

Committee: Overview & Scrutiny	Date: 7 April 2015	Classification: Unrestricted	Report No: 7.5
Report of: <i>Corporate Director Law Probity and Governance</i> Originating officer(s) David Galpin, Service Head- Legal Services, Ruth Dowden, Complaints and Information manager		Title: Complaints and Information 6 Month Update Report Wards Affected: ALL	

1. SUMMARY

- 1.1. This report provides outline information regarding the Council's handling of complaints and information requests in the first half of 2014/2015.

2. RECOMMENDATIONS

The Overview and Scrutiny Committee is asked to –

- 2.1 Consider and comment on the contents of the report.

3. BACKGROUND

- 3.1 It is good practice for the Council to consider its performance in both complaints handling and responses to information requests. An annual report is prepared which provides more detailed information, but this six-month report provides an overview of the direction of travel, summarising volumes and performance at a high level.

- 3.2 Some key features of the report are as follows –

- A 15% rise in FOI requests in the first quarter saw performance dip to 77%.
- Whilst volumes of FOI requests remained high in the second quarter, an improvement in performance to 91% was achieved
- SAR performance rose from 45% in quarter 1 to 76% in quarter 2

- The Council's performance in respect of information requests remains subject to close monitoring, both internally and by the Information Commissioner's Office.
- Performance on responding to corporate complaints remains broadly on target with for all stages of the corporate complaints process.
- The second quarter saw a dip in performance for adult social care complaints, with 66% completed in 20 working days.
- There is a need to improve performance in respect of children's social care complaints and complaints to the local government ombudsman.

4. Freedom of Information

4.1. The statutory response time is 20 working days from the day after receipt and the Council sets a target of 95% in time. The Information Commissioner considers performance below 85% sufficiently poor to warrant intervention.

FOI & EIR Requests Received April to September 2014

2014/15	Requests	Closed In Time		Closed Out of Time	Running	Stopped
Apr	200	163	82%	36	0	1
May	171	123	73%	45	0	3
Jun	168	125	76%	40	0	3
July	192	168	89%	21	0	3
Aug	182	162	90%	18	0	2
Sep	157	142	93%	10	0	5
Total	1070	883	84%	170	0	17

- 4.2. The table above shows that the performance in the first three months of the municipal year was poor. There was a step increase in the volume of requests (22%) against the previous year, which may account for the drop in performance.
- 4.3. Performance in quarter 1 averages at 77% in time, but quarter 2 saw a marked improvement starting in July 2014 (with 89%) rising to 93% in September 2014, and averaging 91% over the quarter.
- 4.4. On 10 September 2014, the Information Commissioner's Office (ICO) commenced a three month monitoring period capturing performance from 1 September to 30 November 2014. This followed the receipt of complaints by the ICO about turn-around times. This could well have been the result of the Council's dip in performance in quarter 1.
- 4.5. The 22% increase in volume of requests against 2013/14 has been consistent over the half year reported .
- 4.6. The improved performance in quarter 2 is encouraging but needs to be sustained in the second half of 2014/2015 if the Council is to achieve an overall acceptable level of performance for the year. The cumulative performance for the first half is 84% on time, which is marginally below the level of performance in 2013/14 (85%).

5. Subject Access Requests

5.1 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.

Subject Access Requests Received April to September 2014

2014/15	Requests	Closed In Time		Closed Out of Time	Running	Stopped
Apr	15	6	50%	6	0	3
May	15	5	36%	9	0	1
Jun	16	6	50%	6	0	4
Jul	14	10	83%	2	0	2
Aug	17	13	93%	1	0	3
Sep	32	22	73%	1	7	2
Total	109	62	66%	25	7	15

5.2 As with the FOI Requests, the quarter 1 Subject Access Request performance was significantly below the expected standard, averaging 45% completed within the 40 calendar day statutory time-limit.

5.3 The second quarter was more encouraging, with an average of 80% completed within the deadline. It is still short of the corporate target of 95% completed in time and below the ICO standard too.

5.4 The year to date performance of 66% is better than the 57% achieved overall last year. There are action plans in place in the key demand areas to ensure that performance continues to improve and is sustained.

6. Corporate Complaints

6.1 The tables below set out the volumes and performance of corporate complaints for the first two quarters of the year 2014/15. The performance target for all three stages is 88% completed in time.

6.2 Stage 1 corporate complaints were completed 87% in time in the first quarter and 91% in the second quarter.

Stage 1 Complaints - Performance	2014/15 Qtr: 1					2014/15 Qtr: 2				
	Closed	Days to Close	Closed in Time		Upheld/ Part Upheld	Closed	Days to Close	Closed in Time		Upheld/ Part Upheld
CLC	257	8	242	94%	36%	321	8	299	93%	36%
Development & Renewal	4	8	4	100%	50%	18	8	14	78%	44%
ESCW	2	13	1	50%	50%	5	18	4	80%	60%
LPG	13	9	12	92%	46%	9	13	6	67%	33%
Resources	60	4	59	98%	48%	43	5	43	100%	44%
Tower Hamlets Homes	194	10	141	73%	45%	204	9	177	87%	49%
Total	530	9	459	87%	41%	600	8	543	91%	42%

6.3 The stage 2 complaint performance was less satisfactory in the first quarter with 79% completed in time, with an improvement to just below target in quarter 2, at 87% in time.

Stage 2 Complaints - Performance	2014/15 Qtr: 1					2014/15 Qtr: 2				
	Closed	Days to Close	Closed in Time		Upheld/ Part Upheld	Closed	Days to Close	Closed in Time		Upheld/ Part Upheld
CLC	30	16	29	97%	43%	44	16	39	89%	34%
Development & Renewal						6	15	4	67%	17%
ESCW										
LPG	4	35	1	25%	25%	1	24	0	0%	0%
Resources	5	14	5	100%	20%	4	14	4	100%	0%
Tower Hamlets Homes	33	20	22	67%	58%	32	16	29	91%	72%
Total	72	19	57	79%	47%	87	16	76	87%	45%

6.4 For stage 3 complaints, performance was above target for both quarters (93% and 89%). There was a significant rise in the volume of FOI Internal Reviews over the period (7 in Q1, 23 in Q2) accounting for the increase in overall stage 3 volumes (rising to 56) in the second quarter. The time taken to complete these reviews is being closely monitored, given the rise in number.

Stage 3 Complaints - Performance	2014/15 Qtr: 1					2014/15 Qtr: 2				
	Closed	Days to Close	Closed in Time		Upheld/ Part Upheld	Closed	Days to Close	Closed in Time		Upheld/ Part Upheld
CLC	12	20	10	83%	42%	8	18	8	100%	13%
Development & Renewal	5	21	4	80%	40%	9	20	8	89%	56%
ESCW										
LPG	1	17	1	100%	0%					
LPG - FOI Reviews	7	15	7	100%	57%	23	16	19	83%	39%
Resources	3	18	3	100%	0%	3	18	3	100%	0%
Tower Hamlets Homes	14	19	14	100%	57%	13	19	12	92%	31%
Total	42	19	39	93%	45%	56	18	50	89%	34%

7. Statutory Adult Social Care complaints

7.1. The Statutory Adults Social Care procedure does not set a fixed timeframe for resolution. It is considered more appropriate to tailor the investigation and timeframe to the individual complaint.

Complaints Answered	Totals	Within 10 working days		Within 20 working days		Within 30 Working Days		Answered outside timescale	Average Days to Complete
2013/14 QTR:2	15	9	60%	4	87%	2	13%	2	11
2014/15 QTR:1	13	6	46%	5	84%	2	15%	2	12
2014/15 QTR:2	15	5	33%	5	66%	2	13%	5	22

7.2. Monitoring occurs against time bands of 10 working days and the aim is to achieve 88% in 20 working days or an agreed longer timeframe should this be necessary. The cumulative figures for complaints closed in 20 working days has fallen in quarters 1 and 2. In the second quarter three complaints ran significantly over time. Volumes remain constant and the dip in performance needs to be addressed.

7.3. More detailed consideration on receipt of the individual complaint and time required to resolve will help address this performance issue.

8. Statutory Children's Social Care complaints

8.1 This statutory procedure sets two timescales at stage 1, and the performance targets are 50% and 88% for the lower and upper time-limit respectively.

Stage 1	Total	Answered within 10 working days		Answered within 20 working days		Answered outside timescale		Average response times (days)
2013/14 QTR: 2	13	9	69%	12	92%	1	8%	5
2014/15 QTR: 1	14	5	36%	10	71%	4	29%	12
2014/15 QTR: 2	16	6	38%	12	75%	4	25%	12

8.2 The table above shows neither target being met for stage 1 in the first two quarters.

8.3 There has only been one stage two complaint closed in the six-month period and no stage 3 review panels.

9. Ombudsman Complaints.

9.1 The Council sets an internal target for submission of the Council's first response to the Ombudsman's enquiries. Of the 17 enquiries received from the Local Government Ombudsman (12) and Housing Ombudsman (5), 13 or 76% were completed in internal target of 21 calendar days.

9.2 14 or 82% were completed in the Ombudsman's target of 28 calendar days.

9.3 Full and structured responses from the services concerned are required to drive up the response rate.

10. ANY IMPLICATIONS

10.1 Finance comments

10.2 There are no financial implications arising from the recommendations within this report.

10.3 Legal comments

10.4 There are no additional legal implications arising from the report.

11 CONCLUSIONS

The Overview and Scrutiny Committee is asked to –

11.1 Consider and comment on the contents of the report.

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

There are no background papers