

# Public Document Pack

## Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 13 December 2012.

Barry Quirk, Chief Executive

Councillor Duwayne Brooks	Gill Butler
Councillor Janet Daby	Matthew Hill
Councillor Julia Fletcher	Hannah Le Vey
Councillor Alan Hall	David Roper Newman
Councillor Ami Ibitson	Cathy Sullivan
Councillor Stella Jeffrey	Leslie Thomas
Councillor Helen Klier	
Councillor Jim Mallory	
Councillor Paul Maslin	
Councillor Pauline Morrison	



# Standards Committee Agenda

Thursday, 13 December 2012

**6.00 pm**, Civic Suite Lewisham Town Hall Catford SE6 4RU

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Troy Robinson (Tel: 020 8314 9365)

## Part 1

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# Agenda Item 1

STANDARDS COMMITTEE		
<b>Report Title</b>	ELECTION OF CHAIR AND VICE CHAIR	
<b>Key Decision</b>		Item No. 1
<b>Ward</b>		
<b>Contributors</b>		
<b>Class</b>	Part 1	Date: 13 December 2012

## Recommendation

To appoint a Chair and Vice Chair of the Committee following the implementation of new ethical arrangements which require elected members to serve in these positions.

STANDARDS COMMITTEE		
<b>Report Title</b>	Declarations of Interests	
<b>Key Decision</b>	No	Item No. 1
<b>Ward</b>	n/a	
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: December 13 2012

## Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

### 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

### 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member’s knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).

## (5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## (6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## (7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)



# Agenda Item 3

STANDARDS COMMITTEE		
<b>Report Title</b>	MINUTES	
<b>Key Decision</b>		Item No. 2
<b>Ward</b>		
<b>Contributors</b>		
<b>Class</b>	Part 1	Date: 13 December 2012

## Recommendations

It is recommended that the Minutes of the meeting of the Committee , which was open to the press and public held on 6 June 2012 be confirmed and signed (copy attached).

## LONDON BOROUGH OF LEWISHAM

Minutes of the meeting of the STANDARDS COMMITTEE which was open to the press and public, held at LEWISHAM TOWN HALL, CATFORD, SE6 4RU on WEDNESDAY 6 JUNE 2012 at 6:00 p.m.

### Present

Independent members: Gill Butler, Sally Hawkins, David Roper-Newman and Cathy Sullivan

Councillors Alan Hall, Stella Jeffrey, Jim Mallory and Pauline Morrison.

Apologies for absence were received from Councillors Brooks and De Ryk and Leslie Thomas.

<u>Minute No.</u>		<u>Action</u>
1	<u>ELECTION OF CHAIR AND VICE CHAIR</u>	
	RESOLVED	that Sally Hawkins be appointed as the chair for the remainder of the municipal year and that Gill Butler be appointed as vice chair for the remainder of the municipal year
2	<u>MINUTES</u>	
	RESOLVED	that the minutes of the meeting held on 1 March 2012 be approved as a correct record and signed by the Chair.
3	<u>DECLARATIONS OF INTEREST</u>	
		None was declared
4	<u>REVIEW OF THE LOCAL CODE OF CORPORATE GOVERNANCE 2011/12</u>	
		Kath Nicholson, Head of Law and Monitoring

Minute  
No.

Action

Officer introduced the report and explained that this is a standard report that is presented to the Committee on an annual basis. It was further explained that the detailed results of the review are at Appendix 2 to the report.

A discussion followed on the decision making on a very difficult report in relation to the Baring Hall Hotel. It was acknowledged that this was a very difficult report both legally and politically. Kath Nicholson advised that the overriding consideration was to make the final report resistant to challenge.

RESOLVED that the outcome of the review of the Local Code of Corporate Governance be endorsed.

5 THE NEW ETHICAL FRAMEWORK UNDER  
THE LOCALISM ACT 2011

Kath Nicholson, Head of Law and Monitoring Officer introduced the report and explained that from the 1<sup>st</sup> July new ethical provisions will need to be put in place.

It was explained that there was a clear remit to maintain the current standards except where it was clear that these were overly bureaucratic. The Chair was concerned that the current ethical standards be continued and maintained.

Councillor Hall expressed the view that councillors had not been sufficiently consulted thus far and that it seemed quite difficult to tease out some of the issues.

It was commented that the new Code is expressed in much clearer language and that it was simple, straightforward and easy to follow.

It was further commented that councillors had not been sufficiently consulted and that they will need a better understanding. Kath Nicholson confirmed that there was a Group

Minute  
No.

Action

meeting on the 18<sup>th</sup> June at which the proposed Code of Conduct would be discussed.

Councillor Hall was of the view that the criminal sanctions should be heightened and that the Mayor should be expressly included in the proposed Code.

RESOLVED

having regard to the submissions on the non-statutory elements and the meeting with councillors the Committee recommends the proposed Code to the Council;

agree to include the Principles of Public Life as an Appendix ;

to support having this higher level of standards than that statutorily prescribed.

DATE OF NEXT MEETING

To be arranged

The meeting ended at 7:10pm

# Agenda Item 4

STANDARDS COMMITTEE		
<b>Report Title</b>	APPOINTMENT TO SUB COMMITTEES OF STANDARDS COMMITTEE	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>	n/a	
<b>Contributors</b>	Head of Law	
<b>Class</b>	Part 1	Date: 13 December 2012

## 1. Summary

This report makes proposals for the appointment of two sub committees of the Standards Committee to handle complaints of breach of the Member Code of Conduct and appeals.

## 2 Recommendation

- 2.1 To appoint Gill Butler, Leslie Thomas and Matthew Hill and 5 councillors to be members of the Standards Sub Committee A
- 2.2 To appoint Cathy Sullivan, David Roper Newman and Hannah Le Vey and 5 councillors to be members of Standards Sub Committee B
- 2.3 That the remit of both sub committees should be identical in the terms set out in Appendix 1 to this report.

## 3. Background

- 3.1 Following changes in the law relating to the ethical framework introduced by the Localism Act 2011, the Council has adopted a new Member Code of Conduct and a Procedure for Handling Complaints under it.
- 3.2 The procedure provides for initial investigation by the Monitoring Officer or by someone nominated by her. If following that investigation the Monitoring Officer proposes that action be taken against the member concerned, the procedure provides for the Monitoring Officer's report, any response by the member and the views of the Council's Independent Person to be presented to a sub committee of the Standards Committee for decision as to finding and, if appropriate, sanction. A member aggrieved by the decision of this sub committee has a right of appeal under the procedure.
- 3.3 To ensure that the procedure is seen to be fair and to accord with natural justice, as well as the right to a fair hearing under Article 6 of the European Convention on Human Rights, it is advisable for the membership of these two

committees to be entirely separate, so that any sub committee hearing an appeal might come to the matter without any previous consideration of it.

- 3.4 It is proposed that the sub committees should both be capable of performing both roles (initial decision and appeal) but that in any particular case they should only perform one of those functions.
- 3.5 Whereas in the past regulations allowed independent members of Standards Committee to vote, those special provisions have been abolished and so there is a requirement for the sub committees to have a sufficiently large membership to satisfy quorum requirements. The quorum will be three councillors. Co-optees in law do not go to make up the quorum, but past practice in Lewisham has been to encourage the fullest participation by independent members of the Standards Committee and it is anticipated that the valued contribution of independent members will continue and be much appreciated.

#### **4 The proposed sub committees**

- 4.1 There are 16 members of the Standards Committee in Lewisham. 10 are councillors and 6 are independent co-optees. It is suggested that there be 2 sub committees, A and B, each consisting of 3 independent members and 5 councillors. Each must be chaired by an elected councillor.

#### **5. Legal and other implications**

- 5.1 These are generally set out in the body of the report.
- 5.2 It is permissible for the Committee to appoint sub committees though the special provisions for Standards Committees allowing non elected members of the Committee to vote no longer pertain.
- 5.3 There are no further financial, equalities, environmental, health, or crime and disorder implications.

Contact Kath Nicholson, Head of Law and Monitoring Officer 0208 314 7648

## **Appendix 1**

### **Proposed terms of reference of Standards Sub Committees A and B**

1. In relation to complaints of breach of the Lewisham Member Code of Conduct, to do all things it considers necessary to consider the report of the Monitoring Officer, representations of the member concerned if made, and the views of the Independent Person in accordance with the procedure in force from time to time for the handling of complaints of the Member Code of Conduct, and to make a finding as to whether a breach of the Code has occurred.
2. To impose such sanctions as are lawfully available to the Sub Committee in respect of any breach including, but not limited to, censure, referral to full Council, withdrawal of facilities where lawful and appropriate, and/or publicity.
3. To consider appeals against the findings made and/or sanctions imposed by a Standards Sub Committee in respect of a complaint of breach of the Member Code of Conduct
4. To do all things, which in the opinion of the Sub Committee are necessary to give effect to the above terms of reference.

# Agenda Item 5

STANDARDS COMMITTEE		
<b>Report Title</b>	Introduction to the ethical framework in Lewisham	
<b>Key Decision</b>	no	Item No. 5
<b>Ward</b>		
<b>Contributors</b>	Head of Law	
<b>Class</b>	Part 1	Date: 13 December 2012

The Head of Law will make a short presentation after which members are asked to comment on the training needs they may have to allow them to carry out their role of member of the Standards Committee and its Sub committees effectively.



# Agenda Item 6

STANDARDS COMMITTEE			
<b>Report Title</b>	Compliance with the Member Code of Conduct		
<b>Key Decision</b>			Item No.
<b>Ward</b>			
<b>Contributors</b>	Kath Nicholson, Monitoring Officer		
<b>Class</b>	Part 1	Date: 13 December 2012	

## 1. Summary

This report deals with the way in which Members address the need to comply with the Lewisham Member Code of Conduct and seeks the Committee's views about whether any amendment to practice is required or further information brought to the Committee's attention

## 2. Purpose

The purpose of this report is to give information about the extent of compliance with the Lewisham Member Code of Conduct and to seek from the Committee any views about how practice in Lewisham could be improved.

## 3. Recommendation

- 3.1 To consider the information set out in this report and to consider whether to make any recommendations to the Council in respect of the effectiveness of the Member Code of Conduct.

## 4. Background

- 4.1 In 2007 the Council adopted a Code of conduct which complied with statutory requirements at the time. On June 28 2012 the Council adopted a new Code of Conduct following a change in the law amending the ethical framework for local authorities.
- 4.2 For the sake of clarity, this report examines compliance with the previous Code of Conduct until June 2012 and suggests that when the next review of compliance with the Code is considered by the Committee, it relates back to the date of the new Code's inception. All references to the Code in this report relate to that earlier Code of Conduct.

4.3 The Lewisham Member Code of Conduct has appended to it a number of protocols:

- Member and Officer relations
- Member Use of IT
- Planning and Lobbying
- Code on Publicity

These protocols do not form part of the Code, but may be of assistance in deciding whether there has been a breach of the Code's main provisions.

## **5. Assessment of Practice November 2011 – June 2012**

Officers have looked at elements of practice by Lewisham members to establish whether practice fits the requirements of the Code.

### **5.1 A requirement to undertake to comply with the Member Code of Conduct**

- (i) All members of the Council, (including those who are co-opted members) signed a declaration that they undertake to comply with the Member Code of Conduct. Such a declaration is signed by members immediately following election (and very soon after appointment in the case of co-opted members). These declarations are held by the Monitoring Officer, and are in the appropriate format which complied with the Local Elections (Declaration of Acceptance of Office) Order 2001. The new members of the Standards Committee appointed by Council on November 28 2012 will be invited to sign their undertakings at the meeting.

### **5.2 Declarations of Interest**

- i) One of the key features of the Member Code of Conduct between November 2011 and June 2012 was the requirement to declare a personal interest at any meeting where a member has such an interest, and to withdraw from the meeting and not seek to influence the decision further if the interest was a prejudicial one.
- ii) Broadly, a personal interest was one which affects the wellbeing or financial position of the member, their family relatives or friends (etc) more than it affects others in their ward. A prejudicial interest was a personal interest which a member of the public in possession of the relevant facts would reasonably think is so significant and particular that it was likely to affect the member's judgement of the public interest. Under the Code even where a prejudicial interest arose members representing their constituents by making representations were able to address the Committee as long as they withdrew at the end of their representations. This was invoked on one occasion.

- iii) An assessment has been conducted of the number of declarations that have been made between November 2011 and June 2012. The focus has been meetings of the Mayor and Cabinet (including Mayor and Cabinet (Contracts) and the Planning Committees. The emphasis has been placed on these meetings as they are the major decision making fora. All declarations of interest are minuted by the Committee Clerk in attendance and a review of the minutes shows the following results:

	<u>Declaration</u> (personal interest)	<u>Withdrew</u> (i.e. prejudicial interest)
Mayor & Cabinet	10	4
M&C (Contracts)	7	4
Planning Committees	3	1
Council	19	4

- iv) It is apparent that there is a clear awareness that members must consider whether to declare and withdraw, as the incidence of such practice shows.

As previously considered and agreed by this Committee a notice now appears at the front of each agenda which details the circumstances in which a personal/prejudicial interest can arise. Members have commented that they find this notice to be a helpful reminder and concise summary of their responsibilities on declaring interests.

### 5.3 Advice on Ethical Issues

- i) Some of the declarations/withdrawals referred to in paragraph 5.2 above followed a request for advice from the Monitoring Officer, or her representative. However, several were made without even an approach, as the member concerned was of the view that an interest existed without the need for such advice.
- ii) Where possible, if Code of Conduct issues arise, Monitoring Officer advice is incorporated into reports.
- iii) There is a body of evidence which demonstrates that members are aware of Code of Conduct issues as this is embodied in the number and nature of ad hoc requests for advice from the Monitoring Officer. A review of that file shows that councillors have sought advice on Code of Conduct issues arising.

The range of matters includes:

- training session and briefing note to members on the implications of members being involved in outside bodies
- all party briefing to members on the Localism Act 2011
- training and briefing note to members on the new public sector equality duty and consultation for Council decision making
- advice to all members on the GLA and London Mayoral election and issues arising during the election period
- advice to all members in the run up to a local by-election
- various advices to members in relation to potential personal/prejudicial interests which affect their ability to participate in considering various matters
- advice on extended absence of three members
- advice in relation to carers' allowances to members and possible amendment to the Members' Allowance Scheme
- advices to members in relation to potential interests in considering planning applications
- advice to a member in relation to the chairing of committees
- advice to the Chair of Council in relation to the conduct of meetings
- advice to members on Code of Conduct issues in relation to the establishment of social enterprises and co-operatives
- advice on changes to the Constitution and redrafting following implementation of the Localism Act 2011
- report to Council on the Localism Act 2011 and the new ethical framework

In all of the instances referred to the Monitoring Officer above, she believes that the advice given has been followed. A written record of all Monitoring Officer advice given is kept.

#### 5.4 Dispensation

There have been no applications for dispensation.

#### 5.5 The Members' Register of Interests

The need to register any of the following interests in the Members' Register of Interests was also a key feature of the Member Code of Conduct.

- (a) any employment, or business carried on by him/her;
- (b) the name of the person who employs or has appointed him/her, the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made a payment to him/her in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (d) the name of any corporate body which has a place of business or land in the authority's area where the member has a beneficial interest in a class of securities of that body which exceeds the value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the authority and him/herself, a firm in which he/she is a partner, a company of which he/she is a director, or a body of the description in paragraph (d) above;
- (f) the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25;
- (g) the address or other description (sufficient to identify the location) of any land in which he/she has a beneficial interest and which is in the area of the authority;
- (h) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description in sub-paragraph (d);
- (i) the address or other description (sufficient to identify the location) of any land in the authority's area in which he/she has a licence (alone or jointly with others) to occupy for 28 days or longer

There are entries for all members and an annual reminder is also sent to all members about the need to keep this up to date. All members have submitted a completed Declaration of Interest which now includes a section requesting information in relation to gifts and hospitality.

Individual returns are now available on the Council website.  
[www.lewisham.gov.uk](http://www.lewisham.gov.uk)

## 5.6 Hospitality & Gifts

Under the Member Code of Conduct members were required to provide details of any gift or hospitality over the value of £25 and the source of such gift or hospitality that they receive as a member. The Code requires that within 28 days of receiving any gift or hospitality over the value of £25 that they notify the Monitoring Officer of the existence and nature of the gift or hospitality.

For the purpose of this review relevant entries for the period November 2011 to June 2012 in the relevant section of the Register of Interests have been perused in an attempt to establish recent and current compliance with the requirements of the Code of Conduct. It appears that incidence of registration is quite common and the section is completed. This tends to indicate that members have a clear recognition of their need to make relevant entries.

Individual returns are now available on the Council website.  
[www.lewisham.gov.uk](http://www.lewisham.gov.uk)

## **6. Complaints of breach of the Member Code of Conduct**

- 6.1 Complaints of breach must be made to the Monitoring Officer, and there is a dedicated email address for this to be done. This is widely publicised on the Council's website where there is a direct link alongside the Complaints Procedure. The address is [monitoring.officer@lewisham.gov.uk](mailto:monitoring.officer@lewisham.gov.uk).
- 6.2 Perhaps the most telling indicator of the extent of compliance with the Member Code of Conduct is the number of complaints of breach made to the Council. Since May 2008 all written complaints that a member has breached the Code of Conduct are for the Standards Committee to consider initially. Between November 2011 and the end of June 2012 there was one outstanding action, namely that a member against whom a complaint had been made should attend training. This action occurred in June 2012.
- 6.3 In the six months covered by this report, only one further complaint was received. It came via the Corporate Complaints Unit and as it appeared to make allegations against members of improper behaviour it was referred to the Monitoring Officer. The Monitoring Officer interviewed the complainant who confirmed that the complaint was not against a member but several officers. The Member Code of conduct was therefore not invoked but the Monitoring Officer undertook to investigate the complaints against officers. However the complainant was unable to give any specifics about the general accusal which formed the basis of the complaint. When requested to supply these details the complainant withdrew.

## **7. Whistleblowing Complaints**

If there were complaints of alleged breaches of the Code of Conduct by members, it may be that they would arise through the Council's whistleblowing policy, which is well embedded. This Committee has so far

received nine annual reports on whistleblowing cases. As is evident from those reports and this one, none of the complaints have referred to members. Had they done so, the Monitoring Officer would have advised the complainant of their right to refer the matter to her for investigation.

The Whistleblowing Policy was last amended in December 2011 reflecting the changes necessary as a consequence of the implementation of the Bribery Act 2010.

## **8. Bribery Act 2010**

8.1 The Bribery Act 2010 came into force in July 2011 and the Act modernised the law on bribery. The Act created an offence to offer, promise or give a financial or other advantage where the person doing so 'knows or believes' that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity, which includes the usual local authority functions and activities.

8.2 In December 2011 this Committee reflected the introduction of the Bribery Act 2010 by amending the Whistleblowing Policy. Changes to reflect the Council restructuring and changes in personnel were also reflected.

## **9. Legal Implications**

The ethical framework under which the measures set out in this report were established were provided in the Local Government Act 2000 and Regulations made under it. The Localism Act 2011 will amend the standards regime fundamentally. The implications have been reported to this Committee and to the Council and changes to the ethical framework were implemented from June 2012. The next review will reflect the amended law and cover the period from June 28 2012.

## **10. Financial Implications**

There are no specific implications arising.

## **11. Crime and Disorder Implications**

The Code of Conduct deals with the promotion of the highest standards of behaviour, and the prevention of breaches of the Member Code of Conduct which may well amount to criminal behaviour.

## **13. Human Rights Act Implications**

There are no specific implications arising.

## **14. Equal Opportunities Implications**

There are no specific implications arising.

**15. Environmental Implications**

There are no specific implications arising.

**16. Conclusion**

Compliance with the previous Member Code of Conduct appears to be well embedded in Lewisham. Evidence seems to suggest a high level of compliance. Members of the Standards Committee are asked for their views on this data, and to make any further comments they consider appropriate to improve practice.



STANDARDS COMMITTEE		
<b>Report Title</b>	Work programme	
<b>Key Decision</b>	no	Item No.
<b>Ward</b>		
<b>Contributors</b>	Head of Law	
<b>Class</b>	Part 1	Date: 13 December 2012

## 1. Summary

This report sets out proposals for scheduled items to be considered at upcoming meetings of the Standards Committee in this municipal year and makes suggestions for inclusion at meetings in the next.

## 2. Recommendation

To agree the proposals for a work programme set out in para 3.3 below

## 3. Background

3.1 Full meetings of the Standards Committee are convened three times a year, usually about November/December; February/March and June. These meetings consider certain items on a regular basis to promote the highest standards of conduct. These include:-

- Work programme
- Review of compliance with Member Code of Conduct
- Annual Complaints report
- Review of whistleblowing referrals and policy
- Review of Code of Corporate Governance

3.2 From time to time other matters are considered by full Committee. For example, the Committee recently conducted a review of members' expenses and elsewhere on the agenda this evening is an item to appoint sub committees.

3.3 The proposed scheduled work programme for this municipal year and some suggestions for 2013/14 are set out below:-

*December 2012*

- Introduction to the Ethical Framework (including training needs)
- Work programme

- Review of Compliance with the Member Code of Conduct
- Annual Complaints Report
- Appointment of Sub Committees

*February/March 2013*

- Training event in response to identified needs
- Review of whistleblowing referrals and policy
- Review of Procedure for Handling Complaints of Breach of Code

*June 2013*

- Review of Code of Corporate Governance
- Review of induction and Code of Conduct training for members

3.4 The proposals for June 2013 are appropriately timed as the Corporate Governance Review is incorporated into the Annual Statement of Accounts, and the Council will need to give consideration as to what arrangements will be appropriate for Code of Conduct training and induction for new members in readiness for the elections in 2014.

3.5 In addition to these scheduled items, the Standards Committee may receive unscheduled items from time to time – for example in relation to dispensations allowing members to vote notwithstanding a disqualifying interest, in circumstances permitted by law . There may also be particular training events which we try to dovetail with scheduled meeting times.

3.6 Sub committees may need to meet in repose to complaints on which the Monitoring Officer has conducted an investigation.

#### **4. Legal implications**

There are no specific legal implications associated with this report.

Contact Kath Nicholson Head of Law 0208 314 7648

Standards Committee			
<b>Title</b>	Annual Complaints Report		
<b>Key decision</b>	No	<b>Item no</b>	
<b>Wards</b>	All wards		
<b>Contributors</b>	Executive Director for Customer Services		
<b>Class</b>	Part 1	13 December 2012	

## 1 Executive Summary

- 1.1 The report provides performance information on complaints dealt with by the Council at stages 1 and 2 of the Corporate Complaints procedure as well as complaints and enquiries to the Mayor and Councillors and complaints and enquiries from MP's during 2011/12. There were a total of 4430 complaints and enquiries received in 2011/12, this represents a 12% decrease when compared to 2010/11. The biggest decrease was in the number of member enquires received.
- 1.2 The report does not include complaints about the provision of adult and children's social care both of which are reported individually and publicised according to statutory guidance.
- 1.3 The Independent Adjudicator's (IA) report is attached at Appendix 1. The IA dealt with 87 complaints between 1 April 2011 and 31 March 2012 of which she partially or fully upheld 24 (29%). The IA responded to 94% within the 30-day response standard, an increase in performance of 15% against the 2010/11 performance. The IA identified a number of issues from the complaints and makes recommendations for improvement.
- 1.4 The Local Government Ombudsman (LGO) report is attached at Appendix 2. In 2011/12, the LGO made decisions in a total of 82 cases, a decrease of 7 cases on the previous year. Lewisham received no public reports.

## 2 Purpose of Report

- 2.1 To update the Standards Committee on the Council's complaints performance for 2011/12 at all stages including the Independent Adjudicator's report and the Local Government Ombudsman Annual Review.

## 3. Recommendations

The Standards Committee is recommended to:

- 3.1 Note the contents of the report.

3.2 Consider whether it wishes to suggest to the Mayor any amendments to the Council's complaints policy felt necessary following the contents of the report or concerns raised by the Independent Adjudicator.

#### 4 Introduction

4.1 This report summarises how the Council and its partners performed when dealing with complaints and how it is using the feedback from complaints to improve services. The report does not cover statutory complaints received for adult and children's social care that are subject to a separate report.

4.2 The report includes a summary of the Independent Adjudicator's report and a summary of the Local Government Ombudsman's Annual Review with the full reports attached as appendices.

#### 5. Stage 1, 2 complaints , MP, Mayor and Councillor enquiries

5.1 The standard response times and responsibility for responding to complaints at each stage are:

Stage 1 – 10 days by the Service Manager

Stage 2 – 20 days by the Head of Service or Executive Director

Stage 3 – 30 days by the Independent Adjudicator

MP/Mayor/Councillor – 10 days by the Head of Service or Executive Director

5.2 The tables below show the number of complaints and enquiries the Council dealt with in the last financial year. The tables are broken down by directorate and shows the percentage dealt with in the standard response time. The statistics are for cases logged onto iCasework between 1 April 2011 and 31 March 2012 compared with performance over the same period in 1 April 2010 and 31 March 2011.

Table 1 – total volume of complaints and enquires by directorate

	<b>Total Complaints and Enquiries</b>		
<b>Directorate</b>	<b>2010/11</b>	<b>2011/12</b>	<b>Variance</b>
<b>Children and Young People</b>	329	223	- 106
<b>Community Services</b>	319	254	- 65
<b>Customer Services</b>	2333	2004	- 329
<b>Lewisham Homes</b>	1325	1238	- 87
<b>Regeneration</b>	700	689	- 11

<b>Resources</b>	25	22	- 3
<b>Total</b>	5031	4430	- 601

Table 2 – stage 1 and stage 2 complaints by directorate

Directorate	Stage 1					Stage 2				
	2010/11	%	2011/12	%	Variance	2010/11	%	2011/12	%	Variance
<b>CYP</b>	64	72	49	80	-15	9	78	7	71	- 2
<b>Community Services</b>	83	61	89	65	6	6	33	2	50	- 4
<b>Customer Services</b>	895	87	767	85	- 128	170	66	116	80	- 54
<b>Lewisham Homes</b>	572	89	556	88	- 16	118	89	117	93	- 1
<b>Regeneration</b>	149	77	136	80	- 13	34	71	39	82	5
<b>Resources</b>	10	90	9	56	- 1	1	100	3	33	2
<b>Total</b>	<b>1773</b>	<b>85</b>	<b>1606</b>	<b>84</b>	<b>- 167</b>	<b>338</b>	<b>75</b>	<b>284</b>	<b>85</b>	<b>- 54</b>

Table 3 - MP, Mayor and Members enquiries by directorate

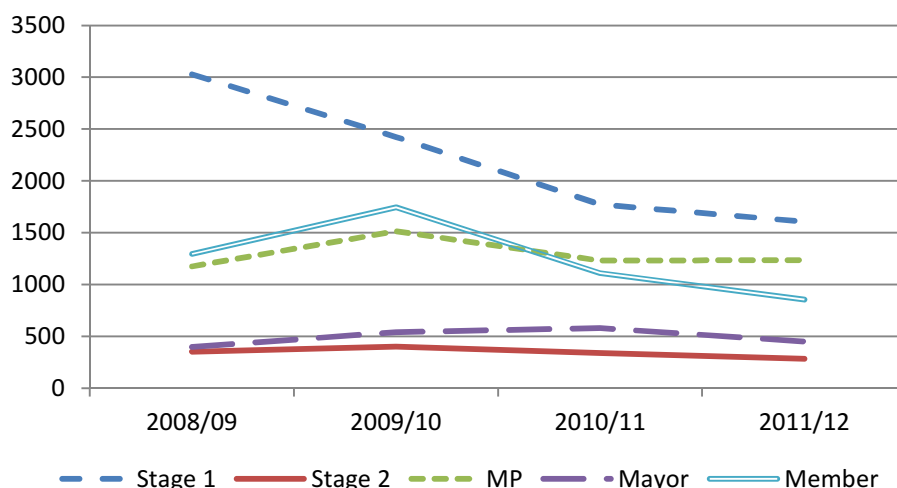
Directorate	MP			Mayor			Members		
	2010/11	2011/12	Variance	2010/11	2011/12	Variance	2010/11	2011/12	Variance
<b>CYP</b>	143 (76)	117 (78)	- 26	42 (67)	22 (55)	- 20	71 (82)	28 (82)	- 44
<b>Community Services</b>	73 (60)	60 (46)	-13	47(62)	26 (58)	- 21	110 (87)	59 (58)	- 51
<b>Customer Services</b>	540 (89)	550 (85)	10	257 (89)	198 (80)	- 59	471 (89)	373 (87)	- 98
<b>Lewisham Homes</b>	336 (87)	322 (91)	- 14	100 (73)	61 (90)	- 39	199 (89)	182 (90)	- 17
<b>Regeneration</b>	136 (88)	169 (82)	33	130 (79)	139 (83)	9	251 (86)	206 (84)	- 45

<b>Resources</b>	3 (67)	1 (100)	- 2	3 (100)	3 (0)	-	8 (100)	6 (100)	
<b>Total</b>	<b>1231 (85)</b>	<b>1219 (83)</b>	<b>- 12</b>	<b>579 (80)</b>	<b>449(79)</b>	<b>- 130</b>	<b>1110 (88)</b>	<b>854 (84)</b>	<b>-</b>

\*figures in brackets denotes the percentage of cases dealt with within the specified targets

5.3 The number of complaints and enquiries received in 2011/12 was 4430. This was a decrease (12%) on the previous year when a total of 5031 were received. Overall the number of Stage 1 and Stage 2 complaints and MP, Mayor and Member enquires all decreased. In particular, there was a significant decrease of 256 in members enquires from the previous year.

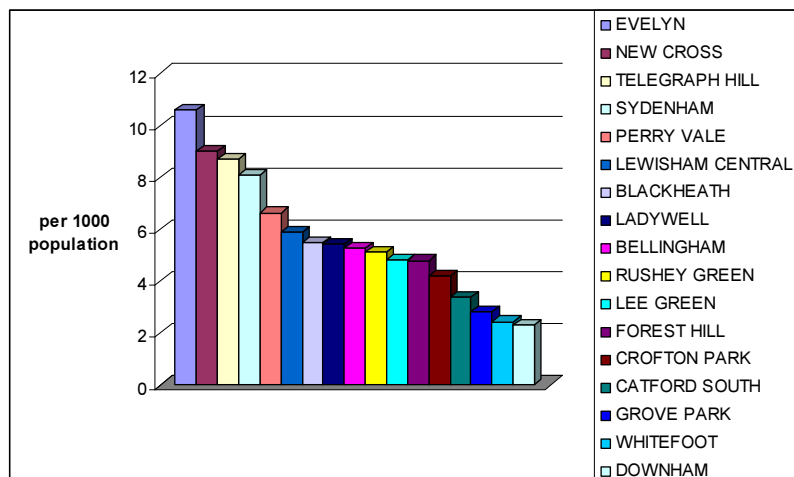
The chart below shows the trend in performance by stage over the last four years.



5.4 The distribution of complaints received by Ward is shown below. This shows that the highest number of complaints received per 1,000 population was received from residents in the Evelyn ward, whilst the lowest number of complaints were received by residents in the Downham ward.

Ward	Complaints per 1,000 population
EVELYN	10.59
NEW CROSS	9.02
TELEGRAPH HILL	8.70
SYDENHAM	8.09
BROCKLEY	7.63
PERRY VALE	6.64
LEWISHAM CENTRAL	5.91
BLACKHEATH	5.48

LADYWELL	5.46
BELLINGHAM	5.30
RUSHEY GREEN	5.15
LEE GREEN	4.83
FOREST HILL	4.80
CROFTON PARK	4.23
CATFORD SOUTH	3.39
GROVE PARK	2.82
WHITEFOOT	2.45
DOWNHAM	2.33



5.5 Complaints received relating to council tax and housing management continue to be the highest. Complaints relating to council tax have seen a significant increase whilst housing management issues have decreased. Appendix 3 provides a breakdown of the top three complaint reasons, by ward. This excludes complaints about Lewisham Homes, which are reported separately to their Board.

#### Top 3 issues (Excluding Lewisham Homes)

- Council Tax
- Housing Benefits
- Housing Management - Regenter

5.6 Services with the top three issues provided comments on their complaints and highlighted any learning points that arose from those complaints.

#### 5.6.1 Council Tax

The number of complaints received by the Council Tax section has increased significantly, this attributable to the additional work being undertaken to collect outstanding arrears owed to the Council. Whilst the team received more complaints during 2011/12 than in previous years the percentage classified as justified reduced by 50%, the lowest since monitoring began.

All complaints are reviewed monthly by the management team. Where complaints are deemed justified the case is reviewed in detail to ascertain what changes to existing procedures/processes are required, or additional staff training needed. The agreed action is logged, the responsible officer identified and timeline for action recorded.

### 5.6.2 Housing Benefits

The Council has 40,000 benefit claimants and during 2011/12 saw 30,000 visitors, answered 54,000 calls and processed more than 160,000 transactions. Of the 81 complaints received for the period 31% were upheld and most related to the introduction of the appointment only service in Access.Point or telephone service.

As a result of the continuous improvement programme the service now sees visitors without an appointment, although continues to encourage them, and has reviewed the telephone arrangements. During the same period the service also received 41 compliments. The service remains one of the best in the country (based on claim processing times) but investigates each upheld complaint and amends procedures where necessary to prevent reoccurrences.

### 5.6.3 Housing Management – Regenter

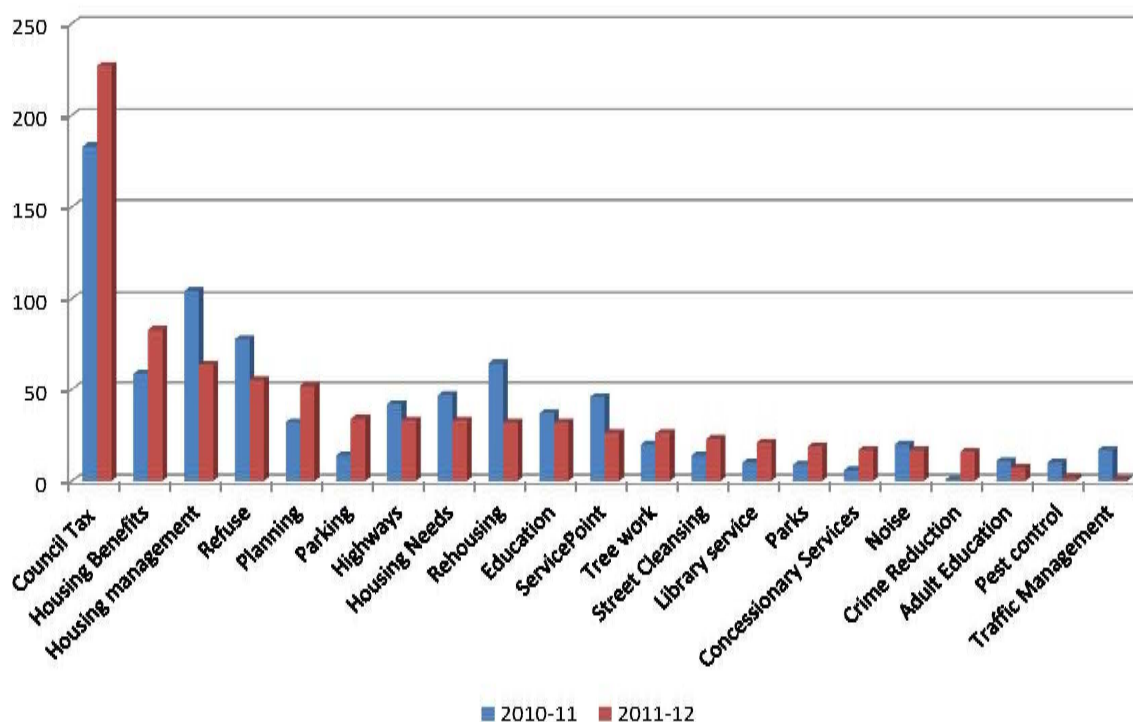
The housing management complaints received by Regenter varied from leaseholders service charges to repairs and maintenance.

The learning points raised from these complaints are:

- Regular meetings with housing managers to review and support their actions around complex neighbour disputes cases
- Conducted a master class in complaints handling
- Senior management oversight of the quality of correspondence
- Providing more information on the website
- Setting up a leasehold forum to work with leaseholders, specifically around service charge consultation
- Introducing online access to block repairs so that leaseholders can see repair costs
- To manage the expectations of post inspection works, customer satisfaction surveys are carried out, over the telephone
- When dealing with complaints, meetings will be held with external partners to ensure a seamless service exists

Comparison of trends for the last two years





## Complaints and service improvement

5.7 Each directorate has responsibility for managing complaints and enquiries. This process is overseen by the Corporate Complaints team. Directorate representatives meet regularly to discuss and resolve common issues and exchange best practice. Throughout the year directorates have worked to improve the quality of the complaints handling. Actions include:

- To make better use of the Council's website to ensure improved signposting and provide up to date information.
- Provision of more detailed notes in iCasework regarding the investigation and/or conversations held with complainant or service area.
- To resolve complex leaseholder complaints more quickly (including structural cases, and disputed responsibility), a Technical Inspector meets with leasehold team every week.

5.8 It is imperative that complaints are handled efficiently. As well as effectively handling complaints, it is vital that complaints are seen as a learning tool and used to inform and shape service delivery.

5.9 Each directorate has used complaints received to identify areas of improvement and undertook changes to improve the way the service is delivered.

For example:

In CYP, parents and service users complained about appointments and contact arrangements being moved or cancelled without adequate notice. This has

been highlighted and processes have been put in place to improve administration by Social Workers and other staff.

A number of complaints received by Lewisham Homes have related to damp and condensation. To minimise these types of complaints, they have undertaken an awareness campaign which included publicising information using various mediums including their website. Free condensation monitors have also been issued to tenants, on request.

Customer Services and Regeneration have recognised the importance of ensuring that all casework is made available to relevant parties. Therefore they have improved the usage of the iCasework notes functions to ensure that up to date information on complaints cases are available to all to review.

Caseworkers have visited service areas to gain a better understanding of their working practices which may provide valuable context to responses.

In response to a complaint made to the Neighbourhood Community Safety Service, the guidance on Restorative Justice has been reviewed and republished and made available to anyone considering taking part in this approach.

- 5.10 More detailed information on the actions undertaken by directorates to improve the quality of complaints handling and the lessons learnt are set out in Appendix 4.
- 5.11 Last year a complaints action plan that included recommendations by the IA, internal audit and the Mayor was developed. The action plan was monitored and was regularly reviewed at the Corporate Complaints Improvement Group (CCIG). Further details pertaining to the action plan can be found in Appendix 5.
- 5.12 A new complaints action plan has been drawn up for 2012-2013 which will continue to be reviewed at CCIG. Appendix 6 contains further information.

## **6 Independent Adjudicator**

- 6.1 The Independent Adjudicator (IA) deals with stage 3 complaints on behalf of the Council. This section summarises the IA's report and the action being taken in response to the issues raised. The report covers the period 1 April 2011 to 31 March 2012.
- 6.2 The IA received 87 cases, which is an increase of 13 cases from the previous year (2010-2011). Of the 87 cases, the IA determined 82 cases, 5 were carried over from the previous year, 6 were withdrawn and 4 remained open as of 31 March 2012. In total 24 cases were upheld, in full or part, which was a decrease of 29%.
- 6.3 The IA has commented positively in her report on the fact that even though there has been significant changes in legislation which has had an impact on

services coupled with the reduction in resources; the level of complaints has not increased significantly.

- 6.4 Following concerns raised last year by the IA the Mayor requested that officers review the guidance relating to offsetting money owed to the Council from compensation and written apologies. The IA has worked with officers to develop new procedures and these are now available on the Council's website.
- 6.5 The IA responded to 94% of cases within the 30 day standard, which is above the 90% target and an improvement on the previous years performance of 79%.
- 6.6 Cases by directorate/partner

The table below sets out the number of Stage 3 complaints against each directorate and each partner (withdrawn cases in brackets). There was an increase in Customer Services and Lewisham Homes cases. Customer Services increased by 12 cases (35%) and Lewisham Homes by 9 cases (23%). All other directorates decreased or stayed the same.

Directorate	2010/11	2011/12
Children and Young People	2	2
Community Services	2	0
Customer Services	22 (1)	34 (2)
Lewisham Homes	31	40 (3)
Regenter B3	7	5
Regeneration	9	6 (1)
Resources	1	0
<b>Total</b>	<b>74 (1)</b>	<b>87 (6)</b>

6.7 Compensation

Compensation was awarded in 12 cases ranging from £100 to £600. The total amount of compensation paid was £3614. This compares to 27 cases in 2010/11 with the total amount being £11,559.

	Up to and including £100		£100-£500		More than £500		TOTAL	
<b>2010/11</b>	5	£400	19	£4,945	2	£6,250	26	£11,559

2011/12	2	£200	9	£2814	1	£600	12	£3614
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6.8 Key issues highlighted by the IA

6.9 Redress

The IA always welcomes a local resolution when dealing with stage 3 complaints. When making the decision to award compensation, the IA is mindful that it is taxpayers money and takes into account the level of injustice caused.

6.10 The IA recognises the fact that the Council used non compensation remedies to rectify some of their complaints. These included; apologies, writing off legal costs in a council tax case and inspections. Furthermore, the IA comments that the quality of apologies have improved since this matter was raised last year.

6.11 Timeliness of information

The IA states that overall, the information that is requested is received within the five day target. However, it has been noted that in the latter part of the year, officers have requested more time to provide this information. The IA has asked the corporate complaints manager to monitor this in the upcoming year, to ensure that timescales continued to be met.

6.12 Overall complaints handling

The IA praised the fact that only 2% of all complaints and enquires escalated to stage three. However, the IA strongly encourages officers to see complaints as an integral part of their daily duties; and use the opportunity to put things right when things have gone wrong.

6.13 The IA's report for the Council is attached at Appendix 1. The IA has prepared a separate annual report for Lewisham Homes which deals specifically with any issues relating to them. The IA will attend their management team to present the report and the Council will monitor any actions arising from it.

6.14 The IA observed that in a few cases, after concluding their investigation and finding no evidence of maladministration, senior officers indicated that they may have been able to take action at an earlier stage of the process, therefore preventing escalation. The IA advises the Council to try to resolve the complaint as early as possible, in order to prevent unnecessary escalation.

6.15 Officers were asked for their opinions on their dealings with the Independent Adjudicator. Some of the responses are summarised below:

**6.15.1 In your dealings with the Adjudicator, which parts of the process do you think have worked particularly well?**

- As officers, you can be assured that a thorough investigation will be carried out when the IA has a case. She is always open to discussion and is approachable.
- The advice given on particularly tricky cases.

- The process seems to work very effectively. The demands the process placed on the people involved seem to be handled well with a good balance between the needs of the adjudicator and those required to respond.
- Mechanism for feedback and discussion on her initial view. I find her ready to listen and explain her views and willing to consider outcomes and approaches

**6.15.2 How have you found communicating with the adjudicator when discussing cases?**

- Very good; pragmatic but challenging when she's needed to be.
- On the whole, communication is excellent. However, there have been occasions where I have felt that information being requested is being duplicated.
- Relaxed and informal. Case history is assimilated and understood quickly, and follow up questions are relevant.
- Very good.

**6.15.3 How have you found the adjudicator's enquiry process and the outcomes of the adjudicator's investigations?**

- The process is straightforward. Decisions are balanced, objective, and reasoned.
- Pragmatic, proportionate, customer focussed.
- Professional and fair. The IA has a good understanding of the Council's processes and limitations. Her investigations are balanced and objective.
- Quite straightforward and fair.

**6.15.4 Do you have any suggestions on ways in which the process could be improved?**

- Current arrangements work well.
- I wonder if the responses are always easy for complainants to read. We know from our research and day-to-day dealings with tenants, that there is a low level of literacy skills. it is good to get a full response, but if your reading ability is poor, you are likely to be put off
- Consider introducing a case conference type meeting for some of the more persistent complainers
- The IA and her team may benefit from spending a little time shadowing operational teams

## **7 Local Government Ombudsman Annual Letter 2011/12**

- 7.1 An annual review letter is produced by the LGO each year. This gives a summary of statistics relating to complaints made against local authorities over the year.
- 7.2 The Council views this as a useful exercise, which gives it the opportunity to reflect on the types of complaints made and consider where improvements might be made.
- 7.3 LGO investigations and enquiries are managed by the Head of the Chief Executive's office.
- 7.4 A total of 161 enquiries and complaints were received by the LGO advice team regarding Lewisham. This is down from a total of 205 from the previous year. Of these 161, the Ombudsman made decisions in 82 complaints, with 18 of these showing that there was an injustice that was remedied by the Council during the Ombudsman's enquiries. No public reports were issued against the Council. The Council takes, on average, a total of 28.2 days to respond to first time enquiries.
- 7.5 One complaint has been highlighted by the Ombudsman in her review. This concerns a delay of 18 months in agreeing to install a second hoist in the home of a disabled man. The Ombudsman's investigator felt that the Council did not work in partnership with the disabled man and his carers and that the occupational therapy did not start with the needs identified by the family.
- 7.6 The Ombudsman has recognised that the Council did have some reservations about the decision. Although the Council did not concur with all the findings, it did agree to remedy the complaint, as recommended by the Ombudsman. This was felt to be in the client's best interests and in the spirit of continuing to build a good working relationship with the family.

## **8 Achievements for 2011/12**

- 8.1 The complaints content of the Council's website was reviewed and amended to make it more comprehensive. The web pages now include performance information; complaints handling FAQ's for customers and easier signposting for enquiries that fall outside the complaints process, such as penalty charge notices appeals.
- 8.2 The corporate complaints team in conjunction with the corporate complaints improvement group (CCIG) reviewed the comments, complaints and compliments policy. The revised policy provides clear definition of what a complaint is and explains how a third party can make representation on behalf of the complainant, as well as advising customers that their complaints are kept confidential.

- 8.3 Complaints handling training remains imperative for successful complaints management and local resolution. The corporate complaints team successfully held 'complaints surgeries' for officers and managers across the Council.
- 8.4 In order to measure the effectiveness of the complaints process, the customer satisfaction forms were revised. The revised form now separates the handling of the complaint from the outcome. Once the responses have been collated, the results will be discussed at CCIG and any further action, if required, will be taken.
- 8.5 Following the Mayor's recommendations that a compensation policy and guidance on written apologies, was implemented the corporate complaints manager worked with the IA to produce documentation for staff and customers.

## **9 Future improvements for 2012/2013**

- 9.1 The corporate complaints manager will be working closely with the IA to devise and deliver bespoke training for specific service areas across the Council.
- 9.2 As the Corporate Complaints Improvement Group (CCIG) has been established for some time and works well, it has been recognised that developing a wider complaints liaison group would be beneficial. The complaints liaison group will be open to all complaints handlers across the Council. This will allow good practice to be disseminated amongst the group, as well as enabling information sharing across services.
- 9.3 Following a previous health check of icasework, it is proposed that the system will be upgraded in order to improve the functionality. All users will receive training in order for them to fully benefit from the new functions.
- 9.4 To help manage customer expectations, the Council's website will be utilised more as a vehicle to inform and advise residents.
- 9.5 To ensure that complaints and enquiries are responded to within the specified targets, stringent monitoring will take place.
- 9.6 The Mayor's enquiries process has been formalised to ensure consistency and that responses are sent in a timely fashion. The process will be monitored and reviewed.

## **10 Legal Implications**

- 10.1 There are no specific legal implications arising from this report. It is recommended good practice from the Local Government's Ombudsman's Office to make full and specific reference to handling complaints within a management agreement entered into under section 27 of the Housing Act 1985.

## **11 Financial Implications**

- 11.1 There are no financial implications arising from this report.

## **12 Personnel Implications**

12.1 There are no personnel implications arising from this report.

## **13 Crime and Disorder Implications**

13.1 There are no crime and disorder implications arising from this report.

## **14 Equalities Implications**

14.1 The iCasework system enables the Council to collect equalities monitoring information which is used to ensure the complaints process remains accessible and that no particular parts of the community suffer inequity in service delivery.

14.2 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

14.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

14.4 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

14.5 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty. However, that Code is not due to be published until April 2012. The guides can be found at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>.



14.6 The corporate complaints team will continue to work with voluntary community groups to ensure no one is disadvantaged from using the complaints process.

## **15 Environmental Implications**

15.1 There are no environmental implications arising from this report.

## **16 Conclusions**

16.1 The Council has been continually improving its complaints process in response to feedback and best practice. However, there is still a lot more to do to ensure customers receive excellent services. The actions contained in the report will ensure excellence is achieved.

## **17 Background Documents and Report Author**

17.1 There are no background documents to this report.

17.2 If you would like more information on this report please contact Peter Gadsdon, Head of Strategy & Performance on 0208 314 8464.

**Sixth Annual Report of the  
Independent Adjudicator  
for the London Borough of Lewisham  
1 April 2011 – 31 March 2012**

Dear Mayor Bullock

**The Independent Adjudicator's Report for the year ended 31 March 2012**

I am writing with my annual review of the complaints I have received this year against the Council and Regenter at stage three of the Council's complaints process.\* I highlight lessons learned about the authorities' performance and complaint-handling arrangements, so that these might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information the Council/Regenter holds on how people experience or perceive their services.

There is one attachment which forms an integral part of this letter: statistical data covering the period 1 April 2011 to 31 March 2012.

**Complaints received**

*Volume*

1. I have received 87 complaints during the year, 13 more than in 2010/11. This breaks down to 47 against the Council/Regenter (an increase of four complaints) and 40 against Lewisham Homes (an increase of 9). I see no particular reason for this increase, though it would not be surprising in these challenging times, and I am not unduly concerned about it: I expect some fluctuation in complaint numbers from year to year. Also, the number of stage three complaints is very low, comprising only one percent of the 4517 complaints and enquiries received against the Council and its partners in 2011/12.

*Character*

2. The number of complaints about council tax almost doubled this year from seven to 13 and the Council may wish to monitor this in the coming year. However, it is not a significant number of complaints in what is key area of the Council's work and the reason for the increase is unclear: each complaint concerned a different issue, and there was no evidence of any systemic break down leading to more complaints. There was also a fourfold increase in environmental enforcement complaints (from none in 2010/11 to four), but each complaint concerned very different aspects of the Council's work: action against a garage being rented out as a flat (a key government concern); steps to stop a trader displaying goods on the pavement beyond the permitted area; action to deal with noise nuisance from a building site; and notices requiring a landlord to repair electrical wiring. In my view, this suggests that no particular service is

failing in some way, and I am conscious that environmental enforcement applies to a diverse range of public facing functions.

3. There were increases too in the number of tree complaints going up from one to four, complaints about the concessionary awards team (CAT) going up from one to three, and housing benefit complaints going up from one to two. The numbers though are very small and cause me no concern. In addition, this year I determined one complaint about anti-social behaviour, and a single complaint about freehold matters, transport, door to door, Children and Young People, the rent incentive scheme, major works, cemeteries, empty dwelling management orders, private sector renewals, and trading standards. I see no significance in the numbers here.
4. I am pleased to report that complaints about planning and private sector leasing fell from six to one and three to one respectively. I welcome this. I also welcome the reduction in complaints about repairs down from four to two, tenancy issues down from three to none, and re-housing matters and leaseholds both down from three to two. There was no change in the number of parking complaints: it stayed at two.

## **Decisions on complaints**

### *Complaints that were settled by remedy*

5. Six of the nine complaints upheld or partly upheld against the Council/Regenter were settled by compensation – either suggested by me or by officers - and payments totalling £1794 were made: a significant decrease on compensation paid last year (£6370). My approach to compensation has always been that it should be proportionate, it should reflect the injustice a complainant has suffered, and it should recognise that it is taxpayers' money.
6. In one case, the Council delayed by four months assessing the suitability of a complainant's home in view of his disability and I proposed the payment of £400 compensation. In a second case, there were failings by private sector leasing in its letting of the complainant's property and I concluded £244 compensation was warranted. In a third case (against Regenter) £350 was, in my view, a reasonable sum to address failings in dealing with leaks in the complainant's home.
7. Non-compensation remedies comprised, for example, apologies; writing off legal costs in council tax cases; inspections, monitoring and updates to me and the complainant; reaching a decision on an outstanding issue; nominating one officer as a point of contact; and visiting the complainant at home to provide advice on insurance claims. I welcome practical and imaginative ways of addressing complaints.
8. I find that the Council/Regenter readily provide appropriate redress to complainants once it can be shown that things have gone wrong - in some instances, without any prompting from me. I refer, for example, to a case about the cemetery where officers took quick and responsive action on a memorial and dying trees, and to improve facilities. I also find that officers are often

prepared to take additional action even though there have been no failings, as in a tree complaint where the complainant was invited to a site meeting with the tree officer and complaints manager. I welcome this responsiveness to customer care in these cases.

### *Service improvements*

9. In some of the complaints, not only did the Council/Regenter provide a remedy, they also reviewed their procedures at my request to determine if there were lessons to be learned and improvements to be made to prevent the same problems occurring in the future. So:
  - Where a neighbour has reported an alleged breach of planning control, though not required, the Council will now keep them informed about any Certificate of Lawful Development that might be issued
  - The Council now takes photographs at the start of every void and on completion of works
  - Regenter's policy and procedure for tackling anti-social behaviour is now updated and readily available on its website
  - Occupational Therapy assessments on blue badge applications are now under regular review with the appointment of a new contractor
  - Regenter now has a new protocol on insurance claims which is publicised on its website
  - In some council tax arrears cases, the Council will now confirm in writing to the taxpayer that it is seeking a liability order to protect its position even if a repayment arrangement has been made
  - The Council now has a pack for landlords to ensure that they understand exactly how the Rent Incentive Scheme works.
10. I welcome the steps the Council/Regenter have taken here and also their willingness to review and improve policies and procedures.
11. In response to a complaint from last year, where there were concerns about offsetting money owed to the Council from compensation, the IA had proposed via the Mayor that the Council devised a compensation procedure and to publicise it to residents via the Council's website. I am pleased to report that this has now happened.
12. The IA, via the Mayor, also asked the Council to devise and implement a procedure for making apologies. This too has been done: writing apologies now forms part of the complaints handling guide which is available for staff.
13. In last year's review, the then IA said that she hoped to see much needed improvements in:
  - The quality of apologies – I have seen improvements this year, with officers often checking their letters with me before sending them out and having access to the Scottish Ombudsman's excellent guidance
  - Compliance with the IA's suggested remedies – the Council/Regenter have agreed to all the remedies I proposed this year, questioning only one and only because they were given little time to consider it.

## *Other findings*

14. Eighty two complaints against the Council, Regenter and Lewisham Homes were decided during the year. Of these I upheld nine in full (11%) and partly upheld 15 (18%): the remaining 58 (71%) were not pursued further because no evidence of maladministration was seen.
15. I upheld/partly upheld a third of complaints (29%) determined against the Council/Regenter – nine out of 45 – compared to my predecessor who upheld over half. I welcome this downward trend. In my view, it suggests that, even though complaint numbers have increased this year at stage three, most of those that are coming through have no merit and the complainant is simply unhappy with the decisions at stages one and two of the process and wants a definitive reply from me. It also suggests that those complaints that used to come to the IA and were upheld are now being dealt with earlier and more robustly.

## **Liaison with the Independent Adjudicator and complaint handling**

16. I made enquiries on all the complaints I received this year. The target for responding was five days and this was generally met. However, in a number of complaints in the latter half of the year, officers asked for more time, and I suspect that this is because of the challenges that staff are facing and complaints may consequently be seen as a low priority. The delayed replies did not affect my timescale for responding to the complaints. However, I will ask the Corporate Complaints Manager to monitor this in the coming year. I also urge the Council/Regenter to ensure that officers do reply in good time and see complaints as equal to any other work: providing an opportunity to address anything that might be going wrong; to improve practices and procedures; to learn lessons; and to stop further complaints. When replies are received, they usually provide a detailed response to the complaint. This is helpful and assists me in coming to robust conclusions on a complaint, keeping the need for further enquiries to a minimum.
17. I have reported already willingness by the Council/Regenter to remedy complaints and implement my findings. My one concern is that officers sometimes fail to let me know what happens when I propose a review of procedures or suggest monitoring or I ask for updates. My assistant has now started chasing officers but this should not be necessary and, in one instance, it has resulted in the complainant coming back to me asking about her remedy. I urge officers to provide me (and the complainant where requested) with follow ups as a matter of course.
18. Although most complaints raised no particular issues, some themes did emerge:
  - In three cases, after I had concluded my investigation and found no evidence of any failing, senior officers determined that action might have been taken earlier on in the process that might have prevented escalation of the complaint to stage three. I urge the Council in all cases to assess as early as possible

whether it might resolve a complaint even where there is no evidence of maladministration.

- In three complaints, two against CYP and one against planning, I received a bundle of papers rather than any formal response. This is unusual, but it caused me significant time and trouble trying to understand the Council's role in what happened. I urge officers to use the complaint response template I have provided to draft their comments: it will guide them through what I need to address a complaint.
- In one complaint involving the Council's Housing Options Centre, its medical officers, the occupational therapists, and Lewisham Homes, I found that the officers did not liaise over a tenant who needed a move for medical reasons. I urge cross authority liaison in cases like this.
- In two complaints, Regenter failed to provide advice to the complainant on making an insurance claim. A protocol has now been devised as reported above.
- In one complaint, the Council was concerned how it might be dealt with as the complainant was also subject to enforcement action. Where legal action is involved, I recommend that the formal complaints process is followed but does not touch on the action.
- In some cases, compensation was increased at each stage of the complaints process for no apparent reason except that the complaint had been escalated. I recommend that a remedy is changed only if it is clear that the injustice has not been properly addressed; or if further failings are identified; or the complainant has been put to a lot of time and trouble taking their complaint higher.

## **My performance**

19. Over the year, I have:

- Responded to 94% of complaints within the 30 days target (an improvement from last year's 79%)
- Sought compensation in only 6 cases (£1794) against last year when the figures were 13 cases and a total of £6370
- Upheld far fewer complaints – 29% against 56% in 2010/11
- Had no decisions overturned on complaints referred to the Local Government Ombudsman
- Published a factsheet for complainants explaining my role and updated my complaint acknowledgement letter, both with the intention of managing expectations of what I can and I cannot achieve
- Produced a quarterly digest of cases for Members and officers so that they can see the kinds of cases I uphold, remedies I suggest and lessons learned from complaints
- Reviewed with the Corporate Complaints Manager key complaints documents including the Guidance on Unreasonable Complainant Behaviour.

## **Conclusions and general observations**

20. There have been many changes within the Council/Regenter this year, many changes to the law that have affected services and operations, and significant changes in resources. Notwithstanding, the numbers of stage three complaints has not increased significantly as might have been expected and I welcome

this. I also welcome the helpful approach taken by the Council and Regenter in dealing with complaints at stage three: it suggests that they understand the importance of good complaint handling not just because it helps them learn lessons and prevent future complaints, but also because it is an essential part of good customer service. I hope that this continues in the face of even greater changes that the Council/Regenter will face in the coming years.

### *Summary of recommendations*

- The Council to monitor council tax complaints to see if they continue increasing and to understand why this might be so
- The Council to monitor the time taken to reply to my enquires
- The Council/Regenter to ensure that officers reply in good time and see complaints as equal to any other work: providing an opportunity to address anything that might be going wrong; to improve practices and procedures; to learn lessons; and to stop further complaints
- Officers to provide me (and the complainant where requested) with follow ups as a matter of course
- The Council in all cases to assess as early as possible whether it might resolve a complaint even where there is no evidence of maladministration
- Officers to use the complaint response template I have provided to draft their comments
- The Council to ensure cross authority liaison in cases where a number of service areas and partners are involved
- Where legal action is involved, I recommend that the formal complaints process is followed but does not touch on the action
- Remedies are changed only at a different stage of the complaints process if it is clear that the injustice has not been properly addressed; or if further failings are identified; or the complainant has been put to a lot of time and trouble taking their complaint higher.

### *For the future*

21. I have talked above about managing complainant expectations and I think that this will be even more of an imperative for me in 2012/13. I have also talked about changes and there are some major changes coming up (in housing and benefits for example). So, I am proposing:

- To manage effectively right from the start complainant expectations about what the IA can and cannot achieve for them: achieving this with a telephone call to all stage three complainants early on from my assistant, with the facility to call me at any stage
- To provide guidance to officers on injustice so that they can deal more effectively with complaints, target resources at those most significantly affected, and reject early on those not significantly affected
- To meet with the Housing Ombudsman (who is assuming responsibility for most housing complaints) for guidance on remedies and disseminate that information to officers so that remedies are proportionate, fair and reasonable, relevant and address injustice

- To provide training to officers on complaint handling and especially addressing complaints early on, avoiding the need for resource intense investigations and providing quick, effective, and imaginative remedies
- To develop links with public health and service areas involving partnerships so that we can understand what complaints might come in and we can determine my role, noting that partnerships will increase as resources and services change
- To produce with the Corporate Complaints Manager a series of factsheets addressing Frequently Asked Questions (FAQs) on the various kinds of complaints so that complainants know what issues can and cannot be investigated and what they can expect
- To work with service areas on FAQs about complaints so that officers can address issues early on and quickly, and avoid escalation.

### *Acknowledgements*

I would like to thank Jennifer Greaux (Corporate Complaints Manager), Rebecca Goodman and Rachael Lear (Corporate Complaints Officers), and officers generally for the help and support they have given me and my predecessor this year.

Finally, I welcome this opportunity to give you my reflections about the complaints I have dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to the Council's and Regenter's services.

Yours sincerely

Linzi Banks  
Independent Adjudicator

Enc: statistical data

The Independent Adjudicator (IA) deals with complaints at stage three of the Council's complaints process and provides a free, independent and impartial service. The IA considers complaints about the administrative actions of the Council and its partners, for example, Lewisham Homes and Regenter. She cannot question what actions these organisations have taken simply because someone does not agree with it. But, if she finds something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the IA aims to get it put right by recommending a suitable remedy.

\*This review covers stage three complaints against the London Borough of Lewisham and Regenter. I have written a separate review on stage three complaints against Lewisham Homes, though the figures for all authorities are attached and some crossover issues are mentioned.



LGO letter

22 June 2012

Local Government  
**OMBUDSMAN**

Mr B Quirk  
Chief Executive  
London Borough of Lewisham  
Lewisham Town Hall  
Catford  
LONDON SE6 4RU

Dear Mr Quirk

**Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

I appreciate the feedback the Council provided on the revised format for annual letters we introduced last year. We have taken it and other comments into account, together with how we can use our resources most effectively. We have decided not to reintroduce a commentary on the statistics we provide unless there is a specific point of note. We have also decided to continue to limit any commentary on individual complaints to those that raise issues of particular concern.

The Council's feedback was particularly helpful. It prompted us to include a standard sentence explaining that the absence of a commentary means there were no such concerns - as was the position with Lewisham last year.

This year I want to comment on one complaint investigation. It involved a delay of eighteen months before the Council would agree to install a second hoist in the home of a severely disabled man. He lived in a three bed room flat with his elderly father. They shared a bedroom and the father provided care during the night. His two sisters lived close by and provided extensive care to him.

A change in the family's circumstances meant they wanted the man to have his own bedroom and to change the rooms used as day room and bed room for him. That meant installing a hoist in a room that did not have one. The sisters used a day room to wash, toilet and feed their brother and

/....

to provide a clear space where he could lay on the floor to play or watch television. A social worker supported their choice but in May 2007 an occupational therapist refused to agree to it. A manager supported the occupational therapist's decision.

The family made numerous contacts with the Council. After a year a senior occupational therapist reviewed the position. She recommended rearrangement of internal walls but the family felt the building work would be too disruptive.

Another occupational therapist was appointed and in October 2008 recommended a hoist where the family wanted it.

My investigator says the occupational therapy did not start with the needs experienced and identified by the disabled man and his carers or work in a partnership relationship with them. For eighteen months the sisters had to manually lift and handle their brother when providing basic care or entertaining him.

Officers said they had reservations about my investigator's findings but agreed to pay the family £3,000. This was in recognition of the difficulties caused for the sisters in caring for their brother and time, trouble and stress of pursuing the complaint.

#### ***Changes to our role***

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

#### ***Supporting good local public administration***

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints

Page 3  
Mr B Quirk

can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

### ***Publishing decisions***

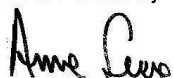
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely



Anne Seex  
Local Government Ombudsman

**Local authority report - Lewisham LB**

**for the period - 01/04/2011 to 31/03/2012**

**LGO advice team**

<b>Enquiries and complaints received</b>	<b>Adult Care Services</b>	<b>Benefits &amp; Tax</b>	<b>Corporate &amp; Other Services</b>	<b>Education &amp; Childrens Services</b>	<b>Environmental Services &amp; Public Protection &amp; Regulation</b>	<b>Highways &amp; Transport</b>	<b>Housing</b>	<b>Planning &amp; Development</b>	<b>Total</b>
Advice given	2	3	3	8	2	1	10	0	29
Premature complaints	3	16	1	4	4	7	20	13	68
Forwarded to Investigative team (resubmitted)	0	2	1	2	3	1	7	3	19
Forwarded to Investigative team (new)	4	4	1	8	6	3	17	2	45
<b>Total</b>	<b>9</b>	<b>25</b>	<b>6</b>	<b>22</b>	<b>15</b>	<b>12</b>	<b>54</b>	<b>18</b>	<b>161</b>

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**Investigative team - Decisions**

<b>Not investigated</b>			<b>Investigated</b>			<b>Report</b>	<b>Total</b>
<b>No power to investigate</b>	<b>No reason to use exceptional power to investigate</b>	<b>Investigation not justified &amp; Other</b>	<b>Not enough evidence of fault</b>	<b>No or minor injustice &amp; Other</b>	<b>Injustice remedied during enquiries</b>		
3	13	18	19	11	18	0	82

	<b>No of first enquiries</b>	<b>Avg no of days to respond</b>
<b>Response times to first enquiries</b>	21	28.2

Top 3 reasons for complaints by Ward

Appendix 3

Ward	Council Tax	Housing management	Housing Benefits	Refuse	Planning	Housing Needs	Highways	Tree Work	Crime Reduction	Street Cleansing	Parking	Concessionary Services	Rehousing	Education	Parks
Bellingham	1		2				3								
Blackheath	1											2			
Brockley	2	1	3												
Catford South	1			2						2					
Crofton park	1							2		3					
Downham	1		2						3				3		
Evelyn	1		2				3							3	
Forest Hill	1		3		2	3					3				
Grove Park	1			2									3		
Ladywell	2	1	3												
Lee Green	1				2						3				
Lewisham Central	1			3					2						
New Cross	1		2				3								
Perry Vale	1		2			3									
Rushey Green	1		2												
Sydenham	1		3	2		3									3
Telegraph Hill	1		2					3							
Whitefoot	1			2											

NB. This does not include complaints received by Lewisham Homes

\* Based on the post code of the complainant

**Directorate Achievements 2011- 2012**

**1. Things that have been put in place to improve the quality of complaints handling**

**CYP**

- The directorate has appointed a new Complaints Officer and Complaints Manager in April and July 2012 respectively. Complaints handling in the directorate was adversely affected by maternity and other leave amongst key officers in 2011/12, and in response new working practices have been brought into place to more effectively provide cover and improve response times.
- The introduction of a new Complaints Manager will bring with it the improvement to publicity; networking, training; road shows into the community; quality assurance throughout the process and an overhaul in good practice in dealing with Corporate and Statutory complaints.
- Permanent Heads of Service have now been appointed for Adoption and Fostering, as well as Children with Disabilities and Special Educational Needs which have merged into a single service under Children's Social Care. These changes should ensure clearer lines of responsibility and communication for complaints and representations.

**Community Services**

- The Customer Relations team continue to support services in the production of high quality responses to complaints. Despite a slight increase in the number of stage 1 complaints received (7%), due to positive resolution at stage 1, only 2% of complainants escalated their concerns to stage 2, a 5% reduction from the previous reporting period.

**Customer Services**

- Implementation of local arrangements with some service areas/partners that allows them additional time to prepare responses on the proviso that the contents is of sufficient thoroughness and quality so as not to be returned and thereby remains within the required timescales for the complainant.
- Provision of more detailed notes in iCasework regarding the investigation and/or conversations held with complainant or service area.
- Caseworkers visiting service areas to gain a better understanding of their working practices which may provide valuable context to responses.

**Lewisham Homes**



- The introduction of informal complaints in April 2010 resulted in a 23% reduction in Stage 1 complaints in 2010/11. The numbers of Stage 1 complaints has remained at the same level in 2011/12, with 275 informal complaints recorded of which 91% were resolved at this stage. Of the 24 that proceeded to Stage 1, only ten were upheld (fully or partially) which shows that the informal route is very effective with customers preferring to resolve issues quickly rather than following the formal route.
- To address the numbers of complaints being upheld/partially upheld at stage two, managers from Service Development and Customer Relations developed and ran training ('Investigating and dealing with complaints') sessions, in June/July 2011, for 66 staff and managers involved in answering complaints. Robust investigation at stage one and two is now resulting in less decisions being overturned at the next stage with more than half of complaints (at all stages) not being upheld. It is particularly noteworthy that fewer complaints are now being upheld at stage three.
- In 2011, to improve the quality of responses to complaints (as well as general enquiries and everyday service requests), a trainer from the Tenant Participation Advisory Service delivered training to staff who write to customers on behalf of the organisation.
- To resolve complex leaseholder complaints more quickly (including structural cases, and disputed responsibility), a Technical Inspector meets with leasehold team every week.
- To minimise complaints involving condensation and damp we have published awareness raising articles on the website and through Home magazine, produced a new leaflet, and provided free hygrometers on request.
- A new process was introduced where, if an inspection is required, a technical inspector will visit as soon as can be agreed with the tenant. The technical inspector will be accompanied by a multi-skilled operative so that, if at all possible, the repair can be carried out immediately.

## **Resources & Regeneration**

- Improved usage of the I-casework notes functions to ensure that up to date information on complaints cases are available to all to review.
- Improved relationships with other caseworkers within the directorate to facilitate, support and provide better guidance on complaints handling and seeking appropriate resolutions where appropriate.

## **2. Lessons learnt from upheld complaints**

### **CYP**

- The most commonly upheld issues were those relating to lack of communication from staff. In particular, parents and service users complained about appointments and contact arrangements being moved or cancelled without adequate notice. This information has been fed back to team managers who have emphasised the importance of accurate administration to Social Workers and other staff. There were also complaints relating to lack of information on case progress being supplied to parents and service users, and

staff were reminded that providing information is an important part of the responsibilities of staff in Social Care.

- It is important that the lessons learned from complaints, and the actions agreed by the team/service are analysed and revisited throughout the financial year. The expectation is that the Complaints team will be working closely with those teams who are subject to an 'upheld' complaint, which yields learning points and subsequent action plans.
- Upheld complaints related in the most part to the accuracy of information provided in a variety of service areas, including Special Educational Needs, Attendance and Welfare and Youth Services. This information has been fed back to team meetings and staff training programmes.

### **Community Services**

- Following representations received about the Pan London service being offered through Lewisham's Library & Information service, the login process to access lending and other features has been simplified and is now more user friendly.
- In response to a complaint received about customer behaviour in one of the Council's local fitness centres, the Sport & Leisure service supported the Council's Contractor in carrying out a 'user satisfaction' survey and analysed the results in order to establish the scale of the problem being experienced and get a better understanding of what customers wanted done to remedy the situation.
- In response to a complaint made to the Neighbourhood Community Safety Service, we have reviewed and republished guidance on Restorative Justice and made it available to anyone considering taking part in this approach.

### **Customer Services**

- Publication of the Annual Lettings Plan – it was discerned that the lack of consistent publication of the plan may have contributed to some of the issues raised. It is available via the Council's website, but in order to make it more accessible to applicants, a copy of the approved plan was placed on the Housing section of the website.

### **Lewisham Homes**

- The Independent Adjudicator partially upheld a complaint, where evidence shows that Lewisham Homes should have known of a customer's mobility issues, and taken these into account in our repair timescales. Lewisham Homes have implemented a new approach to identifying and recording disability and special circumstances on our housing database (Capita) which should help prevent similar errors; previous data has been cleansed; the Vulnerable Residents procedure revised; and staff trained in their role in identifying and recording disability and circumstances.
- All voids are now inspected by works supervisors post completion of works. To ensure consistency and quality of both works and inspections, the Voids Team



Leader re-inspects ten voids per month and the Voids Manager re-inspects five per month. This has already led to a significant reduction in complaints.

- In direct response to residents concerns, we are trialling more intensive pest control block treatment in one of our high-rise blocks, to establish whether a greater emphasis on accessing every property improves control of infestation levels.
- A case involving parking permits was not fully upheld, but it has prompted us to review parking in that area, to see whether we can change the terms to allow for more than one permit per property.

## **Resources & Regeneration**

- To make better use of the Council's website after completing a review of the casework functions within Transport, which highlighted that better signposting and up to date information is required on various web pages.
- The introduction of a designated caseworker within Planning has led to improved performance of complaints responses which are tracked and monitored.

### **3. Future objectives in your area for the improvement of complaints management:**

#### **CYP**

- The Children's Complaints team completed a quality assurance exercise, sampling complaint responses from the directorate and examining them for quality. This exercise identified a number of areas for improvement in the quality of responses. The new Children's Complaints Manager and officer are developing a training programme for managers on complaints handling based on the outcome of the quality assurance exercise and the lessons learned from previously upheld complaints.
- Given the large number of complaints that were formally referred to schools, as well as the much larger number of informal (mostly telephone) enquiries to the team relating to complaints against schools, this will be an area that the team will also be examining.
- This financial year will see the implementing of the following areas of improvement:
  - CYP will seek to revise complaints their leaflets on intranet and update CYP complaints info on website. ensuring that any info on education complaints takes into consideration section 45 of the Education Act. This will mean that the duty placed upon local authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools will be removed.

- A full review of the complaints procedures available to staff internally is already underway.
- There will be a full scale review of the available staff guide and briefing notes for rolling out briefing on sessions on complaints.
- A project will be completed by the end of the financial year raising the visibility of the complaints team to all Looked After Children by re-introducing visits to young people at leaving care groups and visits to group sessions at LCRS/advocacy service.
- An outreach programme raising the visibility of the complaints team with local community disability groups/charities is a salient agenda item in the forthcoming year's improvement work.
- The updating of the current pool of the Independent Person, Investigating Officer and chairs, commissioned at Statutory levels already being undertaken. A full re-draft of the terms and conditions for all commissioned investigators is to be approved and implemented imminently.
- The financial risks related to statutory complaints will continue to be handled in a way that focuses on local resolution through mediation and conciliatory practise. The many ways that the Complaints Team strives to reach a satisfactory resolution will be encouraged and built upon in the coming year.

### **Community Services**

- Ensure learning from complaints is recorded and fed back to service leads and other relevant officers. To assist with this the Customer Relations team are implementing a tracking and monitoring form for follow up actions and remedies
- Implement a rolling programme of SMT visits to deliver good practice guidance and impress the need for an ongoing focus on quality and accuracy.

### **Customer Services**

- To continue with in-depth trend analysis to work with and support Service Areas in identifying and reducing complaints.
- To continue to support Service Areas in understanding the financial cost of dealing with complaints and incentivise teams to approach complaints with improved speed and efficiency.

### **Lewisham Homes**

- From April 2012 the Voids team are carrying out their own short survey of new tenants, enabling a quicker resolution to matters of concern raised, reducing the likelihood of complaints.

- The Repairs Contact Centre will be operating a new process from September 2012: following completion of a repair, the customer will be texted and asked to press '1' for satisfied or '2' for not satisfied. Any customer who presses '2' will then be called by the Contact Centre to find out the reason for their dissatisfaction so that remedial action can be taken, reducing the likelihood of complaints.
- Despite the improvement, around a third of complaints were partially upheld at each stage showing there is still work to do to improve these outcomes. Usually this will be by ensuring we can evidence that we have communicated with the resident throughout the complaints process, as well as by following up on our promises. This is going to be achieved by Customer Relations Team re-emphasising the importance of using follow up Actions on iCasework in their monthly surgeries. CRT will also make use of the staff e-flyer by posting updates on the importance of follow up actions.
- To avoid delays in investigating such things as balconies and roofing repairs (due to hiring problems and the bad weather), Repairs are hoping to be successful in being able to purchase both a Cherry Picker and an extendable camera (i.e. one on the end of a Boom). Both these items could then be used to reduce time in investigating complaints in relation to high rise properties.

### **Resources & Regeneration**

- Ensuring widespread use of response templates for stage 1 complaints.
- Making better use of the 'follow up actions' on iCasework to ensure that actions are undertaken.

**Appendix 6  
Corporate Complaints Action Plan 2011/12 - Updated**

**Appendix 5**

<b>Audit No.</b>	<b>Recommendation</b>	<b>Origin</b>	<b>Lead Person</b>	<b>Action taken</b>	<b>Target date</b>	<b>Status of action</b>
2.1a	Unless a full response to a complaint can be given immediately, the complaint should be acknowledged within two working days and recorded on iCasework, in accordance with the complaints guidance procedure	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	Guidance on the need to complete records to staff reissued through the corporate complaints improvement group (CCIG)  Monitoring of performance will be a regular item on the CCIG agenda	August 2011	closed
2.1b	For quality monitoring purposes, an explanation on iCasework for not being able to meet required response dates should be mandatory	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	Advice given to all users to ensure that an explanation is given in the notes field of iCasework  Corporate Complaints team will monitor relevant cases to check that these instructions are being followed.	Sept 2011	closed
2.1c	Service areas should be reminded to record all comments, complaints and compliments to iCasework at stage one	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	Highlight the importance of recording all comments, complaints and compliments to iCasework at stage one, through various mediums, such as CCIG, learning events and corporate sharepoint. Extensive training program in place.	Sept 2011	closed
2.1d	Consideration should be given to the need to provide further training in respect of the written response to comment/complaint letters, to free them from jargon and to make them more personal and sympathetic. The emphasis should be on ensuring that the	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	Training has been provided and will continue to be included as part of the training program and monitored through ongoing targeted quality checking	August 2011	ongoing

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	communication is responded to thoroughly to prevent potential escalation to a complaint.					
3.1	Criteria for assessing and clarifying comments and complaints should be formalised and both comment and response should consistently be recorded on iCasework	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	This has been identified as part of this years annual service plan. The corporate complaints manager will work with CCIG to design and implement the framework. The draft framework will be discussed and signed off at CCIG	December 2011	closed
4.1	Completion of fields within iCasework should be made mandatory or level of management review and sign off stepped up to ensure that the appropriate amount of information has been recorded and appropriate action has been taken	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	Follow on actions have already been discussed by the CCIG. However due to cost implications, the fields cannot be made mandatory on iCasework. Further discussions will take place within CCIG to find a workable solution	deferred	deferred
4.1b	As a positive step in showing that the Council cares and is listening, comments that have resulted in a change in policy or procedure should be actively publicised and updated	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	Will be reiterated at CCIG. Emails will be sent and information included on the website.	March 2012	ongoing
5.1	If there continues to be a poor response, customer sent surveys should where possible be contacted by phone to determine why they have not responded to the survey form	Internal Audit	Jennifer Greaux – Corporate Complaints Manager	The level of customer satisfaction forms that have been returned has increased recently, so alternative approach no longer required. This will be closely monitored and reviewed at a later stage, if required.	By October 2011	closed

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Audit No.	Recommendation	Origin	Lead Person	Action taken	Target date	Status of action
1	Ensure that all officers dealing with complaints, especially those at stage one and stage two of the complaints process, include an analysis of the complaint on file: the analysis to show the key steps taken in the investigation of the complaint; the evidence used to determine it; a summary of the officer's views of the complaint; and eventually the final outcome.	IA report 2009/2010	All	This was discussed at CCIG and officers felt that this approach would be too labour intensive and they did not have the resource to undertake this task for each case. Therefore it was decided that the best way forward, would be to ensure that all paperwork relating to the case would be uploaded onto iCasework.	March 2012	closed
2	Ensure record keeping – especially on repairs – is improved, so that the Council and its partners know and can demonstrate what has been done when.	IA report 2009/2010	RB3	All repairs are logged on Equipe's /Rydon's repairs data base – Planet FM. This system records all repairs completed and can easily be tracked via Planet FM as well as LBL officers, (once the permits to view have been completed).	March 2012	closed
3	Ensure good communication across all partner bodies so that key information – on repairs, on tenancy issues or on disabilities, for example – is shared by all those who need to know and can act on such information.	IA report 2009/2010	RB3	Apart from the official monthly internal operations team meeting between all partners of RB3, RB3 has installed weekly 'coffee morning' meetings to discuss relevant issues at hand, to foster better internal communications.	March 2012	closed
4	Log all repairs and record the outcome of repair works. Such records should be retained for at least six years, in accordance with the statutory timeframe for disrepair claims.	IA report 2009/2010	RB3	All repairs are logged on Planet FM and the records of these repairs are kept for the required six year period.	March 2012	closed
5	Put in place consistent and user-friendly	IA report	RB3	Information regarding insurance claims	March	closed

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	procedures for making insurance claims and consider such claims properly, following the approach used by the Council.	2009/2010		are being imparted to residents via the housing managers as well as communicated by newsletters and information in the resident handbook and will also be available on the website. Has now been completed	2012	
6	Identify early on whether the complaint is one the Council can deal with, and if not to signpost to an appropriate alternative source of support or help	IA report 2010/2011	All	The IA has produced a fact sheet, which includes case studies, which now appears on the Councils website. This in turn should assist with managing customers expectations.	March 2102	closed
7	Ensure that recommendations involving procedural changes are followed up and the IA is kept informed of improvements made as a result of stage 3 decisions;	IA report 2010/2011	Corporate complaints officer/All	The IA protocol has been reviewed and made more robust.	March 2012	closed
8	Review the guidance on apologies that has been produced in previous years, based on guidance from the Scottish Public Services Ombudsman	IA report 2010/2011	Jennifer Greaux – Corporate Complaints Manager	Corporate complaints policy reviewed, which will includes a section on apologies. Apologies are also included in the training.	March 2012	closed
9	Explain to housing applicants the reasons for medical decisions as well as the decision itself;	IA report 2010/2011	Karen Shaw	Stakeholders have been consulted and the letter has now been approved. The service manager is working with Capita with the view of getting the letter automatically generated on the system.	March 2012	closed
10	Consider how planning officers might communicate more effectively with	IA report 2010/2011	Gavin Cooper -	The Planning Service will be shortly reviewing how we consult & communicate	March 2012	closed

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11	Consider in private-sector leasing complaints using the dispute procedure set out in the lease.	IA report 2010/2011	Morna London	This procedure is used when deemed appropriate. However, if and when disputes have been raised it has been found to be more effective and better value for money to use the council's own complaints procedure.	March 2012	closed
12	To ensure that financial remedies are paid out correctly, a compensation procedure needs to be devised and	Mayor	Jennifer Greaux – Corporate	Complaints compensation procedure has been written for staff which will be circulated using various mediums	March 2012	closed



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	publicised. In addition, ensure that residents are made aware of the compensation procedures, publicise on the Council's website		Complaints Manager			
13	Devise and implement a procedure for written apologies	Mayor	Jennifer Greaux – Corporate Complaints Manager	Written apologies forms part of the staff complaints handling guide, recently implemented as part of the complaints handling toolkit.	March 2012	closed

**Corporate Complaints Action Plan - 2012/2013**

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1	The Council to monitor council tax complaints to see if they continue increasing and to understand why this might be so	IA annual report	Jennifer Greaux		March 2013	open
2	The Council to monitor the time taken to reply to my enquires	IA annual report	Jennifer Greaux		March 2013	open
3	The Council/Regenter to ensure that officers reply in good time and see complaints as equal to any other work: providing an opportunity to address	IA annual report	Jennifer Greaux/CC IG		March 2013	open

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	anything that might be going wrong; to improve practices and procedures; to learn lessons; and to stop further complaints					
4	Officers to provide the IA (and the complainant where requested) with follow ups as a matter of course	IA annual report	All		March 2013	open
5	The Council in all cases to assess as early as possible whether it might resolve a complaint even where there is no evidence of maladministration	IA annual report	All		March 2013	open
6	Officers to use the complaint response template I have provided to draft their comments	IA annual report	All		March 2013	open
7	The Council to ensure cross authority liaison in cases where a number of service areas and partners are involved	IA annual report	All		March 2013	open
8	Where legal action is involved, I recommend that the formal complaints process is followed but does not touch on the action	IA annual report	All		March 2013	open
9	Remedies are changed only at a different stage of the complaints	IA annual report	All		March 2013	open

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	process if it is clear that the injustice has not been properly addressed; or if further failings are identified; or the complainant has been put to a lot of time and trouble taking their complaint higher.					
10	Maintain Corporate Complaints information on the web ensuring it is up to date	Strategy & Performance Star Service Self - Assessment	Jennifer Greaux		March 2013	open
11	Design and implement an e-learning complaints module	Strategy & Performance Star Service Self	Jennifer Greaux		March 2013	open
13	Develop bespoke complaints training courses linked to specific service areas	Strategy & Performance Star Service Self	Jennifer Greaux		March 2013	open
14	Involve staff in the development of complaints FAQs for the intranet	Strategy & Performance Star Service	Jennifer Greaux/Linzi Banks		March 2013	open

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		Self				