Local Government & Social Care OMBUDSMAN

21 July 2021

*By email*

Mr Tuckley
Chief Executive
London Borough of Tower Hamlets

Dear Mr Tuckley

**Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

**Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, Your council's performance, along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

During the year, we issued a public report about your Council's refusal to install a disabled parking bay outside the home of a family whose child has autism, severe behavioural difficulties, and muscle weakness.

Our investigation found the Council had not properly considered whether the boy should have been treated as an exception under its policy, or the implications of the boy's award of Higher Rate Disability Living Allowance. We concluded that any reasonable consideration of these factors would have resulted in the installation of a disabled parking bay. We asked the Council to install the bay and to pay the family £1,000 to reflect the distress and inconvenience caused. We also asked the Council to ensure that officers were made aware of our findings in this case, to review its parking bay policy in relation to hidden disabilities and inform other applicants refused a bay of those changes.

It was disappointing the Council took over four weeks to place public notices of the report in newspapers, failing to meet the two-week statutory requirement. I was, however, pleased the Council accepted our recommendations and implemented them quickly.

I was satisfied with your Council's compliance with our recommendations in 95% of cases during the year. However, it is disappointing that in one case the Council did not comply with the remedy we recommended, which led to us opening a new complaint. I am pleased to say the remedy has now been satisfied but over a year later than it should have been.

It is also concerning that in nine of the 22 cases where we recorded a remedy, your Council was late in completing the agreed remedy. In three cases your Council was late by more than a month. I also note my investigators were required to chase the Council on four occasions for responses to enquiries and, in one case, we resorted to threatening to issue a witness summons before the information we had requested was provided.

While I acknowledge the pressures councils are under, such delays add to the injustice already suffered by complainants. Additionally, the actions you agree to take, and your performance in implementing them, are reported publicly on our website, so are likely to generate increased public and media scrutiny in future. I reported my concerns about delays in the remedy process last year and it is concerning that the issues persist.

Overall, your Council's complaint handling and responses to this office have fallen below the standards we expect. The concerns I have are indicative of corporate, systemic issues and I ask that you urgently consider your Council's approach to all aspects of its complaint handling, prioritising good standards of administrative practice, and seeking to improve the process and outcomes for people who complain to you. It is encouraging that you contacted us in the last year to discuss possible solutions to some of these issues and if there is any further support we can provide, please do get in touch.

**Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

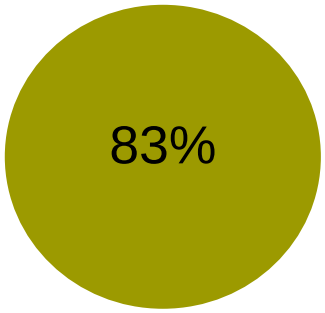
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

London Borough of Tower Hamlets
For the period ending: 31/03/21

## Complaints upheld



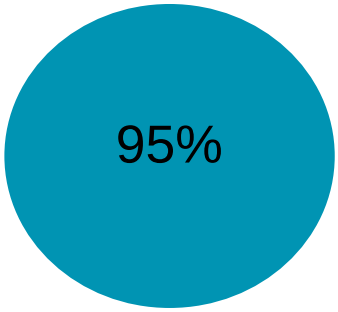

**83%** of complaints we investigated were upheld.

This compares to an average of **72%** in similar authorities.

25
upheld decisions

Statistics are based on a total of 30 detailed investigations for the period between 1 April 2020 to 31 March 2021

## Compliance with Ombudsman recommendations



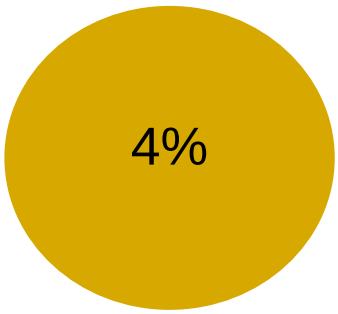

In **95%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 22 compliance outcomes for the period between 1 April 2020 to 31 March 2021

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

## Satisfactory remedy provided by the authority




In **4%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **12%** in similar authorities.

1
satisfactory remedy decision

Statistics are based on a total of 30 detailed investigations for the period between 1 April 2020 to 31 March 2021

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.