

<b>Mayor and Cabinet</b>			
<b>Title</b>	Annual Complaints Report 2016-17		
<b>Key decision</b>	No	<b>Item no</b>	
<b>Wards</b>	All wards		
<b>Contributors</b>	Executive Director for Customer Services and Head of Public Services		
<b>Class</b>	Part 1	10 January 2018	

## **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 2016/17. There were a total of 5,743 complaints and enquiries received in 2016/17. This represents a 33% increase when compared to 2015/16.
- 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 82 complaints between 1 April 2016 and 31 March 2017, of which she upheld or partly upheld 41%. The IA responded to 80% within the 30-day response standard and identified a number of issues from the complaints and makes recommendations for improvement.
- 1.4 The Local Government Ombudsman (LGO) report is attached at Appendix 2. In 2016/17, the LGO made decisions on a total of 38 cases, which is 5 more than last year – the figures are attached at Appendix 3.
- 1.5 The report summarises the progress made so far following the restructure of the Complaints and Casework function.

## **2      Purpose of Report**

- 2.1 To provide information on complaints performance in 2016/17.

## **3.     Recommendation**

The Mayor 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 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

The new complaints process has been introduced for 2017/18.

- 5.2 The tables below show the number of complaints and enquiries dealt with by the Council in the last financial year. The tables are broken down by directorate and show the percentages dealt with in the standard response time. The statistics are for cases logged into iCasework between 1 April 2016 and 31 March 2017 compared with performance over the same period in 2015/2016.

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

	Total Complaints and Enquiries		
Directorate	2015/16	2016/17	Variance
<b>Children and Young People</b>	219	295	+35%
<b>Community Services</b>	254	280	+10%
<b>Customer Services</b>	2,414	3,633	+50%
<b>Lewisham Homes</b>	905	824	-9%
<b>Resources &amp; Regeneration</b>	516	711	+38%
<b>Total</b>	4,308	5,743	+33%

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

	Stage 1						Stage 2				
Directorate	2015/16	%	2016/17	%	Variance	2015/16	%	2016/17	%	Variance	
CYP	80	81	134	77	+54	14	79	7	86	-7	
Community Services	46	72	86	53	+40	4	75	2	0	-4	
Customer Services	1,075	88	2,271	90	+1,196	100	58	63	80	-37	
Lewisham Homes	451	90	339	96	-1,122	108	94	71	100	-37	
Resources & Regeneration	135	63	299	75	+164	22	32	27	70	+5	
Total	1,787	86	3,129	78	+1,342	248	73	170	67	-78	

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

Directorate	MP			Mayor			Members		
	2015/16	2016/17	Variance	2015/16	2016/17	Variance	2015/16	2016/17	Variance
CYP	85 (82)	118 (24)	+33	8 (100)	1 (100)	-7	32 (88)	28 (32)	-4
Community Services	82 (35)	79 (48)	-3	44 (64)	17 (35)	-27	78(51)	69(52)	-9
Customer Services	767 (42)	808 (79)	+41	201 (52)	136 (82)	-65	271(60)	281 (81)	+10
Lewisham Homes	190 (44)	254 (79)	+64	29 (48)	47 (87)	+18	127 (87)	99 (96)	-28
Resources & Regeneration	121 (50)	136 (74)	+15	46 (44)	47 (73)	-4	192(71)	198 (89)	+6
Total	1,245 (45)	1,395 (61)	+150	328 (53)	243 (61)	-128	700 (68)	675 (70)	-25

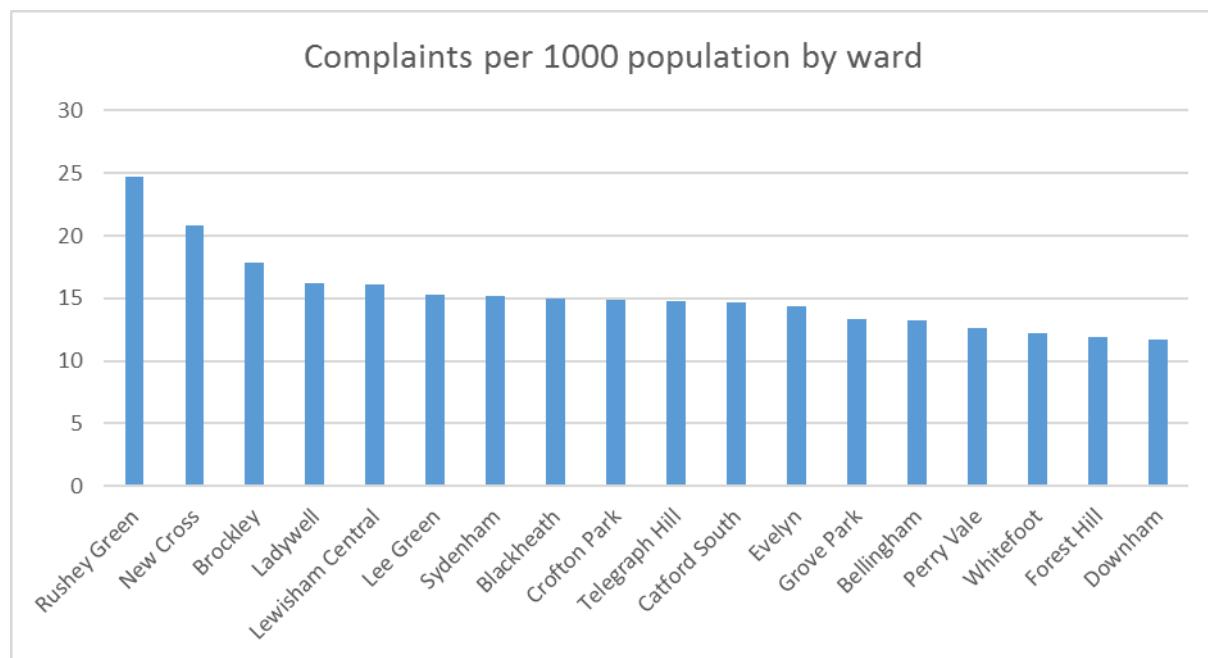
\*figures in brackets denotes the percentage of cases dealt with within the specified targets

- 5.3 The total number of complaints and enquiries received in 2016/17 was 5,743 which was an increase of 1,435 cases (33%) on the previous year.

## **Complaints and enquiries by ward**

- 5.4 The distribution of complaints received by Ward is shown below. The highest number of complaints received per 1,000 population were from residents in the Rushey Green Ward followed by New Cross Ward. The lowest number of complaints were received from residents in the Downham Ward.

**Chart 1 Distribution of Complaints by ward**



Source: Annual complaints data, Lewisham Council. Mid-year population Estimates by Ward for 2015, Office for National Statistics

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

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

#### **2015-2016**

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

5.5.1 In Rushey Green, Highways (street works) was the top reason why customers complained followed by refuse and then housing (advice and reviews). In 2015/16 Highways was the top reason why customers complained, followed by Housing and Council Tax benefit (advice and reviews).

5.5.2 The second highest ward to receive complaints and enquiries was New Cross. The top reason why customers complained was Lewisham Homes (tenancy team), Housing (advice and reviews) and then Refuse.

5.5.3 The third highest ward to receive complaints and enquiries was Brockley with the top reason for complaints being Refuse, Housing (advice and reviews) and then Council Tax.

5.5.4 Downham received the lowest level of complaints and enquiries in both financial years.

#### **5.6 Trends**

5.6.1 On analysing the reasons for complaints, the top three issues identified for 2016-17 were as follows:

1. Highways
2. Housing Needs
3. Environment

5.6.2 This top 3 has changed from the previous year at which time Housing Benefit and Council Tax were in the top 3, along with Housing Needs and Highways.

The services with the top three issues have provided comments on what has generated complaints within their service area.

## 5.7 Highways

- 5.7.1 There has been an increase in complaints and queries about parking in 2016-17 in part due to the implementation of new CPZs, consultation on a proposed CPZ in Deptford South and its subsequent implementation, and on consultation and implementation of two batches of minor parking amendments Orders. These Orders contain multiple new or amended parking restrictions that cover the whole borough.
- 5.7.2 In addition, there has been significant correspondence in relation to large schemes, such as the new Streetscape scheme in Dartmouth Road.
- 5.7.3 There were many enquiries centred around the creation of and enforcement of the 20mph speed limit, and requests for traffic data that has been collected in the months following the implementation
- 5.7.4 Finally, there has been an extensive programme of road resurfacing this year and that has generated some correspondence, and complaints.
- 5.7.5 Highways are receiving increasing numbers of queries on the provision of electric vehicle charging points, and more requests from residents for measures to remove traffic, in particular HGVs from residential areas. This is set to continue during 2017-18.

## 5.8 Housing Needs.

- 5.8.1 Housing Needs, encompassing the Housing Options Centre and SHIP (Single Homeless Intervention and Prevention, Homeseach, etc) remains one of the top 3 areas generating the most complaints. The reasons have generally been the same as previous years-
  - the decreasing amount of social housing, coupled with an increase in housing need resulting in all housing applicants waiting very long periods for an offer of housing
  - huge numbers of households in insecure temporary accommodation awaiting more permanent housing
  - the suitability and/or location of temporary accommodation
  - dissatisfaction with being placed out of Lewisham, or out of London as a whole due to the shortage of accommodation in borough
- 5.8.2 There has been a slight spike in the number of complaints and enquiries for the Allocations & Lettings Team relating to the online housing register application process (Homeseach). Customers find it hard to navigate the system to apply for the housing register. In addition, customers are finding Homeseach adverts difficult to understand, resulting in them not bidding for the most appropriate homes.
- 5.8.3 Housing Needs believe that the new Homeless Reduction Act (HRA) may potentially increase enquiries/complaints however, most of these will be dealt with under a statutory process. They anticipate that they will have a better idea of the impact of the HRA once it is live, at which time the department will adapt and review their ways of working around any issues that arise.
- 5.8.4 Another area that is also likely to cause complaints and enquiries is the increasing number of private sector offers being made in discharge of the Council's homeless duty. Applicants are disappointed when they do not receive an offer of social housing. Again, there is a statutory process to deal with suitability reviews but

customers often approach their elected representative also to receive support with their case.

## 5.9 Environment

- 5.9.1 The main areas that generate complaints under Environment are waste services and cleansing (including, street sweeping abandoned vehicles and fly-tipping).
- 5.9.2 There has also been a slight increase in fly tipping complaints. Again, due to budget restraints, we cannot remove fly-tipping as quickly as we used to. The authority continues to pursue formal enforcement action and where appropriate, prosecutions are commenced against any individual or business carrying out fly tipping. However, officer resources are limited and therefore cases have to be prioritised. This can mean lower level fly-tips may not be investigated as quickly as we would like and in some cases a decision may have to be made that an investigation is unlikely to lead to evidence being located or that the case will not be in the public interest to take formal enforcement action on. In cases where any investigation is minimal, the Council will of course always remove the fly tipping if it is on an adopted highway for which it is responsible.
- 5.9.3 Although it falls outside the 2016-17 financial year, the service has received an increase in complaints about the waste service due to the major service change that was implemented at the beginning of October 2017. This was the introduction of fortnightly refuse collections and weekly food waste collections. Teething issues caused disruptions in collections across the borough, but these were/are being resolved as quickly as possible, and the number of complaints are now reducing.

## 5.10 Lewisham Homes

- 5.10.1 Lewisham Homes have reported the following for 2016-17:

- Complaints performance continued to improve during the year meeting the targets of 35 complaints or less per month and 90% responded to within the target time.
- Complaints about the repair service per month have halved from 26 in 2010/11 to 12 in 2016/17.
- Lewisham Homes overall performance has improved against the majority of its key performance indicators (20 out of 22), and that resident satisfaction has improved, particularly for homeowners.
- The decency level of the homes has increased from 41% in 2011 to 95% in March 2017.
- Lewisham Homes has spent £146m since 2011 delivering stock improvements and the Decent Homes programme. Despite no grant from the GLA this year, Lewisham Homes increased the decency level from 91% to 95% and will make all stock decent by April 2018.
- Work on kitchens, bathrooms and electrical rewire are now managed by the Lewisham Homes Repairs Service. They installed kitchens or bathrooms into 325 homes in 2016/17, the direct labour force who achieved 98% satisfaction from residents did a third.
- In 2016 Lewisham Homes achieved the Investors in People Gold Standard.

- 5.10.2 Their Business Plan achievements in 2016/17 include:

- Developing more customer focused services and more choices for resident engagement, particularly online

- Continuing conversations with residents by personal contact to find out views on services (The Big Conversation)
- Improved engagement with leaseholders to help steer service improvements
- Investment of £360,000 in environmental improvements
- Introducing a new enhanced sheltered housing support for older residents

## 5.11 Brockley PFI

- 5.11.1 RB3 report that they have performed well throughout the year. There were 699 items of correspondence and all of them were responded to within the ten working days target
- 5.11.2 RB3 received 57 complaints during the 2016/17 year, which is an increase of 1% comparing with the last year. 58% of complaints were related to housing management issues and 42% were regarding repairs. All of them were responded to within the required ten working days target.
- 5.11.3 Out of 85 stage 1 complaints, 11 escalated to stage 2 (13%) and 3 complaints escalated to stage 3 (4%). Brockley feel this is a reflection of how well they have performed in terms of 'getting it right first time' when responding to complaints.
- 5.11.4 RB3 report that satisfaction levels for resident participation have increased from 88% in 2015/16 to 96% in 2016/17.
- 5.11.5 To enable residents to feedback their ideas and suggestions about RB3's services, the PFI developed an online customer experience survey in 2016-17. RB3 will continue to monitor satisfaction levels using this tool, along with feedback from complaints and enquiries.

## 6 Independent Adjudicator

- 6.1 The Independent Adjudicator (IA) deals with stage 3 complaints on behalf of the Council. The IA report for the Council is attached at Appendix 1. This section summarises the IA's report and the action being taken in response to the issues raised. The report covers the period 1 April 2016 to 31 March 2017.
- 6.2 The IA received 82 complaints during the year, nine less than in 2015/16. This breaks down to 55 (67%) about the Council/Regenter (down by five from last year); and 27 (33%) about Lewisham Homes (down by 5 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. The number of complaints about Lewisham Homes went down from 35 to 27. The IA upheld 41% of the complaints she investigated, up from 37% in 2015/16
- 6.5 The IA responded to 80% of cases within the 30-day standard.
- 6.6 Cases by directorate/partner

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

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

Customer Services	Resources and Regeneration	Community Services	Children and Young People	Regenter	Lewisham Homes	<b>TOTAL</b>
28 (6)	11 (4)	1 (1)	10 (6)	5 (1)	2710)	<b>82</b>

#### 6.7 Compensation

Compensation was awarded in 18 cases. The total amount of compensation paid was £13,699.80, of which £2,250 was for Lewisham Homes.

**Table 7 - Amount of Compensation**

	<b>Up to and including £100</b>	<b>£100-£500</b>	<b>More than £500</b>	<b>TOTAL</b>	
<b>2016/17</b>		7	6		<b>£13,699.80</b>
<b>2015/16</b>	2	6	10	<b>18</b>	<b>£26,523.40</b>
<b>2014/15</b>	n/a	13	6	20*	£9,241
<b>2013/14</b>	4	8	4	16*	£6,542
<b>2012/13</b>	2	8	2	12	£4,259.75
<b>2011/12</b>	2	9	1	12	£3,614

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

##### *Communication and complaint handling*

- 6.8.1 The IA is now monitoring the time taken to respond to her requests for information, noting that any delay impacts on her own timescales, could bring the complaints process into disrepute, lead to an Ombudsman complaint and adds to the complainant's sense of grievance.
- 6.8.2 The IA has found that, on occasion, compensation is not mentioned when fault is acknowledged. The IA urges officers to think about compensation in these circumstances.

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

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

#### 7 Local Government Ombudsman Annual Letter 2016/17

- 7.1 An annual review letter is produced by the LGO each year. This gives a summary of statistics relating to complaints made against local authorities over the year

ending 31 March 2017. A copy of the LGO'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 2016/17 a total of 136 complaints and enquiries were received, 27 less than 2015/16. Of the total received only 38 'detailed enquiries' were carried out of which 26 were upheld.
- 7.3 The top 3 highest number of complaints were received about:
  - Housing - 36 (37 in 2015/16)
  - Education and Children's Services – 28 (37 in 2015/16)
  - Benefits and Tax – 27 (39 in 2015/16)
- 7.4 The LGO now provide additional information to focus the statistics more on the outcome from complaints rather than just the amounts received. The LGO has also provided a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where LGO recommendations remedied the fault and the number of cases where the LGO concluded the authority had offered a satisfactory remedy during the local complaints process.
- 7.5 The LGO publish final decisions on all complaints on their website, as they consider this as an important step in increasing transparency and accountability. There was one published report regarding Housing Benefits made against the Council during the year ending 31 March 2017.
- 7.6 The Council views this as a useful exercise, which gives it the opportunity to reflect on the types of complaints made and consider where improvements might be made.

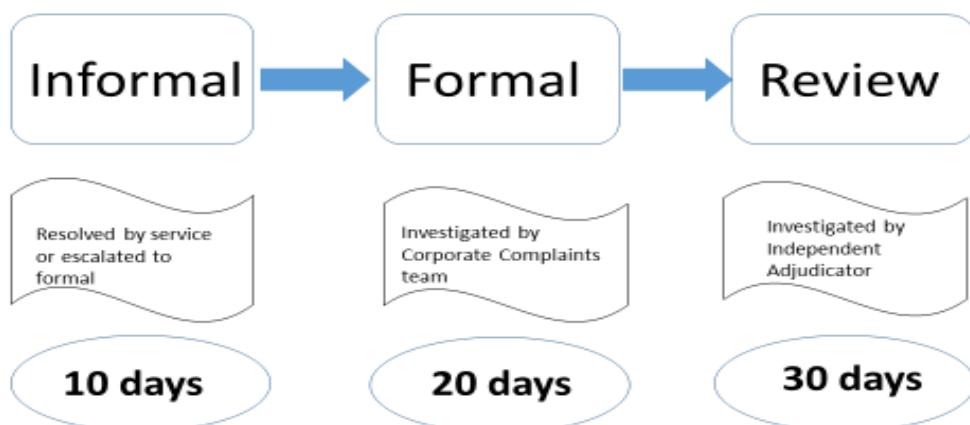
## **8 Achievements in 2016/17**

- 8.1 The Council implemented the casework review creating a new corporate complaints and casework team. Despite the disruption during this time, the team have managed to answer complaints and casework and maintain very good performance statistics.
- 8.2 The Community Services casework team use the intelligence gained from adult social care complaints to align with that from professional quality alerts, feedback from CQC and commissioned providers to improve quality across the delivery of adult social care services.
- 8.3 Following the recent restructure of the complaints teams Community Services have successfully maintained performance with their statutory complaints.
- 8.4 The CYP complaints team have had some challenges to overcome with retention of experienced complaints staff. They have a new manager in place and are now addressing some of the issues related to recent poor performance.
  - Service specific bulletins continue to be produced for senior manager's consideration and action. In managing trends and detailed complaints in this manner, it is hoped that the broader picture can be influenced by addressing the smaller, frequent issues found within individual services. For example Adoption, Looked After Children Leaving Care Service were provided with a quarterly breakdown of complaints received and managers were asked to provide comments and highlight learning points to be considered by staff going into the next quarter.

- Audit forms are kept outlining upheld complaints, and recommendations arising. These forms are compiled and revisited periodically with senior management, to ensure implementation of recommendations.
- Organisational learning from the upheld and/or partially upheld complaints are fed back to staff by the Complaints Team through team meetings and bulletins distributed for the attention of all staff.

## **9      Complaints and Casework Review**

- 9.1 As part of the Council's savings programme it agreed to a review of its approach to Complaints and Casework with a target saving of £50K. The overall objective of the review was to resolve complaints and casework at the first point of contact, improving the service to the customer and/or representative and reducing the costs of the service to the Council. The review was led by Ralph Wilkinson, the Head of Public Services, and focussed on:
- The process the Council followed to resolve complaints and casework
  - The organisational structure used to deliver the process
  - The system the Council used to administer complaints and casework
- 9.2 The new structure was put in place February 2017. It has taken approximately 6 months to train new staff and develop a fully functioning service
- 9.3 The new team faced a number of challenges
- The icasework system is out of date and in need of replacing
  - There was a backlog of cases
  - There were a number of outstanding investigations with the Local Government Ombudsman (LGO)
  - 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
- 9.4 The past 6 months have been spent addressing the above challenges.
- Officers have settled into their new roles and are confident dealing with a wider range of enquires
  - We have successfully managed the LGO investigations and built up a strong relationship with our investigators. We have invited our local LGO investigator to a meeting in December 2017 to further strengthen this relationship.
  - The new complaints and casework system is being implemented. The project has started and we anticipate the system to be functioning by April 2018.
  - Despite the recent challenges the team have managed to answer the majority of casework and complaints on time maintaining a very good level of performance
- 9.5 The team have been focussing on working together and building a mature team with shared knowledge of the Council's functions and the processes for effectively dealing with complaints and casework. As a result, we have delayed implementing the new process and timescales for complaints. As we move into the new year, and with the introduction of the new complaints system we will now be working with services to introduce the new process.
- 9.6 The new process is shown below:



- 9.7 We have already consulted with some Heads of Service and have identified that the best approach to successfully implementing the changes will be achieved by transitioning services individually as opposed to a 'big bang' approach. With this in mind, the plan is to start with a few services in the new year and gradually implement the changes
- 9.8 The aim of the formal stage was to carry out a more detailed investigation of a complaint that had previously been undertaken. This change has already been implemented and caseworkers in the corporate team are successfully investigating complaints at this stage.
- 9.9 The team are also improving learning from complaints. This will be further improved as part of the next stage of the development of the team and issues and patterns escalated as appropriate.
- 9.10 Most of the changes have taken place post March 2017 so next year's report will pick up on the new arrangements in more detail.
- 9.11 The move away from contacting the Council's services by telephone will be carefully managed and will support the channel shift to quicker and effective resolution of customer contact. As this transition is primarily happening post March 2017 next year's report will pick this up in more detail.
- 9.12 Conclusion

Whilst the rise in the number of complaints is disappointing they still only represent a very small proportion of the millions of transactions the Council has with people living, working and learning in the borough. There can be no doubt that the savings the Council has been forced to make as a result of the government's programme of austerity will have been a significant reason for the increase. The Council will continue to use the complaints process to assist in the development of services and get feedback on the impact of changes.

- 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 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/>

## **11 Financial Implications**

- 11.1 There are no direct financial implications arising from this report. The Council has no specific budgets for compensation payments so the costs are absorbed by the relevant service as awarded.
- 11.2 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.

## **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 that 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 whom they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty. However that Code is not due to be published until April 2012. The guides can be found at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>.

13.6 The Corporate Complaints team will continue to work with voluntary community groups to ensure no one is disadvantaged from using the complaints process.

#### **14 Environmental Implications**

14.1 There are no environmental implications arising from this report.

#### **15 Conclusion**

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

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

16.1 There are no background documents to this report.

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