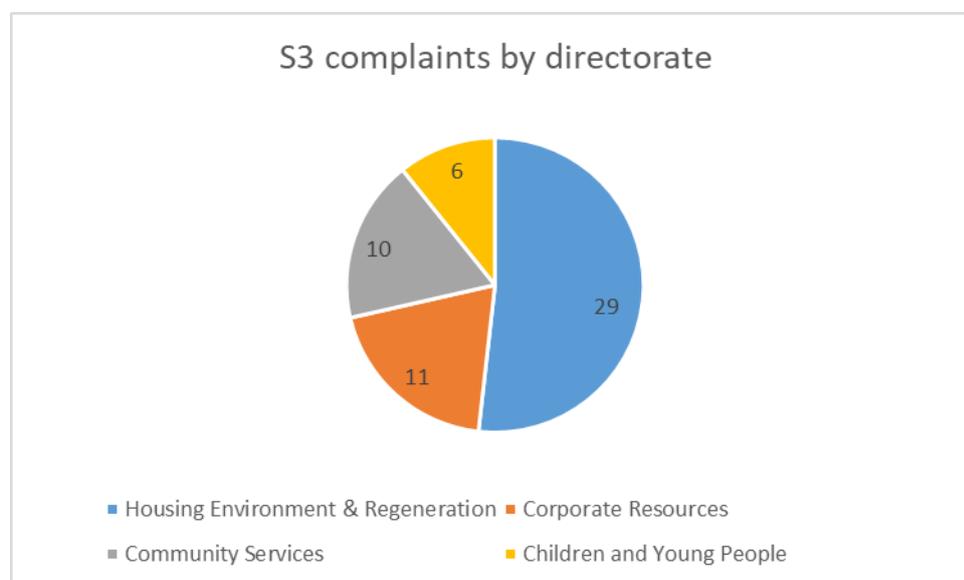


# Independent Adjudicator Annual Review

1 April 2021 to 31 March 2022

*The Independent Adjudicator (IA) is the final stage of the corporate complaints procedure for Lewisham Council, Lewisham Homes, and Regenter/RB3/Pinnacle. This report covers Lewisham Council stage 3s only.*

## Stage 3 complaints decided 1 April 2021 – 31 March 2022



1. Most Children and Young People complaints, and some Community Services complaints, fall within statutory complaints processes. I only see those complaints which fall within the corporate complaints procedure.
2. I note that the iCasework S3 total is 60, with a similar spread across directorates. An iCasework upgrade mid-year means the figures do not map exactly onto the current directorates so I have not been able to trace the discrepancy. It is possible that some Ombudsman complaints were escalated through S3 on iCasework without actually crossing my desk – I know I only handled 56.
3. The total of 56 is an increase of about 10% on the last two years (51 and 50). But in numeric terms I would class this as a normal fluctuation. It is still a tiny proportion of the approximately 4,000 complaints the Council decided this year.
4. Of the 13 non-statutory complaints the Ombudsman (LGSCO) decided about the Council this year, 7 had been reviewed at stage 3.
  - 6 of the complaints which reached LGSCO had not had a stage 3 review
  - LGSCO made additional recommendations in 2 of these cases (in one of which, the Council had failed to take the IA's advice)

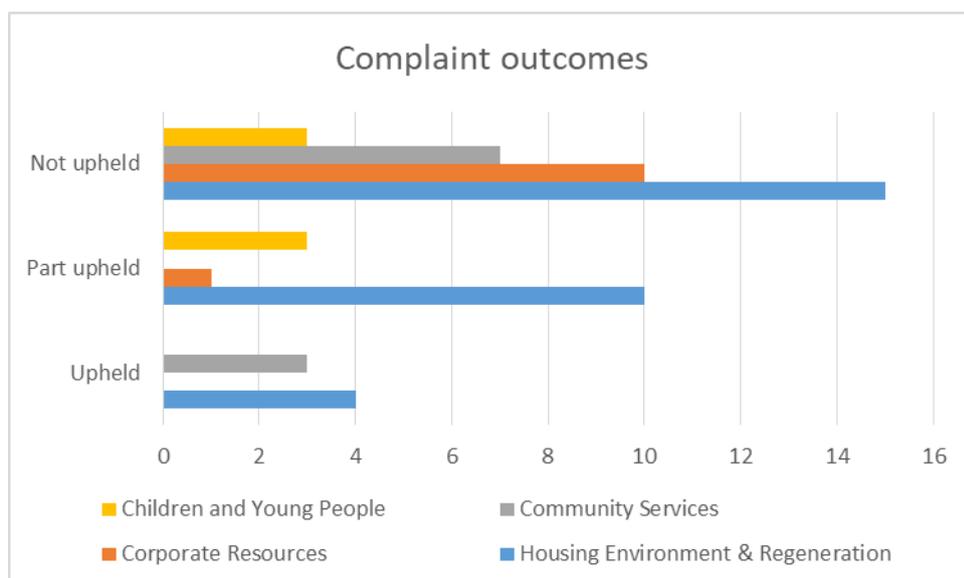
- Where there had been a stage 3 review, LGSCO made the same decision but with additional recommendations in 2 cases, and took no further action in 5 cases.
5. If LGSCO decide to investigate a complaint, there can be a time-lag of over a year between the stage 3 decision and the LGSCO decision. There are also cases which may be registered against a housing provider, because they reference outstanding housing repairs, but subsequently go to LGSCO (rather than the Housing Ombudsman) because the complaint also covers housing allocations (I will cover both issues and signpost to both ombudsman at S3). This makes it hard to map what happens at S3, against the LGSCO decisions for a particular year.
6. During the year I also:
- provided ad-hoc advice to colleagues about complaints
  - wrote an advice sheet about good complaint handling
  - dip sampled stage 1 and 2 complaints to review quality
  - decided 46 housing complaints about Lewisham Homes
  - decided 5 housing complaints about Regenter B3 (Pinnacle Housing).

### Timescales

7. The agreed timescale for stage 3 complaints is 30 working days. This was extended to 35 for part of the year, because of Covid-19. The quickest were turned around the same day; the longest (a complex complaint involving environmental health, building control, and HMO licensing) took 86 days. The mean time taken was 28 days; median and mode were both 30. My caseload has fluctuated considerably over the year – at one point I had 21 cases on the go, approximately 3 times the optimum.

### Stage 3 outcomes

Directorate	Cases decided	Outcome		
		Not upheld	Part upheld	Upheld
Housing, Environment & Regeneration	29	15	10	4
Corporate Resources	11	10	1	0
Community Services	10	7	0	3
Children and Young People	6	3	3	0
<b>Total</b>	<b>56</b>	<b>35</b>	<b>14</b>	<b>7</b>



8. Cases which span 2 teams can distort the complaint statistics if the teams are in different directorates. This is because when first registering a complaint, corporate complaints have to make a decision about which directorate is the main subject of the complaint. There is no way round this; no statistics are perfect. Just bear in mind that the numbers are not a precise reflection of what people are actually complaining about.
9. Most complaints (35 out of 56, 63%) were not upheld at stage 3. But there may still be learning to be had from such complaints.

### **Learning from complaints**

#### *Application of complaints procedure*

10. I saw some excellent stage 1 and 2 responses where there was little I could add. However, I also saw some cases where a complaint had floundered within the complaints procedure, for example:
  - Complaint not acknowledged
  - Complaint not recorded on iCasework, or iCasework record-keeping incomplete
  - Multiple stage 1s (or treated repeatedly as a “general enquiry”)
  - Gatekeeping at stage 1 to avoid a stage 2, or at stage 2 to avoid a stage 3
  - Failure to update the complainant if the complaint response was delayed
  - Failure to clearly identify to the complainant what stage of the procedure the complaint was at
  - Correct escalation information not included in complaint response
  - Delay in carrying out agreed action to resolve the complaint.
11. These issues tend to occur when staff are inexperienced in complaint-handling (usually in services which do not get lots of complaints). I know there have been recent pushes to improve here, but it will take a while for such improvements to show up in my own caseload.
12. What I have described as gatekeeping could also sometimes be described as attempted resolution. Resolving a complaint at the earliest stage is of course a key principle of effective complaint-handling. But it is not always possible to do this – sometimes, an investigation into what happened, to make sure it cannot easily happen again, is *part* of the resolution.
13. I also think there are grounds to treat most escalated complaints which have already had an enquiry (whether Member, Mayor, or MP) as a stage 2 complaint (or even a stage 3, if the enquiry response was of equivalent detail to a stage 2 response). I think this because:
  - A customer who has pursued a matter via a representative is disadvantaged when they subsequently register a complaint. The complaint responses are likely to be much the same as the enquiry response was, and it will take the customer longer to get to a final outcome.
  - LGSCO’s legal requirement is only that the Council has had an opportunity to respond to the complaint. It may count a member, Mayor or MP enquiry as such an opportunity – which is one of the ways a complaint can reach LGSCO investigation, without first completing the complaints procedure with an internal independent review.

#### *Communication with residents*

14. I saw a few cases where a small improvement in communications could make a big difference.
- Clearer use of specific terminology
  - Clearer advice about services
  - Prompt responses to straightforward questions
  - Timely information to residents about new facilities or local works
  - Update out-of-date terms and conditions
  - Update standard letters and paragraphs.
15. Standard letters and paragraphs are particularly important, because officers rely on them when they are broadly self-supporting in administrative tasks. It would be helpful to adopt the practice of reviewing the wording of standard letters annually, across the whole of the Council – perhaps highlighting a particular week in which to do this.

### *Joint working*

16. I had several cases this year which spanned more than one team – for example
- Building control and HMO licensing
  - Crime, Enforcement & Regulation (CER), and Planning
  - Housing options service and Lewisham Homes
  - CER and Lewisham Homes
  - CER and Events
  - Out of hours and Green Scene
  - Adult social care and CER
  - Planning and Parking
  - Housing options service and Benefits
17. Sometimes the issues can be separated, and effectively each service involved can provide an individual complaint response, registered either as 2 separate complaints, or as a single complaint with one team leading on the response. But often the complaint is about the failure of 2 teams to work together. My recommendations this year have included developing protocols to ensure better joint working between teams.
18. When a failure to work together becomes a complaint, stage 1 can be a waste of everyone's time, as each team gets defensive about what officers did, with no clear resolution to the complaint. There may be merit in amending the corporate complaints procedure to make clearer that such cases should go straight to stage 2.

### **Conclusion**

19. My thanks to all those officers who have provided information for my investigations, and given their time to discuss complaints with me. Where my findings and recommendations have been challenged, there were good reasons for this; where my findings and recommendations have been accepted, I appreciate the willingness to acknowledge fault and put matters right.

Molly Lofas  
Independent Adjudicator