



## Mayor and Cabinet

### Report title: Annual Complaints Report 2021-22

**Date:** 6 July 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** All wards

**Contributors:** Director of Resident and Business Services; Corporate Complaints, Casework & Contracts Manager; Customer Services Manager – Environment; Head of Governance & Complaints Lewisham Homes, Quality Assurance & Business Support Manager - Adult Social Care; Complaints & Information Manager - Children’s Social Care

### Outline and recommendations

The purpose of this report is to set out complaints and casework performance in 2021/22 as well as the measures being put in place to improve complaint handling, performance and service delivery.

Mayor and Cabinet are asked to note the contents and the recommendations as set out in section 2 of this report.

### Timeline of engagement and decision-making

This report was reviewed by:

- The Executive Management Team (EMT) 8 June 2022;
- The Standards Committee on 5<sup>th</sup> July 2022

## 1. Executive Summary

This annual report sets out performance information on complaints and casework dealt with by Lewisham Council and its housing partners in 2021/22. The main report focuses on corporate complaints at all stages as well as enquiries to MPs, the Mayor, Councillors, and the Chief Executive and general enquiries. The Adult and Children's Social Care Report is in appendix 8.1. The Lewisham Homes annual figures have been included in this report as well as notifications – FOIs and SARs.

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) report will be sent as a separate report in Q3 of this year.
- 1.2 The Adult Social Care and Children's Social Care complaints reports are attached in **Appendix 14.1 and 14.2 respectively**. These reports include an overview of statutory complaints in Adult Social Care and Children's Social Care.
- 1.3 The annual report from the Independent Adjudicator can be found at **Appendix 14.3**.
- 1.4 The Freedom of Information, Subject Access Requests and Disclosure Requests are attached in **Appendix 14.4**
- 1.5 The 2021/22 data provided in this report is based on information recorded on the complaints system - iCasework. Data for 2020/21 and previous years has been provided for comparison where available. The accuracy of the underlying data is dependent on how cases are recorded and categorised on the system by officers. During Covid, the Council temporarily introduced a system of logging member casework via the Mayor's Office. This meant that member casework was processed via email instead of the iCasework system and that casework numbers represented in this report are indicative and not exhaustive.
- 1.6 After looking at performance data, and finding a dip in performance, a decision was taken to launch an end to end review of how casework is handled by the council. This has resulted in a number of changes. The processes around Members Casework has been reviewed in partnership with a number of Councillors as part of the "Resident Experience Programme" in conjunction with the Corporate Complaints, Casework and Contracts Manager and other areas within the Council. As a result of this work, a new members portal has been developed to enable elected representatives to log casework on behalf of their constituents be it a query or a complaint. This will give Councillors, Members, MP, Mayor and the Chief Executive greater visibility on the progress of their case and who is dealing with the query. Ultimately this will lead to improved response times for casework and cases will be directed to and owned by the service area rather than Corporate Complaints Team to prevent delays

## Background & Main Issues

- 1.7 Since December 2021, performance information and response times has been available to Executive Directors, Directors and Heads of Service and therefore performance both good and bad is now being highlighted and discussed regularly in monthly Department Team meetings.
- 1.8 In addition to this performance information, from Quarter 4, the Corporate Complaints team have met on a monthly basis with several teams that either have high volume of complaints and or / poor performance to better understand and support their complaints handling. These meetings have been well received and we are beginning to see better ownership and accountability around complaints performance.
- 1.9 The Council recognised that investment was required in iCasework and as such have invested £37k this year by renewing the contract and managing the contract more closely with the provider, Civica. This system will enable us to continue to log and track information requests / complaints and to carry out analysis of this data in helping us to improve our performance.
- 1.10 The processes around Members Casework were reviewed as part of the Resident Experience Programme in conjunction with the Corporate Complaints, Casework and Contracts Manager earlier this year. We are pleased that the portal - a new, augmented casework section of iCasework - is due to go live on Tuesday 27<sup>th</sup> July with training provided for members the week before. This will enable us to capture all enquiries that come into the Council in one place. We will continue to support members post go live to ensure that the new process is embedded as smoothly as possible.
- 1.11 As discussed in section 4.7 of last year's complaints report, as of February 2022, we went back to our pre Covid service level targets of responding to complaints in 10 days instead of 20. The standard response times and responsibilities (from Feb 2022) for responding to complaints at each stage are shown in Table 1 below.

*Table 1 – Standard Response Times & Responsibilities*

<b>Complaint / Casework</b>	<b>Revised Timescales</b> with effect from 01/02/22	<b>Responsibility</b>
Stage 1 Corporate Complaint	<b>10</b> working days (previously 20 working days)	Service Manager
Stage 2 Corporate Complaint	<b>20</b> working days (previously 25 working days)	Corporate Complaints & Casework Team

Stage 3 Corporate Complaint	<b>30</b> working days (previously 35 working days)	Independent Adjudicator
MP / Mayor / Councillor / CEO / General Enquiries	<b>10</b> working days (previously 20 working days)	Corporate Complaints and Casework Team/Executive Directors

1.12 Despite a number of changes adopted within teams to help improve performance, responses to complaints and casework have consistently been below target although we are seeing incremental improvements across all areas as the changes made bed in.

1.13 Some issues have been identified in terms of the quality of some responses to complaints and casework. This has been addressed and our independent adjudicator has written guidance on how to respond to complaints.

## **2 Recommendations**

2.1 Mayor and Cabinet are asked to note the contents of this report and note that:

2.2 Single service Stage Two Complaints and all Members enquiries will be responded to and dealt with by the responsible service directly and not via the Corporate Complaints team. Only multifaceted, Stage Two complaints and enquiries to be handled by Corporate Complaints team. This has been successfully piloted in the Planning Service.

2.3 A new Members portal for members to log and monitor their enquiries and/or complaints from their constituents will be implemented in July 2022

2.4 Complaints are now being discussed bi-monthly at the Corporate Assurance Board to focus on areas requiring improvement. The Director of Resident and Business Services attends this meeting.

2.5 This year as well as improving our responsiveness in dealing with complaints and enquiries, we need to continue to use the learning from complaints to address service delivery issues and to help prevent complaints arising in the first place.

## **3 Policy Context**

### Corporate Complaints

3.1 One of our core values set out in Lewisham Council's Corporate Strategy is that 'we are open, honest and fair in all we do'. As an organisation with a learning culture, we welcome customer feedback about its services and staff from residents and service users. The Council's Corporate Complaints Policy details how we handle the complaints and feedback that we receive. Corporate complaints are dealt with under a three stage complaints process. The Local Government & Social Care Ombudsman and Housing Ombudsman Service are

external regulators with statutory powers to investigate complaints against councils.

### Adult Social Care Statutory Complaints

- 3.2 Since 1991, the National Health Service and Community Care Act 1990 has charged each local authority with maintaining a statutory complaints process for adult social care services. The current regulations, The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, came into force on 1 April 2009. Statutorily, local provision of the regulations is the responsibility of each council's Chief Executive Officer. In Lewisham, that responsibility has been delegated to the Director of Operations for Adult Social Care.

### Children's Social Care Statutory Complaints

- 3.3 The Children's Act 1989 Representation Procedure (England) Regulations 2006 requires local authorities have a formal complaints handling procedure in place for children and young people who wish to make a representation or complaint about social care. The regulations set out three stages: Stage One – Local Resolution; Stage Two – Independent Investigation, and Stage three – Review Panel:

#### **Children's Act only complaints**

- 3.4 The Council received a total of 86 cases of complaints in 2021/22, which were categorised under the Children's Act. The Children's Act complaints procedure is a statutory procedure for children and young people to make complaints and any other representations about actions and decisions of Children's Social Care services; it is also open to any other person acting on their behalf, as well as to people with 'sufficient interest' in the child or young person, to make complaints in their own right.
- 3.5 There was an increase of 16 cases on previous year 20/21 when 70 were received. There is a direct link with the higher number of complaints received and an increase in demand for services. There was a 29% increase in the number of referrals into Children's Social Care during the period (3381 in 2020/21 and 4365 in 2021/22) this together with a number of vacancies, has resulted in significant pressure on the service and the timeliness/quality of our communication which is our most reoccurring theme.

<b>CYP Stage 1: Statutory complaints</b>	<b>2020/21</b>	<b>2021/22</b>	<b>% change</b>
Statutory Stage 1 complaints	70	86	18.60%

### Top three 2021/22 Children Act Complaints:

MASH / Referral and Assessment	27
Family Support and Safeguarding	24
Corporate Parenting	22

### Overall Complaints within Children Young People section.

All CYP stage 1 complaints	2020/21	2021/22	% change
Statutory Stage 1 Complaints	70	86	18.60%
Non Statutory Stage 1 Complaint	53	55	3.60%
<b>Total</b>	<b>123</b>	<b>141</b>	<b>12.70%</b>

- 3.6 Children's Act complaints are about children's social care only and are prescribed by the Children's Act regulations. Non Statutory complaints are complaints falling under the Council's corporate complaints procedure, which for CYP includes complaints about educational services – admissions, Special Education Needs and Disabilities (SEND).

### Top three 2021/22 All stage 1 complaints:

Integrated Services & SEND	54
MASH / Referral and Assessment	27
Family Support and Safeguarding	24

## 4 Council Wide Overall Performance

Table 1– New Stage 1's & New Enquiries for 2021/22 for Lewisham Council

Case type (Lewisham council)	2019/20	2020/21	2021/22	% increase / decrease from previous year
New Complaints (Stage 1 only)	2026	1562	1923	▲ 23%
All Enquires *	4456	4116	4662	▲ 10%
<b>Total</b>	6482	5678	<b>6585</b>	<b>▲ 13%</b>

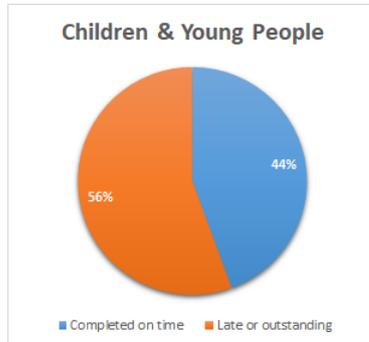
\*All Enquiries – This included General Enquiry's, MP, Member, Mayor and CEO.

# Directorate Overview

## Children & Young People (CYP)

Complaints, Enquiries & Requests

	Cases Due	Completed on time	% On time	
Complaints	156	67	43%	R
Enquiries	119	53	45%	R
Requests	425	191	45%	R
Total	700	311	44%	R



## Community Services (COM)

Complaints, Enquiries & Requests

	Cases Due	Completed on time	% On time	
Complaints	289	213	74%	R
Enquiries	487	333	68%	R
Requests	356	180	51%	R
Total	1132	726	64%	R



## Corporate Resources (CORP)

Complaints, Enquiries & Requests

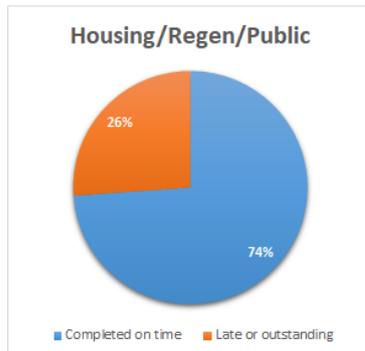
	Cases Due	Completed on time	% On time	
Complaints	436	414	95%	G
Enquiries	317	272	86%	A
Requests	556	248	45%	R
Total	1309	934	71%	R



## Housing, Regen. & Public Realm (HRP)

Complaints, Enquiries & Requests

	Cases Due	Completed on time	% On time	
Complaints	1196	824	69%	R
Enquiries	3732	2958	79%	R
Requests	601	302	50%	R
Total	5529	4084	74%	R



## Chief Executive (CEO)

Complaints, Enquiries & Requests

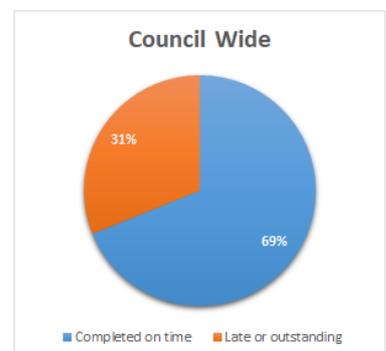
	Cases Due	Completed on time	% On time	
Complaints	9	5	56%	R
Enquiries	7	6	86%	A
Requests	68	33	49%	R
Total	84	44	52%	R



## Council Wide

Complaints, Enquiries & Requests

	Cases Due	Completed on time	% On time	
Complaints	2086	1523	73%	R
Enquiries	4662	3551	76%	R
Requests	2005	954	48%	R
Total	8753	6028	69%	R



- 4.1 Comparison with 2020/21 is not available at directorate level, due to change in directorates made in part way through 2021. See table below which provides comparison of stage 1(new) complaints and Enquiries from 2019/20, 2020/21 and 2021/22.

### Lewisham Council & Lewisham Homes.

- 4.2 The total number of new complaints and enquiries received by Lewisham Council and Lewisham Homes in 2021/22 was 8,705 cases.
- 4.3 Of the 2,667 new Stage 1 complaints received in 2021/22, there were 227 complaints escalated to Stage 2; 109 complaints escalated to Stage 3; and 8

(council only) cases referred to the Local Government & Social Care Ombudsman (LGSCO).

- 4.4 The volume of overall complaints & Enquires increased from the previous year with an increase of 10% (837) from 7,868 in 20/21 to 8,705 in 21/22.
- 4.5 New first stage complaints accounted for just over 22% of all casework received in 2021/22.
- 4.6 There were 6,038 new enquiries received in 2021/22. 2,210 (36%) of these cases were general enquiries and the remainder were MP / Mayor / Member / CEO enquiries. The nature of general enquiries varies but can include a request for a service or advice and information.

Table 2 – Volume of New Stage 1 Corporate Complaints Received by Lewisham Council &

<b>Stage 1 Corporate Complaints Received – Lewisham Council &amp; Lewisham Homes</b>				
<b>Organisation</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>% increase / decrease from</b>
Lewisham Council	2236	1926	1987	▲ 38%
Lewisham Homes	399	381	680	▲ 78%
<b>Total</b>	<b>2635</b>	<b>2307</b>	<b>2667</b>	<b>▲ 45%</b>

Lewisham Homes

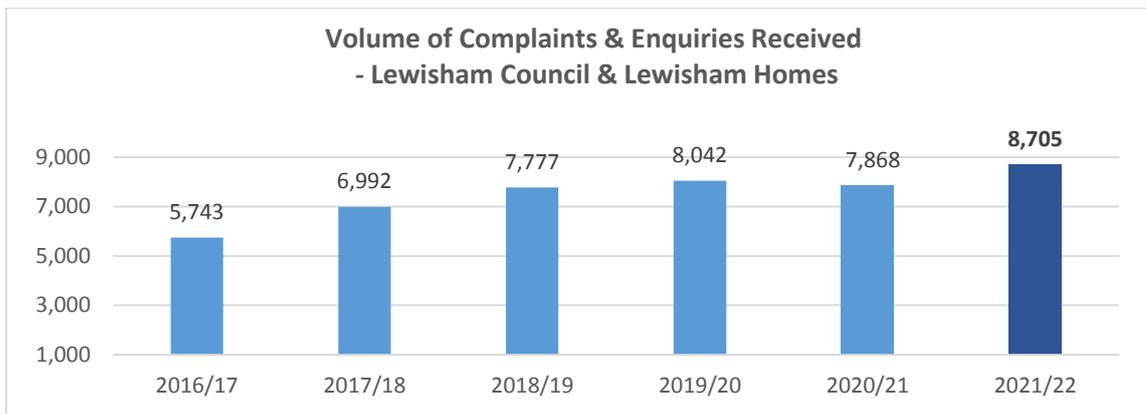
- 4.7 Whilst the direction of travel above for the Council shows a slight increase overall for Stage 1 complaints when compared to last year, Lewisham Homes has seen a significant increase in the number of complaints. This increase has been seen across the social housing sector for this period.

Table 3 – Volume of New Enquiries by Lewisham Council & Lewisham Homes

<b>Enquiries Received – Lewisham Council &amp; Lewisham Homes</b>				
<b>Organisation</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>% increase / decrease from previous year</b>
Lewisham Council	4386	4492	4,662	▲ 4%
Lewisham Homes	1021	1069	1,376	▲ 29%
<b>Total</b>	<b>5407</b>	<b>5561</b>	<b>6,038</b>	<b>▲ 9%</b>

- 4.8 The direction of travel shows an increase of enquiries compared to last year.

Table 4 – Volume of Complaints & Enquiries Received (Lewisham Council & Lewisham Homes)



### Summary – Case Volumes

4.9 Overall there is an increase in complaints and enquiries compared to last year.

## **5 Root cause of complaints**

5.1 See below for top 10 service areas which received the most complaints. The services are high volume contact areas for the council, for areas such as waste collection, council tax, Housing and Planning.

*Table – 5 – Top Ten Complaints by Service Areas*

Top 10	Service Areas	Cases
1	Waste	479
2	Revenues	351
3	Housing needs	283
4	Green Scene	142
5	Cleansing	85
6	Integrated Services & SEND	60
7	Planning	58
8	Traffic	58
9	Private Sector Housing Agency (PSHA)	53
10	Parking	51

5.2 See below for further information on each of the top 5 Services, which show specific areas within the service that customer have made a complaint about.

*Table 5.1 – Top 10 Complaints – Waste*

Rank	Waste	Case
1	Request for new/replacement bin	111
2	Missed Collection	108
3	General Waste	69

4	Disposal	57
5	Bin not returned	36
6	Broken Bin	32
7	Not classified	32
8	Bin not delivered	12
9	Contamination	10
10	Garden Waste Subscription	3

*Table 5.2 – Top 10 Complaints – Revenues*

<b>Rank</b>	<b>Revenues</b>	<b>Case</b>
1	Account Query	158
2	Liability Dispute	32
3	Payments	21
4	Notices Issued (Rem/Final)	19
5	Covid-19	14
6	Reliefs/Exemptions	13
7	Account Management	13
8	Discount/exemption	10
9	Refunds	9
10	Summons	9

*Table 5.3 – Top 10 Complaints – Housing Needs*

Rank	Housing Needs	Case
1	Temporary Accommodation	92
2	Lewisham Find Your Home	29
3	Homeless/ Part 7 application	25
4	Housing Options Centre service (frontline)	25
5	Suitability of accommodation	18
6	Temporary Accommodation (Nightly Paid)	15
7	Housing register /Part 6 application	15
8	Housing register waiting list	14
9	SHIP service (frontline)	11
10	Temporary accommodation (hostel)	10

Table 5.4 – Top 10 Complaints – Green Scene

Rank	Green Scene	Case
1	Tree works	47
2	Grounds Maintenance	29
3	Festivals	25
4	Park Services	19
5	Not classified	8
6	Rats and Mice	4
7	Other Pest Control	4
8	Security	2
9	Play Equipment	1
10	Charge	1

Table 5.5 – Top 10 Complaints – Cleansing

Rank	Cleansing	Case
1	Fly tipping	34
2	Service Request	10
3	Vehicle removals	8
4	Lumber Collection	8
5	Schedule	4
6	Leaves	4
7	Booking	3
8	Fixed Penalty Notice	3
9	Collection	3
10	Removal	3

- 5.3 The top two issues for complaints relate to Revenues, and Environmental Services. Environmental services has the second highest number of complaints which all relate to missed collections, disposal services, bin replacements and bins not being returned. The division reengineered internal processes to help improve sign off and approvals, and coordination of combined responses. A regular management liaison forum was established with the Corporate Complaints Team to ensure resources were best aligned and utilised. This has also led to a complete reworking on the hierarchy that supports iCasework to correctly reflect the new divisional structure and to clarify discrepancies in former categorisations and allocations.
- 5.4 It is worth noting that the service collects 330,000 bins a week and 277 complaints equates to the service failing on 0.00014% of occasions.
- 5.5 Revenues issue 130,000 Council tax notices to domestic properties. With 158 complaints for 21/22 this equates to less than 0.0001% residents being dissatisfied with the service.

Table 6 – Top 5 Complaint Issues & Outcomes

Outcome of Top 5 Complaint Issues in 2021/22					
Lewisham Council					
Complaints Issue	No. of Cases	Resolved upon Receipt	Not Upheld	Partly Upheld	Upheld
Account Query (Revenues)	158	20	119	12	7
Request New/ Replacement Bin (Enviro. Services)	111	5	17	77	12
Missed Collection (Enviro. Services)	109	3	22	64	20
Temporary Accommodation (Housing Needs)	92	22	52	10	8
Disposal (Enviro. Services)	57	10	11	26	10
Lewisham Homes					
Complaints Issue	No. of Cases				
Plumbing	124				
Operational Issues	48				
Damp	63				
Appointments	66				
Carpentry repair	23				

Table 6.1 – Additional information supplied by Lewisham Homes.

Outcome	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22
Upheld	42.8%	41.9%	38.3%	48.4%
Not upheld	16.2%	19.2%	22.2%	19.6%
Partly upheld	41.0%	37.4%	38.9%	31.6%

## 6. Performance (Cases Due & Timelines)

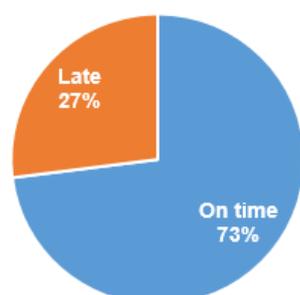
- 6.1 Although cases across all stages of complaints have reduced, improvements need to be made in responding to complaints on time. Improved reporting will help to highlight this to services.

Please see below for summary of Lewisham council performance in Table 7, please see table 8 for more granular information including Lewisham homes.

Table 7 – Lewisham council overall complaints and Enquiries performance.

LEWISHAM Timeliness of Corporate Complaints & All Enquiries					
Organisation	Year / Variance	Stage 1 & 2 Complaints		All Enquiries	
		Cases Due	% On Time	Cases Due	% On Time
Lewisham Council	2019/20	2083	82%	4456	87%
	2020/21	1612	77%	4116	86%
	<b>2021/22</b>	<b>1976</b>	<b>73%</b>	<b>4662</b>	<b>78%</b>

Stage 1 & 2 complaints 2021/22



All Enquiries 2021/22

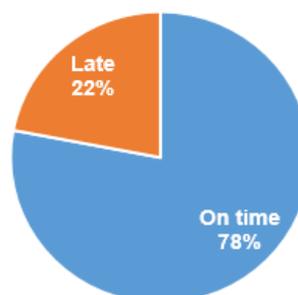


Table 8 - Timeliness of Stage 1 & Stage 2 Corporate Complaints and General Enquiries – Lewisham Council & Lewisham Homes, exc. Statutory complaints for children’s and adult’s social care

Timeliness of Corporate Complaints and General Enquiries – Council Directorates & Lewisham Homes							
Organisation	Year / Variance	Stage 1 Complaints		Stage 2 Complaints		General Enquiries	
		Cases Due	% On Time	Cases Due	% On Time	Cases Due	% On Time
Lewisham Council	2019/20	2026	83%	57	51%	2578	98%
	2020/21	1562	79%	50	28%	2422	98%
	<b>2021/22</b>	<b>1923</b>	<b>73%</b>	<b>53</b>	<b>72%</b>	<b>1995</b>	<b>93%</b>
	Variance	<b>361</b>	<b>↓6%</b>	<b>3</b>	<b>↑44%</b>	<b>↓427</b>	<b>↓5%</b>
Lewisham Homes	2019/20	387	92%	65	97%	297	83%
	2020/21	331	91%	90	92%	274	84%
	<b>2021/22</b>	<b>680</b>	<b>76%</b>	<b>174</b>	<b>69%</b>	<b>215</b>	<b>78%</b>
	Variance	<b>↑349</b>	<b>↓15%</b>	<b>↑84</b>	<b>↓23%</b>	<b>↓2</b>	<b>↓16%</b>
Total	2019/20	2413	84%	122	75%	2875	96%
	2020/21	<b>1893</b>	<b>81%</b>	<b>140</b>	<b>69%</b>	<b>2696</b>	<b>97%</b>
	<b>2021/22</b>	<b>2603</b>	<b>74%</b>	<b>227</b>	<b>70%</b>	<b>2210</b>	<b>96%</b>
	Variance	<b>↑710</b>	<b>↓7%</b>	<b>↑87</b>	<b>↑1%</b>	<b>↓204</b>	<b>↓1%</b>

6.2 The number of Stage 1 complaints saw an increase of 710 from 2020/21, more in keeping with pre-Covid levels of 19/20. Performance appears to have decreased with the increased volumes with a 7% decrease on previous year. This increase in cases is also reflected in stage 2 volumes which increased by 87 on previous year, though performance was up 1%. General enquiries performance remain above 90% overall, but Lewisham homes performance dropped by 16%.

Table 9 – Timeliness of MP, Mayor, Members and CEO Enquiries – Lewisham Council & Lewisham Homes

Timeliness of Enquiries – Council Directorates & Lewisham Homes									
Organisation	Year / Variance	MP		Mayor		Members		CEO	
		Cases Due	% On Time	Cases Due	% On Time	Cases Due	% On Time	Cases Due	% On Time
Lewisham Council	2019/20	1183	69%	270	73%	361	79%	64	76%
	2020/21	1130	68%	266	70%	227	73%	71	62%
	<b>2021/22</b>	<b>1412</b>	<b>68%</b>	<b>527</b>	<b>63%</b>	<b>617</b>	<b>68%</b>	<b>111</b>	<b>63%</b>
	Variance	<b>↑282</b>	<b>0%</b>	<b>↑261</b>	<b>↓7%</b>	<b>↑390</b>	<b>↓5%</b>	<b>↑40</b>	<b>↑1%</b>
Lewisham Homes	2019/20	455	95%	36	72%	224	93%	3	67%
	2021/22	<b>481</b>	<b>95%</b>	<b>58</b>	<b>81%</b>	<b>197</b>	<b>97%</b>	<b>1</b>	<b>0%</b>
	<b>2021/22</b>	<b>494</b>	<b>80%</b>	<b>77</b>	<b>8%</b>	<b>191</b>	<b>80%</b>	<b>0</b>	<b>0%</b>
	Variance	<b>↑13</b>	<b>↓15%</b>	<b>↑19</b>	<b>↓73%</b>	<b>↓6</b>	<b>↓17%</b>	<b>↓1</b>	
Total	2019/20	1638	76%	306	73%	585	84%	67	76%
	2020/21	1611	76%	324	72%	424	84%	72	62%
	<b>2021/22</b>	<b>1906</b>	<b>71%</b>	<b>604</b>	<b>56%</b>	<b>808</b>	<b>70%</b>	<b>111</b>	<b>63%</b>
	Variance	<b>↑295</b>	<b>↓5%</b>	<b>↑280</b>	<b>↓16%</b>	<b>↑384</b>	<b>↓14%</b>	<b>↑39</b>	<b>↑1%</b>

### Improvement Actions - Performance

- 6.3 Performance has remained the same compared to last year for MP enquiries, a reduction of 1% performance for Mayoral enquiries, however a 14% reduction in performance for Chief Exec enquiries compared to last year with an increase in the number of enquiries in 20/21. This reduction in performance with similar caseloads to the previous year is due to a reduction in staffing resource. Better reporting measures have been put in place to monitor performance monthly and therefore any reduction in performance can be picked up and addressed in a timely fashion.

## 7 Complaint outcomes

- 7.1 The high level breakdown of complaints by decision in 2021/22 for Lewisham Council and Lewisham Homes is as follows:

Table 10 – Complaints Outcomes in 2021/22 – (Lewisham Council & Lewisham Homes)

Complaint Outcomes – Lewisham Council*						
Complaint Stage	Resolved at initial contact	Withdrawn	Not Upheld	Partly Upheld	Upheld	Total
Stage 1	297 (12)	0	817(71)	441 (45)	257 (30)	1,812 (158)
Stage 2	0	1	35 (4)	11 (2)	6 (1)	53 (7)
Stage 3	0	0	32 (1)	11(0)	8 (0)	51(1)
<b>Total</b>	<b>297</b>	<b>1</b>	<b>884 (76)</b>	<b>463 (47)</b>	<b>271 (31)</b>	<b>1,916 (166)</b>
% of Total	16%	0.1%	46.1%	<b>24.2%</b>	<b>14.1%</b>	-

**CONTAINS CYP & ASC STATUTORY CASES AT ALL STAGES (in brackets)\*.**

- 7.2 **38%** (39% 20/21) of all complaint cases handled in Lewisham were upheld or partly upheld. The breakdown by complaint stage was as follows:
- Stage 1 –**39%** (40% 20/21) partly upheld/upheld;
  - Stage 2 – **32%** (26% 20/21) partly upheld/upheld;
  - Stage 3 – **37%** (57% 20/21) partly upheld/upheld.

### Improvement Actions

- 7.3 It has been agreed that greater responsibility will be given to service areas to action complaints and highlight any issues/pending/overdue responses as soon as they arise. This has been put in place from July 2021 with improved monthly reporting now being sent directly to Executive Directors and is included in the recommendations and Improvement Actions.
- 7.4 An enterprise dashboard will be rolled out to a nominated person within each Directorate which gives access to all overdue and pending cases by Directorate to enable oversight of performance and individual cases which is detailed in the third bullet point in the recommendations.

## 8. Local Government and Social Care Ombudsman Annual Letter 2021/22

8.1 At the time of writing, the ombudsman's letter is not yet available but we will publish it on our website, alongside our response as soon as we're in receipt of it.

## 9 Independent Adjudicator

9.1 The Independent Adjudicator (IA) deals with Stage 3 complaints on behalf of the Council, Regenter and Lewisham Homes.

9.2 The IA report for the Council is attached at below at Appendix 8.3. The key headlines are:

- 109 cases were received and 49% of these cases were regarding housing providers (Lewisham Homes and Regenter B3);
- The IA determined 56 cases about the Council. The top themes for the Council were planning and housing. The top themes for housing providers were repairs and ASB;
- Compensation was awarded in 50 cases totalling £24,732.80 (this included one case where stage 3 was Alternative Dispute Resolution (ADR) to avoid court action);
- The average compensation awarded was £494 in 2021/22, which was a 6% reduction from the previous year. The median payment was £250 and the most frequent £50.
- Just over half of the complaints (57 out of 109, 53%) were upheld or partly upheld at stage 3.

Independent Adjudicator Case Outcomes and Average Compensation Payment					
Year	Cases Determined	Cases Upheld / Partly Upheld	Cases Awarded Compensation	Total Compensation Awarded	Average Compensation Awarded
2020/21	35	15	7	£3,700	£529
2021/22	109	57	50	£24,732	£494

9.3 The large increase in compensation paid this year reflects the increased number of stage 3 complaints overall and is as a result of a combination of factors:

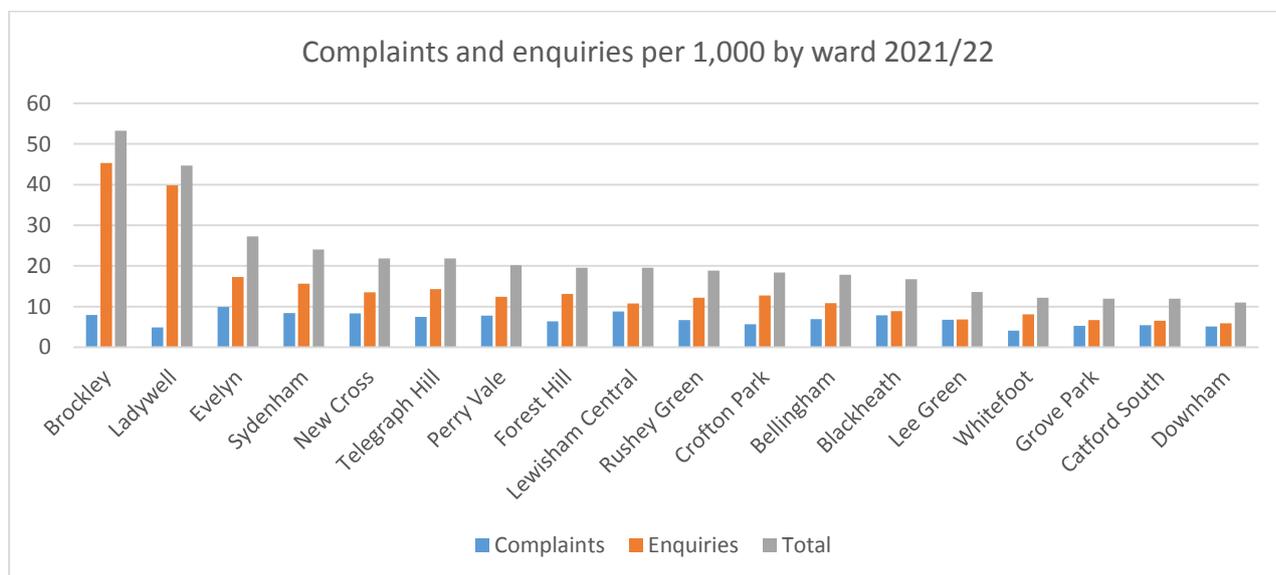
1. Adjudications in 2020-21 were affected by Covid-19. There were significantly fewer. There was only one award of compensation in the first 6 months of the year.

2. The IA recorded complaint outcomes differently in 2021-22, to match the iCasework record.
3. Previous years have fluctuated considerably – 2019/20 was double 2018/19, and then 2020/21 was a quarter of the previous year. Therefore, 53% as a proportion of total is about the same as 2019/20 (24 upheld out of 48).
4. In some circumstances, the IA can act as alternative dispute resolution (ADR) which avoids court action. These cases are rare but the compensation is invariably high, at £5,600 in the case considered this year.
5. The IA uses LGSCO guidance on remedies to arrive at compensation figures. There were cases this year which required significant payment to comply with that guidance, and even then, LGSCO recommended an additional payment in 2 cases.

## 10 Complaints and enquiries by ward

10.1 The distribution of complaints and enquiries received by ward per 1,000 residents in 2021/22 is shown below.

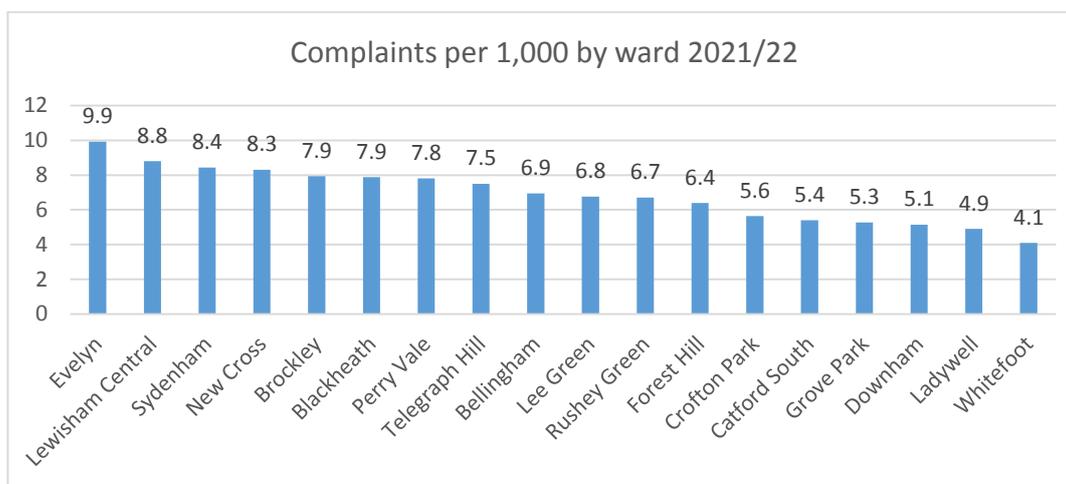
The below information is based on available postcode data. In 2021/22 8,006 complaints and enquiries were recorded (compared with 7,540 in 2020/21) and ward information was available for 6,597 of these (compared with 5,206 in 2020/21). 1,245 records did not have a postcode recorded and 19 records had incomplete postcodes. The majority of the remaining 145 complaints and enquiries were made by residents outside of London. The majority of records with no postcode information recorded were enquiries (1,016 of 5,502 enquiries, 18% of enquiries) compared to 9% of complaints (229 of 2,504 complaints).



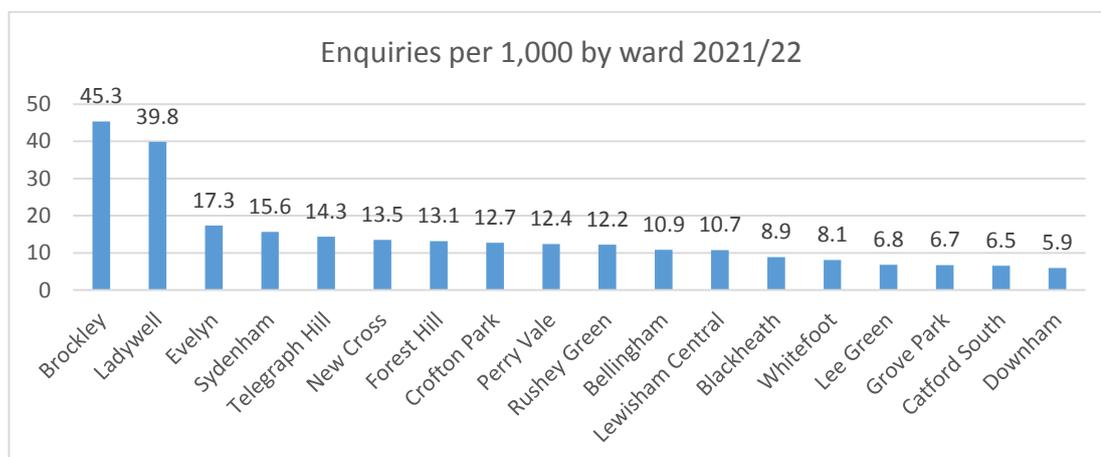
10.2 In 2021/22, the highest number of complaints received per 1,000 residents were from residents in Evelyn (9.9 complaints per 1,000). In 2020/21, the highest number of complaints per 1,000 were from residents in Blackheath (7.6 complaints per 1,000 in 2020/21). The lowest number of complaints per 1,000 residents were from residents in Whitefoot (4.1 complaints per 1,000) and this was also true in 2020/21 (with 4.1 complaints per 1,000 residents in both

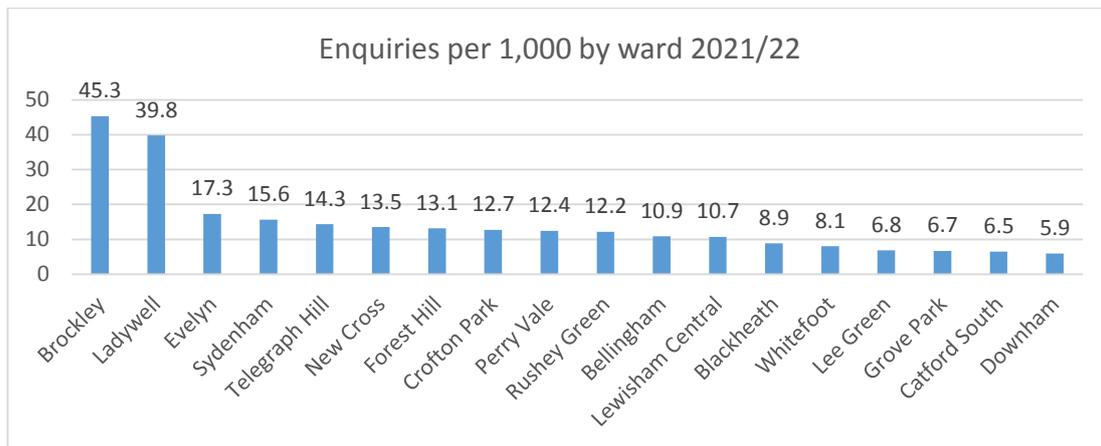
Whitefoot and Rushey Green wards). In 2021/22, there were an average of average 6.9 complaints per 1,000 compared to 5.4 complaints in 2020/21; part of the reason for this increase is due to improved postcode recording meaning that ward information is available for more complaints.

- 10.3 The highest number of enquiries received per 1,000 residents were from residents in Brockley (45.3 enquiries per 1,000 in 2021/22, compared with 29.1 enquiries per 1,000 in 2020/21) and Ladywell (39.8 enquiries per 1,000 in 2021/22, compared with 30.4 enquiries per 1,000 in 2020/21). The lowest number of enquiries per 1,000 residents was in Downham (5.9 enquiries per 1,000 in 2021/22) and this was also true the previous year (3.9 enquiries per 1,000 in 2020/21). The average number of enquiries per 1,000 residents in each ward was 14.5 in 2021/22 (compared with 11.6 in 2020/21).



- 1.4 Of the 160 complaints made by residents of Evelyn in 2021/22, Lewisham Homes Responsive Repairs was the most complained about service (68 complaints), followed by Refuse & Recycling (16 complaints) and Council Tax (16 complaints). In the ward with the least complaints per 1,000 residents, Whitefoot, the most commonly complained about service was Refuse & Recycling (21 complaints in 2021/22), followed by Council Tax (11 complaints).





- 10.5 In Brockley, the ward with the most enquiries, 80.4% of enquiries related to Regenter B3 (588 enquiries in 2021/22). The second most common service to be the subject of an enquiry from a resident was the Housing Options Centre, with 27 enquires or 3.7% of the total enquiries from residents in Brockley. In Ladywell, the ward with the second most enquiries, the majority related to Regenter B3 (81.8% and 525 enquiries in 2021/22) followed by the Housing Options Centre (5.5% and 35 enquiries in 2021/22).
- 10.6 Finally, residents in Downham made the fewest enquiries in 2021/22 (5.9 per 1,000) and the largest proportion of these related to the Housing Options Centre (28.4% and 27 enquiries), followed by Anti-Social Behaviour (6.3% and 6 enquiries) and Trees (6.3% and 6 enquiries).

## 11. Equalities Analysis

- 11.1 The Council has the ability to collect equalities monitoring information on the iCasework system. This information is not mandatory but it can help the Council to review the complaints process and to ensure that it remains accessible and to everyone.
- 11.2 The equalities data presented below is based on 10,056 contact records. In most of these contact records the equalities information was not disclosed. Therefore the equalities breakdown provided in the tables below gives us an indication of the diverse characteristics of complainants or service users in 2020/21. However, we cannot assume that this is an equalized profile of all complainants and service users during this period of time.
- 11.3 Almost 54% of contacts did not provide gender information. Of those who did respond, there were nearly twice as many female persons compared to male persons. This may be disproportionately higher because of the way case contacts are recorded on the system.

*Table 1 – Equalities Data – Gender*

*Total for Gender is 10,056 for 01/04/2021 – 31/03/2022 (does not include Lewisham Homes)*

Equality Category	Equality Characteristics	As % of Total Contacts	01/04/2021 to 31/03/2022
<b>Gender</b>	Did not disclose	54%	57%
	Female	31%	28%
	Male	14%	14%
	Prefer not to say	1%	1%
	Transgender	0%	0%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

11.4 97% of contacts did not disclose whether they had a disability or not. The remaining 3% of contacts disclosed details of the type of disability or impairment affecting them.

*Table 2 – Equalities Data – Disability*

*Total for Disabilities is 10,056 for 01/04/2021 – 31/03/2022 (does not include Lewisham Homes)*

Equality Category	Equality Characteristics	As % of Total Contacts	01/04/2021 to 31/03/2022
<b>Disability</b>	Did not disclose or No Disability	97%	97%
	Disability / Any Other Disability or Impairment	3%	3%
	Physical Impairment	0%	0%
	Mobility Issues	0%	0%
	Mental Health Condition	0%	0%
	Social or Communication Impairment	0%	0%
	Long Standing Illness	0%	0%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

11.5 Although 78% of contacts did not disclose their sexual orientation, of the remaining 22% of contact, 1,477 of the respondents preferred not to say (13%) and almost 955 disclosed a heterosexual orientation (8%).

Table 3 – Equalities Data – Sexual Orientation

Total for Sexual Orientation is 10,056 for 01/04/2021 – 31/03/2022 (does not include Lewisham Homes)

Equality Category	Equality Characteristics	As % of Total Contacts	01/04/2021 to 31/03/2022
<b>Sexual Orientation</b>	Did not Disclose	78%	70%
	Prefer not to say	13%	19%
	Heterosexual	8%	10%
	Gay / Lesbian	1%	1%
	Bisexual	0%	0%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

- 11.6 On ethnicity 87% of those contacting us did not provide ethnicity details, of the remaining 13%, circa 1,300 just over half were from the Bangladeshi community (54%). This may be disproportionately higher because of the way case contacts are recorded on the system and has also been previously noted that as this was the first choice on the drop down menu to select your ethnicity, this could explain the high number being recorded from the Bangladeshi community.

Table 4 - Equalities Data – Ethnicity

Total for Ethnicity is 10,056 for 01/04/2021 – 31/03/2022 (does not include Lewisham Homes)

Equality Category	Equality Characteristics	As % of Total Contacts	01/04/2021 to 31/03/2022
<b>Ethnicity</b>	Did not disclose	87%	79%
	Bangladeshi	7%	7%
	Prefer not to say	1%	7%
	White Other	1%	2%
	Caribbean	1%	2%
	African	0%	1%
	Black or Black British Other	0%	1%
	Other	0%	1%
	White and Black Caribbean	0%	0%
	Any other mixed background	0%	0%
	Indian	0%	0%
	Any other groups	0%	0%

Equality Category	Equality Characteristics	As % of Total Contacts	01/04/2021 to 31/03/2022
	Asian or Asian British Other	0%	0%
	White and Black African	0%	0%
	Chinese	0%	0%
	Turkish	0%	0%
	Traveller or Roma	0%	0%
	Pakistani	0%	0%
	White and Asian	0%	0%
	Eastern European	0%	0%
	<b>Total</b>		

11.7 88% of contacts did not provide their age data. Of the remaining 12%, more than half of the contacts were from people aged 25 – 54 years (60%).

*Table 5 – Equalities Data – Age Band*

*Total for Age Group is 10,056 for 01/04/2021 – 31/03/2022 (does not include Lewisham Homes*

Equality Category	Equality Characteristics	As % of Total Contacts	01/04/2021 to 31/03/2022
<b>Age Band</b>	Did not Disclose	88%	80%
	0 – 14 years old	<1%	<1%
	15 – 24 years old	<1%	<1%
	25 – 54 years old	7%	13%
	55 – 64 years old	2%	3%
	65+ years old	2%	3%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

### 11.8 Equalities implications

Equalities data for 2021/22 is provided in Section 7 of this report. The iCasework system enables the Council to collect equalities monitoring information and it is used to help ensure the complaints process remains accessible and that no particular parts of the community suffer inequity in service delivery.

## 12 Financial Implications

- 12.1 There are no direct financial implications arising from this report. The Council has no specific budgets for compensation payments so the costs are absorbed by the relevant service as awarded

### **13 Legal Implications**

- 13.1 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.

- 13.2 Given the subject and nature of this report, it is relevant here to note that the Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 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 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.

- 13.5 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/> The Equality and Human Rights Commission (EHRC) has previously issued five guides

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making

- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

13.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and whom 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/resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

Term	Definition
<b>IA</b>	Independent Adjudicator
<b>LGSCO</b>	Local Government & Social Care Ombudsman
<b>HO</b>	Housing Ombudsman

## Appendices

- 14.1 Adult Social Care Annual Complaints Report (2021/22)
- 14.2 Children' Social Care Annual Complaints Report (2021/22)
- 14.3 Independent Adjudicator Annual Report (2021/22)
- 14.4 Lewisham Homes Annual Report (2021/22)

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