

Complaints and Information Governance Annual Report

2013-2014

Version 1

Contents

- Section 1 Introduction
- Section 2 Information Governance
- Section 3 Information Requests
- Section 4 Subject access requests
- Section 5 Corporate Complaints
- Section 6 Adult Social Care Complaints
- Section 7 Children's Social Care Complaints
- Section 8 Ombudsman Complaints
- Section 9 Risk Assessment
- Section 10 Improvement Initiatives

1. INTRODUCTION AND SUMMARY

1.1. This report provides information regarding the Council's handling of complaints and information requests in the year 2013/14. It covers –

- Information governance (section 2);
- Information requests under the Freedom of Information Act and Environmental Information Regulations (section 3);
- Subject access requests under the Data Protection Act (section 4);
- Complaints handling at all stages of the Council's Corporate Complaints Procedure (section 5);
- Complaints handling under the statutory Adults and Children's Social Care Complaints Procedures (sections 6 and 7);
- Complaints to the Information Commissioner (section 2), Local Government Ombudsman and Housing Ombudsman (section 8) in relation to complaints escalated to them;

1.2. In addition to addressing the volume of complaints and information requests received by the Council in the period 1 April 2013 to 31 March 2014, the report also looks at the outcomes of those cases; and the standard of performance in dealing with them. Policy and practice developments in information governance and complaints are also summarised.

1.3. The highlights for 2013/2014 were that –

- The rate of requests for internal reviews from information requests remained low (at 2.6%).
- The Information Commissioner determined only two complaints in relation to the Council, neither of which was upheld.
- The Local Government Ombudsman and the Housing Ombudsman made no reports against the Council for over five years.

1.4. The response times for information requests increased, however these are still below target, but yet again there was a significant increase in the number of requests by 15%.

1.5. Overall, the number of corporate complaints increased during 2013/2014 with Stage 1 complaints increasing by 9%. The reasons for increases are addressed in section 5 of the report. The reasons for this are unclear, however the population continued to increase in the borough and effects of the Government's social welfare reforms may have also had an effect.

1.6. 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. The Council adopts this philosophy, publicising its complaints policy widely, rigorously recording complaints and responses and identifying learning.

- 1.7. 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 about effective change.

2. INFORMATION GOVERNANCE

- 2.1. Information governance encompasses the policies, procedures and controls designed to manage information across the Council. The Council has a framework of policies, procedures and guidance covering records management, information security and data protection. Information risk is managed within the Council's corporate risk management framework.
- 2.2. The Council's Senior Information Risk Officer (SIRO) has overall responsibility for information governance. During 2013/2014, the SIRO role was held as follows –
- April 2013 – October 2013, Claire Symonds, Service Head – Customer Access & ICT
 - October 2013 – present, Chris Holme, Corporate Director – Resources.
- 2.3. The SIRO is supported by the Corporate Complaints and Information team, managed by the Service Head - Legal Services. An Information Governance Group (IGG) of officers meets every 6 weeks to review information governance issues and to develop strategic approaches to legislation, policies, practice, risk management and quality assurance,
- 2.4. The Council is a data controller within the meaning of the Data Protection Act 1998 and is required to process data in accordance with the data protection principles. These may be summarised as follows –
- Personal data shall be processed fairly and lawfully and only where one of the conditions specified in the Data Protection Act is met.
 - Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
 - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
 - Personal data shall be accurate and, where necessary, kept up to date.
 - Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
 - Personal data shall be processed in accordance with the rights of data subjects under this Act.
 - Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
 - Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- 2.5. A number of developments took place in relation to information governance during 2013/2014.

- 2.6. The Information Governance Toolkit for Social Care and Public Health was submitted with an overall score of 79% and this was a significant increase from the previous year. A certificate was also obtained for the Public Sector Network (PSN) in August 2013.
- 2.7. Secure email (Egress) and protective marking are now in place and a recent upgrade has improved integration into Microsoft Outlook making it easier for officers to use. However, with the introduction of the PSN requirements the GCSX Code of Connection is not available to Staff working at home using their own device through VDI.
- 2.8. Transparency
- 2.9. The Council improved the availability and quality of information published. However Central Government has introduced new requirements from 1 April 2014 requiring further work.
- 2.10. Retention of information
- 2.11. As set out in paragraph 2.3 above, the Council must only hold information for the length of time necessary. Some retention periods are set in law (e.g. social care records) and others by good practice. The Council completed a wide-ranging review of its retention schedules during 2013/2014.
- 2.12. Security incidents
- 2.13. Information security incidents are required to be reported to the Corporate Complaints and Information team. These are recorded and the register is reviewed periodically by the IGG. None of the incidents registered resulted in or required reporting to the Information Commissioner.
- 2.14. Risk
- 2.15. The fitness or otherwise of the Council's information governance framework was made a corporate-level risk in 2013/2014 and is now the subject of regular review in accordance with the Council's risk management procedure.

3. INFORMATION REQUESTS

- 3.1 The Council is required to respond to information requests under both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 3.2 The Freedom of Information (FOI) Act 2000 was implemented in 2005 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.
- 3.3 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, programs, 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.
- 3.4 The FOI Act and EIR both 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 set out below.
- 3.5 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.

3.6 Details of FOI and EIR requests received by the Council in 2012/2013 are summarised in Figures 1 and 2.

Figure 1

FOI and EIR	2012/13 Total			2013/14 Total		
	Received	Responded in Time		Received	Responded in Time	
Apr	122	114	94%	161	139	88%
May	134	129	96%	148	131	89%
Jun	98	95	97%	134	115	86%
Jul	156	147	94%	165	146	90%
Aug	138	124	90%	154	121	80%
Sep	130	107	82%	118	87	74%
Oct	147	125	85%	172	141	82%
Nov	152	108	71%	179	153	86%
Dec	101	62	61%	126	109	87%
Jan	172	127	74%	220	192	88%
Feb	187	127	68%	180	150	83%
Mar	138	106	77%	169	135	79%
Total	1673	1371	82%	1926	1617	85%

Figure 2

FOI & EIR Requests	2012/13			2013/14			Change in no's received (12/13 to 13/14)	
	Received	Responded in Time		Received	Responded in Time			
CLC	396	336	87%	497	420	85%	101	26%
Development & Renewal	270	190	74%	326	261	81%	56	21%
ESCW	308	295	97%	411	387	94%	103	33%
Law Probity and Governance	212	121	58%	168	113	69%	-44	-21%
Resources	409	329	81%	431	362	84%	22	5%
Tower Hamlets Homes	78	66	86%	93	76	82%	15	19%
Total	1673	1337	82%	1926	1617	85%	253	15%

3.7 The number of information requests increased significant by 15% in 2013/2014. On the whole this was across all directorates, except Law Probity and Governance, where there was a reduction in requests.

3.8 Performance in responding to requests within the 20 working day statutory deadline increased from to 82% in 2012/2013 to 85%. This may appear only a modest increase in performance, but it should be considered that the number of requests increased by 15% and there were no changes in the number of officers available to process these. Steps were taken to improve performance; however the current IT system which is used for dealing with FOI request is outdated and does not handle automated reminders. This is scheduled to be replaced in September 2014 by a new system, which should help us further improve on performance.

- 3.9 There have been many complex requests, which may have an impact on the time needed to respond and the workload of officers. Regrettably the current system has no way of recording the level of complexity of requests.
- 3.10 Procurement of the new software for handling information requests, member enquiries and complaints, has now been completed and officers having been working with the supplier on configuration of the system. Once implemented this should enhance our ability to manage, monitor and report on these areas of work.

3.11 Internal Review

- 3.12 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 total 1926 requests received during 2013/2013, 51 (or 2.6%) were taken to Internal Review. This escalation rate is considered to be low. There were 30 cases (59% 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.
- 3.13 Eight complainants were given apologies because the FOI was not answered in time.
- 3.14 In six cases incorrect information was originally given and following review the correct information was provided with an apology.
- 3.15 In six instances the applicant was told that the time required to respond would exceed the 18 maximum hours, but the review found this to be incorrect and the information was then provided with an apology.
- 3.16 Six complaints involved instances where information was wrongly withheld because of the incorrect application of an exemption.
- 3.17 Four cases involved requests where some information could have been provided with appropriate redactions but was not. The information was redacted and provided following the review.

3.18 Complaints to the Information Commissioner

- 3.19 The Information Commissioner issued two decision notices concerning the Council in 2013/2014. The summaries from the ICO website are reproduced below, none of which were upheld.
- 3.20 Case Ref: FS50475926, April 2013. The complainant requested information about the Council's responsibility for ensuring the protection of rights under the Human Rights Act 1998 is afforded to those nominated for tenancies. The Council said that we did not hold any information that would answer the request. The Information Commissioner decided that the Council, on the balance of probabilities, did not hold any recorded information pursuant to the request.

3.21 Case Ref: FS50506410, February 2014. The complainant requested minutes and papers from a meeting of the Information Governance Group. The Council refused to disclose this information under the exemptions provided by the following sections of the FOI Act: 36(2)(b)(i) & (ii) (inhibition to the free and frank provision of advice and exchange of views) and 36(2)(c) (other prejudice to the effective conduct of public affairs). The Commissioner's decision was that the Council cited these exemptions correctly and so it was not obliged to disclose the requested information.

3.22 Equalities

3.23 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 are not sufficiently high to enable significant conclusions to be drawn for the purposes of the Council's public sector equality duty.

4. SUBJECT ACCESS REQUESTS

4.1 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. Details of the requests received in 2013/2014 are set out in Figures 3 and 4.

Figure 3

Subject Access Requests	2012/13			2013/14		
	Received	Responded in Time		Received	Responded in Time	
Apr	24	18	83%	21	13	65%
May	36	31	97%	24	6	32%
Jun	14	13	93%	12	6	55%
Jul	10	6	60%	35	14	50%
Aug	13	9	77%	8	5	83%
Sep	19	14	74%	16	12	80%
Oct	19	12	63%	21	10	59%
Nov	26	13	73%	18	6	43%
Dec	5	2	60%	14	11	85%
Jan	20	11	60%	7	5	71%
Feb	18	10	61%	18	11	73%
Mar	14	5	43%	20	12	71%
	218	144	71%	214	111	61%

Figure 4

Subject Access Requests	2012/13			2013/14			Change in no's received (12/13 to 13/14)	
	Received	Responded in Time		Received	Responded in Time			
CLC	12	9	90%	12	7	88%	0	0%
Development & Renewal	3	0	0%	8	5	71%	5	167%
ESCW	90	39	46%	104	56	58%	14	16%
Law Probity and Governance	3	2	67%	8	2	40%	5	167%
Resources	95	83	92%	70	35	61%	-25	-26%
Tower Hamlets Homes	15	11	79%	12	6	67%	-3	-20%
Total	218	144	71%	214	111	61%	-4	-2%

4.2 Requests for personal information held by the Council remained almost the same as in 2012/13. Although which directorate is receiving these did change as can be seen in Figure 4. However, ESCW still receive the most requests (social care files).

4.3 The overall response rate was very poor, with only 61% being answered within the statutory timeframe. The performance was not helped by the shortcoming in the software, but also many of the complaints were very complex in size and nature. Work is being done to raise this performance, by –

- Improving the internal processes and raising awareness
 - Modifying the database to ensure automated reminders are sent
 - Producing weekly due and outstanding lists.
 - More formal training has and will be provided to team members
 - The new software should also assist in improving performance.
- 4.4 Requests for personal identifiable information are collated by the relevant service area and assessed under the Data Protection Act criteria. The Corporate Complaints and Information 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.
- 4.5 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 changing demand.
- 4.6 The Resources Directorate has fully reviewed its FOI and DPA processes and has made changes in terms of its allocation and monitoring arrangements of all FOI and DPA requests received. There is now more robust monitoring arrangements in place across the Directorate. The Resources Performance Review and Efficiency Group have also been tasked with monitoring FOI and DPA response performance to ensure overall performance meets or exceeds Corporate standard.
- 4.7 Similarly, the Education, Social Care and Wellbeing Directorate has fully reviewed its SAR processes and recently presented a report to the Directorate Management Team recommending that a re-organisation of the team be undertaken to both maximise the resources within the Directorate and streamline the processes dedicated to this function. This, coupled with the approval of short-term additional resources to clear the current backlog and monthly monitoring by the responsible Service Head should realise improved performance and meeting the Corporate targets.

5. CORPORATE COMPLAINT STATISTICS AND ANALYSIS

5.1 The Corporate Complaints Procedure

5.2 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
- It's undertaking to act on what it is told.

5.3 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.

5.4 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 currently on behalf of Head of Service – Legal Service.

5.5 Most Social Care complaints come under statutory procedures and are detailed in sections 6 and 7 of this report. 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.

5.6 Volume of complaints

5.7 Figure 5 provides summary information about the total number of complaints received by the Council in 2013/14. Overall, the number of complaints – excluding the FOI internal reviews – was 11% higher than in the previous year.

5.8 Tower Hamlets population has grown from 256,000 in June 2012 to 273,000 in June 2013, based on the latest figures available. When taking this population increase into account, the rate of complaints for both 2012/13 to 2013/14 has remained similar at 9 complaints per 1,000 population.

5.9 The 2013/14 Annual Residents Survey was completed in June 2014, however the results have not yet been calculated so it is not possible to comment on the overall satisfaction. Last year in the Annual Residents Survey 64% of respondents stated they were very or fairly satisfied with the Council.

Figure 5

Volume of Corporate Complaints				
Year	2012/13	2013/14	Variance	
Stage 1	2273	2474	201	9%
Stage 2	278	372	94	34%
Stage 3	122	109	-13	-10%
FOI Internal Reviews (Stage 3)	34	51	17	50%
Total Complaints	2707	3006	299	11%

5.10 Figure 6 provides a breakdown of Complaints by each directorate and stage with the variance for each stage.

Figure 6

Volumes of Complaints by Directorate and Stage	Stage 1			Stage 2			Stage 3		
	2012/13	2013/14	Variance	2012/13	2013/14	Variance	2012/13	2013/14	Variance
CLC	1056	1016	-40	109	150	41	25	30	5
ESCW	30	41	11	6	9	3	2	4	2
Development & Renewal	229	236	7	37	55	18	20	17	-3
Law Probity and Governance	20	42	22	1	6	5	35	58	23
Resources	330	371	41	34	25	-9	9	11	2
Tower Hamlets Homes	608	768	160	91	127	36	65	40	-25
	2273	2474	201	278	372	94	156	160	4

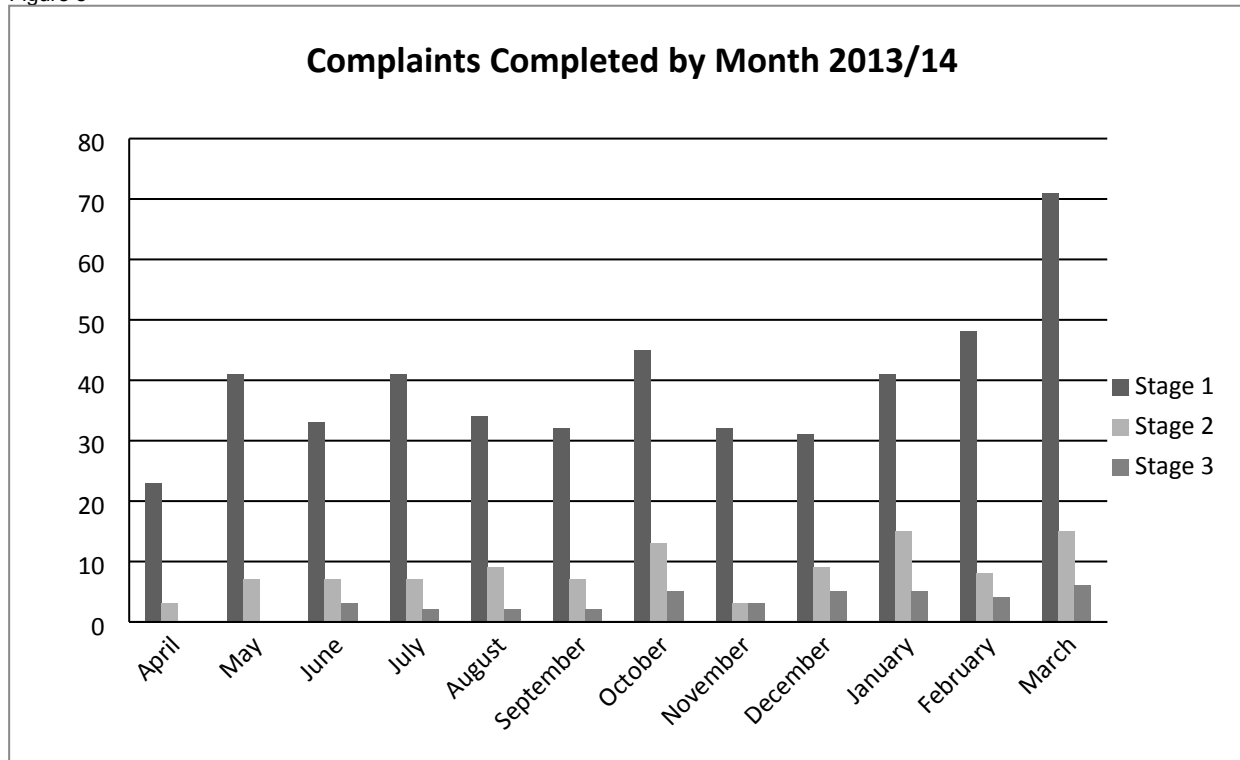
5.11 Figure 7 shows the escalation rates through the stages of the complaints process. Overall, 15% of Stage 1 complaints were escalated to Stage 2 of the complaints process which is the same escalation rate as the previous year. Escalation rates for Stage 1 complaints to Stage 3 fell from 5% to 4% which is an improvement. This demonstrates that 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 2.6% for FOI requests compares favourably against the rate of 4% for overall Corporate Complaints.

Figure 7

Escalation Rates by Directorate 2013/14 (Excludes FOI Reviews)					
Directorate	Stage 1	Stage 2		Stage 3	
		Stage 2	Escalated from Stage 1	Stage 3	Escalated from Stage 2
CLC	1016	150	15%	30	3%
Development & Renewal	236	55	23%	17	7%
ESCW	41	9	22%	4	10%
Law, Probity & Governance	42	6	14%	7	17%
Resources	371	25	7%	11	3%
Tower Hamlets Homes	768	127	17%	40	5%
Totals	2474	372	15%	109	4%

5.12 Figure 8 (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.

Figure 8



5.13 Figure 9 shows the rate at which complaints are upheld at Stage 1 of the process and the percentage completed on time. During 2013/2014, response times for Stage 1 complaints dropped slightly from 91% to 89% completed on time. However, when the increase of 9% in the volume of Stage 1 complaints is taken into account this may be understandable. The figure of 89% is still 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 9

Stage 1 Resolutions by Directorate											
2013/14	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
CLC	1016	584	58%	125	12%	283	28%	24	2%	93%	7.7
Development & Renewal	236	131	56%	26	11%	62	26%	17	7%	68%	10.4
ESCW	41	15	37%	12	29%	14	34%	0	0%	76%	9.8
Law, Probity & Governance	42	19	45%	6	14%	16	38%	1	2%	76%	9.5
Resources	371	175	47%	112	30%	75	20%	9	2%	99%	4.3
Tower Hamlets Homes	768	403	52%	57	7%	271	35%	37	5%	87%	8.4
Total Stage 1 Complaints	2474	1327	54%	338	14%	721	29%	88	4%	89%	7.7

5.14 Figure 10 shows the rate at which complaints are upheld at Stage 2 of the process and the percentage completed on time. During 2013/2014, response times for Stage 2 complaints fell to 82% from 87%, against a 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. It is noteworthy, however that there was a significant increase of 34% in the volume of Stage 2 Complaints. Steps are being undertaken in the directorates where performance targets have not been met to address this issue.

Figure 10

Stage 2 Resolutions by Directorate											
2013/14	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
CLC	150	86	57%	15	10%	42	28%	7	5%	90%	15.3
Development & Renewal	55	35	64%	7	13%	10	18%	3	5%	60%	20.2
ESCW	9	6	67%	2	22%	1	11%	0	0%	78%	21.8
Law, Probity & Governance	6	3	50%	0	0%	2	33%	1	17%	83%	12.8
Resources	25	21	84%	3	12%	0	0%	1	4%	88%	9.4
Tower Hamlets Homes	127	59	46%	12	9%	52	41%	4	3%	81%	18.3
Total Stage 2 Complaints	372	210	56%	39	10%	107	29%	16	4%	82%	16.7

5.15 Figure 11 shows the rate at which complaints are upheld at Stage 3 of the process and the percentage completed on time. During 2013/2014, response times for Stage 3 complaints greatly improved from 83% to 94%, this far exceeds the corporate target of 87% completed in time. This result is very encouraging especially given the increase work load due to the large increase in FOI requests that the Complaints and Information Team also handle.

Figure 11

Stage 3 Resolutions by Directorate											
2013/14	Total	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		Closed in Time	Average Days to Close
CLC	30	23	77%	4	13%	2	7%	1	3%	93%	19.1
Development & Renewal	17	11	65%	5	29%	1	6%	0	0%	88%	19.8
ESCW	4	4	100%	0	0%	0	0%	0	0%	100%	17.3
Law, Probity & Governance	7	6	86%	1	14%	0	0%	0	0%	100%	16.4
LPG* - FOI Reviews	51	18	35%	22	43%	8	16%	3	6%	92%	18.5
Resources	11	8	73%	1	9%	2	18%	0	0%	100%	16.9
Tower Hamlets Homes	40	16	40%	10	25%	12	30%	2	5%	95%	18.3
Total Stage 3 Complaints	160	86	54%	43	27%	25	16%	6	4%	94%	18.5

5.16 FOI review performance times improved significantly from 74% to 92% over the previous year, despite an increase in volume of reviews by 50%. Almost all of the reviews this year were carried out by the Complaints and Information Team.

5.17 Overall the volume of Stage 3 complaints (both escalations from Stage 1 and Stage 2 Complaints and FOI Reviews) has changed slightly over the previous year from 156 to 160, an increase of 2.6%, but the mix of these has changed with more FOI Reviews.

5.18 Corporate Complaints by Service Area

5.19 Set out in Appendix 1 are charts providing a breakdown of the Stage 1 Corporate complaints in each directorate by reference to service area.

5.20 Education, Social Care and Wellbeing (ESCW)

5.21 ESCW is the directorate that covers the previous directorates of Adults Health and Wellbeing and Children’s Schools and Families. Corporate Complaints relate to non-statutory processes and are very few in number. Therefore small increases in numbers can therefore present a misleading percentage variation and should be considered with caution.

5.22 Law, Probity and Governance (LPG)

- 5.23 The Chief Executive's directorate ceased to exist during the year with the majority of the functions and services passing to the new directorate of Law, Probity & Governance.
- 5.24 The volume of complaints in the Law, Probity & Governance directorate is low in all sections. There was a reduction in complaints received overall and no significant trends to report.
- 5.25 Communities Localities and Culture (CLC)
- 5.26 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.
- 5.27 There was a slight decrease in the number of complaints from 2012/13 to 2013/14 which demonstrates that high service levels are being maintained across the directorates while budgets are reduced in order to address reductions in central government grant.
- 5.28 Within the context of this overall decrease in the level of complaints per head of population Stage 1 complaints were up by 6% (1056 up from 997). However, Stage 2 and Stage 3 complaints were reduced by 11% (109 down from 123) and 19% (25 down from 31) respectively.
- 5.29 The majority of complaints (85%) are dealt with at Stage 1. Only 15% of Stage 1 complaints were escalated to Stage 2, and of these, only 3% are escalated to Stage 3.
- 5.30 While the number of complaints progressing to Stage 2 has increased by 38% from 109 to 150, the number upheld or partially upheld at this stage has remained steady at 57 indicating that the responses and assessments at Stage 1 remain of high quality and service performance is being maintained.
- 5.31 The same pattern applies at Stage 3 where there has been an overall increase in the number of complaints escalated from Stage 2 from 25 to 30. However, the number upheld or partially upheld complaints at Stage 3 has nearly halved from 11 to 6.
- 5.32 Overall across all stages, the percentage upheld or partially upheld has reduced indicating that services are performing well.
- 5.33 Resolution times for complaints across all 3 stages were good, with 93% closed on time at Stage 1, 90% at Stage 2 and 93% at Stage 3. Effective performance management at all levels, including monthly directorate performance figures, has resulted in the prioritisation of response times. Overall, the percentage of complaints closed on time was just under 93%, demonstrating a consistent and strong level of response.

- 5.34 The number of complaints received has remained broadly steady across all service areas, with very minor increases or decreases that are not significant enough to draw strategic conclusions in the context of the volume of overall service delivery. There are a small number of variations compared to 2012/13 for which additional contextual information is provided below.
- 5.35 Idea Stores & Libraries - Whilst there has been a small increase in complaints for Idea Stores & Libraries (15, up from 8), this was largely because of neighbours' complaints about the inconvenience of construction works for Idea Store Watney Market – it was not reflective of the quality of service provision. Latest CIPFA PLUS survey results identified the borough's Idea Stores as having the highest satisfaction levels for library services across London.
- 5.36 Domestic refuse collection & bulk waste collection - Complaints about domestic refuse collections dropped from 239 to 189 and for bulk collections from 51 to 29 when compared to 2012/13. Some of this drop can be linked to the fact that the first half of 2012/13 saw significant disruption because of the Olympic Games with services in the first half of 2013/14 presenting a more stable picture. While the number of complaints about collections may at first appear high, it is a very small number of complaints in the context of more than 11m waste collections carried out in any 12 month period.
- 5.37 Tower Hamlets Enforcement Officers (THEOs) -The number of complaints in relation to THEOs remains low overall. While it has nearly doubled from 9 in 2012/13 to 17 in 2013/14, this must be seen in the context of doubling the number of THEOs and in turn doubling the amount of enforcement activity. As such the number of complaints in this area has remained proportionate and stable at low levels.
- 5.38 Development and Renewal (D&R)
- 5.39 The volume of complaints in D&R has stayed roughly the same, when compared to last year. However, this masks changes to the volume of complaints received in particular services.
- 5.40 There has been a small increase (137 in 2012/13 and 156 in 2013/14) in the number of complaints received in the Housing Options Service. There has been an increase in the Regeneration team, where the volume of complaints has nearly doubled (15 in 2012/13 and 28 in 2013/14).
- 5.41 The Housing Options Service is one of the services dealing with the consequences of the Government's welfare reforms. As the impacts of the changes to welfare benefits – including the benefit cap and the 'bedroom tax' – continue to be felt, a number of residents are turning to the service in the hope of getting some resolution to their difficult housing conditions. Even without the changes to the welfare benefits system, Tower Hamlets has the second highest level of overcrowding in the country, contributing to high levels of poverty and deprivation. With an increased number of interactions with residents, it is inevitable that there will be an increased number of complaints. The service has recently upgraded its ICT systems to give residents access to more information in relation to their lettings bids; increasing transparency

and providing residents with information that they can use to inform their bidding strategy. This increase in transparency should see the number of complaints decline, although the service still expects that there will be a further increase in residents coming to them for help.

- 5.42 The Regeneration team in D&R is dealing with some of the country's biggest regeneration schemes – most of the complaints have been in relation to the regeneration of the Ocean Estate, which saw 1,200 homes refurbished and 800 new homes built, and is nearing completion. The size and scale of the project mean that a number of complaints are inevitable. The council continues to work with its partners and contractors to ensure disruption to the lives of our residents, and local businesses, are minimised. However, the nature of the scheme means that some disruption is inevitable.
- 5.43 The directorate's performance on responding to complaints within 10 working days remains below the expected standard but has improved over the last year. However, this masks different levels of performance between services within the directorate. More robust processes and a larger team should see further improvement in the year to come.
- 5.44 Resources
- 5.45 Council Tax has seen a 25% drop in complaints this year which is a reflection of the changes and improvements to the service provision and self-service systems enabling us to cope with more customers and respond faster to enquiries.
- 5.46 There was a 22% increase in Benefits assessments with 266,203 completed in 2013/14 which may have been due to benefit reform. This must be considered against the 17% increase of complaints so that in reality the rate of complaint to assessment went down. The team are also dealing with a constantly changing environment with additional expectations and workflows from DWP which require staff training and process adaption.
- 5.47 Business Rates has undergone significant change in 2013/2014 and many small businesses feel they are paying too much. Many complaints were received about valuations over which the council has no control and can only guide ratepayers through the appeal process.
- 5.48 Tower Hamlets Homes (THH)
- 5.49 Compared to last year, Stage 1 complaints have increased by 26% (160) and 40% (37) at Stage 2, but have decreased by 38% (25) at Stage 3.
- 5.50 The increase is mainly associated with increase in activity around the Decent Homes programme and the delivery of responsive repairs service provided by Mears. The complaints are not generally centred around the workmanship but focus on delays and communication issues. These issues have been brought to the attention of the

contractors and action is being taken address these issues and monitor these areas of work more closely.

5.51 The decrease in Stage 3 complaints was in general due to efforts being made to ensure that complaints were resolved at earlier stages of the procedure.

5.52 Over the last 6 months THH have developed a Complaints Service Improvement Plan. This has been developed to ensure that lessons are learnt from complaints and that this can lead to improvements in services to residents. From this key Complaints Service Improvement Actions have been identified, some of which have either been completed or in the process of being implemented:

- Developed a Right First Time action plan with Mears, the repair partner, which is monitored monthly at the Core Operational and Strategic meetings.
- Trained staff on damp and condensation diagnosis
- Introducing a text message service notifying residents when a repair order has been raised.
- Offer temporary accommodation to residents affected by lift renewals who have mobility issues.
- Introduced new FAQ Step by Step guides for major repair works.
- Review setting up a TV aerial servicing and renewal programme.
- Introducing a Decent Homes “Not forgotten” newsletter which will update residents 3 months after survey undertaken as to when they can expect works to commence.
- Review the payment of a £10 missed appointment fee for any missed appointments regardless of the contractor.
- New software will help improve the analysis of complaints in the future.
- THH Customer Access and Facilities staff have received customer service training. This is being rolled out to the rest of THH in 2014/15.
- Fortnightly meetings set up with Capital Works and Decent Homes teams to ensure all follow up works and promised made have been completed and review lessons learnt.

5.53 **Stage 3 complaints**

5.54 Challenges to FOI and EIR requests are considered at the final stage of the Corporate Complaints Procedure and in this sense the procedure is used as a final appeal.

5.55 As indicated earlier in the report, the numbers of Stage 3 complaints increased by 4 in 2013/2014. The percentage completed in time rose significantly to 94% and the average response time remained the same at 18 days per complaint as can be seen in Figure 12.

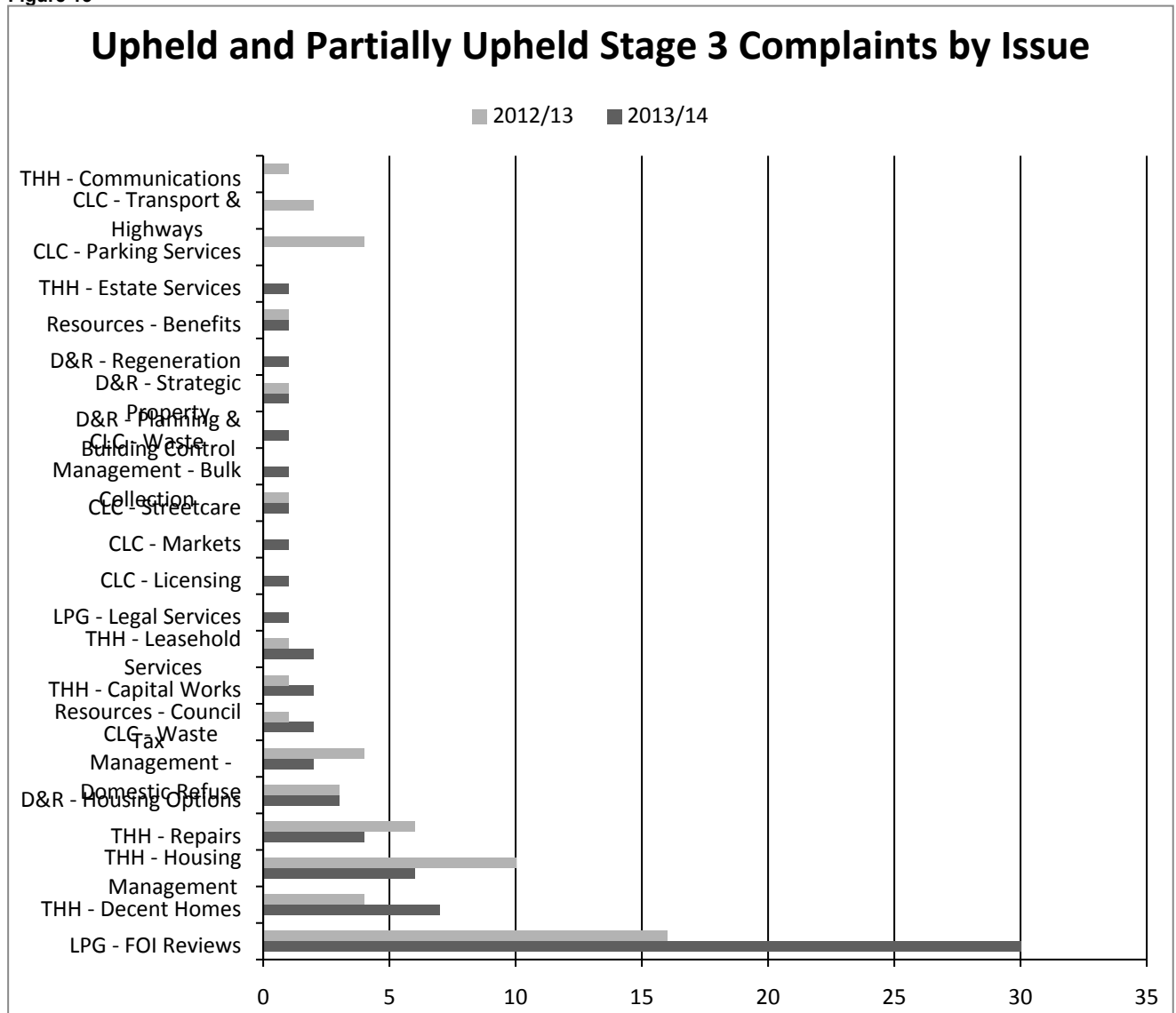
Figure 12

Stage 3 Complaints Response Times						
Financial Year	Total Answered	Completed in Time		Answered outside timescale		Average response times (days)
2011/12	132	114	86%	18	14%	17
2012/13	155	128	83%	27	17%	18
2013/14	160	150	94%	10	6%	18

5.56 The rate at which complaints were upheld or partially upheld at Stage 3 was higher in 2013/14 at 43% compared with 34% in 2012/2013.

5.57 Figure 13 provide information about the areas in which complaints were upheld and where the greatest increases and decreases are to be found. However, as apart from FOI review cases it is difficult to see any trend here due to the spread of complaints across service areas.

Figure 13



5.58 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 14 shows a summary of compensation payments made by the Council at Stage 3 during the past three years.

Figure 14

	Number of Stage 3 cases warranting compensation	Total value of Compensation
2013/14	12	£3,385
2012/13	8	£2,025
2011/12	7	£3,350

5.59 Summary of Key Issues in upheld Stage 3 complaints

- 5.60 In total 30 FOI review complaints were upheld or partially upheld, details of which are summarised in section 3.
- 5.61 Three complaints about failed domestic waste collections not being carried out as scheduled on a repeat basis. Apologies were given and the collections were monitored.
- 5.62 One complaint where a neighbouring property was not consulted about a licencing application due to GIS records not being up to date. An apology was given and the GIS was updated.
- 5.63 One complaint from a resident about a shop trader breaching licencing conditions was followed up by a letter being sent to the shop owner
- 5.64 One complaint was in regard to an adopted highway repair works which had not been completed. The work was completed by Highways as appropriate.
- 5.65 One complaint where Council Tax had provided incorrect information which affected a former tenant's credit rating. The information was corrected and £65 to compensate was offered.
- 5.66 One complaint about a resident being recorded as being in arrears due a mistaken entry was made against the wrong council tax year.
- 5.67 One complaint about the delay in sorting out the non-receipt of a Housing Benefit cheque following a change in circumstances. The cheque was re-sent and an apology for the delayed response was given.
- 5.68 One complaint about the delay of Housing Options Team returning accommodation to the landlord.
- 5.69 One complaint about the delay in processing a Housing application.
- 5.70 One complaint about the Housing Options service mistakenly sending an email address to the wrong address.
- 5.71 One complaint about the regeneration service alleged damage to property and the response denying the claim was being delayed.
- 5.72 One complaint where there was a delay in correcting street signage.
- 5.73 One complaint involving a Right-to-buy, buy-back of a former Council property.
- 5.74 Eleven THH complaints about Decent Homes work not being completed properly. The work was inspected again and after the survey was carried out remedial work was done as appropriate.

- 5.75 One THH complaint about the delay in sending out a Household Insurance claim form. An apology was given with a £50.00 payment being offered for time and trouble and the claim form being sent to the tenant.
- 5.76 One THH complaint was raised about charges for horticulture which were being disputed but not responded to in a timely manner. An apology was given and details of how to dispute the charges.
- 5.77 One THH complaint where external brick-work was not repaired in a timely manner and an apology and a £500.00 payment was offered.
- 5.78 One THH complaint where there was an extended delay in repairing a radiator in the property. An apology and £250.00 was offered.
- 5.79 One THH complaint where the hot water services were not provided and an apology and a payment of £200.00 was offered.
- 5.80 One THH complaint where an unauthorised amount was taken from the complainant's bank account. The money taken was credited to the account and an updated Housing Service Charges account was issued.
- 5.81 One THH complaint where noise was caused from a neighbour's flat because of the laminated flooring. The matter was referred to mediation.
- 5.82 One THH complaint where there was a service overcharge which was upheld and the over-charge was refunded.
- 5.83 One THH complaint where dry-lining was not carried out properly. The work was finished off and £200 compensation was offered.
- 5.84 One THH complaint where too small window was installed. The window was replaced by a window of the correct size.
- 5.85 One THH complaint about lack of consultation about a parking space. An apology was given about the lack of consultation and matters were clarified about what should have happened.
- 5.86 One THH complaint was made about a continuing roof leak. The roof leak was repaired.
- 5.87 One THH complaint was made where there was a missed appointment. Assurances were given that the areas of deficient service would be highlighted to the contractors.
- 5.88 **Complaints service user profiles**
- 5.89 The complaints service can be accessed by email, in person, phone, post, and web-form. A breakdown of access methods is provided in Figure 15 below.

Figure 15

Breakdown of Stage 1 how complaints are received				
How Received	2012/13		2013/14	
Email	1203	53%	1182	48%
Fax	1		1	
In Person	8		12	
Phone	681	30%	680	27%
Post	165	7%	145	6%
Web	216	10%	454	18%
Total Complaints	2273		2474	

5.90 Web and email usage increased again this year, from 63% in 2012/13 to 66%. The corresponding fall occurred in the use of post and phone. This would seem to follow the trend of greater use of technology by the population.

5.91 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 16

% of data known for equalities strands	2011/12	2012/13	2012/14
Age	46%	29%	31%
Disability	48%	27%	31%
Ethnicity	65%	46%	48%
Gender	100%	100%	100%
Religion	32%	23%	28%
Sexual Orientation	28%	19%	24%

5.92 The level of non-response presents challenges in terms of equality analysis. For example, Figure 17 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, given that ethnicity data is only available for only 48% of the 2,474 complainants, this dataset is not robust enough to allow any conclusions to be drawn from it.

Figure 17

Stage 1 Complaints by Ethnicity					
	2012/13		Borough Projection	2013/14	
Asian	476	45.7%	41%	589	49.5%
Black	71	6.8%	7%	97	8.2%
Mixed /Dual Heritage	15	1.4%	4%	15	1.3%
White	468	44.9%	45%	482	40.5%
Other	12	1.2%	2%	7	0.6%
Sub Total	1042	100%	100%	1190	100%
Declined	118	-	-	179	-
Not Known	1114	-	-	1105	-
Total Stage 1 Complaints	2274			2274	

5.93 The one area in which there is complete data is in relation to gender. The data is summarised in Figure 18 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 18

Stage 1 Complaints by Gender					
	2012/13		Borough Projection	2013/14	
Female	1051	46.2%	48%	1158	46.8%
Male	1223	53.8%	52%	1316	53.2%
Total Stage 1 Complaints	2274			2474	

6. ESCW - ADULTS SOCIAL CARE COMPLAINTS

6.1 Procedure, volumes and timeliness

6.2 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.

6.3 The current statutory complaint procedure came into place for adult social care complaints on 1 April 2009 and can be found on the Council's website. The Council places a strong emphasis on the informal resolution of complaints and in assisting social care teams in effectively managing and resolving complaints.

6.4 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. A summary of the Locally Resolved concerns is provided below in figure 19. These figures also include concerns made to commissioned providers that require investigation or action to be taken by a Council service. It appears that the locally resolved concerns may address different issues to those raise through the statutory process.

Figure 19

Locally Resolved Concerns April 2013 – March 2014		Not Upheld	Partially Upheld	Upheld
Access to services	0	0	0	0
Challenge decision	6	4	1	1
Conduct/competence	8	2	4	2
Policy/procedure	0	0	0	0
Records/information held	0	0	0	0
Service delay/failure	41	6	13	22
Service quality	27	7	10	10
Other	7	1	3	3
Total	89	20	31	38

6.5 Complaints are also made to and resolved by a commissioned provider and can be grouped into the following categories:

- A. Home care.
- B. Residential / nursing care.
- C. Day care.
- D. Information, advice and advocacy services.
- E. Supporting People services.

6.6 The Statutory 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.

6.7 Figure 20 below compares the year on year volumes and shows another fall in complaints in 2013/2014, by a modest 3%.

Figure 20

Volume of Adult Social Care Complaints				
	2012/13	2013/14	Variance	
Total Complaints	60	57	-3	-5%

6.8 Figure 21 is a summary of the reasons why statutory complaints were raised.

Figure 20

	Statutory Complaints 2013/14
Challenge Assessment Decision	24
Conduct/competence	15
Service delay/failure	14
Service quality	1
Other	3
Total	57

Figure 22

Adults Social Care Complaints by Division													
	2012/13	Variance		2013/14		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Commissioning Services	4	2	50%	6	11%	1	17%	2	33%	3	50%	0	0%
Disability and Health	3	-3	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Elders	8	-8	100%	0	0%	0	0%	0	0%	0	0%	0	0%
First Response	14	2	14%	16	28%	9	56%	6	38%	0	0%	1	6%
Learning Disabilities	3	-3	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Learning Disability	6	-3	-50%	3	5%	1	33%	2	67%	0	0%	0	0%
Longer Term East	3	5	167%	8	14%	6	75%	1	13%	0	0%	1	13%
Longer Term West	10	-4	-40%	6	11%	5	83%	0	0%	1	17%	0	0%
OT Services	1	-1	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Re-ablement	8	9	113%	17	30%	11	65%	2	12%	4	24%	0	0%
Sensory Impairment	0	1	0%	1	2%	0	0%	0	0%	1	100%	0	0%
Totals	60	-3	-5%	57	100%	33	58%	13	23%	9	16%	2	4%

6.9 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 23 indicates that 53 of the 57 complaints were completed within 20 working days, and at 93%, this is a 1% improvement over last year's performance.

Figure 23

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		Within 60 Working Days		Within 70 Working Days		Over 70 Days		Average Days to Complete
2012/13	60	43	72%	12	20%	2	3%	1	2%	0	0%	0	0%	1	2%	1	2%	11
2013/14	57	37	65%	16	28%	4	7%	0	0%	0	0%	0	0%	0	0%	0	0%	9

6.10 Figure 23 also demonstrates that the average number of working days to complete was reduced to 9 from 11.

6.11 Reason For Complaints

6.12 Figure 24 provides a summary of the reasons for which people complained.

Figure 24

Adults Social Care Complaints by Reason													
	2012/13	Variance		2013/14	Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On		
Access to Service	4	-4	-100%	0	0%	0	0%	0	0%	0	0%	0	0%
Challenge Assessment Decision	22	2	9%	24	42%	19	79%	1	4%	3	13%	1	4%
Conduct / Competence	14	1	7%	15	26%	8	53%	3	20%	4	27%	0	0%
Policy / Procedure	1	-1	-100%	0	0%	0	0%	0	0%	0	0%	0	0%
Service Delay / Failure	18	-4	-22%	14	25%	5	36%	7	50%	1	7%	1	7%
Service Quality	1	0	0%	1	2%	0	0%	0	0%	1	100%	0	0%
	0	3	0%	3	5%	1	33%	2	67%	0	0%	0	0%
Totals	60	-3	-5%	57		33	58%	13	23%	9	16%	2	4%

6.13 The reasons why people have complained remain much the same as the previous year.

6.14 Access and Profiles

6.15 The method of how people are making complaints has changed slightly, but as the numbers involved are relatively small it is difficult to draw any conclusions on this. Figure 25 shows the breakdown.

Figure 25

Breakdown of how Adults Social Care Complaints are received				
How Received	2012/13		2013/14	
Email	33	55%	24	42%
In Person	1	2%	2	4%
Phone	12	20%	10	18%
Post	14	23%	19	33%
Web	0	0%	2	4%
Total Complaints	60	100%	57	100%

6.16 Figure 26 below provides a breakdown of adult social care complaints by reference to ethnicity. There was an increase in complaints where the ethnicity was not known, which means it is difficult to make comparisons with the previous year. There were no issues of discrimination reported.

Figure 26

Adults Social Care Complaints - By Ethnicity					
	2012/13		Borough Projection	2013/14	
	Asian	22		37%	41%
Black	3	5%	7%	8	14%
Declined	1	2%		0	0%
Mixed /Dual Heritage	1	2%	4%	0	0%
Not Known	5	8%		10	18%
White	28	47%	45%	26	46%
Totals	60			57	

6.17 Summary of key issues in upheld cases

6.18 There were nine complaints where there was poor communication from the social worker and an apology given.

6.19 There was one complaint where money was incorrectly paid out, which was refunded as requested.

6.20 There were six complaints where adaptations had been carried out and where a re-assessment was carried out as requested.

6.21 There was one complaint where a care agency was changed as requested.

6.22 There were two complaints where social workers had not been allocated as requested.

6.23 There were three complaints where a poor service was given by a care agency and the situation is being monitored.

7. CHILDREN'S SOCIAL CARE COMPLAINTS

7.1 Procedures

7.2 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.

7.3 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.

7.4 Complaint volumes

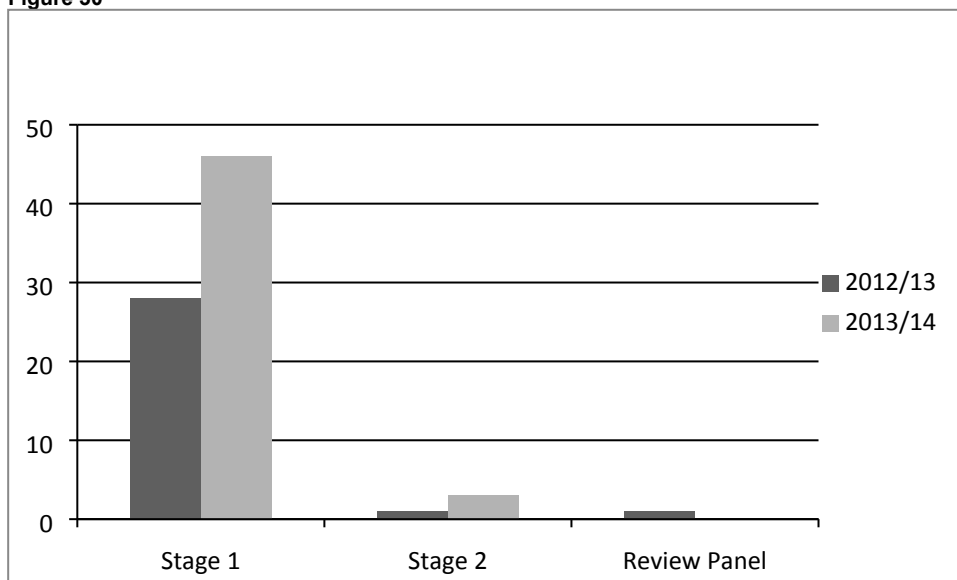
7.5 The number of children's social care complaints rose in 2013/2014 as shown in Figure 29; there is no clear pattern in this. Most complaints arose from administrative issues and details of complaints that were upheld are set out from section 7.18.

Figure 29

Volume of Children's Social Care Complaints				
Year	2012/13	2013/14	Variance	
Stage 1	28	46	18	64%
Stage 2	1	3	2	200%
Review Panel	1	0	-1	-100%
Total Complaints	30	49	19	63%

7.6 The number of complaints completed at each stage is shown in Figure 30 and the number of Stage 2 and Review Panel is only one at each stage.

Figure 30



7.7 Complaint Response Times

7.8 Figure 31 sets out the response times for Stage 1 complaints. It shows that 67% of Stage 1 complaints in Children’s Social Care were answered within the 10 working day time scale, and 93% completed in the extended times scale. This is an improvement compared to last year and is very encouraging given the increase in volume of complaints. Three complaints were answered outside of the timescales, which is also an improvement with the average response time improved from 8 working days to 6 working days.

Figure 31

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)
2012/13	28	16	57%	23	82%	5	18%	8
2013/14	46	31	67%	43	93%	3	7%	6

7.9 There were three Stage 2 complaints this period with an average response time of 59 working days.

Figure 32

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)
2012/13	1	0	0%	1	100%	0	0%	34
2013/14	3	0	0%	2	100%	1	0%	59

7.10 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.

7.11 Complaints by Service

7.12 The areas on which complaints have been recorded at each stage are set out in figures 33 and 34 below.

Figure 33

Stage 1 Children's Social Care Complaints by Section													
	2012/13	Variance		2013/14		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Child Looked After & Leaving Care	7	7	100%	14	30%	5	36%	3	21%	5	36%	1	7%
Child Protection and Reviewing	2	4	200%	6	13%	3	50%	1	17%	1	17%	1	17%
Children's Resources	2	4	200%	6	13%	3	50%	1	17%	2	33%	0	0%
Fieldwork Services	14	0	0%	14	30%	9	64%	1	7%	2	14%	2	14%
Int. Services Children Disability	3	3	100%	6	13%	4	67%	1	17%	1	17%	0	0%

7.13 Fieldwork services continue to receive 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.

Figure 34

Stage 2 Children's Social Care Complaints by Section														
	2012/13		Variance		2013/14		Not Upheld		Partially Upheld		Upheld		Withdrawn or Referred On	
Child Protection and Reviewing	0	1			1	33%	1	100%	0	0%	0	0%	0	0%
Fieldwork Services	1	1	100%		2	67%	1	50%	1	50%	0	0%	0	0%

7.14 Section 7.18 contains a summary of the key issues upheld.

7.15 Service User Profiles

7.16 Figure 35 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. This compares favourably against the diversity in borough population.

7.17 The increase in complaints from white service users has been analysed and the complaints are distributed across the service areas. Six of these complaints were upheld, six not upheld and two withdrawn. It does not appear that there is any underlying trigger in service delivery as the complaints are about very different issues. Only one of the 14 has progressed to stage 2.

Figure 35

Stage 1 Children's Social Care Complaints - By Ethnicity					
	2012/13		Borough Projection	2013/14	
Asian	11	39%	41%	13	28%
Black	5	18%	7%	6	13%
Mixed /Dual Heritage	2	7%	4%	2	4%
White	5	18%	45%	14	30%
Not Known	5	18%		10	22%
Declined	0	0%		1	2%
Total Stage 1 Complaints	28			28	

7.18 Summary of key issues in upheld complaints at Stage 1

7.19 There were 11 complaints where there were mistakes such as poor communication or not carrying out tasks within a reasonable time.

- 7.20 There were four complaints where the Children's Social Care records were amended as requested.
- 7.21 There was one complaint about poor communication regarding contacting the team manager in the absence of the allocated social worker.
- 7.22 There was one complaint where money owed was paid to the child formerly in care.
- 7.23 There was one complaint where the allocated social worker was not changed when the service user had requested an alternative social worker.
- 7.24 There was one complaint where an allocated social worker was provided as requested by the complainant.
- 7.25 There was one Stage 2 complaint that was partially upheld regarding the level of support provided to the family.
- 7.26 **Review Panel Complaints**
- 7.27 There were no Review Panels this year.

8. LOCAL GOVERNMENT OMBUDSMAN (LGO) AND HOUSING OMBUDSMAN COMPLAINTS

8.1 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.

8.2 In 2013/14 the LGO received 111 complaints, and compared to London Boroughs (with 1st as high volume) Tower Hamlets ranked 23rd. The highest volume was 308 complaints and the lowest 62.

8.3 Figure 36 is a breakdown of complaints received from the LGO with their categories. As they have changed the reporting method it is not possible to make comparisons with last year.

Figure 36

LGO Complaints and enquiries received							
Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing Planning and development	Total
6	23	10	6	6	24	30	111
5.4%	20.7%	9.0%	5.4%	5.4%	21.6%	27.0%	

8.4 Complaints Closed by the Ombudsman

8.5 As can be seen in Figure 37, 118 complaints were determined. The LGO has changed the way complaints are recorded and focused on those where an investigation took place. These are then noted as upheld or not upheld. Thirteen investigations were conducted and in ten cases some element of the complaints was upheld. 51 cases were referred back to the Council as premature. In 11 cases advice was given to the complainant and 40 cases were dismissed after preliminary enquiries with the Council or on the basis of the information provided by the complainant. Assessing the 2013/14 figures including those dismissed at the earliest stage, 8.4% of cases were upheld. Tower Hamlets ranks 24th out of the 32 London Boroughs. The borough with the highest percentage upheld had 18% and the lowest had 5.4%.

Figure 37

LGO Decisions made						
Upheld	Not upheld	Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
10	3	11	40	3	51	118
8.5%	2.5%	9.3%	33.9%	2.5%	43.2%	

8.6 The Housing Ombudsman considers most housing complaints, and in particular tenancy issues. The Housing Ombudsman's Office do not classify complaint outcomes

in the same way as the LGO, and prefer to seek local resolution in as many cases as possible. There were only 3 Tower Hamlets cases determined by the Housing Ombudsman in 2013/2014. In one of the three cases determined, some action was required to make good a property. No action was required in the other 2 cases.

9. IMPROVEMENT AND DEVELOPMENT INITIATIVES

9.1 External relationships

9.2 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.

9.3 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.

9.4 The team is also the organisation's link point to the Local Government Ombudsman and Information Commissioner's Office, leading on all communication, case management and best practice updates.

9.5 Monitoring Complaints

9.6 Weekly outstanding lists are circulated to Directors and Service Heads. 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.

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

9.8 Changes to Housing Complaints

9.9 The Localism Act moved responsibility for housing complaints from the Local Government Ombudsman to the Housing Ombudsman, with effect from 1 April 2013.

9.10 It also introduced a new complaints stage involving consideration by a 'designated person' prior to consideration by the Housing Ombudsman. This is to promote local resolution via an elected member, MP, or tenant panel.

9.11 The team has worked closely with THH to establish processes by which these complaints can be handled and consideration is being given to reducing the number of stages prior to the designated person stage.

9.12 Training has been provided jointly by the corporate complaints and information team and THH, to members regarding this new role. This training will be repeated.

9.13 Publicity

9.14 The team ensures that complaints publicity is widely available 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.

9.15 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.

9.16 Web pages for all the team's activities are currently being reviewed and updated.

9.17 **Effective Learning Outcomes from Complaints**

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

9.19 Where appropriate, lessons learnt from complaints are considered by the Corporate Management Team in quarterly monitoring reports.

9.20 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, and the summaries of upheld cases are set out in this document. Lessons learned from complaint investigations are also fed back to staff in supervision to enable discussion about improvements, any additional training required and learning points.

9.21 **Equalities**

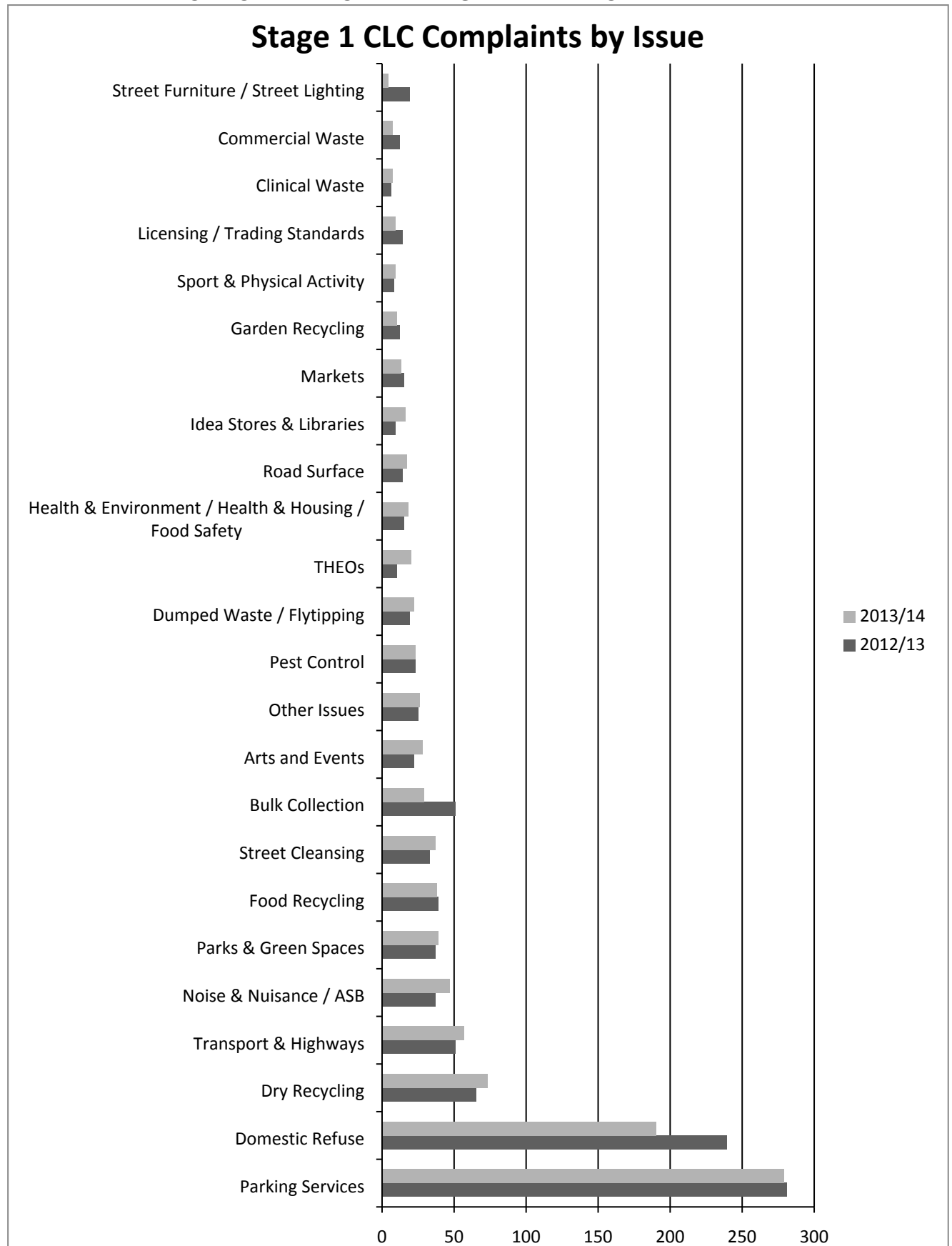
9.22 Issues and concerns on equalities issues are explored on an individual case basis. Any equality issues raised as part of a complaint are also tracked to identify service issues and improvements.

10 **APPENDICES**

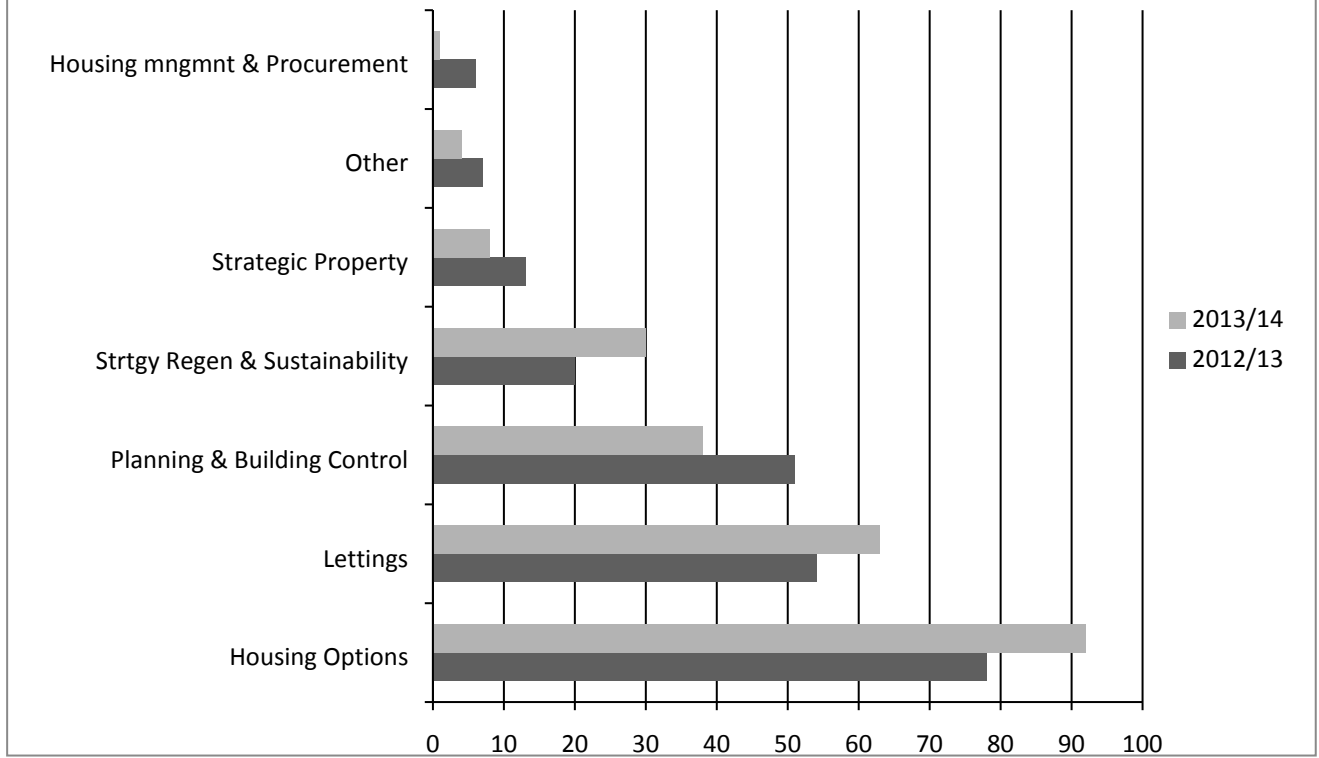
Appendix 1 – Corporate Complaints by Directorate charts

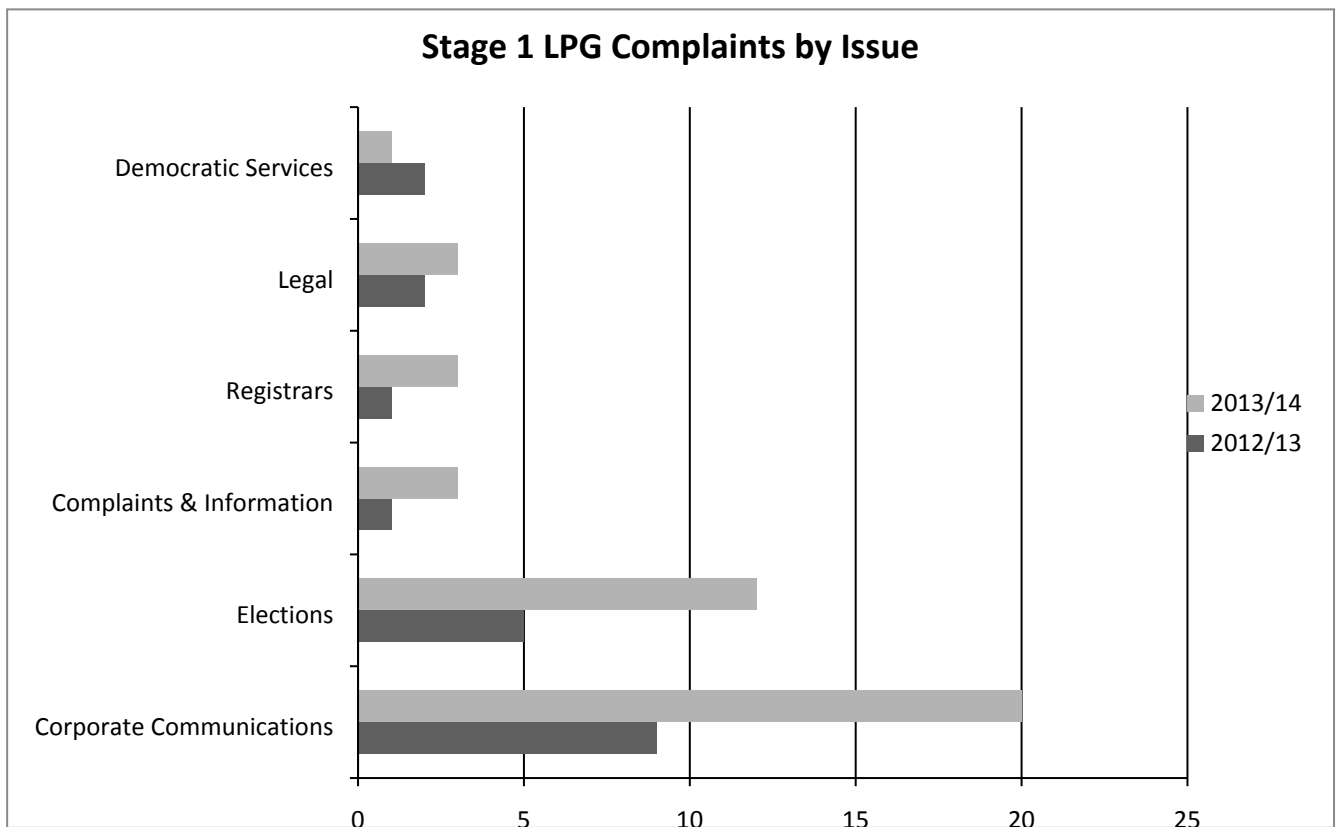
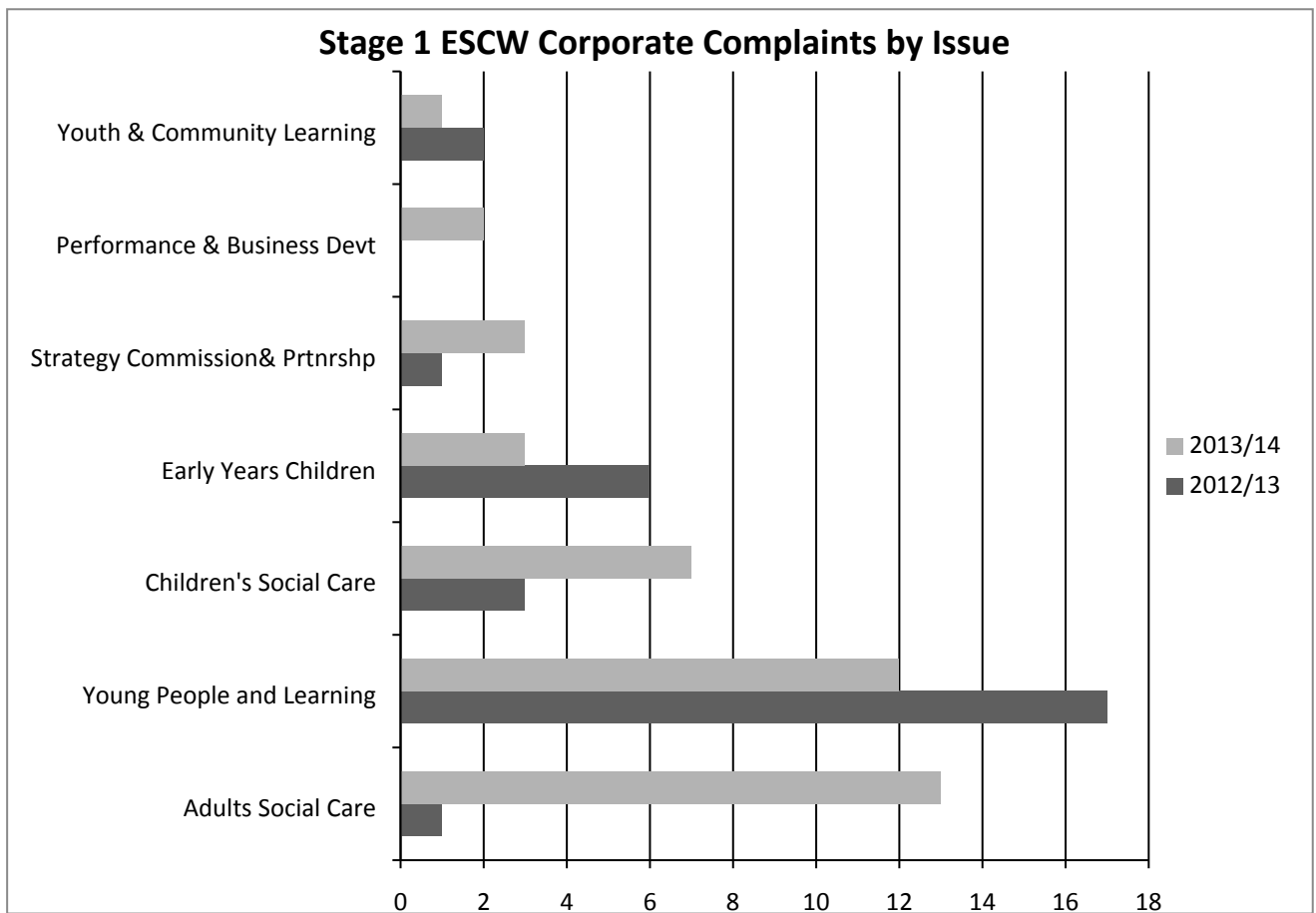
Appendix 2 – Ombudsman’s Annual Letter

APPENDIX 1 – CORPORATE COMPLAINTS BY DIRECTORATE

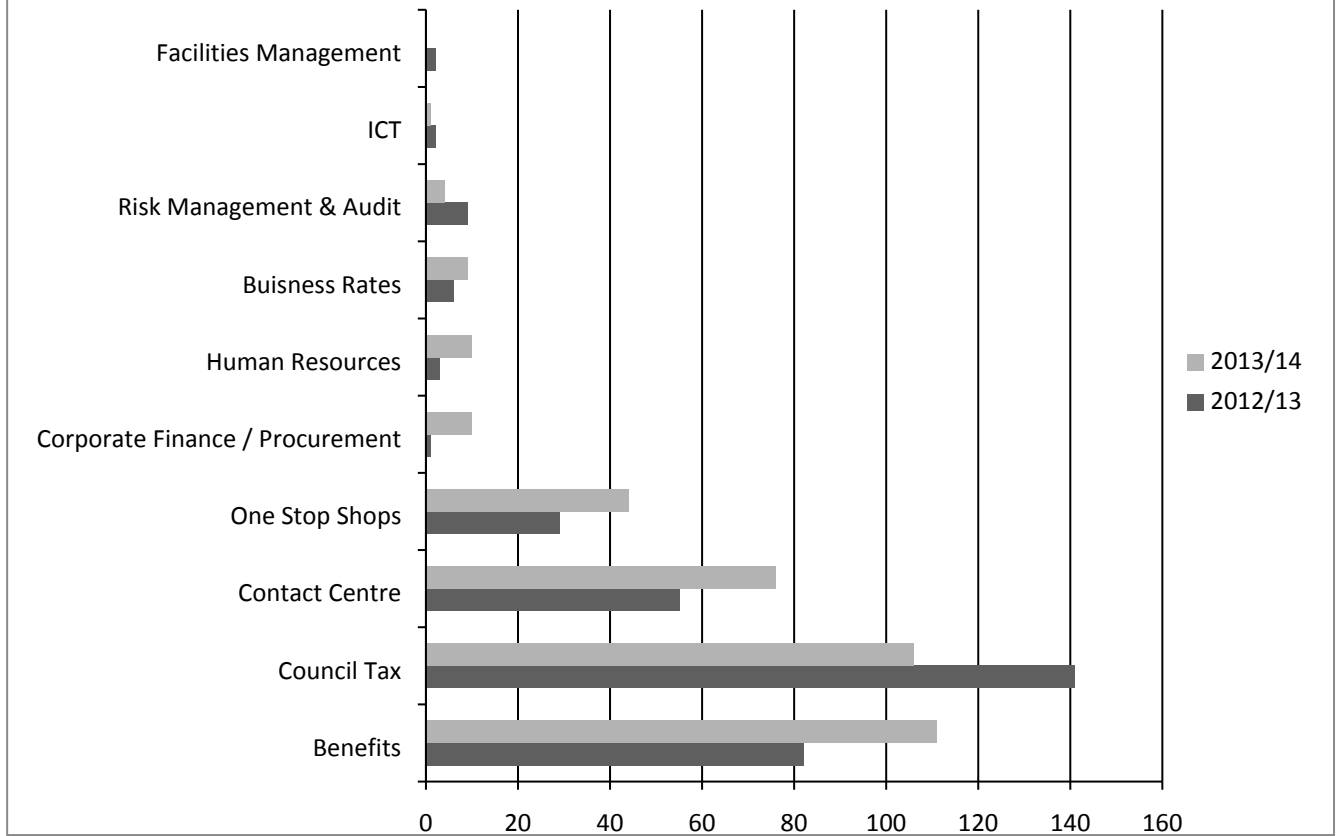


Stage 1 Development & Renewal Complaints by Issue





Stage 1 Resources Complaints by Issue



Stage 1 Tower Hamlets Homes Complaints by Issue

