

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

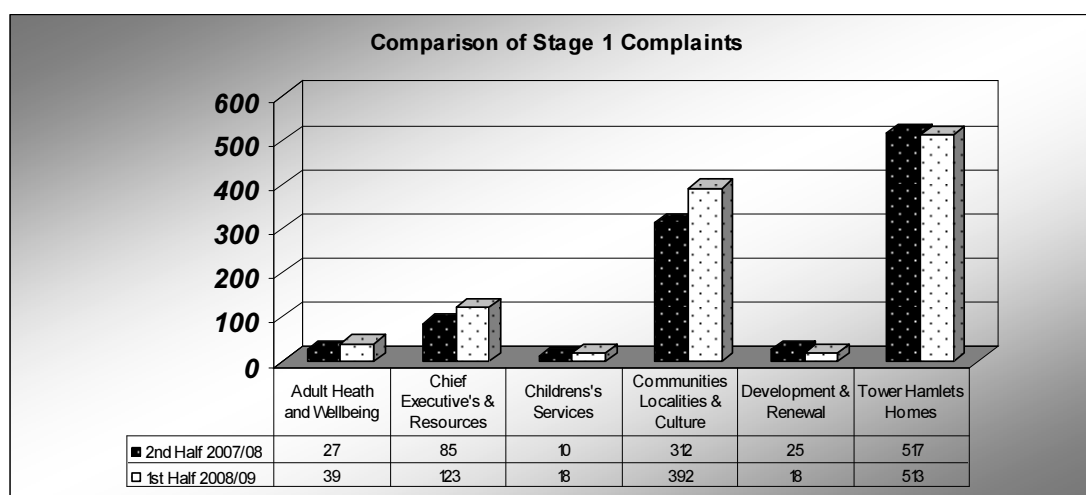
3.1 This report is a mid year update on the work of the Corporate Complaints team, following the Complaints Annual Report, usually considered by Overview and Scrutiny each July for the preceding year.

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

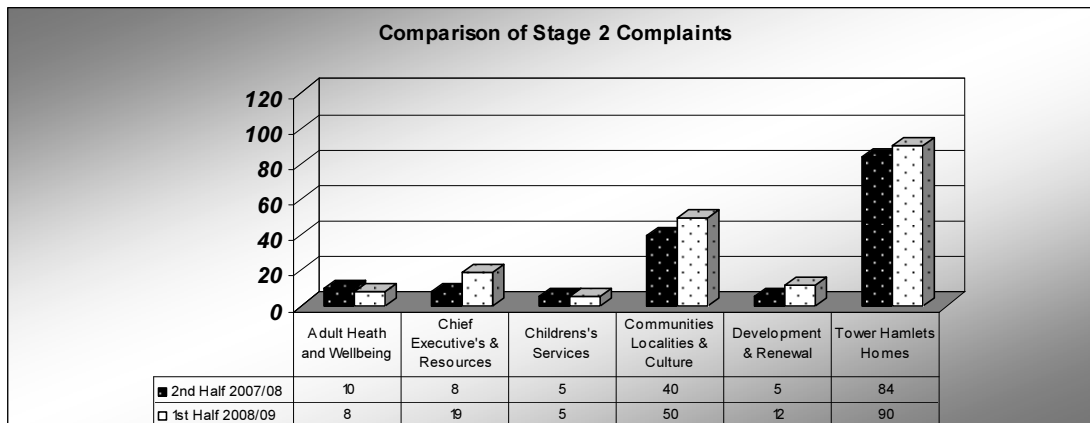


4.3 A more detailed breakdown by Directorate and service area is provided at Appendix 1. This minimises distortion (following restructuring) by adding complaints from the previous period into the new directorate.

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

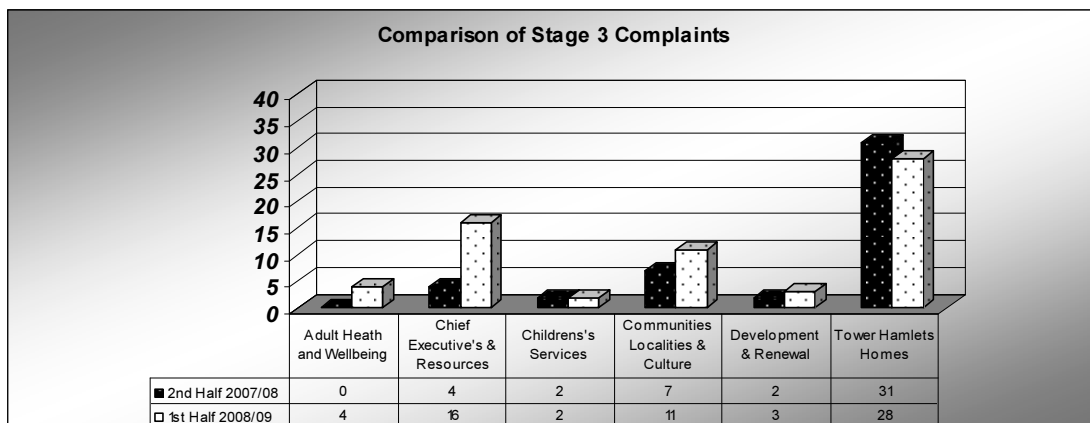
4.5 The overall volume of Stage 1 complaints rose. This appears to be a trend across all Council services. Variance within services are set out and analysed in Appendix 1.

Table 2: Stage 2 complaints



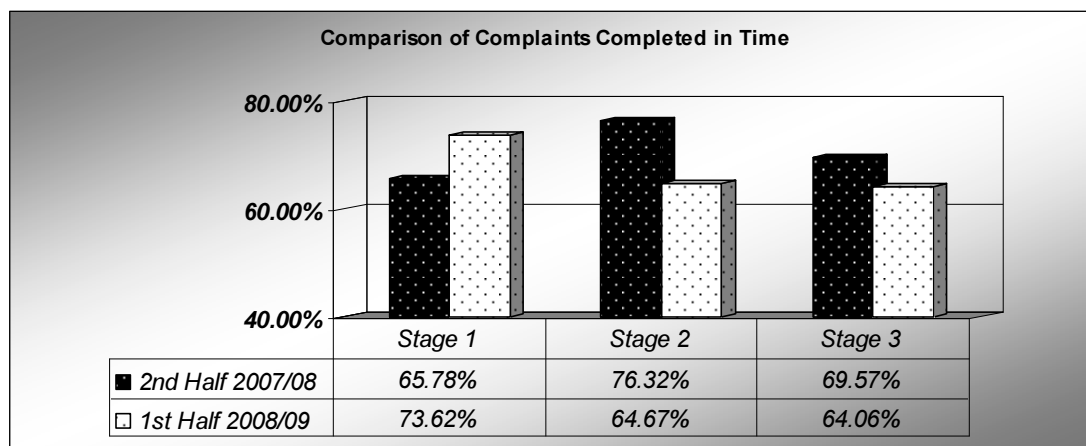
4.6 The percentage of complaints escalated to Stage 2 has fallen overall. Given the overall increase in Stage 1 complaints, this is positive indicating that many complaints are resolved at the first Stage.

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 nd Half 2007/08	1 st Half 2008/09						Count	Percentage	
Adult Health and Wellbeing	22	39	9	3	1	25	1	32	82%	10
Chief Executive's	94	18	1	8	0	8	1	9	50%	10
Resources	0	105	15	25	1	61	3	98	93%	5
Children's Services	19	18	7	1	2	7	1	13	72%	11
Communities Localities & Culture	409	392	154	50	3	166	19	283	72%	10
Development & Renewal	29	18	5	2	1	8	2	11	61%	11
Tower Hamlets Homes	603	513	231	0	5	265	12	366	71%	9
Total for Stage 1	1176	1103	422	89	13	540	39	812	74%	9
Adult Health and Wellbeing	5	8	1	2	0	5	0	2	25%	21
Chief Executive's	12	9	0	5	0	3	1	8	89%	8
Resources	0	10	0	1	0	9	0	9	90%	12
Children's Services	6	5	3	0	0	1	1	2	40%	29
Communities Localities & Culture	44	50	5	10	1	33	1	30	60%	19
Development & Renewal	6	12	1	1	1	8	1	9	75%	18
Tower Hamlets Homes	108	90	35	0	3	50	2	59	66%	17
Total for Stage 2	181	184	45	19	5	109	6	119	65%	18
Adult Health and Wellbeing	0	4	0	2		2	0	2	50%	25
Chief Executive's	5	8	1	3		3	1	5	63%	23
Resources	0	8	0	2		6	0	4	50%	21
Children's Services	1	2	0	0		2	0	1	50%	27
Communities Localities & Culture	6	11	2	0		9	0	10	91%	16
Development & Renewal	2	3	0	1		2	0	2	67%	23
Tower Hamlets Homes	27	28	3	3		22	0	17	61%	21
Total for Stage 3	41	64	6	11		46	1	41	64%	20

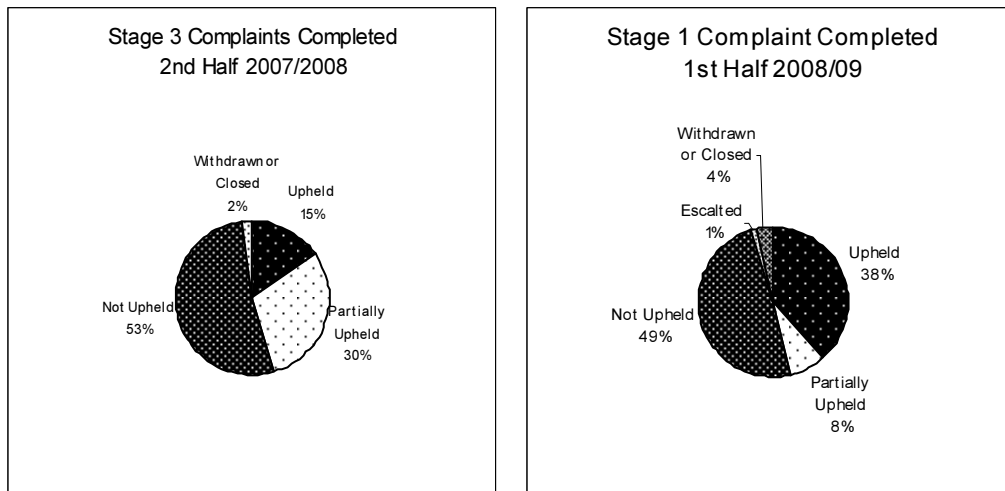
Corporate Complaints Completed April 2008 to September 2008

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.

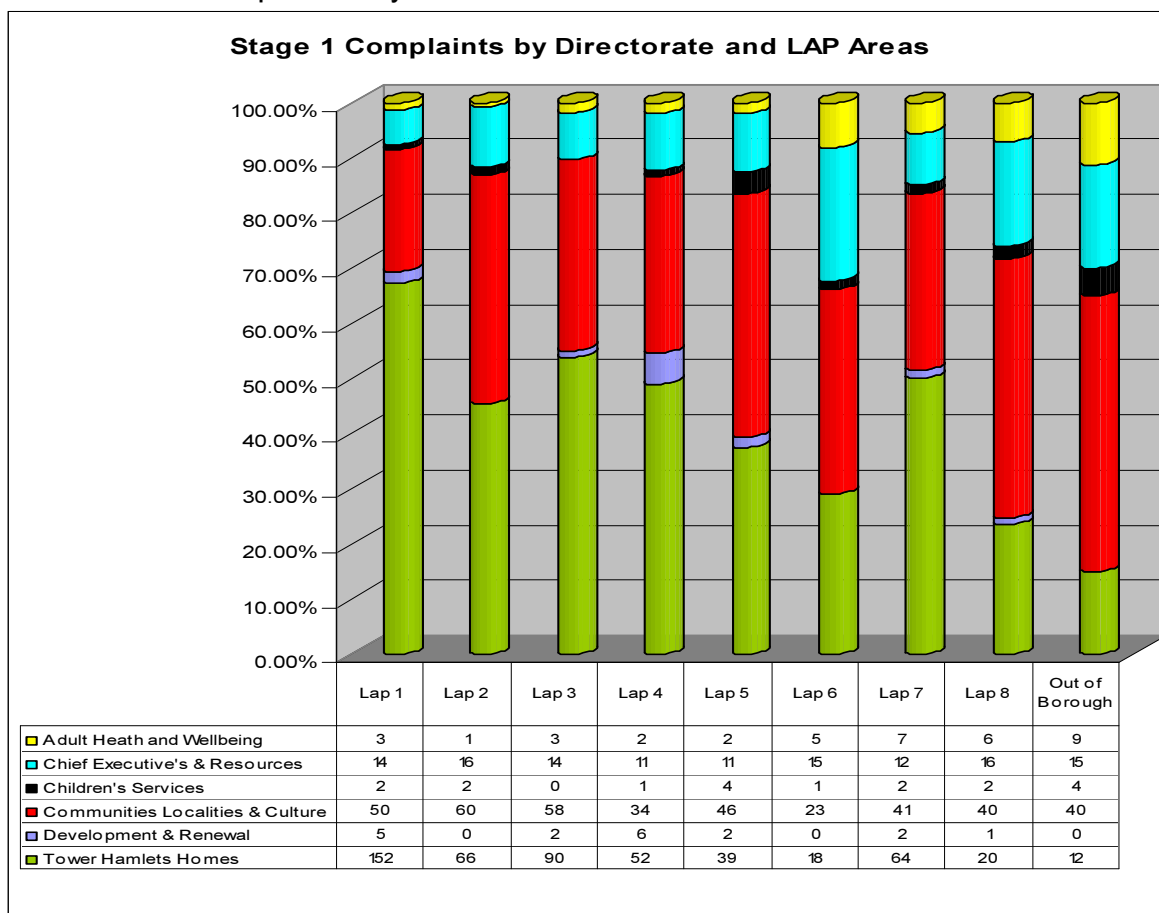


4.13 Table 7 shows the breakdown of resolution, indicating for both periods a fairly even split of complaints upheld and not upheld.

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

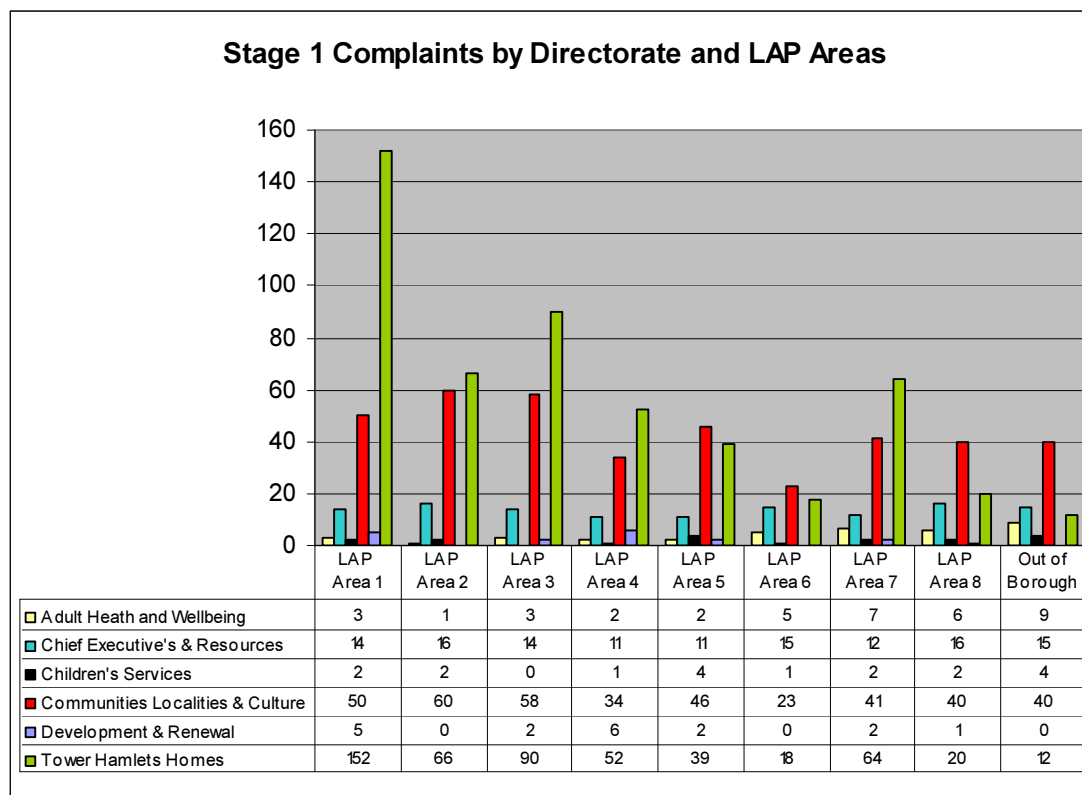


Table 10: Contact channels

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

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 nd Half 2007/08			Borough Population Projection	1st Half 2008/09		
	Stage 1	Stage 2	Stage 3		Stage 1	Stage 2	Stage 3
Asian Total	157	20	2		204	31	9
	42.9%	32.3%	10.0%	36.6%	42.9%	36.0%	45.0%
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
Black Total	20	6	0		34	7	3
	5.5%	9.7%	0.0%	6.0%	7.1%	8.1%	15.0%
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
Mixed Heritage	9	3	0		6	1	0
	2.5%	4.8%	0.0%		1.3%	1.2%	0.0%
Other ethnic background	3	0	0		12	2	0
	0.8%	0.0%	0.0%		2.5%	2.3%	0.0%
White	177	33	18		220	45	8
	48.4%	53.2%	90.0%	51.0%	46.2%	52.3%	40.0%
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	366	62	20		476	86	20
Not Known	582	84	26		589	96	42
Declined	28	6	0		37	2	2
Total	976	152	46		1102	184	64

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

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

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

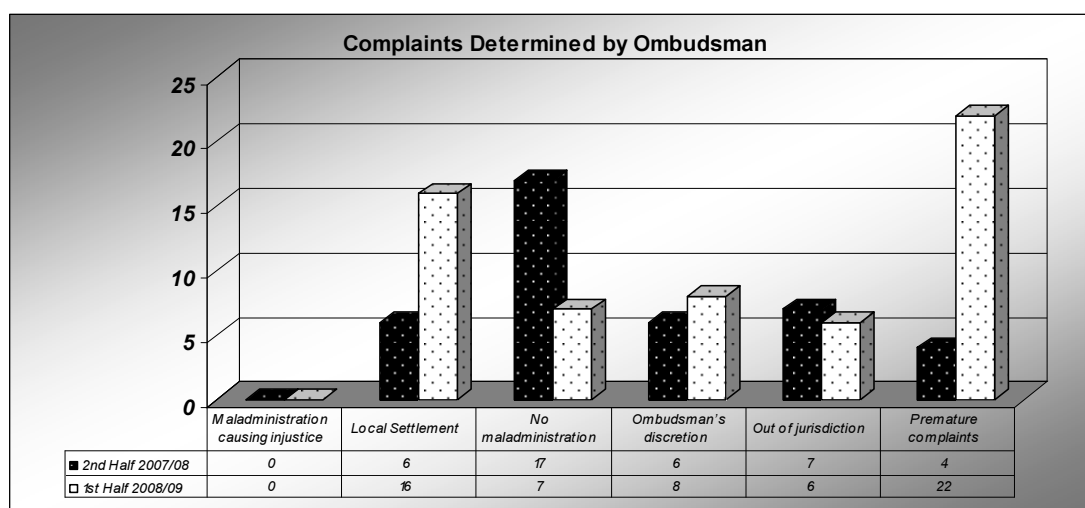
	number of initial enquiries		ave days to respond		% in time	
	07/08 (last 6 months)	08/09 (first 6 months)	07/08 (last 6 months)	08/09 (first 6 months)	07/08 (last 6 months)	08/09 (first 6 months)
Adults Health and Wellbeing	2	2	19.5	18.5	100%	100%
Chief Executive's & Resources	1	1	4	20	100%	100%
Children's 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%
Total	22	29	17.1	20	77%	83%

- 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
Sub total	37	37
Premature complaints	4	22
Total	41	59

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

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

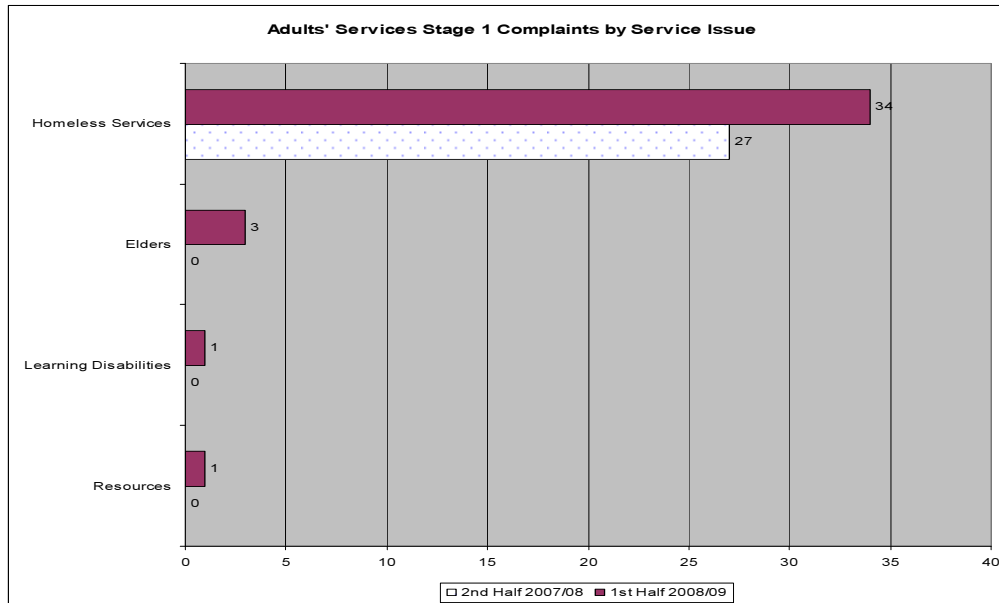
15. APPENDICES

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

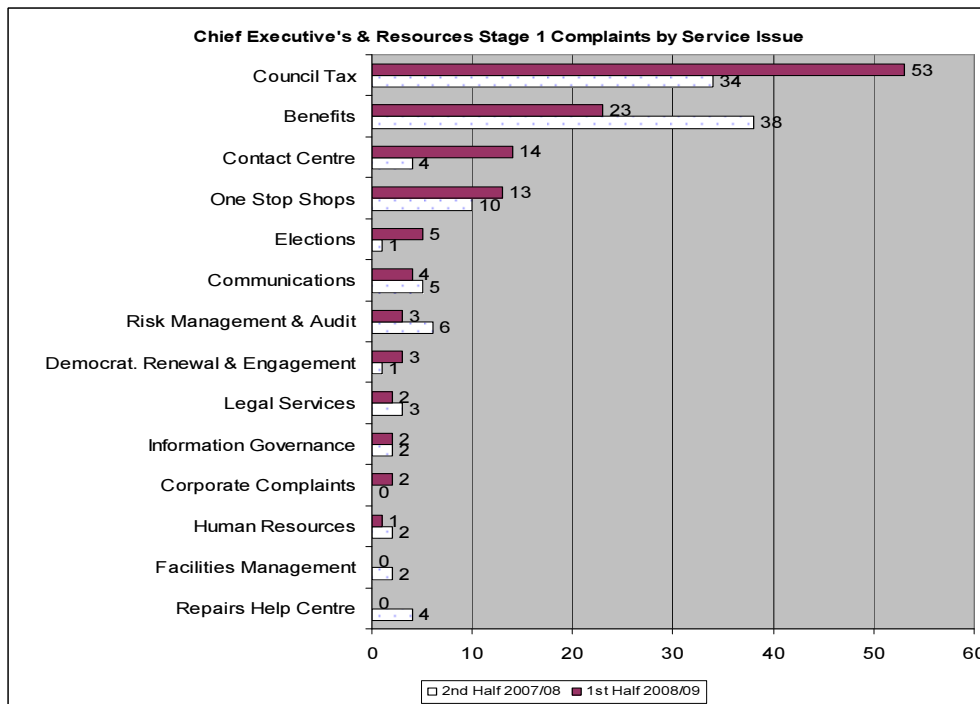
Corporate Complaints Stage 1 Comparison by Service Area

Appendix 1

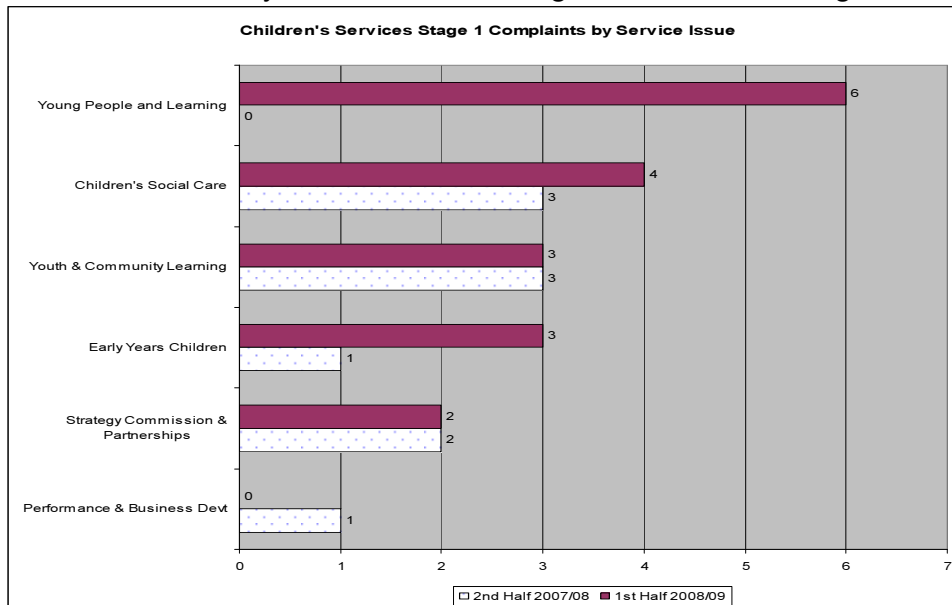
1 Please note, where service have moved into a new directorate at the year end, the comparative complaints figures in the tables below are shown under the new directorate. This applies to Benefits, Estate Parking, and Anti Social Behaviour/ Crime Reduction.



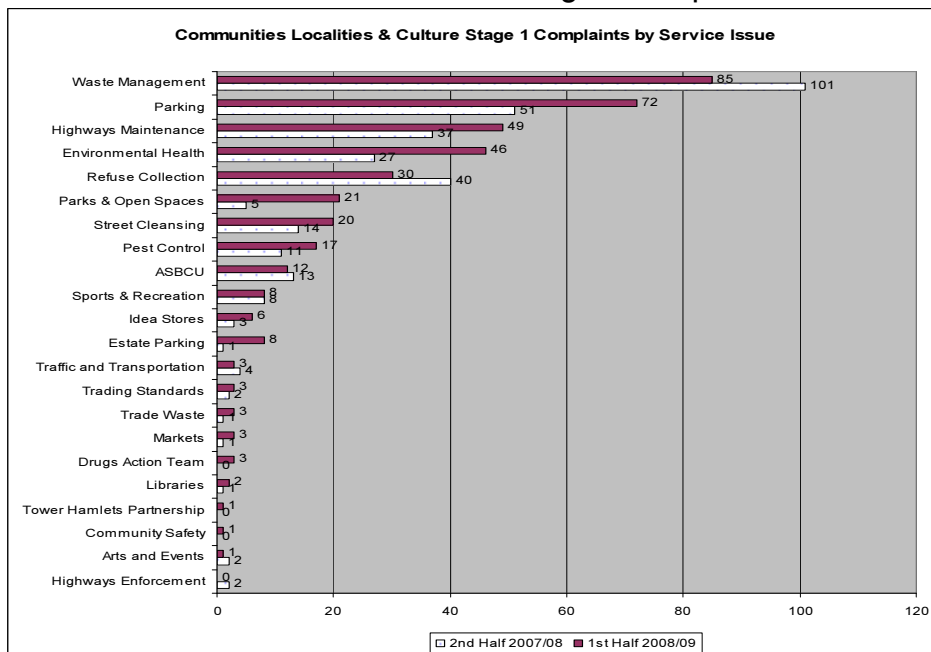
2 The volume of complaints in Adults Health and Wellbeing remains low. Although there are more Homeless Service Complaints, the number is still relatively low and the increase may be attributed to the activities of an advice centre challenging decisions and also a seasonal variance, with more complaints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

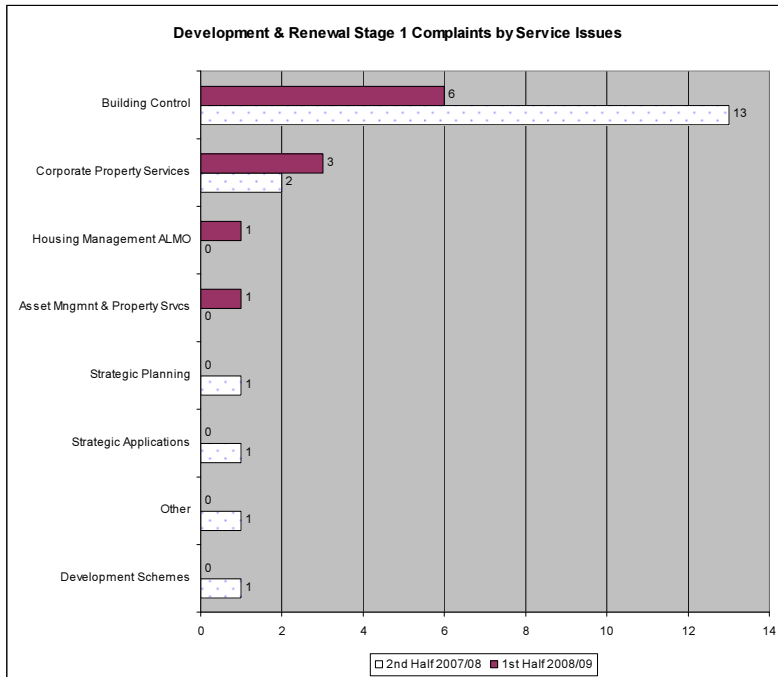


4 Children's services have few Stage 1 complaints.

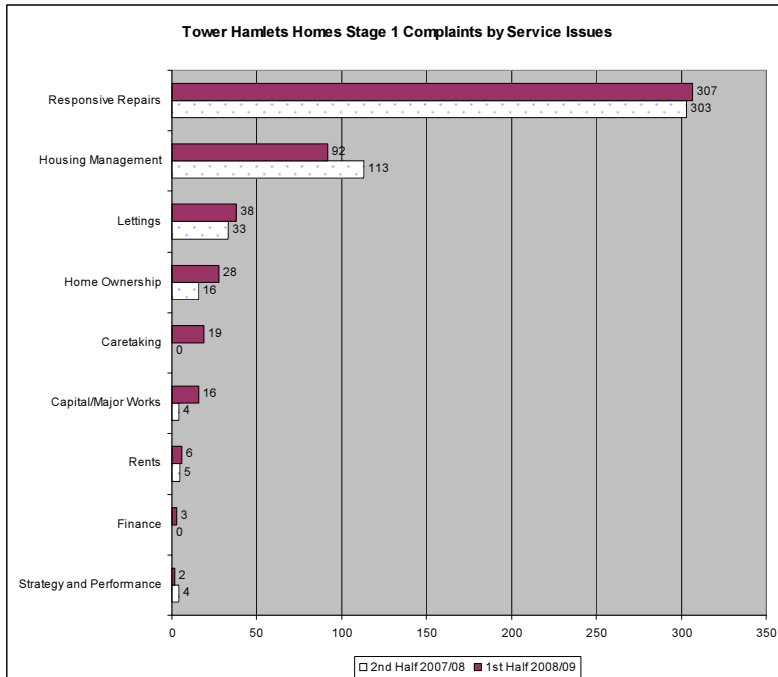


5 In Communities Localities and Culture, close monitoring of the refuse and recycling contractor's performance has led to a significant reduction in complaints numbers. Very few parking complaints received are upheld, and mostly relate to circumstantial issues following the issue of a penalty charge 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.