective Complaint Handling (Investigation and Resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGD developments

We launched the LGD Advice Team in April, providing a first contact service for all enquiries and new complaints. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and applicant misadministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunication assets' and 'digital access to post partnerships'. Again, I would appreciate your feedback on these, particularly on any complaint procedures but in place as part of the overall governance arrangements for partnerships our Council has set up.

Consultation and general enquiries

I welcome the opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond  
Local Government Ombudsman  
10<sup>th</sup> Floor Millbank Tower  
Millbank  
London  
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Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	2	7	4	4	51	13	6	2	0	16	105
2006 / 2007	7	7	4	0	47	18	12	5	0	12	112
2005 / 2006	14	10	0	0	68	25	14	7	1	10	149

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	Ml reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	16	0	0	37	12	23	33	88	121
2006 / 2007	0	24	0	0	24	15	19	29	82	111
2005 / 2006	1	31	0	0	46	21	18	50	117	167

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2007 to 31/03/2008

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	49	17.6
2006 / 2007	46	18.9
2005 / 2006	72	18.0

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0



## Notes to assist interpretation of the LGO's local authority statistics 2007/08

### 1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we send to the council to consider first. The figures may include some complaints that we have received but where we have not yet contacted the council.

### 2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories for 2007/08 complaints.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because the authority has agreed to take some action which is considered by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

**Premature complaints:** decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

**Total excl premature:** all decisions excluding those where we referred the complaint back to the council as 'premature'.

**3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

**4. Average local authority response times 2007/08**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.