

CORPORATE COMMITTEE 25 NOVEMBER 2020

Report title: Complaints, Members' Enquiries and Freedom of Information Act requests

Wards: All

Portfolio: Councillor Andrew Wilson, Cabinet Member for Finance and Performance

Report Authorised by: Bayo Dosunmu, Strategic Director for Resident Services

Contact for enquiries: Karen Sullivan, Interim Head of Customer Resolution & Improvement, ksullivan@lambeth.gov.uk

REPORT SUMMARY

This report provides Corporate Committee with an overview of Complaints, Members' Enquiries (MEs) and requests made under the Freedom of Information (FoI) Act and the Data Protection Act ('information requests') from April 2020 to September 2020 (previous report presented to Committee in July 2020 covering period October – 19 March 2020).

FINANCE SUMMARY

There are no financial implications arising as a direct result of this report.

RECOMMENDATIONS

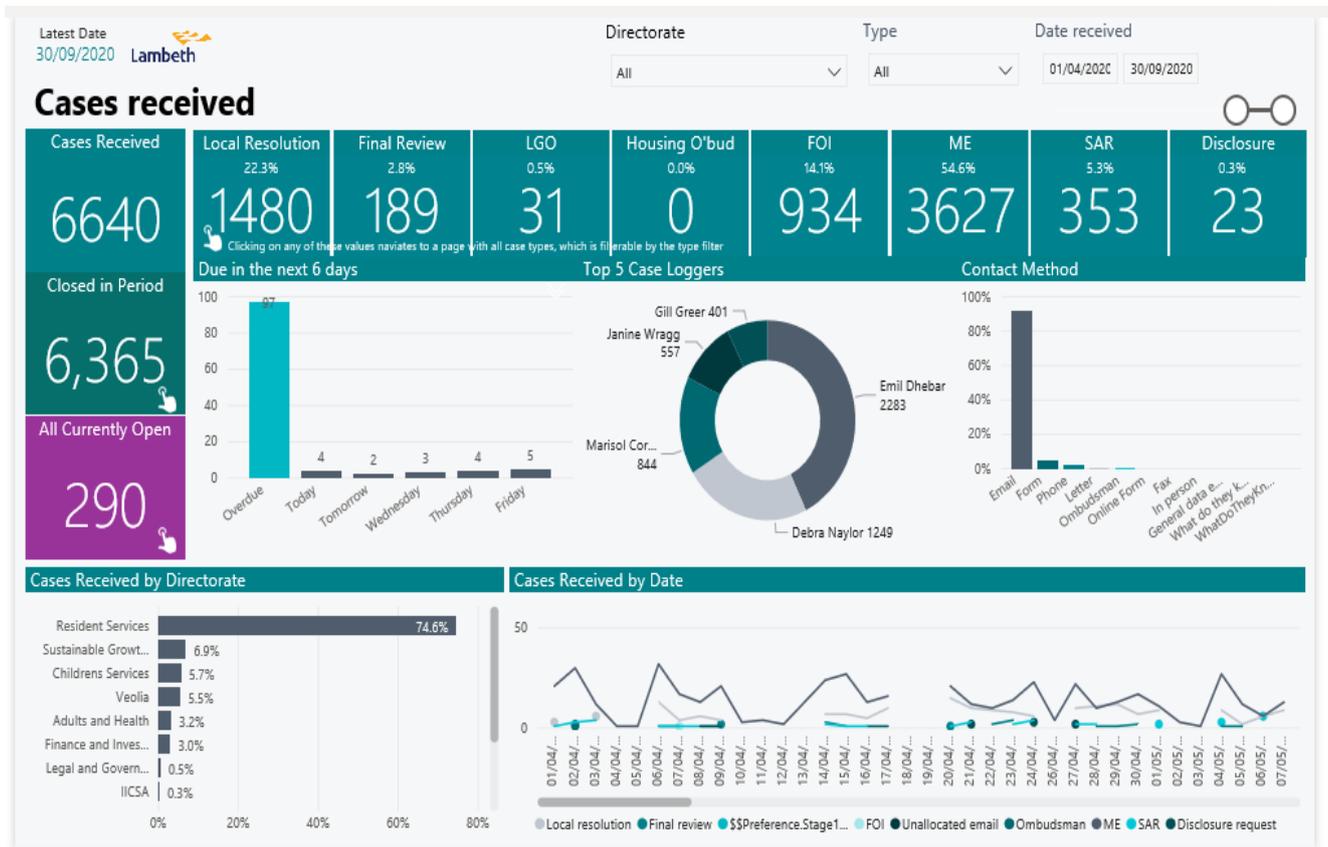
1. To note the contents of the report.

1. CONTEXT

- 1.1 This report for Corporate Committee provides an overview of complaints, Members' Enquiries and information requests (under the Freedom of Information Act 2000 and Data Protection Act 2018) received by the Council during the first six months of 2020/21.
- 1.2 To note Members asked for a trend comparison for the previous period, which is contained throughout the report.
- 1.3 Additionally, Members asked for feedback and benchmarking from other local authorities; this will be available for the year-end report. Reporting numbers (benchmarking) and the CSLG (customer service London Group) has taken a back seat during Covid-19.
- 1.4 Finally, members asked for specific information on lessons learnt. The introduction of the new dashboards and upgrading of the system were the first steps in realising the service vision. This means that data and insight is now available (from October 2020) in real time and allows managers to take more control of performance. Additionally, the data is aggregated so we are starting to explore insights and understanding reasons for case management volumes. This will be shared with members during the next reporting period.
- 1.5 Some improvements to note are: active participation in customer service week to include training, weekly emails to directors on performance, working with organisational development colleagues to provide training resources (including empathy and letter writing), ability to now report and track housing ombudsman cases through iCasework, working with front line colleagues to address volumes and timeliness of logging cases.
- 1.6 Members are also asked to note that there is a review of the target operating model for customer experience, to enable the vision and culture to be more aligned towards the borough plan and members aspirations.

2. PROPOSAL AND REASONS

- 2.1 The Council has a two-stage complaints process. The first stage is dealt with by the service that has been complained about (Local Resolution) and the second stage (or Final Review) is investigated independently by the Corporate Complaints Unit. If the customer feels their complaint has not been resolved after the second stage, they can escalate their complaint to the Local Government Ombudsman (LGO).
- 2.2 For the period 1 April 2020 to 30 September 2020 we received 6,640 new cases (up from 6,149 during the previous reporting period). Local Resolution made up 22.3% (previously 27%) of the total number of cases received. Resident Services received 4,750 cases (previously 4,617), 75% of the total number of cases received into the Council. Annually we received 11,914 cases for the period 1 April 2019 - 31 March 2020. For comparison and by the end of 2020/21 we are projected to have 13,280 new cases.
- 2.3 However, Member Enquiries generated the largest volume of enquiries over the six-month period where we received 3,627 requests (previously 2,709) totalling 54.6% of overall cases received.



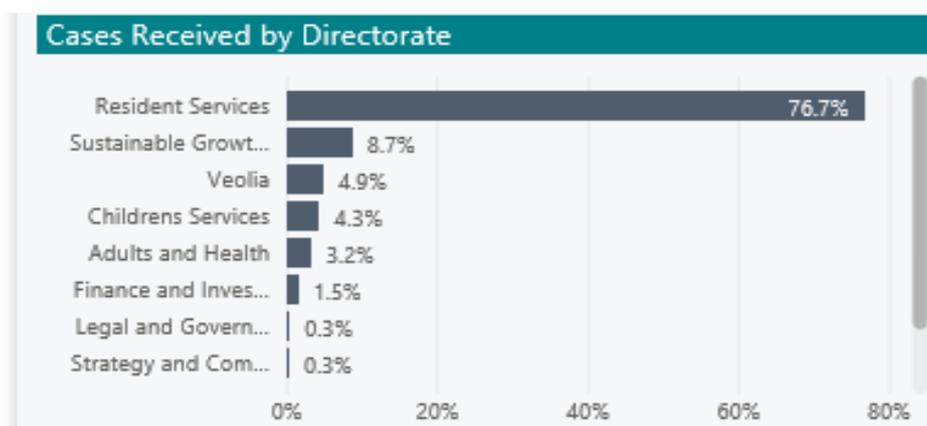
Cases	Volume Apr 20- Oct 20 (RAG Rating)	% Total	Volume Oct 19- Mar 20	% Total
Local Resolution	1,480 (G)	22.30%	1,697	27%
Final Review Cases	189 (A)	2.8%	177	2.90%
LGO	31 (R)	0.5	16	0.30%
FOI	934 (G)	14.1%	1,116	18%
Member Enquiries	3,627 (R)	54.6%	2,709	44%
Subject Access Requests	353 (G)	5.3%	399	6%
Disclosure Requests	25 (G)	0.30%	35	0.60%

- 2.4 At the first stage of our complaints process 1,480 of our residents were unhappy with the level of service the Council provided for the period April 2020 to September 2020. 1,229 residents were due for a response within this time and we achieved a response rate of 91% against a target of 90%. This is improved by 2% on the previous reporting period.
- 2.5 Of the 189 Final Review complaints received we made 169 decisions during this period, achieving a response rate of 92.35% intime against a target of 90%. 84% of these cases related to resident services and the top 5 areas included council tax (19), housing repairs (19), Veolia (9), temporary accommodation (8) and enforcement (8).

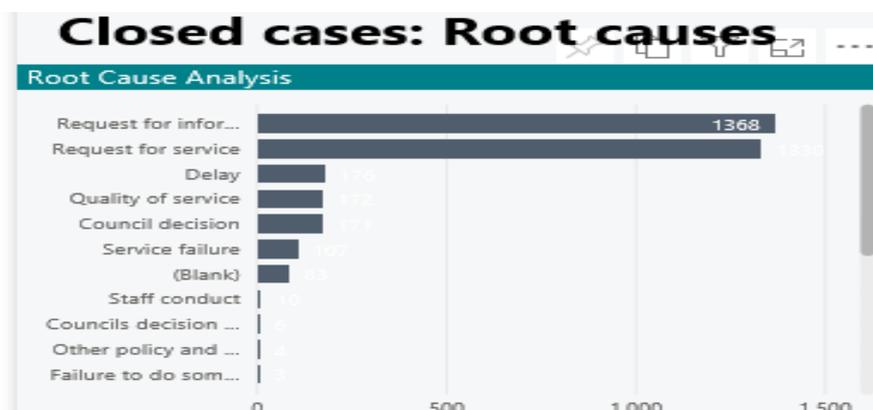
- 2.6 We did not uphold 50% of the cases. 44% cases were partially upheld. The remaining cases were outside jurisdiction for decision.
- 2.7 We received 31 LGO cases for this reporting period (previous reporting period, we received 16 cases). Due to Covid-19 the LGO suspended case work for several weeks and noted a backlog, therefore the increase in volume is partly attributed to the delay in cases coming forward. 65% of the LGOs were for resident services. The top five services are as follows: council tax (3), housing needs (2), private sector housing (2), housing benefit (2) and parking (1). Of the remaining cases 5 related to adults & health, 4 related to children's services and 1 concerned legal services & governance.
- 2.8 There were a total of 21 decisions in this period. In 13 (62%) cases the LGO decided not to investigate as cases the matter was either outside jurisdiction, no further action was required. Of the remaining 8 cases half were not upheld, with the remaining 4 being upheld, representing 19% of the decision received in this period (details in the table below). This is an improvement on last period where 7 cases were upheld and an overall improvement since the Ombudsman report was produced In July 2020. Additional steps have taken place to improve the internal review process, which reflects the reduction in the upheld volumes.

Service	Decision	Complaint Reason
Education Strategy - School Admissions	Upheld	Failure to provide clear information on how to apply for a child to start school early and misplacing application form.
Housing Needs - Accommodation	Upheld	Failure to take a homelessness application or provide advice about housing register in December 2016.
Housing Needs - Accommodation	Upheld	Failure to consider all medical evidence submitted and deal complaints properly.
Parking Services	Upheld	Failure to consider challenge to a PCN and subsequently refusing to consider her complaint.

- 2.9 3,627 Member Enquiry requests were received from April 2020 to September 2020. Of the 3,627 cases received 2,782 were Resident Service related (76.7%). 314 cases (previous period 199) were raised for our Sustainable and Growth Directorate with 176 for Veolia (previous period 167) and 156 for Children Services (previous period 107).



- 2.10 45% of these cases were linked to basic request for information or for a service (what was this previously). For the reporting period 85.69% of ME's were responded to in time, a small improvement of 83.89% in the previous reporting period. Considering the uplift of case volumes, this improvement is a positive step.

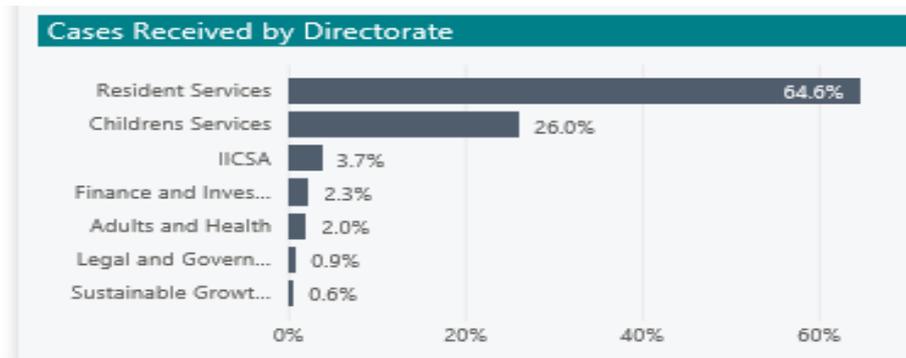


Freedom of Information Requests

- 2.11 We received 934 new FOI cases from April 2020- September 2020, down significantly from 1,116. The improvement in part reflects better transparency of information but also likely to reflect covid, where less research was undertaken. 94.5% cases were closed within this period against a corporate target of 90%, an improvement of 3.5% compared to the previous reporting period. As part of the new iCasework solution we now can publish our FOIs seamlessly as part of the ICO Transparency agenda. A programme of work will start in the coming weeks to improve our existing website Disclosure Log and improve our existing FOI webforms which will point requestors to check our Disclosure log in the first instance before they proceed to raise an FOI request. This should dramatically reduce repeated FOI requests and reduce demand on service teams.
- 2.12 During the reporting period 45 FOIs were escalated to Internal Review. Common themes for escalated FOIs were Environment and Housing Services. These service areas are highest primarily because Environment includes FOIs relating to Parking fines issued; and Housing Services can include FOIs which are linked with other housing/repair related complaints.
- 2.13 The Information Commissioner's Office (ICO) is responsible for upholding information rights in the public interest. Part of this includes improving the information rights practices of organisations by gathering and dealing with concerns raised by members of the public.
- 2.14 During April 2020- September 2020, the Council received 13 cases from the ICO; two closed informally; one resulting in a decision notice agreeing the council position, the remainder are ongoing cases.
- 2.15 During the same period, the ICO issued three decision notices. With two of these the ICO agreed with the Council that information should be withheld; in the remaining case the ICO ordered disclosure of the withheld information.

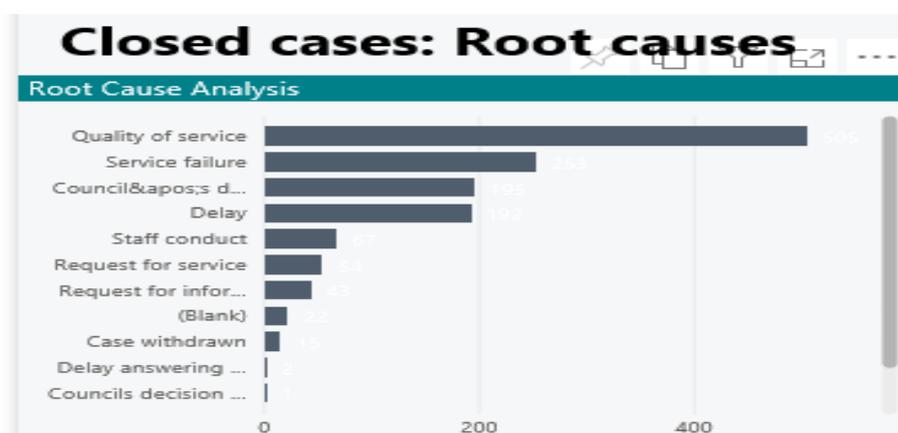
Subject Access Requests (SARs)

- 2.16 We received 353 SAR requests during the reporting period. Resident Services accounted for 226 of these requests and had a closure rate of 72.88%. Corporately 39.5% of all cases were closed on time (down from 60% in the previous period). Information Governance colleagues have an action plan to address performance levels. Our new Performance Dashboards will also seek to drive SAR performance improvement, with real time data available.



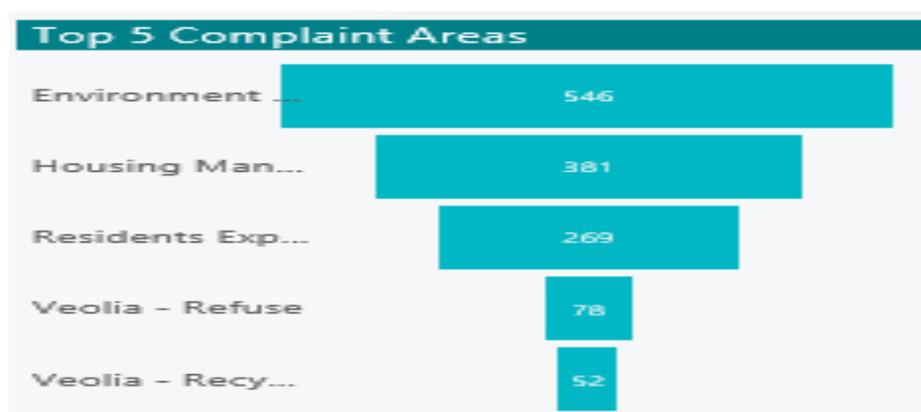
Top 5 Complaint Reasons

2.17 Our Top 5 complaint reasons relate to Quality of Service where we received 505 complaints (down from 710). We received a further 253 complaints categorised as service failure (down from 288). Delay in services account for 192 cases (down from 312). Decision making complaints were at 195 (down from 242). Staff conduct complaints were 67 (down from 117).



Top 5 Complaint Areas

2.18 Environmental complaints were up slightly from 537 to 546. Housing management complaints were up from 306 to 381. Resident Experience accounted for 269 complaints (down from 275). Veolia had two areas surface on refuse and recycling to a combined volume of 130 complaints.



iCasework

2.19 The iCasework system was successfully upgraded to the cloud on 23 September 2020 with enhanced functionality. Training took place with superusers and floor walking took place with front line services to ensure no issues arose. *What do they know* was subsequently integrated in October 2020 and the appropriate data retention policies applied. The old version of iCasework still runs in the background for a small number of super users, to ensure all cases with a longer shelf

life (e.g. Ombudsman) are successfully closed. It is anticipated the mobile webform integration will go live in November. The system upgrade resolves several outstanding audit gaps raised in previous reports.

The members portal is already cloud based and is two versions behind on the current release. Through October progress has been made in reviewing the new functionality and a proposal is in draft to take us from three versions of the system (party based) to one version.

Performance Dashboards

- 2.20 Our Capita colleagues were commissioned to produce a series of Performance Dashboards to give a timely and consolidated view of reporting across all case management.

The reports went live on 4 October 2020 and have been shared across directorates, with training from the BI team. As the data is live, there is the opportunity to respond in real time to performance issues and improve on the corporate KPIs. The insight available from the data will enable services to lead on root cause analysis and reduce the volume of cases we received.

New Housing Ombudsman regulations

- 2.21 New housing Ombudsman regulations will come in from 31 December 2020 with tighter requirements around Landlord performance. The Council is obligated to complete a self-assessment, which is recommended for lead portfolio member sign off and will be presented at the start of December 2020.

Customer Standards

- 2.22 A new head of customer resolution and improvement joined Lambeth in September 2020. Several quick win improvements have taken place and the officer has started on a cross council project to introduce customer standards, to refocus our commitment to residents. Members will be engaged and will hear more about this project in the coming weeks.

Improvement Plan

- 2.23 An Improvement plan has been designed within the corporate complaints unit and has four themes looking at Customer transformation, training, customer standards and improving performance. By the end of the financial year the team will report back to committee on performance and progress. This report will introduce details on the housing ombudsman and the council's performance.

Member training

- 2.24 Member training was previously offered in early 2020 but was postponed due to Covid-19. Member training will be offered again in the coming weeks.

3. FINANCE

- 3.1 There are no financial implications arising as a direct result of this report.

4. LEGAL AND DEMOCRACY

- 4.1 The powers and duties of the Local Government Ombudsman are contained in the Local Government Act 1974. If the Ombudsman is of the opinion that an injustice has been caused as a result of maladministration, he shall issue a formal report and it shall be the duty of the authority to consider the report and to notify the Ombudsman of the action that it has taken or proposes to take, including making a compensation payment.

- 4.2 The Housing Ombudsman Scheme is approved by the Secretary of State under the Housing Act 1996. The Act requires social landlords to be members of an approved scheme. The purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about members investigated by a Housing Ombudsman. The Scheme came into effect on 1 April 2013. The role of the Ombudsman is to resolve disputes involving members of the Scheme, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord-tenant dispute resolution by others.
- 4.3 The GDPR provides that data subjects should be provided with the contact details of the Data Protection Officer which would then allow for local resolution of non-compliance issues referred to above rather than the matter being escalated to the ICO.
- 4.4 The Data Protection Act 2018 allows the Council to extend the time to respond by a further two months if the request is complex or if it has received several requests from an individual. The Council must let the individual know within one month of receiving their request and explain why the extension is necessary. If this is done, where appropriate, then the response time statistics referred to above would be improved.
- 4.5 There were no further legal comments arising, with individual advice to be provided as required.
- 4.6 There were no further comments from Democratic Services.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 Not applicable.

6. RISK MANAGEMENT

- 6.1 The migration of data from iCasework has been captured on our Corporate Risk Register. The risk register can now be updated to reflect that no customer data will be migrated to the Cloud version but will remain accessible on the standalone version. This risk can now be closed as a result of project closure.

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 Not applicable.

8. COMMUNITY SAFETY

- 8.1 Not applicable.

9. ORGANISATIONAL IMPLICATIONS

Environmental

- 9.1 Not applicable.

Health

- 9.2 Not applicable.

Corporate Parenting

- 9.3 Not applicable.

Staffing and accommodation

9.4 Not applicable.

Responsible Procurement

9.5 Not applicable.

10. TIMETABLE FOR IMPLEMENTATION

10.1 Not applicable.

AUDIT TRAIL

Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Andrew Wilson	Cabinet Member for Finance and Performance	03.11.20	03.11.20	
Bayo Dosunmu, Strategic Director	Resident Services	03.11.20	03.11.20	
Kari Manovitch, Director of Resident Experience & Digital	Resident Services	03.11.20	03.11.20	
Hamant Bharadia, Finance and Property	Finance and Investment	03.11.20	03.11.20	
Shankar Siva Ananthan, Finance and Property	Finance and Investment	03.11.20	03.11.20	
Alison McKane Legal Services	Legal and Governance	03.11.20	03.11.20	
Maria Burton, Democratic Services	Legal and Governance	03.11.20	03.11.20	
Neil Euesden, Director, Housing Services	Resident Services	03.11.20	For info	
Neil Fenton, AD, Parking & Enforcement	Resident Services	03.11.20	For info	
Sara Hagley, Head of Assessments and Customer Centre	Resident Services	03.11.20	For info	
Tim Hillman-Brown, Head of Revenues & Benefits	Resident Services	03.11.20	For info	

REPORT HISTORY

Original discussion with Cabinet Member	N/A
Report deadline	30.10.20
Date final report sent	03.11.20
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	N/A
Background information	Local Government Act 1974 Housing Act 1996 Data Protection Act 2018
Appendices	N/A