

Local Government & Social Care OMBUDSMAN

19 July 2023

By email

Ms Daothong
Acting Chief Executive
London Borough of Lewisham

Dear Ms Daothong

Annual Review letter 2022-23

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 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. 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.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. Paul Najsarek was appointed interim Ombudsman in April. Ombudsmen are prohibited from examining cases in organisations where they have been involved in the last five years. Your Council is affected by that and I, as Reserve Commissioner, am empowered to adjudicate in such cases and am responsible for your annual review letter this year.

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.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with

that of similar organisations, rather than previous years, to better understand your organisation's performance.

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 were satisfied 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 26 July 2023. 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

I welcome that your Council agreed to, and implemented, the recommendations we made in 16 cases during the year, however, it is disappointing that in four of those cases recommendations were not completed within the agreed timescales. It is particularly disappointing that this is the third time we have had to raise such concerns with your Council.

Some delays related to recommendations to make policy changes or carry out reviews. I would encourage the Council to engage in discussion at the draft decision stage of our process if the timescales suggested for service improvement recommendations are not achievable or realistic. We are always mindful that while there remain flaws in policies or procedures, there is the continued risk others may be similarly affected, so we will not allow indeterminate timescales for changes. But, if the timescales we propose are not achievable, the Council needs to explain why this is the case before a decision is finalised.

There were also delays in apologies being given and payments being made to complainants. Such actions should be straightforward to administer, but we have seen examples of complainants having to wait unnecessarily long periods before payments are received or apologies made, causing them additional frustration.

In addition, we have also experienced delayed and inadequate responses to our investigation enquiries. There have been several instances where responses have taken almost double the timescales permitted. On occasions we have received no explanations for the delay nor any request for an extension before the responses are due. We have had to chase responses and in one instance, took the unusual step of confirming we would issue a witness summons if the response was not received without further delay. We have also received incomplete responses in some cases.

I'm sure you will understand that, in the absence of the information requested, we are unable to progress our investigations. I invite the Council to review its arrangements for liaising with this office to ensure responses are on time and to consider how it might reduce delays in complying with agreed recommendations. I hope to see improved performance in the year ahead.

Supporting complaint and service improvement

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

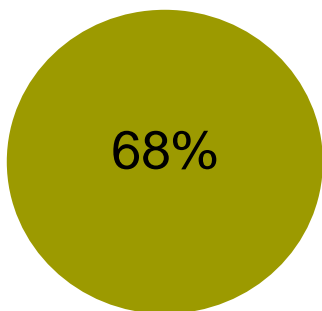
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Nigel Ellis
Reserve Commissioner
Chief Executive, Local Government and Social Care Ombudsman

Complaints upheld



68% of complaints we investigated were upheld.

This compares to an average of **77%** in similar organisations.

21
upheld decisions

Statistics are based on a total of **31** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations



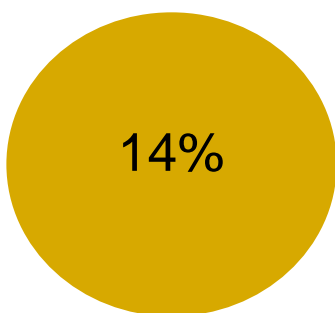
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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

Statistics are based on a total of **16** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- 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 **14%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

3
satisfactory remedy decisions

Statistics are based on a total of **21** upheld decisions for the period between 1 April 2022 to 31 March 2023