

<b>Mayor &amp; Cabinet</b>			
<b>Title</b>	Annual Complaints Report		
<b>Key decision</b>	No	<b>Item no</b>	
<b>Wards</b>	All wards		
<b>Contributors</b>	Executive Director for Customer Services		
<b>Class</b>	Part 1	14 January 2015	

## **1 Executive Summary**

- 1.1 The report provides performance information on complaints dealt with by the Council and its partners at stages 1 and 2 of the Corporate Complaints procedure as well as complaints and enquiries to the Mayor and Councillors and complaints and enquiries from Members of Parliament (MP's) that are logged in the Council's complaints management system iCasework, during 2013/14. It is recognised that not all enquiries are logged within iCasework but dealt with directly by officers. Accordingly, there were a total of 4772 complaints and enquiries received in 2013/14. This represents a 10% increase when compared to 2012/13. There has been an increase in all types of complaints and enquiries, other than MP enquiries.
- 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) reports are attached at Appendix 1. The IA dealt with 82 complaints between 1 April 2013 and 31 March 2014, of which she upheld or partly upheld 24 (33%). The IA responded to 97% within the 30-day response standard, a decrease in performance of 1% against the 2012/13 performance. The IA 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 2013/14, the LGO made decisions in a total of 24 cases – the figures are attached at Appendix 3. The Housing Ombudsman Service took over some of the LGO's jurisdiction in April 2013.

## **2 Purpose of Report**

- 2.1 To update the Mayor on the Council's complaints performance for 2013/14 at all stages including the Independent Adjudicator's report and the Local Government Ombudsman Annual Review.

## **3. Recommendations**

The Mayor is recommended to:

- 3.1 Note the contents of the report.
- 3.2 Make any amendments to the Council's complaints policy felt necessary following the contents of the report or concerns raised by the IA.

#### 4 Introduction

- 4.1 This report summarises how the Council and its 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 shows the percentage dealt with in the standard response time. The statistics are for cases logged into iCasework between 1 April 2013 and 31 March 2014 compared with performance over the same period in 1 April 2012 and 31 March 2013.

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

	Total Complaints and Enquiries		
Directorate	2012/13	2013/14	Variance
Children and Young People	223	183	-40
Community Services	269	288	+19
Customer Services	1980	2489	+509
Lewisham Homes	1226	1097	-129
Resources & Regeneration	637*	715	+78
<b>Total</b>	<b>4335</b>	<b>4772</b>	<b>+437</b>

**Resources & Regeneration – Both directorates merged on 1.12.12 and the figure above reflect the changes in the restructure and combination of the complaints and enquiries received in 2012/13.**

**Table 2 – stage 1 and stage 2 complaints by directorate**

Directorate	Stage 1					Stage 2				
	2012/13	%*	2013/14	%	Variance	2012/13	%	2013/14	%	Variance
CYP	41	78	46	89	+5	4	75	3	100	-1
Community Services	99	82	87	78	-12	2	50	11	73	+9
Customer Services	691	87	994	91	+303	68	88	96	80	+28
Lewisham Homes	622	74	451	86	-171	110	93	104	87	-6
Resources & Regeneration	121	82	143	88	+12	43	91	29	90	-14
<b>Total</b>	<b>1574</b>	<b>81</b>	<b>1721</b>	<b>88</b>	<b>+147</b>	<b>227</b>	<b>91</b>	<b>243</b>	<b>84</b>	<b>+16</b>

\*(percentage figures are the cases responded to within the specified target)

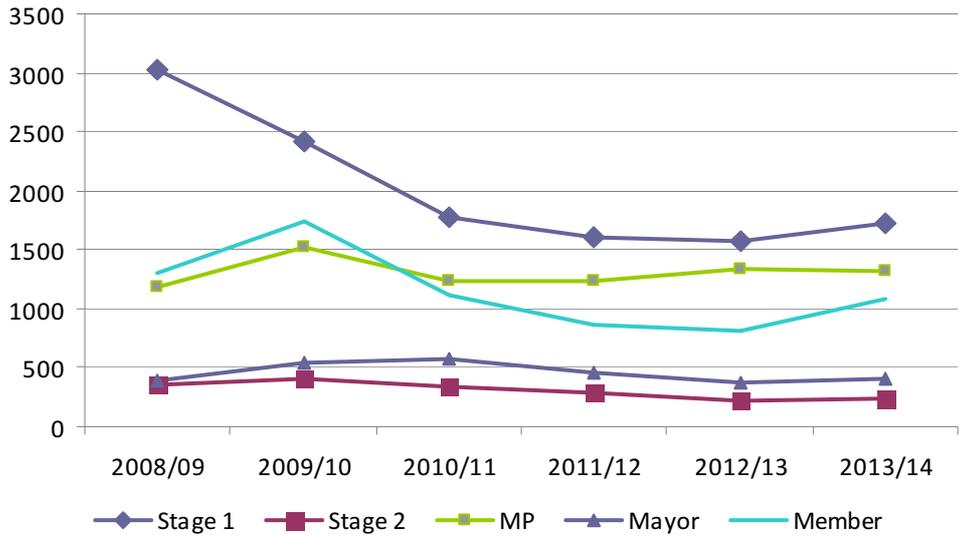
**Table 3 - MP, Mayor and Members enquiries by directorate**

Directorate	MP			Mayor			Members		
	2012/13	2013/14	Variance	2012/13	2013/14	Variance	2012/13	2013/14	Variance
CYP	144(82)*	120 (93)	-24	15(80)	4 (100)	-11	19 (89)	10 (100)	-9
Community Services	72 (44)	69 (67)	-3	25 (88)	30 (80)	+5	71 (76)	91 (78)	+20
Customer Services	642 (86)	664 (92)	+22	192 (90)	205 (88)	+13	387 (89)	530 (93)	+143
Lewisham Homes	316 (90)	320 (98)	+4	42(86)	61 (95)	+19	136 (87)	161(90)	+25
Resources & Regeneration	166 (75)	150(92)	-16	99 (80)	110 (87)	+11	208(92)	283(95)	+75
<b>Total</b>	<b>1340 (83)</b>	<b>1323 (88)</b>	<b>-17</b>	<b>373 (87)</b>	<b>410 (89)</b>	<b>+37</b>	<b>821 (88)</b>	<b>1075 (93)</b>	<b>+254</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 2012/13 was 4772. This was an increase of 437 cases (10%) on the previous year when a total of 4,335 were received. There was an increase in all types of complaints and enquiries, other than MP enquiries. The chart below shows the trend in performance by stage over the last six years.

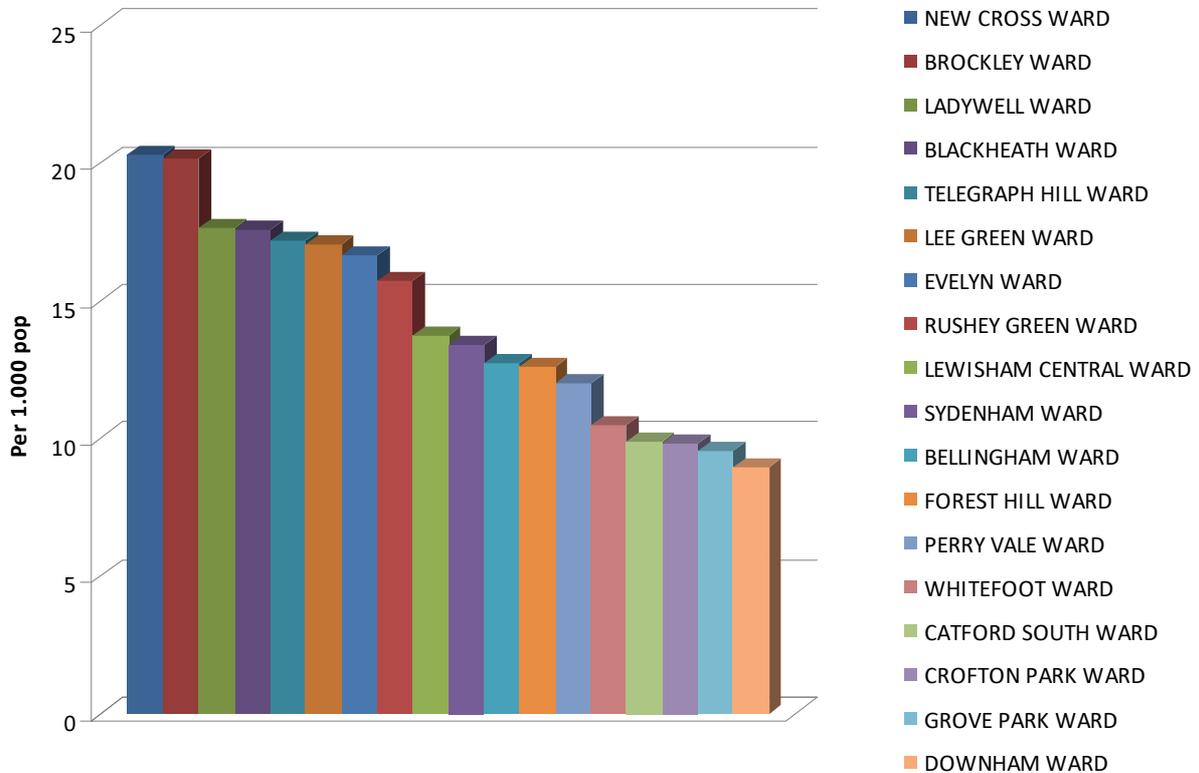
**Chart 1 – Annual Trend in performance by stage**



**5.4 Complaints and enquiries by ward**

The distribution of complaints received by Ward is shown below. The joint highest number of complaints received per 1,000 population were received from residents both in the New Cross ward and Brockley, whilst the lowest number of complaints were received by residents in the Downham ward.

**Chart 2 – Distribution of complaints by Ward**



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

<b>Ward</b>	<b>Complaints per 1,000 total population</b>
NEW CROSS WARD	20
BROCKLEY WARD	20
LADYWELL WARD	18
BLACKHEATH WARD	18
TELEGRAPH HILL WARD	17
LEE GREEN WARD	17
EVELYN WARD	17
RUSHEY GREEN WARD	16
LEWISHAM CENTRAL WARD	14
SYDENHAM WARD	13
BELLINGHAM WARD	13
FOREST HILL WARD	13
PERRY VALE WARD	12
WHITEFOOT WARD	10
CATFORD SOUTH WARD	10
CROFTON PARK WARD	10
GROVE PARK WARD	10
DOWNHAM WARD	9

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

5.5.1 The ward to receive the highest level of complaints and enquiries was Brockley. Housing management was the top reason why customers complained in Brockley ward, followed by Council Tax, then Highways.

5.5.2 The joint highest ward to receive complaints and enquiries was New Cross. The top reason why customers complained again was Housing management, followed by Council Tax, Environmental Enforcement, and Housing.

5.5.3 The joint third highest wards to receive complaints and enquiries are Telegraph Hill, Lee Green and Evelyn.

5.5.4 Downham received the lowest level of complaints and enquiries. Appendix 5 provides a breakdown of all complaints and enquiries for each ward.

## **5.6 Trends**

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

- Council Tax
- Lewisham Homes Property Services
- Lewisham Homes Housing Management

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

### Council Tax

5.6.1 The number of council tax complaints received during 2013/14 increased by 27%. This can be directly attributed to 2 major legislation changes that took place from 1<sup>st</sup> April 2013:

1. The replacement of council tax benefit with the council tax reduction scheme (CTRS) which meant that 24,000 working age residents had to make a 14.84% contribution towards their council tax for the first time, where previously they paid nothing, or only made a minimal contribution.
2. Technical changes that removed or severely reduced the period of exemption awarded to empty properties, and imposed a 50% premium for the first time on long term empty property that have been unoccupied for 2 years or longer.

5.6.2 The resulting impact of these issues were:

- Problems getting through on the phones – an additional 5,500 calls were received
- Billing enquiries – with working age, low income customers complained about having to pay council tax when they didn't previously.

5.6.3 To address the above issues a number of improvements were made to the council tax telephone service. These include the introduction of a number of automated messages directing customers to self-serve via the council website and a review of resourcing and team division/responsibility within the Revenues service.

5.6.4 Now that the implementation of CTRS has bedded in and the amount of contribution customers are required to make has substantially reduced this year, the complaints in this area have drastically reduced.

#### Lewisham Homes Property Services

5.6.5 The number of property services complaints received during 2013/14 decreased by 33% from 2012/13. This is largely down to the successful implementation of an informal (stage zero) complaints process. This process has proved particularly successful in reducing formal complaints about repairs by giving customers the option of going down the informal route which has a 48 hour turn around time for resolution.

5.6.6 The top reasons for complaints within Property Services were :

- Major Works – (29% decrease from 2012/13)
- Repairs Inspections – (30% decrease from 2012/13)
- Plumbing – ( 36% decrease from 2012/13)

5.6.7 Other improvements made within property services that have contributed to improved complaint performance include:

- Improvements in communication and consultation with residents prior to and during major works. These include:
  - Earlier engagement with residents
  - Holding 'drop-in' surgeries on larger estates
- Improvement in complaint response times by the asset investment team:
  - The Customer Relations team worked with asset investment to develop a process of using holding responses with follow up actions where it was not possible to fully investigate and provide a full response within the target time. This has significantly reduced the number of late complaints from the asset investment team.

## Lewisham Homes Housing Management

5.6.8 The numbers of Housing Management complaints received during 2013/14 have remained relatively static, having increased by just 5% from 2012/13.

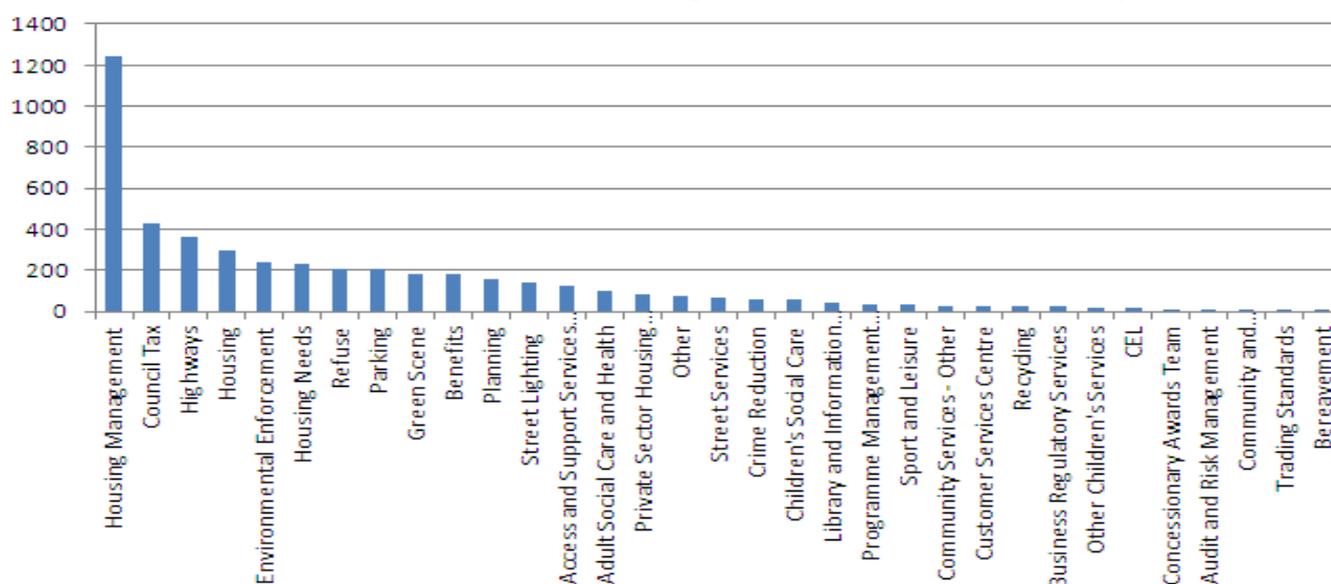
The top reasons for complaints within Housing Management were:

- Tenancy breaches and enforcement (12% decrease from 2012/13)
- Anti-social behaviour (8% decrease from 2012/13)
- Caretaking (5% increase from 2012/13)

5.6.9 There has been some significant work done by the Anti-social behaviour team during this time to increase the frequency of contact with residents who have open cases. This has improved customer satisfaction and contributed to a reduction in complaint numbers.

## 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 escalation

From the stage 1 complaints received between 1 April 2013 to 31 March 2014, 559 cases escalated from stage 1 to stage 2, and 54 of those stage 1 complaints were dealt with at all 3 stages of the complaints process. There were also 12 complaints under the Public Services division that were dealt with at stage 1 and stage 3, and did not have a stage 2 investigation, due to Public Services trialling a 2 stage process. The trial was implemented with a view to making the complaints process more streamlined by reducing the amount of stages in the process, reducing the amount of time that customers spend within the complaints process, and reducing the amount of officer time dealing with complaints.

5.9 The table below provides information on the service areas where complaints escalated from a stage 1 to a stage 2.

<b>Service area</b>	<b>Amount of complaints that escalated</b>
Decent Homes	81
Public Services	77
Housing Management	67
LH Property Services	66
Brockley PFI	61
Environment	53
Planning	31
Highway Network Management and Maintenance	29
Housing Strategy and Regulatory Services	29
Cultural Services	17
Strategy and Performance	13
Programme Management and Property	11
Income	6
Access and Support Services for Children	5
Adult Social Care and Health Modernisation	3
Transport	2
Strategy and Performance (Community Services)	2
Standards and Achievements	2
Crime Reduction and Supporting People	2
Service Improvement	2
<b>Grand Total</b>	<b>559</b>

## 5.10 Complaints and service improvement

5.10.1 Each directorate has responsibility for managing its own complaints and enquiries though this process is overseen by the Corporate Complaints team. Directorate representatives meet regularly with the Corporate team to discuss and resolve common issues and exchange ideas for best practice.

5.10.2 Throughout the year directorates have worked to improve the quality of the complaints handling. Actions include:

- Review of the administration of complaints within the team to seek to work proactively and ahead of due date for response
- A complaints seminar was held in October 2013, which was open to all Council officers. The intention was to help officers feel more confident about complaints handling; provide them with an understanding of the importance of delivering a customer focused service in order to prevent complaints; to meet the directorate caseworkers, the Corporate Complaints team and the Independent Adjudicator; and to provide methods for managing persistent and/or unreasonable complainants. The seminars were well attended, and received extremely positive feedback.

5.10.3 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:

- The Community Services Customer Relations team administered 82% of representations within established timeframes. A 2% increase on the previous reporting period.

- The Customer Services Casework team worked with the Parking team to address the concerns raised by residents following changes to parking policy and the introduction of cashless payments in car parks. A decision was made to reintroduce cash payment options.
- Lewisham Homes improved procedures for responding to email enquiries to the Anti-social Behaviour (ASB) team and a new process has been put in place to ensure all emails to the ASB team mail box or direct to officers are flagged and responded to within target. This process includes failsafe contingency measures to ensure an enquiry is still responded to if staff are unexpectedly absent from work.
- The Complaints Manager within CYP has continued to forge working relationships with external partner Healthwatch, and through their continual customer engagement projects, has been able to utilise a new arm through which to promote the complaints processes.

5.10.4 A complaints action plan including recommendations by the Independent Adjudicator, has been developed. Further details about the action plan can be found in Appendix 6.

## **6 Independent Adjudicator**

6.1 The Independent Adjudicator (IA) deals with stage 3 complaints on behalf of the Council. 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 2013 to 31 March 2014.

6.2 The IA received 82 complaints during the year, 18 more complaints than in 2012/13. This breaks down to 55 (67%) against the Council/Regenter (an increase of 11 from last year) and 27 (33%) against Lewisham Homes (up by 7). The number of complaints against the Council/Regenter stayed almost the same for three years (43 in 2010/11, 47 in 2011/12, and 44 in 2012/13). The number this year is the same too – 44 – if the 11 complaints that were out of jurisdiction are removed, so the IA is not unduly concerned, especially as she was expecting a surge in complaints given these challenging times and with the move to a two stage process in some Council areas.

6.3 The IA has highlighted the fact that significant changes within the Council and Regenter and to personnel and budgetary resources have continued this year; and there have again been unprecedented changes to the law that have affected residents, services and operations.

6.4 The IA also welcomes 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.

6.5 The IA responded to 97% of cases within the 30-day standard, which is above the 90% target and only a slight decrease on the previous year's performance of 98%.

### **6.6 Cases by directorate/partner**

The table below sets out the number of Stage 3 complaints against each directorate and each partner (withdrawn 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 (3)	9 (3)	6 (3)	1(1)	5 (1)	27 (5)	<b>82</b>

## 6.7 Compensation

Compensation was awarded in 16 cases ranging from £100 to £600. The total amount of compensation paid was £6542, of which £3296 was for Lewisham Homes.

**Table 7 - Amount of Compensation**

	Up to and including £100	£100-£500	More than £500	TOTAL	
<b>2013/14</b>	4	8	4	16*	<b>£6542</b>
<b>2012/13</b>	2	8	2	12	£4,259.75
<b>2011/12</b>	2	9	1	12	£3,614

**\*Compensation awarded in 16 cases including those against Lewisham Homes**

## 6.8 Key issues highlighted by the Independent Adjudicator

### 6.8.1 Record keeping and communication

- The IA saw a failure by officers to update complainants and this leads them to complain at stage three. The IA urges officers to schedule and provide regular updates: it is good practice (especially if updates have been promised), and it might avoid a complaint. There were communication problems in a housing complaint where an officer referred a resident to social services without telling them. Good practice suggests that, normally, where an officer makes such a referral, they should tell the complainant even if the referral is being made in good faith.
- In one complaint, the complainant did not know who to contact when they wanted to discuss their concerns. In the IA's view, it is good practice for all those replying to complaints to ensure that they give to the complainant the contact details of an officer.

### 6.8.2 Complaint administration

- The IA found errors occurred with staff changeover. The IA proposes that the authority should ensure that all of their records are sufficiently clear and updated to provide a smooth handover to any new officer, and that officers should brief themselves when taking on a case. In addition, the IA believes that good record keeping is essential, as is monitoring and chasing insurance claims.

### 6.8.3 Overall complaints handling

The IA's report for the Council is attached at Appendix 1. The IA has prepared a separate annual report for Lewisham Homes which 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.

## **7 Local Government Ombudsman Annual Letter 2013/14**

- 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. A copy of the LGO's annual letter is attached at Appendix 2
- 7.2 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.
- 7.3 The LGO publish final decisions on all complaints on their website, as they consider this as an important step in increasing transparency and accountability.

## **8 Achievements in 2013/14**

- 8.1 The Community Services casework team remained focussed on its work to resolve people's concerns early and satisfactorily. This is reflected in a continued low level of escalation across Corporate Complaints and an increase in statutory complaints resolved 'on the spot' (26% 2013/14 from 17% 2012/13). The team successfully responded to the LGO in relation to three formal investigations during the reporting period. No compensation was paid and the Ombudsman did not publish a report.
- 8.2 The Customer Services team regularly attained 100% target response times across several complaint categories and FOI/SAR requests; running a successful training event with Corporate Complaints and the other council directorates and reviewing and streamlining work processes to improve administrative efficiencies in handling complaints and casework.
- 8.3 CYP Response rates were largely improved across all representations received within the directorate. Escalations through corporate and statutory processes reduced throughout the directorate. Meetings with Independent Review Officers throughout the year to identify young people who have specifically commented on their lack of understanding on how to complain have been undertaken. New complaints leaflets have been finalised and are distributed to all young people as soon as their relationship with Lewisham begins. The website is in the process of being changed to complement the new brochures.
- 8.4 Lewisham Homes produced an information video, made accessible via Youtube which has improved the information available to residents in order to correctly diagnose damp / condensation problems. Lewisham Homes' repairs guide was updated by the Lewisham Homes resident improvement group to make it more relevant, easier to read and give clear guidance on which repairs are a tenant's responsibility and which are the responsibility of Lewisham Homes.

## **9 Future improvements for 2013/2014**

- 9.1 The Corporate Complaints team will continue to deliver complaints handling training across the Council to ensure that staff are familiar with the Council's comments, complaints and compliments policy and procedures, including how to deal with persistent and unreasonable complainants.
- 9.2 In order to further enhance opportunities for learning and improvement from complaints, the Community Services team will focus attention on the support tools available to officers that help them to take early remedial action in relation to complaints and other enquiries, and resolve issues both informally and formally in line with legislation. Greater integration between health and social care, along with the

introduction of the Care Act in April 2015 is bringing about a great deal of change in the way adult social care needs are assessed and support delivered. The Customer Relations team for Community Services is involved in discussions around these changes with a view to assisting in the production of public information to help users of social care support navigate increasingly integrated services.

- 9.3 The Customer Services/Resources and Regeneration Team will be maintaining and establishing new working relationships with current and new councillors and seeking to maintain performance targets with expected increased volumes following the elections; introducing induction training of new starters on how to deal with complaints; working with Corporate Complaints to improve the Customer/Councillor experience in using the customer portal/online complaints, as well as looking at the management and liaison between teams in dealing with cross-departmental complaints and tailoring support to Lewisham's external partners to ensure consistent, timely and quality responses.
- 9.4 Lewisham Homes' Customer Relations team are to provide better and improved reporting to heads of service on the number and types of complaints logged to their service areas. This will help to identify trends quicker and make formulating action plans to design out the cause easier.
- 9.5 Lewisham Homes' major works team are to hold a 'learning circle' meeting also involving the leasehold team, major works contractors and consultants who are involved in the delivery of major works. This is to look at and further improve the communication, consultation and delivery of major works in light of recent complaints.
- 9.6 Staffing levels within CYP have been returned to full capacity, and with a full quota of staff members, it is hoped that the management and promotion of the service can be further focussed on, and the day to day casework can be handled by appropriate staff. The intention is to become more pro-active throughout 2014/15 when presenting, advising and training peer groups, for example at management meetings and Senior Management Team meetings. Additionally, it is hoped that the service improvements, and learning from complaints can continue to take centre stage when dealing with representations, allowing the directorate to further improve service provision through user engagement. However, the anticipated return from user questionnaires and surveys was disappointingly low. A fresh approach to this useful project is something the Complaints Manager is keen to develop. With an ever empowered client base, understanding the user's experience of our processes is crucial to the service in its ongoing development. With the full complement of staff, it is hoped that reporting to service areas on a more regular and specific basis will become the norm. A robust, and dependable reporting function is crucial to the work of the team, and of paramount importance to operational managers when looking to improve their own function.
- 9.7 The Council's website will be utilised more as a vehicle to inform and advise residents in order to better manage customer expectations.

## **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 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.

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 financial implications arising from this report.

## **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 actions contained in the action plan 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 the Corporate Complaints Team on 0208 314 7566.

**Eighth Annual Report of the  
Independent Adjudicator  
for the London Borough of Lewisham  
1 April 2013 – 31 March 2014**

Dear Mayor Bullock

I am writing with my annual review of the complaints I have received this year against the Council and Regenter at stage three of the Council’s 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 which form an integral part of this letter: statistical data covering the period 1 April 2013 to 31 March 2014.

**Complaints received**

*Volume*

1. I have received 82 complaints during the year, 18 more complaints than in 2012/13. This breaks down to 55 (67%) against the Council/Regenter (an increase of 11 from last year) and 27 (33%) against Lewisham Homes (up by 7).
2. The number of complaints against the Council/Regenter stayed almost the same for three years (43 in 2010/11, 47 in 2011/12, and 44 in 2012/13). The number this year is the same too – 44 – if we remove the 11 complaints that were out of jurisdiction (for example, personnel complaints or those with an alternative right of appeal); contained insufficient injustice to warrant my involvement; or were withdrawn by the complainant. So, I am not unduly concerned, especially as I was expecting a surge in complaints given these challenging times and with the move to a two stage process in some Council areas. Of course, a reduction in stage three complaints would be welcome, but it seems to me that some complainants will always want, or need, to escalate their complaint, and the number of stage three complaints is tiny for the size of the Borough and the functions it carries out.
3. The number of complaints against Lewisham Homes increased by seven, going up from 20 in 2012/13 to 27 this year. But, five complaints were out of jurisdiction; contained insufficient injustice to warrant my involvement; or were withdrawn by the complainant. So, the actual figure is 22: demonstrating that the authority has been able to sustain the much improved performance I welcomed last year; and demonstrating that it was not a one off.
4. Although I could not (and cannot) be sure of the exact reasons for this excellent performance, I think that, in part, it results from good complaint handling with the authority trying, wherever possible, to remedy a complaint early on thus avoiding the need for my involvement. I welcome this, and I hope that it is something that Lewisham Homes continues.
5. Overall, the number of stage three complaints is very low, comprising only 1.7% of the 4772 complaints and enquiries received against the Council and its partners in 2013/14.

## *Character*

6. The number of complaints received about Customer Services has increased significantly this year: from 20 complaints in 2012/13 to 34 in 2013/14 (with three complaints not investigated). But, the service covers major areas of the Council's work, and it has newly embraced parking (with four cases determined as opposed to five last year), so I would expect a higher number of complaints. Also, I think that the increase can be explained by the move to a two stage process especially in council tax where I determined nine complaints this year and only seven last year. In addition, I decided four complaints about premises lettings and the rent incentive scheme (up by one); three complaints about refuse and one complaint about pest control (none in 2012/13); two complaints about re-housing (down from four); and one complaint about trading standards, trees, concessionary awards, nationality checking, and business rates. None of these figures causes me concern.
7. Each of the council tax complaints was different covering, for example, the single person's discount, the use of bailiffs, and the decision to pursue arrears: there was no evidence of any systemic breakdown. There was also no evidence of such a breakdown in parking or refuse, with latter including complaints about refuse bags; the new service standards and where bins should be placed for collection; and operatives failing to replace the bins in the bin store.
8. There was an increase too in complaints received about Community Services (up from one to six with three not investigated); about Regenter (up from four to five though I only considered four); and about Children and Young People (up from none to one though the complaint was later withdrawn). However, the numbers are still low and the issues complained about were diverse.
9. I determined two anti-social behaviour complaints (ASB) involving the Council's Neighbourhood Community Safety Service (NCSS) and two involving Regenter (one last year); two repair complaints against Regenter (one last year); and a miscellaneous complaint about the Council's leisure facilities.
10. In Resources and Regeneration, I am pleased to report that the number of complaints received went down from 19 in 2012/13 to nine in 2013/14 (with three not investigated). This is most welcome, and, in part, reflects significant improvements in planning enforcement. So, I decided five fewer planning complaints (five as opposed to 10); only one highways complaint (down from three); and no street lighting complaints.

## **Decisions on complaints**

### *Complaints that were settled by remedy*

11. Eight of the 14 complaints upheld or partly upheld against the Council/Regenter were settled by compensation – either suggested by me or by officers - and payments totalling £6542 were made. This is a lot more than last year (£2130), but it reflects two complaints – a planning case and a repairs complaint - where I concluded that a high remedy was justified (£3744 and £1385 respectively). Also, I proposed compensation in over half of complaints where I made an adverse finding, concluding that some financial redress was due given the seriousness of the injustice suffered by the complainant.
12. 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 more practical, responsive and creative remedies, believing that these better address what has gone wrong for a complainant.

13. In one case, the Council gave the complainant deficient pre-application advice on his proposed plans causing him to spend unnecessarily over £3000 on consultant's fees. In a second case (against Regenter), I decided that £1385 was due because of serious omissions in dealing with repairs. In a third case, there were failings and delays by NCSS in responding to anti-social behaviour caused to the complainant by her neighbours prompting me to propose £500 (on top of £2000 paid already following an Ombudsman investigation).
14. Non-compensation remedies comprised, for example, apologies; paying for three nights in a hotel to allow for substantial repairs; calling back a council tax debt from the bailiffs, writing off all costs and agreeing to a new repayment scheme; assessing whether someone could join the housing register; and discussing with the complainant the best place for locating his bins for collection. 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, they inspected and cleared a bin store to make access easier. In addition, in a number of complaints that have come to me this year, officers have already proposed compensation that is responsive to the circumstances of the complaint and reflects Ombudsman guidance. I welcome this good customer care.

#### *Service improvements*

16. 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 Housing Options Centre (HOC) has introduced better record keeping of any incidents that occur there; it is considering what steps might be taken to investigate and address any incident promptly; and it will determine how the Council might respond to a client recording their interview with officers on their mobile telephone.
  - The Council has implemented training to ensure that its officers properly understand the Allocations Policy, and it has made that policy clearer.
  - NCSS will check in good time that its CCTV cameras are working; it will access the footage in good time; it will explain to residents the procedure for installing and removing cameras, and the policy and timescale for destroying footage; it will interview both sides in any ASB incident and take notes; and it will provide timely responses.
  - Housing Benefit is liaising with Lewisham Homes about what, and when, information is shared when a claimant notifies the Council that their tenancy is ending.
  - Planning has reviewed the wording on site notices and consultation letters; and it has considered its pre-application advice letter, and whether a checklist might help when providing such advice.
  - The Council and its partner, Fusion, are working on an improved and better advertised complaints process.
  - Regenter has:
    - Looked at improvements in dealing with repairs complaints, focussing particularly on what went wrong in specific cases and in responding to my enquiries.
    - Established an ASB Panel and reviewed all ASB cases.
    - Worked with the Council so that it knows exactly what it must do if it wants to carry out development in or near a conservation area.
    - Taken steps to ensure that all of its records are sufficiently clear and updated to provide a smooth handover to any new officer, with that officer briefing him or herself when taking on a case.

- Run a learning circle on delivering excellent customer service.
- Appointed a senior officer to oversee all complaint responses.
- Run monthly reviews and learning circles on complaints with a view to resolving them and improving services.

17. I welcome the steps the Council/Regenter have taken here, and also their willingness to review and improve policies and procedures.

#### *Other findings*

18. Forty two complaints against the Council and Regenter were decided during the year. Of these, I upheld four in full (9%) and partly upheld 10 (24%): the remaining 28 (67%) were not pursued further because no evidence of maladministration was seen.

19. Last year, I upheld/partly upheld just over a third of complaints (35%) determined against the Council/Regenter: this year, the figure has reduced to 33%. This is good news and I hope that this downward trend continues, especially with improvements in Asset Management and NCSS (where there were a number of complaints). I am realistic, however, that this may not be possible: recognising that complaints at stage three are now more complex (as they should be) so perhaps it is inevitable that I find that something has gone wrong.

20. Although the uphold rate stands at a third, just four (or 9%) of the 14 cases were fully upheld – cases where the maladministration and injustice were, in my view, especially significant. In the remaining 10 cases (or 24%) I identified only some errors (ranging from failing to keep a record of a property inspection through to serious delays in tackling an overgrown backgarden), with the rest of the complaint having no merit. It seems to me, however, that I should bring to the authorities' 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 at stage three remain at third, but it is still the case that I do not uphold the majority of those that are coming through (67%). Of those that do come through, some are complex (as I say) and require investigation by me, but many 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.

22. Finally, this year as in other years, I have chosen not to investigate a number of complaints either because an alternative way existed for achieving a remedy and it was not unreasonable to expect the complainant to pursue that alternative (such as a planning appeal); or the injustice suffered by the complainant was not such as to justify the use of my limited resources (for example, their amenity was not affected by a decision to approve a neighbour's crossover). I record these complaints so that the Council and Regenter have a complete picture of complaints received and determined.

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

23. I made enquiries on most of the complaints I received this year, with the exception of those mentioned above in paragraph 22 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.

24. 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.

25. In a repairs complaint against Regenter, however, although the authority was liaising with the Council to try to resolve the complaint at stage two, it singularly failed to do so, and this prompted my involvement. I was concerned that:
- Council officers had had to chase the authority for action on the repairs, and had had to push for an inspection by a contractor specialising in damp.
  - The authority had asked Council officers to interpret the contractor's report, and delayed providing it.
  - The authority had asked Council officers to liaise with housing officers about a possible decant for the complainant during the works to her home, or to determine what could be done so that she could remain in situ.
  - The authority had suggested a homelessness hostel for the complainant instead of a decant.
  - Council officers had had to wait for an authority officer to return from his holidays to pursue the work to the complainant's home because the supervisor acting in his absence was unable to help.
  - Council officers had had to chase the authority to arrange mediation to address the anti-social behaviour the complainant was experiencing from her neighbour.
  - In addition, during my investigation, I experienced a poor and less than comprehensive response to my enquiries, with the authority's officer initially failing to complete my request for information form and then completing it by hand; and initially failing to provide a detailed chronology.
26. This is not acceptable, and I brought my concerns to a senior Regenter officer who promised improvements in dealing with repairs complaints and in responding to my enquiries. I also let the Head of Housing know what had happened.
27. Although most other complaints raised no particular issues, there were some notable exceptions:

#### *Regenter*

- I refer above to my concern about a particular case involving Regenter. I have concerns too about the other cases I handled where:
  - Repairs were allowed to drift and there was no direction.
  - Promises of work were made but not carried out.
  - There was an absence of updates and a clear schedule of work and timescales.
  - A long standing ASB complaint was very poorly managed despite detailed work being done in the past on an ASB policy and procedure.
  - There was delay and a lack of co-ordination over the management of a property where the front and back gardens were unkempt and detrimentally affecting the complainant's home.
  - There was an acute lack of knowledge about the planning process for knocking down some garages and applying retrospectively for permission as well as implementing a new border treatment, with officers failing to seek advice from the Council and making mistakes.
  - My contact at the authority changed on a number of occasions and, frustratingly, I have had to explain each time what I expect on stage three complaints.
- I acknowledge that I have few complaints against Regenter given the number of properties it manages. However, those complaints that do come through show serious failings and significant injustice; poor administration in the way they are handled; and usually little attempt to consider a remedy. I also acknowledge that Regenter has accepted that errors have occurred, and that it is willingly taking steps to learn lessons

and improve its practices (which I welcome; which I hope continues; and on which I would value feedback). I acknowledge too a most helpful meeting last year with senior officers to discuss complaints and complaint procedures, but problems continue. So, I propose a further meeting in the Autumn with those officers to talk about the cases here; stage three complaints in general; remedies; and what might be done to provide a seamless handover to any new staff dealing with stage three complaints. I believe that this is essential given the concerns that I mention above and given the recent change in staff. In addition, Regenter might liaise with the Council to understand what it must do if it wants to carry out development in or near a conservation area, and how to submit a planning application (which prompted a complaint this year).

### *Repairs*

- In several complaints, I saw repairs breaking down time and time again and they had to be redone. I believe that it is good housing administration for an authority to consider eventually whether it is more cost effective and a better use of taxpayers' money to replace a boiler, for example, rather than continue repairing it. But the decision is for the authority to take and not me, of course, and it will always be a judgement call especially in this era of very tight resources and high demand.
- In one case, I saw complicated repairs taking a long time to complete and the complainant having little idea of what was happening or when the work would end. I asked for a detailed written schedule of works and an indication of the timescales involved in carrying them out: in my view, such a schedule is good practice and it might have avoided this complaint.

### *Communication*

- In many complaints, I see a failure by officers to update complainants and this leads them to complain at stage three: the complainants simply do not know what is happening on, for example, their ASB case or their repairs. I urge officers to schedule and provide regular updates: it is good practice (especially if updates have been promised), and it might avoid a complaint.
- There were communication problems in a housing complaint where an officer referred a resident to social services without telling them. Good practice suggests that, normally, where an officer makes such a referral, they should tell the complainant even if the referral is being made in good faith.
- In one complaint, the complainant did not know who to contact when they wanted to discuss their concerns. In my view, it is good practice for all those replying to complaints to ensure that they give to the complainant the contact details of an officer who is readily available, who knows about the complaint, and who is able to discuss it. A point of contact is useful too in complex repairs complaints or ASB cases: the absence of such a contact has led to cases being referred to me.

### *Investigating incidents*

- In one complaint, an officer was accused of impropriety by a member of the public, but the Council did not talk to the complainant straightaway and only did so at my instigation. This was the case too in a complaint about the Council's leisure services. In a complaint about ASB, officers initially spoke only to the alleged perpetrator and not the victim; they then failed to take notes when eventually meeting her. Good customer service would suggest that, when investigating any complaint involving allegations of impropriety or ASB, the authority should interview all parties to understand what has happened and they should take notes.

## *General administration*

- In a complaint against Regenter, errors occurred with a changeover of staff: the new member of staff was not properly briefed and she made decisions contrary to what had been previously decided. I also encountered such errors in two complaints about Asset Management (which has undergone significant change, but now made detailed improvements): the departure of officers, and the appointment of others, led to serious delay in dealing with an enquiry about a lease and the sale of a garage. I propose that the authorities should ensure that all of their records are sufficiently clear and updated to provide a smooth handover to any new officer, and that officer should brief themselves when taking on a case.
- In one complaint about Public Sector Leasing, the records were deficient: failing to note any inspections, and failing to note any contact with the client or tenant. I believe that good record keeping is essential.
- In a case involving an insurance claim, it became clear that officers had failed to monitor its progress thus causing delay. In my view, monitoring and chasing a claim is essential.
- In a council tax complaint, I suggested that it is good practice to combine the current year's council tax arrears with those already the subject of an arrangement.

## *Complaints, apologies and remedies*

- In a number of complaints where I have asked officers to comment on my draft decision letter and, in particular, an adverse finding and a proposed remedy, I have had no reply. This is disappointing; it is contrary to the IA protocol; it means that I have to spend time chasing the reply, which could delay despatch of my letter to the complainant; and it suggests that some officers do not view stage three complaints with the importance that I think they demand.

This is not to say that I do not recognise the significant pressures that managers are under, and that they may have little time to consider my draft decision letters. I am also conscious that chasing any response can add to those pressures (so I have slightly amended the protocol to avoid this). But, managers are still obliged by that protocol to respond, and I urge them most strongly to do so.

- In a planning complaint, it took a long time to implement a remedy proposed by my predecessor. Although I noted that there were complications and that officers wanted to get the remedy right, I believe that timely implementation of a remedy is essential: it shows that the authorities take complaints seriously; it addresses any continuing injustice from which the complainant might be suffering; and it avoids further complaints to me.
- In several complaints, officers were keen to offer compensation at stage two of a complaint (which I welcome), but they were unsure of the amount. In other complaints, the amount proposed was too low, in my view, and it led to a complaint to me. I am happy to advise officers about what they should consider when thinking about a remedy. I also refer them to guidance on the Local Government Ombudsman's website; information provided by the Housing Ombudsman; and my digest of cases.
- There seems to be some confusion about who should draft an apology letter (it should be a senior manager from the service area that is the subject of the complaint); and some apology letters have been drafted and despatched before my final decision letter (causing the complainant some confusion). Though the letters are generally much improved, I urge all officers to contact me or Corporate Complaints if they have any doubts about the process.

- In one complaint, the service area did not understand how it might respond to my enquiries. I urge all officers with any doubts to contact Corporate Complaints.
- In some complaints, there were typographical and grammatical errors in letters to complainants: in my view, this gives a poor impression. I urge all officers to check their letters before despatch.

## **My performance**

28. Over the year, I have:

- Responded to 97% of complaints within 30 days (target: 85%).
- Had no decisions overturned on complaints referred to the Local Government Ombudsman or Housing Ombudsman.
- Met with 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.
- Tested my concerns about the way the Council is implementing the new routes and timetable for refuse collection, being reassured that it uses its discretion when called for
- Explained my approach to parking complaints, complaints about a partner running a service on behalf of the Council, insurance complaints, complaints about tree pruning, and personnel complaints, so that officers can manage complainant expectations about my role.
- 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
- Taken part in a complaints seminar for staff, explaining my role at stage three.
- Written a regular newsletter for senior officers highlighting any concerns and suggested service improvements.
- Discussed my role in detail with another London Council which is impressed with the work we do in Lewisham and is considering the possibility of an IA.

## **Conclusions and general observations**

29. Significant changes within the Council and Regenter and to resources have continued this year; and there have again been unprecedented changes to the law that have affected residents, services and operations. Notwithstanding, the numbers of stage three complaints has not 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*

- Regenter to continue with the promised improvements in dealing with repairs and ASB complaints and in responding to my enquiries, and to provide me with feedback.
- Regenter to meet with me in the Autumn to talk about the cases this year; stage three complaints in general; remedies; and what might be done to provide a seamless handover to any new staff dealing with stage three complaints.
- Regenter to liaise with the Council to understand what it must do if it wants to carry out development in or near a conservation area and submit a planning application.

- Regenter to consider eventually whether it is more cost effective and a better use of taxpayers' money to carry out substantive work rather than continue with running repairs.
- Regenter to provide a detailed written schedule of works and an indication of the timescales involved in carrying them out in complex repairs complaints.
- The authorities to provide a point of contact in complex repairs and ASB complaints.
- The authorities to schedule and provide regular updates on repairs and ASB complaints, though they may be necessary in other complaints too.
- The Council and its partners to interview all parties in any ASB case, or complaint of impropriety, to understand what has happened and they should take notes.
- The authorities to ensure that all of their records are sufficiently clear and updated to provide a smooth handover to any new officer, and that officer should brief themselves when taking on a case. A record of all contact with the complainant is essential too.
- All those replying to complaints to ensure that they give to the complainant contact details of an officer who is readily available, who knows about the complaint, and who is able to discuss it.
- Council tax to consider combining the current year's council tax arrears with those already the subject of an arrangement.
- Where an officer makes a referral to social services, they should normally tell the complainant even if the referral is being made in good faith.
- The Council to monitor and chase insurance claims.
- Officers to contact Corporate Complaints if they have doubts about how they might respond to my enquiries.
- Managers to provide timely comments on my draft decision letters
- The authorities to ensure the timely implementation of a remedy
- Officers to contact me when they are uncertain about a remedy: they might also consider guidance on the Local Government Ombudsman's website; information provided by the Housing Ombudsman; and my regular digest of cases.
- Officers to contact me or Corporate Complaints if they have any doubts about apology letters.
- Officers to check their letters before despatch.

#### *For the future*

30. 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. So, I am proposing:

- To 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.
- To signpost more complainants to sources of advice and support and, when required, to alternative ways of pursuing their complaint.
- To meet all complainants with complex complaints, and to conduct site visits where a practical remedy such as a repair is possible: helping my understanding, and achieving quick resolution.
- To identify those complaints that can be speedily and effectively resolved without a detailed investigation and to approach the authorities with proposals for settlement.
- To 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
- To work with officers on good administration to avoid complaints in the first place.
- To work with officers on complaint handling, and providing quick, effective, and imaginative remedies.

## *Acknowledgements*

I would like to thank Jennifer Greaux (Corporate Complaints Manager) and Rebecca Goodman (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 against the London Borough of Lewisham and Regenter. I have written a separate review on stage three complaints against Lewisham Homes, though the figures for all authorities are included and attached, and some crossover issues are mentioned.

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

Local Government  
**OMBUDSMAN**

7 July 2014

*By email*

Mr Barry Quirk  
Chief Executive  
Lewisham London Borough Council

Dear Mr Barry Quirk

**Annual Review Letter 2014**

I am writing 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 2014.

This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

***Developments at the Local Government Ombudsman***

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

***Future for local accountability***

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best

way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Yours sincerely

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

### Appendix 3 - Breakdown of LGO cases

Local Government Ombudsman complaints								
Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
12	35	9	20	10	10	27	4	127

Decisions made (by local authority)							
Advice given	Closed after initial enquiries	Incomplete/invalid	Referred back for local resolution	Upheld	Not upheld	% upheld*	Total
8	32	7	62	15	10	60.0%	0

Appendix 4 – top 3 complaint reasons by ward.

**Top 3 complaints by Ward**

WARD	Housing Management	Council Tax	Housing	Highways	Housing Needs	Environment Enforcement	Parking	Refuse	Planning	Street Lighting	Green Scene	Housing and Council Tax Benefits
BELLINGHAM	1		2	3								
BLACKHEATH	1	3					2					
BROCKLEY	1	2		3								
CATFORD SOUTH			1		1	2						3
CROFTON PARK		1		2	3						3	
DOWNHAM		3	1	1				2				
EVELYN	1	2	3									
FOREST HILL	1				2				3			
GROVE PARK			2	1	3							
LADYWELL	1	3		2						3		
LEE GREEN	1	2		3								
LEWISHAM CENTRAL	1	2		3			2					
NEW CROSS	1	2	2			2						
PERRY VALE	1	2						3				
RUSHEY GREEN		2	1		3							
SYDENHAM	1	2			3							
TELEGRAPH HILL	1	2	3									
WHITEFOOT		2	1			3						

\* Based on the post code of the complainant

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

Service Area	WARD				
	BELLINGHAM	BLACKHEATH	BROCKLEY	CATFORD SOUTH	CROFTON PARK
Housing Management	50	96	152		17
Council Tax	15	19	23	13	22
Housing	19	11	13	17	7
Highways	17	15	21	10	13
Housing Needs	10	5	9	17	13
Refuse	11	6	12	5	9
Environmental Enforcement	9	5	18	15	5
Housing and Council Tax Benefits	9	4	9	14	9
Green Scene	6	10	16	8	11
Parking	3	25	1	4	1
Street Lighting	5	6	9	1	9
Planning	1	4	15	2	2
Access and Support Services for Children	2	3	3	7	3
Adult Social Care and Health	4	5	3	8	4
Private Sector Housing Agency	3	1	3	5	1
Other	3	5	1	4	3
Street Services	7	8	6		1
Crime Reduction	1	4	3	3	
Children's Social Care			5	2	3
Library and Information Services	1		2		1
Recycling	1	1	3	2	1
Business Regulatory Services			2	1	
Customer Services Centre		2	1	3	1
Programme Management and Property		4	1		
Sport and Leisure			4	2	2
Community Services - Other		2			2
Other Children's Services	1			1	
CEL	2	1	1		2
Concessionary As Team			1		2
Audit and Risk Management	1	1	2		
Trading Standards	1			1	
Environment other	1	1	1		
Bereavement		2	1	2	1
Transport	1		1		
Register Office	1				
Schools Standards and Achievements			3		
Community and Neighbourhood Development					
Corporate Resources	1		1		
Door 2 Door	2				
Corporate Technology					1
Economic Development				1	
Legal Services					
Electoral Services					
Supporting People					
Cultural Services - Other		1			1
Community Sector					
Corporate Information & Records Management					
Business Rates					
Enforcement					
Personnel and Development				1	
Corporate Communication				1	
<b>Total</b>	<b>188</b>	<b>247</b>	<b>346</b>	<b>150</b>	<b>147</b>

Service Area	DOWNHAM	EVELYN	FOREST HILL	GROVE PARK	LADYWELL	LEE GREEN
Housing Management	2	148	55	2	88	53
Council Tax	13	25	13	11	19	23
Housing	15	15	11	13	2	15
Highways	15	9	12	15	27	21
Housing Needs	8	9	19	12	5	7
Refuse	14	1	10	10	12	17
Environmental Enforcement	12	8	5	8	9	10
Housing and Council Tax Benefits	7	11	8	8	8	8
Green Scene	9	7	5	10	11	8
Parking	4	2	4	3	15	18
Street Lighting	1	4	3	5	19	20
Planning	4	1	17	11	4	8
Access and Support Services for Children	9	13	8	5	8	8
Adult Social Care and Health	4		4	8	2	4
Private Sector Housing Agency	1	1	1	3	5	2
Other	2	5	3	2	6	4
Street Services	3	4	2	1	2	5
Crime Reduction	3	1	2		2	
Children's Social Care	1	3		1	1	2
Library and Information Services		1			3	5
Recycling			2		1	3
Business Regulatory Services			2	2		
Customer Services Centre	1	2	1	2	1	1
Programme Management and Property		3				1
Sport and Leisure			2		4	
Community Services - Other	1				1	2
Other Children's Services		1				1
CEL				2	1	1
Concessionary As Team	2	1				
Audit and Risk Management					1	1
Trading Standards			1	1	2	
Environment other						
Bereavement						
Transport						
Register Office					2	
Schools Standards and Achievements						
Community and Neighbourhood Development	1			1		
Corporate Resources				2		
Door 2 Door						
Corporate Technology						
Economic Development				1	1	
Legal Services						
Electoral Services						1
Supporting People		1		1		
Cultural Services - Other						
Community Sector						1
Corporate Information & Records Management						
Business Rates			1			
Enforcement						
Personnel and Development						
Corporate Communication						
<b>Total</b>	<b>130</b>	<b>276</b>	<b>187</b>	<b>140</b>	<b>256</b>	<b>248</b>

Service Area	LEWISHAM CENTRAL	NEW CROSS	PERRY VALE	RUSHEY GREEN	SYDENHAM	TELEGRAPH HILL
Housing Management	51	150	67	16	88	143
Council Tax	20	20	23	24	21	34
Housing	14	20	10	36	6	21
Highways	18	10	11	13	10	6
Housing Needs	11	16	5	19	12	12
Refuse	14	8	15	7	10	6
Environmental Enforcement	12	20	4	9	7	5
Housing and Council Tax Benefits	14	13	4	9	6	11
Green Scene	1	3	9		9	5
Parking	20	7	3	13	4	3
Street Lighting	7	2	2	6	7	1
Planning	9	3	4	4	5	2
Access and Support Services for						
Children	9	1	4	9	2	2
Adult Social Care and Health	4	6	3	7	2	8
Private Sector Housing Agency	7	6	3	7	2	8
Other	5	4		6	1	2
Street Services	3	1	2	4	2	1
Crime Reduction	3	6	2	4	1	1
Children's Social Care	6	4		8	2	
Library and Information Services	2	4	2	3		
Recycling		1		4	2	
Business Regulatory Services		1	4	4	2	2
Customer Services Centre		1	2	2	1	
Programme Management and Property		5	1	2	1	
Sport and Leisure	2					1
Community Services - Other	2			4	1	1
Other Children's Services		1	1	6		
CEL						1
Concessionary As Team	1		1	2		1
Audit and Risk Management		3				2
Trading Standards		1		1		
Environment other			1	1	1	1
Bereavement					1	
Transport	1	1	1	1		
Register Office			1			
Schools Standards and Achievements			1			
Community and Neighbourhood						
Development	1	1				1
Corporate Resources						
Door 2 Door			1			
Corporate Technology	1				1	1
Economic Development						
Legal Services		1			1	
Electoral Services	1			1		
Supporting People					1	
Cultural Services - Other						
Community Sector				1		
Corporate Information & Records						
Management				1		
Business Rates						
Enforcement						
Personnel and Development						
Corporate Communication						
<b>Total</b>	<b>239</b>	<b>320</b>	<b>187</b>	<b>234</b>	<b>209</b>	<b>282</b>

Service Area	WHITEFOOT	Total
Housing Management	9	1185
Council Tax	17	355
Housing	19	264
Highways	8	251
Housing Needs	5	192
Refuse	13	180
Environmental Enforcement	15	178
Housing and Council Tax Benefits	12	160
Green Scene	10	138
Parking	2	132
Street Lighting	1	108
Planning	7	101
Access and Support Services for Children	2	94
Adult Social Care and Health	1	77
Private Sector Housing Agency	4	83
Other	2	58
Street Services	4	56
Crime Reduction	3	39
Children's Social Care	1	39
Library and Information Services	1	25
Recycling	2	23
Business Regulatory Services	1	21
Customer Services Centre		21
Programme Management and Property		18
Sport and Leisure		17
Community Services - Other		16
Other Children's Services	4	16
CEL		11
Concessionary As Team		11
Audit and Risk Management		11
Trading Standards	1	9
Environment other		7
Bereavement		7
Transport		6
Register Office	1	5
Schools Standards and Achievements	1	5
Community and Neighbourhood Development		5
Corporate Resources		4
Door 2 Door	1	4
Corporate Technology		4
Economic Development		3
Legal Services	1	3
Electoral Services		3
Supporting People		3
Cultural Services - Other		2
Community Sector		2
Corporate Information & Records Management		1
Business Rates		1
Enforcement	1	1
Personnel and Development		1
Corporate Communication		1
<b>Total</b>	<b>149</b>	<b>3935</b>

Appendix 6 - Complaints Action Plan

Action point	Recommendation	Origin	Action to be taken	Target date
1	To 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.	IA annual report	Guidance and fact sheet to be produced and available online.	By March 2015
2	To signpost more complainants to sources of advice and support and, when required, to alternative ways of pursuing their complaint.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
3	To meet all complainants with complex complaints, and to conduct site visits where a practical remedy such as a repair is possible: helping my understanding, and achieving quick resolution.	IA annual report	Process for stage 3 complaints to be reviewed and changes incorporated into current timeframe	February 2015
4	To identify those complaints that can be speedily and effectively resolved without a detailed investigation and to approach the authorities with proposals for settlement.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
5	To 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.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
6	To work with officers on good administration to avoid complaints in the first place.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015
7	To work with officers on complaint handling, and providing quick, effective, and imaginative remedies.	IA annual report	Recommendation to be considered as part of the complaints review	Summer 2015

