

<b>Public Accounts Select Committee</b>		
Title	Annual Complaints Report 2015 - 16	
Contributor	Executive Director for Customer Services and Head of Public Services	Item 4
Class	Part 1 (open)	26 October 2016

## **1 Executive Summary**

- 1.1 The report provides performance information on complaints dealt with by the Council and its housing partners at stages 1 and 2 of the Corporate Complaints procedure as well as complaints and enquiries to the Mayor, Councillors and MP's that were logged in the Council's complaints management system iCasework, during 2015/16. There were a total of 4,503 complaints and enquiries received in 2015/16. This represents a 14% decrease when compared to 2014/15.
- 1.2 The report does not include complaints or enquiries about the provision of adult and children's social care, both of which are reported individually and publicised according to statutory guidance.
- 1.3 The Independent Adjudicator's (IA) report is attached at Appendix 1. The IA dealt with 91 complaints between 1 April 2015 and 31 March 2016, of which she upheld or partly upheld 27 (37%). The IA responded to 96% within the 30-day response standard and identified a number of issues from the complaints and makes recommendations for improvement.
- 1.4 The Local Government Ombudsman (LGO) report is attached at Appendix 2. In 2015/16, the LGO made decisions in a total of 33 cases which is 1 more than last year – the figures are attached at Appendix 3.
- 1.5 The report summarises the outcome of the Complaints and Casework review and the new arrangements that will be put in place during 2016/17.

## **2 Purpose of Report**

- 2.1 To update the Committee on the Council's complaints performance for 2015/16 at all stages including the Independent Adjudicator's report and the Local Government Ombudsman Annual Review.

## **3. Recommendations**

The Committee is recommended to:

- 3.1 Note the contents of the report.
- 3.2 Refer the report to Mayor and Cabinet for consideration.

#### **4 Introduction**

- 4.1 This report summarises how the Council and its housing 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 show the percentages dealt with in the standard response time. The statistics are for cases logged into iCasework between 1 April 2015 and 31 March 2016 compared with performance over the same period in 2014/2015.

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

	<b>Total Complaints and Enquiries</b>		
<b>Directorate</b>	<b>2014/15</b>	<b>2015/16</b>	<b>Variance</b>
<b>Children and Young People</b>	240	231	-9
<b>Community Services</b>	239	280	+41
<b>Customer Services</b>	2,609	2,514	-95
<b>Lewisham Homes</b>	1,302	921	-381
<b>Resources &amp; Regeneration</b>	852	537	-315
<b>Total</b>	5,242	4,503	-739

**Table 2 – stage 1 and stage 2 complaints by directorate with % responded on time**

Directorate	Stage 1					Stage 2				
	2014/15	%	2015/16	%	Variance	2014/15	%	2015/16	%	Variance
CYP	67	90	80	81	+13	6	99	14	79	+8
Community Services	83	88	46	72	-37	8	78	4	75	-4
Customer Services	825	85	1,075	88	+250	77	80	100	58	+33
Lewisham Homes	619	89	451	90	-168	110	88	108	94	-2
Resources & Regeneration	158	87	135	63	-23	27	89	22	32	-5
<b>Total</b>	<b>1,752</b>	<b>88</b>	<b>1,787</b>	<b>86</b>	<b>+35</b>	<b>228</b>	<b>86</b>	<b>248</b>	<b>73</b>	<b>+20</b>

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

Directorate	MP			Mayor			Members		
	2014/15	2015/16	Variance	2014/15	2015/16	Variance	2014/15	2015/16	Variance
CYP	140 (92)	85 (82)	-55	7 (98)	8 (100)	+1	14 (98)	32 (88)	+18
Community Services	67 (65)	82 (35)	+15	11 (85)	44 (64)	+33	85 (78)	78 (51)	-7
Customer Services	829 (90)	767 (42)	-62	213 (85)	201 (52)	-12	559 (91)	271 (60)	-288
Lewisham Homes	294 (98)	190 (44)	-104	57 (96)	29 (48)	-28	182 (91)	127 (87)	-55
Resources & Regeneration	165 (90)	121 (50)	-44	83 (86)	46 (44)	-37	387 (93)	192 (71)	-195
<b>Total</b>	<b>1495 (87)</b>	<b>1245 (45)</b>	<b>-250</b>	<b>371 (90)</b>	<b>328 (53)</b>	<b>-43</b>	<b>1227 (90)</b>	<b>700 (68)</b>	<b>-527</b>

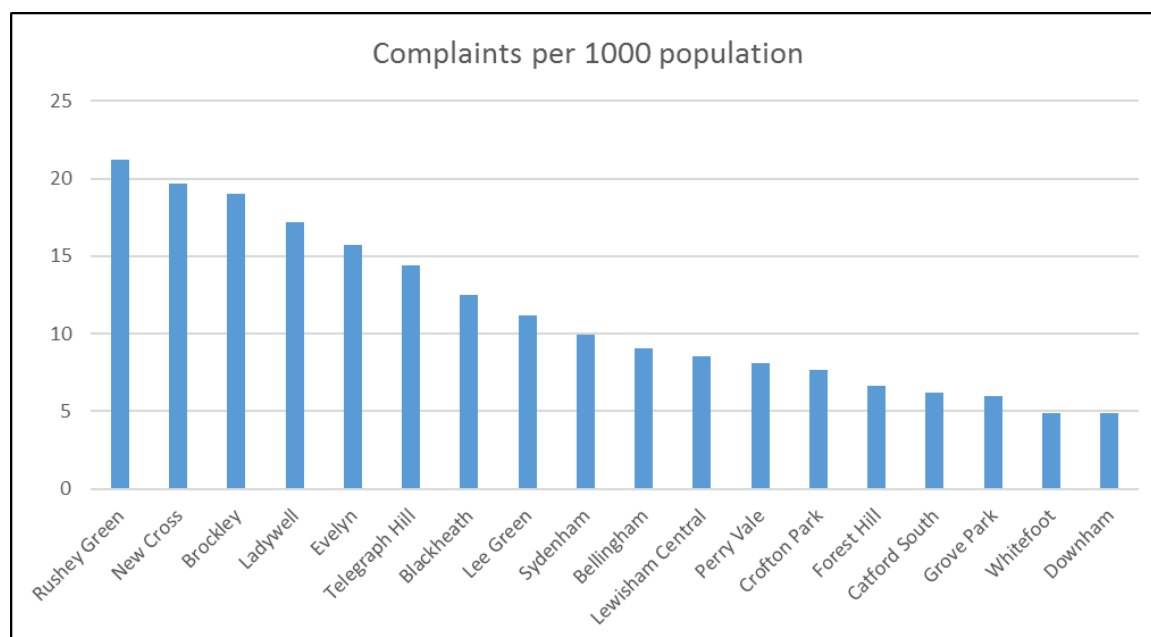
\*figures in brackets denotes the percentage of cases dealt with within the specified targets

- 5.3 The total number of complaints and enquiries received in 2015/16 was 4,503 which was a decrease of 739 cases (14%) on the previous year. There was a decrease in all in casework enquiries but an increase in stage 1 and 2 complaints. Percentage performance times also decreased in some areas and this is discussed later in the report.

## Complaints and enquiries by ward

5.4 The distribution of complaints received by Ward is shown below. The highest number of complaints received per 1,000 population were from residents in the Rushey Green Ward. In 2014-15 the joint top highest were in the Rushey Green and Brockley wards, whilst the lowest number of complaints (in both financial years) was received by residents in the Downham ward.

**Chart 1 Distribution of Complaints by Ward**



Source: Annual complaints data, Lewisham Council. Mid-year population Estimates by Ward for 2013, Office for National Statistics

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

Ward	Complaints per 1000 population
Rushey Green	21
New Cross	20
Brockley	19
Ladywell	17
Evelyn	16
Telegraph Hill	14
Blackheath	13
Lee Green	11
Sydenham	10
Bellingham	9
Lewisham Central	9
Perry Vale	8
Crofton Park	8
Forest Hill	7
Catford South	6
Grove Park	6
Whitefoot	5
Downham	5

**2015-2016**

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

**2014-2015**

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

5.5.1 In Rushey Green, Highways – Street works was the top reason why customers complained followed by, Housing and Council Tax benefit, Housing – Advice and Reviews. In 2014-15, Highways was the top reason why customers complained, followed by Housing Needs and Lewisham Homes

5.5.2 The second highest ward to receive complaints and enquiries was New Cross. The top reason why customers complained was Highways – Street works, followed by Lewisham Homes – Repairs, and Lewisham Homes – Service Improvement. In 2014/15 the top reason why customers complained was Housing management, followed by Lewisham Homes and Environmental Enforcement. (For clarity, it should be noted that under the Brockley PFI (Regenter) umbrella, Pinnacle PSG are responsible for Housing Management, and Rydon are responsible for day to day repairs.

5.5.3 The third highest ward to receive complaints and enquiries is Brockley with the top reason for complaints being Housing – Customer Services, followed by Leasehold Services, and Council Tax. In 2014-15, the top reason why customers complained was Housing, Highways and Council Tax.

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

## 5.6 Trends

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

- **Highways** – Street works was the top reason why customers complained; followed by
- **Housing and Council Tax benefit;**
- **Housing – Advice and Reviews**

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

### Highways

5.6.1 Highways covers many issues that are of concern to all residents – street works and potholes etc. In 2015-16 Highways received more complaints than usual about drainage but this was triggered by the heavy rainfall. Highways responded by working to clear blocked gullies outside the normal 2 year cycle.

5.6.2 Additionally Highways have received significant correspondence relating to Controlled Parking Zones as several new and amended ones come into force. Though this does naturally decrease as the zones settle down. It is anticipated that in 2016/17 this correspondence will be overtaken by enquiries about the implementation of the new borough-wide 20mph speed limit but this will fit the trend in spikes in enquiries when major schemes are put in (especially parking schemes). However, these are a product of extensive public consultation and what is put in has to conform to legislative requirements and are generally managed within team resources.

## Housing and Council Tax Benefit

- 5.6.3 Housing Benefits have seen an overall 40% increase in casework in the last twelve months that is largely attributable to a increase in MP enquires (42% more MP enquiries were received) and Stage one complaints (which have increased by around 77%). The main reason for the complaints related to the change of circumstances process however, of these, less than 20% were actually upheld.
- 5.6.4 A further issue affecting complaint volumes is complainants raising the same concern but using a number of different channels resulting in duplication of efforts with different staff addressing the same issues concurrently. Work is underway to try to negate this duplication by better configuring our system to consolidate multiple contacts for the same issue into a single request. The Service is also developing a self-serve portal to enable customers to view their claim details on-line – including details of what stage the claim is at – to try to minimise the need for further contact.

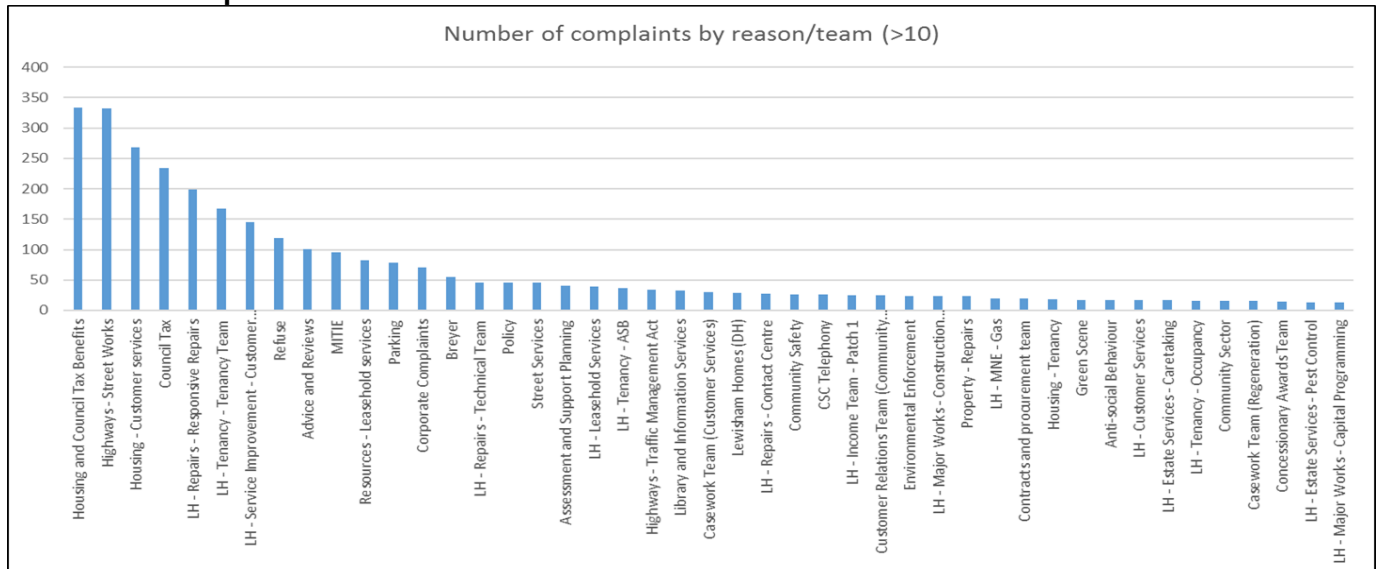
## Housing – Advice and Reviews

- 5.6.5 It is considered that Advice & Reviews has featured as one of the top 3 complaint topics for the following reasons:
- In these times of the Housing Crisis e.g. high demand with limited supply/stock, the suitability and/or location of temporary accommodation is regularly questioned.
  - The Advice and Reviews team have to make difficult decisions based on the stock it has available. Consequently reviews are perceived as generally having negative outcomes against applicants
  - The service is perceived as being unable to meet applicant's expectations, or wishes (timeframes, social housing options).
  - The Welfare Reform has affected resident's perception of the Council e.g. bedroom tax, benefit caps and so on can be seen as local government decision as opposed to central government issue.
  - Affordability of living in London: Having to place people out of Lewisham in order for applicants to sustain tenancies.
  - Policy tools introduced – discharge into the PRS (people want social housing) Location Priority Assessments.
  - People do not generally agree with the law i.e. priority need (single persons who are not significantly more vulnerable will not be owed a housing duty, intentionally homeless etc.)
  - The Service had a backlog of cases following a restructure that resulted in delays in reaching decisions, this has since been addressed and huge improvements have been made.
- 5.6.6 The things that have been put in place to assist/tackle this are:
- Service restructure - more staff have been recruited and the Service is seeing a reduction in waiting times.
  - The Service is seeking to get involved much earlier with a client, focusing on the prevention of homelessness.
  - Other Housing Options Schemes are being considered such as Landlord Letting Scheme, Fresh Start etc.

- The Service is endeavouring to be more transparent with its customers from the start from the advice and review process in order to manage the expectations in regards to social housing/waiting times.

## 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 and service improvement

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

5.8.2 Throughout the year directorates have worked to improve the quality of the complaints handling. Each directorate has used complaints received to identify areas of improvement and undertook changes to improve the way the service is delivered. Examples of these improvements are outlined below:

### Community Services

5.8.3 The Community Services Customer Relations team has formalised the interaction between health partners in the assessment of young people with learning difficulties who are transitioning to adult services in order to provide a more robust framework. This also ensures that a clear audit exists of the young person's needs.

5.8.4 In line with the Care Act and Children & Families Act communication between services has been enhanced to support the Education Health and Care Plans of a young person. Joint discussions will take into consideration their immediate needs for care and support, and enable an earlier discovery of what support and interventions may be applicable as the young person moves into adulthood.

### Customer Services & Resources & Regeneration

5.8.5 From January 2015 and over the course of 4 months, the Customer Services Complaints and Casework team lost 3 key staff and experienced severe staff

shortages which resulted in a backlog developing. During this challenging period, the team were receiving more casework and complaints than it could cope with which severely hampered their ability to deal with them in a timely manner and response performance levels dropped across all categories of complaint and casework. Additionally the Housing Service underwent a substantial restructure. The transition to a new structure saw a drop in performance which compounded that of the casework team.

- 5.8.6 In an attempt to deal with the significant drop in performance across both services, the managers resolved to set up regular 'performance' meetings to mitigate the poor performance issues. The meetings re-established a co-operative working relationship between the services and improved communication about complaint and casework volumes and response times. This enabled both services to become responsive rather than reactive and provide accurate information to complainants, Councillors and MPs about when delayed responses could be expected. Further measures were put in place in the administration processes to try to both tackle and mitigate the delays and requests that were outstanding and to improve the requester experience overall. Given the scale of the backlog it took some months before stabilisation and improvements were realised.

### **Children & Young People**

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

### **Lewisham Homes**

- 5.8.9 Lewisham Homes have been working to improve customer satisfaction levels with complaint handling and outcome; increase the proportion of complaints dealt with informally; and reduce formal complaint levels. The process itself and the components have been tweaked to better improve the customer satisfaction.
- 5.8.10 Some of the additional changes and improvements are highlighted below:
- Clearview Reporting – Introduced to better improve the accuracy and availability of reporting
  - Mary Gobar Training – Customer service training to improve overall level of service with some specialised training in complaints
  - Apology goodwill gesture scheme – Introduced new scheme for officers to offer small gestures of goodwill for tenants that have been let down by an area of the company
  - Drive on informal resolution – In line with the housing ombudsman we are driving the use of informal early resolution
- 5.8.11 Examples of lessons learnt throughout this period are:
- LH gather as much evidence as possible before calling a complainant to resolve the complaint and address the service failures with the resident as well as within the team to make the correction immediately.
  - Leaks – LH are currently working with repairs to find a better way to identify the source of the leak, to reduce the amount of compensation due to mis-diagnosis of leasehold properties



## **Brockley PFI**

- 5.8.12 Brockley PFI have put the following in place to improve the quality of complaints handling:
- Introduced an internal response deadline that is shorter than our contractual target as this works to ensure that deadlines are met before or on target.
  - All complaints are responded by a Manager and checked by another Manager.
  - Introduced monthly complaints meetings.
  - Undertaken a six/twelve months complaints review.
- 5.8.13 Lessons learnt from upheld complaints highlight the need to improve at getting things right at the first attempt. The regular discussions of complaint handling will go some way to helping us work with managers to achieve this.
- 5.9 In previous years a complaints action plan including recommendations by the Independent Adjudicator, was developed to ensure continued good practice and implement necessary actions. This year the Council is awaiting the outcome of the complaints and casework review details of which are noted at paragraph 9.

## **6 Independent Adjudicator**

- 6.1 The Independent Adjudicator (IA) deals with stage 3 complaints on behalf of the Council. The IA report for the Council is attached at Appendix 1. 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 2015 to 31 March 2016.
- 6.2 The IA received 91 complaints during the year, eight more than in 2014/15. This breaks down to 56 (62%) about the Council/Regenter (down by five from last year); and 35 (38%) about Lewisham Homes (an increase of 13).
- 6.3 The number of complaints about the Council/Regenter stayed the same for two years - 44 in 2012/13 and 44 in 2013/14: it went up in 2014/15 to 52 (after complaints that were out of jurisdiction, for example). The number this year has gone down to 42 (when those complaints with an alternative right of appeal; or with insufficient injustice to warrant the IA's involvement; or were settled without investigation; or were premature; or were withdrawn by the IA or the complainant, are excluded). This reduction in stage three complaints in such challenging times is welcome, though, of course, any complaint is regrettable. The IA considers the number of stage three complaints is tiny for the size of the Borough and the functions that it carries out; and the IA does anticipate some fluctuation in complaint numbers from year to year.
- 6.4 The IA has prepared a separate annual report for Lewisham Homes that 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. The number of complaints about Lewisham Homes went up by 13 from 22 to 35. Seven of these complaints were premature or out of jurisdiction; they contained insufficient injustice to warrant the IA's involvement; or they were withdrawn by the complainant. So, the actual figure is 28: still an increase of eight complaints from last year when 20 fell within her remit; the first increase the IA has noted for some time; but an increase that causes her no concern, taking into account her comment above about fluctuating complaint numbers. The IA comments in detail on Lewisham Homes in a separate letter to their Board.
- 6.5 The IA responded to 96% of cases within the 30-day standard, which is above the 90% target and an increase on the previous year's performance of 94%.

## 6.6 Cases by directorate/partner

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

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

Customer Services	Resources and Regeneration	Community Services	Children and Young People	Regenter	Lewisham Homes	TOTAL
34 (8)	5	3 (2)	9 (1)	5 (3)	35 (7)	<b>91</b>

## 6.7 Compensation

Compensation was awarded in 18 cases. The total amount of compensation paid was £26,523, of which £5,736 was for Lewisham Homes.

**Table 7 - Amount of Compensation**

	Up to and including £100	£100-£500	More than £500	TOTAL	
<b>2015/16</b>	2	6	10	<b>18</b>	<b>£26,523.40</b>
<b>2014/15</b>	n/a	13	6	20*	£9,241
<b>2013/14</b>	4	8	4	16*	£6,542
<b>2012/13</b>	2	8	2	12	£4,259.75
<b>2011/12</b>	2	9	1	12	£3,614

*\*Compensation awarded in 18 cases including those against Lewisham Homes (8)*

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

### *Communication and complaint handling*

- 6.8.1 The IA is now monitoring the time taken to respond to her requests for information, noting that any delay impacts on her own timescales; could bring the complaints process into disrepute and lead to an Ombudsman complaint; and adds to the complainant's sense of grievance. The IA proposes to report her findings to the Council in due course.
- 6.8.2 The IA has found that, on occasion, compensation is not mentioned when fault is acknowledged. The IA urges officers to think about compensation in these circumstances.
- 6.8.3 There has been a noticeable rise in complaints about, for example, street sweeping and fly tipping. Accordingly, the IA urges the Council to devise, and send out, standard complaint letters to avoid the need for detailed replies each

time, and to manage complainant expectations. An individual response, however, is appropriate if there are specific issues in a particular complaint.

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

- 6.9.1 The Council thanks the Independent Adjudicator for her comments. The Council's review of its current casework and complaint processes will address the issues raised by the IA.

## **7 Local Government Ombudsman Annual Letter 2015/16**

- 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 ending 31 March 2016. A copy of the LGO's annual letter is attached at Appendix 21

- 7.2 The enclosed tables present the number of complaints and enquiries received and the decisions made about the authority during the period. In 2015-16 a total of 162 complaints and enquiries were received, 3 less than 2014-15. Of the total received only 33 'detailed enquiries' were carried out of which 17 were upheld.

- 7.3 The top 3 highest number of complaints were received about:
- Benefits and Council Tax - 39 (31 in 2014-15)
  - Housing – 37 (45 in 2014-15)
  - Education & Children's Services – 31 (31 in 2014-15)

- 7.4 Last year the LGO provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year they are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received. The LGO has also provided a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where LGO recommendations remedied the fault and the number of cases where the LGO concluded the authority had offered a satisfactory remedy during the local complaints process.

- 7.5 The LGO publish final decisions on all complaints on their website, as they consider this as an important step in increasing transparency and accountability. There have been no published reports made against the Council during the year ending 31 March 2016.

- 7.6 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.

## **8 Achievements in 2015/16**

- 8.1 The Community Services casework team use the intelligence gained from adult social care complaints to align with that from professional quality alerts, feedback from CQC and commissioned providers to improve quality across the delivery of adult social care services.

- 8.2 Taking into account the challenging period experienced by the Customer Services Casework Team the key achievements were:
- Keeping the service going under extreme pressure

- Identifying the sources of the backlog
- Reviewing and revising team processes to streamline and introduce efficiencies
- Clearing the casework inbox and filing system.

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

- Service specific bulletins continue to be produced for senior managers consideration and action. In managing trends and detailed complaints in this manner, it is hoped that the broader picture can be influenced by addressing the smaller, frequent issues found within individual services. For example Adoption, Looked After Children Leaving Care Service were provided with a quarterly breakdown of complaints received and managers were asked to provide comments and highlight learning points to be considered by staff going into the next quarter.
- Audit forms are kept outlining upheld complaints, and recommendations arising. These forms are compiled and revisited periodically with senior management, to ensure implementation of recommendations.
- Organisational learning from the upheld and/or partially upheld complaints are fed back to staff by the Complaints Team through team meetings and bulletins distributed for the attention of all staff.

8.4 Lewisham Homes report the following achievements:

**Ownership (Leasehold)** - Regular inter departmental meetings on follow up actions have helped. Improved communication with teams have helped them to deal with enquiries better.

**Repairs** – In order to reduce roof leak complaints we have instigated a targeted proactive programme of clearing roof gutters and gullies following the autumn season. LH also received complaints regarding notification of scaffolding being erected. In order to reduce these complaints they have created a notification card for our operatives to deliver to residents who might be affected by scaffolding

**Customer Service** – Introduced a new rota system based on call volumes to better improve handling times and the time it takes for residents to get through following some low level complaints. There are new designated teams for each area to improve consistency following documentation logging errors leading to complaints. “Mary Gober” training has been completed by staff to improve the way LH deal with customers to improve their customer experience.

**Garages** – Introduced new instructions given following some low level complaints:

- New instructions to tenants to park their vehicle inside the garage and not anywhere that would obstruct emergency services or prevent Lewisham Homes, its agents or contractors, carrying out their duties, for example refuse collection.
- If tenants experience issues with accessing their garage this should be reported to Lewisham Homes, who have allocated operatives to assist in identifying and resolving these issues with the use of notices and signage
- Regular checks are now undertaken when re letting garages are made to ensure they are fit for purpose to avoid future complaints regarding the condition of garages

**Tenancy** – Notice to Quit: Reminders issued to staff that it is good professional practice to send a covering letter with documents. Even if tenants have been

spoken to before serving the notice. Reminder of general good practice of communication with clients in a sheltered schemes about any changes that may affect them.

## **9 Complaints and Casework Review**

9.1 As part of the Council's savings programme it agreed to a review of its approach to Complaints and Casework with a target saving of £50K. The overall objective of the review was to resolve complaints and casework at the first point of contact, improving the service to the customer and/or representative and reducing the costs of the service to the Council. The review was led by Ralph Wilkinson, the Head of Public Services, and focussed on:

- The process the Council followed to resolve complaints and casework
- The organisational structure used to deliver the process
- The system the Council used to administer complaints and casework

9.2 The review examined the current processes and performance, studied escalation rates, reviewed 11 other boroughs processes, engaged with stakeholders and analysed roles and responsibilities. An in depth review was conducted of 5 neighbouring boroughs.

9.3 The key findings of the review were:

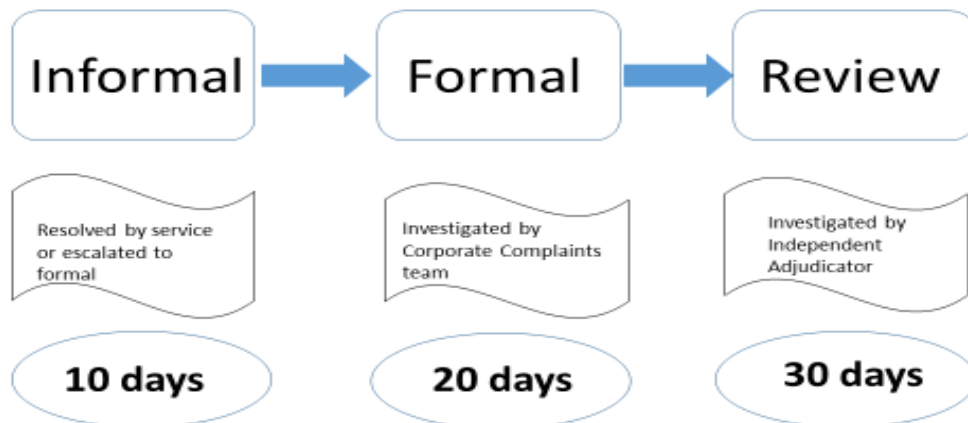
- inconsistent approach to complaint and casework handling across the Council
- inconsistent performance from the Directorate casework teams
- the current policy invites escalation to the next stage
- the current policy was being used instead of, or as well, as statutory processes
- the process was being used for standard service requests
- some service areas had piloted a different approach which had improved resolution rates and reduced escalation
- the iCasework system was out of date and not fit for purpose

9.4 The main outcomes of the review are:

- A revised process for corporate complaints and casework (described below)
- No changes to statutory complaints
- Standard service requests to be rerouted to the proper channel and taken out of complaints process
- Where a statutory appeals process exists, the customer will be referred to this (e.g. parking, planning, housing benefits etc.)
- Move complaints to on line only with a 'safety net' available for those that can't go on line themselves or get help to go on line
- Create a single corporate team in the Customer Services Directorate to provide consistency, independence, resilience and economies of scale
- Replace iCasework system
- Lewisham Homes responsible for their own complaints administration

9.5 The emerging recommendations were presented to Public Accounts Committee in June 2016 and approval was given to proceed. Since June the details of the proposals have been drawn up, discussed and subsequently agreed with Directorate Management Teams, affected persons, MP caseworkers and key service managers.

9.6 The new process is shown below:



- 9.7 The new process will go live once the new staffing structure is in place later this year. There will be a communications campaign to brief all stakeholders of the changes in the run up to when the new process will go live.
- 9.8 The Council is consulting the staff affected by the reorganisation on the new staff structure. Subject to this consultation and the management of change process that the Council will follow, the new structure is expected to be complete and in place in early 2017.
- 9.9 A specification has been drawn up for the new casework system and work is in progress to evaluate the options available. The timing for implementation of the new system will be dependent on the solution chosen and the procurement process.
- 9.10 The changes will deliver an improvement in service for all stakeholders and the targeted saving of £50K.

## 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 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.

## **12 Crime and Disorder Implications**

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

## **13 Equalities Implications**

- 13.1 The iCasework system enables the Council to collect equalities monitoring information which is used to ensure the complaints process remains accessible and that no particular parts of the community suffer inequity in service delivery.
- 13.2 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 13.3 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 13.4 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 13.5 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until April 2012. The guides can be found at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>.
- 13.6 The Corporate Complaints team will continue to work with voluntary community groups to ensure no one is disadvantaged from using the complaints process.

## **14 Environmental Implications**

- 14.1 There are no environmental implications arising from this report.

## **15 Conclusion**

- 15.1 The Council has been continually improving its complaints process in response to feedback and best practice. However, there is still a lot more to do to ensure customers receive excellent services. The outcomes from the casework and complaints review will ensure continuous improvement is achieved.



## **16 Background Documents and Report Author**

- 16.1 There are no background documents to this report.
- 16.2 If you would like more information on this report please contact Angelique Golding, Service Manager – Programme Management on 0208 314 6029.

## **Tenth Annual Report of the Independent Adjudicator for the London Borough of Lewisham 1 April 2015 – 31 March 2016**

Dear Mayor Bullock

I am writing with my annual review of the complaints that I have received this year about the Council and Regenter at stage three of the 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 that form an integral part of this letter: statistical data for the Council/Regenter, and separately for Lewisham Homes, covering the period 1 April 2015 to 31 March 2016.

### **Complaints received**

#### *Volume*

1. I have received 91 complaints during the year, eight more than in 2014/15. This breaks down to 56 (62%) about the Council/Regenter (down by five from last year); and 35 (38%) about Lewisham Homes (an increase of 13).
2. The number of complaints about the Council/Regenter stayed the same for two years - 44 in 2012/13 and 44 in 2013/14: it went up in 2014/15 to 52 (after we remove the complaints that were out of jurisdiction, for example). The number this year has gone down to 42 (when those complaints with an alternative right of appeal; or with insufficient injustice to warrant my involvement; or were settled without investigation; or were premature; or were withdrawn by me or the complainant, are excluded). This reduction in stage three complaints in such challenging times is welcome, though, of course, any complaint is regrettable. It seems to me, however, that some complainants will always want, or need, to escalate their complaint; the number of stage three complaints is tiny for the size of the Borough and the functions that it carries out; and I anticipate some fluctuation in complaint numbers from year to year.
3. The number of complaints about Lewisham Homes went up by 13 from 22 to 35. Seven of these complaints were premature or out of jurisdiction; they contained insufficient injustice to warrant my involvement; or they were withdrawn by the complainant. So, the actual figure is 28: still an increase of eight complaints from last year when 20 fell within my remit; the first increase I have seen for some time; but an increase that causes me no concern, noting my comment above about fluctuating complaint numbers. I comment in detail on Lewisham Homes in a separate letter.
4. Overall, the number of stage three complaints is very low, comprising only 2% of the 4503 complaints and enquiries received about the Council and its partners in 2015/16.

#### *Character*

5. The number of complaints received about Children and Young People (CYP) has gone up from two to nine (with one falling outside of my jurisdiction in 2014/15 and the same this year, leaving one and eight respectively for me to investigate). This might

seem a small number of complaints given the functions that the service area carries out. However, I was most concerned because six of the complaints were about Special Educational Needs.

6. Complaints in all other service areas went down: so, there were 34 complaints about Customer Services (with 26 in jurisdiction as opposed to 28 last year); there were five complaints about Resources and Regeneration – a reduction of 10; there were five complaints about Regenter of which I could look at only two (as opposed to seven in 2014/15); and there was only one complaint about Community Services that fell within my remit (down by one).
7. With the exception of CYP, these figures are most welcome; and I am especially pleased with the much improved performance by Resources and Regeneration. I hope that this continues across the Council and its partner.

### **Decisions on complaints**

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

8. Of the 16 complaints upheld or partly upheld against the Council/Regenter (21 last year) 10 were settled by compensation – either suggested by me or by officers - and payments totalling £20,786.88 were made: significantly more than 2014/15 (£4616), but reflecting six complaints – a building control case, a complaint about a loft conversion, three SEN complaints, and a complaint about repairs – where I concluded that a high remedy was justified (£6294, £3500, £8882.88 and £1500 respectively). I proposed compensation in all 16 complaints because I believed that some financial redress was due given the seriousness of the injustice suffered by the complainant.
9. My approach to compensation has always been that it should be proportionate, it should reflect the injustice a complainant has suffered, and it should recognise that it is taxpayers' money. However, where possible, I much prefer practical, responsive and creative remedies, believing that this better addresses what has gone wrong for a complainant.
10. In one case, there was serious maladministration by Building Control Officers (BCOs), with poor inspections; the approval of work that no reasonable, competent or professional BCO would possibly approve (sometimes simply by telephone); a failure to address bad workmanship; a crossing of the line between acting as a BCO and agent; the absence of notes; and a very slow pace in dealing with the complaint. I believed that £6294 was due to recognise the complainants' wasted expenditure on his extension, and seriously disappointed expectations.
11. In a second case, I decided that £3500 was reasonable because there was serious delay by the Council in administering the sales process for a loft - taking almost two years, and finding that the complainant could no longer afford his planned conversion. There was also confusion in the sales process, with the surveyors taking a lead role rather than the service area responsible for giving the go ahead for the sale.
12. There were serious omissions in a repairs complaint about Regenter, with the authority taking almost three years to address damp and mould in the complainant's home; doing poor work, some of which had to be repeated; not completing work, and carrying out numerous inspections; scheduling internal works before the external repairs; failing to communicate and provide updates; and failing to keep records, to provide proper advice, and to respond to the stage two complaint. This prompted me to propose £1500.
13. The most significant remedies, however, were in SEN complaints, and one case, in particular, stands out. Here, the Council took 47 weeks to issue the child's final

statement (against a statutory deadline of 26 weeks); and it failed to send that statement to the parent and to the school for another 40 weeks (making a total of 87 weeks). Also, officers failed to respond to the complainant's requested amendments to the proposed statement including her school preference; they failed to contact her about her representations (as promised in the stage one response to the complaint); they delayed presenting the case to Panel, and then only after the statement was finalised; and their case management and communication was poor. Meanwhile, the child was receiving negligible education; his education had been negligible since starting (the eventually named) school in January 2013; and this continued until a new regime was put in place in September the following year. All of this demanded the payment of £5800 compensation, in my view.

14. Non-compensation remedies comprised, for example, the Council setting aside additional funding for a child's school if it struggled to implement her statement, and providing advice on how that funding might best be used; officers setting up a "Buddy System" for one term to help the complainant's son gain confidence in travelling to college independently; a review of a homelessness and a fostering decision; updates on repairs and action to complete those repairs; the Council writing off outstanding council tax arrears and enforcement costs; and apologies. 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, in one case, the Council agreed to modify the enforcement officers' parking inspection route temporarily given the complainant's son's disability and the problems she was experiencing with parking across her driveway; it agreed to look at the possibility of vehicle removal in such circumstances when the parking policy is reviewed; and it advised the complainant how she might apply for the H bar. In another case, Regenter agreed to pay for half the costs of a new shed and help with the removal of the old one.
16. In addition, in a number of complaints that have come to me this year, the Council and its partner have already proposed a remedy that is responsive to the circumstances of the complaint. This reflects Ombudsman guidance and it is good customer care.

#### *Service improvements*

17. In some of the complaints, not only did the Council/Regenter provide a remedy, they also reviewed their procedures at my request to determine if there were lessons to be learned and improvements to be made to prevent the same problems occurring in the future. So:

The Council:

- Has drafted a procedure for the sale of loft spaces and cellars, ensuring that Lewisham Homes has a copy.
- Has drawn up a process to implement the Dispute Resolution clause in its Private Sector Leasing contracts.
- Has made clear that there is a 500 character limit on its "Comments, Suggestions, and Enquiries" form, noting that some complainants did not appreciate this and wanted to submit longer entries.
- Has reminded officers to record all contact with council tax payers.
- Has ensured that its parking contractors include the complaints escalation paragraph in its stage one replies.
- Will consider the possibility of removal for vehicles parked in front of driveways with an H bar when the parking policy is reviewed.
- Has introduced changes to its Fair Access Protocol (FAP) so that there will be a pre-FAP report and minutes, as well as better casework management; and

recorded meetings with parents, and possibly the child, to explain what can and will happen.

- Has determined its position on “Summer-born children”.
- Will review the wording on the tags attached to contaminated recycling bins when these are reprinted; and will explain on its website what the tag means.
- Now sends text messages to remind residents to renew their resident parking permits.
- Will review its tree enforcement notice to include appeal rights.
- Noted new guidance on remedies on the LGO’s website.

Regenter:

- Has introduced service improvements to ensure that failings in dealing with complex repairs are avoided in the future: so that the Customer Care Team will deal with the disrepair and co-ordinate the response; and supervisors will monitor and file reports on the computer system.
- Has implemented a new record keeping process so that officers can refer back to previous repairs in particularly complex cases.
- Has run workshops to ensure that all supervisors and surveyors know about Rydon’s contractual responsibilities, and the reporting methods they must use for difficult cases.
- Has made improvements in responding to stage three complaints.
- Has made improvements in the process for dealing with insurance claims.

#### *Other findings*

18. Forty six complaints about the Council and Regenter were decided during the year. Of these, I upheld 12 in full (26%), and partly upheld four (9%): the remaining 30 (65%) were not pursued further because no evidence of maladministration was seen.
19. Last year, I upheld/partly upheld nearly half of complaints determined against the Council/Regenter (43%): this year, the figure is just over a third (35%), though, interestingly, the upheld and partly upheld rates are reversed, with the former standing at 26% as opposed to 14% in 2014/5, and the latter standing at 9% rather than 29%. I think that this reflects the seriousness of the failings that I have identified, and especially their impact on the complainants. I also think that complaints at stage three are now more complex (as they should be), so that a number of things have gone wrong, not just some peripheral issue. I think too that the figures are affected by a finding of maladministration in all six SEN cases.
20. In the four cases where I identified only some errors (ranging from failing to record a telephone call through to poor wording on the contaminated recycling bin tag), the rest of the complaint had no merit. It seems to me, however, that I should bring to the Council’s/Regenter’s attention all mistakes so that they can spot complaint trends; they can identify and remedy any breakdowns in service thus preventing more complaints; and they can learn lessons.
21. Complaints upheld/partly upheld stand at 35% - a welcome decrease on last year, but still a relatively high figure. I propose that the Council/Regenter should investigate the reasons for this, asking why officers at stages one and two of the complaints process have, in some instances, not identified a failing; why they have not taken steps to address it; and why they have not proposed a reasonable remedy.
22. It is still the case, though, that I do not uphold the majority of those complaints that are coming through (65%). Some are complex and they do require an investigation by me, despite an eventual finding of no maladministration: some 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.

23. Finally, this year as in other years, I have chosen not to investigate a number of complaints because, for example, an alternative way existed for achieving a remedy and it was not unreasonable to expect the complainant to pursue that alternative (such as a benefits appeal); or the injustice suffered by the complainant was not such as to justify the use of my limited resources (for example, the Council's actions had absolutely no impact on the situation in which the complainants found themselves). I record these complaints so that the Council and Regenter have a complete picture of complaints received and determined. My only concern here is that, in some complaints, the Council had failed to respond at stage one and/or stage two of the process so that the complainant, understandably, came to me. This absence of replies is not acceptable, and I am monitoring it with a view to taking it up with senior managers if I see a trend.

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

24. I made enquiries on most of the complaints I received this year, with the exception of those mentioned above in paragraph 23 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.

25. 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.

26. Although most complaints raised no particular issues, there were some notable exceptions:

#### **CYP**

- I have said already that there have been a number of SEN complaints this year: complaints that I think resulted from service failures in the past such as poor case management. In my view, such complaints should decrease, and hopefully disappear, as the Council embeds the new Education, Health and Care Plan (EHCP) with its much more holistic approach and dedicated case officers.
- I saw failings too in complaint handling: with the service area deciding not to use the complaints database (icasework); providing late replies to my enquiries despite agreeing an extension; officers not being properly briefed on how to respond to those enquiries; and remedies not being implemented.
- I brought these failings, and those in SEN, to the attention of senior officers, and I suggested a meeting to understand the reasons for them, and what could be done to avoid them in the future. I propose that this meeting goes ahead as soon as possible, and that it looks at complaints and complaint handling (with the possibility of some training on the latter). I also propose that the Council looks in detail at this year's complaints; that it learns lessons and it takes action to avoid future complaints; and that it monitors this area to determine if complaint numbers go down.
- Despite the serious failings that I saw in the SEN complaints, I also saw officers working hard with the families involved to identify the right provision for their children. I noted, however, that they struggled and made mistakes because of a seeming lack of resources. I propose that the Council reviews the position.

- A seeming lack of resources was also the reason that HOC gave me in April 2015 for not replying on time to complaints. There were delays too in responding to letters from homeless applicants and, in some instances, there was no response at all. In two cases, the decision on the homelessness application was seriously prolonged, and there was no answer to the requests for a review. I raised this with senior officers: finding that, overall, there has since been a significant and welcome improvement in communication and contact; and certainly an improvement on last year.
- In one complaint, I welcomed the extraordinary steps the Council had taken to try to help a family in distressing circumstances.

### *Highways*

- In a complaint about Council action to secure the removal of a tree branch obscuring a road sign, I noted that officers seemed unaware of the statutory right to appeal the enforcement notice; and they had (wrongly) escalated the complaint through to me, so that an appeal was now out of time. I was concerned about this lack of knowledge, and I raised it with senior officers. I urge all officers who receive a complaint about a legal process to consider whether it should be more properly be dealt with by the courts or a tribunal rather than under the complaints procedure.

### *Regenter*

- In one complaint, I welcomed the authority's willingness to accept what had gone wrong, and to settle it. I did ask, however, why compensation was not mentioned previously when fault was already identified. I urge the Council and the authority to identify opportunities to remedy complaints at an early stage and to avoid them coming to me.
- In this same complaint, I welcomed the help that officers gave to the complainant to move her belongings to facilitate internal works; and the proposal to consider any evidence of damage to personal belongings: this was good customer service.
- In a second complaint, the authority did not properly record what action it had taken in response to disrepair. This prevented a seamless service from being provided when officers changed. It also prevented a comprehensive reply to any complaint. I reminded the authority that I would expect up to date and accurate records, noting the same problem in the past.
- There were continuing problems too with repairs records being deficient, communication poor, and the absence of updates. I urge such updates, timely communication and good record keeping, especially where complex and lengthy works are necessary. Overall, however, I note an improved service from the authority.

### *Communication and complaint handling*

- Some officers have told me that they have not got time to chase and provide updates to me and to the complainant; others say that staff cuts are affecting the time taken to reply to my enquiries. In one instance, the officer told me that he did not have time to do work that I asked him to do; and, in another instance, that it was not his job. Officers are complaining too they have landed up with some work and the buck has been passed from service area to service area. I raised these issues with senior managers because some of the comments were unacceptable; and some could only be addressed by the relevant service area. I am also now monitoring the time taken to respond to my requests for information, noting that any delay impacts on my own timescales; could bring the complaints process into disrepute and lead to an Ombudsman complaint; and adds to the complainant's sense of grievance. I propose reporting my findings to the Council in due course. As for the lack of resources, I am not unsympathetic, but it seems me that sound administration (including good communication) will save resources in the long run,

and it will avoid time consuming complaints; and, where the Council does offer a service, even if reduced, that service should be well run.

- I have found that, on occasion, compensation is not mentioned when fault is acknowledged: I urge officers to think about compensation in these circumstances. I am also finding that, in some instances, compensation is promised, but not paid: I urge officers to follow through. I am finding too that the level of compensation proposed is too low: I urge officers to talk to me and/or consult Ombudsmen guidance.
- Further to my comments above about a lack of resources, I am noticing a rise in complaints about, for example, street sweeping and flytipping. I urge the Council to devise, and send out, standard complaint letters to avoid the need for detailed replies each time, and to manage complainant expectations. I would want an individual response, however, if there are specific issues in a particular complaint.

#### *Insurance claims*

- I continue to find that officers are still not referring complainants to the insurance process where a claim can clearly be made. I urge timely referrals.

#### **My performance**

27. Over the year, I have:

- Responded to 96% of all complaints about the Council and Regenter within 30 days (target: 90%).
- Had no decisions overturned in complaints referred to the Local Government Ombudsman or Housing Ombudsman.
- Met 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.
- Participated in a Lewisham Homes' working party on good letter writing and quality monitoring.
- 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.
- Attended an externally organised complaints seminar, providing feedback to senior officers on complaints and complaints handling.
- Written a regular newsletter for senior officers highlighting any concerns and suggested service improvements.

#### **Conclusions and general observations**

28. Significant changes within the Council and Regenter and to resources have continued this year. Notwithstanding, the number of stage three complaints has not dramatically 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*

- I urge the Council to look at this year's SEN complaints; it learns lessons and it takes action to avoid future complaints; and it monitors this area to determine if complaint numbers go down.



- I urge updates, timely communication and good record keeping in repairs complaints, especially where complex and lengthy works are necessary.
- I urge all officers who receive a complaint about a legal process to consider whether it should be more properly be dealt with by the courts or a tribunal rather than under the complaints procedure.
- I urge the Council to review officer comments about lack of resources and the impact on services and on complaint handling.
- I urge the Council to devise, and send out, standard complaint letters in key areas to avoid the need for detailed replies each time, and to manage complainant expectations. I would want an individual response, however, if there are specific issues in a particular complaint.
- Complaints upheld/partly upheld stand at 35%. I propose that the Council/Regenter should investigate the reasons for this, asking why officers at stages one and two of the complaints process have, in some instances, not identified a failing; why they have not taken steps to address it; and why they have not proposed a reasonable remedy.
- I urge the Council and the authority to identify opportunities to remedy complaints at an early stage and to avoid them coming to me. I also urge officers to follow through when compensation is promised. I urge officers additionally to talk to me and/or consult Ombudsmen guidance or the guidance in my Digest of Cases on what might be considered to be reasonable compensation.
- I urge timely referrals to the insurance process.

#### *For the future*

29. 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. I am proposing to:

- Monitor complaints received during 2016/17 to identify where there has been no stage one and/or stage two response, with a view to taking this up with senior managers if I see a trend.
- Monitor the time taken to respond to my requests for information and reporting my findings to the Council in due course.
- Meet with senior managers in CYP to discuss complaints and complaint handling (with the possibility of training on the latter).
- Consider practical, proportionate and imaginative remedies, before turning to compensation to address a complaint; and to keep that compensation as fair and reasonable as possible, and in line with Ombudsmen guidance.
- 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.
- Signpost more complainants to sources of advice and support and, when required, to alternative ways of pursuing their complaint.
- Meet all complainants with complex complaints, and conduct site visits where a practical remedy such as a repair is possible: helping my understanding and achieving quick resolution.
- Identify those complaints that can be speedily and effectively resolved without a detailed investigation and to approach the authorities with proposals for settlement.
- 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
- Work with officers on good administration to avoid complaints in the first place.
- Work with officers on complaint handling, and providing quick, effective, and imaginative remedies.

## *Acknowledgements*

I would like to thank Rachael Phillips (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 about the London Borough of Lewisham and Regenter. I have written a separate review on stage three complaints about Lewisham Homes, though the figures for all authorities are included and attached, and some crossover issues are mentioned.

**THE ANNUAL REPORT OF THE INDEPENDENT ADJUDICATOR - LONDON  
BOROUGH OF LEWISHAM AND REGENER 1 April 2015 – 31 March 2016**

Appendix 1

**Total cases received/open and determined: 1/4/15 – 31/3/16**

TOTAL CASES RECEIVED 1/4/15 – 31/3/16	NO. OF CASES CARRIED OVER FROM 2014/15	NO. OF CASES DETERMINED	NO. OF CASES WITHDRAWN/ OUTSIDE JURISDICTION	NO. OF CASES OPEN AS OF 31/3/16
<b>*91</b>	11	73	21	8

*\*Includes Lewisham Homes*

**Number of cases determined**

TOTAL CASES DETERMINED	UPHELD IN FULL	UPHELD IN PART	NOT UPHELD
<b>*73</b>	17 (23%)	10 (14%)	46 (63%)

*\*Includes Lewisham Homes*

**Time taken by the IA to resolve: target 90% of cases to be resolved within 30 days**

30 days and below	31 - 50 days	More than 50 days
70 (96%)	*3 (4%)	0

*\*These complaints were particularly complex and required significant investigation.*

**Number of cases received: a comparison**

The Council and Regenter	Lewisham Homes	Total cases received
56 (62%)	35 (38%)	<b>*91</b>

*\*Includes 21 complaints that were withdrawn or considered to be outside the IA's jurisdiction*

**Cases received by Council directorate/partner**

*Total number of stage three complaints against each directorate and each partner with the number of withdrawn/out of jurisdiction complaints in brackets (21)*

Customer Services	Resources and Regeneration	Community Services	Children and Young People	Regenter	Lewisham Homes	TOTAL
34 (8)	5	3 (2)	9 (1)	5 (3)	35 (7)	<b>91</b>

**Cases determined by subject**

*Number of complaints determined by subject – does not include those that were withdrawn/considered to be out of jurisdiction: number upheld in full or in part in brackets*

	All Council/Partners*	Council and Regenter	Lewisham Homes
Repairs	12 (6)	2 (1)	10 (5)
Council Tax/Business Rates	10 (2)	10 (2)	
Environment	9 (1)	9 (1)	
SEN	6 (6)	6 (6)	
Major Works	5 (2)		5 (2)
Parking	4	4	
Highways	4 (2)	3 (1)	1 (1)
HOC	3 (1)	3 (1)	
ASB	3 (1)		3 (1)
Tenancy issues	3		3
Decent Homes	3 (1)		3 (1)
Leaseholders	2 (1)		2 (1)
Planning	2	2	

Loft conversion	1 (1)	1 (1)	
PSL	1 (1)	1 (1)	
SHIP	1	1	
Building Control	1 (1)	1 (1)	
Benefits	1	1	
School re-organisation	1	1	
Fostering	1 (1)	1 (1)	
<b>Total for all Council</b>	<b>73 (27)</b>	<b>46 (16)</b>	<b>27 (11)</b>

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

**Compensation awarded in 18 cases including those against Lewisham Homes**

Up to and including £100	£101 - £500	£501 and above	<b>TOTAL – COUNCIL/RB3</b>	<b>TOTAL INC LH*</b>
2	6	10	<b>£20786.88</b>	<b>£26523.4</b>

*\*Lewisham Homes £5736.52 – 8 cases*

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

Local Government  
**OMBUDSMAN**

21 July 2016

*By email*

Barry Quirk  
Chief Executive  
London Borough of Lewisham

Dear Barry Quirk,

**Annual Review Letter 2016**

I write to you 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 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you. In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

**Effective accountability for devolved authorities**

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship

management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

### **Supporting local scrutiny**

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

### **Complaint handling training**

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).


### **Ombudsman reform**

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



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

## Appendix 3 - Breakdown of LGO cases

### Local authority report – Lewisham LB

For the period ending – 31/03/2016

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

### Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Lewisham LB	22	39	5	31	12	7	37	9	162

### Decisions made

				Detailed investigations				
Incomplete/Invalid	Advice given	Referred back for local resolution	Closed after initial enquiries	Not Upheld	Upheld	Uphold Rate	Total	
6	1	93	29	15	18	55%	162	
<b>Notes</b> Our uphold rate is calculated in relation to the total number of detailed investigations. The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied. The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.				Complaints Remedied				
				By LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate		
				15	1	100%		

Appendix 4 – top 3 complaint reasons by ward.

Ward	Housing and Council Tax Benefits	Highways - Street Works	Housing - Customer services	Council Tax	LH - Repairs - Responsive Repairs	LH - Tenancy - Tenancy Team	LH - Service Improvement - Customer Relations Team	Refuse	Advice and Reviews	MITIE	Resources - Leasehold services	Parking	Breyer	Policy
Bellingham	1	2				3								
Blackheath							1					3	2	
Brockley			1	3							2			
Catford South	1	3		2										
Crofton Park	1			2				3						
Downham	1			2					3					
Evelyn				3	1	2								
Forest Hill		1		3	2									
Grove Park	1			3				2						
Ladywell	1	3									2			
Lee Green	1	2		3										
Lewisham Central	2			1								3		
New Cross					2		3			1				
Perry Vale	2	1		3										
Rushey Green	2	1							3					
Sydenham	3	1			2									
Telegraph Hill					1	2	3							
Whitefoot	1			3										2

\* Based on the post code of the complainant



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

Row Labels	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park	Ladywell	Lee Green	Lewisham Central	New Cross	Perry Vale	Rushey Green	Sydenham	Telegraph Hill	Whitefoot	Grand Total
Highways - Street Works	14	10	6	13	8	3	6	20	7	21	20	1	3	23	139	18	14	6	332
LH - Repairs - Responsive Repairs	9	9	15		1		43	10			11	2	37	6	7	17	32		199
Housing and Council Tax Benefits	33	11	16	16	13	30	19	8	17	14	23	15	27	16	32	12	16	16	334
Council Tax	6	9	20	14	10	7	22	9	10	10	14	19	25	13	9	11	16	10	234
LH - Service Improvement - Customer Relations Team	4	17	8	4			16	5			12	12	31	1	5	9	21		145
LH - Repairs - Technical Team		5	2		2		6				2	2	5		1	8	13		46
Advice and Reviews	9	5	4	9	2	3	11	3	1	5	2	8	3	5	11	8	7	5	101
Refuse	7	6	9	10	9	2	8	7	13	9	8	2	4	8	3	7	5	2	119
Assessment and Support Planning	2		1	3		1	3		6	1	2	1	2	2	5	7	4	1	41
Corporate Complaints	3	6	9	1	3		9	4	6	3		2	3	3	3	7	7	1	70
Breyer	5	17			1			4			3	12		4	3	6			55
LH - Tenancy - Tenancy Team	13	14	7	1	6		31	3			4	9	26	12	9	4	28		167
LH - Tenancy - ASB		2	1		2		10				3	2	3	1		4	8		36
Highways - Traffic Management Act	1	2	2	1	1	1	1	1		1	2		4	3	7	4	2	1	34
LH - Repairs - Contact Centre	1	3	1				6	1				1	4		1	3	7		28
LH - Tenancy - Occupancy		1			1		1				1		4		1	3	4		16
Recycling			1		1		1		1					1		3			8
Policy	2	6	1	2				2	1	3	6	3		1	2	3	4	10	46

Row Labels	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park	Ladywell	Lee Green	Lewisham Central	New Cross	Perry Vale	Rushey Green	Sydenham	Telegraph Hill	Whitefoot	Grand Total
Lewisham Homes (DH)		2			1		2	2			3	2	9		1	3	4		29
LH - Major Works - Capital Programming		1	2		1								1		4	3	1		13
Contracts and procurement team	2			2		2			1		1			1	4	3	2	1	19
LH - Income Team - Patch 1	1	3			1		3	1		1	1	2	4	1		3	4		25
Anti-social Behaviour		2			1	1			3			2		2	3	2	1		17
LH - MNE - Other		2										2	1		1	2			8
Community Sector					1	2	1				1	2	1	1	5	2			16
LH - Tenancy - Garage Team													1			2			3
LH - MNE - Gas	1						3					3	8		1	1	3		20
Lewisham Enforcement Services				1	1	1			1	1			1		1	1		1	9
Street Services	2	4	3	4	4	1	5	1	1	2	5	3	1	2	3	1		4	46
Customer Relations Team (Community Services)	1	1	4	1	3			1	4	1			2	1	2	1		3	25
LH - Major Works - Construction Delivery	3						3	1			2		9	1	3	1	1		24
Housing Partnership and Development																1			1
Registry Office					2							1	1	3		1	1		9
Urban Design, Conservation and Heritage																1		1	2
Environmental Enforcement		2	2	1		1	2	1	1		3	3	1		3	1	2	1	24
LH - Leasehold	2	5		1			11	2			4	2	6	1	1	1	3		39

Row Labels	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park	Ladywell	Lee Green	Lewisham Central	New Cross	Perry Vale	Rushey Green	Sydenham	Telegraph Hill	Whitefoot	Grand Total
Services																			
LH - Customer Services		5					3	1				3	3		1	1			17
CCTV										1									1
Property - Repairs			11		2					10									23
Library and Information Services		2	2	3	1	2	4				8		2		9				33
Highways - Transport Works	1																		1
SCAIT							1												1
Housing - Caretaking			1																1
Events												1							1
Housing - Customer services		1	141	1	8					111		4					2		268
Parking		16	1	3	1	3		1	5	5	12	12	2	3	8		2	4	78
Housing - Income			4							2									6
Rehousing Development	1						2	2		1		1			1				8
Housing - Tenancy			8							10									18
Highways - Maintenance Utilities	1	1													1				3
Community Mental Health Team																		1	1
CEL - Curriculum Team								1											1
Community Safety	3				1	2	1			1	1	2	2		10		2	1	26
Executive Directors' Office								1	1		1				1				4
Housing Strategy												2							2



Row Labels	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park	Ladywell	Lee Green	Lewisham Central	New Cross	Perry Vale	Rushey Green	Sydenham	Telegraph Hill	Whitefoot	Grand Total
Arts and Entertainment				1											1				2
Other service areas	1		1					1			2		1						6
Business Rates							1	1											2
Financial Assessment		1									1		1						3
Business Regulatory Services					1		1												2
Private Sector Leasing	1												1					1	3
CSC Face to Face	1					1								1			1		4
Fleet			1																1
CSC Telephony	4	3	1	3	3		1	2	1	1	2	2	1	2					26
Health intelligence	1																		1
LH - MNE - Lifts		2	1				1						1	1	1				7
Resources - Financial services			1																1
Casework Team (Customer Services)		1	1		1	2		1	1	5	3	3	2	1	4		3	2	30
Safeguarding, Quality and Risk						2				1									3
Customer services			1																1
Single Homeless Intervention and Prevention				1		1		1											3
LH - Repairs - Disrepair		1					3												4
Street Lighting																	1		1
Day Opportunities and Support						1	1	1		1			1						5
Supporting People												3			1				4
Development					3	1			1		1			1	1		1		9

Row Labels	Bellingham	Blackheath	Brockley	Catford South	Crofton Park	Downham	Evelyn	Forest Hill	Grove Park	Ladywell	Lee Green	Lewisham Central	New Cross	Perry Vale	Rushey Green	Sydenham	Telegraph Hill	Whitefoot	Grand Total
Control																			
Transport Client Team												1							1
LH - Repairs - Voids	1	2					1						1		1				6
Very sheltered housing																	1		1
LH - Resources - Communication							2												2
Youth Service					2														2
LH - Resources - Community Involvement					1								1						2
LH - Resources - Finance													1						1
LH - Estate Services - Caretaking		1	2				1	1				2	3		5		2		17
<b>Grand Total</b>	<b>139</b>	<b>186</b>	<b>342</b>	<b>98</b>	<b>117</b>	<b>75</b>	<b>271</b>	<b>103</b>	<b>86</b>	<b>254</b>	<b>173</b>	<b>156</b>	<b>318</b>	<b>129</b>	<b>324</b>	<b>165</b>	<b>249</b>	<b>73</b>	<b>3258</b>