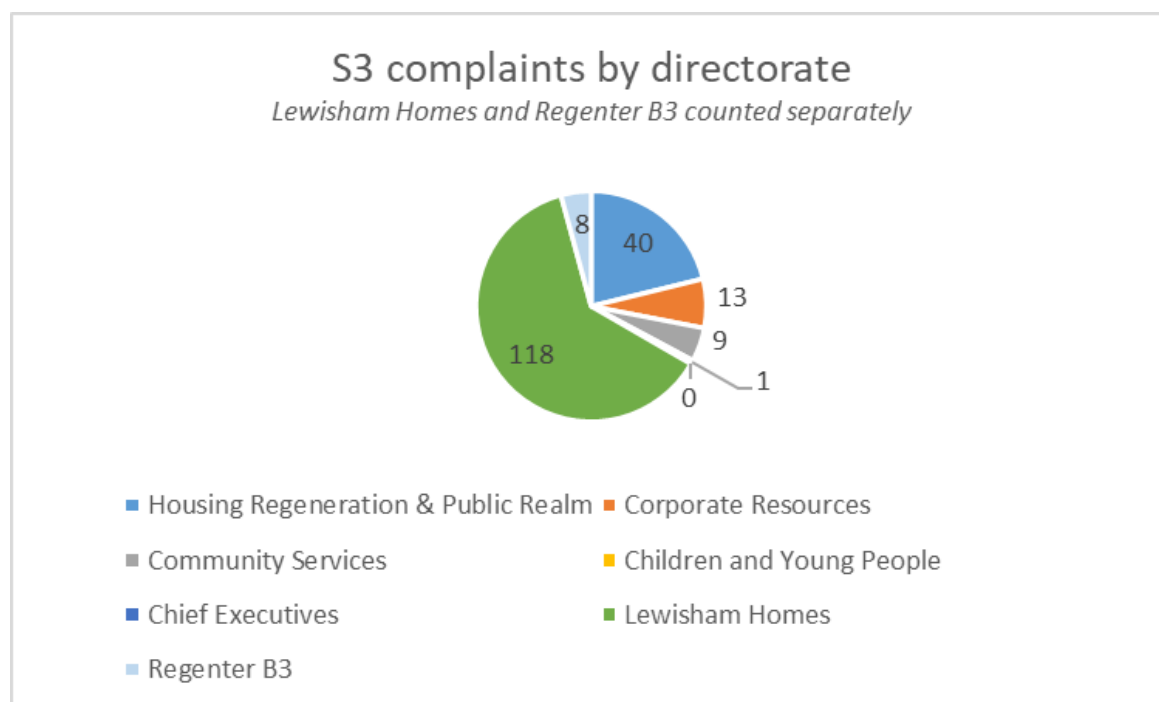


# Stage 3 Adjudicator Annual Review

1 April 2023 to 31 March 2024

The Stage 3 Adjudicator (S3A) was the final stage of the corporate complaints procedure for Lewisham Council, Lewisham Homes, and Regenter/RB3/Pinnacle. No new stage 3 complaints were accepted after 1 February 2024, to allow for the transition to a 2-stage procedure from 1 April 2024, as required by the Ombudsmen complaint-handling codes.

## Stage 3 complaints decided 1 April 2023 – 31 March 2024



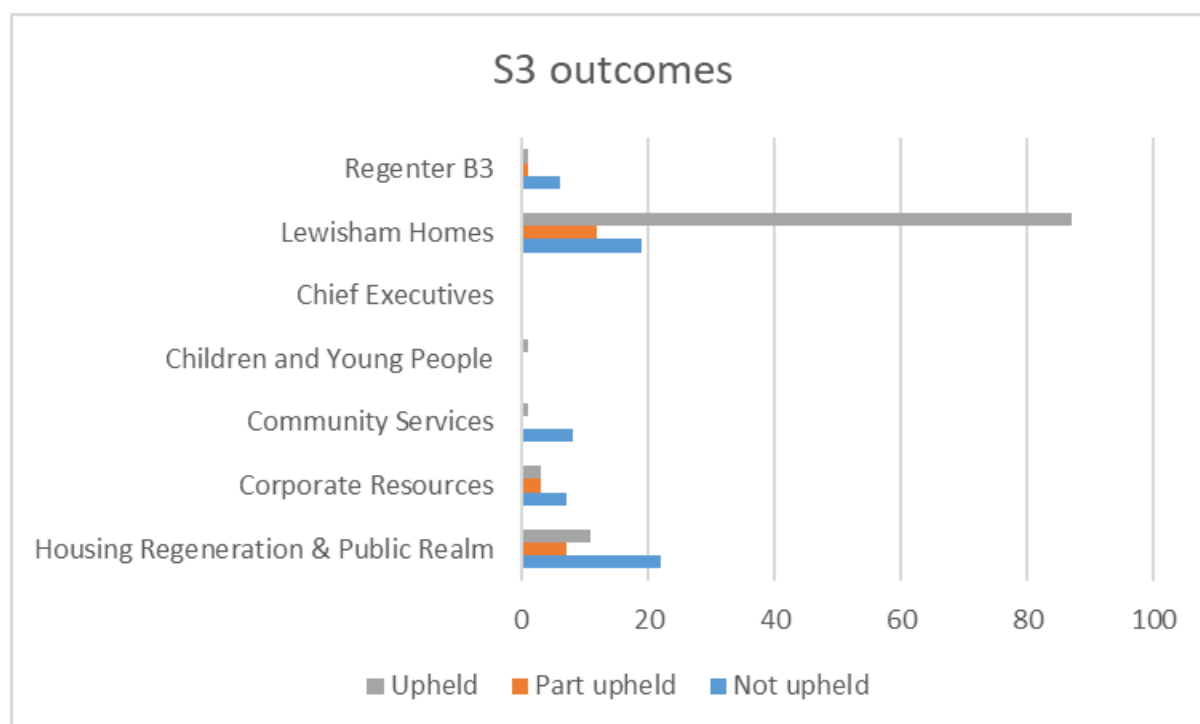
1. I adjudicated only on those complaints which fell within the corporate complaints procedure and the procedure for complaints about housing providers. Most Children and Young People complaints, and many Community Services complaints, fall within separate statutory complaints processes.
2. The total of 189 is an increase of 30% on last year (145) and this increase is in mainly in complaints about Lewisham Homes and general housing (homelessness and allocations).

Directorate	Total 2023-24	Total previous year
Housing, Regeneration & Public Realm	40	23
Corporate Resources	13	20
Community Services	9	8
Children and Young People	1	2
Lewisham Homes	118	79
Regenter B3	8	12
Chief Executives	0	1
<b>Total</b>	<b>189</b>	<b>145</b>

3. The 2023-22 figures I have used do not map exactly onto iCasework figures, because older Lewisham Homes S3 complaints are recorded on the the Lewisham Homes iCasework system, rather than on the Council's system.

### Stage 3 outcomes

Directorate	Cases decided	Outcome		
		Not upheld	Part upheld	Upheld
Housing, Regeneration & Public Realm	40	22	7	11
Corporate Resources	13	7	3	3
Community Services	9	8	0	1
Children and Young People	1	0	0	1
Lewisham Homes	118	19	12	87
Regenter B3	8	6	1	1
Chief Executives	0	0	0	0
<b>Total</b>	<b>189</b>	<b>69</b>	<b>23</b>	<b>104</b>



4. Of the 127 upheld and part upheld complaints, 89 included a payment as part of the remedy. The biggest financial remedy this year was £8,400; the smallest £20; the average £715; the most frequent £500. In total, payments recommended at stage 3 came to £63,667.90 – an increase of £32,968 (107%) on the previous year.

### Timescales

5. The agreed timescale for stage 3 complaints was 30 working days for corporate complaints, 20 working days for housing provider complaints. The quickest were turned around the same day; the longest took 71 days. The average time taken was 25.75 days (23.3 days for housing provider complaints).

6. My caseload ran consistently at around 20 cases throughout the year, approximately 3 times the optimum. This made maintaining the timescales set out in the complaints procedures extremely challenging and also affected the quality of adjudications. This was also an issue in 2022-23 and we are now seeing the impact of that on Ombudsman decisions.
7. During the year I also:
- provided ad-hoc advice to colleagues about complaints
  - reviewed the draft Joint Complaint-handling Code and prepared the Council's consultation response
  - identified the work necessary to bring the Council into compliance with the new complaint-handling codes (the Ombudsman abandoned a joint code in favour of two separate, but aligned, codes).

### **Disputed findings and recommendations**

8. The protocol under which I operated required me to include in this report a summary of any case where the Executive Director did not accept my recommendations. There were no such cases this year.

### **Learning from complaints**

#### *Service improvements*

9. Service improvement recommendations arising from S3 findings this year include:
- Website updates and amendments about the Repairs Guide
  - Review or devise procedures for:
    - Follow-on works after an emergency appointment (particularly leaks)
    - Investigating reports of aggressive or abusive behaviour towards staff
    - Following up after a damp and mould inspection
    - Damp and mould inspection record-keeping
    - Void inspection
    - Monitoring of window and roof repairs to completion
    - Delivery of commitments made in complaint responses
    - Diverting emails after staff changes
    - Prioritising repairs for the most vulnerable residents
    - Amending records when a resident reports a change of title, name or gender
    - Mutual exchanges
    - Responding to enquiries to the Home Ownership Service
    - Gaining access to properties
  - More effective communications:
    - About storage of belongings in homelessness cases
    - With contractors about repairs
    - With residents for whom English is not their first language
    - Ahead of formal consultation on major works
  - Training and instructions to staff handling complaints
  - Individual case reviews where there were significant delays or errors.

#### *Application of complaints procedure*

10. I find myself repeating exactly what I said about this last year. I saw some excellent stage 1 and 2 responses where there was little I could add. However, I also saw cases where a complaint had floundered within the complaints procedure, for example:

- Complaint not acknowledged
  - Complaint not recorded on iCasework, or iCasework record-keeping incomplete
  - Multiple stage 1s (or treated repeatedly as a “general enquiry” or MP/Member enquiry)
  - Gatekeeping at stage 1 to avoid a stage 2, or at stage 2 to avoid a stage 3
  - Failure to update the complainant if the complaint response was delayed
  - Failure to clearly identify to the complaint what stage of the procedure the complaint was at
  - Correct escalation information not included in complaint response
  - Delay in carrying out agreed action to resolve the complaint.
11. These issues will be addressed within the current complaint-handling improvement project (CHIP), which aims to embed compliance with the ombudsmen’s complaint-handling codes throughout the Council.

### **Complaints which progressed to the ombudsmen**

12. One of the key purposes of having a stage 3 was to resolve complaints locally so they do not progress to the ombudsmen, as this causes the Council additional costs (sometimes significant) and the risk of reputational damage. So I have briefly looked at the ombudsman decisions for this year.
13. The Local Government and Social Care Ombudsman (LGSCO) decided 18 complaints which sat within the corporate complaints procedure, and upheld 17 of them. In 4 cases LGSCO considered that the Council had already adequately remedied the injustice. In all the other upheld complaints there was an element of financial redress, increased where I had previously made a recommendation for payment.
14. The Housing Ombudsman Service (HOS) made 24 determinations, with 23 findings of service failure or maladministration (in the 24<sup>th</sup> case, HOS concluded that the complaint was satisfactorily resolved at stage 3). 17 determinations included failures in complaint-handling, and these included the time taken and level of compensation awarded at stage 3. But in some cases the complaint-handling failure was a failure to implement my recommendations, rather than the recommendations themselves. This has been a consistent issue throughout my time handling stage 3 complaints.

### **Conclusion**

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

Molly Lofas  
Stage 3 Adjudicator  
12 August 2024