

Public Document Pack

Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 21 November 2013.

Barry Quirk, Chief Executive
November 13 2013

| | |
|--------------------------------|--------------------|
| Councillor Jim Mallory | Gill Butler |
| Councillor Pauline Morrison | Matthew Hill |
| Councillor Obajimi Adefiranye | David Roper-Newman |
| Councillor Duwayne Brooks | Cathy Sullivan |
| Councillor Julia Fletcher | Lesley Thomas |
| Councillor Alan Hall | Hannah Le Vay |
| Councillor Ami Ibitson | |
| Councillor Stella Jeffrey | |
| Councillor Helen Klier | |
| Councillor Sam Owolabi-Oluyole | |

Standards Committee Agenda

Thursday, 21 November 2013

6.30 pm, Civic Suite Lewisham Town Hall Catford SE6 4RU

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Troy Robinson 0208 3149365 (Tel: 020 8314 9365)

Part 1

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Agenda Item 1

| STANDARDS COMMITTEE | | |
|---------------------|---------------------------|------------------------|
| Report Title | Declarations of Interests | |
| Key Decision | No | Item No. 1 |
| Ward | n/a | |
| Contributors | Chief Executive | |
| Class | Part 1 | Date: November 21 2013 |

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 not take 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 2

| STANDARDS COMMITTEE | | |
|---------------------|-------------|------------------------|
| Report Title | MINUTES | |
| Key Decision | | Item No. 2 |
| Ward | | |
| Contributors | Head of Law | |
| Class | Part 1 | Date: 21 November 2013 |

Recommendations

It is recommended that the Minutes of the meeting of the Committee , which was open to the press and public held on May 7 2013 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 TUESDAY 7 MAY 2013 at 6:00 p.m.

Present

Independent members: David Roper-Newman, Cathy Sullivan, Hannah Le Vay and Leslie Thomas

Councillors Obajimi Adefiranye, Duwayne Brooks, Alan Hall, Ami Ibitson, Helen Klier, Jim Mallory, Pauline Morrison, Sam Owolabi-Oluyole and Julia Fletcher

Apologies for absence were received from Councillor Stella Jeffrey and Gill Butler and Matthew Hill.

| <u>Minute No.</u> | | <u>Action</u> |
|-------------------|---|---|
| 1 | <u>ELECTION OF CHAIR AND VICE CHAIR</u> | |
| | RESOLVED | that Jim Mallory be appointed as the chair for the remainder of the municipal year and that Pauline Morrison be appointed as vice chair for the remainder of the municipal year |
| 2 | <u>DECLARATIONS OF INTEREST</u> | |
| | | None was declared |
| 3 | <u>MINUTES</u> | |
| | RESOLVED | that the minutes of the meeting held on 13 December 2012 be approved as a correct record and signed by the Chair, subject to a slight amendment to reflect the fact that Councillor Jeffrey |

Minute
No.

Action

offered apologies for
absence in advance of the
meeting.

4 REVIEW OF THE LOCAL CODE OF
CORPORATE GOVERNANCE 2011/12

Paul Aladenika , Principal Policy 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
section of the report and it was explained that a
few reports were pulled up to check that they
comply with the Council's requirements. It was
explained that the reports chosen were simply
to give a flavour of the sort of reports
considered by Mayor and Cabinet.

In response to questions raised by members of
the Committee, Kath Nicholson, Head of Law
explained that what is summarised is where the
decision does not follow the logic set out in the
report. Where officer advice is not followed a
summary as to why will follow.

It was commented that the Code does not do
justice to all that the Council actually does in
complying with its responsibilities under the
Equality Act 2010. The Code could be more
explicit on what the Council does in this regard.

It was further commented that the Code in
some areas seems over generalised and it was
suggested that perhaps something more
explicit and which strengthens the Code can be
adopted in the future.

It was agreed that these comments be taken on
board on any review.

RESOLVED that subject to the

Minute
No.

Action

comments and suggestions made the outcome of the review of the Local Code of Corporate Governance be endorsed.

5 APPOINTMENT TO SUB COMMITTEES OF STANDARDS COMMITTEE

RESOLVED

that
Councillors Adefiranye, Brooks, Ibitson, Jeffrey and Mallory and Gill Butler, Matthew Hill and Leslie Thomas be members of Standards Sub Committee A

Councillors Fletcher, Hall, Klier, Morrison and Owolabi-Oluyole and David Roper-Newman, Cathy Sullivan and Hannah Le Vay be members of Standards Sub Committee B

6 REVIEW OF WHISTLEBLOWING POLICY

Kath Nicholson, Head of Law and Monitoring Officer introduced the report and explained that there had been seven referrals since the last report considered by the Standards Committee. This demonstrated that people are aware of the policy and do make referrals under it. Kath Nicholson also explained that she does refer whistleblowers to alternative forums for resolution where appropriate.

Kath Nicholson explained the two proposed amendments to the policy to reflect changes of personnel and to accurately reflect the Council's current audit arrangements.

Minute
No.

Action

RESOLVED to note the referrals under Councils' Whistleblowing Policy as set out in the report and reported to the Committee and to agree the proposed amendments to the Whistleblowing Policy.

7. TRAINING PRESENTATION

There was a discussion about training needs and importance of training that will support members of the Committee. It was suggested that it would be very helpful to have a comprehensive training programme in the new year to coincide with the beginning of the 4 year cycle after next years local elections.

DATE OF NEXT MEETING

To be arranged

The meeting ended at 6:40 p.m.

Agenda Item 3

| | | | |
|---------------------------------------|--|------------------|--|
| Executive Decision required by | Standards Committee | | |
| Title | Annual Complaints Report | | |
| Key decision | No | Item no | |
| Wards | All wards | | |
| Contributors | Executive Director for Customer Services | | |
| Class | Part 1 | 21 November 2013 | |

1 Executive Summary

- 1.1 The report provides performance information on complaints dealt with by the Council and its partners 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 Members of Parliament (MP's) that are logged in the Council's complaints management system iCasework, during 2012/13. It is recognised that not all enquiries are logged within iCasework but dealt with directly by officers. Accordingly, there were a total of 4,335 complaints and enquiries received in 2012/13. This represents a 1% decrease when compared to 2011/12. However, there was a significant increase in the number of MP enquiries received.
- 1.2 The report does not include complaints or enquiries 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 60 complaints between 1 April 2012 and 31 March 2013 of which she partially or fully upheld 23 (38%). The IA responded to 98% within the 30-day response standard, an increase in performance of 4% against the 2011/12 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 2012/13, the LGO made decisions in a total of 73 cases, a decrease of 9 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 2012/13 at all stages including the Independent Adjudicator's report and the Local Government Ombudsman Annual Review.

3. Recommendations

The Committee is recommended to:

- 3.1 Note the contents of the report.

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 This also 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 and Stage 2 complaints, MP, Mayor and Councillor enquiries

- 5.1 The standard response times and responsibilities 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 dealt with by the Council 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 2012 and 31 March 2013 compared with performance over the same period in 1 April 2011 and 31 March 2012.

Table 1 – total volume of complaints and enquires by directorate

| | Total Complaints and Enquiries | | |
|-----------------------------|--------------------------------|---------|----------|
| Directorate | 2011/12 | 2012/13 | Variance |
| Children and Young People | 223 | 223 | nil |
| Community Services | 254 | 269 | -28 |
| Customer Services | 2004 | 1980 | -24 |
| Lewisham Homes | 1238 | 1226 | -12 |
| * Regeneration | 689 | 371 | -318 |
| * Resources | 22 | 10 | -12 |
| ** Resources & Regeneration | - | 256 | 256 |
| Total | 4430 | 4335 | - 95 |

* Regeneration and Resources were merged from 30.11.12. The figures above represent the period 1.4.12 to 30.11.12

**** Resources & Regeneration – Both directorates merged on 1.12.12 and the figures above reflect the changes in the restructure.**

Table 2 – stage 1 and stage 2 complaints by directorate

| Directorate | Stage 1 | | | | | Stage 2 | | | | |
|--------------------------|-------------|-----------|-------------|-----------|-------------|------------|-----------|------------|-----------|-------------|
| | 2011/12 | * % | 2012/13 | * % | Variance | 2011/12 | * % | 2012/13 | * % | Variance |
| CYP | 49 | 80 | 41 | 78 | - 8 | 7 | 71 | 4 | 75 | - 3 |
| Community Services | 89 | 65 | 99 | 82 | + 10 | 2 | 50 | 2 | 50 | 0 |
| Customer Services | 767 | 85 | 691 | 87 | - 76 | 116 | 80 | 68 | 88 | - 48 |
| Lewisham Homes | 556 | 88 | 622 | 74 | + 66 | 117 | 93 | 110 | 93 | - 7 |
| Regeneration | 136 | 80 | 68 | 81 | - 68 | 39 | 82 | 33 | 94 | - 6 |
| Resources & Regeneration | - | - | 46 | 87 | + 46 | - | - | 10 | 80 | + 10 |
| Resources | 9 | 56 | 7 | 57 | - 2 | 3 | 33 | 0 | 0 | - 3 |
| Total | 1606 | 84 | 1574 | 81 | - 32 | 284 | 85 | 227 | 91 | - 57 |

* percentage figures are the cases responded to within the specified target

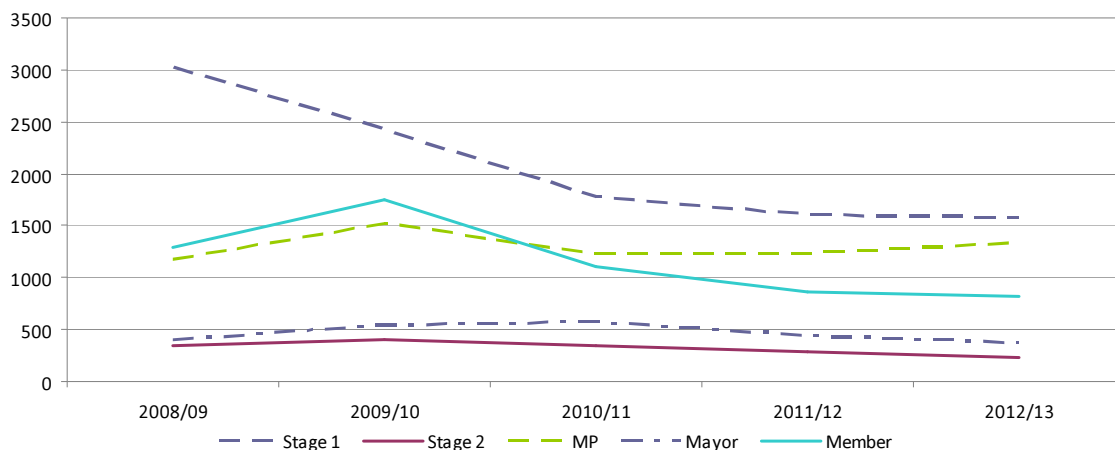
Table 3 - MP, Mayor and Members enquiries by directorate

| Directorate | MP | | | Mayor | | | Members | | |
|--------------------------|------------------|------------------|--------------|-----------------|-----------------|-------------|-----------------|-----------------|-------------|
| | 2011/12 | 2012/13 | Variance | 2011/12 | 2012/13 | Variance | 2011/12 | 2012/13 | Variance |
| CYP | 117 (78) | 144(82) | + 27 | 22 (55) | 15(80) | - 7 | 28 (82) | 19 (89) | - 9 |
| Community Services | 60 (46) | 72 (44) | + 12 | 26 (58) | 25 (88) | - 1 | 59 (58) | 71 (76) | + 12 |
| Customer Services | 550 (85) | 642 (86) | + 92 | 198 (80) | 192 (90) | - 6 | 373 (87) | 387 (89) | + 14 |
| Lewisham Homes | 322 (91) | 316 (90) | - 6 | 61 (90) | 42(86) | - 19 | 182 (90) | 136 (87) | - 46 |
| Regeneration | 169 (82) | 110 (70) | - 59 | 139 (83) | 64(78) | - 75 | 206 (84) | 96 (91) | - 110 |
| Resources & Regeneration | - | 53 (89) | + 53 | - | 35 (89) | + 35 | - | 112 (94) | + 112 |
| Resources | 1 (100) | 3 (33) | + 2 | 3 (0) | 0 (0) | - 3 | 6 (100) | 0 | - 6 |
| Total | 1219 (83) | 1340 (83) | + 121 | 449 (79) | 373 (87) | - 76 | 854 (84) | 821 (88) | - 33 |

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

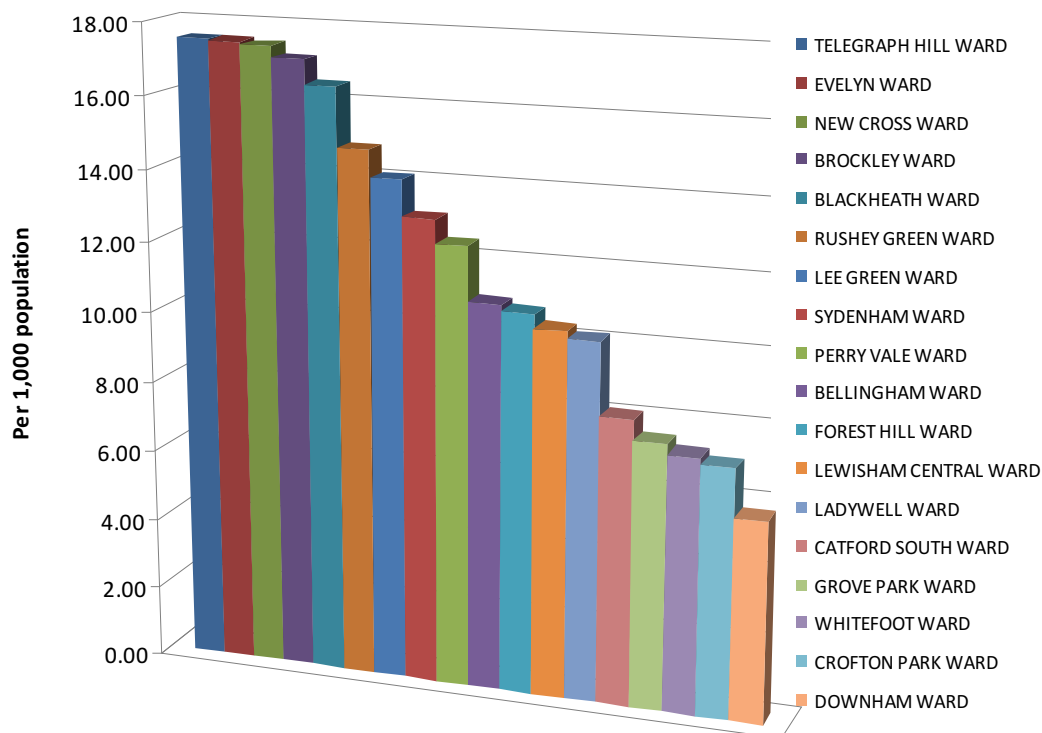
5.3 The total number of complaints and enquiries received in 2012/13 was 4,335. This was a small decrease (1%) on the previous year when a total of 4,430 were received. Overall the number of Stage 1 and Stage 2 complaints and Mayor and Member enquires all decreased. However, there was an increase of 10% in MP enquiries.

The chart below shows the trend in performance by stage over the last five 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 were received from residents in the Telegraph Hill ward, whilst the lowest number of complaints were received by residents in the Downham ward.

| Ward | Complaints and enquiries per 1,000 population |
|------------------------|---|
| TELEGRAPH HILL WARD | 17.55 |
| EVELYN WARD | 17.53 |
| NEW CROSS WARD | 17.45 |
| BROCKLEY WARD | 17.14 |
| BLACKHEATH WARD | 16.45 |
| RUSHEY GREEN WARD | 14.82 |
| LEE GREEN WARD | 14.07 |
| SYDENHAM WARD | 13.07 |
| PERRY VALE WARD | 12.42 |
| BELLINGHAM WARD | 10.90 |
| FOREST HILL WARD | 10.70 |
| LEWISHAM CENTRAL WARD | 10.32 |
| LADYWELL WARD | 10.13 |
| CATFORD SOUTH WARD | 8.08 |
| GROVE PARK WARD | 7.51 |
| WHITEFOOT WARD | 7.23 |
| CROFTON PARK WARD | 7.03 |
| DOWNHAM WARD | 5.70 |
| BOROUGH AVERAGE | 12.23 |



Trends

5.5 On analysing the reasons for complaints, the top three issues are as follows:

- Lewisham Homes – Repairs and Maintenance
- Council Tax
- Lewisham Homes – Decent Homes (major works)

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

Lewisham Homes – Repairs and Maintenance

The volume of repairs complaints has continued to reduce from 305 responded to in 2011/12 to 231 in the current year. This is partly the impact of introducing ‘real time’ satisfaction surveys which allows the service to address issues straight after the repair. The Independent Adjudicator has commented on a particular reduction in complaints about dampness and condensation, following specific initiatives to improve the way these issues are dealt with.

Even allowing for a small increase in numbers of informal complaints, there was still an overall reduction. The most common services about which we received complaints were Inspections, Plumbing, Roof repairs and renewals, Joinery/fencing and Electrical.

Council Tax

The number of complaints received by the Council Tax section decreased by almost 25% on the previous year and were at their lowest level since 2005/06. Although there was a small 2 % increase on the percentage classified as justified, this was due to the lower numbers of overall complaints received. The actual numbers of justified complaints have continued to reduce year on year.

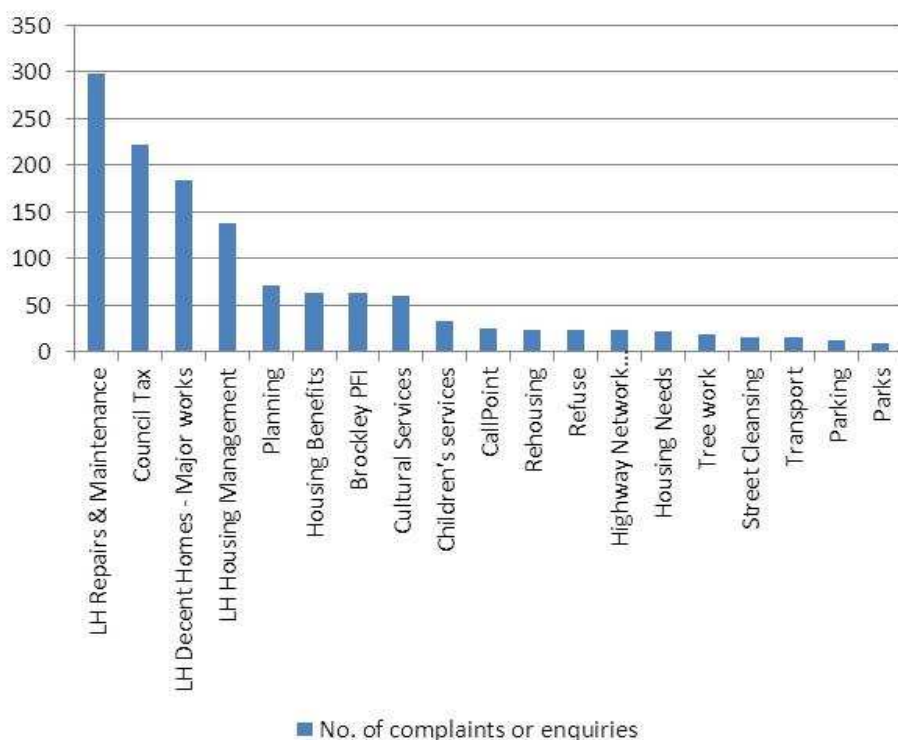
All complaints are reviewed monthly by the management team. Where complaints are deemed justified the case is reviewed in detail to ascertain what changes to existing procedures/processes are required, or additional staff training needed. The agreed action is logged, the responsible officer identified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

Lewisham Homes – Decent Homes (major works)

Performance for responding to complaints on time has worsened, mainly due to the poor performance of one of the contractors for the Major Works Improvement Programme – only 28% of these complaints were responded to on time. This issue has been addressed and the contractor hit the target with 93% on time in February and March. It is common for the volume of complaints to increase during an improvement programme – and 27% of complaints received during the year relate to this programme. Steps were taken to deal with the contractors concerned at CEO level, and there were signs of improvement in September. Solutions implemented by the contractors have included increasing the ratio of liaison staff to properties and better quality control and communications on site. The volume of Decent Homes complaints contributed to our weaker overall performance of 76% (meeting target times). Excluding complaints about Decent Homes, performance was 92%.

5.5.2 Services receiving 10 or more complaints or enquiries

A breakdown of services receiving 10 or more complaints or enquiries is shown below.



Appendix 3 provides a breakdown of the top three complaint reasons, by ward.

5.6 Complaints and enquiries by ward

The top three wards to receive the highest level of complaints and enquires was:

- Telegraph Hill
- Evelyn;
- New Cross

- 5.6.1 The ward to receive the highest level of complaints and enquiries was Telegraph Hill. Housing management was the top reason why customers complained in Telegraph Hill, followed by Council Tax, then Housing Benefit.
- 5.6.2 The second highest ward to receive complaints and enquiries was Evelyn. Housing management was the top reason why customers complained in Evelyn ward, followed by Council Tax, then Planning.
- 5.6.3 The third highest ward to receive complaints and enquiries was New Cross. Housing management was the top reason why customers complained in New Cross ward, followed by Council Tax, then Housing Benefit.
- 5.6.4 Downham received the lowest level of complaints and enquiries.
- 5.6.5 Appendix 4 provides a breakdown of all complaints and enquiries for each ward.

5.7 Complaints and service improvement

- 5.7.1 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 ideas for best practice.
- 5.7.2 Throughout the year directorates have worked to improve the quality of the complaints handling. Actions include:
 - Review of the administration of complaints within the team to seek to work proactively and ahead of due date for response
 - Lewisham Homes, Corporate Leadership Team (CLT) set up a Performance Group to look at performance in more detail and address underperformance.
 - Caseworkers worked at Wearside to provide cover for a month. As well as supporting the services, they were able to gain a better understanding of the service.
- 5.7.3 Each directorate has used complaints received to identify areas of improvement and undertook changes to improve the way the service is delivered. Examples of these improvements are outlined below:

In Children's and Young People's directorate, delays in carrying out assessments, delays in setting up appeals and delays in preparing or amending statements have been strong themes throughout the reporting period. Staff have been reminded of the importance of ensuring these aspects of work are carried out thoroughly and in a timely manner.

Street Lighting PFI Contract – as part of this new contract, all of Lewisham's old street lighting columns are being replaced. It was anticipated that complaints would arise as a result, so the Casework Team worked with Management from the Highways department and Skanska to devise a quick and simple procedure to identify who would be responsible for dealing with the complaints and enquiries. This helped in the administration of the complaint and to minimise complaints escalating.

The Casework Team received an increased number of complaints about overhanging hedges on private property as well as on public footways. The enquiries involved Planning and the Environmental Team and sometimes Highways. We developed a

fact sheet about tree problems and solutions to the different types of complaints received.

Caseworkers have visited service areas to gain a better understanding of their working practices which provided valuable context when dealing with responses.

The Customer Relations team, within Community Services, has further embedded the use of iCasework into the Library & Information Service and Community Education Lewisham and provided on-going support and guidance to officers in investigating and responding to stage 1 complaints in a comprehensive and timely manner.

- 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, 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 6.
- 5.12 Further recommendations have been made and a new action plan has been developed for 2013/2014 to ensure that the recommendations will be implemented. Further details pertaining to the action plan can be found in Appendix 7.

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 2012 to 31 March 2013.
- 6.2 The IA received 64 complaints during the year, 23 fewer complaints than in 2011/12. This breaks down to 44 (69%) against the Council/Regenter (down three from last year) and 20 (31%) against Lewisham Homes (down by half).
- 6.3 The IA has highlighted the fact that Planning complaints has increased from 1 complaint in 2011/2012 to 10 complaints in 2012/2013. The IA recognises that the complaints were caused by problems already identified by the Council in this area (particularly enforcement) and on which it has acted. As such the IA expects to see fewer complaints about planning in the future.
- 6.4 As well as the major reduction of complaints in Lewisham Homes, the IA is pleased to see that complaints about council tax, environmental health, and concessionary awards have all reduced from the previous year.
- 6.5 The IA responded to 98% of cases within the 30-day standard, which is above the 90% target and an improvement on the previous year's performance of 94%.
- 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 a significant decrease 57% decrease of cases in Customer Services and Lewisham Homes cases halved. However, there was a considerable increase of 68% in Regeneration cases.

Total number of stage three complaints against each directorate and each partner

| Customer Services* | Regen* | Children and Young People | Community Services | Resources* | Regenter | Lewisham Homes | TOTAL |
|--------------------|--------|---------------------------|--------------------|------------|----------|----------------|-----------|
| 20 | 19 | 0 | 1 | 0 | 4 | 20 (1) | 64 |

*During 2012/13 the Council's directorates changed: parking moved from Regeneration (Regen) to Public Services (within the Customer Services directorate); Highways and Planning initially fell under the Regen directorate, but then the Regen and Resources Directorates were amalgamated. Cases have been categorised according to the directorate that they fell under in April 2012.

6.7 Compensation

Compensation was awarded in 12 cases ranging from £100 to £600. The total amount of compensation paid was £4,259.75, of which £2,129.75 was for Lewisham Homes.

This was the same total volume of cases in 2011/12, with the overall amount of £3,614 compensation being paid.

| | Up to and including £100 | | £100-£500 | | More than £500 | | TOTAL | |
|----------------|--------------------------|------|-----------|-----------|----------------|--------|-------|-----------|
| 2012/13 | 2 | £175 | 8 | £2,484.75 | 2 | £1,600 | 12 | £4,259.75 |
| 2011/12 | 2 | £200 | 9 | £2,814 | 1 | £600 | 12 | £3,614 |

6.8 Key issues highlighted by the Independent Adjudicator

6.8.1 Record keeping and communication

- The IA emphasises the importance of officers making notes of at key stages when interacting with customers. The record will assist should someone complain about lack of communication or if there is a dispute about what happened or what was said.

6.8.2 Complaint administration

- In one case, the complainant complained about officer conduct rather than their professionalism. The IA is appointed to investigate complaints that there has been an administrative failing or service failure of some sort. Where a member of the public makes a complaint against a member of staff about their conduct, however, it is the IA's view, as well as the view of Human Resources, that this should be dealt with under the authority's disciplinary procedure.
- Similarly, the IA has also dealt with complaints that could have been dealt with as a service issue, for example, they are unhappy with a planning decision or complaining about staff conduct.

6.8.3 Overall complaints handling

The IA praised the fact that only 1.5% 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.

The IA recognises that even though significant changes within the Council and Regenter and to resources have continued this year; and there have been unprecedented changes to the law that have affected services and operations. Notwithstanding, the numbers of stage three complaints has not increased as might have been expected and the IA welcome this.

The IA also welcomes 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.

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.

7 Local Government Ombudsman Annual Letter 2012/13

- 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 The LGO will be publishing final decisions on all complaints on their website, as they consider this as an important step in increasing transparency and accountability.
- 7.4 A copy of the LGO's annual letter is attached at Appendix 2.

8 Achievements for 2012/13

- 8.1 Following the formalisation of the Mayor's enquiries process, responses have been sent in a more timely fashion and the performance has increased by 8% from the previous year.
- 8.2 The Corporate Complaints Manager worked closely with the Council Tax team to ensure that their complaints are managed effectively. The Corporate Complaints Manager carried out complaints workshops with Council Tax staff in September 2012, and as a result, significant changes in the way that their complaints are handled, have been made. Following the workshop, stage 3 complaints about Council Tax has nearly halved.
- 8.3 The Corporate Complaints Manager has consulted with members of Corporate Complaints Improvement Group (CCIG) to develop a list of FAQ's for complaints handling. The FAQ's will be available to all staff to refer to, as required.

9 Future improvements for 2013/2014

- 9.1 The corporate complaints team will continue to deliver complaints handling training across the Council to ensure that staff are familiar with the Council's comments, complaints and compliments policy, including how to deal with persistent and unreasonable complainants.
- 9.2 The Council's website will be utilised more as a vehicle to inform and advise residents in order to manage customer expectations

10 Legal Implications

- 10.1 There are no specific legal implications directly arising from this report aside from noting that 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.
- 10.2 Given the subject and nature of this report, it is relevant here to note that the Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It 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.
- 10.3 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.
- 10.4 The 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.
- 10.5 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 10.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 10.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

11 Financial Implications

11.1 There are no financial implications arising from this report.

12 Crime and Disorder Implications

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

13 Equalities Implications

13.1 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.

13.2 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.

13.3 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.

13.4 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.

13.5 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/>.

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

14 Environmental Implications

14.1 There are no environmental implications arising from this report.

15 Conclusions

15.1 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 action plan will ensure continuous improvement is achieved.

16 Background Documents and Report Author

16.1 There are no background documents to this report.

16.2 If you would like more information on this report please contact Jennifer Greaux, Corporate Complaints Manager on 0208 314 6340.

**Seventh Annual Report of the
Independent Adjudicator
for the London Borough of Lewisham
1 April 2012 – 31 March 2013**

Dear Mayor Bullock

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 are two attachments which form an integral part of this letter: statistical data covering the period 1 April 2012 to 31 March 2013.

Complaints received

Volume

1. I have received 64 complaints during the year, 23 fewer complaints than in 2011/12. This breaks down to 44 (69%) against the Council/Regenter (down three from last year) and 20 (31%) against Lewisham Homes (down by half).
2. The number of complaints against the Council/Regenter has stayed almost the same in recent years (43 in 2010/11, 47 in 2011/12, and 44 this year) but I am not unduly concerned: in fact, I am pleased that the expected surge in complaints given these challenging times has not materialised.
3. The number of complaints against Lewisham Homes has halved as I say, and this is remarkable. Although I cannot be sure of the exact reasons for such a decrease, I am aware that the authority tries, wherever possible, to remedy a complaint early on thus avoiding the need for my involvement. I welcome this; I hope that it is something that Lewisham Homes continues; and I commend it to the Council/Regenter.
4. Overall, the number of stage three complaints is very low, comprising only 1.5% of the 4335 complaints and enquiries received against the Council and its partners in 2012/13.

Character

5. The number of complaints about planning has increased significantly this year: from one complaint in 2011/12 to 10, but I think that this was caused by problems already identified by the Council in this area (particularly enforcement) and on which it has acted. Consequently, I expect to see fewer complaints about planning in the future. There was also an increase in complaints about parking (from two to five) but each complaint was different; in some the complainant was simply unhappy that they had received a ticket; there is no evidence of any systemic breakdown in the service; and I am conscious that the numbers are tiny given how many parking contravention notices (PCNs) the Council must issue.

6. There were increases too in the number of complaints about re-housing, going up from two to four, private sector leasing (PSL) and the rent incentive scheme (RIS) going up from two to three, and tenancy matters going up from none to two. Again, though, the numbers are tiny and cause me no concern.
7. In addition, this year I determined three complaints about highways, one complaint about anti-social behaviour (the same as last year); and a single complaint about business rates, trading standards, street lighting and miscellaneous issues. I see no significance in the numbers here.
8. I am pleased to report that complaints about council tax, environmental health, and concessionary awards fell from 13 to seven, from four to one and from three to one respectively. I welcome this. I also welcome the reduction in complaints about trees down from four to none, repairs down from two to one, housing benefit the same, and leaseholders down by two to zero.

Decisions on complaints

Complaints that were settled by remedy

9. Seven of the 15 complaints upheld or partly upheld against the Council/Regenter were settled by compensation – either suggested by me or by officers - and payments totalling £2130 were made. This is slightly more than last year (£1794), but it reflects two complaints where I concluded that a high remedy was justified (£600 and £480), and the actual percentage of cases attracting compensation was down from 67% to 47%. 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.
10. In one case, there were serious failings in the way that the Council handled a planning application affecting the complainants' amenity and causing them significant stress and frustration, and I proposed the payment of £600 compensation. In a second case (against Regenter) there were delays and omissions in dealing with anti-social behaviour including drug taking, and I concluded that £480 compensation was warranted. In a third case £250 was, in my view, a reasonable sum to recognise a lack of joint working to tackle noise nuisance and the detrimental impact had on the complainant and her family.
11. Non-compensation remedies comprised, for example, apologies; inspecting and carrying out repairs, with updates until all work was done; writing off council tax arrears, and taking into account a complainant's suggestions for improving publicly available information on council tax; pursuing robustly a case against neighbour nuisance; visiting the complainant at home to discuss reporting drug use; appointing an officer not previously involved with the complaint to act as liaison; and exploring options for tackling a site where work started under a planning permission remained unfinished and was causing the complainant a serious injustice. I welcome these practical and imaginative ways of addressing complaints.
12. I find that the Council/Regenter readily provide appropriate redress to complainants once it can be shown that things have gone wrong. I also find that officers are often prepared to take action even though there have been no failings, as in a case where money was found to replace and protect trees destroyed or damaged by drivers avoiding speeding restrictions, and a case where a fence was removed to facilitate the complainant using his garage. In addition, in a number of complaints that have come to me this year, officers have already proposed compensation that is responsive to the circumstances of the complaint and reflects Ombudsman guidance. I welcome this good customer care.

Service improvements

13. 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:

Council tax

- Council tax bills are being re-worded to avoid any confusion about when payments should be made
- Officers have been reminded to take notes at any interview with payees attending court, using a newly introduced template, and expressly to make clear that a liability order will be obtained pending any tax adjustment
- Officers will write to individuals seen, and interviewed at court, where there is an outstanding query
- The wording on bailiffs' letters is being improved
- The wording on business rates bills is being improved to ensure that they explain exactly what the amounts shown are for, and to improve the information given
- Officers have been reminded of the requirements for authorisation when speaking to someone representing a taxpayer
- Housing benefit and council tax are looking at improving cross team working and information sharing.

Planning

- Planning enforcement is much improved in terms of better resources, structures, focus, and strict priorities
- Officers are drawing up a new set of standard planning conditions, and they will let me know how they monitor the implementation of such conditions as well as any assurances they give to Members who express concern about an application
- Planning enforcement has implemented a number of improvements in complaint handling, including proper recording and identifying complaints as opposed to service issues
- Officers are looking at what comprises a good letter to avoid any confusion when writing to a planning applicant about queries on their application.

Housing Options Centre

- Officers are considering when they might mention to homelessness applicants the Council's removals and storage facilities, perhaps including a reminder about this in any checklist of things they ask a homeless client
- HOC is considering drawing up a protocol, and training staff, for when someone is recording on their mobile phone a meeting with officers
- HOC is looking at how it deals with incidents that may occur there
- HOC is revising the wording of its policy on management offers. The policy also now takes into account any period when a housing application is suspended.

Anti-social behaviour (ASB)

- Regenter is now advising tenants to call the Council's Environmental Health or Lewisham Homes' ASB team where they have concerns that a neighbour is using drugs and they can smell them: the officers can act as witnesses and report their findings to the authority
- Regenter has now published guidelines devised by the Council on the use of washing machines in the evenings and early mornings.

Miscellaneous

- The Council and Regenter are looking again at how they manage unreasonable complainant behaviour, including where someone makes numerous telephone calls and sends a lot of emails

- The fraud team will now take notes of any meeting with a customer no matter how informal the meeting might be
- Regenter has reviewed its repairs standards so that tenants can understand exactly what to expect
- There is now improved recording of someone's contact details to ensure that their calls are returned from the relevant service area
- The Council's website now has better wording about controlled parking zones (CPZs) and parking permits
- The parking service will continue to offer payment of a PCN by credit card as an option, and it has updated the Council's website to advise those appealing a PCN to set aside money for paying the notice in case their appeal is not successful.

14. I welcome the steps the Council/Regenter have taken here, and also their willingness to review and improve policies and procedures.

Other findings

15. Sixty complaints against the Council, Regenter and Lewisham Homes were decided during the year. Of these I upheld five in full (8%) and partly upheld 18 (30%): the remaining 37 (62%) were not pursued further because no evidence of maladministration was seen.
16. I upheld/partly upheld just over a third of complaints (35%) determined against the Council/Regenter – 15 out of 43 – compared to last year when the figure was a fifth (20%). This is disappointing especially when complaint numbers have gone down. However, I believe that the increase may be caused by an adverse finding in four planning complaints (as opposed to only one last year), and two out of four homelessness complaints (two more than in 2011/12). Also, it seems to me that complaints at stage three are now more complex (as they should be) so perhaps it is inevitable that I find something has gone wrong. Notwithstanding, the Council/Regenter might monitor the upheld rate, though I would expect the numbers to improve given the significant changes to planning enforcement this year, and action taken in HOC as a result of my investigations.
17. Although the uphold rate has increased considerably, just three (or 20%) of the 15 cases were fully upheld – cases where the maladministration and injustice were, in my view, especially significant. In the remaining 12 cases (or 80%) I identified only some errors (ranging from the not so harmful such as failing to keep the complainant updated about work in his road through to the serious such as including an unenforceable condition in a planning permission) with the rest of the complaint having no merit. It seems to me, however, that I should bring to the Council's and Regenter's attention all mistakes so that they can spot complaint trends; they can identify and remedy any breakdowns in service thus preventing more complaints; and they can learn lessons.
18. Complaints upheld at stage three have increased this year as I say, but it is still the case that I do not uphold the majority of those that are coming through (65%). Of those that do come through, some are complex (as I say) and require further investigation by me, but many 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 the IA.
19. Finally, this year as in other years, I have chosen not to investigate a number of complaints either because an alternative way exists of achieving a remedy and it is not unreasonable to expect the complainant to pursue that alternative (such as a planning appeal); or the injustice suffered by the complainant is not such as to justify the use of my limited resources (for example, their amenity is not affected by any planning decision because they live at some distance from the development site). For the first time, however, I have started recording these complaints so that next year the Council and Regenter will have a complete picture of complaints received and determined.

Liaison with the Independent Adjudicator and complaint handling

20. I made enquiries on most of the complaints I received this year, with the exception of those mentioned above in paragraph 19 or where it was clear that the Council/Regenter could add little to what had already been said to the complainant in the stage one and two replies. The target for responding to my enquiries was five days and this was generally met. This is pleasing. It suggests that officers noted my concerns last year about improving response times. It also suggests that they are giving complaints a high priority despite the demands made of them in these challenging times.
21. 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.
22. In one case, however, the response to the complaint was so poor that I had no choice but to make an adverse finding: in several other cases, the replies were deficient and/or late. This is disappointing and it means that I have to spend time chasing those replies or seeking further information (still sometimes not provided though promised), and it may mean that my deadline for writing to the complainant with my final view is delayed (adding to their grievance with the authority). Corporate Complaints will be monitoring response times and how often I need to seek more information, and they will present their findings to senior managers. In the meantime, I urge full and timely replies to my enquiries.
23. Although most complaints raised no particular issues, some themes did emerge:

Recording keeping and communication

- Record keeping (specifically, the absence of records) has been a theme in a number of complaints. I urge officers to make a contemporaneous note of any key action, any telephone call, any discussion, any interviews, any meeting, and any event, for example, when a tenant refuses access for a scheduled repair. The record should help if someone complains about lack of communication or if there is a dispute about what happened or what was said.
- In repairs and anti-social behaviour complaints (but in other kinds of complaints too) there was poor communication; promised updates were not given; officers let matters drag on for a long time; they failed to take action and make decisions; they failed to monitor a case; and there was a lack of cross team working. I am looking for, and I urge, much needed improvements in these areas next year to avoid many of the complaints I see.

Good customer service

- In some complaints, officers have telephoned a complainant to discuss their concerns without any prompting from me, and they have sometimes met them. Officers are encouraged to spot opportunities like this for resolving a complaint even if there has been no particular failing. This is especially relevant, in my view, in repairs complaints. It might also stop escalation to the next stage of the process.
- I see a number of complaints where it might be helpful to refer the complainant to an advice organisation such as the National Debtline. I recommend this where appropriate.
- In one complaint, the complainant threatened suicide. The Council might note The Samaritans' advice to telephone the Police Safe and Well Check Team in such circumstances.

Complaint administration

- In one case, the officer who was the subject of the complaint replied to the stage one, so that the complainant complained at stage three about a lack of objectivity in the response. In another case, the Head of Service replied to the stage one presenting

difficulty when the complainant escalated their complaint to stage two. I direct officers' attention to the Corporate Complaints Procedure which gives guidance on who should investigate and respond to a complaint.

- Sometimes, at stage three, a complainant simply raises service issues rather than a complaint that should be investigated under the complaints process. So, for example, they are unhappy with a planning decision or how much council tax they are being asked to pay. If officers have any difficulty deciding how to treat a case – as a service issue or a complaint – I urge them to contact Corporate Complaints or I am happy to discuss it with them.
- In one case, the complainant complained about officer conduct rather than their professionalism. I am appointed to investigate complaints that there has been an administrative failing or service failure of some sort causing detriment or harm to the complainant, so an officer's professionalism would fall to me. Where a member of the public makes a complaint against a member of staff about their conduct, however, it is my view, and the view of Human Resources (with whom I liaised), that this should be dealt with under the authority's disciplinary procedure.
- Officers have asked for my advice on dealing with vexatious complainants referring, for example, to someone who makes numerous calls or repeatedly raises the same issues. I urge them to contact the Council's Corporate Complaints Team and also consult the agreed procedure.
- Officers have asked about the "request for information" template that I now supply when making my enquiries on a complaint. The template is designed to help service areas understand exactly what information I require to address a complaint; it provides response consistency, and I can easily attach it to my final decision letter. I urge officers to complete the template, or use it as guidance, when submitting their comments to me.

Follow ups, reviews and remedies

- I have reported already willingness by the Council/Regenter to remedy complaints and implement my findings. My one concern – and I raised this last year - 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 continues to chase officers, but this should not be necessary. I urge officers to provide me (and the complainant where requested) with follow ups as a matter of course.

I value feedback especially on any improvements implemented as a result of my findings. I can then report in my annual letter that the improvements have been made, and customers and officers can see that there is real benefit in making complaints. The improvements will also inform how I deal with similar complaints: I will quickly be able to explain to the complainant that things might have gone wrong in the past, but changes have now been made to avoid problems in the future.

- In all cases where I propose a remedy, including providing updates to the complainant, I expect it to be implemented by the timescale I suggest or as soon as possible: delay will simply confirm the negativity that the complainant already feels about the Council/authority and it could result in another complaint, or an approach to the Ombudsman, or a further remedy. So, for example, in one case where the Council delayed by six months sending a cheque for £400 compensation to a particularly vulnerable complainant and where I had found a significant failing, I asked for payment of the money as a matter of urgency, an apology for the delay, and the addition of interest calculated at the Bank of England base rates. To avoid such penalties, I urge timely implementation of my proposals.
- In one case where I asked for an apology, the service area seemed unsure about which of its officers should write it and who should send it out: the service area or Corporate Complaints. My view is that an apology should come from a senior officer within the service area and the service area should despatch it, with a copy being sent to Corporate Complaints which monitors the implementation of my findings. I refer

officers to the advice on writing apologies in the Council's Guide to Effective Complaints Handling and on the Scottish Ombudsman's website.

- Some complaints keep coming back to me. I recognise that, in some cases, this is inevitable either because there are difficulties that cannot quickly (or ever) be resolved (such as some anti-social behaviour) and so continue to cause problems for the complainant; or the complainant will not accept the decision on their complaint. However, in some instances, it is clear that the authority is simply repeating the mistakes I have identified already, or it is not implementing the procedures it has reviewed and improved as a result of my intervention. This is disappointing, and it is something I have taken up with the relevant senior officers.

Miscellaneous

- In some cases where a repair breaks down time and time again and it has to be redone, I believe that it is good housing administration for an authority to consider eventually whether it is more cost effective and a better use of taxpayers' money to replace a roof, for example, rather than continue patching it. But the decision is for the authority to take and not me, of course, and it will always be a judgement call especially in this era of very tight resources and high demand.

My performance

24. Over the year, I have:

- Responded to 98% of complaints within the 30 days target (an improvement from last year's 94%)
- Had no decisions overturned on complaints referred to the Local Government Ombudsman; and only one compensatory remedy reviewed and increased
- Met with a record number of complainants and visited their homes where this would aid my investigation
- Facilitated a meeting between Council officers and tenants to try to resolve a longstanding complaint but which fell outside my jurisdiction
- 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
- Written a monthly newsletter for senior officers highlighting any concerns and suggested improvements in service
- Produced a training pack for officers on complaint handling
- Worked with the Corporate Complaints Manager in preparation for housing complaints being referred to the Housing Ombudsman and produced key documents

Conclusions and general observations

25. Significant changes within the Council and Regenter and to resources have continued this year; and there have been unprecedented changes to the law that have affected services and operations. Notwithstanding, the numbers of stage three complaints has not increased 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 and Regenter will face in the coming year.

Summary of recommendations

- The Council/Regenter to monitor the upheld rate on complaints, and also the number of stage three planning and homelessness complaints coming through to determine if improvements in these areas are working

- The Council/Regenter to take steps in repairs and anti-social behaviour complaints (but in other kinds of complaints too) to improve communication; to provide updates; to take timely action and decisions thus avoiding a case dragging on; to monitor a case; and to facilitate cross team working
- Officers to make a contemporaneous note of any key action, any telephone call, any discussion, any interviews, any meeting, and any event, for example, when a tenant refuses access for a scheduled repair
- The Council/Regenter to spot opportunities for, and to consider, remedying a complaint early on even if there has been no particular failing
- The Council/Regenter to provide timely and full replies to my enquiries completing, or using as a guide, the response template I supply
- Officers to contact Corporate Complaints or me if they have any difficulty deciding how to treat a case – as a service issue or a complaint
- Officers to consult the Corporate Complaints Procedure which gives guidance on who should investigate and respond to a complaint
- The Council/Regenter to implement the remedies I propose as quickly as possible
- Officers to look again at the advice on writing apologies in the Council's Guide to Effective Complaints Handling and on the Scottish Ombudsman's website
- Officers to provide me (and the complainant where requested) with follow ups as a matter of course
- Officers to contact Corporate Complaints and also consult the agreed procedure for dealing with vexatious complainants and unreasonable complainant behaviour
- Officers to refer complainants to an advice organisation such as The National Debtline where appropriate, or to telephone the Police Safe and Well Check Team where someone is vulnerable and considering self harm.

For the future

26. I have talked in the past about managing complainant expectations and I think that this will be even more of an imperative for me in 2013/14. I have also talked about changes and there are some major changes coming up (in 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: doing this with a telephone call to all stage three complainants from my assistant, with the facility to call me at any stage, and with an early decision letter if I cannot help
- 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 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 record all cases determined without investigation to provide a complete picture of the numbers received and decided
- 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

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 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.

a separate review on stage three complaints against Lewisham Homes, though the figures for all authorities are included and attached, and some crossover issues are mentioned.

Total cases received/open and determined: 1/4/12 – 31/3/13

| TOTAL CASES RECEIVED 1/4/12 – 31/3/13 | NO. OF CASES CARRIED OVER FROM 2011/12 | NO. OF CASES DETERMINED | NO. OF CASES WITHDRAWN | NO. OF CASES OPEN AS OF 31/3/13 |
|---------------------------------------|--|-------------------------|------------------------|---------------------------------|
| 64 | 4 | 60 | 1 | 7 |

Number of cases determined

| TOTAL CASES DETERMINED | UPHELD IN FULL | UPHELD IN PART | NOT UPHELD |
|------------------------|----------------|----------------|------------|
| 60 | 5 (8%) | 18 (30%) | 37 (62%) |

Time taken to resolve: target 85% of cases to be resolved within 30 days

| 30 days and below | 31 - 50 days | More than 50 days |
|-------------------|--------------|-------------------|
| 59 (98%) | 1 (2%) | 0 |

Number of cases received: a comparison

| The Council and Regenter | Lewisham Homes | Total cases received |
|--------------------------|----------------|----------------------|
| 44 (69%) | 20* (31%) | 64 |

*This includes a case that was later withdrawn

Cases received by Council directorate/partner

Total number of stage three complaints against each directorate and each partner

| Customer Services* | Regen* | Children and Young People | Community Services | Resources* | Regenter | Lewisham Homes | TOTAL |
|--------------------|--------|---------------------------|--------------------|------------|----------|----------------|-------|
| 20 | 19 | 0 | 1 | 0 | 4 | 20** | 64 |

*During 2012/13 the Council's directorates changed: parking moved from Regeneration (Regen) to Public Services (within the Customer Services directorate); Highways and Planning initially fell under the Regen directorate, but then the Regen and Resources Directorates were amalgamated. Cases have been categorised according to the directorate that they fell under in April 2012.

**This includes a case that was later withdrawn

Cases determined by subject

Number of complaints determined by subject: number upheld in full or in part in brackets

| | All Council/Partners* | Council and Regenter | Lewisham Homes |
|------------------------------|-----------------------|----------------------|----------------|
| Housing: Repairs | 11 (6) | 1 (1) | 10 (5) |
| Housing: Major Works | 1 | | 1 |
| Housing: Tenancy | 4 (2) | 2 (1) | 2 (1) |
| Housing: Re-housing | 4 (2) | 4 (2) | |
| Anti-social behaviour | 4 (3) | 1 (1) | 3 (2) |
| Housing: Leaseholder | 1 | | 1 |
| Housing Benefit | 1 (1) | 1 (1) | |
| PSL/RIS | 3 (1) | 3 (1) | |
| Environmental Health | 1 (1) | 1 (1) | |
| Planning | 10 (4) | 10 (4) | |
| Highways | 3 (1) | 3 (1) | |
| Street Lighting | 1 | 1 | |
| Council Tax | 7 (1) | 7 (1) | |
| Business Rates | 1 (1) | 1 (1) | |
| Parking | 5 | 5 | |
| Concessionary Awards | 1 | 1 | |
| Trading Standards | 1 | 1 | |
| Miscellaneous | 1 | 1 | |
| Sub-total | | 43 (15) | 17 (8) |
| Total for all Council | 60 (23) | | |

*Some complaints raised more than one issue but were categorised according to the main issue

Compensation – awarded in 12 cases*

| Up to and including £100 | £101 - £500 | £501 and above | TOTAL – COUNCIL/RB3 | TOTAL INC LH* |
|--------------------------|--------------|----------------|---------------------|---------------------------------------|
| 2 (£175) | 8 (£2484.75) | 2 (1600) | £2130 | £4259.75 (£2129.75*) |

*All authorities

LGO letter



16 July 2013

By email

Mr Barry Quirk
Chief Executive
London Borough of Lewisham

Dear Mr Quirk

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2013. This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years.

The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year.

In 2012/13 we received 73 complaints about your local authority. This compares to the following average number (recognising considerable population variations between authorities of a similar type):

| | |
|----------------------------|---------------|
| District/Borough Councils- | 10 complaints |
| Unitary Authorities- | 36 complaints |
| Metropolitan Councils- | 49 complaints |
| County Councils- | 54 complaints |
| London Boroughs- | 79 complaints |

Future development of annual review letters

We remain committed to sharing information about your council's performance and will be providing more detailed information in next year's letters. We want to ensure that the data we provide is relevant and helps local authorities to continuously improve the way they handle complaints from the public and have today launched a consultation on the future format of our annual letters.

I encourage you to respond and highlight how you think our data can best support local accountability and service improvements. The consultation can be found by going to www.surveymonkey.com/s/annualletters

LGO governance arrangements

As part of the work to prepare LGO for the challenges of the future we have refreshed our governance arrangements and have a new executive team structure made up of Heather Lees, the Commission Operating Officer, and our two Executive Directors Nigel Ellis and Michael King. The Executive team are responsible for the day to day management of LGO.

The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

T: 024 7682 0000
F: 024 7682 0001
W: www.lgo.org.uk
Helpline: 0300 061 0614

Since November 2012 Anne Seex, my fellow Local Government Ombudsman, has been on sick leave. We have quickly adapted to working with a single Ombudsman and we have formally taken the view that this is the appropriate structure with which to operate in the future. Our sponsor department is conducting a review to enable us to develop our future governance arrangements. Our delegations have been amended so that investigators are able to make decisions on my behalf on all local authority and adult social care complaints in England.

Publishing decisions

Last year we wrote to explain that we would be publishing the final decision on all complaints on our website. We consider this to be an important step in increasing our transparency and accountability and we are the first public sector ombudsman to do this. Publication will apply to all complaints received after the 1 April 2013 with the first decisions appearing on our website over the coming weeks. I hope that your authority will also find this development to be useful and use the decisions on complaints about all local authorities as a tool to identify potential improvement to your own service.

Assessment Code

Earlier in the year we introduced an assessment code that helps us to determine the circumstances where we will investigate a complaint. We apply this code during our initial assessment of all new complaints. Details of the code can be found at:

www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code

Annual Report and Accounts

Today we have also published *Raising the Standards*, our Annual Report and Accounts for 2012/13. It details what we have done over the last 12 months to improve our own performance, to drive up standards in the complaints system and to improve the performance of public services. The report can be found on our website at www.lgo.org.uk

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Top 3 reasons for complaints by Ward

Appendix 3

| Ward | LH Repairs & Maintenance | LH Decent Homes - Major Works | Housing Management (inc LH) | Council Tax | Brockley PFI | Cultural Services | Housing Benefits | Planning | Refuse | Street Cleansing | Tree Work | Children's Services | CallPoint |
|-----------------------|--------------------------|-------------------------------|-----------------------------|-------------|--------------|-------------------|------------------|----------|--------|------------------|-----------|---------------------|-----------|
| BELLINGHAM WARD | 1 | 2 | 3 | | | | | | | | | | |
| BLACKHEATH WARD | 1 | 2 | | 3 | | | | | | | | | |
| BROCKLEY WARD | 2 | | | 3 | 1 | | | | | | | | |
| CATFORD SOUTH WARD | | | | 1 | | 2 | 3 | | | | | | |
| CROFTON PARK WARD | | | | 1 | | 2 | | 3 | | 3 | | | |
| DOWNHAM WARD | | | | 1 | | | | | 1 | | 1 | 1 | |
| EVELYN WARD | 1 | 2 | 3 | | | | | | | | | | |
| FOREST HILL WARD | 2 | 1 | | 3 | | | | | | | | | |
| GROVE PARK WARD | | | | 1 | | | | | | | | 2 | |
| LADYWELL WARD | | | | 2 | 1 | | 3 | | | | | | 3 |
| LEE GREEN WARD | 1 | 1 | | | | | | 1 | | | | | |
| LEWISHAM CENTRAL WARD | 2 | | 3 | 1 | | | | | | | | | |
| NEW CROSS WARD | 1 | | 2 | 3 | | | | | | | | | |
| PERRY VALE WARD | 2 | 1 | 2 | | | | | | | | | | |
| RUSHEY GREEN WARD | 2 | | | 1 | | | 3 | | | | | | |
| SYDENHAM WARD | 2 | 1 | | 3 | | | | | | | | | |
| TELEGRAPH HILL WARD | 1 | | 2 | 3 | | | | | | | | | |
| WHITEFOOT WARD | | | 1 | | | | | | | | | 2 | |

36

* Based on the post code of the complainant

Appendix 4

Complaints and Enquiries received in 2012-13 by Ward

| Service | BELLINGHAM WARD | BLACKHEATH WARD | BROCKLEY WARD | CATFORD SOUTH WARD |
|------------------------------|--------------------|--------------------|------------------|-----------------------|
| Housing Management | 30 | 58 | 68 | |
| Council Tax | 7 | 13 | 15 | 11 |
| Housing Benefits | 4 | 1 | 5 | 4 |
| Planning | | 2 | 11 | 2 |
| Refuse | 2 | 2 | 1 | |
| Parking | | 3 | | 1 |
| Anti-social behaviour | | 2 | 1 | |
| Rehousing | 1 | 2 | | |
| CallPoint | | | 1 | |
| Education | | | | 1 |
| Housing Needs | | | 2 | |
| Library Service | | | 2 | 1 |
| Tree work | | | | 1 |
| Street Cleansing | | | | |
| Adult Education | | | | 4 |
| Parks | | | | 1 |
| Highways | | | 1 | 1 |
| Cultural Other | | | | 3 |
| Concessionary Services | | 1 | | |
| AccessPoint | 1 | | | 1 |
| CEL | | 1 | 1 | |
| Environmental Health | 1 | | | 1 |
| Environment other | | | 1 | |
| Street Lighting | 2 | | | |
| Registration | | | | |
| Noise | | | | 1 |
| Building Control | | | 1 | |
| Crime Reduction | | | 2 | |
| Children's social care | | | | |
| Business Rates | | | | |
| Transport | | | | |
| Abandoned vehicles | 1 | | | |
| Web site | | | | |
| Pest Control | | | | |
| Adult Social Care | 1 | 1 | | |
| Housing | | | | |
| Building Security & Cleaning | | | | |
| Asset Management | | 1 | | |
| Animal welfare | | | | |
| Housing | | | | |
| ICT service | | | | |
| Allotments | | | | |
| Insurance | | | | |
| Capital Programme | | | | |
| Door2Door | | | 1 | |
| Total | 50 | 87 | 113 | 33 |

Complaints and Enquiries

| Service | CROFTON PARK WARD | DOWNHAM WARD | EVELYN WARD | FOREST HILL WARD |
|------------------------------|----------------------|-----------------|----------------|---------------------|
| Housing Management | 3 | | 99 | 53 |
| Council Tax | 9 | 1 | 10 | 10 |
| Housing Benefits | | | 4 | 4 |
| Planning | 3 | | 1 | 6 |
| Refuse | 2 | 1 | | |
| Parking | | | 1 | 1 |
| Anti-social behaviour | | | 3 | 2 |
| Rehousing | | | 3 | |
| CallPoint | 1 | | 2 | |
| Education | 1 | 1 | 2 | 2 |
| Housing Needs | 2 | | 1 | 1 |
| Library Service | 1 | | 1 | |
| Tree work | 2 | 1 | 1 | 1 |
| Street Cleansing | 3 | | 1 | |
| Adult Education | 1 | | 1 | |
| Parks | | | | 1 |
| Highways | | | 1 | 1 |
| Cultural Other | | | | |
| Concessionary Services | 2 | | | 1 |
| AccessPoint | | | | |
| CEL | 2 | | | |
| Environmental Health | | | | 1 |
| Environment other | 1 | | 1 | |
| Street Lighting | | | | 1 |
| Registration | 1 | | | |
| Noise | 1 | | | 1 |
| Building Control | | | | |
| Crime Reduction | | | | |
| Children's social care | | | | |
| Business Rates | | | 1 | |
| Transport | 1 | | | |
| Abandoned vehicles | | | | |
| Web site | 1 | | 1 | |
| Pest Control | | | 2 | |
| Adult Social Care | | | | |
| Housing | | | | |
| Building Security & Cleaning | | | | |
| Asset Management | | | | |
| Animal welfare | | | | |
| Housing | | | | |
| ICT service | | | | |
| Allotments | | | | |
| Insurance | | | | |
| Capital Programme | | | | |
| Door2Door | | | | |
| Total | 37 | 4 | 136 | 86 |

Complaints and Enquiries

| Service | GROVE PARK WARD | LADYWELL WARD | LEE GREEN WARD | LEWISHAM CENTRAL WARD |
|------------------------------|--------------------|------------------|-------------------|--------------------------|
| Housing Management | 1 | 30 | 32 | 25 |
| Council Tax | 6 | 6 | 9 | 14 |
| Housing Benefits | | 3 | 1 | 1 |
| Planning | 2 | 2 | 11 | 2 |
| Refuse | 1 | 2 | 1 | |
| Parking | 2 | 1 | 2 | 3 |
| Anti-social behaviour | | | | |
| Rehousing | 2 | | 1 | 1 |
| CallPoint | | 3 | 2 | 1 |
| Education | 2 | | | |
| Housing Needs | 2 | 1 | 1 | |
| Library Service | 1 | | 3 | |
| Tree work | | | 1 | |
| Street Cleansing | | 1 | 2 | 4 |
| Adult Education | 1 | | 1 | |
| Parks | 2 | 1 | | |
| Highways | 1 | | 1 | 1 |
| Cultural Other | | 1 | | |
| Concessionary Services | | 1 | 1 | |
| AccessPoint | | | | |
| CEL | | | | |
| Environmental Health | | | | 1 |
| Environment other | | | | |
| Street Lighting | | | | |
| Registration | | | | |
| Noise | | | | |
| Building Control | | | | |
| Crime Reduction | | | | |
| Children's social care | 1 | | | |
| Business Rates | | | | |
| Transport | | 1 | | |
| Abandoned vehicles | | | | 1 |
| Web site | | | | |
| Pest Control | | | | |
| Adult Social Care | | | | |
| Housing | | | | |
| Building Security & Cleaning | | | | |
| Asset Management | | | | |
| Animal welfare | | | 1 | |
| Housing | | | | |
| ICT service | | | | |
| Allotments | | | 1 | |
| Insurance | | | | |
| Capital Programme | | | | |
| Door2Door | | | | |
| Total | 24 | 53 | 71 | 54 |

Complaints and Enquiries

| Service | NEW CROSS WARD | PERRY VALE WARD | RUSHEY GREEN WARD | SYDENHAM WARD |
|------------------------------|-------------------|--------------------|----------------------|------------------|
| Housing Management | 69 | 47 | 8 | 68 |
| Council Tax | 13 | 7 | 18 | 10 |
| Housing Benefits | 8 | 4 | 6 | 2 |
| Planning | 1 | 2 | | 2 |
| Refuse | 3 | 2 | 2 | |
| Parking | | 2 | 1 | 2 |
| Anti-social behaviour | 3 | 3 | | 2 |
| Rehousing | 2 | | 3 | |
| CallPoint | 1 | 4 | 1 | |
| Education | | 1 | 3 | 1 |
| Housing Needs | | 2 | 3 | 2 |
| Library Service | 1 | 3 | 2 | 1 |
| Tree work | 1 | 1 | 2 | 1 |
| Street Cleansing | | | 1 | 2 |
| Adult Education | | 2 | | 2 |
| Parks | 1 | | | 1 |
| Highways | 1 | 1 | | |
| Cultural Other | | 1 | 1 | |
| Concessionary Services | | | | |
| AccessPoint | 1 | | 2 | |
| CEL | | | | |
| Environmental Health | | | | |
| Environment other | | | | |
| Street Lighting | | | | |
| Registration | 1 | 1 | | |
| Noise | | | | |
| Building Control | | 1 | | |
| Crime Reduction | | | | |
| Children's social care | | | | |
| Business Rates | | | | |
| Transport | | | | |
| Abandoned vehicles | | | | |
| Web site | | | | |
| Pest Control | | | | |
| Adult Social Care | | | | |
| Housing | | | | 1 |
| Building Security & Cleaning | | | 1 | |
| Asset Management | | | | |
| Animal welfare | | | | |
| Housing | | | 1 | |
| ICT service | | | | |
| Allotments | | | | |
| Insurance | | | | |
| Capital Programme | 1 | | | |
| Door2Door | | | | |
| Total | 107 | 84 | 55 | 97 |

Complaints and Enquiries

| Service | TELEGRAPH HILL WARD | WHITEFOOT WARD | Total |
|------------------------------|------------------------|-------------------|-------------|
| Housing Management | 63 | 3 | 657 |
| Council Tax | 14 | 1 | 174 |
| Housing Benefits | 3 | | 50 |
| Planning | 1 | | 48 |
| Refuse | 1 | 1 | 21 |
| Parking | 1 | | 20 |
| Anti-social behaviour | 3 | | 19 |
| Rehousing | 3 | 1 | 19 |
| CallPoint | 3 | | 19 |
| Education | 3 | 1 | 18 |
| Housing Needs | 1 | | 18 |
| Library Service | | | 16 |
| Tree work | 2 | 1 | 15 |
| Street Cleansing | 1 | | 15 |
| Adult Education | | 1 | 13 |
| Parks | 2 | | 9 |
| Highways | | | 9 |
| Cultural Other | 1 | | 7 |
| Concessionary Services | | | 6 |
| AccessPoint | | | 5 |
| CEL | | | 4 |
| Environmental Health | | | 4 |
| Environment other | | | 3 |
| Street Lighting | | | 3 |
| Registration | | | 3 |
| Noise | | | 3 |
| Building Control | | | 2 |
| Crime Reduction | | | 2 |
| Children's social care | | 1 | 2 |
| Business Rates | 1 | | 2 |
| Transport | | | 2 |
| Abandoned vehicles | | | 2 |
| Web site | | | 2 |
| Pest Control | | | 2 |
| Adult Social Care | | | 2 |
| Housing | | | 1 |
| Building Security & Cleaning | | | 1 |
| Asset Management | | | 1 |
| Animal welfare | | | 1 |
| Housing | | | 1 |
| ICT service | | 1 | 1 |
| Allotments | | | 1 |
| Insurance | 1 | | 1 |
| Capital Programme | | | 1 |
| Door2Door | | | 1 |
| Total | 104 | 11 | 1206 |

Directorate Achievements 2012- 2013

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

CYP

- The team has been restructured through 2012/13 to enable streamlined complaints handling.
- Reporting tools have been improved and have been in place since Q1 of 2013/14. The complaints team always seek to improve the scope of reporting on trends.
- Quality assurance exercises are carried out every 6 months to monitor the quality of responses at Stage 1 (corporately and in statutory complaints)
- Awareness of the process, the implications and the necessity to provide a good service is communicated to teams across the directorates.

Community Services

- The Customer Relations team has further embedded the use of iCasework into the Library & Information service and Community Education Lewisham and provided on-going support and guidance to officers in investigating and responding to stage 1 complaints in a comprehensive and timely manner.

Customer Services

- Quarterly meetings with Lewisham Homes to discuss matters of mutual importance
- Review of the administration of complaints within the team to seek to work proactively and ahead of due date
- Training for staff in new areas of knowledge following merge of Customer Services and Regeneration casework teams

Lewisham Homes

- We reviewed our Complaints Policy and Procedure in 2012/13. This took into account the changes to Ombudsman arrangements, but also allowed us to emphasise more clearly the importance of early contact with complainants rather than focusing on sending a written reply in time. We also introduced six month time limits, in line with those of the Housing Ombudsman, for escalating complaints.
- In late 2012, the Corporate Leadership Team (CLT) set up a Performance Group to look at performance in more detail. One of the first areas it examined was Complaints which, at the time, were performing badly. Since then;
 - The Policy Manager has agreed with service heads a new way to provide 'lessons learnt' for their service, and how it compares to overall performance.

- In 2013 all reasons for complaints being answered late have been recorded in detail. This ensures Heads of Service assess whether there is room for improvement and what such improvement might be.
 - We are now meeting our targets on responding to complaints on time. In the 5 months to May, we sent out 95% of responses to complaints on time. Decent Homes is no longer dragging back the figures.
- In the last six to nine months we have been analysing satisfaction trends in greater detail.
 - A Policy Officer now attends the quarterly Public Sector Complaints Network meetings to ensure we keep up-to-date with developments.

Resources & Regeneration

- Street Lighting PFI Contract – Subject to this contract all of Lewisham’s old street lighting columns are being replaced. It was anticipated that complaints would arise as a result so the Casework Team worked with Management from the Highways department and Skanska to devise a quick and simple procedure to identify who would be responsible for dealing with the complaints and enquiries. This helped in the administration of the complaint and to minimise complaints escalating through delays.
- Working at Wearside – Regen Caseworkers worked at Wearside to provide cover for a month. As well as supporting the services the work provided a better understanding of how complaints were handled at stage one and helped the caseworkers gain a better working knowledge of highways, parking and traffic issues which enabled better responses to stage 2, Councillor and Mayoral enquiries.
- Parking Price Increase – The cost of permits increased in May 2011. The Casework Team worked with the parking manager to develop a Q & A sheet before the increase came into effect to enable the team to answer questions quickly and effectively.
- Tree/Hedge information – The Casework Team were receiving an increased number of complaints about overhanging hedges on private property as well as on public footways. The enquiries involved Planning and the Environmental Team and sometimes Highways. We developed a fact sheet about tree problems and solutions to the different types of complaints received

2. Lessons learnt from upheld complaints

CYP

- The Complaints team works towards ensuring that lessons learnt from upheld and partially upheld complaints are highlighted and feedback to improve service delivery. The complaints team monitor implementation of agreed actions and recommendations.
- Staff are reminded of the importance of communicating effectively, and promptly, with service users. Where communication issues have been identified within a complaint, the appropriate managers have been made aware.
- As a result of complaints, Team Managers have been reminded of the importance of conducting assessments on time, and this has been cascaded to all staff.
- Delays in carrying out assessments, delays in setting up appeals and delays in preparing or amending statements have been strong themes throughout the reporting period.

- Staff are reminded of the importance of ensuring these aspects of work are carried out thoroughly and in a timely manner.
- Communication issues have been raised by complainants throughout the reporting period. Teams subject to these complaints have been identified and approached by the Complaints Manager to improve this area of service.

Community Services

- An agreement was reached with relevant parties to redirect invoices to a resident's legal representatives following a complaint that continued reminders sent to the resident were causing distress. An explanation was sent to the resident as to why the Council was required to continue sending invoices, even for an account in dispute, and an agreement was reached and process implemented allowing the Council to redirect future invoices.
- Following a complaint made to the Library & Information service about the Council's returns process for borrowed items, the service implemented a new system that 'double checks' returns are accurately reflected on the Libraries computer management system. This in itself highlighted an issue with the management system that the service were able to quickly address with the system's administrator.
- The Library service is currently reviewing the best way of updating its network of PCs and other IT equipment in response to customer complaints and concerns about its capability in terms of web-browsing and other on-line functionality.

Customer Services

- Improved liaison between internal teams and external provider – In order to avoid any delay or disadvantage to tenants who require repairs and maintenance to their properties

Lewisham Homes

- The most common issues across all services relate to poor communication – either with the resident or between teams. That is one reason why, in our revised policy and procedure, we emphasised the need for the service to make early contact with the complainant when we receive a complaint.

This is further highlighted in the sample of case studies below:

1. Mr W had an appointment to fix the extractor fan in his bathroom. Unfortunately this appointment was missed because the operative was running late but did not tell Mr W. As a result of this complaint, operatives have been asked to contact the office always if they are running late, so we are able to contact the resident and inform them.
2. Ms G had the same ongoing leak into her bathroom for many months. She was really upset about the lack of help and poor service she believed she received from the repair section. We thought that we fixed the problem but unfortunately we hadn't. From this complaint we learnt the importance of checking with the residents affected by leaks in blocks to confirm that the problem has been resolved and to improve communication. We introduced new procedures to ensure this happened.

3. Miss Y was visited by an ASB officer to look into the possibility of having cameras installed in her building as she felt unsafe. Unfortunately the visit was never followed up and her phone calls were not returned. We revised procedures to make sure all cases are managed more closely, so this does not happen again and that we follow up all visits.

Resources & Regeneration

- Timely liaison with services that are introducing change in order to anticipate and prepare for potential public feedback so that we can provide considered and helpful responses.

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

CYP

- In 2013/14, the Complaints team will be meeting with staff at team meetings to ensure managers and staff are aware that all complaints and representations need to be forwarded to the Complaints Manager as a matter of urgency.
- The Complaints team keep a log of instances where complaints and representations have not been forwarded in a timely manner, and this list will be sent to Service Managers/Heads of Service to be followed up..
- The under representation of ethnic groups using the complaints process is a major piece of work. It is hoped that this will assist the Complaints team in remedying gaps in representation, and broaden the scope of the complaints process by engaging with the under represented community groups.
- The publicity of the Complaints process, and of the team itself, is high on the agenda for 2013/14. A new, updated complaints leaflet is imminent, and ongoing language specific publicity pushes are to be prioritised moving through 2013/14.
- The Complaints team will carry out a customer satisfaction exercise to gauge feedback on those service users who used the statutory complaints process. This feedback will be analysed and potentially used to shape the service going forward.
- The Complaints team will continue to work with service users to reach satisfactory conclusions through agreed methods. We are dedicated to ensuring the complainant is aware of rights to escalate complaints through the procedure, and will support all requests to do so, should alternative resolution methods not be agreed.

Community Services

- Proactively secure a co-ordinated and comprehensive store of information about dissatisfaction across the entire Directorate; and
- Design and implement a system of recording learning from complaints that allows the Customer Relations team to support the Directorate in making service improvements.

Customer Services

- Promote the roles of the corporate complaints and casework team across the organisation

- Encourage the service areas to take full responsibility for responding to their enquiries and complaints

Lewisham Homes

- We will carry out data quality audits of performance indicators for complaints. We will look at whether they are actual performance indicators or just useful context data. Where they are actual performance indicators we will specify whether they focus on service provider performance (contractor or team) or the service consumer experience or both.
- We want to focus on improving the satisfaction of complainants, not just how quickly we reply.
- We are paying more attention to trends over time, not just most recent numbers or reasons for complaints.
- We will review the (new) way in which we identify and report learning to service managers, now that it has been in operation for 6 months. Most service areas receive such small numbers that trends are hard to identify. This could involve a move to more detailed case studies of those dissatisfied complainants identified in our monthly Kwest phone surveys.
- We also need to look more closely at our compliments to see if we can identify and disseminate positive practice from these cases.

Resources & Regeneration

- Promote the roles of the corporate complaints and casework team across the organisation
- Encourage the service areas to take full responsibility for responding to their enquiries and complaints

| Action point | Recommendation | Origin | Lead Person | Action taken | Target date | Status of action |
|--------------|--|------------------|-----------------|--|-------------|------------------|
| 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 | The Corporate Complaints Manager has been working closely with the Council Tax team to ensure that their complaints are managed effectively. The Corporate Complaints Manager carried out complaints workshops with Council Tax staff in September 2012, and as a result, has led to significant changes in the way that their complaints are handled. Following the workshop, stage 3 complaints about Council Tax has nearly halved. | March 2013 | completed |
| 2 | The Council to monitor the time taken to reply to my enquires | IA annual report | Jennifer Greaux | Officers are given a specific timescale to provide information to the IA. There were a few occasions when the target was not met and the IA's assistant had to chase the service areas for information. In most cases, the information is sent to the IA in a timely fashion and the IA is happy to extend the time, if requested. | March 2013 | completed |
| 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 anything that might be going wrong; to improve practices and procedures; to learn lessons; and to stop further complaints | IA annual report | Jennifer Greaux | The IA was experiencing difficulties in receiving information back on complaints in a timely fashion from specific service areas. The Corporate Complaint team has been working closely with service areas to ensure that the IA receives the information requested in a timely fashion. As a result, the IA has seen a significant improvement over the last year. | March 2013 | completed |
| 4 | Officers to provide the IA (and the complainant where requested) with follow ups as a matter of course | IA annual report | All | As part of the IA's recommendations, she may ask for follow on actions. There has been a few occasions when some of the follow on actions are not completed, leading to further frustration from the complainants. The IA's assistant will continue to monitor and chase the relevant service areas to ensure that the complainant and the IA are kept updated with the progress of follow on actions. For long term recommendations, there is a stringent monitoring system in place to ensure that the | March 2013 | completed |

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| Action point | Recommendation | Origin | Lead Person | Action taken | Target date | Status of action |
|--------------|--|---|-----------------|---|-------------|------------------|
| | | | | follow on actions are not overlooked. | | |
| 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 | Service areas are encouraged to investigate and review complaints, on a case by case basis. For each complaint, the individual's circumstances need to be carefully considered and when necessary, discretion applied in order to find a local resolution. | March 2013 | completed |
| 6 | Officers to use the complaint response template I have provided to draft their comments | IA annual report | All | To ensure that officers provide the IA with the comprehensive information that she needs to carry out her investigation, a request for information template was devised. As a result, information provided to the IA has been more thorough and gaps can be identified earlier. Officers have also used this template in anticipation of a stage 3 complaint. This has led to a more consistent way of gathering information. | March 2013 | completed |
| 7 | The Council to ensure cross authority liaison in cases where a number of service areas and partners are involved | IA annual report | All | The corporate complaints manager will identify and facilitate meetings between relevant service managers in order to encourage joint up working approach to resolving complaints in a timely fashion. | March 2013 | completed |
| 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 | Staff are reminded of this in the staff complaint handling guide. | March 2013 | completed |
| 9 | 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. | IA annual report | All | Staff have been briefed and this will form part of a new complaints procedure. | March 2013 | completed |
| 10 | Maintain Corporate Complaints information on the web ensuring it is up to date | Strategy & Performance Star Service Self - Assessment | Jennifer Greaux | The website is consistently updated to ensure that the information is up to date and relevant. This has included adding information about the changes to the way social housing complaints will be dealt with from 1 April 2013. | March 2013 | completed |

| Action point | Recommendation | Origin | Lead Person | Action taken | Target date | Status of action |
|--------------|--|---|-----------------|---|-------------|------------------|
| 11 | Design and implement an e-learning complaints module | Strategy & Performance Star Service Self | Jennifer Greaux | An e-learning module has been developed which will be used a learning and development tool for staff. | March 2013 | completed |
| 13 | Develop bespoke complaints training courses linked to specific service areas | Strategy & Performance Star Service Self | Jennifer Greaux | The Corporate Complaints Manager has been working with the Public Services staff to explore a different approach to handle their complaints. Council Tax staff attended workshops and as a result, some of their letters were reviewed and simplified. This has led to a reduction in complaints and the volume escalating to the next stage. In particular, the volume of council tax complaints that escalated to stage 2 had decreased by 60% compared to the previous year. Stage 2 complaints for housing benefits decreased by 75% compared to six months prior to the changes. | March 2013 | completed |
| 14 | Involve staff in the development of complaints FAQs for the intranet | Strategy & Performance Star Service Self | Jennifer Greaux | The Corporate Complaints Manager has consulted with CCIG in order to develop a list of FAQ's. The FAQ's will be made available to all staff. | March 2013 | completed |

| Action point | Recommendation | Origin | Lead Person | Action taken | Target date | Status of action |
|--------------|---|---------------------------------------|---------------------------|---|-------------|------------------|
| 1 | Ensure that the transition of social housing complaints from the Local Government Ombudsman to the Housing Ombudsman runs smoothly | Housing Select Committee | Jennifer Greaux | Monitor the new social housing complaints process and assist the designated person to ensure that the transition of social housing complaints from the Local Government Ombudsman to the Housing Ombudsman runs smoothly. | March14 | open |
| 2 | Ensure that staff have a full understanding of handling complaints and enquiries | Strategy and Performance service plan | Jennifer Greaux | A comprehensive complaints and enquiries procedure will be devised, which will provide clear guidance and timescales. | March14 | open |
| 3 | Ensure that complaint responses remain at a high standard | Strategy and Performance service plan | Jennifer Greaux | To ensure that responses remain of a high quality, the corporate complaints team will reinstate the quality checking of responses. A sample of stage 1 and stage 2 complaints will be quality checked using a quality checking framework and finding fed back to the service areas. | December 13 | open |
| 4 | To promote the roles of the corporate complaints and casework team across the organisation Encourage the service areas to take full responsibility for responding to their enquiries and complaints | Strategy and Performance service plan | Jennifer Greaux/CCIG | A promotional event will take place to promote and support the role and responsibilities of the caseworkers and the corporate complaints team. Information will also be provided to ensure that all service areas are aware of their responsibilities when dealing with complaints. | December 13 | open |
| 5 | The Council/Regenter to monitor the upheld rate on complaints, and also the number of stage three planning and homelessness complaints coming through to determine if improvements in these areas are working | IA annual letter | Corporate Complaints Team | The corporate complaints team will analyse these complaints and work with service areas, as deemed appropriate. | March 14 | open |
| 6 | The Council/Regenter to take steps in repairs and anti-social behaviour complaints (but in other kinds of complaints too) to improve communication; to provide updates; to take timely action and decisions thus avoiding a case dragging on; to monitor a case; and to facilitate cross team working | IA annual letter | Corporate Complaints Team | The corporate complaints team will liaise with relevant service areas to ensure that the IA recommendations are adhered to. | March 14 | open |

| Action point | Recommendation | Origin | Lead Person | Action taken | Target date | Status of action |
|--------------|--|------------------|---------------------------|---|-------------|------------------|
| 7 | Officers to make a contemporaneous note of any key action, any telephone call, any discussion, any interviews, any meeting, and any event, for example, when a tenant refuses access for a scheduled repair | IA annual letter | All | All service areas to be reminded of the importance of making contemporaneous notes. | March 14 | open |
| 8 | The Council/Regenter to provide timely and full replies to my enquiries completing, or using as a guide, the response template I supply | IA annual letter | Corporate Complaints Team | The corporate complaints team will continue to monitor whether services are completing the request for information template and provided by the IA. | March 14 | open |
| 9 | Officers to contact Corporate Complaints or me if they have any difficulty deciding how to treat a case – as a service issue or a complaint | IA annual letter | Corporate Complaints Team | | March 14 | open |
| 10 | Officers to consult the Corporate Complaints Procedure which gives guidance on who should investigate and respond to a complaint | IA annual letter | Corporate Complaints Team | Corporate complaints team to ensure that staff are made aware of the correct process to follow. | March 14 | open |
| 11 | The Council/Regenter to implement the remedies I propose as quickly as possible | IA annual letter | Corporate Complaints Team | The corporate complaints team will continue to monitor any remedies made by the IA to ensure that they are carried out in a timely fashion. | March 14 | open |
| 12 | Officers to look again at the advice on writing apologies in the Council's Guide to Effective Complaints Handling and on the Scottish Ombudsman's website | IA annual letter | Corporate Complaints Team | Corporate complaints team to ensure that staff are made aware of the correct process to follow. | March 14 | open |
| 13 | Officers to contact Corporate Complaints and also consult the agreed procedure for dealing with vexatious complainants and unreasonable complainant behaviour | IA annual letter | Jennifer Greaux | Corporate complaints team to ensure that staff are made aware of the correct process to follow. | March 14 | open |
| 14 | Officers to refer complainants to an advice organisation such as The National Debtline where appropriate, or to telephone the Police Safe and Well Check Team where someone is vulnerable and considering self harm. | IA annual letter | Jennifer Greaux | To assist officers in these circumstances, a procedure will be devised to provide guidance and advice for staff. | October 13 | open |

| STANDARDS COMMITTEE | | | |
|---------------------|--|------------------------|------------|
| Report Title | Compliance with the Member Code of Conduct | | |
| Key Decision | | | Item No. 4 |
| Ward | | | |
| Contributors | Kath Nicholson, Monitoring Officer | | |
| Class | Part 1 | Date: 21 NOVEMBER 2013 | |

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. It also provides a statistical comparison of complaints brought against members from other London boroughs.

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. Recommendations

- 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 On June 28th 2012 the Council adopted a new Code of Conduct to comply with the requirements of the Localism Act 2011 in relation to the Council's ethical framework. The adoption of the Code was to not only ensure compliance with the new law but to maintain the Council's long held commitment to the highest standards of behaviour in local government and to promote public confidence in local governance.

4.2 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
- Code for Members on Outside Bodies

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 Current Practice**

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

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

- (i) On adoption of the new Member Code of Conduct all members of the Council, (including those who are co-opted members) have signed a declaration that they undertake to comply with the Member Code of Conduct. Such a declaration is ordinarily 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 to comply with the Local Elections (Declaration of Acceptance of Office) Order 2012.

5.2 Declarations of Interest

- i) The model Code of Conduct introduced by the Coalition Government sets minimum standards . The Council has adopted a local Code which requires members to declare the following interests:
 - a) disclosable pecuniary interests
 - b) other registerable interests
 - c) any other interest where that member is of the view that a reasonable member of the public in possession of all the facts would think the member's judgement is so significant that it would be likely to impair the member's judgement of the public interest.

Members must also take no part in consideration of the matter and withdraw from the room before it is considered if the interest is a disclosable pecuniary interest or where it is a registerable interest or other significant interest where that member is of the view that a reasonable member of the public in possession of all the facts would

think the member's judgement is so significant that it would be likely to impair the member's judgement of the public interest.

ii) An assessment has been conducted of the number of declarations that have been made since 28th 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> (disclosable pecuniary/ registerable/ other significant interest) |
|---------------------|---|--|
| Mayor & Cabinet | 16 | 9 |
| M&C (Contracts) | 7 | 3 |
| Planning Committees | 10 | 2 |
| Council | 53 | 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 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 those below but this is not exhaustive:

- training session and briefing note to members on the new Code of Conduct/ New Standards regime
- all party briefing to all members in relation to health matters
- presentation to members on constitutional changes
- advice to all members in the run up to a local by-election
- legal advice about whether political balance applies in the case of appointments to an external body
- advice in relation to a motion about judicial review of the Mayor of London's decision to close a fire station in the borough . This advice concerned whether the councillor as a member of the London Fire and Emergency Planning Authority had a personal interest
- advice to the Mayor not to participate in a decision relating to the expansion of a school where his wife is Chair of Governors
- advice to the Mayor in relation to an ongoing complaint at a school where a close associate of the Mayor would be affected
- advice to a member of the Licensing Committee about the various roles of councillors (community representative/Council member) and the need to keep those roles separate when making quasi-judicial decisions as a member of the Licensing Committee
- advice to a cabinet member about her ability or otherwise to participate in a decision affecting Horniman Museum, where she is the Chair of the Friends of Horniman Museum
- advice to a councillor about her ability to vote on a motion relating to Lewisham Hospital as she is employed by the National Health Service
- advice to Chair of a Planning Committee in response to a complaint made to him by a member of the public that another Committee member had a disqualifying bias or interest
- advice to a member about whether she had a personal interest in relation to a planning committee matter about a property close to her home

- advice about the appropriateness of a direct response from a Licensing Committee member to a lobbying group who made representations to the Committee
- advice to the Mayor in relation to a conflict of interest due to his membership of a community trust on a large proposed development in the north of the borough

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

Section 30 of the Localism Act 2011 requires members or co-opted members to notify the monitoring officer of any disclosable pecuniary interest of them or a spouse or civil partner they live with. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify what is a pecuniary interest. The need to register any of the following interests in the Members' Register of Interests is also a key feature of the Member Code of Conduct.

(a) Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on by a relevant person* for profit or gain.

(b) Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(c) Contracts

Any contract which is made 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 body corporate they have a beneficial interest) and the relevant authority—

- (a) under which goods or services are to be provided or works are to be executed; and

- (b) which has not been fully discharged.
- (d) Land**
Any beneficial interest in land which is within the borough.
- (e) Licences**
Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.
- (f) Corporate tenancies**
Any tenancy where (to the Member's knowledge)—
 - (a) the landlord is the Council; and
 - (b) the tenant is a body in which the relevant person* is a firm in which they are a partner, or a body corporate in which they are a director or in the securities** of which body corporate they have a beneficial interest.
- (g) Securities**
Any 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 one hundredth 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 one hundredth of the total issued share capital of that class.

A "relevant person" is:-

- (i) the Member, their spouse, or civil partner;
- (ii) a person with whom the member is living as husband and wife; or
- (iii) a person with whom the member is living as if they were civil partners.

"Securities" means shares, debentures, debenture stock, loan stock, units of a collective investment scheme within the meaning of the Financial Services and markets Act 2000 and other securities of any description other than money deposited with a building society

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

5.6 Hospitality & Gifts

Under the Member Code of Conduct members are 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 previous year 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

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.
- 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. Under changes introduced by the Localism Act 2011 the procedure for investigation of allegations of complaints of breach of the Code of Conduct is a matter for local discretion. The Council adopted a revised Procedure for Handling Complaints at its meeting on the 28th June 2012, which is a much simpler procedure than that previously in place and allows for informal resolution where appropriate
- 6.3 Since the adoption of the revised Procedure for Handling Complaints there have been two complaints in relation to one member. One did not qualify for investigation under the Member Code of Conduct. The other complaint was considered by Standards Sub Committee B whose decision was that there was no breach of the Member Code of Conduct. There was however recommendations made by the Sub Committee which have now been complied with.
- 6.4 Appended to this report is data collected from other London Boroughs which provides statistical information about member complaints since 2010. This illustrates that incidents of complaints in Lewisham are relatively low. Only Lambeth has fewer. However the table clearly demonstrates that complaints are made and dealt with. It also demonstrates that most complaints in

Lewisham are made by members of the public as opposed to member on member complaint. It remains to be seen whether the ability of monitoring officers to deal with complaints informally may result in fewer formal complaints. It is suggested that a review of the procedure for handling complaints of breach of the Code will be considered at the next meeting of the Standards Committee as part of next year's work programme.

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 ten annual reports on whistleblowing cases. As is evident from those reports 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 possible consideration by the Standards Committee.

9. Legal Implications

The ethical framework under which the measures set out in this report have been established are provided in the Localism Act 2011 and Regulations made under it.

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

The 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.

**Member Complaints under the Localism Act 2011 or the Standards Regime
Benchmarking Data Period – 1 January 2010 to date**

| Authority Name | 2010 | 2011 | 2012 | 2013 (to date) | Total | Of the total how many were complaints by members against another member | How many complaints were made by members of the public against members | Comments |
|----------------|------|------|------|----------------|-------|---|--|---|
| Southwark | 7 | 7 | 12 | 4 | 30 | 10 | 17 | 3 Complaints were made by staff against member |
| Lambeth | 2 | 0 | 0 | 0 | 2 | 1 | 1 | |
| Lewisham | 1 | 4 | 1 | 1 | 7 | 1 | 6 | |
| Hackney | 5 | 8 | 3 | 4 | 20 | | | |
| Haringey | 1 | 0 | 0 | 6 | 7 | 1 | 6 | We have only included complaints that were referred to the Assessment Sub Committee |
| Enfield | | | | | | | | No data received |
| Islington | 5 | 2 | 2 | 4 | 13 | 5 | 6 | 2 complaints were made by staff against members |
| Croydon | 3 | 5 | 3 | 1 | 12 | 0 | 12 | |
| Westminster | | | | | | | | No data received |
| Ealing | 4 | 4 | 5 | 9 | 22 | 5 | 17 | Complaints by staff have never been formal complaints. Instead they are dealt with informally |

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| | | | | | | | | |
|------------|---|---|---|---|---|---|---|--|
| | | | | | | | | by the MO directly with party whips. |
| Wandsworth | 0 | 0 | 4 | 3 | 7 | 0 | 7 | 6 of these complaints relate to allegations about the actions and statements of a relevant Cabinet Member and local ward councillors concerning the proposed development of a school to which the complainants object. 4 of these are from the same complainant. The figures refer to complaints <i>received</i> ,, but not necessarily concluded, in the calendar years indicated. |
| Brent | | | | | | | | No data received. |

Agenda Item 5

| | STANDARDS COMMITTEE | | |
|---------------------|---------------------|------------------|--|
| Title | Work Programme | | |
| Key decision | No | Item no | |
| Wards | | | |
| Contributors | Head of Law | | |
| Class | Part 1 | 21 November 2013 | |

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 paragraph 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 May/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 as well as training being provided to the Committee.

3.3. The proposed scheduled work programme for this municipal year and some suggestions for 2014/15 are set out below:-

November 2013

- Annual Complaints Report
- Compliance with Member Code of Conduct

- Work Programme

February / March 2014

- Review of whistleblowing referrals and policy
- Review of Procedure for Handling Complaints of Breach of Code
- Review of Induction and Code of Conduct Training for Members

May/June 2014

- Review of Code of Corporate Governance

- 3.4. The proposal for the review of induction and Code of Conduct training is appropriately timed to inform training requirements for new members after next year's local government and Mayoral elections.
- 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 may be dovetailed with scheduled meeting times.
- 3.6 Additionally sub committees may need to meet in response to complaints on which the Monitoring Officer has conducted an investigation.

4. Legal Implications

There are no specific legal implications associated with this report.