

<b>Committee:</b> Overview and Scrutiny	<b>Date:</b> 4 September 2012	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b>
<b>Report of:</b> Assistant Chief Executive (Legal Services)  <b>Originating officer(s)</b> David Galpin, Head of Legal Services – Community  Ruth Dowden, Complaints and Information Manager		<b>Title:</b> Complaints and Information – Annual Report  <b>Wards Affected:</b> All		

## 1. **SUMMARY**

- 1.1. This report presents the annual complaints and information report for consideration by the Overview and Scrutiny Committee.

## 2. **DECISIONS REQUIRED**

Overview and Scrutiny Committee is recommended to:-

- 2.1. Consider and comment on the information set out in the report in Appendix 1.

## 3. **BACKGROUND**

- 3.1. The annual report addresses the volume of complaints and information requests received by the Council in the period 1 April 2011 to 31 March 2012, the outcomes of those cases and the standard of performance in dealing with them.

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

- 4.1. This report provides the annual complaints and information report for the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012 to be considered by the Overview and Scrutiny Committee. There are no financial implications arising from this report. However, in the event that the Council agrees further action in response to this report, then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

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

- 5.1. The Council is required by section 21 of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that

ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.

- 5.2. It is consistent with good administration for the Council to maintain a corporate complaints system, as it will help the Council to identify, remedy and prevent defects in the discharge of its functions. Such maladministration may involve: delay; incorrect action or failure to take any action; failure to follow procedures or the law; failure to provide information; inadequate record-keeping; failure to investigate; failure to reply; misleading or inaccurate statements; inadequate liaison; inadequate consultation; or broken promises.
- 5.3. The Local Government Act 1974 sets out the functions of a local government ombudsman. An ombudsman may: investigate complaints against councils and some other authorities; and provide advice and guidance on good administrative practice. In broad terms the ombudsman will investigate alleged or apparent maladministration in the discharge of an authority's functions and service failures. An ombudsman cannot force the Council to follow its recommendations, but it can and does write reports following the investigation of complaints, which are made public. The Council may expose itself to further criticism and legal proceedings if it declined to follow an ombudsman recommendation.
- 5.4. The Council is required to deal with requests for information in accordance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998. The Council is additionally required to comply with the data protection principles under the Data Protection Act 1998 in respect of all personal data for which it is the data controller.

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

- 6.1. The Council is required in the exercise of its functions to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The annual complaints and information report in Appendix 1 sets out information relevant to the complaints handling and information requests for consideration by the Committee.

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

- 7.1. The corporate complaints system and the results of complaints made to the ombudsman help the Council to avoid maladministration and improve service delivery across the full range of Council functions. This means that to the extent the Council has targeted action to achieve a greener environment, the

information set out in the report either evidences efforts made to help achieve those goals or may be used for that purpose.

**8. RISK MANAGEMENT IMPLICATIONS**

8.1. The report in Appendix 1 sets out risk implications in section 9.

**9. EFFICIENCY STATEMENT**

9.1. The Council is a best value authority and is obliged by section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The Council’s corporate complaints system and information governance framework help it to avoid maladministration and associated adverse consequences. Ensuring that these systems operate effectively through the scrutiny of relevant reporting information should help to promote the delivery of best value in the use of the Council’s resources.

**10. APPENDICES**

Appendix 1 – Complaints and information annual report

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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.
<b>None</b>	<b>N/A</b>