

Committee/Meeting: Overview & Scrutiny Committee	Date: 6 th December 2011	Classification: Unrestricted	Report No:
Report of: Assistant Chief Executive (Legal Services)		Title: CORPORATE COMPLAINTS, - Half Year Report	
Originating officer(s) Ruth Dowden, Complaints and Information Manager		Wards Affected: All	

1. **SUMMARY**

- 1.1 This report contains a summary of complaints received by the Council in the period 1 April 2011 to 31 September 2011 through the Corporate Complaints Procedure, Adults and Children's 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 was awarded re-accreditation under the Customer Service Excellence scheme, (the new Chartermark) in March 2011.

2. **RECOMMENDATIONS**

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

3. **EXECUTIVE SUMMARY**

- 3.1 Complaints reports are considered by the Overview and Scrutiny twice a year and this is the half year update.
- 3.2 The report covers the Corporate Complaints procedure which deals with all matters not subject to an alternative means of review or appeal; the statutory Adults Social Care procedure; statutory Children's Social Care complaints procedure; and complaints received by the Local Government Ombudsman. Each procedure will be addressed in the following sections.
- 3.3 Under each procedure volumes are reported by directorate (and where appropriate by service) and compared to previous periods, as are response times against the target timeframe. Additionally, where complaints are upheld, a brief summary of the key issues is included.
- 3.4 In general complaints volumes have increased in the period and escalation rates increased slightly.

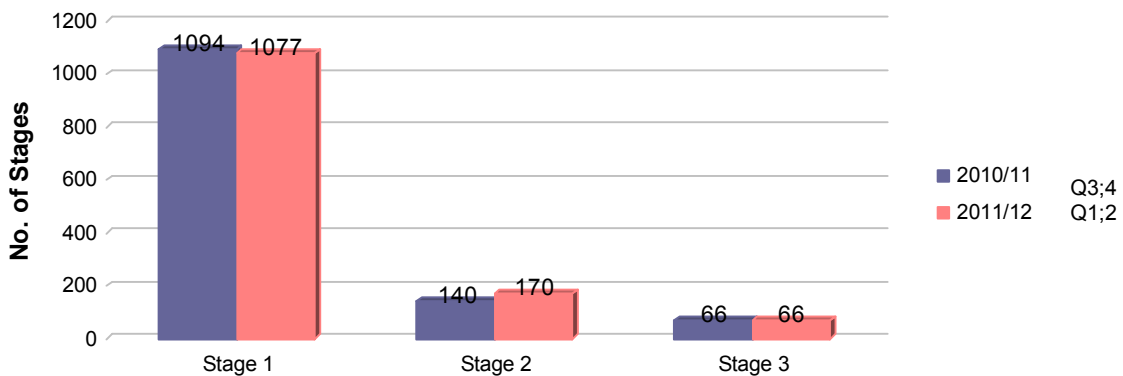
4. **CORPORATE COMPLAINTS**

4.1 Volumes

Figure 1 indicates the volume of corporate complaints received Council-wide, comparing the first six months of 2011/12 with the preceding six months.

4.2 There is a small fall in Stage 1 complaints overall but an increase in stage 2 complaints. Stage 3 volumes remain static.

Figure 1: Corporate complaints volumes, half year comparison



4.3 The escalation rate of complaints is shown in figure 2, below. It is always a concern if an escalation rate is increasing and we will look this further in section 4.12.

Figure 2 Percentage of Stage 1 Complaints Escalated to Stage 2 and 3

	Escalated to Stage 2	Escalated to Stage3
2 nd half 2010/11	13%	6%
1 st half 2011/12	15.7%	6.1%

4.4 Stage 1 Complaints

A breakdown of Stage 1 complaint volumes by directorate is shown in figure 3. Most Adults Health and Wellbeing and Children Schools and Families complaints fall under the statutory Social Care complaints procedures (see sections 5 and 6 respectively) and breakdowns by service follow for directorates with larger volumes.

Figure 3

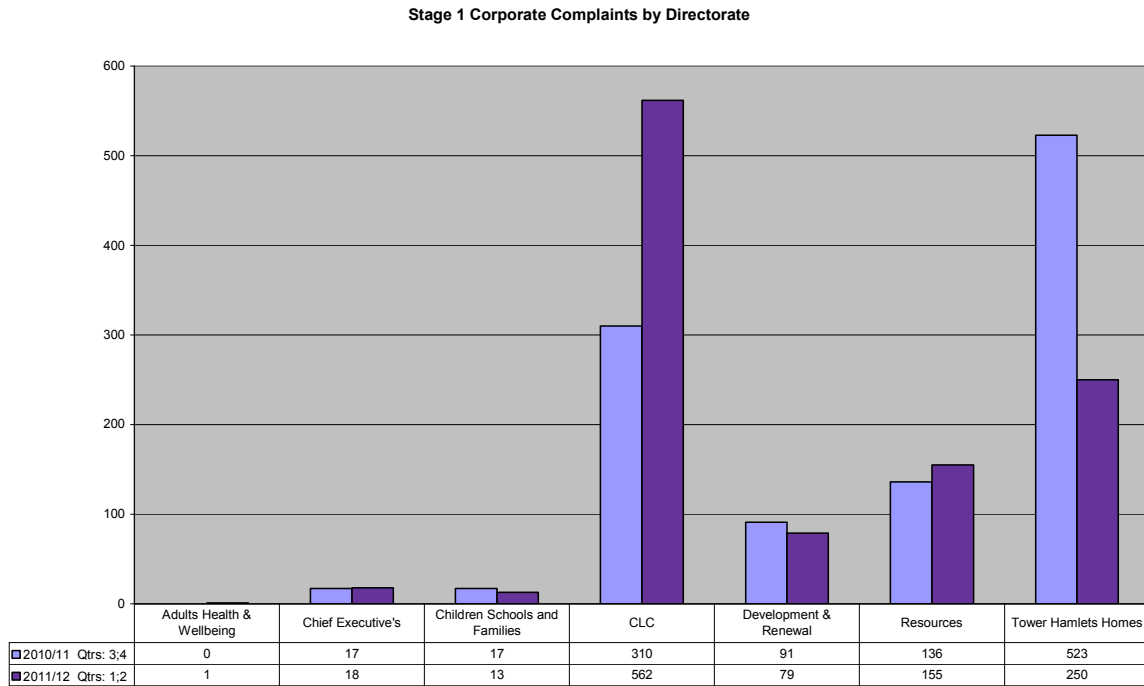
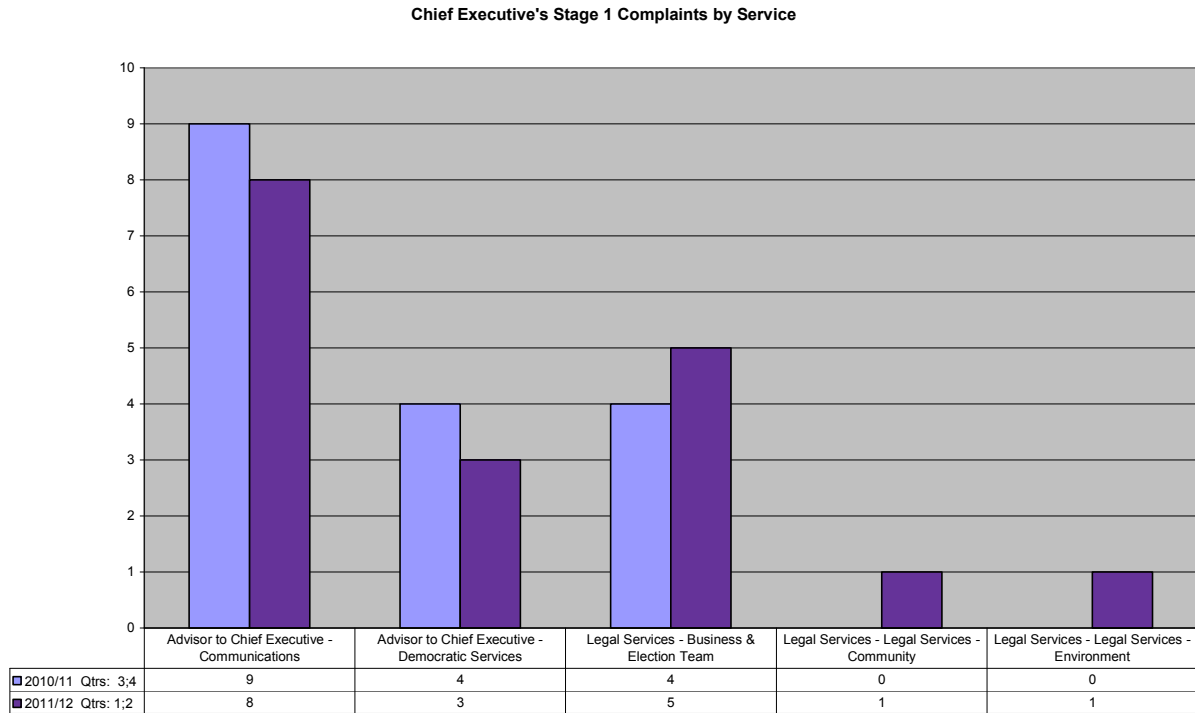


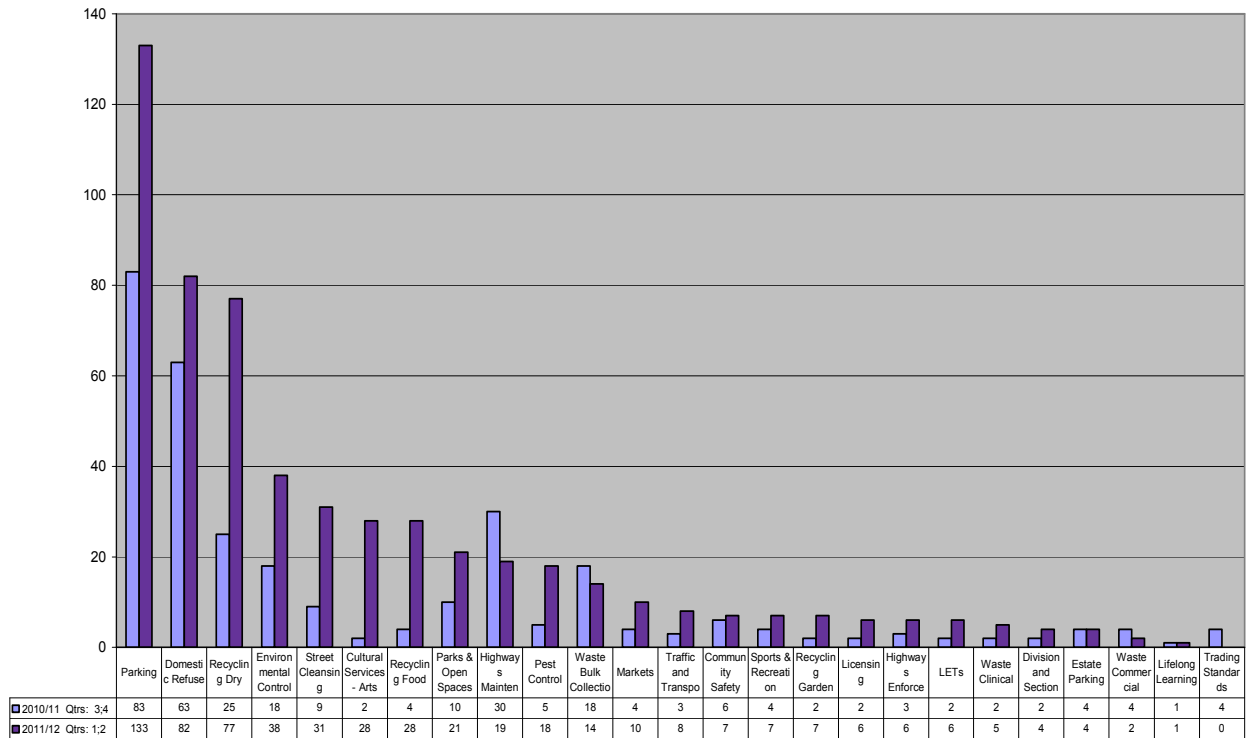
Figure 4



4.5 Volumes for Chief Executive's directorate are small and any variance by service amounts to one complaint only.

Figure 5

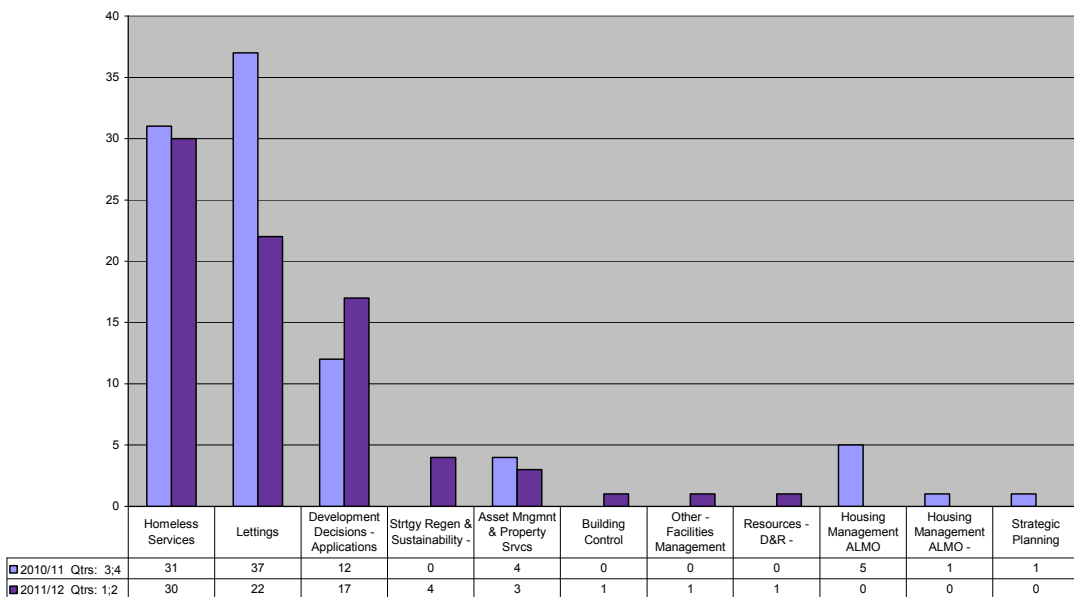
CLC Stage 1 Complaints by Service



4.6 In Communities Localities and Culture, there has been a significant rise in complaints for many services. Parking; Domestic Refuse; Dry Recycling; Street Cleansing; Environmental Control; Arts & Events and Food recycling have all seen significant increases. A further breakdown of these areas is provided in the appended supplementary report.

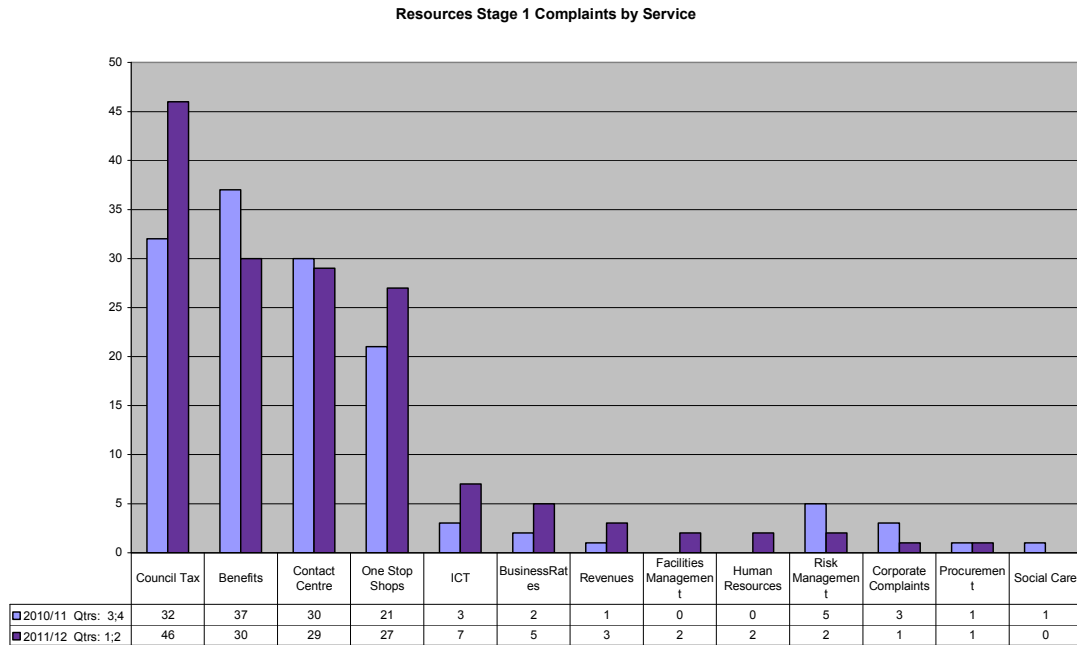
Figure 6 Development & Renewal Stage 1 Complaints by Service

Development & Renewal Stage 1 Complaints by Service



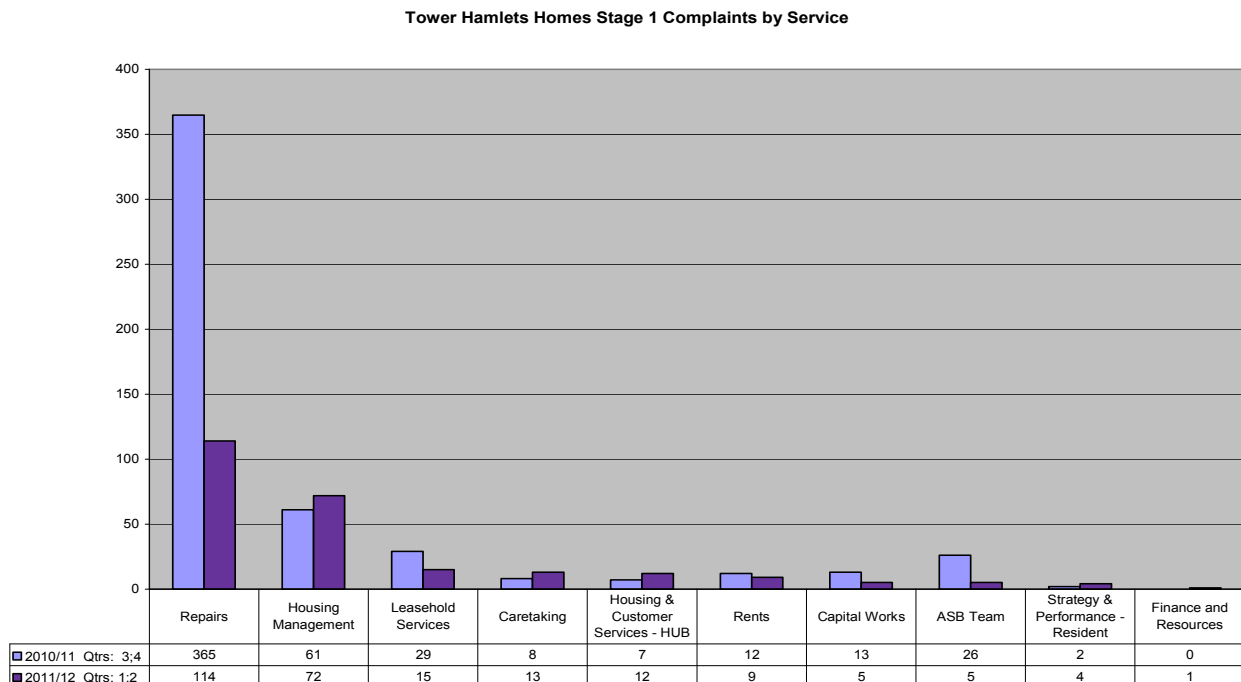
4.7 There is little variance in Development and Renewal complaints and relatively low numbers. The fall in Lettings complaints should be noted.

Figure 7



4.8 One Stop Shop complaints have increased and the service is actively looking at reducing waiting times. Footfall at Crisp Street increased following the closure of Jack Dash House and resources are being targeted to peak times to address this. .

Figure 8



4.9 Tower Hamlets Homes have seasonal variation in repairs complaints (e.g. winter heating); this along with all other areas are still achieving a year on year reduction in volumes. However, when seen in conjunction with the rise in stage 2 complaints, the possibility of under recording of stage 1 complaints has been raised and is being explored jointly with THH to ensure that residents concerns are addressed.

4.10 Having explored the variance in volumes of Stage 1 complaints, it is also important to look at the outcomes. There is a consistently high percentage completed in time, see figure 8 below.

Figure 9

Stage 1 Complaints Response Times						
Period	Total Answered	Completed in Time		Answered outside timescale		Average response times (days)
2010/11 Qtr: 3	518	493	95%	25	5%	7.08
2010/11 Qtr: 4	576	544	94%	32	6%	7.81
2011/12 Qtr: 1	488	437	90%	51	10%	8.35
2011/12 Qtr: 2	589	541	92%	48	8%	7.38

Figure 10 Stage 1 Complaints

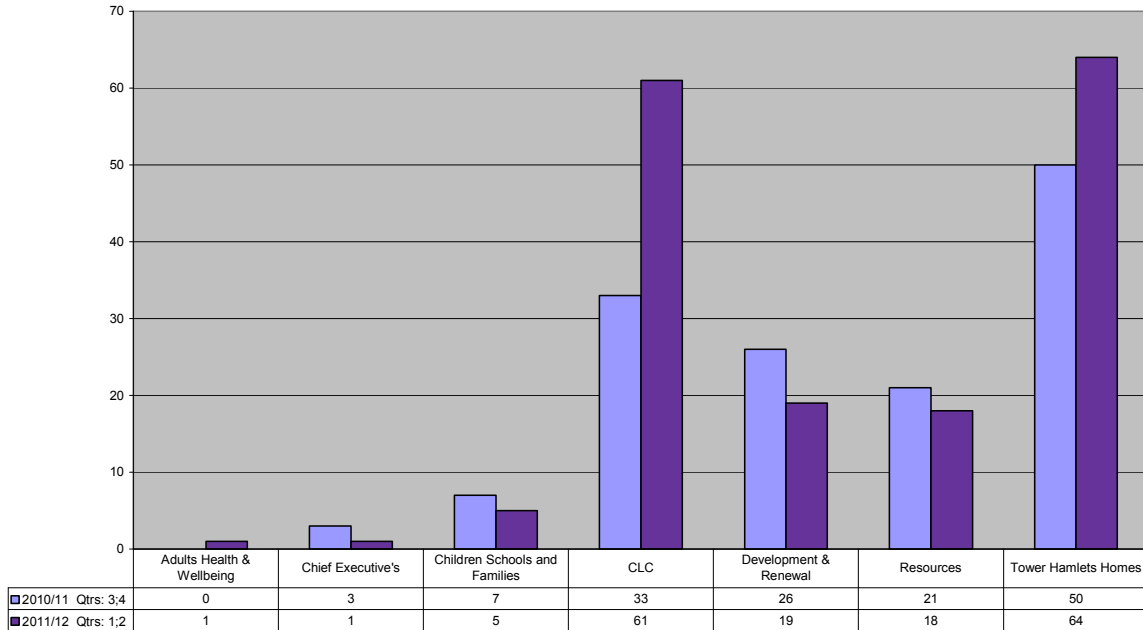
Stage 1 Resolutions by Directorate													
	2011/12 Qtr: 1;2		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed In Time		Average Days to Close
Adults Health & Wellbeing	1	0%	0	0%	0	0%	0	0%	1	100%	1	100%	0
Chief Executive's	18	2%	4	22%	3	17%	9	50%	2	11%	15	83%	8
Children Schools and Families	13	1%	4	31%	3	23%	4	31%	2	15%	10	77%	7
CLC	561	52%	228	41%	115	20%	207	37%	11	2%	504	90%	8
Development & Renewal	79	7%	52	66%	8	10%	12	15%	7	9%	57	72%	10
Resources	155	14%	66	43%	53	34%	35	23%	1	1%	152	98%	5
Tower Hamlets Homes	250	23%	135	54%	23	9%	82	33%	10	4%	239	96%	9
Total Stage 1 Complaints	1077		489	45%	205	19%	349	32%	34	3%	978	91%	8

4.11 Figure 10 above shows the resolution of complaints by directorate and for the Council as a whole. In general terms about 51% of stage 1 complaints are upheld in some part.

4.12 When examining the progression of complaints through the stages, it is noticeable that CLC and THH have seen a rise in stage 2 complaints.

Figure 11

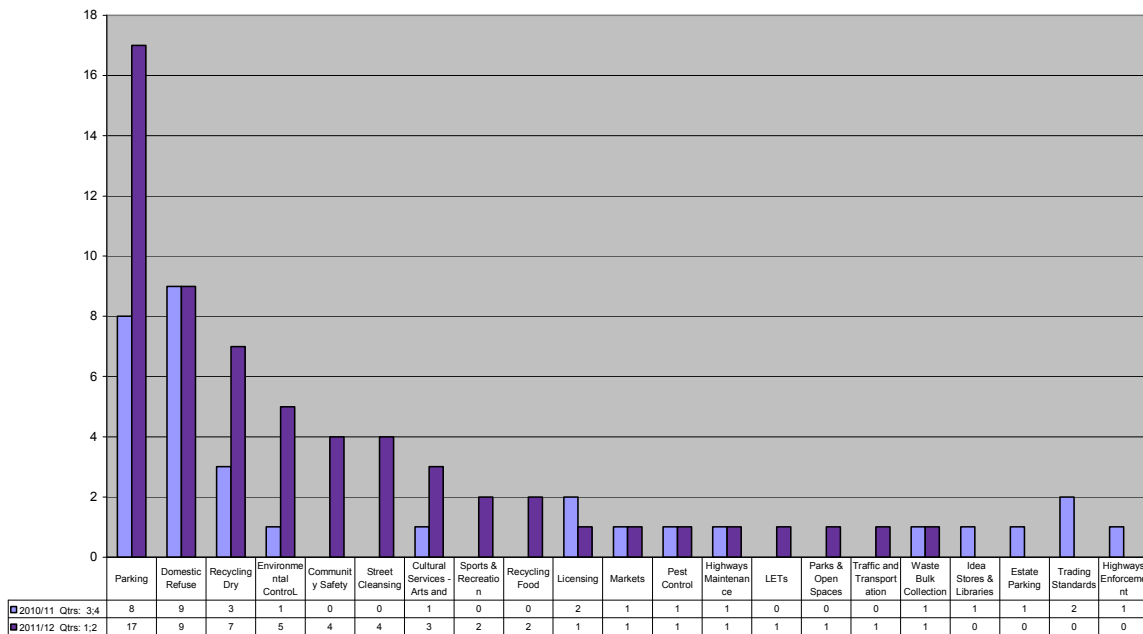
Stage 2 Corporate Complaints Performance by Directorate



4.13 The main areas of concern increasing in CLC are Parking and Dry Recycling, as can be seen in

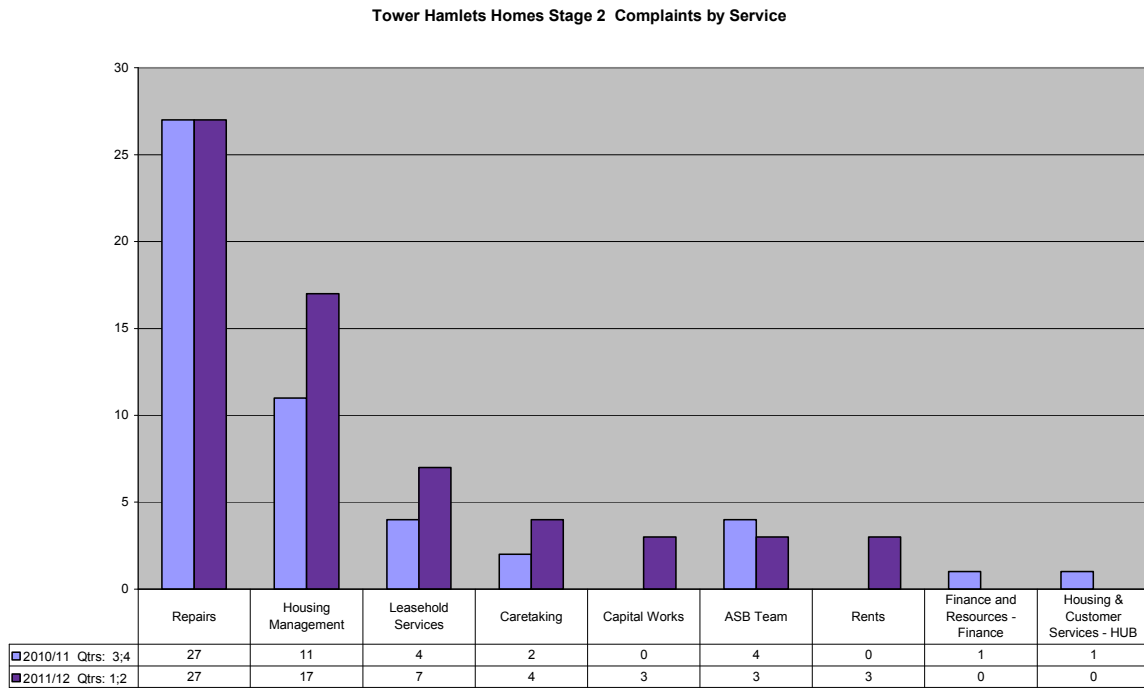
Figure 12.

CLC Complaints Stage 2 by Service



For THH, increases are in Housing Management and Leasehold services, see below.

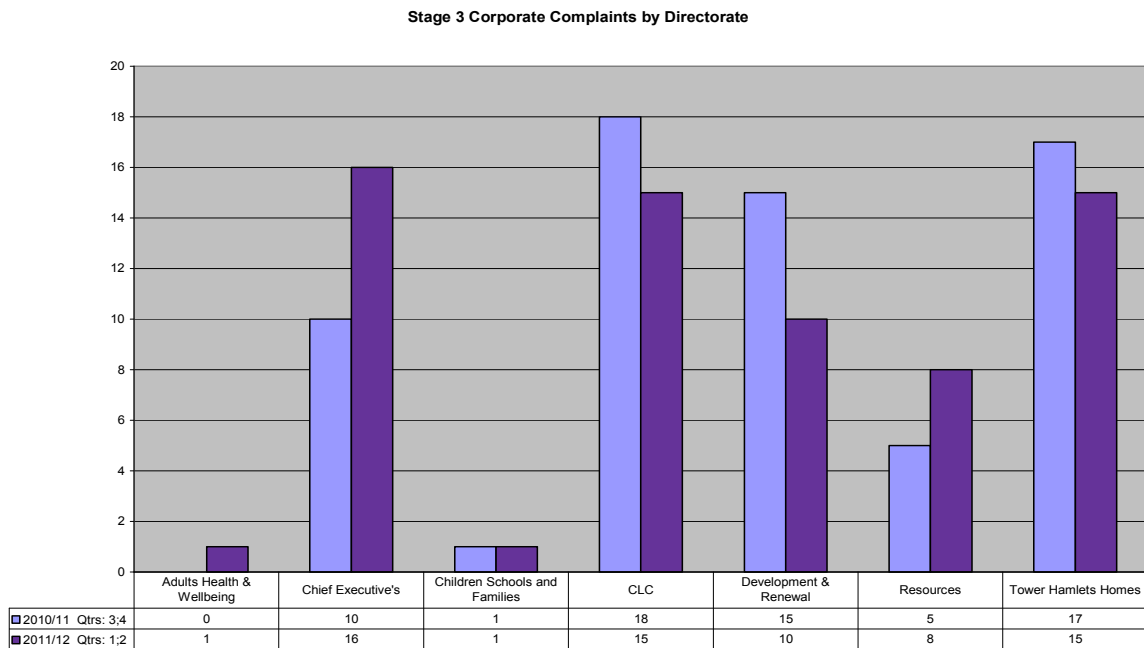
Figure 13



4.15 Stage 3 complaints

Figure 14 below shows the volume of Stage 3 complaint by each Directorate.

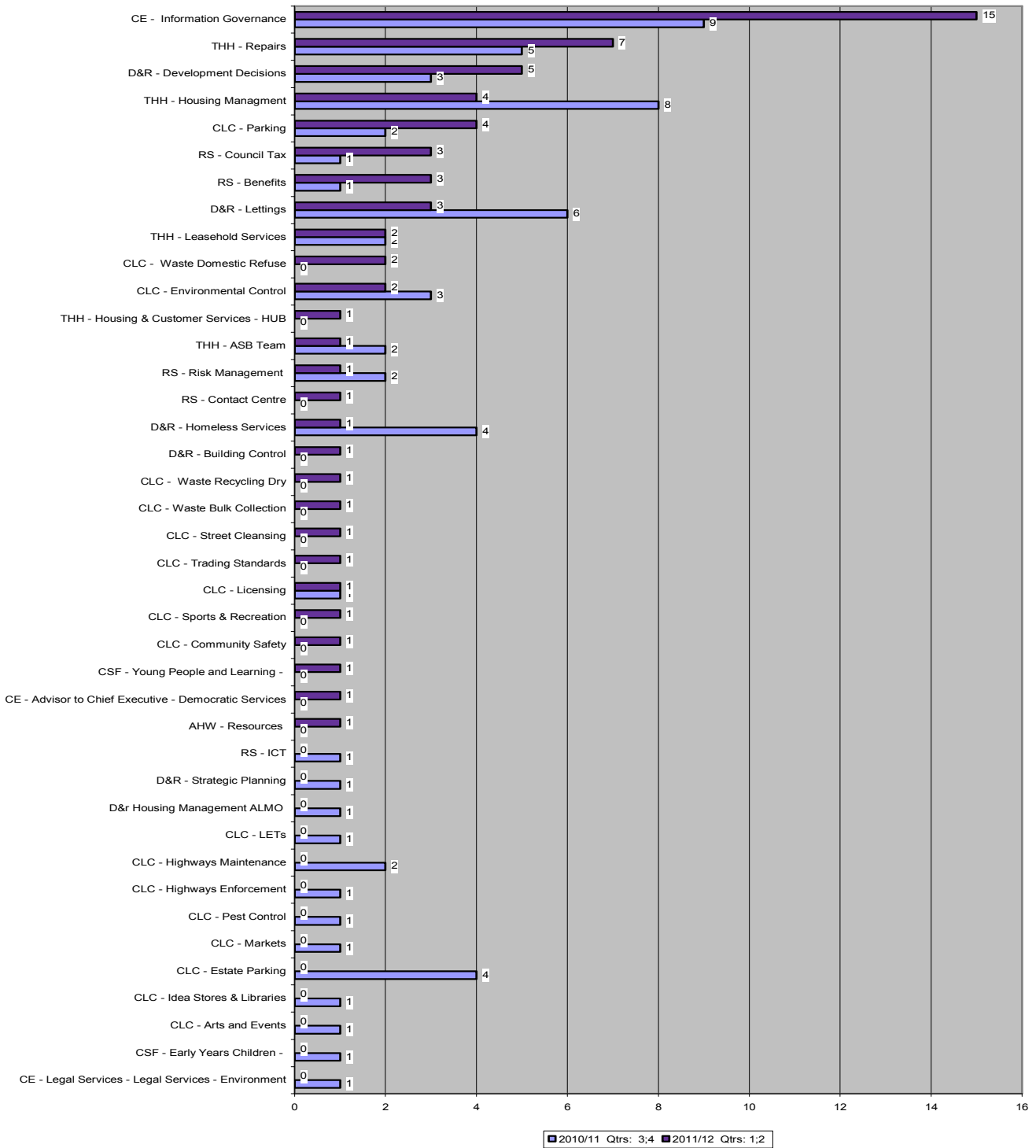
Figure 14: Stage 3 complaints



- 4.16 The detailed chart overleaf (figure 11) indicates which services the complaints fall in. The highest volumes fall under Information Governance, for Internal Reviews of FOI decisions. The other area with an increase in complaints is housing repairs. Further work will be undertaken to examine the increased escalation of repairs.
- 4.17 After an initial FOI request has been considered and responded to, the applicant can request an Internal Review. The volume of initial FOI requests considered in the period was 638 and 15 Internal Reviews were conducted under stage 3 of the complaints procedure. This is less than 2.5% escalation rate. The issues covered range from THH Service Charges (4) to CCTV, commercial waste, the cost of resident engagement, cost of software, parking, and records of data security issues.

Figure 15

Stage 3 Complaints by Service Issue



4.18 The proportion of complaints upheld in some part is around 44%. See figure 12 below.

Figure 16: Stage 3 Complaints Resolution

Stage 3 Resolutions by Directorate													
	2011/12 Qtr: 1;2		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed In Time		Average Days to Close
Adults Health & Wellbeing	1	2%	1	100%	0	0%	0	0%	0	0%	1	100%	19
Chief Executive's	16	24%	5	31%	3	19%	8	50%	0	0%	11	69%	18
Children Schools and Families	1	2%	1	100%	0	0%	0	0%	0	0%	1	100%	14
CLC	15	23%	11	73%	3	20%	1	7%	0	0%	15	100%	15
Development & Renewal	10	15%	9	90%	1	10%	0	0%	0	0%	7	70%	17
Resources	8	12%	5	63%	1	13%	1	13%	1	13%	8	100%	14
Tower Hamlets Homes	15	23%	4	27%	3	20%	8	53%	0	0%	13	87%	16
Total Stage 3 Complaints	66		36	55%	11	17%	18	27%	1	2%	56	85%	16

4.19 The proportion of Stage 3 complaints completed in time is 85%, and when broken down further (Q1 73% in time; Q2 97% in time) the quarter 2 performance indicates a significant improvement.

5. ADULTS SOCIAL CARE COMPLAINTS (Statutory)

- 5.1 In April 2009 new legislation regulating the handling of Adults Social Care Complaints came into force. This legislation moves away from the previous 3 stage process and fixed time scales for investigation.
- 5.2 It allows one single stage of investigation and close liaison with the complainant to ensure that the complaint is effectively understood and the scope of the investigation is agreed. This includes the best means of investigating and resolving the issues, who will be involved and how long it might take.
- 5.3 The type of investigation and time taken must be proportional to the complexity of the complaint, but will make comparisons between complaints and performance measures difficult.
- 5.4 It also places a responsibility to cooperate and when required undertake joint investigations of matters overlapping with health provision or other care providers.
- 5.5 The legislation places the complainant at the heart of the process and stresses the need to resolve matters to the complainant's satisfaction. The review will seek to identify whether there has been an impact on service based resolution of matters prior a formal complaint being registered.

Figure 17 Half year volume comparison

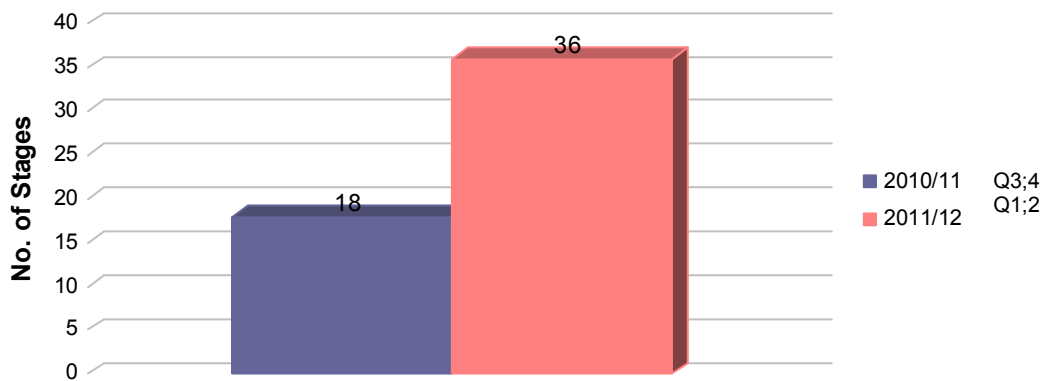


Figure 18 Adults Social Care Complaints

Adults Social Care Complaints by Division													
	2010/11 Q3, 4	Variance		2011/12 Q1, 2		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Disability and Health	7	3	43%	10	28%	3	30%	7	70%	0	0%	0	0%
Elders	6	12	200%	18	50%	12	67%	3	17%	1	6%	2	11%
Learning Disabilities	0	2	0%	2	6%	1	50%	0	0%	1	50%	0	0%
OT Services	3	0	0%	3	8%	2	67%	1	33%	0	0%	0	0%
Resources	2	0	0%	2	6%	2	100%	0	0%	0	0%	0	0%
	0	1	0%	1	3%	1	100%	0	0%	0	0%	0	0%
Totals	18	18	100%	36	100%	21	58%	11	31%	2	6%	2	6%

5.6 For this reporting period, the old categories are used for service provision, and this will be amended for the full year report

5.7 In order to obtain a better picture of fluctuating complaints levels, a detailed report will be reviewed with Adults Social Care managers shortly..

Figure 19 Response Times

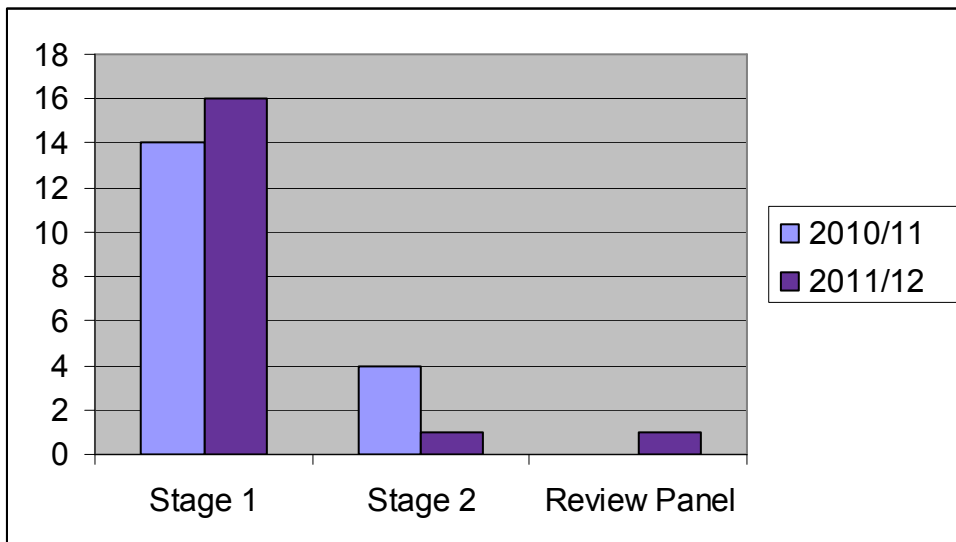
Adults Social Care Complaints - By Performance														
Complaints Answered	Totals	Within 10 working days		Within 20 working days		Within 30 Working Days		Within 40 Working Days		Within 50 Working Days		Over 70 Days		Average Days to Complete
2010/11 Q3;4	18	6	33%	9	50%	3	17%	0	0%	0	0%	0	0%	14
2011/12 Q1;2	36	20	56%	7	19%	5	14%	2	6%	1	3%	1	3%	16

- 5.8 Without fixed response times for this procedure, the Council is monitoring complaints under 10, 20, 30 etc working days. Whilst most complaints considered under this procedure have been resolved in less than 20 working days, three complaints took up to 40 working days.
- 5.9 We are also monitoring on the target agreed with complainant at the start of the investigation. All met the target, with the exception of these 3 complaints. For two of these complaints there were difficulties, beyond officers' control, in coordinating meetings with the complainants and their advocates.
- 5.10 The Complaints Team, and service managers, have put in considerable time and effort to find effective resolution, including holding three-way resolution meetings and negotiating individual outcomes as well as conducting formal investigations.

6. CHILDREN'S SOCIAL CARE COMPLAINTS (statutory)

6.1 Children's Social Care Complaints follow the statutory 3 stage procedure. Legislation for 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.

Figure 20: Children's Social Care Complaints



Q3;4
Q1;2

6.2 Escalation rates have fallen. The completion rates by quarter are shown in Figure 21 below.

Figure 21

Stage 1 Children's Social Care Complaints - By Performance								
	Total	Answered within 10 working days		Answered within 20 working days		Answered outside timescale		Average response times (days)
2010/11 QTR: 3	5	5	100%	5	100%	0	0%	4
2010/11 QTR: 4	9	7	78%	7	78%	2	22%	6
2011/12 QTR: 1	9	6	67%	9	100%	0	0%	5
2011/12 QTR: 2	7	3	43%	6	86%	1	14%	10

Figure 22

Stage 1 Children's Social Care Complaints by Section											
	2010/11 QTRS: 3;4	Variance		2011/12 QTRS: 1;2	Not Upheld		Partially Upheld		Upheld		
ChildLookedAfter&LeavingCare	4	3	75%	7	44%	4	57%	0	0%	3	43%
Child Protection and Reviewing	0	2		2	13%	2	100%	0	0%	0	0%
Children's Resources	5	-	-80%	1	6%	0	0%	0	0%	1	100%
Fieldwork Services	5	1	20%	6	38%	5	83%	0	0%	1	17%

6.3 Figure 17 above indicates the areas responsible for complaints and the numbers upheld for each service.

6.4 At Stage 2, the investigation is monitored by an independent person. Both complaints in the monitoring period were completed outside the extended timescale of 65 working days with one narrowly missing the deadline. These complaints are closely monitored.

Figure 23

Stage 2 Children Schools and Families Social Care Complaints - By Performance								
	Total	Answered within 25 working days		Answered within 65 working days		Answered outside timescale		Average response times (days)
2010/11 QTR: 3	0	0	0%	0	0%	0	0%	0
2010/11 QTR: 4	4	0	0%	2	50%	2	50%	70
2011/12 QTR: 1	0	0	0%	0	0%	0	0%	0
2011/12 QTR: 2	1	0	0%	1	100%	0	0%	49

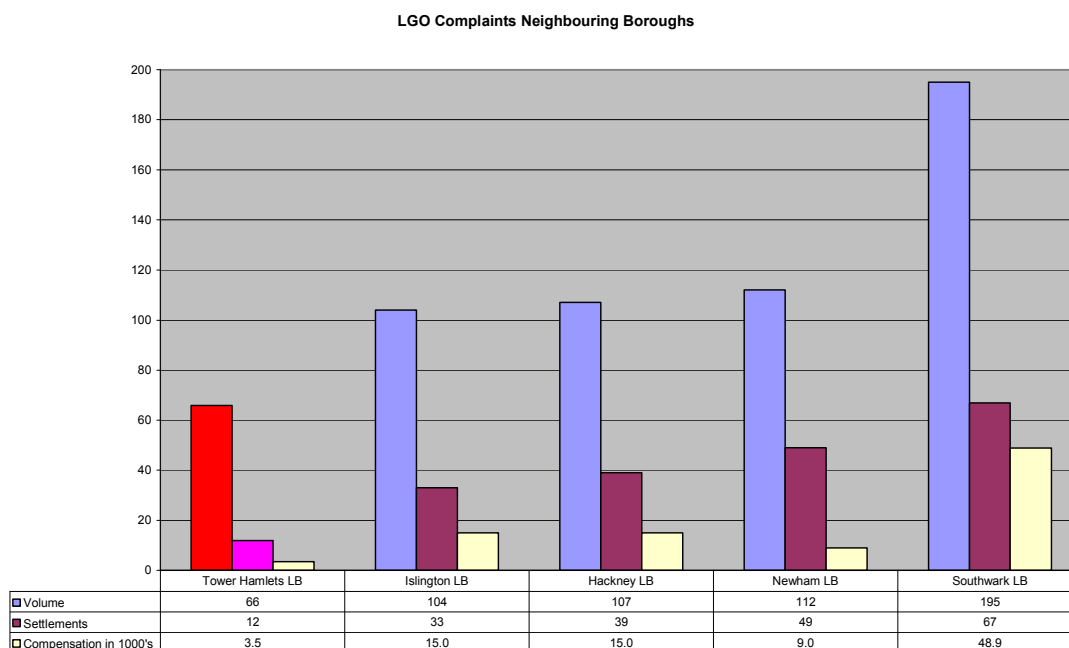
6.5 Two complaints went to the third stage, independent review panel. Both were upheld in some part. One was regarding the process of identifying and assessing extended family members to care for a baby, some errors in recording and communication were upheld. The second identified a delay in obtaining equipment for a disabled mother and insufficient time being given for her to read reports and prepare for a case conference. Both are now fully addressed.

7. LOCAL GOVERNMENT OMBUDSMAN (LGO)

7.1 Before addressing the current half year information, the Committee can be updated on the Local Government Ombudsman’s Annual Review of the Council’s performance in 2010/11. The report is appended for information. Following the publishing of the Ombudsman’s Annual Reviews, it is possible to benchmark the Council’s performance against other authorities.

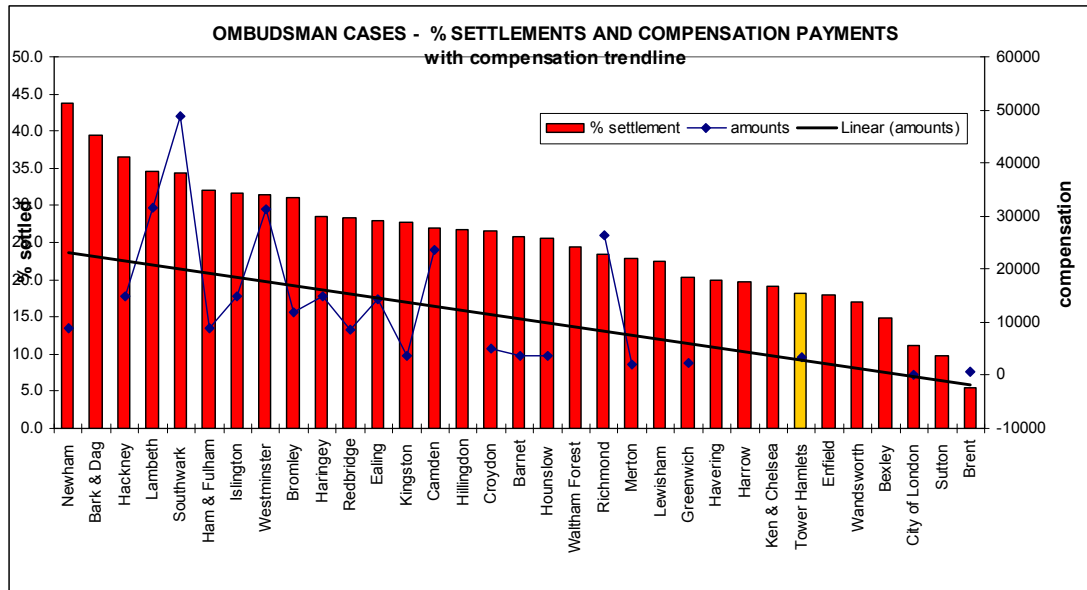
7.2 Figure 24 below compares the total volume of Ombudsman complaints, the number of Local Settlements and the total amount of compensation paid by for a number of neighbouring local authorities. Tower Hamlets compares favourably.

Figure 24



7.3 Similarly the table below compares the percentage of settlements against the overall volume of complaints and the amounts paid in compensation for all London boroughs.

Figure 25



7.4 Half Year Data

First Enquiries 2010/11.

Table 19 below sets out by directorate the volume of new Ombudsman complaints and Council's response rates. The volume of matters referred for consideration is lower than in the previous 6 months, although there appears to be a pattern with fewer complaints in the spring/ summer.

Figure 26: First Response Rates

	number of initial enquiries		% in time	
	2nd Half 2010/11	1st Half 2011/12	2nd Half 2010/11	1st Half 2011/12
Adults Health and Wellbeing	1	3	100%	67%
Chief Executive's	0	1	N/A	N/A
Children Schools & Families	1	0	100%	N/A
Communities, Localities and Culture	3	6	100%	100%
Development and Renewal Resources	9	3	88%	67%
Tower Hamlets Homes	5	5	100%	40%
Total	19	19	89%	60%

7.5 The Council maintains a good response rate, averaging 20.1 working days. However the percentage of complaints completed within our stringent response target, has fallen in the past six months.

7.6 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.

Figure 27

	Total	Report Maladministration	Local Settlement	No Maladministration	Ombudsman Discretion	Out of Jurisdiction	Premature
2nd Half 2010/11	33	0	2	10	5	3	13
1st Half 2011/12	50	0	7	16	2	6	19

7.7 The average percentage of Ombudsman complaints determined as upheld, i.e. Local Settlement is 27.1%. The Council is usually well below this average and the half year being reported is 22.5%.

Figure 28

Ombudsman Local Settlements by Directorate and Service Issue			
Directorate	Division	2010/11 QTRs: 3;4	2011/12 QTRs: 1;2
Adults Health & Wellbeing	Disability and Health		1
Children Schools and Families	School Roll	1	
CLC	Highways Maintenance		1
CLC	Parking		1
CE / CLC	Forwarding enquiry to Pest Control		1
Development & Renewal	Lettings		1
Tower Hamlets Homes	ASB Team		2
Tower Hamlets Homes	Asset Management - Repairs	1	
Totals		2	7

8 SUMMARY

- 8.1 The Council's Complaints Procedure are assessed as compliant with the Customer Services excellence award.
- 8.2 Procedures are subject to ongoing review. Consideration is being given to methods of resolving initial complaint to reduce escalation. Procedures will also be subject to Equalities Impact Assessment in the coming months.
- 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 continues to indicate effective internal mechanisms for resolving complaints. Benchmarking indicates that the Council compares well with other London authorities.

9. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 9.1 The report provides a summary of the complaints received by the Council in the period 1 April 2011 to 31 September 2011 through the Corporate Complaints Procedure, Adults and Children's Social Care Complaints Procedures, and those received and determined by the Local Government Ombudsman in the same period.
- 9.2 There are no financial implications arising from the recommendations in this report and Corporate Complaints procedures and quality checks are designed to minimise the cost of making good and compensation, but where this is necessary, payment is contained within the Directorate'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 endeavour to capture data on the six equalities strands. Each complaint is considered in the light of any perceived discrimination and monitoring data is analysed annually to consider any wider trends or implications.
- 11.2 Continuing publicity, and analysis of levels of awareness of the process within the community, will ensure that all residents and service users will have better awareness of their right to voice any concerns.

12. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 12.1 There are no key considerations

13. RISK MANAGEMENT IMPLICATIONS

- 13.1 Risk is managed through the internal review processes, and where appropriate legal and risk management advice is sought when considering complaint resolution.

14 EFFICIENCY STATEMENT

- 14.1 Where appropriate, service improvements and efficiencies are proposed and considered by the relevant services.