

Complaints and Information Annual Report

2011-2012

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1. INTRODUCTION

- 1.1. This 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.
- 1.2. The Corporate Complaints Team and Information Governance Team were merged in October 2011. The merged team –
 - Processes Freedom of Information and Environmental Information Regulation Requests (see section 2) and Data Protection Subject Access Requests (section 3);
 - Oversees complaints handling at all stages of the Council's Corporate Complaints Procedure (see section 4) and the statutory Adults and Children's Social Care Complaints Procedures (see sections 5 and 6);
 - Deals with the Information Commissioner (see section 2) and the Local Government Ombudsman (see section 7) in relation to complaints escalated to them;
 - Monitors complaints, requests case and policy progression and provides management information on performance; and
 - Investigates some Adults Social Care complaints, stage 2 Children's Social Care complaints, and stage 3 corporate complaints on behalf of the Chief Executive.
- 1.3. Most successful organisations encourage service users to complain, and as such a high volume of complaints is often an indication of a healthy relationship with service users. However, complaints should be resolved at the lowest possible point and the escalation of complaints can indicate difficulties in addressing matters at the service level. With these objectives in mind, the Council has adopted corporate performance standards, designed to ensure complaints are dealt with in a timely fashion. Performance is regularly reviewed by both the corporate management team and elected members. The Complaints and Information team identifies themes and works with the service areas to bring out effective change. The Council performed strongly against its targets for corporate complaints in 2011/2012.
- 1.4. The Freedom of Information Act 2000 (FOIA) was introduced to help bring about a culture of openness within the public sector so that the information held by public authorities is available and accessible to all, both within and outside the communities they serve. It gives the public access to most structured information held by the council, unless it is appropriate for the Council to apply a legal exemption.
- 1.5. A separate but parallel process under the Environmental Information Regulations 2004 (EIR) provides for access to environmental information within the meaning of EU Directive 2003/4/EC. This covers information on –
 - The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

- Factors affecting or likely to affect the elements of the environment, such as noise or waste.
 - Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements of the environment and factors affecting them.
 - Cost-benefit and other economic analyses and assumptions used within the framework of these measures and activities.
 - Reports on the implementation of environmental legislation.
 - The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment or, through those elements, by any of the factors, measures or activities referred to above.
- 1.6. The FOIA and EIR set a deadline of 20 working days for the council to respond to written requests from the public. It is regulated by the Information Commissioner (ICO) and information on the ICO's investigations and decisions is included in section 2. During 2011/2012, the Council exceeded its target for responses made within 20 days, at the same time maintaining a very low escalation rate.
- 1.7. The Data Protection Act 1998 (DPA) governs the collection, storage, and processing of personal data, in both manual and electronic forms. It is regulated by the Information Commissioners Office (www.ico.gov.uk). It requires those who hold personal data on individuals to be open about how the information is used, and requires the Council to process data in accordance with the principles of the Act. Individuals have the right to find out what personal data is held about them, and what use is being made of that information. These 'Subject Access Requests' should be processed by the Council within a period of 40 calendar days.
- 1.8 This report sets out the Council's outputs over the period 1 April 2011 to 31 March 2012.

2. INFORMATION REQUESTS

2.1 The general categories of information requests are summarised in section 1 of this report. Information disclosed by the Council to applicants is usually also published on the Council's disclosure log, linked to the Council website. In this way a resource has been built up over time which is available to the public for reference.

2.2 Details of FOI requests received by the Council in 2011/2012 are summarised in Figure 1. The Council saw a significant rise in FOI requests in 2011/12. Compared with the previous year the number of requests increased 76% from 768 to 1356. Nevertheless, the performance in responding to requests within the 20 working day statutory deadline improved, from 84% in 2010/11 to 95% in 2011/12. Further work is planned to promote early response and compliance with the deadline.

Figure 1

Freedom of Information Requests	2010/11	2011/12			
	Total	Total	In Time	Late	% In Time
Adults Health & Wellbeing	36	66	65	1	98
Children Schools & Families	185	224	218	6	97
CLC	271	335	329	6	98
Chief Executive's	56	147	126	21	86
D&R	144	204	196	8	96
Resources	220	328	310	18	95
THH	24	52	50	2	96
Total	768	1356	1294	62	95

2.3 Whilst the numbers are fewer, there is also an increase in EIR requests processed in the year. The response rates are slower and in an attempt to address this, all requests are being escalated to senior managers at 15 days.

Figure 2

Environmental Information Regulation Requests	2010/11	2011/12			
	Total	Total	In Time	Late	% In Time
Adults Health & Wellbeing	0	0	0	0	0
Children Schools & Families	0	1	1	0	100
CLC	6	14	12	2	86
Chief Executive's	0	0	0	0	0
D&R	11	22	19	3	86
Resources	0	0	0	0	0
THH	0	0	0	0	0
Total	17	37	32	5	86

2.4 On receipt of a response to an FOI or EIR request, an applicant may ask for an internal review if dissatisfied with the response provided. Out of the 1356 FOI requests and 37 EIR requests (total 1393 requests) received during 2011/2012, 31 (or 2.25%) were taken to Internal Review. This escalation rate is considered to be low. There were 7 cases (23% of those taken on review) in which the applicant's complaint was upheld in whole or in part following an internal review. Set out below is a summary of the upheld cases.

- **Penalty Charge Notice Wording (FOI 3612).** The applicant requested details about changes to wording on parking tickets. This was answered in full, without exemption. Internal review was requested on the basis that the Council said tickets were not incorrectly worded, and this was partially upheld. The complaint was escalated to the ICO but later closed due to non-response from the complainant.
- **Service Charges 2009/10: Housing Management (THH) (FOI 3927).** The applicant requested a breakdown of costs incurred for the housing management portion of service charge. THH provided some information, but the applicant questioned the thoroughness of the response. The complaint was upheld and more information was provided.
- **Service Charges 2009/10: Market Testing (THH) (FOI 3897).** The applicant requested details of market testing activity. This was initially refused on cost grounds, i.e. that it would take longer than 18 hours to collate. The complaint was partially upheld with some information provided. However, section 41 (information provided in confidence) and section 43 (prejudice to commercial interest) exemptions were applied at the internal review stage.
- **Service Charges 2008/09: Management Fee Excel Spreadsheets (THH) (FOI 4518).** The applicant requested raw data that supported management fee calculations following earlier response to another complaint. THH provided some information, but this was found insufficient at review and additional information was provided.
- **Arrangements for Commercial Waste (EIR 4434).** The applicant sought information regarding commercial waste. The majority of the request was answered in full, but a summary of conclusions to a consultation process was withheld on grounds of commercial sensitivity (under EIR, Regulation 12(5)(e)). The complaint was upheld on review and the report was provided in full.
- **Correspondence regarding planning application on Narrow Street (EIR 4416).** The applicant sought information regarding a planning application and was directed to the planning portal. The request for internal communications was refused under EIR, Regulation 12(4)(e). The request was answered on Day 22. The applicant complained about the application of the exemption, the time taken and the failure to advise of the delay. This was upheld on review, with information provided (redacted to remove personal data) and an apology given for delay.
- **Cost of engagement and recharge to residents (THH) (FOI 4420).** The applicant requested the cost of engagement activities and how they were charged to residents as part of the service charge. THH replied with a breakdown of the costs. An internal review was sought on the basis that gross staff costs were not included. The complaint was upheld and additional information provided.

2.5 The Information Commissioner issued three decision notices against the Council in 2011/2012. There were two notices relating to how the Council handled an FOI request, and one regarding the Council's handling of an EIR request. The summaries from the ICO website are reproduced below.

- **Case Ref: FS50368609, August 2011.** The complainant requested minutes of the meetings of a group set up by the public authority in relation to the regeneration of Roman Road East District Centre. The public authority withheld the information on the basis of the exemptions at sections 36(2)(b) (i) & (ii) and 36(2)(c) of the Act. The Commissioner found that the request should have been addressed under the Environmental Information Regulations 2004 (the EIR). He therefore ordered the public authority to either disclose the information or respond to the request in accordance with its responsibilities under the EIR.
- **Case Ref: FS50368614, September 2011.** The complainant requested information relating to a development lease granted by the public authority. The public authority withheld the relevant information on the basis of section 44(1)(a) (statutory prohibition on disclosure) of the Act and also alternatively relied on the exception at regulation 12(5)(e) of the EIR. The Commissioner found that part of the information was environmental information. He however found both sections 44(1)(a) and regulation 12(5)(e) did not apply and further found the public authority in procedural breach of the Act and the EIR.
- **Case Ref: FER0387971 October 2011.** The complainant requested information relating to complaints received by London Borough of Tower Hamlets (the council) in connection with construction activities or preparations for the 2012 Olympics. The council provided some limited information but refused to provide anything further citing the exemption in section 12 of the FOIA and the exception under regulation 12(4)(b) of the EIR. The Information Commissioner's decision is that the council's calculation of costs was unreasonable and not supported by evidence and therefore section 12 of the FOIA is not engaged. Similarly, he does not find the exception at regulation 12(4)(b) of the EIR engaged. The Information Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: provide advice and assistance to enable the requester to refine his request; and reconsider the complainant's request and either release the requested information to him or issue a further refusal notice which complies with section 17 of the Act and regulation 14 of the EIR.

2.6 The Council does not seek equalities monitoring information at the point of request, as this may be seen as a barrier to information requests. When providing responses, the Council invites applicants to complete a combined customer satisfaction and equalities monitoring questionnaire. Regrettably the volumes of responses (37 in over 4 years) are not sufficiently high to enable significant conclusions to be drawn for the purposes of the Council's public sector equality duty.

3. SUBJECT ACCESS REQUESTS

3.1 The Council has up to 40 calendar days to respond to subject access requests under the Data Protection Act 1998. Details of the requests received are set out in Figure 3.

Figure 3

Subject Access Requests	2010/11	2011/12			
	Total	Total	In Time	Late	% In Time
Adults Health & Wellbeing	23	11	11	0	100
Children Schools & Families	32	47	40	7	85
CLC	10	13	12	1	92
Chief Executive's	8	4	2	2	50
D&R	15	1	1	0	100
Resources	43	115	113	2	98
THH	2	11	11	0	100
Total	133	202	190	12	94

3.2 It can be seen that requests for personal information held by the Council rose 52% from 133 in 2010/11 to 202 in 2011/12. The requests received in the Resources directorate include 42 regarding Benefits, and 66 for Revenues. The majority of Adults Health and Wellbeing and Children School and Families requests are for Social Care records.

3.3 The overall response rate was good, with 94% being answered within the statutory timeframe. There is work to be done to raise this performance even further during 2012/2013.

3.4 Requests for personal identifiable information are collated by the relevant service area, and assessed under the Date Protection Act criteria. The corporate team advise on preparation of files for release, and ensure that appropriate action is taken to safeguard data pertaining to other people and ensure that third party data redacted.

3.5 Some of the files held can be large with significant amounts of data provided by third parties (e.g. medical reports) and or relating to other people (e.g. family members / neighbours). In order for there to be a prompt response to all requests, consideration must be given to the resources required in each directorate or service area to meet the demand.

4. CORPORATE COMPLAINT STATISTICS AND ANALYSIS

4.1 The corporate complaints procedure

4.1.1 The complaints procedure is detailed on the Council's web site, where the Council states "we want to hear from you" and specifies –

- Its desire to give the best possible service;
- That it can only find out what needs to improve by listening to the views of service users and others;
- Its commitment to continuously improving services; and
- Its undertaking to act on what it is told.

4.1.2 The corporate complaints procedure is a three stage process, accepting issues from anyone who wants, or receives, a service from the Council. The exception is where the matter is covered by another channel of redress, such as a legal, or appeal, process (e.g. benefits assessments, parking penalty charges, leasehold matters), or where a statutory procedure exists.

4.1.3 At stages 1 and 2 of the complaints procedure, the matter is addressed by the relevant service managers. At the third and final stage, an independent investigation is conducted by the complaints and information team on behalf of the Chief Executive.

4.1.4 As stated earlier, most social care complaints come under statutory procedures and are detailed in sections 3 and 4. Schools complaints also fall under a separate procedure at Stages 1 and 2, with the final stage coming under the Corporate Complaints Procedure, at stage 3.

4.1.5 The Corporate Management Team and Directorate Management Teams review reports on complaints each quarter in order to focus on areas of concern, both in terms of performance and service quality.

4.2 Volume of complaints

4.2.1 Figure 4 provides summary information about the total number of complaints received by the Council in 2011/2012. Overall, the number of complaints was 8% lower than in the previous year, dropping from 2664 to 2453. The exception was in respect of stage 3 complaints, where there was a slight increase of 2% from 129 to 132. The reason the stage 3 figure was higher is that the internal reviews for FOI requests, are counted in this category.

Figure 4

Volume of Corporate Complaints				
Year	2010/11	2011/12	Variance	
Stage 1	2224	2019	-205	-9%
Stage 2	311	302	-9	-3%
Stage 3	129	132*	3	2%

Total Complaints	2664	2453	-211	-8%
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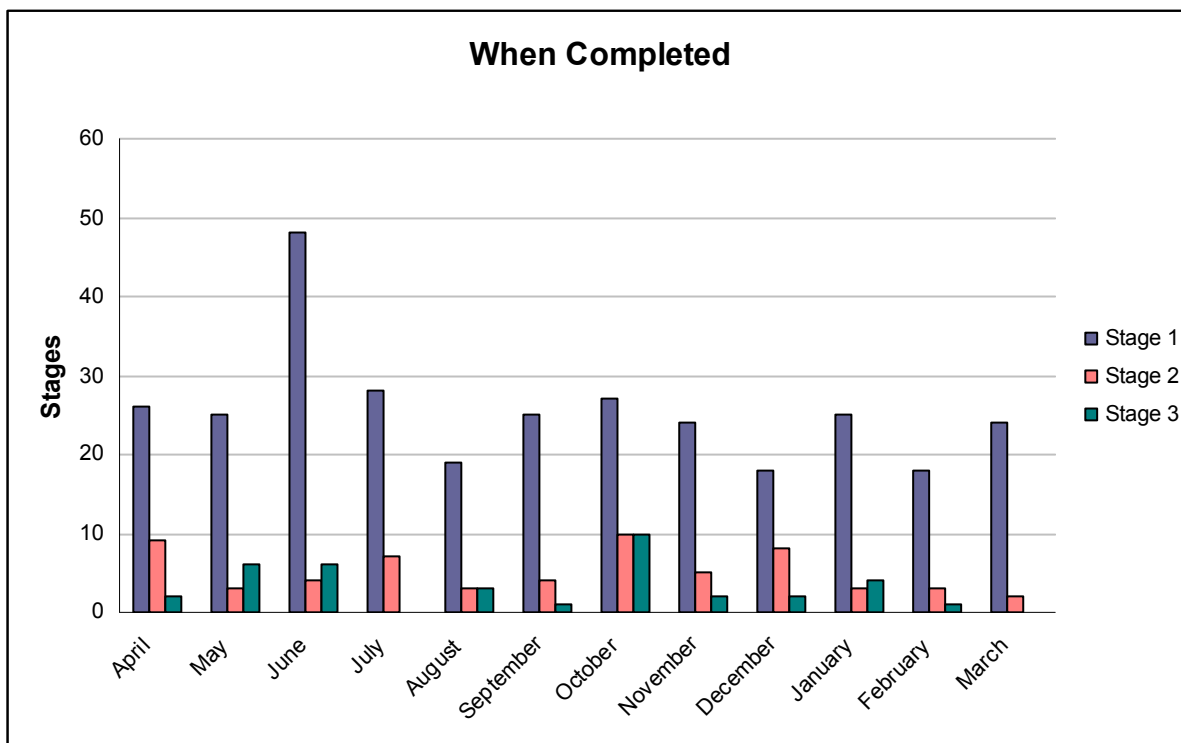
4.2.2 Figure 5 below shows the escalation rates through the stages of the complaints process. Overall, 15% of Stage 1 complaints were escalated to Stage 2 of the complaints process and 5% of Stage 1 complaints were escalated to Stage 3. This demonstrates that by far the greatest proportion of complaints is dealt with at the first stage, which is what the Council would hope to achieve with its complaints handling. The escalation rate of 2.5% for FOI requests compares favourably against the rate of 5% for overall corporate complaints.

Figure 5

Escalation Rates by Directorate 2011/12						
Directorate	Stage 1	Stage 2		Stage 3		Comments
		Stage 2	Escalated from Stage 1	Stage 3	Escalated from Stage 1	
Adults Health & Wellbeing	2	1	50%	1	50%	
Chief Executive's	26	2	8%	1	4%	For the purpose of identifying true escalation rate, FOI Reviews are not counted in the overall escalation rate for complaints
(Chief Executive's FOI reviews)				(31)	(2.25%)	
Children Schools and Families	25	10	40%	4	16%	
CLC	997	123	12%	31	3%	
Development & Renewal	194	40	21%	17	9%	
Resources	289	35	12%	15	5%	
Tower Hamlets Homes	486	91	19%	32	7%	
Total and escalation without FOI	2019	302	15%	101	5%	

4.2.3 Figure 6 (below) demonstrates the seasonal trends and peaks in the reporting of complaints. There is no obvious reason for the peaks, which occur at different times year-on-year. Nevertheless, any increases for individual services are discussed, when they occur, with the relevant managers and are monitored.

Figure 6



4.2.4 Figure 7 shows the rate at which complaints are upheld at stage 1 of the process and the percentage completed on time. During 2011/2012, response times for stage 1 complaints were good, with 91% completed on time. This was ahead of the corporate target of 87%. Performance management through a variety of measures, including distribution to the Corporate Management Team of weekly lists of complaints due and outstanding, and monthly directorate performance figures, have effectively maintained response times at a high level.

Figure 7

Stage 1 Resolutions by Directorate 2011/12											
	Total		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed in time %
Adults Health & Wellbeing	2	0%	1	50%	0	0%	0	0%	1	50%	50%
Chief Executive's	26	1%	7	27%	4	15%	12	46%	3	12%	85%
Children Schools and Families	25	1%	7	28%	4	16%	10	40%	4	16%	76%
CLC	997	49%	410	41%	194	19%	374	38%	19	2%	91%
Development & Renewal	194	10%	133	69%	23	12%	25	13%	13	7%	76%
Resources	289	14%	127	44%	98	34%	61	21%	3	1%	96%
Tower Hamlets Homes	486	24%	271	56%	34	7%	161	33%	20	4%	96%
Total Stage 1 Complaints	2019		956	47%	357	18%	643	32%	63	3%	91%

4.2.5 Figure 8 shows the rate at which complaints are upheld at stage 2 of the process and the percentage completed on time. During 2011/2012, response times for stage 2 complaints were at 88%, slightly ahead of the corporate target of 87% completed in time. At stage 2, the nature of investigation, complexity and issues raised will vary across the services the Council provides.

Figure 8

Stage 2 Resolutions by Directorate 2011/12											
	Total		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed in time %
Adults Health & Wellbeing	1	0%	1	100%	0	0%	0	0%	0	0%	100%
Chief Executive's	2	1%	0	0%	0	0%	2	100%	0	0%	100%
Children Schools and Families	10	3%	6	60%	2	20%	0	0%	2	20%	80%
CLC	123	41%	57	46%	26	21%	39	32%	1	1%	85%
Development & Renewal	40	13%	30	75%	6	15%	1	3%	3	8%	85%
Resources	35	12%	26	74%	5	14%	2	6%	2	6%	94%
Tower Hamlets Homes	91	30%	30	33%	11	12%	46	51%	4	4%	92%
Total Stage 2 Complaints	302		150	50%	50	17%	90	30%	12	4%	88%

4.2.6 Figure 9 shows the rate at which complaints are upheld at stage 3 of the process and the percentage completed on time. During 2011/2012, response times for stage 3 complaints were at 86%, slightly below the corporate target of 87% completed in time. However, overall stage 3 complaint turnaround improved by one percentage point compared with 2010/2011.

Figure 9

Stage 3 Resolutions by Directorate 2011/12											
	Total		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Completed in time %
Adults Health & Wellbeing	1	1%	1	100%	0	100%	0	0%	0	0%	100%
Chief Executive's	1	1%	1	100%	0	81%	0	0%	0	0%	100%
Chief Executive's FOI Reviews	31	100%	11	35%	8	26%	11	35%	1	3%	81%
Children Schools and Families	4	4%	3	75%	0	0%	0	0%	1	25%	100%
CLC	31	31%	22	71%	5	16%	4	13%	0	0%	97%
Development & Renewal	17	17%	14	82%	2	12%	1	6%	0	0%	82%
Resources	15	15%	11	73%	2	13%	1	7%	1	7%	87%
Tower Hamlets Homes	32	32%	11	34%	9	28%	12	38%	0	0%	81%
Total Stage 3 Complaints	101		63	48%	18	14%	18	14%	2	2%	86%

- 4.2.7 FOI review performance improved dramatically during 2011/201, following the introduction of a new monitoring system. Whilst overall performance was at 81%, the performance for the last 6 months was actually 94% completed in time. Stage 3 response times were also at 81% for THH and THH are reviewing the six cases that were not completed in time, in order to identify issues to be addressed.
- 4.2.8 Volumes of stage 3 complaints peaked in 2009/10 (184 cases), against 120 in 2008/09 and 129 in 2010/11. If the FOI reviews are taken out of the total, then those complaints progressing through the complaints procedure amounted to 101 in 2011/12.

4.3 Corporate Complaints by Service Area

- 4.3.1 Set out in Appendix 1 are charts providing a breakdown of the stage 1 corporate complaints in each directorate by reference to service area. Some services are recorded by reference to the structure that applied at the start of 2011/2012. Changes in structure made in the course of 2011/2012 or subsequently will be updated for the current year.
- 4.3.2 Adults Health and Wellbeing
- 4.3.3 Corporate complaints against Adults Health and Wellbeing relate to non-statutory processes and are very few in number. Only two such complaints were received in 2011/12.
- 4.3.4 Chief Executive's
- 4.3.5 The volume of complaints in the Chief Executive's directorate is low in all sections. There was a reduction in complaints received by Electoral Services in 2011/2012, compared with the previous year. The number of complaints received by that team depends upon whether an election was held in the reporting period and two were held in 2010/11.
- 4.3.6 Children's Schools and Families
- 4.3.7 Corporate complaints against Children's Schools and Families relate to non-statutory processes and are Children's Services complaints were low in number, see figure 11 below.
- 4.3.8 Communities Localities and Culture (CLC)
- 4.3.9 CLC receives the greatest number of corporate complaints of all directorates, which is to be expected having regard to the range of services it provides to the community. The most recent Annual Residents Survey showed a general increase in public satisfaction with many services, and the importance attached to these issues.
- 4.3.10 There was an increase in recycling complaints in 2011/2012 compared with 2010/2011. The Council carries out 926,000 household recycling collections per year. In 2011/12, the number of households from which collections are made increased by 2,200. The number of complaints received represents less than 0.0002 complaints per

collection. The slight uplift that did occur was probably the result of a change in the recycling round collection days. During the bedding down period the service anticipated some impact on complaint levels and a spike in recycling complaints is evident in the middle of the year, following which numbers dropped back below earlier levels. Overall, however the impact was minimal given the volume of customer transactions.

- 4.3.11 Domestic refuse complaints rose in 2011/2012 compared with the previous year. Out of the 75 complaints, 72 were in relation to missed collections. The number of missed collections equates to 0.007% of the total number of collections that take place. There was an increase in domestic refuse complaints in the middle of the year, following which numbers of complaints dropped back below pre-September levels. As with recycling, the increase is likely to have resulted from the collection day changes.
- 4.3.12 Street cleansing complaints rose in 2011/2012. This followed a particularly low number of such complaints in 2010/2011, as street cleansing complaints that year had fallen 18% from 2009/2010 and 50% from the level in 2008/2009. There was an increase in complaints across the summer months of 2011, which accounts for most of the overall 2011/2012 increase. Levels of complaints had dropped again by the final quarter of the year. However, overall the numbers of complaints remain very low compared with the scale of the service.
- 4.3.13 254 stage 1 parking complaints were received during 2011/12, an increase of 92 complaints over the previous year. At the same time, the volume of parking tickets issued rose from 103,000 during 2010/11, to 112,000 tickets in 2011/12. The total number of complaints for the year 2011/12 represents just 0.23% (less than a quarter of a percent) of the total volume of PCN's issued and less than the 9% increase in the number of parking tickets issued for the year.
- 4.3.14 Complaints about events rose in 2011/12 compared with 2010/2011, although the numbers of these complaints were not large in overall terms. At the same time, Environmental Health figures show an overall decline in the number of noise complaints in 2011/12 compared with 2010/11. This indicates that measures to reduce nuisance and a reduction in the number of events are having a positive effect. The introduction of a free ticket offer (Victoria Park) has resulted in a new line of complaints, mostly with regard to not being eligible to receive an event ticket. Excluding the ticket offer related complaints (which represent 12% of stage 1's), the total number of complaints received represents less than 0.1% of the population that lives within a quarter of a mile of Victoria Park. Whilst the sensitivity of the issue is acknowledged, for the purposes of assessing any strategically significant trend in the figures for complaints this figure is so low that the volume of complaints is not considered to be such.
- 4.3.15 Whilst the increases in complaints about recycling, domestic refuse and parking all need to be addressed, the variations are not considered to have strategic significance, taking into account the volume of services provided without complaint. The increase in recycling, domestic refuse and street cleansing complaints should be considered against the background of population increases in the borough. Following the 2011 census, it is estimated that the population in Tower Hamlets was 254,100 on 27 March

2011, a 29.6% increase from the 2001 census results. The GLA population projections have not been updated following the census but the 2011 projections suggest 3.8% growth in 2010, 2.5% growth in 2011 and 2.5% growth in 2012. These increases provide relevant context and may be particularly significant in relation to public realm services. The Council nevertheless welcomes the feedback from residents received through the complaints process and will use this to help refine and improve services.

4.3.16 Development and Renewal

4.3.17 Complaints regarding Planning Applications have remained at a similar level and those against Homeless Services and Lettings have fallen from the previous year's level.

4.3.18 Resources

4.3.19 In the Resources directorate, services with a high rate of direct customer contact have the highest volume of complaints. During 2011/2012 there was a decrease in complaints for the Contact Centre and One Stop Shops compared with the previous year. This reflects an emphasis on successfully resolving customer queries which is also demonstrated by increased customer satisfaction across these services. Mystery shopping, customer satisfaction surveying and individual staff monitoring will continue to be used to further improve services and reduce complaints, particularly in the area of staff conduct.

4.3.20 Council Tax experienced a rise in contact in 2011/2012 from account holders who reported being unable to meet payments. Whilst every effort is made to reach an agreement on repayment schedules, officers also need to pursue payment to ensure that levels of collection are maintained and Council services are protected.

4.3.21 Tower Hamlets Homes

4.3.22 Housing-related complaints fell overall in 2011/2012. This is noticeable in a number of key areas, with a major reduction in repair issues. This is part due to a change in contractor and also a proactive response to initial service failure reports. The Customer Service Team are actively liaising with contractors over late arrivals and missed appointments to deliver satisfactory outcomes for residents thus negating the need for recourse to the complaints procedure. Within the current contract there is a first time fix clause which is being used to drive up performance. This is resulting in improved customer satisfaction rating since the contract commenced in April 2011. The ASB service and repairs are now integrated into the Neighbourhood Housing Offices and the management structure allows for better coordination of response to any issues arising.

4.4 Stage 3 complaints

4.4.1 There are a number of issues that are only considered at the final stage of the corporate complaints procedure and in this sense the procedure is used as a final appeal. Stage 3 Estate Parking complaints are, in essence, a final stage appeal against vehicle removal. Challenges to FOI and EIR requests are also considered at stage 3.

4.4.2 As indicated earlier in the report, the numbers of stage 3 complaints were relatively unchanged overall in 2011/2012 compared with the 2010/2011. There was a slight increase in the number completed on time (from 85% to 86%), with the average response time remaining at 17 days per complaint. The escalation rates from stage 1 to stage 3 of the complaints process have fallen from 8% in 2009/10 and 6% in 2010/11, to 5% in 2011/12.

Figure 10

Stage 3 Complaints Response Times						
Financial Year	Total Answered	Completed in Time		Answered outside timescale		Average response times (days)
2010/11	129	109	85%	20	15%	17
2011/12	132	114	86%	18	14%	17

4.4.3 The rate at which complaints were upheld or partially upheld at stage 3 was slightly higher in 2011/2012 at 42% compared with 36% in 2010/2011. However, there is actually little movement in this rate between the years and the change is not considered to be particularly significant.

4.4.4 Figures 11 and 12 provide information about the areas in which complaints were upheld and where the greatest increases and decreases are to be found. The fall in estate parking complaints accounts for the overall change in volume (and indeed was the reason for the increase in the previous year).

Figure 11

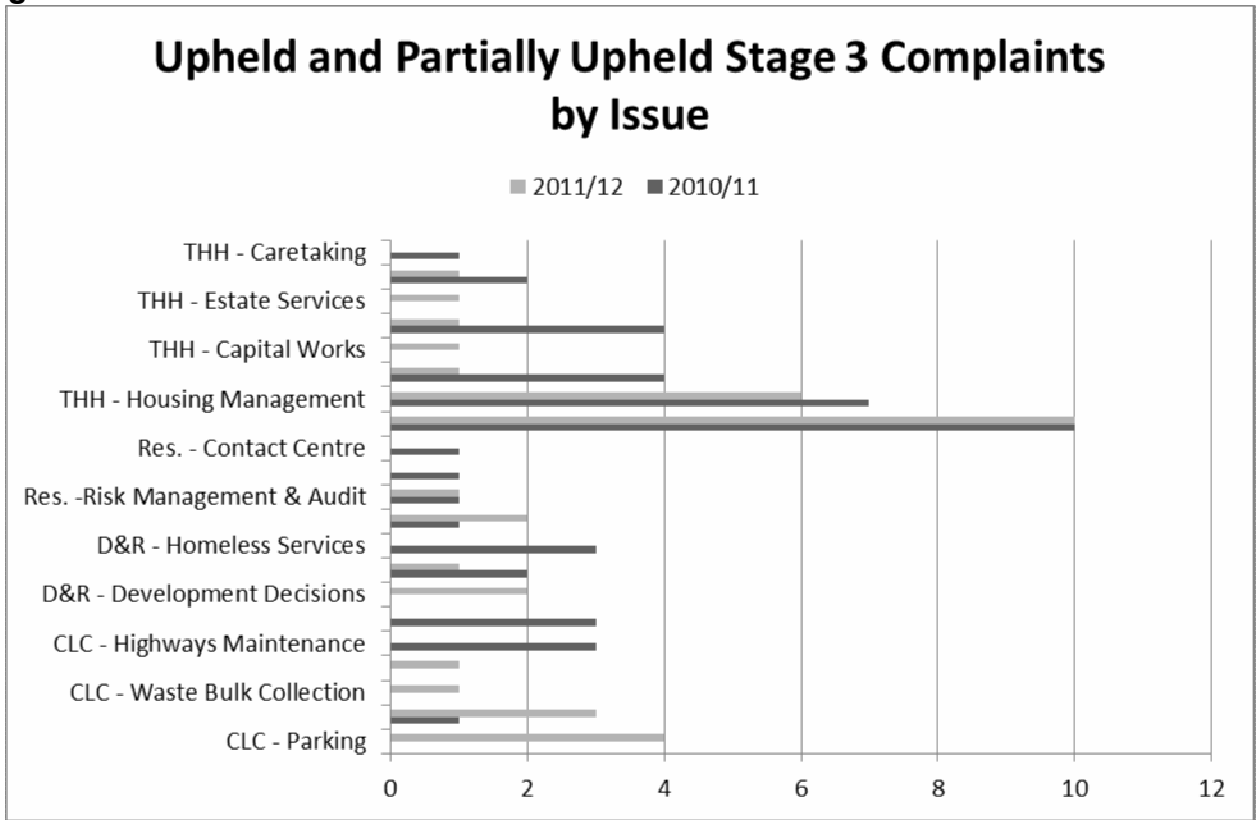
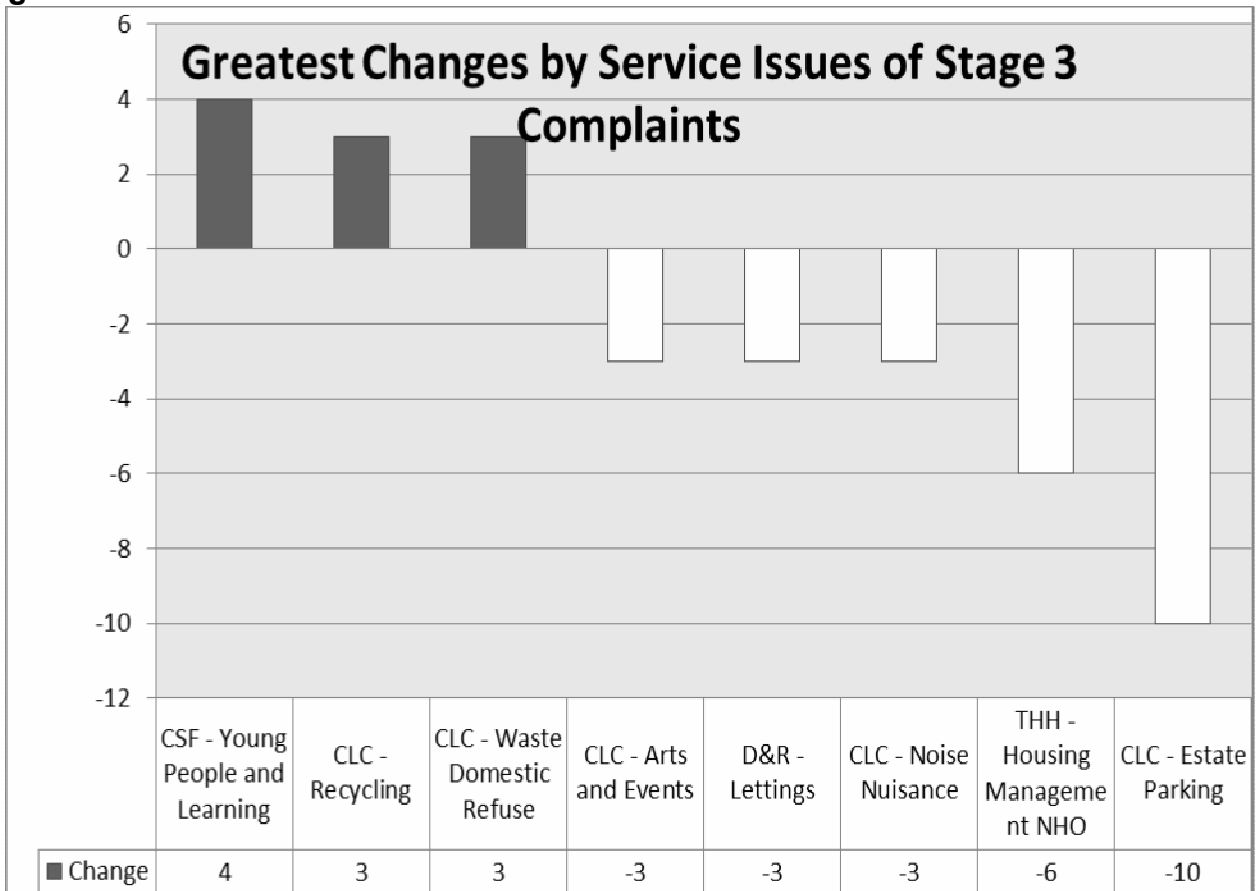


Figure 12



4.4.5 The Council sometimes makes a compensation payment to a complainant. This will be done in cases where a complaint is upheld and an apology or some other action is considered to be an insufficient remedy. Figure 13 shows a summary of compensation payments made by the Council at stage 3 during the past three years. This shows a continuing fall in compensation payments, both in the number of payments made and the total value of that compensation.

Figure 13

	Number of stage 3 cases warranting compensation	Total value of Compensation
2011/12	7	£3,350
2010/11	15	£4,455
2009/10	30	£5,345

4.4.6 Summary of Key Issues in upheld stage 3 complaints

- 4.4.7 Three complaints were investigated at stage 3 regarding missed collections for general waste and or recycling. It is unusual for such complaints not to be resolved at earlier stages and, as set out in section 4.3.10, contractual changes have been made that should reduce future complaints and escalation. A further complaint was upheld regarding inflexibility in the bulk collection service and an exemption was made for a resident who had moved within the same street, and still required a collection from his previous address.
- 4.4.8 The staff operating a CCTV vehicle were reminded of the need to park with consideration and lawfully when operating the vehicle.
- 4.4.9 A complaint was upheld regarding delay in planning enforcement. The Council relied in the early stages of enforcement action upon a commitment from the landlord to submit a retrospective planning application and failed to check that this was submitted until the complaint was received. A further complaint was upheld in which the total number of representations received for an application was recorded and the issues raised were reflected within the report, but there was an error in recording the numbers for and against. Other elements of this complaint were not upheld.
- 4.4.10 A previously repudiated insurance claim was processed in respect of a leak, where the likely cause was later accepted on the basis of new information.
- 4.4.11 Following the death of a resident, squatters gained access to the deceased's property. Poorly coordinated eviction processes and a lack of effective communication with the family resulted in the resident's property being destroyed or stolen. A payment of £2,000 was made to the family along with a sincere apology for the errors made.
- 4.4.12 Eight repairs-based complaints were upheld, including two concerning water penetration and two about heating and hot water, for which £400, and £250 were paid in compensation.

4.5 Complaints service user profiles

4.5.1 The service can be accessed by email, in person, phone, post, and web-form. A breakdown of access methods is provided in Figure 14 below.

Figure 14

Breakdown of Stage 1 how complaints are received				
How Received	2010/11		2011/12	
Phone	965	44%	651	32%
In Person	11	0%	8	0%
Post	269	12%	241	12%
Email	815	37%	924	46%
Web	164	7%	195	10%
Total Complaints	2224		2019	

4.5.2 Web and email usage increased by 12 percentage points, from 44% in 2010/11 to 56% in 2011/12. The corresponding fall occurred in the use of telephone, from 44% to 32%.

4.5.3 The Council tries to collect equalities data to follow trends and analyse the impact of services on sectors of the community. Collection rates vary and although they are increasing year on year for most strands, the percentage known is not yet high enough to allow meaningful analysis for some strands (e.g. Religion and Sexual Orientation). Improvements in collection rates have been small, if at all, despite follow up emails being sent to request data.

Figure 15 - % of data known for equalities strands

	2009/10	2010/11	2011/12
Age	41%	43%	46%
Disability	44%	47%	48%
Ethnicity	61%	65%	66%
Gender	100%	100%	100%
Religion	32%	32%	32%
Sexual Orientation	23%	28%	28%

4.5.4 The level of non-response presents challenges in terms of equality analysis. For example, Figure 16 sets out a breakdown of complaints by reference to ethnicity. It is thought that overall the volume of complaints does not vary significantly from the projected Borough population. However, the volume of complaints for which ethnicity is not known still has the potential to mask the true position.

Figure 16

Stage 1 Complaints by Ethnicity			
	2010/11	Borough Projection	2011/12

Asian	623	28.0%	36.6%	390	19.3%
Black	112	5.0%	6%	74	3.7%
Mixed /Dual Heritage	15	0.7%		10	0.5%
White	709	31.9%	51%	487	24.1%
Other	9	0.4%	36.6%	14	0.7%
Declined	130	5.8%		131	6.5%
Not Known	626	28.1%		913	45.2%
Total Stage 1 Complaints	2224			2019	

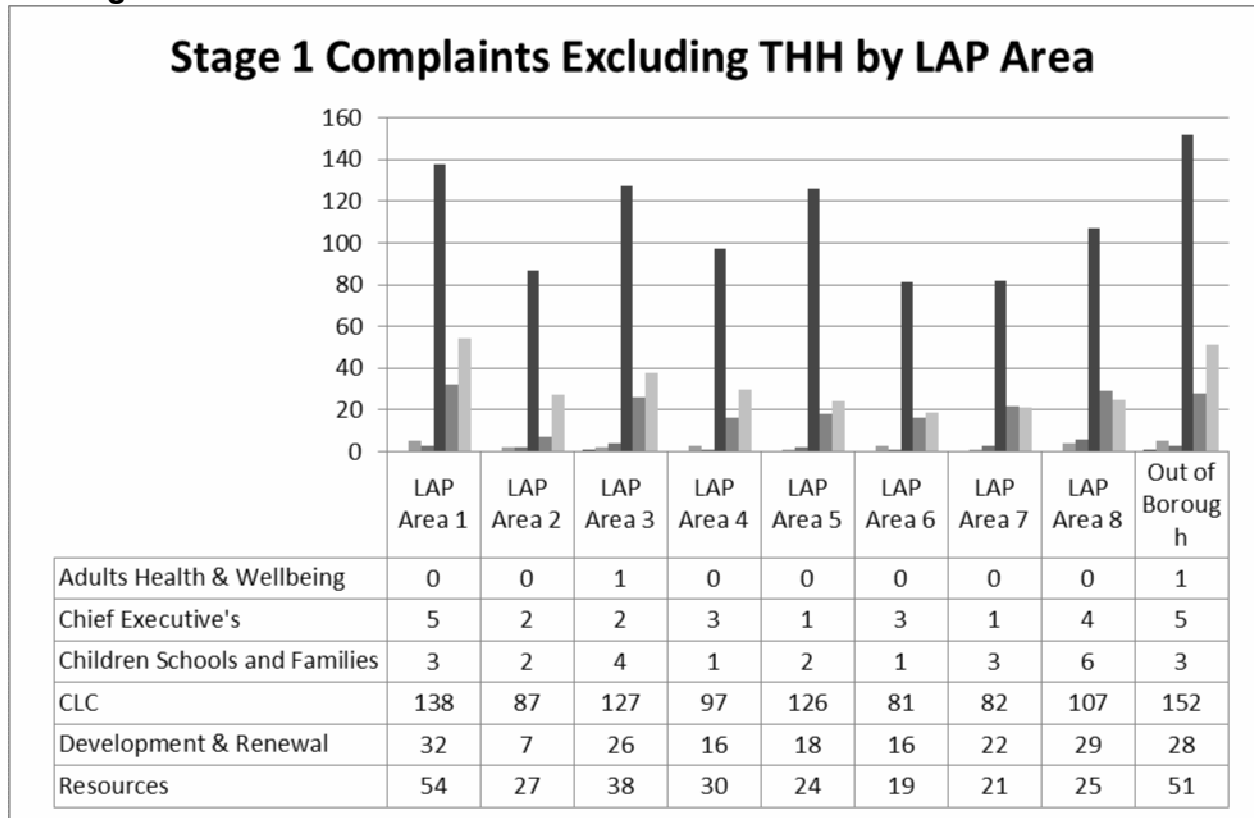
4.5.5 The one area in which there is complete data, is in relation to gender. The data are summarised in Figure 17 and show that men are somewhat over-represented compared to the expected population position. It is noticeable that the proportion of male complainants taking matters through to the final stages of the complaints procedure is greater than for women. This is the case year after year. It may be difficult to identify the underlying causes for the identified disparity, but consideration can be given to this in the current year.

Figure 17

Complaints by Gender 2011/12						
	Stage 1		Stage 2		Stage 3	
Female	880	43.6%	117	38.7%	43	32.6%
Male	1139	56.4%	185	61.3%	89	67.4%
Totals	2019		302		132	

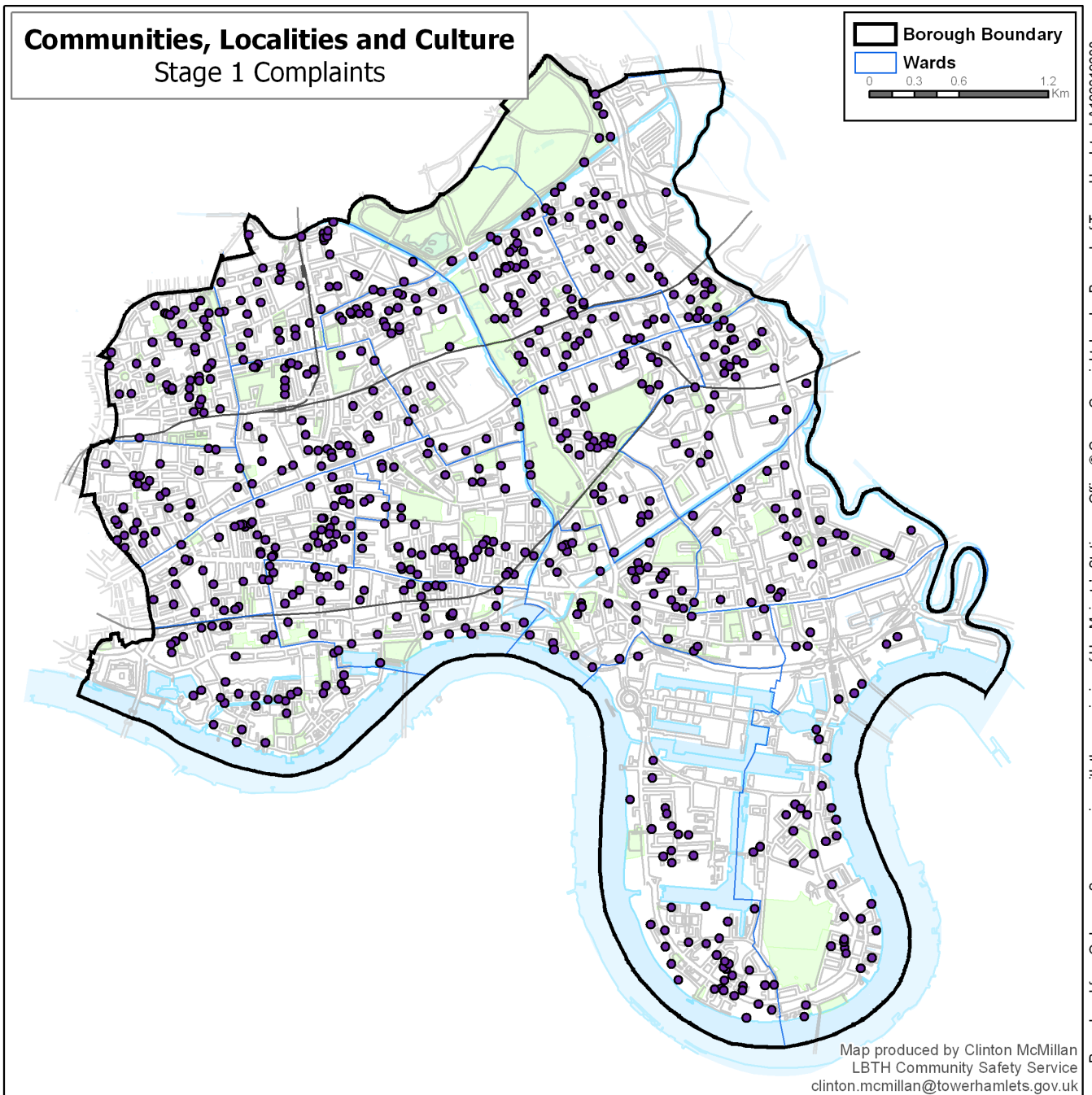
4.5.6 Figure 18 shows the volume of complaints by LAP for stage 1, under each directorate. THH is excluded from this data as the volumes are determined by the location of the housing stock managed by THH. The figures show there is not one particular LAP area that experiences significantly higher complaints than others.

Figure 18



4.5.7 It is possible to map the geographical spread of complaints along with other service data to pinpoint hotspots and service issues requiring attention. An example of this type of mapping is included in figure 19 below. Examination of similar maps for each directorate show a similar broad, even spread of complaints. There is no identifiable skew in the distribution of complaints, although service specific reports over shorter time periods may prove beneficial to the given service.

Figure 19



5. Adults Social Care Complaints

5.1 Procedure, volumes and timeliness

5.1.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, made under the Health and Social Care (Community Health and Standards) Act 2003, set out the process for considering adult social care and health complaints. The key principles require Local Authorities to:-

- consider adult social care complaints once only;
- involve the complainant in agreeing the method and likely timeframe for the investigation;
- establish desired outcomes; and
- provide a unified approach to joint investigations with partner bodies.

5.1.2 The revised statutory complaint procedures came into place for adult social care complaints on 1 April 2009 and the procedure can be found on the Council's website.

5.1.3 The Council places a strong emphasis on the informal resolution of complaints and in assisting social care teams in effectively managing and resolving complaints.

5.1.4 Some matters will always be raised direct with the service and resolved without recourse to a formal complaint procedure. In order to capture important data from these interactions, we have produced a pro forma for services to hold their records. Use of this method of recording has increased over the year and data is intended to be used in future reports.

5.1.5 The procedure allows one stage of investigation only, although the form this takes is agreed in the light of the issues raised. A variety of methods have been used, including round table meetings, formal interview and file reviews, and liaison between the service manager and the complainant. Key to resolving matters has been the emphasis on identifying a resolution plan with the complainant.

5.1.6 Figure 20 below compares the year on year volumes and shows a rise in complaints in 2011/2012. The Local Government Ombudsman reports a rise in volume of adult social care complaints country-wide, and partly attributes this to their own publicity campaign, targeted at older people. The most significant rise in complaints in 2011/2012 was for older people, as shown in Figure 21.

Figure 20

Volume of Adult Social Care Complaints				
Year	2010/11	2011/12	Variance	
	37	66	29	78%
Total Complaints	37	66	29	78%

Figure 21

Adults Social Care Complaints by user group													
	2010/11	Variance		2011/12		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Commissioning Services	2	-1	-50%	1	2%	1	100%	0	0%	0	0%	0	0%
Disability and Health	10	4	40%	14	21%	6	43%	6	43%	0	0%	2	14%
Elders	15	28	187%	43	65%	19	44%	8	19%	12	28%	4	9%
Learning Disabilities	2	1	50%	3	5%	1	33%	1	33%	1	33%	0	0%
OT Services	6	-3	-50%	3	5%	2	67%	1	33%	0	0%	0	0%
Resources	2	0	0%	2	3%	2	100%	0	0%	0	0%	0	0%
Totals	37	29	78%	66	100%	31	47%	16	24%	13	20%	6	9%

5.1.7 The complaints procedure does not specify timescales for completion, as these are agreed at the outset of each case. In order to provide monitoring information we are capturing data of complaints closed within 10 working day brackets. Figure 22 indicates that 52 of the 66 complaints were completed within 20 working days, and at 79%, this is the same proportion as in 2010/11 (29 out of 37 complaints). This performance needs to improve.

Figure 22

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 QTR:1	4	2	50%	1	25%	1	25%	0	0%	0	0%	0	0%	15
2010/11 QTR:2	15	7	47%	4	27%	1	7%	3	20%	0	0%	0	0%	16
2010/11 QTR:3	5	1	20%	3	60%	1	20%	0	0%	0	0%	0	0%	17
2010/11 QTR:4	13	5	38%	6	46%	2	15%	0	0%	0	0%	0	0%	13
2011/12 QTR:1	14	5	36%	3	21%	4	29%	1	7%	0	0%	1	7%	22
2011/12 QTR:2	22	15	68%	4	18%	1	5%	1	5%	1	5%	0	0%	12
2011/12 QTR:3	10	6	60%	3	30%	1	10%	0	0%	0	0%	0	0%	11
2011/12 QTR:4	20	10	50%	6	30%	4	20%	0	0%	0	0%	0	0%	12

5.1.8 Figure 22 gives an indication of the varying volume of adult social care complaints over the past two years, broken down by quarter.

5.1.9 Services were reorganised during the period reported into the following areas: First response; Re-ablement; and Long Term Response. Some issues of changes and transition are reflected in the increase in complaints received in the second quarter. Complaints are reported for the year under the user group structure in place at the

beginning of the reporting period. The categories set by service user group reflect the old structure and will be updated for 2012/13 to reflect the structure implemented in August 2012. The rate by which complaints are upheld is highest amongst Disability and Health and Elders, and this is the group whose services were most affected by the restructuring.

5.2 Reason For Complaints

5.2.1 Figure 23 provides a summary of the reasons for which people complained.

Figure 23

Adults Social Care Complaints by Reason														
	2010/11			Variance		2011/12		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On
Access to Service	0	5	0%	5	8%	3	60%	0	0%	1	20%	1	20%	
Challenge Assessment Decision	13	17	131%	30	45%	18	60%	7	23%	3	10%	2	7%	
Conduct / Competence	10	-2	-20%	8	12%	3	38%	2	25%	1	13%	2	25%	
Policy / Procedure	0	1	0%	1	2%	0	0%	1	100%	0	0%	0	0%	
Records / Info Held	0	2	0%	2	3%	2	100%	0	0%	0	0%	0	0%	
Service Delay / Failure	13	5	38%	18	27%	4	22%	6	33%	7	39%	1	6%	
Service Quality	1	1	100%	2	3%	1	50%	0	0%	1	50%	0	0%	
Totals	37	29	78%	66	100%	31	47%	16	24%	13	20%	6	9%	

5.2.2 The number of complaints challenging assessment decisions rose in 2011/12 from the previous year. Complaints concerning delay or service failure rose and this requires close attention to ensure that assessed needs are being met. Case summaries of complaints upheld are contained in section 5.4. However, the Directorate has maintained the same eligibility criteria for adult social care for the last five years. Work is underway to raise people's understanding of this criterion – for example a new leaflet on this was published and distributed around the borough in September 2011. The Ombudsman has also seen a rise in social care complaints across the country and has led a publicity campaign to raise awareness of service users' rights to complain.

5.3 Access and Profiles

5.3.1 The number of people making adult social care complaints by email has increased in volume and as a proportion of the overall contact methods. The overall proportion of complaints received by post and telephone fell slightly. This is a new development, as social care complaints have historically been received predominantly by telephone or post. Figure 24 shows the breakdown.

Figure 24

Breakdown of how Adults Social Care Complaints are received				
How Received	2010/11		2011/12	
Email	4	11%	19	29%
In Person	1	3%	3	5%
Phone	18	49%	23	35%
Post	14	38%	21	32%
Total Complaints	37	100%	66	100%

5.3.2 Figure 25 below provides a breakdown of adult social care complaints by reference to ethnicity. It indicates that there was an increase in complaints from Asian service users in absolute and percentage terms. Overall, however, the number and proportion of complaints received was not at variance with the proportion of Asian service users. At the same time there were no issues of discrimination reported.

Figure 25

Adults Social Care Complaints - By Ethnicity				
	2010/11		2011/12	
Asian	6	16%	15	23%
Black	6	16%	8	12%
Not Known	4	11%	7	11%
White	21	57%	36	55%
Totals	37		66	

5.4 Summary of key issues in upheld cases

- 5.4.1 A complaint identified that the service user's son had not been invited to the annual review, and his involvement would have helped the process.
- 5.4.2 There was a delay in setting up a day care place one day per week and this was impacting upon the services user and his wife who was the main carer.
- 5.4.3 Delays in establishing the transition to personalisation and direct payments occurred in four cases and systems are now in place to ensure timely processing. A review of the process will also be undertaken to see if it can be streamlined to speed up the process.
- 5.4.4 The launch of the new "customer journey" in adult social care saw an increase in the number of people requesting an assessment, which in turn had an impact on staff capacity. Timescales are being closely monitored for people going through the new "customer journey" in the Directorate, and the responsibilities and configuration of each team is being reviewed to ensure that delays are minimised."

- 5.4.5 In three cases reassessment was offered where service users disputed the amount of support assessed as required. Regarding the number of challenges to assessment decisions, the Directorate has maintained the same eligibility criteria for adult social care for the last five years. Work is underway to raise people's understanding of this criterion – for example a new leaflet on this was published and distributed around the borough in September 2011.
- 5.4.6 Poor communication over the hospital discharge of one service user led to services not being in place, although this was quickly rectified.
- 5.4.7 A carer's assessment not correctly completed was seen to impact on both the carer and the level of service requires by the service user. This was rectified and the assessment amended to reflect the actual need.

6. CHILDREN'S SOCIAL CARE COMPLAINTS

6.1 Procedures

6.1.1 There is a legal requirement under the Children Act 1989 for local authorities to have a system for receiving representations and complaints by, or on behalf of, people who use social care services and their carers.

6.1.2 The Children's Complaints Procedure has three stages –

- **Stage 1 Complaints – Initial.** Team Managers are required to provide a written response to complaints within 10 working days. There is a possible extension to 20 working days to allow for a local resolution and where complaints are complex.
- **Stage 2 Complaints – Formal.** Investigations should be completed within 25 working days. However this can be extended to 65 working days in negotiation with the complainant due to the complexity of complaints. An Independent Person is appointed to oversee formal complaints at Stage 2 relating to children and young people. This is a legislative requirement under the Children Act 1989 and ensures that there is an impartial element. The report is passed to the Head of Service and an internal adjudication meeting is held before the report and outcomes are shared with the service user.
- **Stage 3 Complaints – Independent Review Panel.** An Independent Review Panel can review the case in the presence of the complainant and Service Head, and where appropriate make recommendations to the relevant Director.

6.2 Complaint volumes

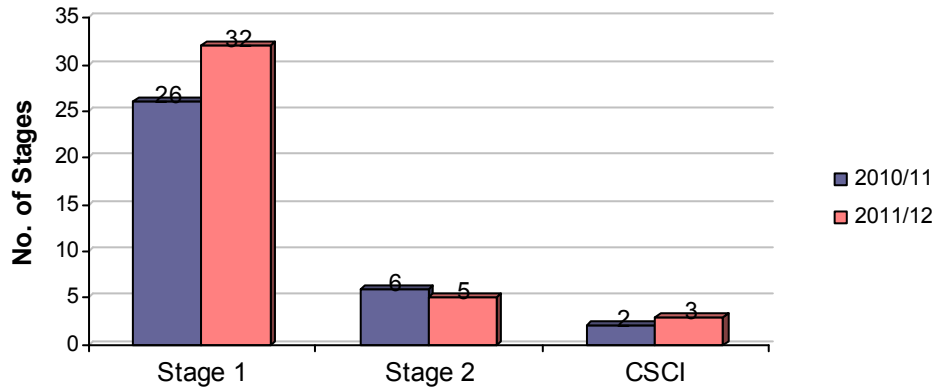
6.2.1 The number of children's social care complaints rose slightly in 2011/2012 as shown in Figure 26 compared to 2010/2011. However, children's social care complaint volumes had fallen in 2010/11 from 47 in 2009/2010. The increase in 2011/2012 did not get back to the 2009/2010 level. There was no discernible pattern underlying service failure giving rise to the increase of 6 complaints from 2010/2011 to 2011/2012.

Figure 26

Volume of Children's Social Care Complaints				
Year	2010/11	2011/12	Variance	
Stage 1	26	32	6	23%
Stage 2	6	5	-1	-17%
CSCI	2	3	1	50%
Total Complaints	34	40	6	18%

6.2.2 The number of complaints completed at each stage in 2011/2012 is shown in Figure 27.

Figure 27



6.3 Complaint Response Times

6.3.1 Figure 28 sets out the response times for stage 1 complaints. It shows that 66% of Stage 1 complaints in Children’s Social Care were answered within the 10 working day time scale, and 94% completed in the extended times scale. This shows a rise in performance compared with 2010/2011. Two complaints were answered outside of the timescales and the average response time was 6.5 working days.

Figure 28

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	26	16	62%	23	88%	3	12%	7
2011/12	32	21	66%	30	94%	2	6%	6.5

6.3.2 The Council aims to respond to 15% of stage 2 complaints within 25 working days and to 87% within 65 working days. Figure 29 shows that there is a significant improvement from 2010/11, with 80% of stage 2 complaints completed within the 65 working day deadline.

Figure 29

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	6	0	0%	2	33%	4	67%	71
2011/12	5	1	20%	3	80%	2	20%	52

6.3.3 Complaints in Children's Social Care are often complex and the regulations require the Council to appoint an independent person to oversee the investigation. This can create challenges in managing response times. However, the Complaints and Information team continues to strive to improve this performance and works closely with the Children's Rights Officer to ensure effective liaison with the young person.

6.4 Reason for Complaint

6.4.1 The areas on which complaints have been recorded at each stage are set out in figures 30 to 32 below.

Figure 30

Stage 1 Children's Social Care Complaints by Section														
	2010/11		Variance		2011/12		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Child Looked After & Leaving Care	9	3	33%	12	38%	9	75%	0	0%	3	25%	0	0%	
Child Protection and Reviewing	0	2		2	6%	2	100%	0	0%	0	0%	0	0%	
Children's Resources	6	-4	-67%	2	6%	1	50%	0	0%	1	50%	0	0%	
Fieldwork Services	10	2	20%	12	38%	10	83%	0	0%	2	17%	0	0%	
Integrated Services Children Disability	1	3	300%	4	13%	2	50%	2	50%	0	0%	0	0%	

Figure 31

Stage 2 Children's Social Care Complaints by Section														
	2010/11		Variance		2011/12		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Child Looked After & Leaving Care	1	1	100%	2	40%	1	50%	1	50%	0	0%	0	0%	
Children's Resources	2	-2	-100%	0	0%	0	0%	0	0%	0	0%	0	0%	
Fieldwork Services	3	0	0%	3	60%	1	33%	1	33%	0	0%	1	33%	

Figure 32

Review Panel Children's Social Care Complaints by Section							
	2010/11		Variance		2011/12		
Child Looked After & Leaving Care	0	1			1	33%	100%
Children's Resources	1	-1	-100%		0	0%	0%
Fieldwork Services	1	1	100%		2	67%	100%

6.4.2 Fieldwork services have received the highest number of complaints at Stage 1 and Stage 2, as is expected. This is due to the potentially contentious nature of the service and the large number of service users.

6.4.3 Section 6.5 contains a summary of the key issues upheld.

6.4.4 Figure 33 sets out general reasons underlying children’s social care complaints. It shows that the highest number of complaints in Children’s Social Care remains “challenging assessments decisions” which may result in re-assessment, if it is found that there were issues in the original assessment process.

Figure 33

Stage 1 Children's Social Care Complaints by Reason														
	2010/11		Variance		2011/12		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Alleged Discrimination	1	-1	-100%	0	0%	0	0%	0	0%	0	0%	0	0%	
Challenge Assessment Decision	9	4	44%	13	41%	9	69%	1	8%	3	23%	0	0%	
Conduct / Competence	8	1	13%	9	28%	7	78%	1	11%	1	11%	0	0%	
Records / Info Held	0	1	0%	1	3%	1	100%	0	0%	0	0%	0	0%	
Service Delay / Failure	4	5	125%	9	28%	7	78%	0	0%	2	22%	0	0%	
Service Quality	4	-4	-100%	0	0%	0	0%	0	0%	0	0%	0	0%	
Total Stage 1 Complaints	26	6	23%	32	100%	24	75%	2	6%	6	19%	0	0%	

6.5 Service User Profiles

6.5.1 Figure 33 shows the volumes of complaints for each ethnic group. The volumes are low and there have been no indications that the complaints have been made following an experience of discrimination.

Figure 33

Stage 1 Children's Social Care Complaints - By Ethnicity				
	2010/11		2011/12	
Asian	3	12%	6	19%
Black	4	15%	2	6%
Mixed /Dual Heritage	0	0%	1	3%
White	17	65%	13	41%
Other	1	4%	0	0%
Not Known	1	4%	9	28%
Declined	0	0%	1	3%
Total Stage 1 Complaints	26		32	

6.6 Summary of key issues in upheld complaints.

- 6.6.1 A referral was made to Haringey concerning a private fostering arrangement. Although the correct procedure was followed, a final notification should have been given to let the carer know that the referral was to be made the following day.
- 6.6.2 An apology was given when a mistake was made by a day centre facilitating contact which led to the children not having contact with their mother at the arranged time.
- 6.6.3 A young person with disabilities complained that effective action was not taken to support transition to adult services. This was complicated by her move out of borough and liaison took place to set up suitable resource in the new locality.
- 6.6.4 A further complaint resulted in a financial assessment being arranged for a family.
- 6.6.5 Three complaints went to independent review panel in the year.

6.7 Review Panel Complaints

- 6.7.1 Following the findings of an independent review panel, a father was provided with an ex-gratia payment in support of his set-up expenses in providing accommodation for his son. Some errors occurred in communicating with the father during a period of ill health when it was difficult for him to maintain contact with social services and his son.
- 6.7.2 Significant changes were made in relation to core assessment and recording of its distribution following a complaint about non-resident family member's details being included. Also the service devised better information on core assessment processes.
- 6.7.3 The complaint from a father expressing concern over his son moving (voluntarily) to live with his mother in another borough could have been progressed with more haste and information sharing with the other borough was also identified as deficient. Before reaching review panel the service made improvements to the processes and a further apology was issued.

7. LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINTS

7.1 The Local Government Ombudsman

7.1.1 The Local Government Ombudsman is an independent watchdog appointed to oversee the administration of local authorities. The LGO considers complaints (usually) after the complainant has exhausted the internal complaints procedure, or the adults' or children's complaints procedures, as appropriate. The LGO also deals with education matters.

7.1.2 Set out below are details of the complaints closed by the Ombudsman in 2011/2012, the findings and the Council's response times to new enquiries.

7.2 Complaints Closed by the Ombudsman.

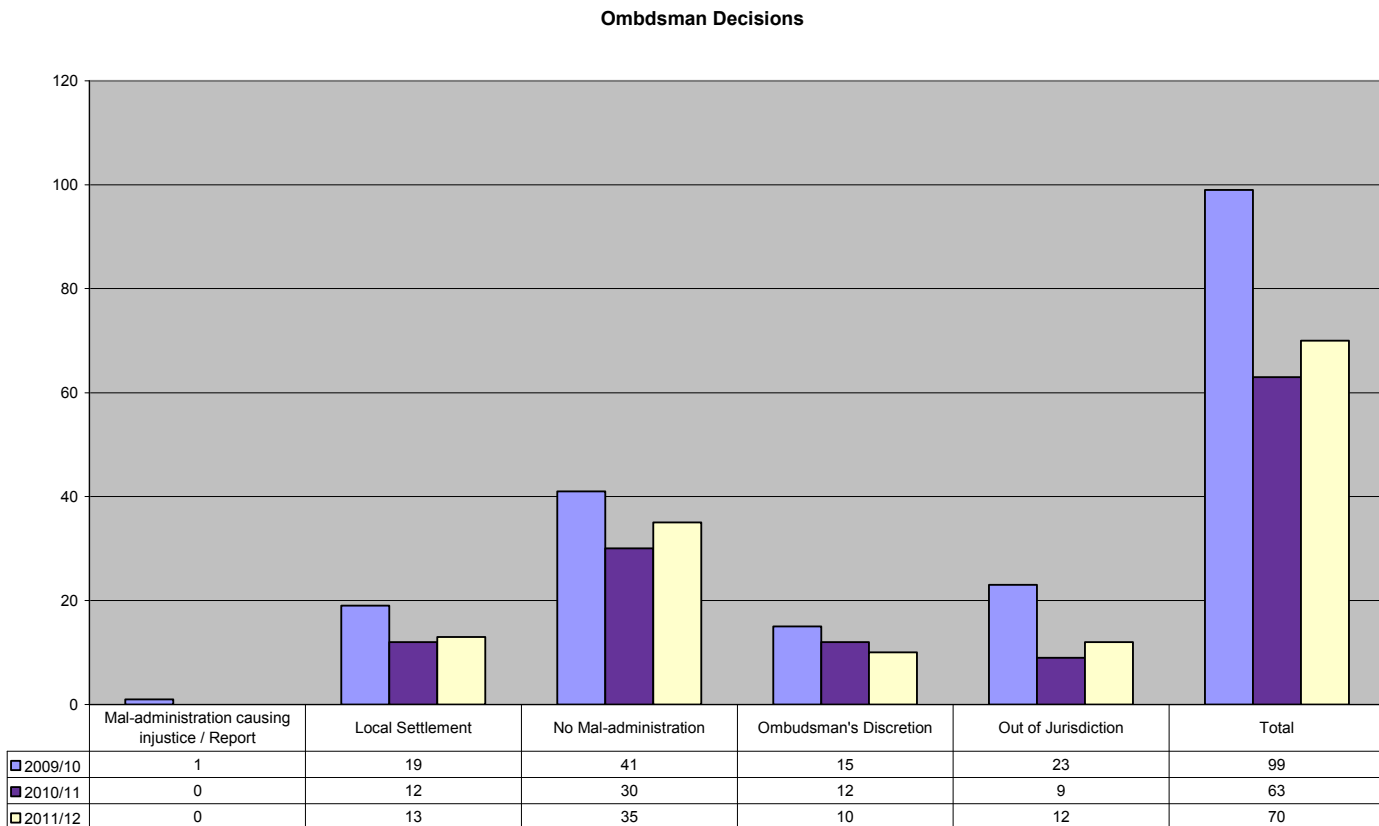
7.2.1 The Ombudsman introduced new categories for clarifying complaints during 2011/2012. The first three classifications indicate matters that were not investigated. For example, these cases may be determined by considering the information provided by the complainant, or by the Council providing the earlier complaints documentation. The second group records outcomes of complaints investigated by the Ombudsman, and the final category is matters concluding in a formal report. The penultimate classification, Injustice remedied during enquiries is the equivalent of the previous category, Local Settlement.

Figure 34

Complaints Determined By Ombudsman 2011 /12		
Investigation Type	Decision Category	Number of Decisions
Not Investigated	No power to investigate	4
	No reason to use exceptional powers to investigate	8
	Investigation not justified & Other	10
Investigated	Not enough evidence of fault	14
	No or minor injustice & Other	21
	Injustice remedied during enquiries	13
Report	Report	0
Total		70

7.2.2 Figure 35 records the decisions made by the LGO and shows there were no findings of maladministration made against the Council.

Figure 35



7.2.3 Due to the variance in recording categories, Figure 36 focuses on the overall volumes received in the past 3 years and the numbers settled. Whilst the Ombudsman has yet to release comparative figures across all authorities for 2011/12, the proportion settled by Tower Hamlets is some way lower than the national average in past years, which falls at around 23 to 25%.

Figure 36

	Number of Cases Closed	Number where settlement is achieved	Proportion settled
2009/10	99	19 (+ 1 report)	20%
2010/11	63	12	19%
2011/12	70	13	18.5%

7.2.4 Figures 37 and 38 overleaf show local settlements by directorate, and by directorate and division respectively. It is rare for a service to experience more than one settlement, indicating that errors are usually one-off rather than systemic faults. Tower Hamlets Homes have seen a strong improvement in the number of complaints settled.

Figure 37

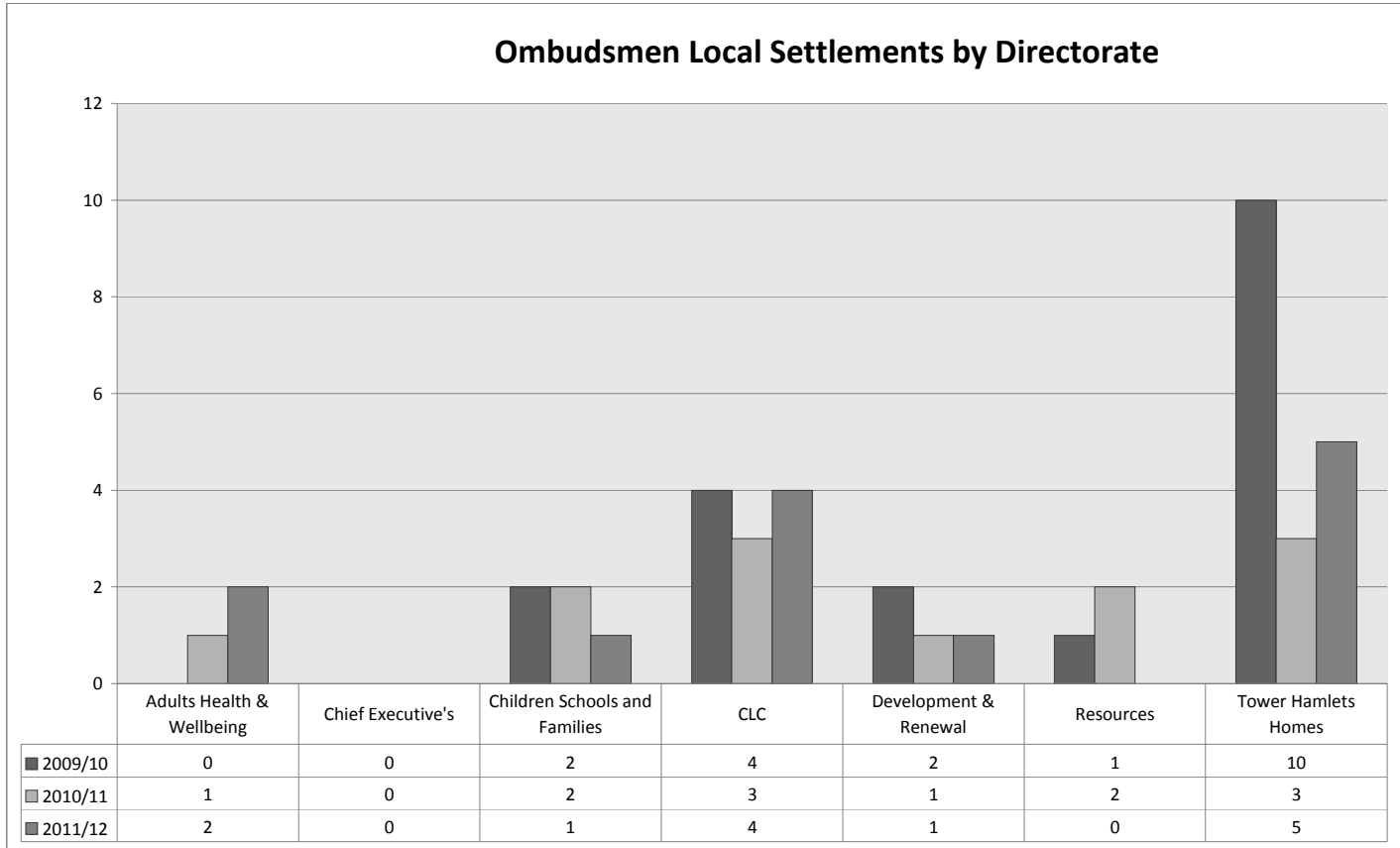
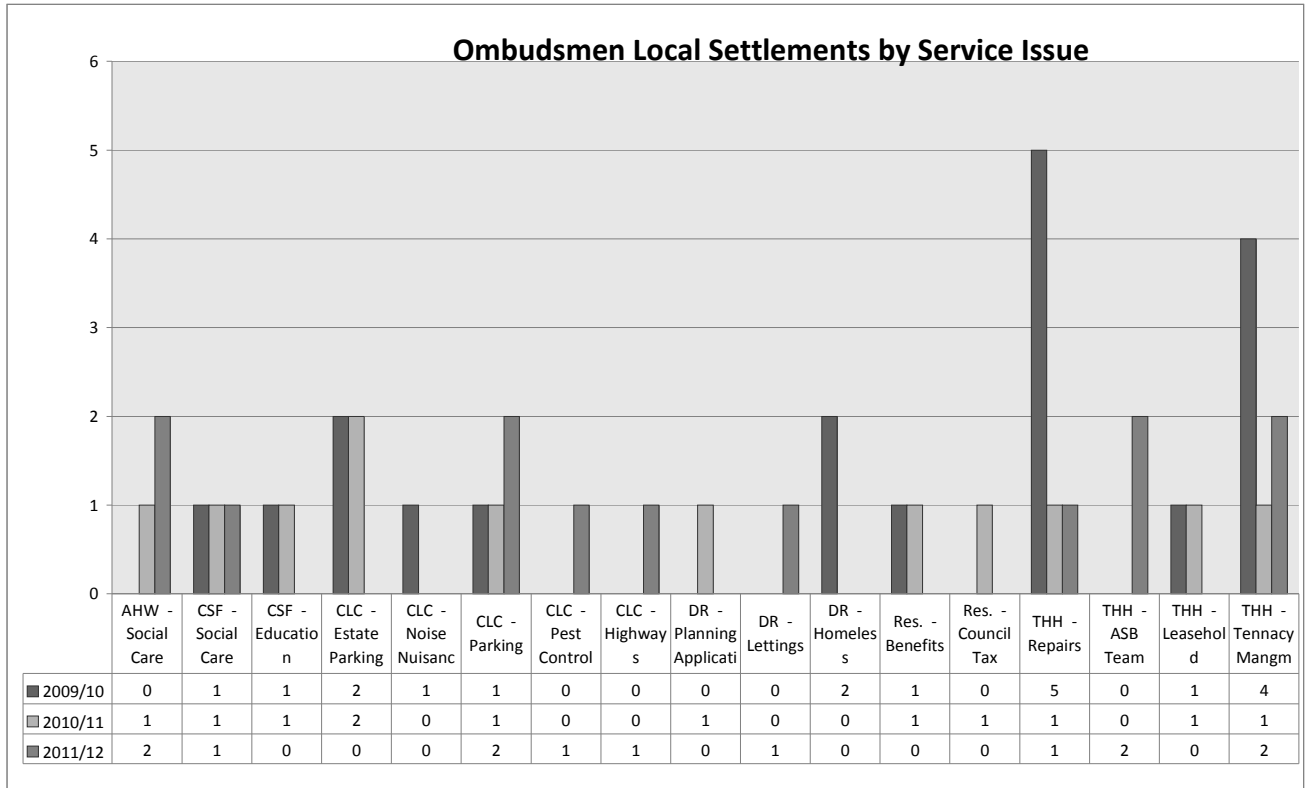


Figure 38



7.3 Summary of Local Settlements

- 7.3.1 A total of £2,690 was paid in compensation during 2011/12 across 8 of the 13 Local Settlements. In 2010/11, £2,550 was paid in compensation during across 12 Local Settlements, and in 2009/10, £5,650 was paid over 18 Local Settlements. Summaries of the Local Settlements are set out below.
- 7.3.2 A claim that paint was left on a vehicle by the Council's road marking contractor was initially sent to the wrong contractor, resulting in delay. There was also a delay in the insurance team dealing with claim direct, and £120 was paid in compensation.
- 7.3.3 As an informal representation for a PCN was not responded to, an agreement was made to cancel the charge.
- 7.3.4 The Council agreed that better clarity could be provided on the conditions of Half Day Exemption permits and committed to review the documents.
- 7.3.5 In one case involving a leaseholder, there was delay in providing information on service charges and carrying out repairs to a window sill. £500 was paid as a credit to the service charge account.
- 7.3.6 On a wide ranging Children's Social Care complaint, £150 compensation was paid regarding a wrongly addressed letter. Other matters were not upheld, as the risk assessment was properly carried out.
- 7.3.7 In Adults Social Care, following the delay of one month in processing Direct Payments, the equivalent amount was later paid to the carer.
- 7.3.8 Delays occurred in progressing action on ASB, and although there were special considerations needed in respect of family causing noise, £600 compensation was paid and an action plan drawn up to resolve. A second case of ASB had a similar outcome, with £300 paid in compensation and action agreed.
- 7.3.9 In an unusual lettings complaint, £500 was paid for the lost opportunity in bidding for a suitable property, when the complainant's application was incorrectly deemed to have been withdrawn. Also better communication regarding bidding and auto-bid options would have helped achieve a better service.
- 7.3.10 One case highlighted that a misunderstanding between Housing officers and Social Services could have avoided the need to force entry. £400 was paid in compensation.

7.4 Response times

- 7.4.1 The Ombudsman maintains statistics of the time taken for the first response from the initial enquiry, which are published nationally. Tower Hamlets is consistently one of the better performing London Boroughs, responding well under the Ombudsman's 28 day target. Figure 39 provides details of the Council's response times in the past four years.

Figure 39

Response Times		
	No of First Enquiries	Average no of days to respond
2008/09	50	19.3
2009/10	56	19.6
2010/11	38	19.1
2011/12	35	18.5

7.4.2 The prompt turn-around time is usually reflected in all directorates, although there have been a few more delayed cases this year and performance can improve in some directorates. Figure 40 provides a breakdown of response times by directorate.

Figure 39

	Number	Days to respond	% in time, Internal target	% in time, Ombudsman target
Adults Health and Wellbeing	5	20	80%	100%
Children Schools & Families	8	19.8	75%	88%
CLC	6	20	67%	83%
Development & Renewal	6	18.8	83%	83%
Resources	2	14.5	100%	100%
THH	10	22.3	70%	80%
TOTAL	37	18.5	76%	86%

7.4.3 The Local Government Ombudsman's Annual Review will follow with the next report.

8. RISK ASSESSMENT

- 8.1 There are on-going risks associated with complaints handling. 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. These eventualities could result in financial and reputational costs to the Council. The probability of something significant occurring is considered to be low and the impact medium. These risks are owned by the relevant corporate director for each service area.
- 8.2 By way of mitigation, the Complaints process should encourage the earliest possible resolution of complaints. Tracking first Stage complaints through the Siebel database will encourage and support officers to do this. The back up and co-ordinated working of the Complaints and Information team, Insurance and Legal Services serve to support decision-making within Directorates on complaint issues. The Council has policies in place on Complaint Handling, Compensation and Redress, and Dealing with Persistent and Vexatious Complainants.
- 8.3 The most significant risk associated with information governance is that the Council might breach its obligations under the Data Protection Act 1998 so as to improperly disclose personal data. The Information Commissioner has fined local authorities amounts from £30,000 to £130,000 for those sorts of information security breaches. Failure to otherwise meet FOI, EIR or DPA obligations to provide data can result in the Information Commissioner issuing a notice against the Council or a fine being imposed. The likelihood of a breach occurring is considered to be medium and the potential impact would also be medium.
- 8.4 By way of mitigation, audits have been conducted and the Information Governance Framework sets out the Council's policies, procedures and toolkits for managing data effectively. The Complaints and Information team is actively involved in promoting effective data handling. Training is in place for all staff and security incidents are recorded and monitored. Directorates are being encouraged to carry out their own risk assessments in relation to their records management and information security.

9. IMPROVEMENT AND DEVELOPMENT INITIATIVES

9.1 Quality Standards Accreditation

9.1.1 The Complaints Service has held accreditation to the Customer Service Excellence standard since 2009. The service will seek to include the Information Governance functions in a fresh accreditation by March 2013.

9.2 Information Governance Framework

9.2.1 The Council's information governance policy framework was reviewed in December 2011, grouping all of the Council's policies regarding information management together in a single cohesive framework. The framework is available on the intranet and set out in a grid linking the core policies and processes. It is being cascaded via senior managers and should impact on the way information is held, and therefore located for the various information requests.

9.2.2 Information security incidents are documented and where appropriate, lessons learnt. An information security audit has led to several developments around the management of paper-based information to improved systems of creating, holding and disposing of records.

9.2.3 The team provides information governance advice on projects. Recently officers were involved in work with Skillsmatch and A4E and has advised on intelligence sharing with the policy. The team is scheduled to develop a revised procedure for potentially violent persons, as well as working with the THEOs to ensure appropriate governance around body-mounted cameras.

9.3 Protective Marking and EGRESS

9.3.1 The Council is piloting a new secure e-mail service called EGRESS which allows secure communications to be made to all organisations and individuals who are not covered by the authority's existing GCSx¹ provision. 200 users are currently testing the software, and the schema for marking all information / documentation so that it is handled appropriately and securely. Following evaluation, later this year, a proposal to roll out secure email and protective marking will be taken forward. If successful a full awareness programme will commence and web-based training is currently in development to support the workshop and briefing sessions.

9.3.2 Additionally the team provides the administration for all new GCSx users, and provides advice on secure information sharing, as well as the development of information sharing agreements with other organisations.

9.4 Training and Awareness

9.4.1 The team continues to promote all aspects of information governance through a training and awareness programme. Popular lunchtime seminars for Information

¹ Government Connect Secure Extranet, and allows Councils to send secure email to each other and central government.

Security and Records Management complimented the corporate training course. Web-based training is also in development.

- 9.4.2 Direct feedback is also given to assist managers to improve the quality of their complaint investigations and responses, as well as tailored courses on complaints handling and resolution.

9.5 External relationships

- 9.5.1 Members of the Complaints and Information team represent the Council on the board of Data Share London, a London Councils initiative. They also participate regularly at Information Security for London, the London Information Rights Forum and the Information and Records Management Society Local Government group meetings.

- 9.5.2 As members of the Public Sector Complaints Network (Corporate Complaints), and regional networks for Social Care complaints, the team work with other authorities on key policy and practice issues in terms of complaints handling.

9.6 Transparency

- 9.6.1 The Complaints and Information team lead for the Council in compliance with the Code of Recommended Practice for Local Authorities². Expenditure over £500 is published on a monthly basis, and information on senior staff salaries has also been proactively published. There is on-going work on organisational charts and the publication of the pay policy.

- 9.6.2 Direct feedback is also given to assist managers to improve the quality of their investigations and responses, as well as tailored course on complaints handling.

9.7 Monitoring Complaints

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

- 9.7.2 A similar 'due and outstanding' process is being implemented for information requests, and monitoring data included in the quarterly, half yearly and annual reports.

9.8 Publicity

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

² <http://www.communities.gov.uk/publications/localgovernment/transparencycode>

9.8.2 The complaints procedures for Adults' and Children's Social Care place an increased emphasis on publicity in order to ensure that service users have a voice. The Complaints Team have a role in informing people of their right to complain and in empowering them to use the complaints procedure effectively. To this end the team is engaging with community groups to promote access and have joint publicity with NHS partners for social care.

9.9 Effective Learning Outcomes from Complaints

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

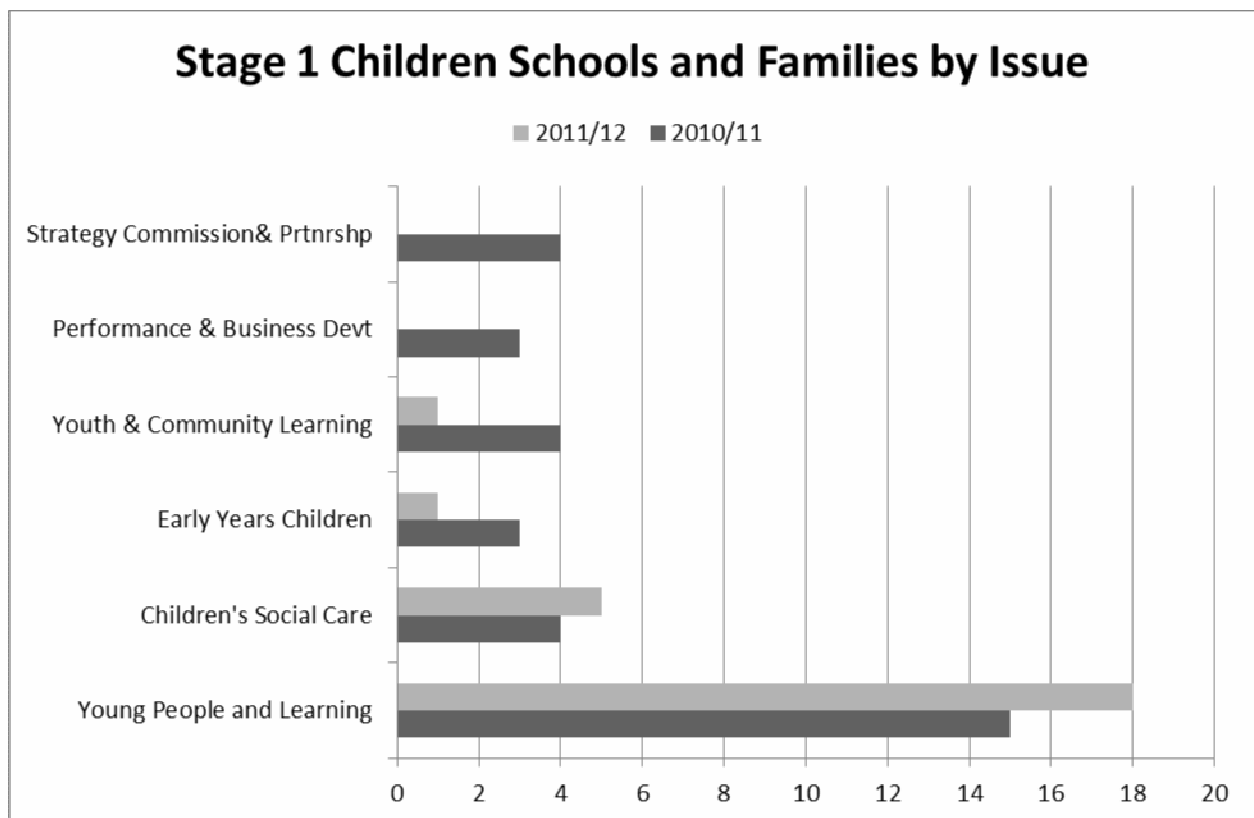
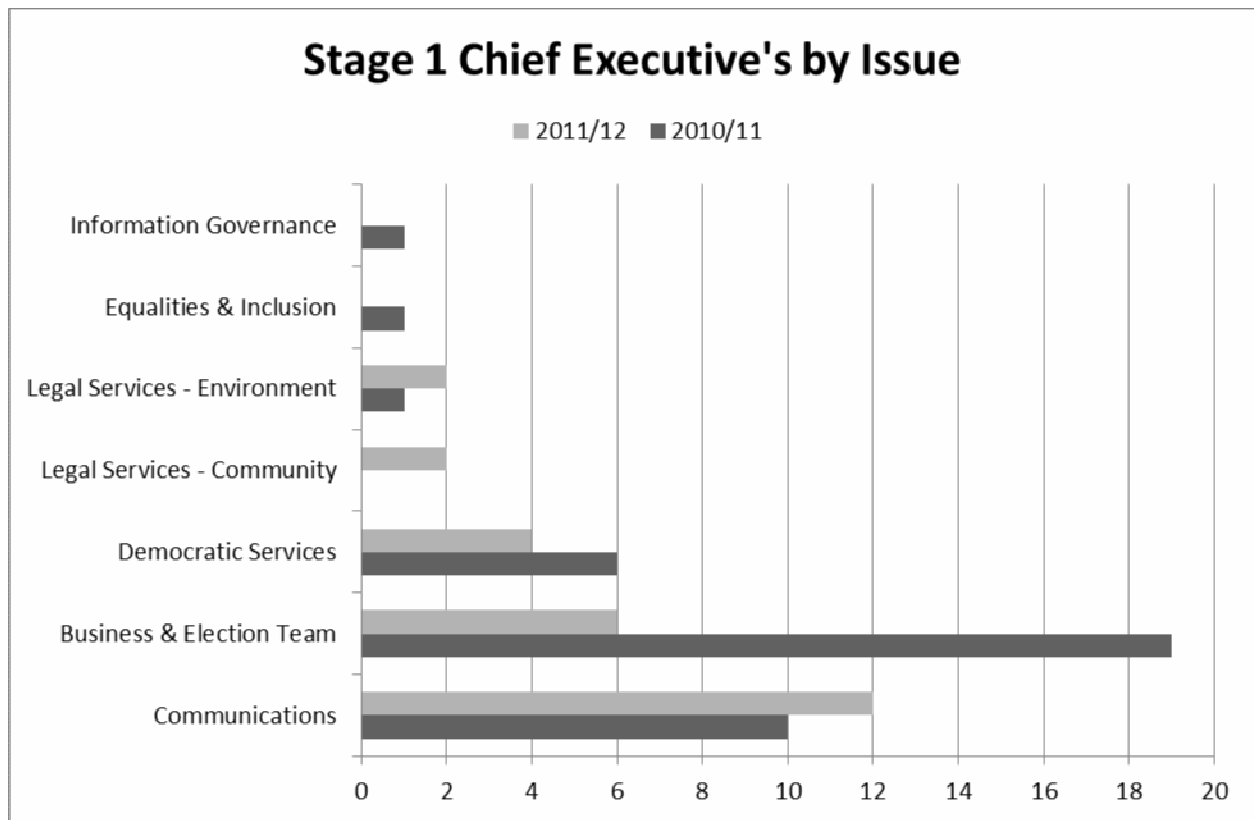
9.9.2 Lessons learnt from complaints are considered by the Corporate Management Team in quarterly monitoring reports.

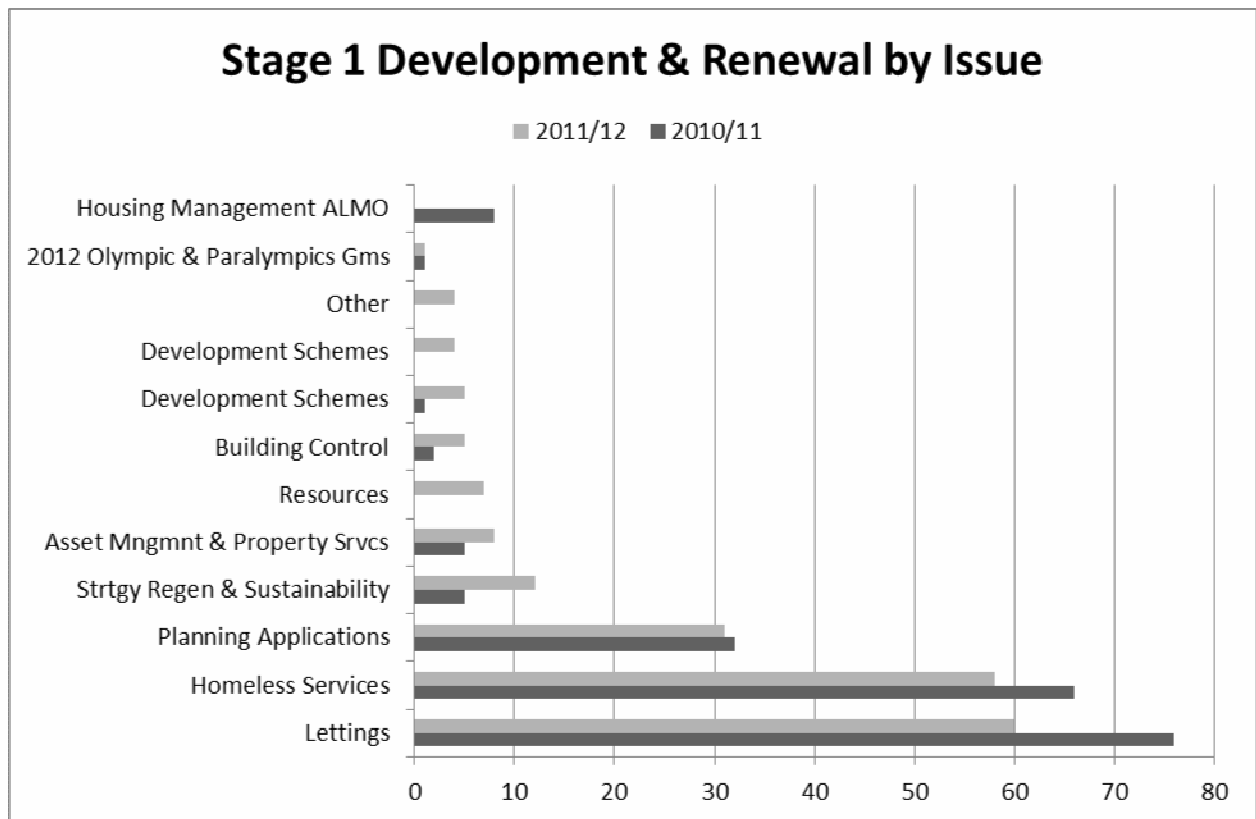
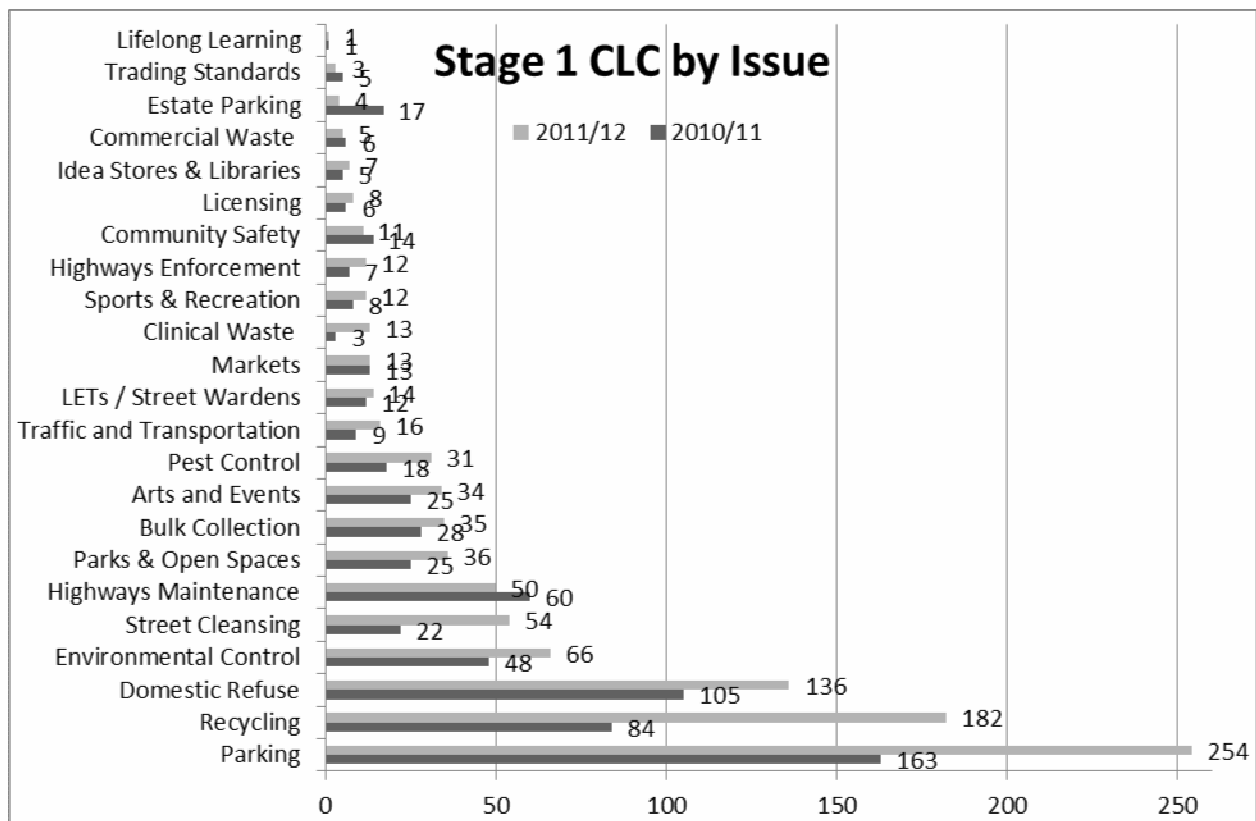
9.9.3 The Complaints Team ensures that lessons learned from complaints are highlighted and fed back to improve service delivery. For example complaints investigations have highlighted the need to review policy guidance. Lessons learned from complaints investigations are also fed back to staff in supervision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

9.10 Equalities Monitoring

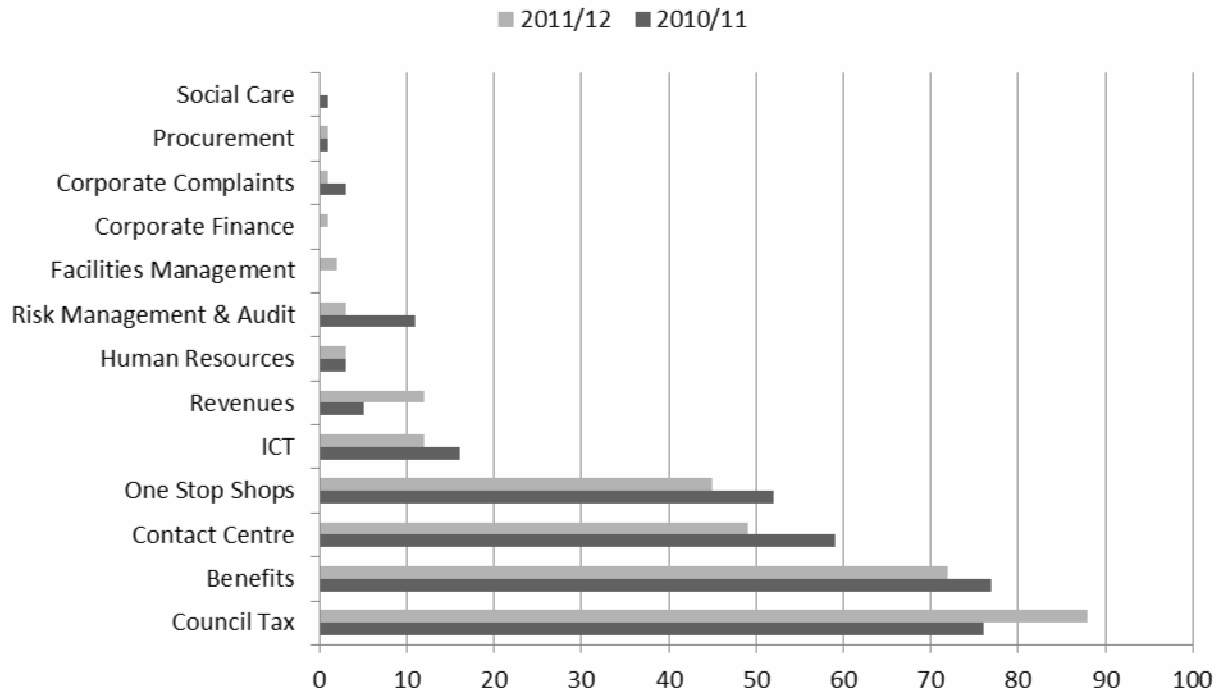
9.10 Issues and concerns on equalities issues are explored on an individual case basis, in revising policy and in 2010/11 the service conducted further Equalities Impact Assessments and has a detailed plan to improve access. Any equalities issues raised as part of a complaint are also tracked to identify service issues and improvements.

APPENDIX 1 – CORPORATE COMPLAINTS BY DIRECTORATE





Stage 1 Resources by Issue



Stage 1 Tower Hamlets Homes by Issue

