

20 July 2022

By email

Ms Wright
Chief Executive
London Borough of Lewisham

Dear Ms Wright

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Your organisation's performance

During the year, we published one public report about your Council's handling of concerns raised by a former looked after child. Our investigation found the Council failed to inform the complainant of the outcomes of allegations she made following incidents of significant and repeated physical, sexual and emotional abuse while she was in foster care and council-run residential units. The Council also failed to provide adequate support to the complainant when she left care or to complete standards of care and child protection enquiries into the foster carers involved.

We highlighted our concerns about the Council's approach to information sharing when it appointed an independent Investigating Officer (IO) to look into the complaints under stage two of the statutory complaint process for children's social care. It was concerning that the Council refused to give the IO, and then my staff, full access to key records to complete their investigation. The Council took far too long to complete the statutory complaint process in this case and did not offer remedies proportionate to the harm and injustice suffered by the complainant.

I welcomed the Council's unreserved acceptance of our recommendations to apologise, provide the outcome of its investigation into the allegations made and make a payment of £7,500 to the complainant for the distress, harm, outrage, time and trouble she experienced. I was also pleased to note the Council's agreement to review its approach to information sharing in the statutory complaints procedure and our investigations and produce an action plan detailing how and when the Council intend to complete the recommendations made by the IO during the stage two complaint investigation.

In another case, it is disappointing that the Council, again, failed to evidence compliance with our recommendations. The Council was asked to apologise to the complainant, make a payment for the time and trouble he was put to, review its procedures to ensure emails reach the correct department and deliver training to staff on the complaints procedure and its responsibilities under the Public Sector Equality Duty. The Council provided evidence of compliance with all the recommendations made except for the payment to the complainant. The Council explained it had made several attempts to contact him to request bank details which would enable it to arrange the payment. It said the complainant had not responded. The Council was asked repeatedly to provide evidence of the attempts it had made. Unfortunately, despite extending the period for compliance, the Council failed to provide the necessary evidence of the attempts at contact. This should have been readily and quickly available if genuine efforts had been made. A new complaint was therefore registered for non-compliance.

I am particularly disappointed to detail this case as I had to raise similar concerns about non-compliance in my letter last year. Non-compliance is taken very seriously, often results in a public report being issued and is reported publicly on our website. It reflects extremely poorly on the Council and undermines residents' confidence that it is genuinely willing and committed to putting matters right when it has been at fault. I ask you to ensure your Council has robust mechanisms in place to enable it to fully evidence compliance and reduce any repeat of these failings.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

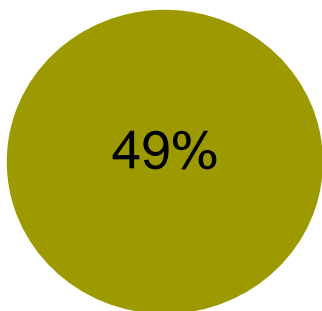
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

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

Complaints upheld



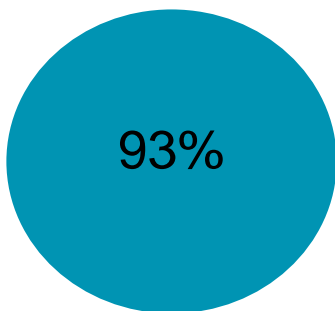
49% of complaints we investigated were upheld.

This compares to an average of **71%** in similar organisations.

18
upheld decisions

Statistics are based on a total of **37** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



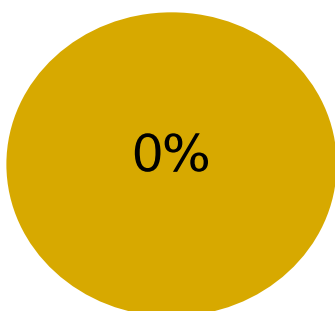
In **93%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **14** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **11%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **18** upheld decisions for the period between 1 April 2021 to 31 March 2022