

Public Document Pack

Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 11 December 2014.

Barry Quirk, Chief Executive
December 3 2014

Councillor Obajimi Adefiranye	Gill Butler
Councillor Peter Bernards	Matthew Hill
Councillor Brenda Dacres	Hannah Le Vay
Councillor Colin Elliott	David Roper Newman
Councillor Alan Hall	Cathy Sullivan
Councillor Simon Hooks	Leslie Thomas
Councillor Liz Johnston-Franklin	
Councillor Helen Klier	
Councillor Hilary Moore	
Councillor Pauline Morrison	

Standards Committee Agenda

Thursday, 11 December 2014

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: December 11 2014

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	No	Item No. 2
Ward		
Contributors		
Class	Part 1	Date: 11 December 2014

Recommendation

It is recommended that the Minutes of the meeting of the Committee , which was open to the press and public held on 23 July 2014 be confirmed and signed (copy attached).

LONDON BOROUGH OF LEWISHAM

Minutes of the meeting of the STANDARDS COMMITTEE which was open to the press and public, held at LEWISHAM TOWN HALL, CATFORD, SE6 4RU on WEDNESDAY 23 JULY 2014 at 7:00 p.m.

Present

Councillors Obajimi Adefiranye, Peter Bernards, Brenda Dacres, Colin Elliott, Simon Hooks, Liz Johnston-Franklin, Helen Klier and Pauline Morrison

Independent members: Gill Butler, Hannah Le Vay, David Roper-Newman and Cathy Sullivan.

Apologies received from Councillors Alan Hall, Hilary Moore and Leslie Thomas QC.

<u>Minute No.</u>	<u>Action</u>
1	<u>ELECTION OF VICE CHAIR</u> RESOLVED that Pauline Morrison be elected as Vice Chair of the Standards Committee for the municipal year 2014 – 15.
2	<u>DECLARATIONS OF INTEREST</u> None was declared.
3	<u>MINUTES</u> RESOLVED that the minutes of the Committee meetings held on the 26 March and 11 June 2014 be approved as a correct record and signed by the Chair.
4	<u>REVIEW OF LOCAL CODE OF CORPORATE GOVERNANCE 2013/14</u> 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.

Minute
No.

Action

A brief discussion followed and it was agreed that Recommendation 3.2 and 3.3 have already been covered and the only relevant recommendation is for the Committee to consider and endorse the outcomes of the review.

Further discussion on the review followed and whilst acknowledging the huge amount of work carried out by the Council in relation to consultation, a query was raised as to how the Council responds to the views of consultees. It was suggested that in future the Committee obtain some information on this. Officers agreed to look into this and would seek to provide examples in the next review.

RESOLVED that the outcomes of the review be endorsed.

5 INVESTIGATING COMPLAINTS

Kath Nicholson, Head of Law and Monitoring Officer, introduced the report and explained that the current procedures for investigating complaints is relatively new. The procedures have been recently reviewed by the previous Committee and minor amendments were made.

Kath Nicholson went through the procedures and explained that normally notice will be given to the member complained about. It was also explained that confidentiality, if requested, will be respected, however this cannot be guaranteed.

It was explained that for less serious allegations and where the parties agree an informal resolution may be appropriate. However such informal resolution is not appropriate if the matter is serious.

Kath Nicholson further explained the 3 questions to be asked in making initial enquiries

and the criteria which informs her initial assessment.

It was further explained that each complaint is considered on a case by case basis. It was explained that where there were repeated or trivial complaints the Monitoring Officer would consider discussing the matter with the party Whip.

It was explained that in relation to sanctions there were much less powers than before and now included censure, withdrawal of access to Council facilities, report to full Council, publicity, training and organisational recommendations to the Council.

Members welcomed the presentation and generally agreed that the flexibility in the Council's procedures was a good feature. Members enquired whether there was a prescribed time line for investigations. The Head of Law explained that an investigation will normally be concluded within 6 weeks.

Members also enquired whether the views of persons who have been through the process have been sought. This has not previously been done however the Head of Law agreed to seek such views on the conclusion of future investigations.

RESOLVED that the presentation be noted.

6 APPOINTMENT TO SUB COMMITTEES.

RESOLVED that Councillors Dacres, Adefiranye, Elliott, Klier and Johnston-Franklin and Gill Butler, Leslie Thomas QC and Matthew Hill be members of Standards Sub Committee A.

Councillors Morrison, Bernards, Hall, Hooks and Moore and Cathy Sullivan, David Roper – Newman and Hannah Le Vey be members

of Standards Sub Committee B.

The proposed Terms of Reference to Standards Sub Committees A and B be agreed save for the amendment to the Terms of Reference to include “To meet the principles of fairness and natural justice” at the end of paragraph 4.

DATE OF NEXT MEETING

11th December 2014

The meeting ended at 8:10pm

Standards Committee			
Title	Annual Complaints Report		
Key decision	No	Item no	
Wards	All wards		
Contributors	Executive Director for Customer Services		
Class	Part 1	11 December 2014	

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 2013/14. It is recognised that not all enquiries are logged within iCasework but dealt with directly by officers. Accordingly, there were a total of 4772 complaints and enquiries received in 2013/14. This represents a 10% increase when compared to 2012/13. There has been an increase in all types of complaints and enquiries, other than MP 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 82 complaints between 1 April 2013 and 31 March 2014, of which she upheld or partly upheld 24 (33%). The IA responded to 97% within the 30-day response standard, a decrease in performance of 1% against the 2012/13 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 2013/14, the LGO made decisions in a total of 24 cases – the figures are attached at Appendix 3. The Housing Ombudsman Service took over some of the LGO's jurisdiction in April 2013.

2 Purpose of Report

- 2.1 To update the Committee on the Council's complaints performance for 2013/14 at all stages including the Independent Adjudicator's report and the Local Government Ombudsman Annual Review.

3. Recommendation

The Standards 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 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 2013 and 31 March 2014 compared with performance over the same period in 1 April 2012 and 31 March 2013.

Table 1 – total volume of complaints and enquires by directorate

	Total Complaints and Enquiries		
Directorate	2012/13	2013/14	Variance
Children and Young People	223	183	-40
Community Services	269	288	+19
Customer Services	1980	2489	+509
Lewisham Homes	1226	1097	-129
Resources & Regeneration	637*	715	+78

Total	4335	4772	+437
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Resources & Regeneration – Both directorates merged on 1.12.12 and the figure above reflect the changes in the restructure and combination of the complaints and enquiries received in 2012/13.

Table 2 – stage 1 and stage 2 complaints by directorate

Directorate	Stage 1					Stage 2				
	2012/13	%*	2013/14	%	Variance	2012/13	%	2013/14	%	Variance
CYP	41	78	46	89	+5	4	75	3	100	-1
Community Services	99	82	87	78	-12	2	50	11	73	+9
Customer Services	691	87	994	91	+303	68	88	96	80	+28
Lewisham Homes	622	74	451	86	-171	110	93	104	87	-6
Resources & Regeneration	121	82	143	88	+12	43	91	29	90	-14
Total	1574	81	1721	88	+147	227	91	243	84	+16

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

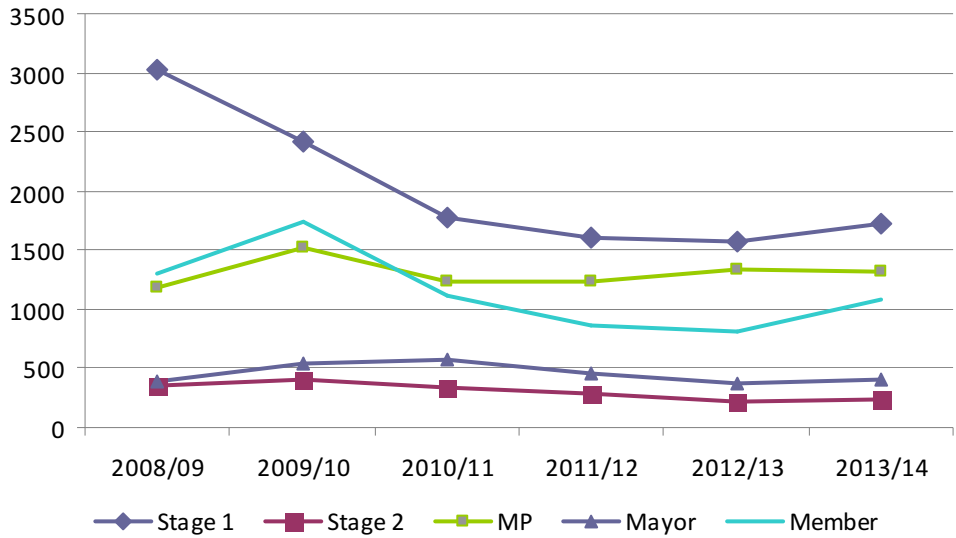
Table 3 - MP, Mayor and Members enquiries by directorate

Directorate	MP			Mayor			Members		
	2012/13	2013/14	Variance	2012/13	2013/14	Variance	2012/13	2013/14	Variance
CYP	144(82)*	120(93)	-24	15(80)	4(100)	-11	19(89)	10(100)	-9
Community Services	72(44)	69(67)	-3	25(88)	30(80)	+5	71(76)	91(78)	+20
Customer Services	642(86)	664(92)	+22	192(90)	205(88)	+13	387(89)	530(93)	+143
Lewisham Homes	316(90)	320(98)	+4	42(86)	61(95)	+19	136(87)	161(90)	+25
Resources & Regeneration	166(75)	150(92)	-16	99(80)	110(87)	+11	208(92)	283(95)	+75
Total	1340(83)	1323(88)	-17	373(87)	410(89)	+37	821(88)	1075(93)	+254

*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 4772. This was an increase of 437 cases (10%) on the previous year when a total of 4,335 were received. There was an increase in all types of complaints and enquiries, other than MP enquiries. The chart below shows the trend in performance by stage over the last six years.

Chart 1 – Annual Trend in performance by stage



5.4 Complaints and enquiries by ward

The distribution of complaints received by Ward is shown below. The joint highest number of complaints received per 1,000 population were received from residents both in the New Cross ward and Brockley, whilst the lowest number of complaints were received by residents in the Downham ward.

Chart 2 – Distribution of complaints by Ward

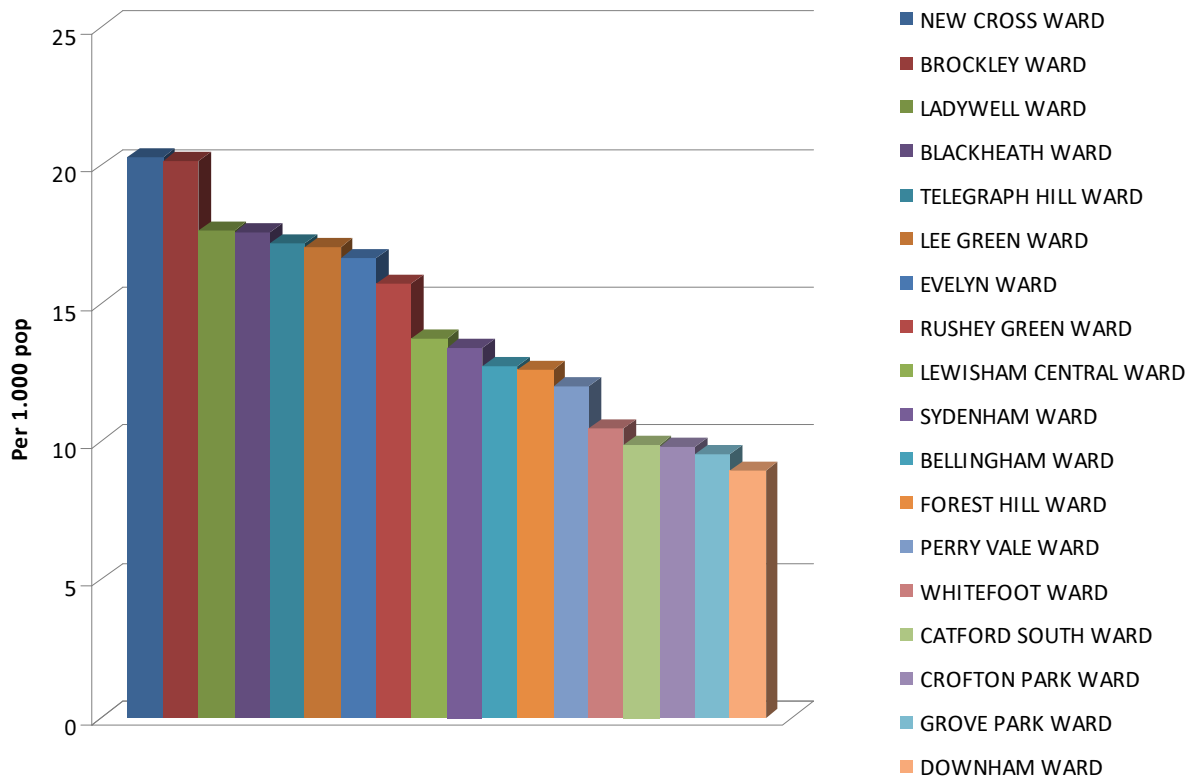


Table 4 – Distribution of complaints by Ward

Ward	Complaints per 1,000 total population
NEW CROSS WARD	20
BROCKLEY WARD	20
LADYWELL WARD	18
BLACKHEATH WARD	18
TELEGRAPH HILL WARD	17
LEE GREEN WARD	17
EVELYN WARD	17
RUSHEY GREEN WARD	16
LEWISHAM CENTRAL WARD	14
SYDENHAM WARD	13
BELLINGHAM WARD	13
FOREST HILL WARD	13
PERRY VALE WARD	12
WHITEFOOT WARD	10
CATFORD SOUTH WARD	10
CROFTON PARK WARD	10
GROVE PARK WARD	10
DOWNHAM WARD	9

5.5 The top three wards to receive the highest level of complaints and enquires were: New Cross, Brockley and Telegraph Hill.

5.5.1 The ward to receive the highest level of complaints and enquiries was Brockley. Housing management was the top reason why customers complained in Brockley ward, followed by Council Tax, then Highways.

5.5.2 The joint highest ward to receive complaints and enquiries was New Cross. The top reason why customers complained again was Housing management, followed by Council Tax, Environmental Enforcement, and Housing.

5.5.3 The joint third highest wards to receive complaints and enquiries are Telegraph Hill, Lee Green and Evelyn.

5.5.4 Downham received the lowest level of complaints and enquiries. Appendix 5 provides a breakdown of all complaints and enquiries for each ward.

5.6 Trends

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

- Council Tax
- 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.

Council Tax

5.6.1 The number of council tax complaints received during 2013/14 increased by 27%. This can be directly attributed to 2 major legislation changes that took place from 1st April 2013:

1. The replacement of council tax benefit with the council tax reduction scheme (CTRS) which meant that 24,000 working age residents had to make a 14.84% contribution towards their council tax for the first time, where previously they paid nothing, or only made a minimal contribution.
2. Technical changes that removed or severely reduced the period of exemption awarded to empty properties, and imposed a 50% premium for the first time on long term empty property that have been unoccupied for 2 years or longer.

5.6.2 The resulting impact of these issues were:

- Problems getting through on the phones – an additional 5,500 calls were received
- Billing enquiries – with working age, low income customers complained about having to pay council tax when they didn't previously.

5.6.3 To address the above issues a number of improvements were made to the council tax telephone service. These include the introduction of a number of automated messages directing customers to self-serve via the council website and a review of resourcing and team division/responsibility within the Revenues service.

5.6.4 Now that the implementation of CTRS has bedded in and the amount of contribution customers are required to make has substantially reduced this year, the complaints in this area have drastically reduced.

Lewisham Homes Property Services

5.6.5 The number of property services complaints received during 2013/14 decreased by 33% from 2012/13. This is largely down to the successful implementation of an informal (stage zero) complaints process. This process has proved particularly successful in reducing formal complaints about repairs by giving customers the option of going down the informal route which has a 48 hour turn around time for resolution.

5.6.6 The top reasons for complaints within Property Services were :

- Major Works – (29% decrease from 2012/13)
- Repairs Inspections – (30% decrease from 2012/13)
- Plumbing – (36% decrease from 2012/13)

5.6.7 Other improvements made within property services that have contributed to improved complaint performance include:

- Improvements in communication and consultation with residents prior to and during major works. These include:
 - Earlier engagement with residents
 - Holding 'drop-in' surgeries on larger estates
- Improvement in complaint response times by the asset investment team:
 - The Customer Relations team worked with asset investment to develop a process of using holding responses with follow up actions where it was not possible to fully investigate and provide a full response within the target time. This has significantly reduced the number of late complaints from the asset investment team.

Lewisham Homes Housing Management

5.6.8 The numbers of Housing Management complaints received during 2013/14 have remained relatively static, having increased by just 5% from 2012/13.

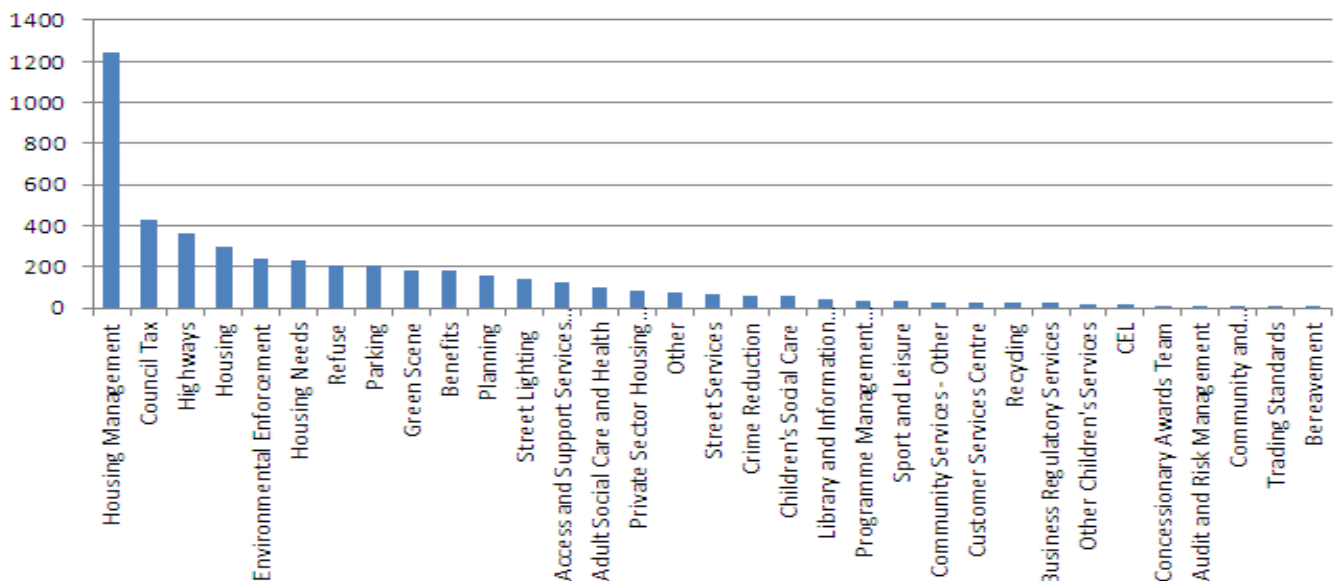
The top reasons for complaints within Housing Management were:

- Tenancy breaches and enforcement (12% decrease from 2012/13)
- Anti-social behaviour (8% decrease from 2012/13)
- Caretaking (5% increase from 2012/13)

5.6.9 There has been some significant work done by the Anti-social behaviour team during this time to increase the frequency of contact with residents who have open cases. This has improved customer satisfaction and contributed to a reduction in complaint numbers.

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.

5.8 **Complaints escalation**

From the stage 1 complaints received between 1 April 2013 to 31 March 2014, 559 cases escalated from stage 1 to stage 2, and 54 of those stage 1 complaints were dealt with at all 3 stages of the complaints process. There were also 12 complaints under the Public Services division that were dealt with at stage 1 and stage 3, and did not have a stage 2 investigation, due to Public Services trialling a 2 stage process. The trial was implemented with a view to making the complaints process more streamlined by reducing the amount of stages in the process, reducing the amount of time that customers spend within the complaints process, and reducing the amount of officer time dealing with complaints.

5.9 The table below provides information on the service areas where complaints escalated from a stage 1 to a stage 2.

Service area	Amount of complaints that escalated
Decent Homes	81
Public Services	77
Housing Management	67
LH Property Services	66
Brockley PFI	61
Environment	53
Planning	31
Highway Network Management and Maintenance	29
Housing Strategy and Regulatory Services	29
Cultural Services	17
Strategy and Performance	13
Programme Management and Property Income	11
Access and Support Services for Children	6
Adult Social Care and Health Modernisation	5
Transport	3
Strategy and Performance (Community Services)	2
Standards and Achievements	2
Crime Reduction and Supporting People	2
Service Improvement	2
Grand Total	559

5.10 Complaints and service improvement

5.10.1 Each directorate has responsibility for managing its own complaints and enquiries though this process is overseen by the Corporate Complaints team. Directorate representatives meet regularly with the Corporate team to discuss and resolve common issues and exchange ideas for best practice.

5.10.2 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
- A complaints seminar was held in October 2013, which was open to all Council officers. The intention was to help officers feel more confident about complaints handling; provide them with an understanding of the importance of delivering a customer focused service in order to prevent complaints; to meet the directorate caseworkers, the Corporate Complaints team and the Independent Adjudicator; and to provide methods for managing persistent and/or unreasonable complainants. The seminars were well attended, and received extremely positive feedback.

5.10.3 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:

- The Community Services Customer Relations team administered 82% of representations within established timeframes. A 2% increase on the previous reporting period.
- The Customer Services Casework team worked with the Parking team to address the concerns raised by residents following changes to parking policy and the introduction of cashless payments in car parks. A decision was made to reintroduce cash payment options.
- Lewisham Homes improved procedures for responding to email enquiries to the Anti-social Behaviour (ASB) team and a new process has been put in place to ensure all emails to the ASB team mail box or direct to officers are flagged and responded to within target. This process includes failsafe contingency measures to ensure an enquiry is still responded to if staff are unexpectedly absent from work.
- The Complaints Manager within CYP has continued to forge working relationships with external partner Healthwatch, and through their continual customer engagement projects, has been able to utilise a new arm through which to promote the complaints processes.

5.10.4 A complaints action plan including recommendations by the Independent Adjudicator, has been developed. Further details about the action plan can be found in Appendix 6.

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 2013 to 31 March 2014.

6.2 The IA received 82 complaints during the year, 18 more complaints than in 2012/13. This breaks down to 55 (67%) against the Council/Regenter (an increase of 11 from last year) and 27 (33%) against Lewisham Homes (up by 7). The number of complaints against the Council/Regenter stayed almost the same for three years (43 in 2010/11, 47 in 2011/12, and 44 in 2012/13). The number this year is the same too – 44 – if the 11 complaints that were out of jurisdiction are removed, so the IA is not unduly concerned, especially as she was expecting a surge in complaints given these challenging times and with the move to a two stage process in some Council areas.

6.3 The IA has highlighted the fact that significant changes within the Council and Regenter and to personnel and budgetary resources have continued this year; and there have again been unprecedented changes to the law that have affected residents, services and operations.

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 97% of cases within the 30-day standard, which is above the 90% target and only a slight decrease on the previous year's performance of 98%.

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).

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	LewishamHomes	TOTAL
34 (3)	9 (3)	6 (3)	1(1)	5 (1)	27 (5)	82

6.7 Compensation

Compensation was awarded in 16 cases ranging from £100 to £600. The total amount of compensation paid was £6542, of which £3296 was for Lewisham Homes.

Table 7 - Amount of Compensation

	Up to and including £100	£100-£500	More than £500	TOTAL	
2013/14	4	8	4	16*	£6542
2012/13	2	8	2	12	£4,259.75
2011/12	2	9	1	12	£3,614

*Compensation awarded in 16 cases including those against Lewisham Homes

6.8 **Key issues highlighted by the Independent Adjudicator**

6.8.1 Record keeping and communication

- The IA saw a failure by officers to update complainants and this leads them to complain at stage three. The IA urges officers to schedule and provide regular updates: it is good practice (especially if updates have been

promised), and it might avoid a complaint. There were communication problems in a housing complaint where an officer referred a resident to social services without telling them. Good practice suggests that, normally, where an officer makes such a referral, they should tell the complainant even if the referral is being made in good faith.

- In one complaint, the complainant did not know who to contact when they wanted to discuss their concerns. In the IA's view, it is good practice for all those replying to complaints to ensure that they give to the complainant the contact details of an officer.

6.8.2 Complaint administration

- The IA found errors occurred with staff changeover. The IA proposes that the authority should ensure that all of their records are sufficiently clear and updated to provide a smooth handover to any new officer, and that officers should brief themselves when taking on a case. In addition, the IA believes that good record keeping is essential, as is monitoring and chasing insurance claims.

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.

7 Local Government Ombudsman Annual Letter 2013/14

- 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.

8 Achievements in 2013/14

- 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 and an increase in statutory complaints resolved 'on the spot' (26% 2013/14 from 17% 2012/13). The team successfully responded to the LGO in relation to three formal investigations during the reporting period. No compensation was paid and the Ombudsman did not publish a report.

- 8.2 The Customer Services team regularly attained 100% target response times across several complaint categories and FOI/SAR requests; running a successful training event with Corporate Complaints and the other council directorates and reviewing and streamlining work processes to improve administrative efficiencies in handling complaints and casework.
- 8.3 CYP Response rates were largely improved across all representations received within the directorate. Escalations through corporate and statutory processes reduced throughout the directorate. Meetings with Independent Review Officers throughout the year to identify young people who have specifically commented on their lack of understanding on how to complain have been undertaken. New complaints leaflets have been finalised and are distributed to all young people as soon as their relationship with Lewisham begins. The website is in the process of being changed to complement the new brochures.
- 8.4 Lewisham Homes produced an information video, made accessible via Youtube which has improved the information available to residents in order to correctly diagnose damp / condensation problems. Lewisham Homes' repairs guide was updated by the Lewisham Homes resident improvement group to make it more relevant, easier to read and give clear guidance on which repairs are a tenant's responsibility and which are the responsibility of Lewisham Homes.

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 and procedures, including how to deal with persistent and unreasonable complainants.
- 9.2 In order to further enhance opportunities for learning and improvement from complaints, the Community Services team will focus attention on the support tools available to officers that help them to take early remedial action in relation to complaints and other enquiries, and resolve issues both informally and formally in line with legislation. Greater integration between health and social care, along with the introduction of the Care Act in April 2015 is bringing about a great deal of change in the way adult social care needs are assessed and support delivered. The Customer Relations team for Community Services is involved in discussions around these changes with a view to assisting in the production of public information to help users of social care support navigate increasingly integrated services.
- 9.3 The Customer Services/Resources and Regeneration Team will be maintaining and establishing new working relationships with current and new councillors and seeking to maintain performance targets with expected increased volumes following the elections; introducing induction training of new starters on how to deal with complaints; working with Corporate Complaints to improve the Customer/Councillor experience in using the customer portal/online complaints, 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.

- 9.4 Lewisham Homes' Customer Relations team are to provide better and improved reporting to heads of service on the number and types of complaints logged to their service areas. This will help to identify trends quicker and make formulating action plans to design out the cause easier.
- 9.5 Lewisham Homes' major works team are to hold a 'learning circle' meeting also involving the leasehold team, major works contractors and consultants who are involved in the delivery of major works. This is to look at and further improve the communication, consultation and delivery of major works in light of recent complaints.
- 9.6 Staffing levels within CYP have been returned to full capacity, and with a full quota of staff members, it is hoped that the management and promotion of the service can be further focussed on, and the day to day casework can be handled by appropriate staff. The intention is to become more pro-active throughout 2014/15 when presenting, advising and training peer groups, for example at management meetings and Senior Management Team meetings. Additionally, it is hoped that the service improvements, and learning from complaints can continue to take centre stage when dealing with representations, allowing the directorate to further improve service provision through user engagement. However, the anticipated return from user questionnaires and surveys was disappointingly low. A fresh approach to this useful project is something the Complaints Manager is keen to develop. With an ever empowered client base, understanding the user's experience of our processes is crucial to the service in its ongoing development. With the full complement of staff, it is hoped that reporting to service areas on a more regular and specific basis will become the norm. A robust, and dependable reporting function is crucial to the work of the team, and of paramount importance to operational managers when looking to improve their own function.
- 9.7 The Council's website will be utilised more as a vehicle to inform and advise residents in order to better 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 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 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 the Corporate Complaints Team on 0208 314 7566.

Appendix 1 – Independent Adjudicator’s Annual Reports

Eighth Annual Report of the Independent Adjudicator for the London Borough of Lewisham 1 April 2013 – 31 March 2014

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 2013 to 31 March 2014.

Complaints received

Volume

1. I have received 82 complaints during the year, 18 more complaints than in 2012/13. This breaks down to 55 (67%) against the Council/Regenter (an increase of 11 from last year) and 27 (33%) against Lewisham Homes (up by 7).
2. The number of complaints against the Council/Regenter stayed almost the same for three years (43 in 2010/11, 47 in 2011/12, and 44 in 2012/13). The number this year is the same too – 44 – if we remove the 11 complaints that were out of jurisdiction (for example, personnel complaints or those with an alternative right of appeal); contained insufficient injustice to warrant my involvement; or were withdrawn by the complainant. So, I am not unduly concerned, especially as I was expecting a surge in complaints given these challenging times and with the move to a two stage process in some Council areas. 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, and the number of stage three complaints is tiny for the size of the Borough and the functions it carries out.
3. The number of complaints against Lewisham Homes increased by seven, going up from 20 in 2012/13 to 27 this year. But, five complaints were out of jurisdiction; contained insufficient injustice to warrant my involvement; or were withdrawn by the complainant. So, the actual figure is 22: demonstrating that the authority has been able to sustain the much improved performance I welcomed last year; and demonstrating that it was not a one off.
4. Although I could not (and cannot) be sure of the exact reasons for this excellent performance, I think that, in part, it results from good complaint handling with the authority 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 1.7% of the 4772 complaints and enquiries received against the Council and its partners in 2013/14.

Character

6. The number of complaints received about Customer Services has increased significantly this year: from 20 complaints in 2012/13 to 34 in 2013/14 (with three complaints not investigated). But, the service covers major areas of the Council's work, and it has newly embraced parking (with four cases determined as opposed to five last year), so I would expect a higher number of complaints. Also, I think that the increase can be explained by the move to a two stage process especially in council tax where I determined nine complaints this year and only seven last year. In addition, I decided four complaints about premises lettings and the rent incentive scheme (up by one); three complaints about refuse and one complaint about pest control (none in 2012/13); two complaints about re-housing (down from four); and one complaint about trading standards, trees, concessionary awards, nationality checking, and business rates. None of these figures causes me concern.
7. Each of the council tax complaints was different covering, for example, the single person's discount, the use of bailiffs, and the decision to pursue arrears: there was no evidence of any systemic breakdown. There was also no evidence of such a breakdown in parking or refuse, with latter including complaints about refuse bags; the new service standards and where bins should be placed for collection; and operatives failing to replace the bins in the bin store.
8. There was an increase too in complaints received about Community Services (up from one to six with three not investigated); about Regenter (up from four to five though I only considered four); and about Children and Young People (up from none to one though the complaint was later withdrawn). However, the numbers are still low and the issues complained about were diverse.
9. I determined two anti-social behaviour complaints (ASB) involving the Council's Neighbourhood Community Safety Service (NCSS) and two involving Regenter (one last year); two repair complaints against Regenter (one last year); and a miscellaneous complaint about the Council's leisure facilities.
10. In Resources and Regeneration, I am pleased to report that the number of complaints received went down from 19 in 2012/13 to nine in 2013/14 (with three not investigated). This is most welcome, and, in part, reflects significant improvements in planning enforcement. So, I decided five fewer planning complaints (five as opposed to 10); only one highways complaint (down from three); and no street lighting complaints.

Decisions on complaints

Complaints that were settled by remedy

11. Eight of the 14 complaints upheld or partly upheld against the Council/Regenter were settled by compensation – either suggested by me or by officers - and

payments totalling £6542 were made. This is a lot more than last year (£2130), but it reflects two complaints – a planning case and a repairs complaint - where I concluded that a high remedy was justified (£3744 and £1385 respectively). Also, I proposed compensation in over half of complaints where I made an adverse finding, concluding that some financial redress was due given the seriousness of the injustice suffered by the complainant.

12. 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 more practical, responsive and creative remedies, believing that these better address what has gone wrong for a complainant.
13. In one case, the Council gave the complainant deficient pre-application advice on his proposed plans causing him to spend unnecessarily over £3000 on consultant's fees. In a second case (against Regenter), I decided that £1385 was due because of serious omissions in dealing with repairs. In a third case, there were failings and delays by NCSS in responding to anti-social behaviour caused to the complainant by her neighbours prompting me to propose £500 (on top of £2000 paid already following an Ombudsman investigation).
14. Non-compensation remedies comprised, for example, apologies; paying for three nights in a hotel to allow for substantial repairs; calling back a council tax debt from the bailiffs, writing off all costs and agreeing to a new repayment scheme; assessing whether someone could join the housing register; and discussing with the complainant the best place for locating his bins for collection. I welcome these practical and imaginative ways of addressing complaints.
15. 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, they inspected and cleared a bin store to make access easier. 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

16. 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 Housing Options Centre (HOC) has introduced better record keeping of any incidents that occur there; it is considering what steps might be taken to investigate and address any incident promptly; and it will determine how the Council might respond to a client recording their interview with officers on their mobile telephone.
 - The Council has implemented training to ensure that its officers properly understand the Allocations Policy, and it has made that policy clearer.
 - NCSS will check in good time that its CCTV cameras are working; it will access the footage in good time; it will explain to residents the procedure for installing

and removing cameras, and the policy and timescale for destroying footage; it will interview both sides in any ASB incident and take notes; and it will provide timely responses.

- Housing Benefit is liaising with Lewisham Homes about what, and when, information is shared when a claimant notifies the Council that their tenancy is ending.
- Planning has reviewed the wording on site notices and consultation letters; and it has considered its pre-application advice letter, and whether a checklist might help when providing such advice.
- The Council and its partner, Fusion, are working on an improved and better advertised complaints process.

- Regenter has:
 - Looked at improvements in dealing with repairs complaints, focussing particularly on what went wrong in specific cases and in responding to my enquiries.
 - Established an ASB Panel and reviewed all ASB cases.
 - Worked with the Council so that it knows exactly what it must do if it wants to carry out development in or near a conservation area.
 - Taken steps to ensure that all of its records are sufficiently clear and updated to provide a smooth handover to any new officer, with that officer briefing him or herself when taking on a case.
 - Run a learning circle on delivering excellent customer service.
 - Appointed a senior officer to oversee all complaint responses.
 - Run monthly reviews and learning circles on complaints with a view to resolving them and improving services.

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

Other findings

18. Forty two complaints against the Council and Regenter were decided during the year. Of these, I upheld four in full (9%) and partly upheld 10 (24%): the remaining 28 (67%) were not pursued further because no evidence of maladministration was seen.

19. Last year, I upheld/partly upheld just over a third of complaints (35%) determined against the Council/Regenter: this year, the figure has reduced to 33%. This is good news and I hope that this downward trend continues, especially with improvements in Asset Management and NCSS (where there were a number of complaints). I am realistic, however, that this may not be possible: recognising that 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.

20. Although the uphold rate stands at a third, just four (or 9%) of the 14 cases were fully upheld – cases where the maladministration and injustice were, in my view, especially significant. In the remaining 10 cases (or 24%) I identified only some errors (ranging from failing to keep a record of a property inspection through to serious delays in tackling an overgrown backgarden), 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.

21. Complaints upheld/partly upheld at stage three remain at third, but it is still the case that I do not uphold the majority of those that are coming through (67%). 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.
22. 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, their amenity was not affected by a decision to approve a neighbour's crossover). 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

23. I made enquiries on most of the complaints I received this year, with the exception of those mentioned above in paragraph 22 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.
24. 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.
25. In a repairs complaint against Regenter, however, although the authority was liaising with the Council to try to resolve the complaint at stage two, it singularly failed to do so, and this prompted my involvement. I was concerned that:
 - Council officers had had to chase the authority for action on the repairs, and had had to push for an inspection by a contractor specialising in damp.
 - The authority had asked Council officers to interpret the contractor's report, and delayed providing it.
 - The authority had asked Council officers to liaise with housing officers about a possible decant for the complainant during the works to her home, or to determine what could be done so that she could remain in situ.
 - The authority had suggested a homelessness hostel for the complainant instead of a decant.
 - Council officers had had to wait for an authority officer to return from his holidays to pursue the work to the complainant's home because the supervisor acting in his absence was unable to help.

- Council officers had had to chase the authority to arrange mediation to address the anti-social behaviour the complainant was experiencing from her neighbour.
 - In addition, during my investigation, I experienced a poor and less than comprehensive response to my enquiries, with the authority's officer initially failing to complete my request for information form and then completing it by hand; and initially failing to provide a detailed chronology.
26. This is not acceptable, and I brought my concerns to a senior Regenter officer who promised improvements in dealing with repairs complaints and in responding to my enquiries. I also let the Head of Housing know what had happened.
27. Although most other complaints raised no particular issues, there were some notable exceptions:

Regenter

- I refer above to my concern about a particular case involving Regenter. I have concerns too about the other cases I handled where:
 - Repairs were allowed to drift and there was no direction.
 - Promises of work were made but not carried out.
 - There was an absence of updates and a clear schedule of work and timescales.
 - A long standing ASB complaint was very poorly managed despite detailed work being done in the past on an ASB policy and procedure.
 - There was delay and a lack of co-ordination over the management of a property where the front and back gardens were unkempt and detrimentally affecting the complainant's home.
 - There was an acute lack of knowledge about the planning process for knocking down some garages and applying retrospectively for permission as well as implementing a new border treatment, with officers failing to seek advice from the Council and making mistakes.
 - My contact at the authority changed on a number of occasions and, frustratingly, I have had to explain each time what I expect on stage three complaints.
- I acknowledge that I have few complaints against Regenter given the number of properties it manages. However, those complaints that do come through show serious failings and significant injustice; poor administration in the way they are handled; and usually little attempt to consider a remedy. I also acknowledge that Regenter has accepted that errors have occurred, and that it is willingly taking steps to learn lessons and improve its practices (which I welcome; which I hope continues; and on which I would value feedback). I acknowledge too a most helpful meeting last year with senior officers to discuss complaints and complaint procedures, but problems continue. So, I propose a further meeting in the Autumn with those officers to talk about the cases here; stage three complaints in general; remedies; and what might be done to provide a seamless handover to any new staff dealing with stage three complaints. I believe that this is essential given the concerns that I mention above and given the recent change in staff. In addition, Regenter might liaise with the Council to understand what it must do if it wants to carry out development in or near a conservation area, and how to submit a planning application (which prompted a complaint this year).

Repairs

- In several complaints, I saw repairs breaking down time and time again and they had 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 boiler, for example, rather than continue repairing 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.
- In one case, I saw complicated repairs taking a long time to complete and the complainant having little idea of what was happening or when the work would end. I asked for a detailed written schedule of works and an indication of the timescales involved in carrying them out: in my view, such a schedule is good practice and it might have avoided this complaint.

Communication

- In many complaints, I see a failure by officers to update complainants and this leads them to complain at stage three: the complainants simply do not know what is happening on, for example, their ASB case or their repairs. I urge officers to schedule and provide regular updates: it is good practice (especially if updates have been promised), and it might avoid a complaint.
- There were communication problems in a housing complaint where an officer referred a resident to social services without telling them. Good practice suggests that, normally, where an officer makes such a referral, they should tell the complainant even if the referral is being made in good faith.
- In one complaint, the complainant did not know who to contact when they wanted to discuss their concerns. In my view, it is good practice for all those replying to complaints to ensure that they give to the complainant the contact details of an officer who is readily available, who knows about the complaint, and who is able to discuss it. A point of contact is useful too in complex repairs complaints or ASB cases: the absence of such a contact has led to cases being referred to me.

Investigating incidents

- In one complaint, an officer was accused of impropriety by a member of the public, but the Council did not talk to the complainant straightaway and only did so at my instigation. This was the case too in a complaint about the Council's leisure services. In a complaint about ASB, officers initially spoke only to the alleged perpetrator and not the victim; they then failed to take notes when eventually meeting her. Good customer service would suggest that, when investigating any complaint involving allegations of impropriety or ASB, the authority should interview all parties to understand what has happened and they should take notes.

General administration

- In a complaint against Regenter, errors occurred with a changeover of staff: the new member of staff was not properly briefed and she made decisions contrary to what had been previously decided. I also encountered such errors in two complaints about Asset Management (which has undergone significant change, but now made detailed improvements): the departure of officers, and the appointment of others, led to serious delay in dealing with an enquiry about a lease and the sale of a garage. I propose that the authorities should ensure that all of their records are sufficiently clear and updated to provide a smooth handover to any new officer, and that officer should brief themselves when taking on a case.
- In one complaint about Public Sector Leasing, the records were deficient: failing to note any inspections, and failing to note any contact with the client or tenant. I believe that good record keeping is essential.
- In a case involving an insurance claim, it became clear that officers had failed to monitor its progress thus causing delay. In my view, monitoring and chasing a claim is essential.
- In a council tax complaint, I suggested that it is good practice to combine the current year's council tax arrears with those already the subject of an arrangement.

Complaints, apologies and remedies

- In a number of complaints where I have asked officers to comment on my draft decision letter and, in particular, an adverse finding and a proposed remedy, I have had no reply. This is disappointing; it is contrary to the IA protocol; it means that I have to spend time chasing the reply, which could delay despatch of my letter to the complainant; and it suggests that some officers do not view stage three complaints with the importance that I think they demand.

This is not to say that I do not recognise the significant pressures that managers are under, and that they may have little time to consider my draft decision letters. I am also conscious that chasing any response can add to those pressures (so I have slightly amended the protocol to avoid this). But, managers are still obliged by that protocol to respond, and I urge them most strongly to do so.

- In a planning complaint, it took a long time to implement a remedy proposed by my predecessor. Although I noted that there were complications and that officers wanted to get the remedy right, I believe that timely implementation of a remedy is essential: it shows that the authorities take complaints seriously; it addresses any continuing injustice from which the complainant might be suffering; and it avoids further complaints to me.
- In several complaints, officers were keen to offer compensation at stage two of a complaint (which I welcome), but they were unsure of the amount. In other complaints, the amount proposed was too low, in my view, and it led to a complaint to me. I am happy to advise officers about what they should consider when thinking about a remedy. I also refer them to guidance on the Local Government Ombudsman's website; information provided by the Housing Ombudsman; and my digest of cases.

- There seems to be some confusion about who should draft an apology letter (it should be a senior manager from the service area that is the subject of the complaint); and some apology letters have been drafted and despatched before my final decision letter (causing the complainant some confusion). Though the letters are generally much improved, I urge all officers to contact me or Corporate Complaints if they have any doubts about the process.
- In one complaint, the service area did not understand how it might respond to my enquiries. I urge all officers with any doubts to contact Corporate Complaints.
- In some complaints, there were typographical and grammatical errors in letters to complainants: in my view, this gives a poor impression. I urge all officers to check their letters before despatch.

My performance

28. Over the year, I have:

- Responded to 97% 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.
- Tested my concerns about the way the Council is implementing the new routes and timetable for refuse collection, being reassured that it uses its discretion when called for
- Explained my approach to parking complaints, complaints about a partner running a service on behalf of the Council, insurance complaints, complaints about tree pruning, and personnel 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 complaints seminar for staff, explaining my role at stage three.
- Written a regular newsletter for senior officers highlighting any concerns and suggested service improvements.
- Discussed my role in detail with another London Council which is impressed with the work we do in Lewisham and is considering the possibility of an IA.

Conclusions and general observations

29. Significant changes within the Council and Regenter and to resources have continued this year; and there have again been unprecedented changes to the law that have affected residents, 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 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

- Regenter to continue with the promised improvements in dealing with repairs and ASB complaints and in responding to my enquiries, and to provide me with feedback.
- Regenter to meet with me in the Autumn to talk about the cases this year; stage three complaints in general; remedies; and what might be done to provide a seamless handover to any new staff dealing with stage three complaints.
- Regenter to liaise with the Council to understand what it must do if it wants to carry out development in or near a conservation area and submit a planning application.
- Regenter to consider eventually whether it is more cost effective and a better use of taxpayers' money to carry out substantive work rather than continue with running repairs.
- Regenter to provide a detailed written schedule of works and an indication of the timescales involved in carrying them out in complex repairs complaints.
- The authorities to provide a point of contact in complex repairs and ASB complaints.
- The authorities to schedule and provide regular updates on repairs and ASB complaints, though they may be necessary in other complaints too.
- The Council and its partners to interview all parties in any ASB case, or complaint of impropriety, to understand what has happened and they should take notes.
- The authorities to ensure that all of their records are sufficiently clear and updated to provide a smooth handover to any new officer, and that officer should brief themselves when taking on a case. A record of all contact with the complainant is essential too.
- All those replying to complaints to ensure that they give to the complainant contact details of an officer who is readily available, who knows about the complaint, and who is able to discuss it.
- Council tax to consider combining the current year's council tax arrears with those already the subject of an arrangement.
- Where an officer makes a referral to social services, they should normally tell the complainant even if the referral is being made in good faith.
- The Council to monitor and chase insurance claims.
- Officers to contact Corporate Complaints if they have doubts about how they might respond to my enquiries.
- Managers to provide timely comments on my draft decision letters
- The authorities to ensure the timely implementation of a remedy
- Officers to contact me when they are uncertain about a remedy: they might also consider guidance on the Local Government Ombudsman's website; information provided by the Housing Ombudsman; and my regular digest of cases.
- Officers to contact me or Corporate Complaints if they have any doubts about apology letters.
- Officers to check their letters before despatch.

For the future

30. 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 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 Jennifer Greaux (Corporate Complaints Manager) and Rebecca Goodman (Corporate Complaints Officer), 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

7 July 2014

By email

Mr Barry Quirk
Chief Executive
Lewisham London Borough Council

Dear Mr Barry Quirk

Annual Review Letter 2014

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 2014.

This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

Developments at the Local Government Ombudsman

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

Future for local accountability

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a horizontal line underneath the name.

Yours sincerely

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

Appendix 3 - Breakdown of LGO cases

Local Government Ombudsman complaints								
Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
12	35	9	20	10	10	27	4	127

Decisions made (by local authority)							
Advice given	Closed after initial enquiries	Incomplete/in valid	Referred back for local resolution	Upheld	Not upheld	% upheld*	Total
8	32	7	62	15	10	60.0%	0

Appendix 4 – top 3 complaint reasons by ward.

Top 3 complaints by Ward

WARD	Housing Management	Council Tax	Housing	Highways	Housing Needs	Environment Enforcement	Parking	Refuse	Planning	Street Lighting	Green Scene	Housing and Council Tax Benefits
BELLINGHAM	1		2	3								
BLACKHEATH	1	3					2					
BROCKLEY	1	2		3								
CATFORD SOUTH			1		1	2						3
CROFTON PARK		1		2	3						3	
DOWNHAM		3	1	1				2				
EVELYN	1	2	3									
FOREST HILL	1				2				3			
GROVE PARK			2	1	3							
LAWWELL	1	3		2						3		
LEIGH GREEN	1	2		3								
LEWISHAM CENTRAL	1	2		3			2					
NEW CROSS	1	2	2			2						
PERRY VALE	1	2						3				
RUSHEY GREEN		2	1		3							
SYDENHAM	1	2			3							
TELEGRAPH HILL	1	2	3									
WHITEFOOT		2	1			3						

* Based on the post code of the complainant

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

Service Area	WARD				
	BELLINGHAM	BLACKHEATH	BROCKLEY	CATFORD SOUTH	CROFTON PARK
Housing Management	50	96	152		17
Council Tax	15	19	23	13	22
Housing	19	11	13	17	7
Highways	17	15	21	10	13
Housing Needs	10	5	9	17	13
Refuse	11	6	12	5	9
Environmental Enforcement	9	5	18	15	5
Housing and Council Tax Benefits	9	4	9	14	9
Green Soene	6	10	16	8	11
Parking	3	25	1	4	1
Street Lighting	5	6	9	1	9
Planning	1	4	15	2	2
Access and Support Services for Children	2	3	3	7	3
Adult Social Care and Health	4	5	3	8	4
Private Sector Housing Agency	3	1	3	5	1
Other	3	5	1	4	3
Street Services	7	8	6		1
Crime Reduction	1	4	3	3	
Children's Social Care			5	2	3
Library and Information Services	1		2		1
Recycling	1	1	3	2	1
Business Regulatory Services			2	1	
Customer Services Centre		2	1	3	1
Programme Management and Property		4	1		
Sport and Leisure			4	2	2
Community Services - Other		2			2
Other Children's Services	1			1	
CEL	2	1	1		2
Concessionary As Team			1		2
Audit and Risk Management	1	1	2		
Trading Standards	1			1	
Environment other	1	1	1		
Bereavement		2	1	2	1
Transport	1		1		
Register Office	1				
Schools Standards and Achievements			3		
Community and Neighbourhood Development					
Corporate Resources	1		1		
Door 2 Door	2				
Corporate Technology					1
Economic Development				1	
Legal Services					
Electoral Services					
Supporting People					
Cultural Services - Other		1			1
Community Sector					
Corporate Information & Records Management					
Business Rates					
Enforcement					
Personnel and Development				1	
Corporate Communication				1	
Total	188	247	346	150	147

Service Area	DOWNHAM	EVELYN	FOREST HILL	GROVE PARK	LADYWELL	LEE GREEN
Housing Management	2	148	55	2	88	53
Council Tax	13	25	13	11	19	23
Housing	15	15	11	13	2	15
Highways	15	9	12	15	27	21
Housing Needs	8	9	19	12	5	7
Refuse	14	1	10	10	12	17
Environmental Enforcement	12	8	5	8	9	10
Housing and Council Tax Benefits	7	11	8	8	8	8
Green Scene	9	7	5	10	11	8
Parking	4	2	4	3	15	18
Street Lighting	1	4	3	5	19	20
Planning	4	1	17	11	4	8
Access and Support Services for Children	9	13	8	5	8	8
Adult Social Care and Health	4		4	8	2	4
Private Sector Housing Agency	1	1	1	3	5	2
Other	2	5	3	2	6	4
Street Services	3	4	2	1	2	5
Crime Reduction	3	1	2		2	
Children's Social Care	1	3		1	1	2
Library and Information Services		1			3	5
Recycling			2		1	3
Business Regulatory Services			2	2		
Customer Services Centre	1	2	1	2	1	1
Programme Management and Property		3				1
Sport and Leisure			2		4	
Community Services - Other	1				1	2
Other Children's Services		1				1
CEL				2	1	1
Concessionary As Team	2	1				
Audit and Risk Management					1	1
Trading Standards			1	1	2	
Environment other						
Bereavement						
Transport						
Register Office					2	
Schools Standards and Achievements						
Community and Neighbourhood Development	1			1		
Corporate Resources				2		
Door 2 Door						
Corporate Technology						
Economic Development				1	1	
Legal Services						
Electoral Services						1
Supporting People		1		1		
Cultural Services - Other						
Community Sector						1
Corporate Information & Records Management						
Business Rates			1			
Enforcement						
Personnel and Development						
Corporate Communication						
Total	130	276	187	140	256	248

Service Area	LEWISHAM CENTRAL	NEW CROSS	PERRY VALE	RUSHEY GREEN	SYDENHAM	TELEGRAPH HILL
Housing Management	51	150	67	16	88	143
Council Tax	20	20	23	24	21	34
Housing	14	20	10	36	6	21
Highways	18	10	11	13	10	6
Housing Needs	11	16	5	19	12	12
Refuse	14	8	15	7	10	6
Environmental Enforcement	12	20	4	9	7	5
Housing and Council Tax Benefits	14	13	4	9	6	11
Green Scene	1	3	9		9	5
Parking	20	7	3	13	4	3
Street Lighting	7	2	2	6	7	1
Planning	9	3	4	4	5	2
Access and Support Services for Children	9	1	4	9	2	2
Adult Social Care and Health	4	6	3	7	2	8
Private Sector Housing Agency	7	6	3	7	2	8
Other	5	4		6	1	2
Street Services	3	1	2	4	2	1
Crime Reduction	3	6	2	4	1	1
Children's Social Care	6	4		8	2	
Library and Information Services	2	4	2	3		
Recycling		1		4	2	
Business Regulatory Services		1	4	4	2	2
Customer Services Centre		1	2	2	1	
Programme Management and Property		5	1	2	1	
Sport and Leisure	2					1
Community Services - Other	2			4	1	1
Other Children's Services		1	1	6		
CEL						1
Concessionary As Team	1		1	2		1
Audit and Risk Management		3				2
Trading Standards		1		1		
Environment other			1	1		1
Bereavement					1	
Transport	1	1	1	1		
Register Office			1			
Schools Standards and Achievements			1			
Community and Neighbourhood Development	1	1				1
Corporate Resources						
Door 2 Door			1			
Corporate Technology	1				1	1
Economic Development						
Legal Services		1			1	
Electoral Services	1			1		
Supporting People					1	
Cultural Services - Other						
Community Sector				1		
Corporate Information & Records Management				1		
Business Rates						
Enforcement						
Personnel and Development						
Corporate Communication						
Total	239	320	187	234	209	282

Service Area	WHITEFOOT	Total
Housing Management	9	1185
Council Tax	17	355
Housing	19	264
Highways	8	251
Housing Needs	5	192
Refuse	13	180
Environmental Enforcement	15	178
Housing and Council Tax Benefits	12	160
Green Scene	10	138
Parking	2	132
Street Lighting	1	108
Planning	7	101
Access and Support Services for Children	2	94
Adult Social Care and Health	1	77
Private Sector Housing Agency	4	83
Other	2	58
Street Services	4	56
Crime Reduction	3	39
Children's Social Care	1	39
Library and Information Services	1	25
Recycling	2	23
Business Regulatory Services	1	21
Customer Services Centre		21
Programme Management and Property		18
Sport and Leisure		17
Community Services - Other		16
Other Children's Services	4	16
CEL		11
Concessionary As Team		11
Audit and Risk Management		11
Trading Standards	1	9
Environment other		7
Bereavement		7
Transport		6
Register Office	1	5
Schools Standards and Achievements	1	5
Community and Neighbourhood Development		5
Corporate Resources		4
Door 2 Door	1	4
Corporate Technology		4
Economic Development		3
Legal Services	1	3
Electoral Services		3
Supporting People		3
Cultural Services - Other		2
Community Sector		2
Corporate Information & Records Management		1
Business Rates		1
Enforcement	1	1
Personnel and Development		1
Corporate Communication		1
Total	149	3935

Appendix 6 - Complaints Action Plan

Action point	Recommendation	Origin	Action to be taken	Target date
1	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.	IA annual report	Guidance and fact sheet to be produced and available online.	By March 2015
2	To signpost more complainants to sources of advice and support and, when required, to alternative ways of pursuing their complaint.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
3	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.	IA annual report	Process for stage 3 complaints to be reviewed and changes incorporated into current timeframe	February 2015
4	To identify those complaints that can be speedily and effectively resolved without a detailed investigation and to approach the authorities with proposals for settlement.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
5	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.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
6	To work with officers on good administration to avoid complaints in the first place.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
7	To work with officers on complaint handling, and providing quick, effective, and imaginative remedies.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015

Agenda Item 4

STANDARDS COMMITTEE			
Report Title	Compliance with the Member Code of Conduct		
Key Decision			Item No.
Ward	n/a		
Contributors	Kath Nicholson, Monitoring Officer		
Class	Part 1	Date: 11 DECEMBER 2014	

1. Summary

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

2. Purpose

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

3. Recommendation

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

4. Background

- 4.1 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

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 election in May 2014 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. 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 22nd November 2013. 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:

June 2012 – November 2013		
	Declaration (personal interest)	Withdrew (disclosable pecuniary/ registerable/ other significant interest)
Mayor & Cabinet	16	9
M&C (Contracts)	7	3
Planning Committees	10	2
Council	53	4

November 2013 – December 2014		
	Declaration (personal interest)	Withdrew (disclosable pecuniary/ registerable/ other significant interest)
Mayor & Cabinet	15	3
M&C (Contracts)	8	7
Planning Committees	7	6
Council	14	1

- iii) It should be noted that the previous review dealt with 18 months whilst the current review deals only with 12 months. The difference which appears to be of greatest significance is the number of declarations of personal interests at Council meetings. It is likely that this is owing to increased awareness of declarable interests by members following ethical training which has led to the direct relation of declarations to agenda items as opposed to prior practice among members of making generic declarations at the commencement of a meeting.
- 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:

- induction training to all members of the Council which included a strong focus on ethical issues
- training for all members in November 2014 on the duties of councillors sitting on outside bodies
- presentations to members on Constitutional changes
- advice to all members in the run up to the local elections in May 2014
- enquiries in relation to procedures for complaints hearings and whether legal representation should be present
- advice to the Mayor on being a patron of Deptford Reach Homes for Homeless
- advise on the ability of members to vote on the level of members' allowances
- advice to the Mayor about declarations of interest in relation to his membership of the Homes for London Board when considering the London Housing Strategy
- advice to a member as to whether he could serve as a co opted school governor

- advice to a member concerning her involvement and chairing of a local meeting in a matter where there may be a potential Compulsory Purchase Order
- advice to a member in relation to a possible conflict of interest relating to an application for employment with a local housing provider
- advice to members on potential conflict of interest where an affected employee is a Trade Union representative
- advice to relevant members on the conduct of a Strategic Planning Committee meeting relating to a potential major development
- advice to members on the ability of members of an Overview & Scrutiny Select Committee to sit on the Health and Well Being Board

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 vacation

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. The Register has been completed by all whether by indicating hospitality received or by completing the section with "None". This tends to indicate that members have a clear recognition of their need to make relevant entries and it was highlighted in the training by the Head of Law.

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 consideration of the last report on the compliance with the Member Code of Conduct in November last year there have been no formal complaints against any member of the Council, but one request for advice about how to raise such a complaint has been made very recently. It is not appropriate to give details at this very early stage.

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 eight 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.

STANDARDS COMMITTEE			
Title	Work Programme		
Key decision	No	Item no	
Wards			
Contributors	Head of Law		
Class	Part 1	11 December 2014	

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. It is proposed that full meetings of the Standards Committee are convened twice yearly and in 2015–16 will take place in May/June and in October/November. The proposed scheduled work programme for this municipal year and some suggestions for 2015/16 are set out below:-

December 2014

- Annual Complaints Report
- Compliance with Member Code of Conduct
- Work Programme

May/June 2015

- Review of whistleblowing referrals and policy
- Review of Code of Corporate Governance
- Media relations for councillors

October/November 2015

- Annual Complaints Report
- Compliance with the Member Code of Conduct
- Work Programme

3.4 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.

3.5 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.