

<b>Standards Committee</b>			
<b>Title</b>	Annual Complaints Report 2018-19		
<b>Key decision</b>	No	<b>Item no</b>	
<b>Wards</b>	All wards		
<b>Contributors</b>	Director of Public Services		
<b>Class</b>	Part 1	8 January 2020	

## **1 Executive Summary**

- 1.1 This 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 received during 2018/19. There were a total of 7,828 complaints and enquiries received in 2018/19. This represents an 12% increase when compared to 2017/18 when we received 6,992.
- 1.2 This 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 96 complaints between 1 April 2018 and 31 March 2019, of which she upheld or partly upheld 26%. The IA responded to 83% 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 and Social Care Ombudsman (LGSCO) report is attached at Appendix 2. In 2018/19, the LGSCO made decisions on a total of 31 cases, which is 7 more than last year. The report is attached at Appendix 2.

## **2 Purpose of Report**

- 2.1 To provide information on complaints performance in 2018/19.

## **3. Recommendation**

The committee is recommended to:

- 3.1 Note the contents of the report.

## **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 Local Government and Social Care Ombudsman (LGSCO’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 Corporate Complaints & Casework Team

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 times. The statistics are for cases logged into iCasework between 1 April 2018 and 31 March 2019 compared with performance over the same period in 2017/2018.

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

	<b>Total Complaints &amp; Enquiries</b>		
<b>Directorate</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>% increase/decrease</b>
<b>Children and Young People</b>	257	229	-11%
<b>Community Services</b>	293	306	+4%
<b>Customer Services</b>	4,664	3,765	-19%
<b>Lewisham Homes</b>	935	1,160	+24%
<b>Resources &amp; Regeneration</b>	843	2,368	+181%
<b>Total</b>	<b>6,992</b>	<b>7,828</b>	<b>+12%</b>



Table 2- Stage 1 and Stage 2 Complaints by directorate with % responded to on time.

Directorate	Stage 1 Complaints					Stage 2 Complaints				
	2017/2018	%	2018/2019	%	Variance	2017/2018	%	2018/2019	%	Variance
Children and Young People	113	37	80	43	-33	12	49	9	22	-3
Community Services	54	51	105	48	+51	4	50	5	100	+1
Customer Services	3,122	90	2,275	84	-847	81	61	52	79	-29
Lewisham Homes	370	84	569	88	+199	77	90	67	93	-10
Resources & Regeneration	343	77	2,027	98	+1,684	31	28	17	71	-14
<b>Total</b>	<b>4,002</b>	<b>68</b>	<b>5,056</b>	<b>77</b>	<b>+1,054</b>	<b>205</b>	<b>56</b>	<b>150</b>	<b>81</b>	<b>-55</b>

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

Directorate	MP			Mayor			Members			CEO		
	2017/2018	2018/2019	Variance	2017/2018	2018/2019	Variance	2017/2018	2018/2019	Variance	2017/2018	2018/2019	Variance
Children and Young People	112 (36)	89 (33)	-23	8 (38)	9 (22)	+1	7 (57)	30 (47)	+23	0	8 (88)	+8
Community Services	144 (60)	93 (66)	-48	10 (60)	15 (73)	+5	67 (56)	73 (64)	+6	6 (67)	13 (100)	+7
Customer Services	877 (73)	837 (85)	-40	201 (51)	149 (85)	-52	298 (73)	326 (81)	+28	45 (77)	74 (99)	+29
Lewisham Homes	356 (91)	320 (88)	-36	23 (78)	37 (86)	+14	81 (90)	135 (96)	+54	3 (67)	1 (100)	-2
Resources & Regeneration	168 (80)	141 (81)	-27	29 (55)	26 (77)	-3	252 (87)	123 (88)	-129	12 (75)	27 (96)	+15
<b>Total</b>	<b>1,657 (68)</b>	<b>1,480 (82)</b>	<b>-177</b>	<b>271 (56)</b>	<b>236 (81)</b>	<b>-35</b>	<b>705 (73)</b>	<b>687 (82)</b>	<b>-18</b>	<b>66 (76)</b>	<b>123 (98)</b>	<b>+57</b>

\*figures in brackets denote the percentages dealt within the specified corporate targets.

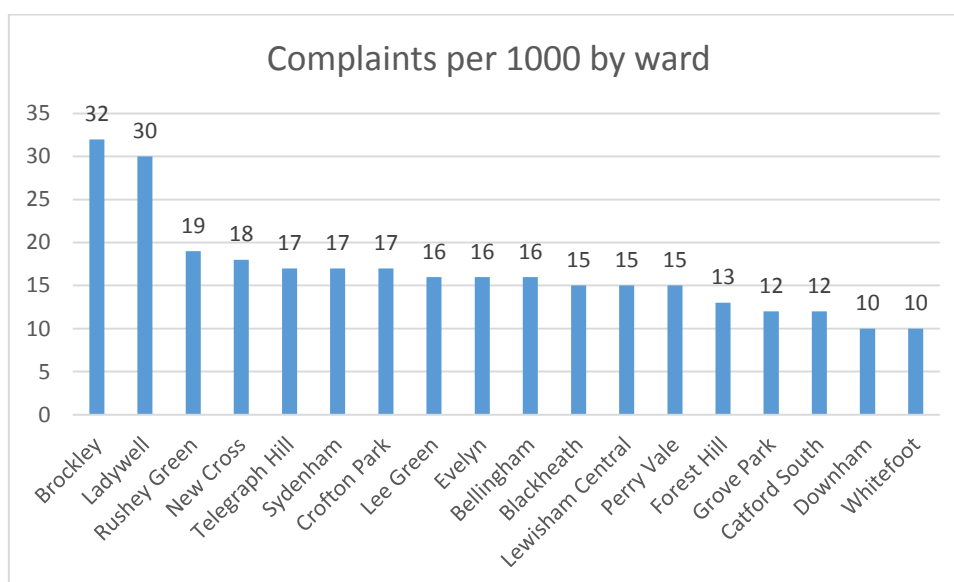
NB: The figures in Table 2 and 3 do not include the 96 complaints handled by the Independent Adjudicator at Stage 3 (please see Section 6 of this report).

5.3 The total number of complaints and enquiries received in 2018/19 was 7828, which was an increase of 836 (12%) on the previous year, and a continued increase from previous years as detailed below.

- 2018/2019 – 7,828 complaints and enquiries received
- 2017/2018 – 6,992 complaints and enquiries received
- 2016/2017 – 5,743 complaints and enquiries received
- 2015/2016 – 4,308 complaints and enquiries received
- 2014/2015 – 4,335 complaints and enquiries received
- 2013/2014 – 4,430 complaints and enquiries received
- 2012/2013 – 4,772 complaints and enquiries received

#### 5.4 Complaints and enquiries by ward.

The distribution of complaints received by Ward is shown below. The highest number of complaints received per 1,000 population were from residents in Brockley ward, followed by Ladywell. The lowest number of complaints were from residents in Downham and Whitefoot wards.



5.5.1 In Brockley Regenter RB3 was the main reason residents complained, followed by Refuse and Recycling and then Council Tax.

5.5.2 The second highest number of complaints were received from residents in Ladywell and the complaints and enquiries were about Regenter RB3, Refuse and Recycling and the Housing Options Centre.

5.5.3 Finally, Rushey Green produced the third highest number and those consisted of the Housing Options Centre, Council Tax and Refuse and Recycling.

#### 5.6 Trends

5.6.1 On analysing the reasons for complaints, the top three issues identified for 2018/19 were as follows:

1. Environment
2. Housing Strategy
3. Council Tax

5.6.2 This top 3 has changed from the previous year at which time Housing Needs was in the top 3, along with Environment and Highways.

5.6.3 The services with the top three issues have provided comments on what has generated complaints within their service area and the actions they are taking.

## **5.7 Environment**

5.7.1 The main areas that generated complaints for Environment were Refuse and Recycling: bin requests, Garden Waste and Food Waste.

5.7.2 The service had noticed a large increase in residents ordering bins since the fortnightly collections were introduced and some residents were ordering additional bins instead of trying to reduce their waste. The service have now introduced a new bin ordering system via the Customer Relationship Management System which is used mainly by the Call Centre for booking and paying for jobs, which now prevents residents ordering domestic bins within six months of their last order. The system also has streamlined the bin deliveries into wards and gives customers a date to let them know when their bins will be delivered. Environment are expecting complaints to reduce within the next few weeks, once the system has had time to settle down. There have also been complaints about non-collection across both services, some of these are where residents are unsure of their collection day/week for refuse and recycling.

5.7.3 Garden Waste complaints have been a mix of missed collections, the length of time taken to deliver a bin, the increase in cost of the service and complaints about the removal of resident's bins due to non-payment. The service have approximately 10,000 subscribers.

5.7.4 Food Waste again has been a mix of missed bin collection, bin replacement requests, complaints from residents living in blocks of flats, where the service is not provided at the present time, this is something the service are working on rolling out in the future. There has been an increase in requests for fox proof bins, a new bin is being piloted, which has been successful so far.

## **5.8 Housing Strategy**

5.8.1 Enquiries on the subject of Homelessness and the Housing Register continue to be the most prevalent trend that is reflected in the increasing numbers of households that approach the housing needs service for advice and assistance.

5.8.2 It is increasingly difficult for residents to access affordable, secure housing for their needs. As a result, the numbers of households making a homelessness application under the Homeless Reduction Act shows an increase on last year. The volume of households requiring statutory support with housing and homelessness continues to rise. To further compound this issue, there is an acute shortage of high quality temporary accommodation within and near Lewisham.

5.8.3 The main reason enquiries and complaints are submitted by customers are as follows:

- Offers of accommodation often do not meet with customers' expectations, in terms of quality and location

- Due to the volume of cases being received, waiting times for assessments are longer than the services would like

5.8.4 The service is undertaking the following actions to improve the homelessness and housing service, which should have a positive impact on the number of complaints being received:

- The council works at all times to procure temporary accommodation within or as close to Lewisham as possible. Lewisham is part of numerous Pan-London schemes focussed on location, quality and standards of temporary accommodation
- Improving the customer experience of the housing needs service, including redesigning the front facing housing service, improving the available literature both in leaflet form and online and a portal for housing advice that all customers can access and be referred to
- An integrated housing system is being procured, linking three currently disparate housing and homelessness management systems into one. This will also include an enhanced online function for customers to access their own records as well as an online portal for better dialogue between customers and officers
- Complaints about Temporary Accommodation are being transferred to an online management system, which will improve management and speed of resolution

## 5.9 Council Tax

5.9.1 The Council Tax section has seen a marginal increase in complaints during 2019, 635 this year compared to 594 in 2018. The top two reasons for complaints are categorised as *'receipt of summons'* and *'billing enquiry'*. When customers fail to pay as stipulated on their council tax bill a reminder notice is issued requesting that their payments are brought up to date. If after a period of weeks following the reminder the account remains in arrears, the Council has the right to send a summons for the unpaid debt. This action can result in a surge of complaints from customers about the summons and billing process. The service always provides warnings in advance of this action to minimise the number of customers affected however, owing to the nature of revenue collection complaints will always be made.

5.9.2 The service has also seen an increase in the number of complaints regarding the telephone service and the ability to get through on the phones, this in part was as a result of the new telephony which does not have as much flexibility as the previous software to manage call volumes. In order to mitigate this, information regarding the best time to contact the service is dispatched with specific documents and the Customer Service managers continue to work with the telephony providers to improve the customer experience.

## 5.10 Lewisham Homes

5.10.1 Lewisham Homes have reported the following for 2018/19:

- **Improved tenant satisfaction** to 81% compared to 77% in 2016/17 – From January to March 2019 an average of 63 tenants per month visited our Welfare Benefits drop-in surgery. They secured £891,000 in backdated and other benefits for tenants, including those in temporary accommodation. 50 residents attended budgeting courses
- **Improved leasehold satisfaction** to 59% compared to 56% in 2016/17 - Leaseholders can now view service charge bills and statements online. They can also view information about communal repairs and give feedback on the service. Lewisham Homes also developed the leasehold area of the portal to make it more user friendly



- **Maintained high quality and safe homes** to meet or exceed building safety requirements. 100% of our Fire Risk Assessments completed on time and they established a more robust gas recovery programme, achieving 100% compliance with gas safety checks at the start of 2019/20.
- **Collaboration with the NHS** to provide classes for our frailer residents which aim to prevent falls, reducing dependency on medical services and enabling independence.
- **Improved complaints response** times to 92% compared to 90% in 2016/17
- **Improved satisfaction with environmental services** since we brought the services in house. Satisfaction with Grounds Maintenance has increased to 80% from 60% in 2015/16, while Caretaking has increased from 71% to 79% in the same period
- **Empowering residents:** Lewisham Homes again partnered with London Metropolitan University to run free Improving Housing Services, offering residents opportunity to learn more about housing and get involved in shaping services
  - 26 residents completed the course
  - 15 achieved the accreditation
  - 36 residents took part in the one-day course

### 5.10.2 Ambitions include:

- Residents' safety remains Lewisham Homes' top priority- continuing regular safety checks and taking additional measures to ensure that residents are safe in their homes, including:
  - Ongoing work to our buildings that had been stripped of dangerous cladding
  - Adding integrated sprinkler systems to our new homes at Wise Court, Lee
  - Continuing fire safety engagement with residents
  - Launching a clear corridors policy
- Increasing digital engagement with residents:  
Lewisham Homes continued to make improvements to their resident portal giving easy access to our services online. 30.3% of residents signed up compared to 24.2% in 2017/18
- Increase the frequency and way they look at resident satisfaction, following up areas of dissatisfaction.
- Review their offer to leaseholders with an increased focus on affordability, transparency and communication.
- Introducing communal computers in some larger independent living schemes. Following a pilot scheme, Lewisham Homes intend to roll this out across the whole service in 2019/20.

## 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 summaries the IA's report.
- 6.2 The IA received 96 complaints during the year, 9 less than 2017/18. This breaks down to 69 (70%) about the Council/Regenter (down by 5 from last year); and 27 (28%) about Lewisham Homes (down by 4 from last year).
- 6.3 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.
- 6.4 The IA responded to 85% of cases within the 30 day standard, this is a decrease of 6% on the previous year.
- 6.5 26% of investigations were upheld, this is up from 21% in 2017/18.
- 6.6 Cases by directorate/partner

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

**Table 6 – Total number of Stage 3 complaints against each directorate and each partner**

Customer Services	Resources and Regeneration	Community Services	Children and	Regenter	Lewisham Homes	TOTAL

			Young People			
52	7	2	4	4	27	96*

\*includes 25 complaints that were withdrawn or considered to be outside the IAs jurisdiction

## 6.7 Compensation

Compensation was awarded in 14 cases including those against Lewisham Homes. The total amount of compensation paid was £6,919.50\*, of which £1,400.00 was for Lewisham Homes.

**Table 7 – Amount of Compensation**

	Up to and including £100	£101 - £500	More than £501	Total	
2018/19	3	9	2	14	£6,919.50
2017/18	2	9	3	14	£7,528.70
2016/17	n/a	7	6	13	£13,699.80
2015/16	2	6	10	18	£26,523.40
2014/15	n/a	13	6	20	£9,241
2013/14	4	8	4	16	£6,542
2012/13	2	8	2	12	£4,259.75
2011/12	2	9	1	12	£3,614

## 6.8 **Comments by the IA**

6.8.1 In her Annual Letter the Independent Adjudicator said ‘*I have no particular concerns this year, noting that delays by some Housing Officers in replying to my emails have been addressed, and I have brought to the attention of senior managers two cases where stage three comments were late. In my experience, officers continue to take complaints seriously; accept adverse findings; and, on occasion, suggest remedies. I note that training is proposed so that Corporate Complaints Officers – at stage two of the complaints process – feel better equipped to do in-depth investigations, thus avoiding escalation of complaints to me. I welcome this, as well as the invitation to contribute to that training*’.

6.9 The Council thanks the IA for her comments.

## 7 **Local Government and Social Care Ombudsman Annual Letter 2018/19**

7.1 An annual review letter is produced by the LGSCO each year. This gives a summary of statistics relating to complaints made against local authorities over the year ending 31 March 2019. A copy of the LGSCO’s annual letter is attached at Appendix 2.

7.2 The enclosed tables present the number of complaints and enquiries received and the decisions made about the authority during the period. In 2018/19 a total of 127 complaints and enquiries were received, a decrease of 19 on 2017/18. Of the total received only 31 “detailed investigations” were carried out, of which 18 were upheld.

- 7.3 The highest number of complaints were about:
- Housing – 33 (41 in 2017/18)
  - Benefits and Tax – 29 (26 in 2017/18)
  - Education and Children’s Services – 28 (21 in 2017/18)
- 7.4 There was one public report issued during the year which crossed the Children and Young People’s Service and Adult Social Care.
- 7.5 The LGSCO was also critical of the time taken to implement agreed remedies in two complaints stating “Accepting fault and a willingness to put things right promptly is integral to any good complaints system. I would ask you to take the necessary steps to address the delay we have noted in implementing agreed remedies.”
- 7.6 The LGSCO provide additional information to focus the statistics more on the outcome from complaints rather than just amounts received. The LGSCO also provides a breakdown of “decisions made” to show how they were remedied i.e. “Advice Given”, “Referred back for Local Resolution” etc. Included in this are “Complaints Remedied” which are made up of complaints remedied by the LGSCO or “Satisfactorily by Authority before LGSCO Involvement”
- 7.7 The LGSCO continue to publish their annual data on their website, alongside an annual review of local government complaints. The aim is to promote transparency and accountability.
- 7.8 The Council views this as a useful exercise, which affords the opportunity to reflect on the types of complaints made and consider where improvement might be made. A dedicated officer within the Corporate Complaints and Information Governance Team now oversees the implementation of Ombudsman remedies.

## **8 Achievements in 2018/19**

- 8.1 As detailed previously, the Council implemented the casework review creating a new Corporate Complaints and Casework Team in February 2017. The number of enquires for 2018/2019 is slightly up with some variances across the categories but performance has improved which is pleasing. Performance at Stage 2 went from 56% to 81%, MP enquires went from 68% to 82%, Mayor enquires from 56% to 81% and Members enquires from 73% to 82%.
- 8.2 There has been a reduction in complaints at Stage 2 from 205 to 150 in conjunction with an increase in performance.
- 8.3 There has also been a small reduction in complaints at Stage 3 from 105 to 96.

## **9 iCasework system upgrade**

- 9.1 The new Casework and Complaints system, iCasework, is now fully functional and embedded within the Council.
- 9.2 iCasework includes a portal for the Members to utilise when submitting casework, allowing them to track their enquiries and maintain accurate records of constituent’s cases. It should be noted that not all Members are using this function at present.
- 9.3 The main benefit of the new system is its reporting feature. Reporting on the old system was complicated and time consuming, but the new system has the ability to provide

accurate reports on volumes and performance in a fraction of the time. The team is now able to produce monthly and quarterly reports for senior management, and there is a plan to provide Members with regular reports on their individual casework.

## **10 Complaints and Casework Review - Team**

- 10.1 Previous reports detailed a number of challenges that the newly formed Complaints and Casework Team faced, after the new structure was implemented in February 2017. These challenges were:
- The iCasework system being out of date and in need of replacing
  - A backlog of cases
  - Outstanding investigations with the Local Government Ombudsman (LGSCO)
  - New staff were recruited who needed training
  - Existing staff who were recruited into the new team needed to upskill to deal with enquires about services they were unfamiliar with
- 10.2 The implementation of an updated iCasework addressed the system issues. Newly recruited and existing staff are now embedded in a functioning team and training and guidance is provided to ensure all staff are upskilled to perform their duties successfully.
- 10.3 The admin support staff are fully trained and provide a full service to the team, officers and the public. This has greatly assisted with the overall improvement with performance.
- 10.4 The team also met with the local LGSCO investigator in December 2017 (now the Local Government and Social Care Ombudsman) with a view to strengthen this relationship. This was successful and there is now a strong professional working relationship with the LGSCO's office which continues to date. We have a dedicated officer ensuring that responses to all enquiries made are responded to in a timely manner.
- 10.5 One of the most significant changes made as a result of the Complaints and Casework Review, was that Senior Resolutions Officers became responsible for the investigation and response to Stage 2 complaints, instead of a Head of Service. This function has been very successful.
- 10.6 Regular monthly reports on performance are now produced for senior managers. Trends are analysed to identify service delivery issues and performance is also addressed.
- 10.7 In order to expand the team's awareness of the services they may have been previously unfamiliar with, a number of measures were undertaken including meeting with staff in those services, and liaising with contacts who have a better knowledge of the services and who does what. This liaison work continues and there is now a good level of knowledge of all Council functions within the team, which has resulted in a good quality of responses to casework and complaints.

## **11 Conclusion of Review**

- 11.1 The last two financial years have seen an increase in the number of complaints to the Council and the volume of casework. The volumes have increased from 4,308 in 2015/16 to 7,828 in 2018/19, which is a 82 % increase. Despite this significant increase in volumes performance has improved.

- 11.2 The Council will continue to use the feedback it receives from complaints as a way to learn from its mistakes and address service users main areas of concern.
- 11.3 It should also be noted that the number of complaints and casework received still only represent a very small proportion of the millions of transactions the Council has with people living, working and learning in the borough.

## **12 Legal Implications**

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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/>
- 12.6 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

12.7 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/>

### **13 Financial Implications**

- 13.1 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.
- 13.2 There has been no major impact on the level of complaints since 2010 following the savings programme. There has been a general upwards trend in the number of complaints and casework received but this is not directly attributed to the savings programme.

### **14 Crime and Disorder Implications**

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

### **15 Equalities Implications**

- 15.1 The iCasework system enables the Council to collect equalities monitoring information that is used to ensure the complaints process remains accessible and that no particular parts of the community suffer inequity in service delivery.
- 15.2 In terms of ethnicity, data was only provided in 18% of cases. Of this 18% 48% identified themselves as being Bangladeshi.
- 15.3 In regard to gender, the data recorded confirms that 58% of complainants were female, 37% were male and in 6% of cases this information was not given or recorded.
- 15.4 In over 99% of cases, the customer did not confirm either way whether or not they consider themselves to have a disability. In less than 1% of cases the customer confirmed that they were disabled.
- 15.5 Religion data was not given in 100% of cases.
- 15.6 The customer's sexuality was also not given in 100% of cases.
- 15.7 The Corporate Complaints team will continue to work with voluntary community groups to ensure no one is disadvantaged from using the complaints process.
- 15.8 As the above equalities data is not statistically significant, the service will work to promote the completion of this section, so future data is more informative.

### **16 Environmental Implications**

16.1 There are no environmental implications arising from this report.

**17 Background Documents and Report Author**

17.1 There are no background documents to this report.

17.2 If you would like more information on this report please Georgina Chambers, Corporate Complaints, Casework and Information Governance manager on 020 8314 7956.



## Independent Adjudicator Letter for 2018 - 2019

Dear Mayor Egan

### Review of stage three complaints 2018 – 2019

Each year, I write with a detailed review of complaints received about the Council and Regenter at stage three of the complaints process.\*

There are several 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 2018 to 31 March 2019.

This year, my review focuses less on simplistic complaint volumes - noting that, over the years, they have changed very little and are few in number when compared to the scale of the Council's services - and, instead, spotlights the value my findings can add to the those services, through my recommendations for wider service improvements and sharing learning.

### Service improvements and lessons learned from complaints

It has always seemed to me that, having a mature attitude to complaints, and using the feedback to reflect on services provided, and as a tool for improvement, is a vital way of helping to ensure the Council's services meet local needs. I think that the following two case studies illustrate this.

#### *Case study*

I upheld a complaint that the Council had approved the development of a block of flats that was too close to the complainant's garden and lounge and bedroom windows. I found that, prior to the development being approved by Members, officers:

- Made no specific reference to the effect on the complainant's amenity of the communal walkways closest to her home.
- Failed to secure screening to those walkways to address possible loss of privacy.

I could not conclude that the planning permission itself was unsound; but, I did conclude that there was overlooking of the complainant's property, and uncertainty about what Members might have done had they been fully informed.

I, also, concluded that, when determining the complaint, officers made incorrect assumptions about which part of the development site the complainant was referring to, and, consequently, they did not address the complaint and the complainant was, eventually, forced to come to me.

My enquiries quickly established the part of the site that was of concern to the complainant; I was able to discuss it with senior managers; we identified fault; and we agreed a remedy.

The key lesson here, I think, is that, whenever the issues are unclear, officers should seek to clarify them early on, noting that, in some instances, this will mean speaking to the complainant on the telephone, and/or visiting the site (especially in planning complaints). This may seem onerous at a time when resources are tight, but, in my view, it less resource intensive and less costly than having to deal with a stage three or Ombudsman complaint.

A second lesson is that it can be useful asking the complainant what they want as an outcome to their complaint: noting that, in many instances, they do not want compensation, but a practical remedy. So, in this case, the complainant asked the Council to pay for shutters to her lounge and bedroom windows – at a cost of £2956 - to soften the overlooking. I thought that this was fair and reasonable and eminently responsive to the circumstances, and the Council agreed.

A third lesson is that officers should, in my view, consider opportunities for resolving complaints early on, and, so, avoiding escalation. This did not happen here, but, when I brought the complaint to the attention of senior managers, they, helpfully, suggested a second, and, equally, practical remedy: asking the developer to install opaque glass end screens to the first and second floor communal walkways closest to the complainant's home.

### *Case study*

In a complicated re-housing complaint, I found that:

- The Council did not communicate to local landlords – especially housing associations – and applicants on the housing register information about changes to the application verification process which occurred in 2015.
- The complainant in this case did not know, therefore, that she should have provided, in advance, key information to the Council to support her housing application: with the absence of such information meaning that she could not be made an offer when she bid successfully for a property.
- The Council, unfairly and unreasonably, waited until such a bid came up, only then to explain the new process: a state of affairs where the complainant would, inevitably, lose out on something for which she might be approved; something for which she had waited so long; something that might not come up again in the short or medium term; and something that could have alleviated her overcrowded living conditions.
- At the time of the complainant's successful bid, the Council failed to note that she was a housing association tenant; it did not check the status of that organisation, recognising (as it does now) that housing association mergers happen fairly regularly; and it, consequently, failed to appreciate that her application was affected by such a merger.
- The Council fettered its discretion by rigidly imposing the new process on the complainant's application: noting that, in reality, she was now the tenant of a large housing association; her status had changed; and no Council verification check was necessary.
- The complainant did not miss out on a property because she had bid on accommodation with a preference for homeless clients. However, she suffered raised expectations, disappointment, confusion and uncertainty as well as stress and frustration.
- Compensation of £400 was a fair and reasonable remedy in the circumstances.

The key lessons here are that:

- There may be a significant number of people on the Council's housing register who do not know that they must provide, in advance, key information to make a successful bid; and, whose details have not been amended by their housing association landlord, so that they, consequently, miss out on a property.
- There may be a significant number of housing associations that do not know about the 2015 changes to the verification process.
- Significant policy and procedural changes should be communicated as soon as possible to those likely to be affected by them: noting that, although I welcome the senior manager's

intervention below, it seems to me that providers should have been alerted to the change to the housing application verification process in 2015.

- Officers should exercise their discretion when appropriate.

The Council told me that:

“The issues highlighted in this complaint were escalated to a senior manager. The senior manager will raise concerns about the likely potential of other similar cases at her regular registered provider meetings. There have been a lot of recent housing association mergers, and it is likely that there are more applications that also require updating to reflect the changes in their housing circumstances.”

#### *Other lessons and service improvements*

- In a complaint about the administration of the complainant’s council tax account, I did not uphold the complaint, but I did propose to the Council that, where annual council tax bills include arrears, they should give the relevant year(s).
- In a second complaint about council tax, where the complainant experienced difficulties making contact with the Council to discuss his father’s account, I partly upheld the complaint and I proposed the payment of £50 compensation. More importantly, I proposed that the Council should look out for other complaints like this in case this suggests a breakdown in contact arrangements.
- In a complaint about council tax enforcement, where there was poor co-ordination between Benefits and Council Tax and the former’s complaint replies had not been filed, I asked officers to write off the £125 in enforcement costs, and to ensure that all the relevant documents are put on the Council’s system.
- In a complaint about the new garden waste collection service – a complaint about the policy rather than any administrative failing – I suggested to the complainant that she might contact your office and her local Councillor to ask how the policy fitted with a green agenda. The complainant was concerned that everyone who joined the scheme – no matter when – had to pay the same annual subscription – there was no reduction if there was less than 12 months to run until renewal. The complainant believed that this might deter residents and it might lead to flytipping.
- In a complaint about a high hedge that was subject to enforcement action, I recommended that the Council should, periodically, flag up live enforcement notices – in this instance, annually – and not simply rely on a resident to make contact as seems to be the current practice.
- In a complaint about private sector leasing (PSL), I found that it was difficult to tell if, and when, the complainant’s property was inspected: there was an absence of inspection reports and photographs; and communication was poor. This is something that I have seen in the past with PSL complaints. In my view, better record keeping – including photographs - protects the Council’s position if concerns are raised about the poor state of a property.
- In two planning complaints, the Council could not easily provide me with a chronology of events, and I raised this with senior managers. I have since been reassured that key dates and actions will be recorded on the authority’s system.

#### **Comments on complaint handling**

I have no particular concerns this year, noting that delays by some Housing Officers in replying to my emails have been addressed, and I have brought to the attention of senior managers two cases where stage three comments were late. In my experience, officers continue to take complaints seriously; accept adverse findings; and, on occasion, suggest remedies. I note that training is proposed so that Corporate Complaints Officers – at stage two of the complaints

process - feel better equipped to do in-depth investigations, thus avoiding escalation of complaints to me. I welcome this, as well as the invitation to contribute to that training.

## **My performance**

I have, generally, met the timescale for responding to stage three complaints, noting that I exceeded the 30 days where an in-depth investigation was necessary. I have had no complaint decisions overturned by the Ombudsman, except in one instance where the remedy was slightly increased.

The Local Government Ombudsman's (LGO) Annual Review for the Council for the period 2017/18 showed receipt of 146 enquiries and complaints of which 24 were investigated and 16 were formally upheld. I have no knowledge of these complaints: it may be that they were taken by the Ombudsman despite not completing the Council's three stage process. The Council may wish to pursue this with the LGO.

Finally, I look forward to working with the Council to implement its Corporate Strategy for 2018 – 2022, recognising that, through the IA role – a role unique among local authorities – this authority is willing to open itself up to scrutiny; to recognise where it has made mistakes; and to learn by those mistakes and to make improvements. Also, having an independent review, can, I think, inspire confidence in the Council's complaints process: I want to ensure that all residents have easy access to that review where required.

## **Acknowledgements**

I would like to thank Rachael Phillips and Joel Fowler (Corporate Complaints Officers) and officers, generally, for the help and support they have given me this year.

Finally, I welcome this opportunity to give you my reflections about the complaints I have dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to the Council's and Regenter's services.

Yours sincerely



Linzi Banks  
Independent Adjudicator

Enc: statistical data

The Independent Adjudicator (IA) deals with complaints at stage three of the Council's complaints process and provides a free, independent and impartial service. The IA considers complaints about the administrative actions of the Council and its partners, for example, Lewisham Homes and Regenter. She cannot question what actions these organisations have taken simply because someone does not agree with it. But, if she finds something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the IA aims to get it put right by recommending a suitable remedy.

\*This review covers stage three complaints 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 attached



## REVIEW OF STAGE THREE COMPLAINTS 2018 – 2019 LEWISHAM COUNCIL AND REGENERATOR

## Total cases received/open and determined: 1/4/18 – 31/3/19

TOTAL CASES RECEIVED 1/4/18– 31/3/19	NO. OF CASES CARRIED OVER FROM 2017/18	NO. OF CASES DETERMINED	NO. OF CASES WITHDRAWN/ OUTSIDE JURISDICTION	NO. OF CASES OPEN AS OF 31/3/19
*96	9	77	25	3

*\*Includes Lewisham Homes*

## Number of cases determined

TOTAL CASES DETERMINED	UPHELD IN FULL	UPHELD IN PART	NOT UPHELD
*77	4 (5%)	16 (21%)	57 (74%)

*\*Includes Lewisham Homes*

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

30 days and below	31 - 50 days	More than 50 days
* 67 (87%)	** 10 (13%)	0 (%)

*\*Includes Lewisham Homes*

*\*\*Three of these complaints were particularly complex and required significant investigation. In five of them, there was a delay in responding to my enquiries and the responses were deficient. In a further two, the complainants wanted me to visit.*

## Number of cases received: a comparison

The Council and Regenter	Lewisham Homes	Total cases received
69 (72%)	27 (28%)	96*

*\*Includes 25 complaints that were withdrawn or considered to be outside my jurisdiction*

## Cases received by Council directorate/partner

*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
52(55%)	7 (7%)	2 (2%)	4(4%)	4 (4%)	27(28%)	<b>96*</b>

*\*Includes 25 complaints that were withdrawn or considered to be outside my jurisdiction*

### 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
Council tax/ Council Tax Relief	25 (3)	25 (3)	
Planning	7 (2)	7 (2)	
Repairs	7 (5)		7 (5)
Housing allocations	5 (2)	3 (1)	2 (1)
Leaseholders	5	2	3
Major works	3		3
Special Educational Needs	2 (1)	2 (1)	
Housing management	2 (2)	2 (2)	
Refuse/green waste collection	2	2	
ASB	1 (1)		1 (1)
Temporary accommodation	1 (1)		1 (1)
Garages	1		1

Caretaking	1	1	
Housing enforcement	1	1	
Private Sector Leasing	1 (1)	1 (1)	
Cash Incentive Scheme	1	1	
Street cleaning/flytipping	1	1	
Highways	1	1	
Abandoned vehicles	1	1	
Trees	1	1	
Parking	1	1	
Parks	1	1	
Crematorium	1	1	
Nationality Checking Service	1 (1)	1 (1)	
Education Admissions	1 (1)	1 (1)	
Insurance claims	1	1	
Governance	1	1	
Whistleblowing	1	1	
<b>Total for all Council</b>	<b>77 (20)</b>	<b>59 (12)</b>	<b>18 (8)</b>

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

#### **Compensation awarded in 14 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>
£200	£2150	£3840.50	<b>£4790.50**</b>	<b>£6190.50</b>

***\*Lewisham Homes – eight cases - £1400***

*\*\*Includes a planning case where £2956 was awarded to cover the cost of shutters to the complainant's lounge and bedroom windows.*





Local Government &  
Social Care  
**OMBUDSMAN**

*By email*

Janet Senior  
Chief Executive  
London Borough of Lewisham

Dear Ms Senior

**Annual Review letter 2019**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

**Complaint statistics**

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a

complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and

seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect 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 your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

This year, we issued a public report about your Council's failure to properly assess and provide appropriate education, social care and transport support for a young person with special educational needs. We made several recommendations to remedy the individual injustice caused to the young person and their mother. However, we also had concerns there may be others similarly affected and asked the Council to take steps to address those concerns. Our legislative framework gives councils three months to formally respond to any recommendations made when a report is issued and to provide evidence of compliance. Unfortunately, it took your Council over nine months to provide sufficient evidence to finally enable us to confirm satisfaction with the actions taken. The delay largely related to recommendations made to ensure system improvements for all users. Whilst I appreciate it can take some time to arrange and implement such changes, we had to chase the Council repeatedly to provide the necessary evidence and considered the need to issue a further report because of the delay. I am pleased the Council has now taken the action we asked it to, but it was unfortunate this did not happen as efficiently as I would hope.

In addition to the report, I also have concerns about the Council's failure to provide evidence of compliance with remedies in several other cases. In one case, we had recommended a payment of £900 to remedy the injustice caused by it failing to properly support a vulnerable young man. We asked for this payment to be made within six weeks of the final decision. We again had to repeatedly chase the Council and it eventually took over three months for the payment to be made. While I appreciate the pressures local authorities are under, delays in implementing remedies will naturally add to complainants' injustice and prevents my office from conducting its work in an efficient manner. I would ask the Council to reflect on the way it implements our remedies, with a view to reducing any avoidable delay in the process.

A second case related to a safeguarding investigation about the care a complainant's father was receiving whilst resident in a care home. We identified failings in the way the safeguarding investigation was conducted and found this caused significant distress to the complainant. We asked the Council to apologise and make a payment within one month of the final decision. It took two months to comply with the recommendations and again caused additional distress to the complainant because of that delay.

Accepting fault and a willingness to put things right promptly is integral to any good complaints system. I would ask you to take the necessary steps to address the delay we have noted in implementing agreed remedies.

## **New interactive data map**

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

## **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** London Borough of Lewisham  
**For the Period Ending:** 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
12	29	4	28	10	4	33	6	1	127

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
3	3	63	30	13	18	58	130

**Note:** The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
5	28

**Note:** These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations ontime	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
11	8	3	0	Number
	100%		-	Compliance rate**

**Notes:**

\* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.

\*\* The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.