

<b>Mayor &amp; Cabinet</b>			
<b>Title</b>	Annual Complaints Report 2014 -15		
<b>Key decision</b>	No	<b>Item no</b>	
<b>Wards</b>	All wards		
<b>Contributors</b>	Executive Director for Customer Services		
<b>Class</b>	Part 1	11 November 2015	

## **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 2014/15. Accordingly, there was a total of 5242 complaints and enquiries received in 2014/15. This represents a 10% increase when compared to 2013/14. Other than Stage 2 and Mayoral enquiries there has been an increase in all types of complaints and enquiries.
- 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) reports are attached at Appendix 1. The IA dealt with 83 complaints between 1 April 2014 and 31 March 2015, of which she upheld or partly upheld 29 (35%). The IA responded to 94% within the 30-day response standard and 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 2014/15, the LGO made decisions in a total of 32 cases – the figures are attached at Appendix 3. (Note that the Housing Ombudsman Service took over some of the LGO's jurisdiction in April 2013.)

## **2 Purpose of Report**

- 2.1 To update the Mayor on the Council's complaints performance for 2014/15 at all stages including the Independent Adjudicator's report and the Local Government Ombudsman Annual Review.

## **3. Recommendations**

The Mayor is recommended to:

- 3.1 Note the contents of the report.
- 3.2 Make any amendments to the Council's complaints policy felt necessary following the contents of the report or concerns raised by the IA.

#### 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 separate reports.
- 4.2 Also included is a summary of the Independent Adjudicator's report and a summary of the LGO'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 into iCasework between 1 April 2014 and 31 March 2015 compared with performance over the same period in 1 April 2013 and 31 March 2014.

**Table 1 – total volume of complaints and enquires by directorate**

	Total Complaints and Enquiries		
Directorate	2013/14	2014/15	Variance
Children and Young People	183	240	+57
Community Services	288	239	-49
Customer Services	2489	2609	+120
Lewisham Homes	1097	1302	+205
Resources & Regeneration	715	852	+137
<b>Total</b>	<b>4772</b>	<b>5242</b>	<b>+470</b>

**Table 2 – stage 1 and stage 2 complaints by directorate**

Directorate	Stage 1					Stage 2				
	2013/14	%	2014/15	%	Variance	2013/14	%	2014/15	%	Variance
CYP	46	89	67	90	+21	3	100	6	99	+3
Community Services	87	78	83	88	-4	11	73	8	78	-3
Customer Services	994	91	825	85	-169	96	80	77	80	-19
Lewisham Homes	451	86	619	89	+168	104	87	110	88	+6
Resources & Regeneration	143	88	158	87	+15	29	90	27	89	-2
<b>Total</b>	<b>1721</b>	<b>88</b>	<b>1752</b>	<b>88</b>	<b>+31</b>	<b>243</b>	<b>84</b>	<b>228</b>	<b>86</b>	<b>-15</b>

\*(percentage figures are the cases responded to within the specified target)

**Table 3 - MP, Mayor and Members enquiries by directorate**

Directorate	MP			Mayor			Members		
	2013/14	2014/15	Variance	2013/14	2014/15	Variance	2013/14	2014/15	Variance
CYP	120 (93)	140 (92)	+20	4 (100)	7 (98)	+3	10 (100)	14 (98)	+4
Community Services	69 (67)	67 (65)	-2	30 (80)	11 (85)	-19	91 (78)	85 (78)	-6
Customer Services	664 (92)	829 (90)	+165	205 (88)	213 (85)	+8	530 (93)	559 (91)	+29
Lewisham Homes	320 (98)	294 (98)	-26	61 (95)	57 (96)	-4	161(90)	182 (91)	+21
Resources & Regeneration	150(92)	165 (90)	+15	110 (87)	83 (86)	-27	283(95)	387 (93)	+104
<b>Total</b>	<b>1323 (88)</b>	<b>1495 (87)</b>	<b>+172</b>	<b>410 (89)</b>	<b>371 (90)</b>	<b>-39</b>	<b>1075 (93)</b>	<b>1227 (90)</b>	<b>+152</b>

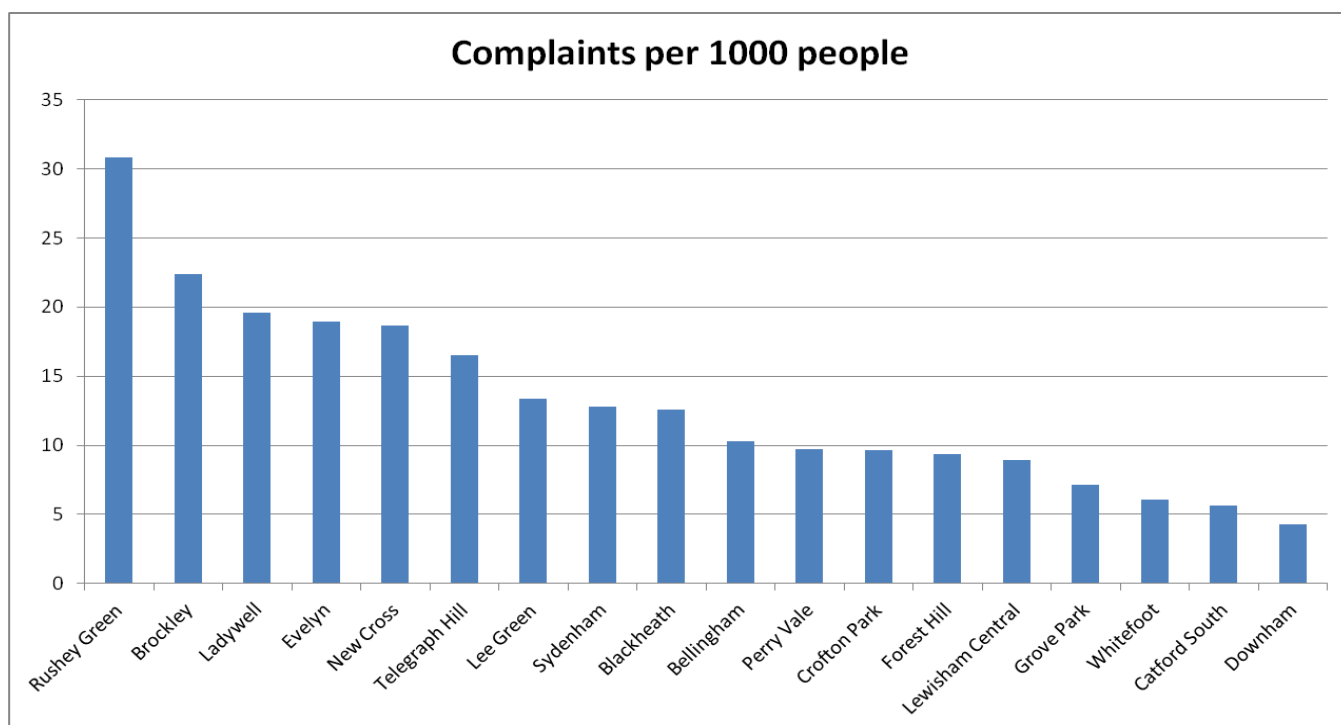
\*figures in brackets denotes the percentage of cases dealt with within the specified targets

5.3 The total number of complaints and enquiries received in 2014/15 was 5242. This was an increase of 470 cases (10%) on the previous year when a total of 4772 were received. There was an increase in all types of complaints and enquiries, save for Stage 2 and Mayoral enquiries.

#### 5.4 Complaints and enquiries by ward

The distribution of complaints received by Ward is shown below. The highest number of complaints received per 1,000 population were received from residents in the Rushey Green Ward. In 2013-14 the joint top highest were in the New Cross and Brockley wards, whilst the lowest number of complaints (in both financial years) were received by residents in the Downham ward.

**Chart 1 Distribution of Complaints by Ward**



Source: Mid-2012 Population Estimates for 2012 Wards in England and Wales by Single Year of Age and Sex, Office for National Statistics

**Table 4 – Distribution of complaints by Ward**

Ward	Complaints per 1000 population
Rushey Green	31
Brockley	22
Ladywell	20
Evelyn	19
New Cross	19
Telegraph Hill	17
Lee Green	13
Sydenham	13
Blackheath	13
Bellingham	10
Perry Vale	10
Crofton Park	10
Forest Hill	9
Lewisham Central	9
Grove Park	7
Whitefoot	6
Catford South	6
Downham	4

5.5 The top three wards to receive the highest level of complaints and enquires were: Rushey Green, Brockley and Ladywell.

5.5.1 The ward to receive the highest level of complaints and enquiries was Rushey Green. Highways was the top reason why customers complained, followed by Housing Needs and Lewisham Homes. In 2013-14, Housing management was

the top reason why customers complained, followed by Council Tax, then Highways.

5.5.2 The second highest ward to receive complaints and enquiries was Brockley. The top reason why customers complained was Housing management, followed by Lewisham Homes and Environmental Enforcement. (For clarity it should be noted that under the Brockley PFI (Regenter) umbrella, Pinnacle PSG are responsible for Housing Management, and Rydon are responsible for a day to day repairs. Regenter received 54 stage 1 complaints in 2014/15 and of those; only 13 were for Pinnacle PSG. In 2013/14 the top reason why customers complained was Housing management, followed by Council Tax, Environmental Enforcement, and Housing.

5.5.3 The third highest ward to receive complaints and enquiries is Ladywell. The top reason why customers complained was Housing, Highways and Council Tax.

5.5.4 Downham received the lowest level of complaints and enquiries in both financial years. Appendix 5 provides a breakdown of all complaints and enquiries across all the wards.

## 5.6 Trends

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

- Highways
- Lewisham Homes Property Services
- Lewisham Homes Housing Management

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

### Highways

5.6.1 Highway maintenance and implementation of Control Parking Zones (CPZ) are the greatest source of enquiries in this service. Most relate to defects on the highway and are ultimately dealt with as service requests. 2014/15 has seen an increase in requests for enforcement such as overhanging vegetation, illegal crossovers etc. It is anticipated that the complaint numbers here may reduce in 2015/16 as Highways try to move more of the routine defects onto the CRM system which will assist in their timely action.

5.6.2 Parking enquiries mainly cover requests for parking controls. It is considered that there has been an increase in these complaints due to some delays in introducing some of the CPZs that the Council has been consulting on.

### Lewisham Homes Property Services & Housing Management

5.6.3 Lewisham Homes (LH) have noted complaints relating to Anti-Social Behaviour. Complaints have related to:

- LH only provided a reactive 9-5 service
- Perception that one officer dealing with the case often showed bias towards one party or another.
- Not being kept informed as they would have liked.

5.6.4 To address these core issues, LH comprehensively reformed its ASB service provision and launched a brand new model in June 2015. Seeking advice and

tutelage from some of the best providers in the country, its new service:

- Now operates up to 10pm on a Thurs, Fri & Sat night
- Assigns two officers to each case – one to deal with the investigation and another to work with the victim or complainant
- Agrees with each individual reporting ASB how they would like to be kept informed, and how often. This in particular is monitored by Team Leaders and Managers.

5.6.5 Complaints relating to Home Ownership (Leasehold) has resulted in a new process to ensure LH get evidence from Major Works that request for access has been duly served before it sends out warning letters or any letter requesting access.

5.6.6 In relation to complaints about leaks – LH now endeavours to keep customers updated regularly regardless of progress or even if there is no progress. This way the customer is always kept in the loop. LH have now put a more robust system in place to ensure there is regular update.

5.6.7 As a result of feedback relating to Income from garage complaints, LH have amended the license wording to make it clear that the garage agreement does not include the provision to park in the area surrounding the garage.

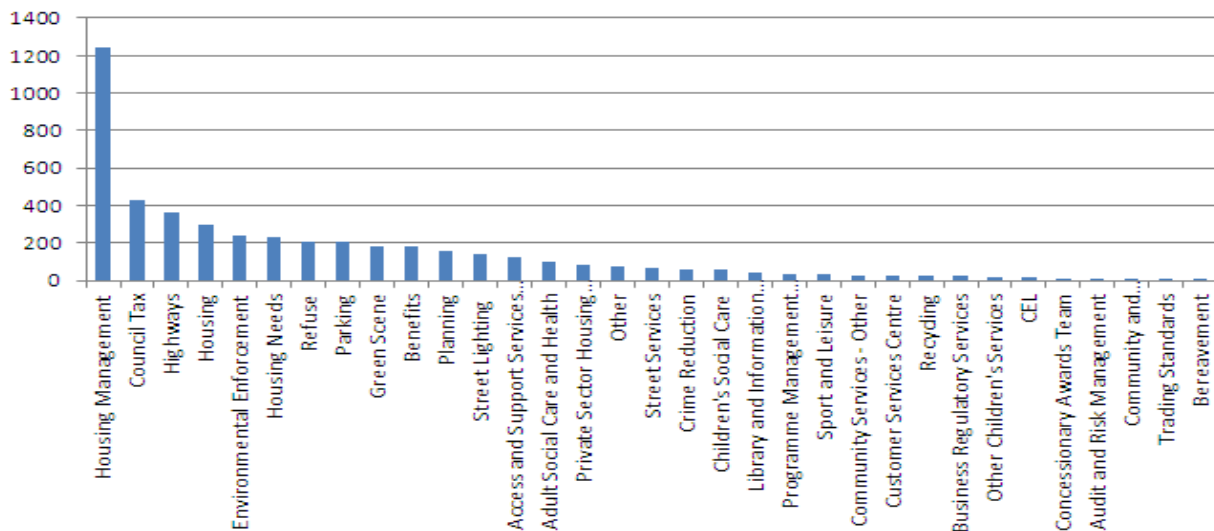
5.6.8 Complaints were generated relating to Tenancy, particularly neighbour disputes after LH had written to both parties in the summer and wrongly assumed that the issue had been resolved as it had had no further contact. Consequently all teams are now to follow up queries to avoid escalations and complaints.

5.6.9 As a result of Ombudsman enquiries officers have been reminded to put notes on relevant systems with any action or contact with residents. So there is evidence on the system should it later be required to be included in an enquiry response.

5.6.10 The feedback that LH received from complaints on Major Works was that residents would like to have more direct contact with Lewisham Homes rather than through its contractors, MITIE and Breyer. In response LH brought 3 additional Customer Services Officers into the Major Works Team in order to release our Project Officers to work out on site. That enabled the Project Officer to respond quickly to complaints by going to visit the resident. LH also put in place a call tracking spreadsheet so that it could keep a record of all calls and not just those that were logged on iCasework as complaints. That enabled LH to resolve a significant number of queries before they escalated into complaints.

## **5.7 Services receiving 10 or more complaints or enquiries**

**Chart 3 - A breakdown of services receiving 10 or more complaints or enquiries**



Appendix 4 provides a breakdown of the top three complaint reasons, by ward.

## 5.9 Complaints and service improvement

5.9.1 Each directorate has responsibility for managing its own complaints and enquiries.

5.9.2 Throughout the year directorates have worked to improve the quality of the complaints handling. 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:

- The Community Services Customer Relations team has administered 625 representations during the reporting period, 79% within established timeframes maintaining its quality record.
- The Customer Services Casework team worked with the Homeless Options Service. The team highlighted that a number of complaints received indicated that an audit of all those in temporary accommodation was necessary in order to ensure records were accurate.
- Lewisham Homes implemented a new complaints process in order to improve customer satisfaction levels with complaint handling and outcome, increase the proportion of complaints dealt with informally and reduce formal complaint levels. The new process and new complaint response template letters were put together in collaboration with the LBL independent Adjudicator, Linzi Banks to ensure they were in line with current best practice. Highlights of this new process include:
  - Increased phone contact with customers who have made a complaint to ensure understanding of the complaint issue and the action required to resolve as well as regular progress updates.
  - The Customer Relations team (CRT) now case manage complaints from logging to closing
  - All customers receive a follow up phone call from CRT once a response is sent to check if they feel their issue has been addressed.
  - New response template letters for all complaints and enquiries
  - All responses are quality checked centrally by CRT

- The CYP casework team has implemented a change to practice by way of strict enforcement of the service specific casework bulletins, and the action plans/audit forms. These now have to be signed off by senior management to create an audit trail from which to ensure that the complaints cycle is closed, recommendations carried out, and necessary learning from complaints absorbed into the service.

5.9.4 In previous years a complaints action plan including recommendations by the Independent Adjudicator, was developed to ensure continued good practice and implement necessary actions. This year the Council will await the outcome of the complaints and casework review details of which are noted at paragraph 9.

## **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 2014 to 31 March 2015.

6.2 The IA received 83 complaints during the year, one more complaint than in 2013/14. This breaks down to 61 (73%) against the Council and Regenter (an increase of six from last year) and 22 (27%) against Lewisham Homes (down by five). The number of complaints against the Council and Regenter stayed almost the same for three years: 47 in 2011/12, 44 in 2012/13 and 44 in 2013/14 (if we remove the complaints that were out of jurisdiction or withdrawn). The number this year has increased to 52 (when those complaints with an alternative right of appeal, or with insufficient injustice to warrant the IA's involvement, are excluded). But, the IA is not unduly concerned indicating that she was expecting a surge in complaints given these challenging times, and with the trial of a two stage process in some Council areas, and this has not materialised.

6.3 The IA has highlighted the fact that significant changes within the Council and Regenter continued this year. Notwithstanding, the numbers of stage three complaints has not increased as might have been expected and the IA welcomed this and hopes that this continues in the face of even greater changes that the Council will face in the coming year.

6.4 The IA also welcomes the generally 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.

6.5 The IA responded to 94% of cases within the 30-day standard, which is above the 85% target and only a slight decrease on the previous year's performance of 97%.

### **6.6 Cases by directorate/partner**

The table below sets out the number of Stage 3 complaints against each directorate and each partner (*withdrawn/out of jurisdiction complaints in brackets cases in brackets*).



**Table 6 - Total number of stage three complaints against each directorate and each partner**

Customer Services	Resources and Regeneration	Community Services	Children and Young People	Regenter	Lewisham Homes	TOTAL
31 (3)	17 (2)	3 (1)	2 (1)*	8 (1)	22 (2)	<b>83</b>

\*A second complaint was withdrawn but recorded as received in 2013/14

## 6.7 Compensation

Compensation was awarded in 20 cases ranging from £100 to £500+. The total amount of compensation paid was £9241, of which £4625 was for Lewisham Homes.

**Table 7 - Amount of Compensation**

	Up to and including £100	£100-£500	More than £500	TOTAL	
<b>2014/15</b>	n/a	13	6	<b>20*</b>	<b>£9241</b>
<b>2013/14</b>	4	8	4	16*	£6542
<b>2012/13</b>	2	8	2	12	£4,259.75
<b>2011/12</b>	2	9	1	12	£3,614

\*Compensation awarded in 20 cases including those against Lewisham Homes

## 6.8 Key issues highlighted by the Independent Adjudicator

### 6.8.1 Record keeping and communication

- The IA continued to see a failure by officers to update complainants. The IA urges officers to keep good records to provide a smooth transition from one officer to another, and a seamless service to residents no matter who is dealing with them.
- In one complaint, the IA found it necessary to request the intervention of a Head of Housing to find out what action officers had taken. The IA also experienced late responses and general lack of comment to her enquiries. As a result the IA is monitoring the service carefully to ensure that standards improve.

### 6.8.2 Complaint administration and Service Improvements

- The IA asks the Council to encourage contractors to keep good records and the Council to keep a record of *all* contact with a complainant.
- The IA also asks the Council to provide timely information to residents about the insurance process; and to monitor and chase insurance claims and to continue discussing what has gone wrong in repairs complaints, and possible lessons and improvements.

### 6.8.3 Overall complaints handling

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

## 6.9 The Council's response to the IA's comments

6.9.1 The Council thanks the Independent Adjudicator for her comments. The Council is undertaking a corporate wide review of its current casework and complaint processes as a part of the wider Business Support review. It is anticipated that the outcome of this review will highlight areas that require change and improvement which will go some way to addressing some of the concerns raised by the IA.

6.9.2 With regard the failure by officers to update complainants officers are now required to ensure that they keep adequate and appropriate records and to ensure that reminders are in place to contact complainants as and when promised. Additionally officers are required to ensure an appropriate handover takes place between one officer to another for a consistent approach to a case for an improved customer experience.

6.9.3 The Housing Service has recently undergone a substantial restructure. The transition has seen a drop in performance, however significant service improvement is now expected. Updated processes and training will strengthen and improve officer performance and standards.

6.9.4 The Council's work with its contractors is ongoing. Following the IA's comments the Council will work hard to see that the contractors improve record keeping across the board. Communication with claimants about the insurance process will be improved and analysis undertaken of insurance claims to highlight valuable lessons and areas for improvement.

## 7 Local Government Ombudsman Annual Letter 2014/15

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. A copy of the LGO's annual letter is attached at Appendix 2

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 publish final decisions on all complaints on their website, as they consider this as an important step in increasing transparency and accountability. There have been no published reports made against the Council.

## 8 Achievements in 2014/15

8.1 The Community Services casework team remained focussed on its work to resolve people's concerns early and satisfactorily. This is reflected in a continued low level of escalation across Corporate Complaints.

8.2 The Customer Services team have continued to maintain successful working relationships with the Council's internal and external partners. Maintaining a mutually co-operative attitude when there has been limited resources has helped

the team when working with services to find appropriate complaint resolutions.

8.3 The CYP Complaints team worked towards ensuring that lessons learnt from upheld and partially upheld complaints are highlighted and fed back to improve service delivery. The complaints team monitor implementation of agreed actions and recommendations.

- Service specific bulletins have been produced, and will continue to be produced to senior managers, for their consideration and action. In managing trends and detailed complaint in this manner, it is hoped that the broader picture can be influenced by addressing the smaller, frequent issues found within individual services.
- Audit forms are kept outlining upheld complaints, and recommendations arising. These forms are compiled and revisited periodically with senior management, to ensure implementation of recommendations.
- Organisational learning from the upheld and/or partially upheld complaints are fed back to staff by the Complaints Team through team meetings and bulletins distributed for the attention of all staff.

8.4 Lewisham Homes implemented a new complaints process in September 2015 following a training programme for all staff who respond to complaints. The new process also gives Lewisham Homes more and better feedback from customers who have complained. This allows to feedback to be quickly fed back to service areas to allow better 'learning from' complaints and reduce complaint numbers by designing out repeat complaints.

## 9 Future improvements for 2015/2016

9.1 The council is part way through a savings programme which will see our budget reduce by £95m by 2018. As part of the savings programme, the council's casework and complaints services have been identified as an area for review – both to identify opportunities to reduce our budget and also to re-design and improve our current ways of working. The review is being led by Ralph Wilkinson, Head of Public Services.

9.2 The dedicated casework and complaint teams in each directorate have provided information on the work currently undertaken and contributed comments on where there are opportunities for change or improvement.

9.3 The scope of the review is detailed below:

- Stage 1 & 2 complaints
- Stage 3 complaints
- Statutory social care complaints (adults & children's) including requirement and best practice expectations
- MP, Mayor & Councillor enquiries
- General enquiries/comments/compliments
- FOI enquiries
- Subject Access Requests
- Ombudsman complaints (LGO & Housing)
- 'Designated Persons' process
- Demands of new legislation e.g. Care Act appeals

9.4 The estimated timescales for the review, and the high level phases of work are outlined in the table below but may be subject to change.

Phase	Broad Timeframe
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<b>Discovery</b> – the aim of this phase is to better understand how things work currently in Lewisham, and what could we learn from the way other organisations manage their casework functions.	Sept- October
<b>Define</b> – the aim of this phase is to draw on the learning from the ‘Discovery’ phase and to define areas of service delivery that could be changed or improved.	By the end of October
<b>Develop</b> – the aim of this phase is to develop proposals for new ways of working/change.	From November
<b>Deliver</b> – the aim of this phase is to consult on and progress and proposed changes for implementation by April 2016. (If applicable, formal consultation as set out in the Council's Management of Change policy would take place as part of this phase.)	December- March

- 9.5 Subject to the outcome of the Complaints and Casework review, the Customer Services/Resources and Regeneration Team will be seeking to stabilise its resources and working to re-build its previous high performance levels. It will seek to work on providing additional support to service areas and the organisation as a whole by providing detailed trend analysis in order to better understand why complaints may continue and thereby seek to inform and support policy change where necessary for an improved customer experience. The team will work to maintain internal and external working relationships with as well as looking at the management and liaison between teams in dealing with cross-departmental complaints and tailoring support to Lewisham's external partners to ensure consistent, timely and quality responses.
- 9.6 The 2015/2016 objectives for Lewisham Homes are to increase the proportion of complaints dealt with informally to 75%, improve customer satisfaction with complaint handling and outcome to 50% whilst continuing to ensure 90% of all complaints are responded to within timescales.
- 9.7 In 2015/16, the CYP Complaints team will be meeting with staff at team meetings to ensure social workers and managers are aware that all complaints and representations need to be forwarded to the Complaints Manager as a matter of urgency to ensure timeliness of responses. The Complaints team keep a log of instances where complaints have not been forwarded in a timely manner, and this list will be sent to Service Managers to be followed up.
- 9.8 Where learning from complaints is shared with senior managers, there is a broader directive to communicate learning to front line staff, social workers in particular. Learning from complaints posters are displayed for social work teams to see and read, and the Complaints Manager visits team meetings on a regular basis. The intention is to continue to embed the mindset that complaints are the beginning of a learning process; a service improvement tool. The message is clear - complaints should be dealt with integrity and transparency so that they can appropriately shape and influence continuous service improvement.
- 9.9 Continuing work with Healthwatch colleagues who access many different groups within the borough will promote the complaints process to under represented groups, and will hopefully help to communicate with all young people within the

demographic of the borough. The team's continued high profile presence on the London Complaints Manager's Group maintains sharing of good practise amongst complaints peers, and will continue to be a source of inspiration when seeking to reach out to this underrepresented young people. The group is affiliated with the National Complaints Manger's Group, and the broader scope provided by that group will inform the borough when endeavouring to reach those groups who remain underrepresented in the statutory complaints.

- 9.10 The publicity of the complaints process, and of the team itself, is high on the agenda for 2015/16. A new, updated complaints leaflet was produced in 2014/15, and the complaints internet page is to be developed accordingly. The Complaints team will continue to carry out customer satisfaction exercises 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.
- 9.11 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 their rights to escalate complaints through the procedure, and will support all requests to do so, should alternative resolution methods not be agreed.

## **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 noted 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 Conclusion**

- 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 outcomes from the casework and complaints review 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 Angelique Golding, Service Manager – Programme Management on 0208 314 6029.

**Ninth Annual Report of the  
Independent Adjudicator  
for the London Borough of Lewisham  
1 April 2014 – 31 March 2015**

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 for the Council/Regenter, and separately for Lewisham Homes, covering the period 1 April 2014 to 31 March 2015.

**Complaints received**

*Volume*

1. I have received 83 complaints during the year, one more complaint than in 2013/14. This breaks down to 61 (73%) against the Council/Regenter (an increase of six from last year) and 22 (27%) against Lewisham Homes (down by five).
2. The number of complaints against the Council/Regenter stayed almost the same for three years: 47 in 2011/12, 44 in 2012/13 and 44 in 2013/14 (if we remove the complaints that were out of jurisdiction or withdrawn). The number this year has increased to 52 (when those complaints with an alternative right of appeal, or with insufficient injustice to warrant my involvement, are excluded). But, I am not unduly concerned as I was expecting a surge in complaints given these challenging times, and with the trial of a two stage process in some Council areas, and this has not materialised. Of course, a reduction in stage three complaints would be welcome, but it seems to me that some complainants will always want, or need, to escalate their complaint; the number of stage three complaints is tiny for the size of the Borough and the functions it carries out; and I anticipate some fluctuation in complaint numbers from year to year.
3. The number of complaints against Lewisham Homes went down by five to 22. Two of these complaints were out of jurisdiction; contained insufficient injustice to warrant my involvement; or were withdrawn by the complainant. So, the actual figure is 20: demonstrating that the authority has been able to sustain the much improved performance I welcomed in 2012/13.
4. Although I cannot be sure of the exact reasons for this excellent performance, I think that, in part, it comes from good complaint handling with the Council and Regenter trying, wherever possible, to remedy a complaint early on thus avoiding the need for my involvement. I welcome this, and I hope that it is something that Lewisham Homes continues.



5. Overall, the number of stage three complaints is very low, comprising only 1.5% of the 5242 complaints and enquiries received against the Council and its partners in 2014/15.

#### *Character*

6. The number of complaints received about Resources and Regeneration has increased this year: from nine complaints in 2013/14 to 17 in 2014/15 (with two complaints not investigated). This is disappointing, but I think that it results in part from the implementation of the new street lighting scheme: a scheme that has generated three complaints as opposed to none previously; and a scheme that would always cause concern for some residents. I also think that major changes in the planning team have had a knock on effect, with complaints going up from five to six (though each complaint is different, and there is no evidence of a systemic breakdown). In addition, there were four highways complaints (an increase of three); two building control complaints; and one complaint about programme management, and miscellaneous issues. None of these figures causes me serious concern given that the service covers major areas of the Council's work; I hope, though, that the downwards trend that I noted in 2013/14 is restored in the coming months.
7. There was an increase too in complaints about Regenter (up from five to eight, with one not investigated): the second increase I have seen in two years, and comprising five complaints about repairs, and one complaint about leasehold, and a tenancy. Although I would want the numbers to stabilise and hopefully go down, they are still low, and, pleasingly, there was only one complaint about anti-social behaviour (ASB): an area that has caused me concern in the past.
8. Complaints about Children and Young people went up from one to two (though only one was in jurisdiction); but complaints about Customer Services (mainly council tax and re-housing), and about Community Services, dropped from 34 to 31, and six to three, respectively. I welcome these improved numbers.

#### **Decisions on complaints**

##### *Complaints that were settled by remedy*

9. Thirteen of the 21 complaints upheld or partly upheld against the Council/Regenter were settled by compensation – either suggested by me or by officers - and payments totalling £4616 were made: significantly less than last year (£6542), but reflecting three complaints – a planning case, a repairs complaint, and a complaint about Private Sector Leasing (PSL) - where I concluded that a high remedy was justified (£1150, £600, and £566 respectively). I proposed compensation in all 13 complaints because I believed that some financial redress was due given the seriousness of the injustice suffered by the complainant.
10. 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. However, where possible, I much prefer practical, responsive and creative remedies, believing that this better addresses what has gone wrong for a complainant.
11. In one case, there were failings and delays in dealing with a resident's pre-application, and he was given flawed and premature advice to submit full plans: I proposed the payment of £1150 to cover the avoidable cost of drawing up these plans. In a second case (against Regenter), I decided that £600 was due because of serious omissions in dealing with the repair, and eventual replacement, of a

boiler. In a third case, PSL mismanaged the handover of the complainant's property, and the injustice suffered – unnecessary expenditure and serious stress and frustration – prompted me to propose £566.

12. Non-compensation remedies comprised, for example, apologies; action to address outstanding disrepair, with monthly updates to me and the complainant until all the work was done; a review of a decision to refuse a market trader a licence; help under the Rent Incentive Scheme; reference to the Valuation Tribunal in a council tax complaint; and the provision of screening to protect a complainant's amenity from the nearby newly developed school. I welcome these practical and imaginative ways of addressing complaints.
13. 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: so, for example, in one case, the Council considered if there were any steps it could take to protect the complainant's security following the installation of a lamppost close to his home. 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*

14. 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:
  - The Council will:
    - In council tax complaints, consider carefully when the complaint is really about liability and refer the complainant to the Valuation Tribunal. It will also look at whether council tax bills might be better worded, and might contain combined information to avoid the need for a further bill.
    - Consider communication and updates to residents during large highways projects.
    - Ensure that local residents are notified in good time about works to street lighting; and it will review scaffolding licences and the use of deposits in particular to protect public amenity, when it next reviews its policies.
    - In complaints about Special Educational Needs (SEN), work with interested parties to see if it can co-produce just one primary to secondary transfer booklet that includes SEN, and is parent friendly in terms of the process. The Council will also review the Transfer from Primary to Secondary Education 2015 Pupils with Statements of Special Educational Needs form so that it is made clear why the school must sign it.
    - Ensure that residents suffering from noise nuisance are advised about taking their own action under environmental protection legislation; and, where a licensed premise is involved, they can ask for a review of the licence.
    - Consider whether there is any way of ensuring that all resident contact with Skanska is recorded and linked so that officers are fully informed.
    - Put in place measures to ensure that any bin in the Borough that is missed due to a service standard violation is photographed and checked by managers for accuracy.
    - In damp and mould complaints, continue to deal with cases on an individual basis as and when they arise, but use one flat to pilot full installation of thermal boarding, and to monitor its effectiveness.
    - Ensure that officers check that there is authorisation from the complainant for someone to act on their behalf.

- Consider guidance on the Local Government Ombudsman's website about partnership working and, especially, dealing with complaints against partners.
  - Ensure that, when referring a complaint to me and missing out stage two, the complainant is aware of what is happening and that my investigation is in their best interests.
  - Visit building sites subject to complaints to discuss regulated hours of work and noise.
  - Train officers newly taking on housing applications for single people.
  - Review the process for dealing with a report commissioned by Regenter that then needs to be considered by the Council.
  - In multi-service area complaints, consider whether one service area should take the lead.
- Regenter will:
    - In repairs complaints, discuss what has gone wrong, and possible lessons and improvements.
    - Work on repairs standards, and publicise those standards to residents.
    - Provide residents with timely information about its insurance process.
    - Encourage its contractors to keep good records.
15. I welcome the steps that the Council/Regenter are taking, and also their willingness to review and improve policies and procedures.

#### *Other findings*

16. Forty nine complaints against the Council and Regenter were decided during the year. Of these, I upheld seven in full (14%), and partly upheld 14 (29%): the remaining 28 (57%) were not pursued further because no evidence of maladministration was seen.
17. Last year, I upheld/partly upheld a third of complaints (33%) determined against the Council/Regenter: this year, the figure has increased to 43%. I think that this is because complaints at stage three are now more complex (as they should be), so perhaps it is inevitable that I find that something has gone wrong. But, there has also been an increase in complaints against both bodies; and I have noted some major problems below in the partner, in the Housing Options Centre (HOC), and with the pre-application advice service, leading to findings of maladministration.
18. Although the uphold rate stands at 43%, just seven (or 14%) of the 21 cases were fully upheld – cases where the maladministration and injustice were, in my view, especially significant. In the remaining 14 cases (or 29%) I identified only some errors (ranging from failing to provide diary sheets in a noise nuisance complaint, through to the informative on a planning decision letter being wrong), with the rest of the complaint having no merit. It seems to me, however, that I should bring to the authorities' 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.
19. Complaints upheld/partly upheld stand at 43%, but it is still the case that I do not uphold the majority of those that are coming through (57%). Of those that do come through, some are complex (as I say) and require 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.
20. Finally, this year as in other years, I have chosen not to investigate a number of complaints either because an alternative way existed for achieving a remedy and it

was not unreasonable to expect the complainant to pursue that alternative (such as a planning appeal); or the injustice suffered by the complainant was not such as to justify the use of my limited resources (for example, the complainant was not affected by the noise from a building site about which he had complained). I record these complaints so that the Council and Regenter have a complete picture of complaints received and determined.

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

21. I made enquiries on most of the complaints I received this year, with the exception of those mentioned above in paragraph 20 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 are giving complaints a high priority despite the demands made of them in these challenging times.
22. 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. Where I do have to make such enquiries – often by speaking to an officer – I am usually able to secure quickly the information that I need to reach my decision.
23. Although most other complaints raised no particular issues, there were some notable exceptions:

#### *Regenter*

- In the early part of the year, I had significant concerns about Regenter:
  - In one complaint, it offered compensation, but it was too low in my view and this is why I investigated at stage three. The complaints officer did a lot of work on the response to the stage three, but she seemed to have serious problems securing the information/records she needed. Also, she needed a lot of help in drafting that response. In addition, she seemed to experience problems securing additional compensation even though there was fault. I raised this with the Council, and I proposed a meeting with Regenter's officers to talk through the issues here wanting to ensure: easy access to records when necessary; an understanding of how to reply to complaints; and consideration of remedies when clearly appropriate.
  - In a second complaint, I noted that there were problems (as last year) when staff left the organisation: there was no handover and records were deficient. This led to the officer taking over the file to make a decision contrary to his predecessor; and it meant that there was difficulty understanding action taken so far.
  - In a third complaint particularly, but in others too, I noted Regenter's poor communication: a lack of updates and a failure to reply to some emails.
- I urged Regenter to keep good records to provide a smooth transition from one officer to another, and a seamless service to residents no matter who is dealing with them. I also urged updates and better communication. As for the meeting, it did not go ahead because I began to see great improvement in the way that Regenter handles complaints to me.

#### *HOC*

- In a homelessness complaint, there was insufficient chasing of information by the Council's medical advisor and by homelessness officers – I would normally have

expected more given the complainant's vulnerability, and the fact that this was a homelessness assessment with a three working days target; the absence of such chasing may have contributed to the delay in determining the complainant's homelessness application; and I would ordinarily be critical as a result.

- However, on this occasion, I was not minded to criticise given the reason for this lack of chasing: staffing problems in the Medical Advisor Service. It seemed to me that the problems arose through no fault of the Council; the Medical Advisor was able to meet target (at least until recently); officers have taken reasonable and fairly timely steps to address the problems (given the funding and people available); and they are trying to put in place long term plans.
- There may be other options and I suggested these to the Council, but I am conscious that money is very tight throughout the public sector. I am also conscious that my remit does not allow me to criticise the way that the Council spends its budget and prioritises its resources. I am conscious too that the Local Government Ombudsman has said that authorities should make strenuous efforts to recruit professionals, or it should take other steps, to try to make up for deficiencies in a crucial service; and she has been critical if this hasn't happened. However, she has not been critical if the Council is ultimately unsuccessful, which seems to have been the case here.
- There was a lack of chasing too in other homelessness complaints; and the absence of a decision on a review of suitability of temporary accommodation, and the homelessness application itself.
- In one case, there were no updates at all to the complainant. It is a point of practice, officers told me, that they should be mindful of with complicated cases (of which Single Homeless Intervention and Prevention – SHIP - has many), and an area where officers think they can improve practice through monthly casework management. Also, officers suggested a template holding letter for clients so that they can provide a brief monthly update in such cases. I welcomed these initiatives.
- In another case, I was forced to ask the Head of Housing to intervene to find out what action officers had taken in response to a solicitor's letter written on behalf of a homeless applicant.
- I am finding that, although HOC does eventually respond to my enquiries on complaints (though not all of the time), the replies are late and have to be chased. I also get no comments on my draft decision letters even though I make a finding (though this doesn't just apply to HOC).
- This not to say that I do not appreciate the pressures under which officers are working. It is also not to say that HOC is not helpful: it definitely is when I make contact with individual managers and I speak to them, and when they finally do provide written comments and supporting information. It is simply to flag up concerns and the additional work me and my assistant experience in chasing.
- Though the need to chase and the issues I mention above have been brought to the attention of the Head of Housing; though I welcome the Head of Housing's intervention; and though I note the action taken by officers to ensure updates, I am monitoring homelessness complaints for evidence of systemic breakdown. I am also liaising with senior managers, noting that they are aware of the issues, that steps are being put in place to address them long term, and that a review of the complaints process should lead to significant improvement in complaint handling.

#### *Planning – pre-application advice service*

- In one case about a pre-application and the planning process, officers did not record their meetings and discussions with the complainant - they were only recorded in emails that the complainant sent to the Council; these emails were not on file until the complainant subsequently provided them in support of his complaint; in the absence of any records, the complainant was forced to address the same issues a number of times; he experienced difficulties in getting hold of

- officers; he was not regularly updated; the stage two complaint reply was late; and he received no acknowledgement of, or response to, a key letter.
- All of this suggested poor supervision of the temporary staff involved at the time that fell below the standard that the Council should reasonably expect. It also suggested inadequate file management. It called into question, too, the decisions that were reached on the pre-application and the subsequent full plans.
  - In a second complaint, there was a long delay between submission of the pre-application and initial comments; and the complainant never actually received a formal response. It was questionable, therefore, that, in the absence of such a response and no indication when it would be forthcoming, the Council then advised the complainant to submit full plans. It seemed to me that it was reasonable for the complainant to pursue a pre-application as advised; it was in the Council's best interests too; and it was right that the complainant should expect an outcome and poor practice not to provide one. Instead, the Council proposed a way forward that, though no doubt suggested in good faith, caused the complainant an injustice: drawing up full plans at extra cost, and submitting a planning application and paying the fee.
  - In the same case, the timescale for seeking the conservation officer's (CO) views was too long – they were paramount and they should have been sought straightaway; the overall timescale was too long; and I believed that the complainant should have been advised earlier that the CO's professional comments were imminent. It seemed to me that, if the complainant had known this, he would have waited an extra two weeks before submitting full plans; he would have been able to reach a decision on how to proceed much sooner; and, as subsequently happened, he would have walked away, but this time without incurring the additional costs of the plans that he did incur.
  - The Council told me that the pre-application process in these instances was free and so not a priority. The Council also told me that there is an increased demand on its very limited resources. The Council explained too that it advised the complainant in the second case how he might secure a view on his application – by submitting full plans – and he could then have negotiated changes and possibly have achieved planning permission.
  - Although I am very sympathetic to the situation that the Council finds itself in through no fault of its own - suffering huge budget cuts and facing an ever increasing call on its officers' time - it seems to me that, if it offers a pre-application advice service (or indeed any service) – free or otherwise – it must be fit for purpose and administered properly. I was not so persuaded here, noting that pre-application advice will be a fee based service in the future.

#### *Repairs*

- In a repairs complaint, I noted that a contractor did not keep a detailed record of work carried out to the complainant's boiler and how they had handled the resident's concerns. This made my investigation difficult, and I urge officers to encourage contractors to keep good records.

#### *Communication*

- I am still seeing complaints where an insurance claim might be pursued, but no information is given to residents by officers about the process. I urge that this information is provided where appropriate and as quickly as possible.
- In a number of complaints, there continues to be an absence of updates. In my view these are required when there is a delay in doing work, or carrying out any other steps, so that the resident is reassured that something is happening and is spared chasing or making a complaint.

#### *Complaints, apologies and remedies*

- In some cases, officer comments to me on the stage three complaint have been late or they are deficient: this could mean that I am late writing to the complainant with my final decision. I urge timely comments, or a telephone call to me to agree an extension.
- In one complaint, an officer asked how I might respond if a remedy was given to a complainant as “a full and final settlement”. My view is that this is not legally binding as it might be if applied by the courts or insurers, and it could not stop someone escalating their complaint. However, it would inform my response to a complaint: specifically, I would want to know why the complainant accepted the remedy but still came to me.
- In a second complaint involving a number of service areas, I felt that one service area should have taken the lead.
- In a number of complaints, the Council claimed that it could not pay compensation because of the budget cuts. It seems to me, however, that, if maladministration occurs and it causes injustice, that injustice should be remedied, ideally in some practical way, but sometimes with the payment of money: service improvements may be required too to prevent further complaints.

### **My performance**

24. Over the year, I have:

- Responded to 94% of complaints within 30 days (target: 85%).
- Had no decisions overturned on complaints referred to the Local Government Ombudsman or Housing Ombudsman.
- Met with a record number of complainants and visited their homes where this would aid my investigation.
- Provided advice to officers on many occasions about complaint handling, specific complaints, and remedies.
- Explained my approach to street lighting complaints, complaints about a partner running a service on behalf of the Council, and insurance complaints, so that officers can manage complainant expectations about my role.
- 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.
- Taken part in a national complaints seminar, providing feedback to senior officers on complaints handling.
- Written a regular newsletter for senior officers highlighting any concerns and suggested service improvements.

### **Conclusions and general observations**

25. Significant changes within the Council and Regenter and to resources have continued this year. Notwithstanding, the numbers of stage three complaints has not increased as might have been expected and I welcome this. I also welcome the generally 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 we all face in the coming year.

### *Summary of recommendations*

- Complaints and complaint handling:
  - Regenter to monitor its complaints numbers, taking steps (such as service improvements) to prevent any increase.
  - Regenter to continue with its improved complaints handling, and especially in responding to my enquiries.
  - Resources and Regeneration to monitor its complaints numbers, taking steps (such as service improvement) to prevent any increase and to restore the downwards trend I noted in 2013/14.
  - HOC to provide timely responses to my enquiries on complaints, and to comment on my draft decision letters: something I would ask of all service areas.
  - The Council to monitor with me complaints about HOC for evidence of systemic breakdown and problems in complaint handling, and to address the difficulties there as soon as possible.
  - In a multi service area complaint, the Council to appoint one service area to take the lead.
  - The authorities generally to let me have timely comments on a stage three complaint; or to call me to agree an extension.
  - The authorities to consider the payment of compensation where maladministration occurs and it causes injustice, but ideally thinking about some practical, proportionate and imaginative remedy – liaising with me if required: making service improvements too to prevent further complaints.
  - Officers to contact Corporate Complaints if they have doubts about how they might respond to my enquiries.
  
- Administration:
  - Regenter to keep good records to provide a smooth transition from one officer to another, and a seamless service to residents (and me) no matter who is dealing with them.
  - For the pre-application advice service (or indeed any service) – free or otherwise – to be fit for purpose and administered properly
  - The authorities to encourage contractors to keep good records.
  - The authorities to keep a record of all contact with a complainant.
  - The authorities to provide updates to complainants where repairs or some other action is protracted: noting SHIP's monthly casework management; and its suggested template holding letter for clients ensuring a brief monthly update in such cases.
  
- Service improvements:
  - Regenter to provide timely information to residents about the insurance process; and to monitor and chase insurance claims.
  - Regenter to continue discussing what has gone wrong in repairs complaints, and possible lessons and improvements.

*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 the coming year. I have also talked about changes and there are some major changes coming up both inside and outside the Council. So, I am proposing:
- To consider practical, proportionate and imaginative remedies, before turning to compensation to address a complaint; and to keep that compensation as fair and reasonable as possible, and in line with Ombudsmen guidance.



- 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 where appropriate, and with an early decision letter if I cannot help.
- To signpost more complainants to sources of advice and support and, when required, to alternative ways of pursuing their complaint.
- To meet all complainants with complex complaints, and to conduct site visits where a practical remedy such as a repair is possible: helping my understanding, and achieving quick resolution.
- To identify those complaints that can be speedily and effectively resolved without a detailed investigation and to approach the authorities with proposals for settlement.
- 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 work with officers on good administration to avoid complaints in the first place.
- To work with officers on complaint handling, and providing quick, effective, and imaginative remedies.

### *Acknowledgements*

I would like to thank Rebecca Goodman and Rachael Phillips (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.

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

**Appendix 2**  
**LGO letter**

Local Government  
**OMBUDSMAN**

18 June 2015

Mr Barry Quirk  
Chief Executive  
Lewisham London Borough Council

Dear Mr Quirk

**Annual Review Letter 2015**

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 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

**Supporting local scrutiny**

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

## Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well.

Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).


## Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



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

Appendix 3 - Breakdown of LGO cases

**Local authority report – Lewisham LB**

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

**Complaints and enquiries received**

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Lewisham LB	19	31	5	31	14	15	45	5	165

**Decisions made**

Local Authority	Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not Upheld					
Lewisham LB	15	17	7	26	8	80	153

Appendix 4 – top 3 complaint reasons by ward.

Ward	Highways	Lewisham Homes	Council Tax	Housing	Housing Needs	Housing and Council Tax Benefit	Parking	Environment Enforcement	Corporate complaints
Bellingham		2	1		3				
Blackheath	3	1					2		
Brockley		2		1				3	
Catford South				1	3	2			
Crofton Park	1		2		3				
Downham	2		1			3			
Evelyn	2	1				3			
Forest Hill	1	3			2				
Grove Park	1		3		2				
Ladywell	2		3	1					
Lee Green	1	2	3						
Lewisham Central		2	1			3			
New Cross		1	2		3				
Perry Vale	1		2		3				
Rushey Green	1	3			2				
Sydenham	2	1			3				
Telegraph Hill	2	1							3
Whitefoot	1				2	3			

\* Based on the post code of the complainant

Appendix 5 – Breakdown of all complaints and enquiries for each ward  
 Number of Complaints by Service by Ward (Bellingham, Blackheath, Brockley, Catford South,  
 Downham, Evelyn, Forest Hill, Grove Park

Service	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park
Maintenance	42	68	63	2	22		108	25	1
Estate and housing management	10	29	12		3		56	16	
Other	7	5	7	7	15	6	10	11	11
Roads and highways	5	7	12	9	10	4	16	19	9
Advice and Reviews	10	9	17	13	10	7	16	9	14
Council Tax	15	5	10	5	11	6	9	8	10
HB	5	3	13	9	5	5	14	4	7
Response Repairs			55		8				2
Leasehold			68	1	5				
Anti-social behaviour	5	4	20	9	3	3	2	1	3
Road Safety	2	4			9		2	6	5
Tenancy			38		6		1		
Allocations	3	5	2				26	2	
Environmental health	4	2	9			2	3	1	1
Lighting	2		7	1	4	3		1	
Domestic		3	10		3	1	3	1	5
Development Control		4	4	4	4	3	3	5	1
Rents and service charges	2	5	5		2		14	5	
Road markings and signage	2						3	1	3
Parks and Open Spaces	4	4	2	1	1		1		1
Arboriculture services	1	1	3	2	1	3	3	1	2
Rehousing development	3		2	1		1	4		
Estate and housing management	1	1	1				4	1	
Cleansing			4	1	3		1	1	1
Concessionary Awards		1		2		3		1	2
On-street parking		1	1	1	1	1	1		2
Building Regulatory Services	2	1	3		2	1	1	1	
Permits		5							1
Hostels					3			3	
Recycling		3	1			2		1	
Finance / Income			6		1				
Private sector leasing	2			1		2		2	
Contractors	1	4			1			1	
Facilities								1	
Pollution Control	1				1	2	1		1
Estates			4						
PCNs		1	1			1			
Learning disabilities				1					3
Public Health		1			1				
Abandoned vehicles			2					1	1
CallPoint			1			1		1	

Number of Complaints by Service by Ward (Bellingham, Blackheath, Brockley, Catford South, Downham, Evelyn, Forest Hill, Grove Park cont

Service	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park
Car Parks		2			1				
Electoral Services			1						1
Insurance and Risk			1	1					
Pest control	1					1			
Supporting People	1		1		1				
Corporate			1	1			1		
Financial services	1			2					
Health and Safety					1				1
Health and Safety					1				1
Secretariat									2
Animal Welfare	1								1
Assessments				1					
Asset Strategy & Development									
Bed and breakfast									1
Business Rates			1						1
Conservation Advice				1					
F2F L/Hse	1				2				
Finance and Property					1				
Hall/Venue bookings							1		
Home to School Travel Support					1				
Lewisham Library		1	1						
Marriages			1				1		
Private sector renewals	1								
Telephones									
Wavelengths Library			3						
Adult therapy									
Building Cleaning and Security									
Cemeteries							1		
Commercial		1							
Corporate Technology									
Infrastructure									
Lewisham Enforcement Service				1					
National Checking Service									
Planned Maintenance				1					
Planning - Business									
Property, Planning and Environment									
Resident involvement									
Urban Design, Conservation and Heritage				1					
AccessPoint									
Admissions and access									
Blind									
Building and Landscape Design									1
Catford Library				1					
Commercial Lettings							1		
Complaints									
Contracts, Education and Employment		1							
Corporate Communications									

Deaf and hard of hearing			1						
Demolitions									
Economic Development									
Finance									
Food and Food Hygiene									
Forest Hill Library									
Home to School Travel Support									
ICT			1						
Pensions				1					
Planning - Residential									
Property Services									
Regeneration								1	
Regeneration / Economic Development									
Register Office			1						
Registry Office									
Service development	1								
Sheltered housing									1
Social Care									
Special Educational Needs									
Valuers							1		
Very sheltered housing									
<b>Grand Total</b>	<b>136</b>	<b>181</b>	<b>396</b>	<b>81</b>	<b>142</b>	<b>58</b>	<b>308</b>	<b>131</b>	<b>95</b>



Appendix 5 – Breakdown of all complaints and enquiries for each ward - cont

Number of Complaints by Service by Ward (Ladywell, Lee Green, Lewisham Central, New Cross, Perry Vale, Rushey Green, Sydenham, Telegraph Hill, Whitefoot)

Service	Ladywell	Lee Green	Lewisham Central	New Cross	Perry Vale	Rushey Green	Sydenham	Telegraph Hill	White foot	Grand Total
Maintenance	9	34	55	137	35	27	75	105		808
Estate and housing management	1	17	14	29	16	23	29	53		308
Other	13	12	4	6	21	84	14	17	7	257
Roads and highways	13	24	4	2	16	70	8	13	9	250
Advice and Reviews	8	13	11	15	15	38	8	7	14	234
Council Tax	14	12	18	22	17	13	9	6	7	197
HB	7	9	11	5	5	15		9	10	136
Response.Repairs	48		2			5		1	4	125
Leasehold	41		1					1		117
Anti-social behaviour	28	1	2	6	1	20	2		3	113
Road Safety	1	8	1	3		40	5	3	5	94
Tenancy	43			1		1		1		91
Allocations	3	2		15	4	4	7	15		88
Environmental health	3	7		7	7	15		2	4	67
Lighting	7	4	4	1		10	1	13	5	63
Domestic	2	4	4	4	5	5	3	5		58
Development Control	3	6	2	3		12				54
Rents and service charges		1	3	4	1	1	1	6		50
Road markings and signage	1	1	1	1		19	4	1	1	38
Parks and Open Spaces	2	1		3		11	1		1	33
Arboriculture services		2		2		5	2		2	30
Rehousing development	1		1	6	1	3	2		3	28
Estate and housing management			1	4	2		3	4		22
Cleansing	1	3		2		3		1	1	22
Concessionary Awards	4	2	1	3		1	1			21
On-street parking	1	4	2	1	1	2		2		21
Building Regulatory Services	1	1		1		3				17
Permits	4	1				4				15
Hostels			1		1	2	3		1	14
Recycling		3				1	1	1		13
Finance / Income	4				1					12
Private sector leasing			1	1				2	1	12
Contractors	1		1				2			11
Facilities	1			2		5				9
Pollution Control			1	1		1				9
Estates	4									8
PCNs	1	1	2					1		8
Learning disabilities	1					2				7
Public Health	1		1	2		1				7

Abandoned vehicles			1	1					6
CallPoint		1			2				6
Car Parks						2	1		6
Electoral Services					2	1		1	6
Insurance and Risk	1		1					1	6
Pest control	1			1		1			6
Supporting People		1		1				1	6
Corporate							1	1	5
Financial services							1		4
Health and Safety				1		1			4
Secretariat				1		1			4
Animal Welfare		1							3
Assessments			2						3
Asset Strategy & Development				1			1	1	3
Bed and breakfast						1		1	3
Business Rates		1							3
Conservation Advice	1					1			3
F2F L/Hse									3
Finance and Property					1			1	3
Hall/Venue bookings							1	1	3
Home to School Travel Support!							1		3
Lewisham Library				1					3
Marriages	1								3
Private sector renewals								1	3
Telephones	2				1				3
Wavelengths Library									3
Adult therapy							2		2
Building Cleaning and Security	2								2
Cemeteries	1								2
Commercial				1					2
Corporate Technology		1				1			2
Infrastructure			1		1				2
Lewisham Enforcement Service							1		2
National Checking Service	1								2
Planned Maintenance								1	2
Planning - Business						2			2
Property, Planning and Environment	1							1	2
Resident involvement						1		1	2
Urban Design, Conservation and Heritage		1							2
AccessPoint			1						1
Admissions and access		1							1
Blind					1				1
Building and Landscape Design									1
Catford Library									1

Commercial Lettings										1
Complaints		1								1
Contracts, Education and Employment										1
Corporate Communications		1								1
Deaf and hard of hearing										1
Demolitions		1								1
Economic Development						1				1
Finance							1			1
Food and Food Hygiene						1				1
Forest Hill Library				1						1
Home to School Travel Support	1									1
ICT										1
Pensions										1
Planning - Residential						1				1
Property Services					1					1
Regeneration										1
Regeneration / Economic Development						1				1
Registry Office						1				1
Service development										1
Sheltered housing										1
Social Care		1								1
Special Educational Needs			1							1
Valuers										1
Very sheltered housing								1		1
<b>Grand Total</b>	<b>284</b>	<b>184</b>	<b>155</b>	<b>298</b>	<b>159</b>	<b>463</b>	<b>191</b>	<b>278</b>	<b>87</b>	<b>3627</b>