

# Annual Complaints Report April 2023 – March 2024

**Report title:** Six-Monthly Update - Complaints, Member's Enquiries and Freedom of Information Act Requests 2023/24

**Wards:** All

**Portfolio:** Cabinet Member for Finance and cost of Living, Councillor David Amos

**Report Authorised by:** Venetia Reid- Baptiste, Strategic Director: Resident and Enabling Services

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## 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 2023 – September 2023 (previous report presented to Committee in May 2023 covering period October 2022 to March 2023).

## FINANCE SUMMARY

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

## RECOMMENDATIONS

1. To note the contents of the report.
2. To note and consider IHO and LGSCO cases under paragraph 2.11 as determined by the Regulator.

### 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 last six months of 2023/24.
- 1.2 Trend comparison for the previous period is contained throughout the report.
- 1.3 During the period for this report, we have received 11 findings of severe maladministration from the Independent Housing Ombudsman.

### 2. PROPOSAL AND REASONS

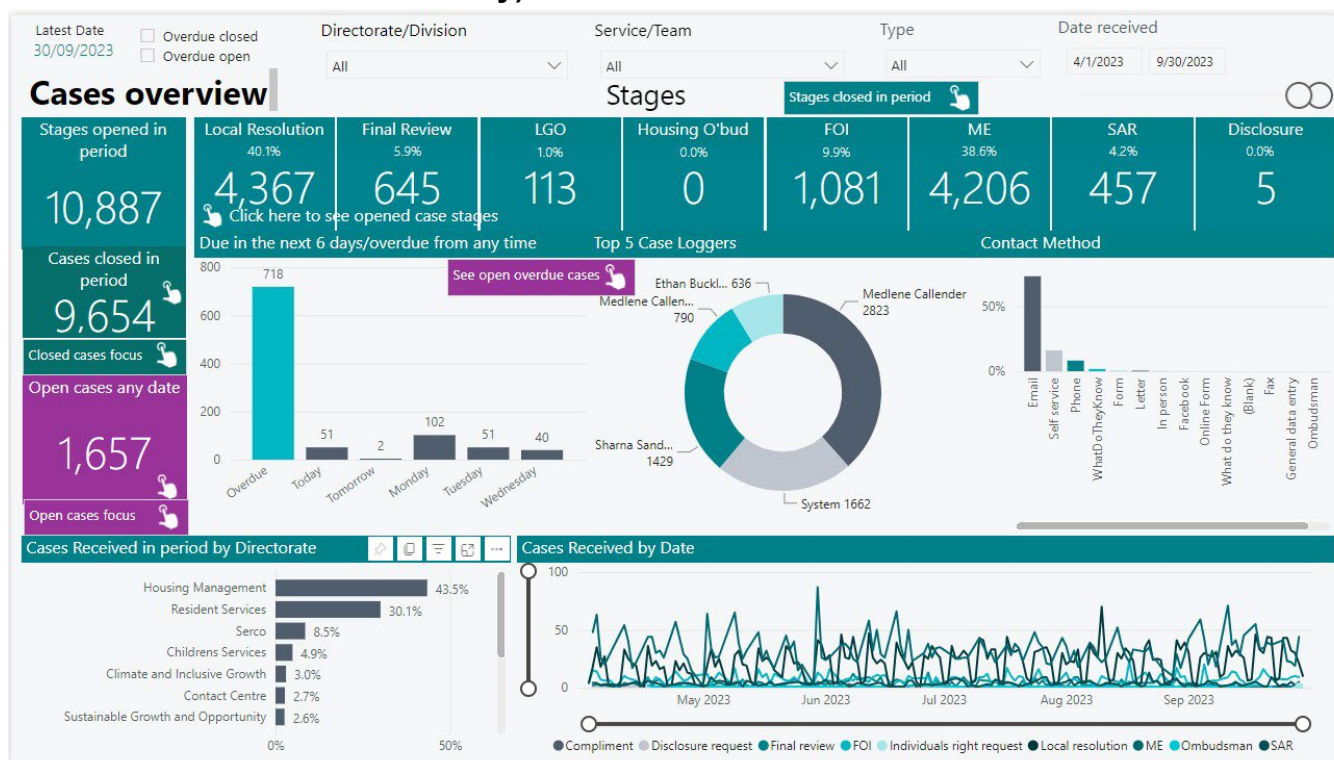
- 2.1 The council has a two-stage complaints process. The first stage is handled by the service (Local Resolution) and the second stage (or Final Review) is investigated independently by the Corporate Complaints Unit. If the customer feels their complaint has not been resolved after the second stage,

they can escalate their complaint to the Local Government & Social Care Ombudsman (LGSCO) or Independent Housing Ombudsman (IHO).

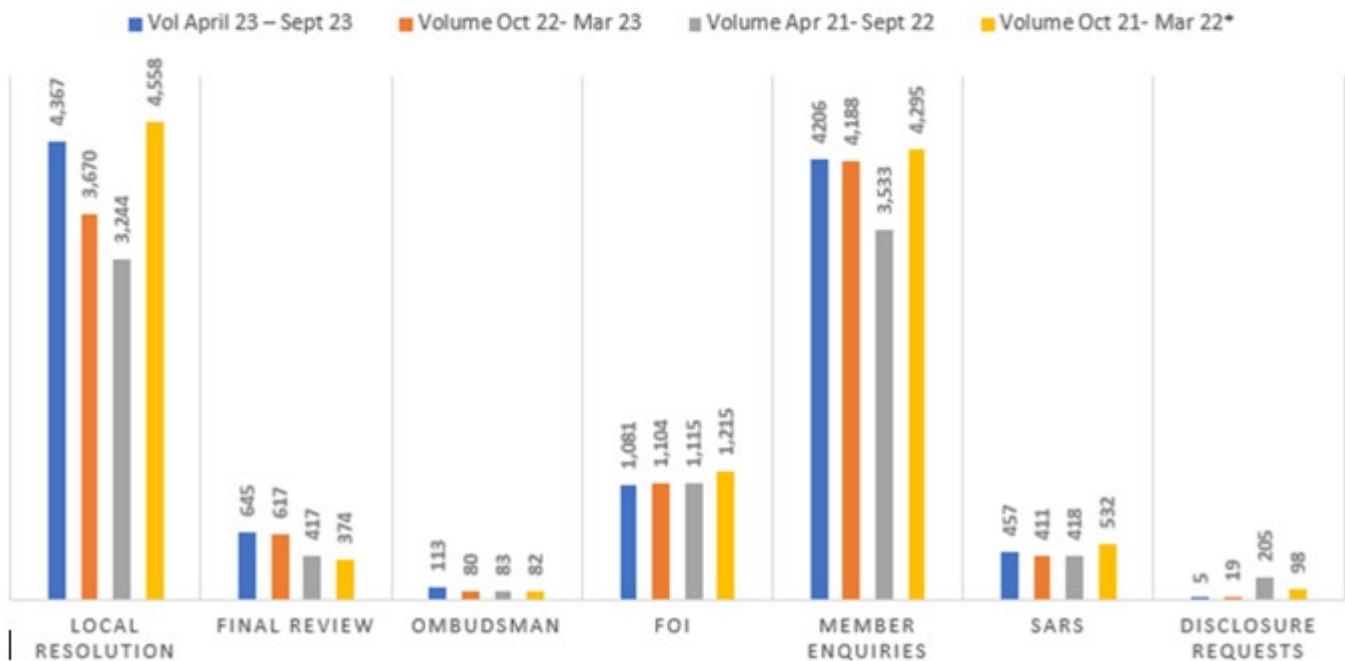
2.2 For the period 1 April 2023 – 30 September 2023, we received 10,887 new cases, which is an increase from 10,095 in the previous 6-month period, and 9,023 during the same period last year. Whereas Members Enquires accounted for highest volume of cases during the previous reporting period with 42% of all cases received, Local Resolution complaints now account for the largest proportion of cases received with 40%. This is followed by MEs with 39% (down from 42%), FOIs with 10%, Final Reviews with 6% and SARS with 4%. Housing received 4393 (44%) of all cases received. Resident Services received 3040 cases (30%), while Serco received 859 (9%), and Children's Services received 492 (5%). Based upon current volumes received within the first 6 months of the year we are likely to see an 8% increase in the annual volume for 2023 – 2024 with over 21,000 cases. In comparison we received a total of 19,117 cases overall for 2022 -2023, and 20,199 cases for 2011-2022.

2.3 Local Resolution complaints generated the largest volume of enquiries over the six-month period where we received 4367 complaints (previously 3670 for the previous period, and 3533 the same time last year.

### Case-management Volumes 1 April 2023 – 30 September 2023 (Power Bi dashboard for illustration of volumes only)



## VOLUME COMPARISON APRIL 2023 - SEPTEMBER 2023 V'S OCTOBER 2022 - MARCH 2023



- 2.4 At the first stage of our complaint process 4,367 of our residents were unhappy with the level of service the council provided over this reporting period (up from 3,670 cases during the previous period, and 3,244 for the same time last year). This represents a 35% increase over the course of a year, which in turn has impacted performance levels, where we achieved a response rate of 79% against a target of 90%.
- 2.5 It should be noted that this represents an 11% improvement in performance on the previous 6 months where performance stood at 68%, and when drawing comparisons to the same period last year performance has improved by 23%. Increased volumes seem to be stabilising, which has required improved procedures and greater efficiency across the service, and although performance is well beneath the corporate target, it is encouraging to see a significant improvement despite larger volumes. Continued close working with colleagues in high volume areas, most specifically Housing, has contributed to this improvement.

### Top 5 Complaint Reasons

Our top 5 complaint reasons have been largely consistent when compared to the last period. The top reason was service requests with 660 cases (down from 878 previously), followed by a failure to deliver a service (462), and delay in doing something, with 405 (down from 765). More than 25% of all service requests related to housing needs, whereas of the cases involving a failure to deliver a service 17% related to housing benefit. When reviewing the number of complaints involving delays 56% related to housing repairs.

The fourth area with 293 cases recorded (down from 455), was a failure to do something which largely concerned housing needs and housing repairs, followed by council tax and grounds maintenance. The fifth root cause was a service not being delivered to the expected quality, which mostly related to temporary accommodation, housing repairs, grounds maintenance and council tax.

While there is now a much smaller backlog of housing complaints (101 cases), efforts are still in place to improve performance with additional recruitment and staff training beginning to have an impact. The previous huge backlog of repairs cases is reduced however half of the current backlog relates to repairs, with housing needs having most of the remaining cases.

For this reporting period, April 23 - Sept 23 we have seen a smaller 7% increase in all case management, which compares to a 12% increase in the previous 6 months. Local resolution complaints however increased by 19% with housing receiving 49% (2105 cases) up from 40% and closing 42% (1254 cases). The Independent Housing Ombudsman publicity campaign encouraging customers to raise complaints, and the focus on damp and mould within public sector housing continued to impact volumes and performance, with greater public awareness and expectations as to how complaints should be addressed and resolved. It should be noted that during the next 6 months we are likely to see increased volumes relating to repairs, leaks and floods, damp & mould, and heating and hot water, as is usually the case during the winter months.

The focus of the housing improvement plan has helped to sustain improvements, and efforts are now shifting to improving the quality of responses and ensuring remedies are implemented and followed up, which in turn is designed to reduce escalation. Additional resource has been put in place within housing to ensure resilience in implementing remedies at all stages of the process, with a focus on the more serious cases.

For all case management the lessons learnt field provides valuable insight as to the service failures, and the measures required to rectify them.

- 18% of cases have required us to provide an additional service or additional information.
- 18% required us to discuss the lessons learnt at team meetings.
- 16% led to us reviewing contracts or partner arrangements.
- 11% required a review or change to our services,
- 10% resulted in a review and refresh of staff training/guidance
- 9% required additional inspections taking place.
- 7% required us to take action against a partner/contractor.
- The remaining cases required an effective apology, signposting to other organisations, and reviewing resources and literature.
- The level of compensation awarded increased from £18,981 to £26,350 however when looking at the 4,367 complaints received during this period, this is extremely low. A greater awareness and effort to award an effective remedy at local resolution stage can resolve matters quickly, and in turn avoid further escalation and much larger awards being made at final review of ombudsman stage.

## **Final Reviews**

- 2.6 At the second stage of our complaints process 645 cases were escalated to the final review stage (up from 617 the previous period, and 417 in the comparable period the previous year). Over the last year we have therefore seen a 55% increase in the volume of final review complaints received. We made 532 decisions during this period (up from 511 in the previous 6 months, and 408 and in the same period last year) and achieved a response rate of 82% in time. This represents a 5% reduction in performance levels and a 5% increase in volumes over the last 6 months. Performance for the same period in 2022 stood at 63%, highlighting the significant improvements made. Increased resources and additional staff has helped drive performance, and the focus continues on both performance and quality at final review stage.

- 2.7 Just under 70% (449) of final review complaints related to housing, which represents a 10% increase on the previous period. The top 5 areas included are housing repairs (75), temporary accommodation (50), leaks and floods (34), damp & mould (27), and roof repairs (16). Council tax and housing allocations and voids are no longer featured in the top five services. It should be noted that the volume of final review complaints received represents 10% of the number of local resolution complaints received (down from 17%), against a corporate performance of 12%. Escalation rates for housing complaints however are significantly higher at 21%, indicating that further measures need to be taken at local resolution stage to resolve complaints to a customer's satisfaction.
- 2.8 The Serco contract is reported on separately and they received 6% of the cases (33), a slight reduction on the previous period where they accounted for 9% of all final review complaints. The top 5 areas were missed collections, the method of collection, street sweeping, bins on highways and bulky refuse. Looking at outcomes 14 cases were upheld either in full or in part (down from 24), while 11 were not upheld, with the remaining cases being still under investigation. It is worth noting that in the context of the hundreds of thousands of collections we do every year, to only have 14 cases upheld is reassuring, even though it represents 9% of all final review complaints
- 2.9 Of the 532 final review cases closed we upheld 57% of cases investigated either in full or in part (up from 55%), while the majority of the remaining cases were not upheld. Fault was therefore identified in more than half the complaints considered. A closer look at these decisions indicates that of the upheld final reviews 70% of these cases were also upheld at local resolution stage, which is an increase from 60% in the previous 6 months.
- 2.10 As highlighted in the previous report, this is still indicative of either inadequate remedies at local resolution stage, or a failure to monitor implementation effectively, which in turn contributes towards increased escalation where customers remain dissatisfied. If the measures put in place to resolve complaints at local resolution stage were effective, customers would not feel the need to escalate to a higher stage in the process. In addition, a further 21% of upheld final reviews were not upheld at the earlier stage of our complaint process, suggesting that better decision making is required to ensure that we are reaching the correct decision at the earliest possible stage in our complaint process. The remaining cases were either outside jurisdiction or withdrawn.
- 2.11 A lesson learnt from a final review stage is set out below:

#### **Housing Repairs – Damp & Mould (UFN15941565) May 2023**

The customer raised concerns about damp & mould within the property for some years which was caused by a delay in carrying out roof works. The matter had not been resolved, and no updates were provided causing the customer upset and inconvenience.

The investigation identified that there had been poor communication with the resident as not only did we fail to keep her informed, we also did not issue a local resolution complaint response which caused her to escalate her complaint. The Section 20 process had been invoked however the customer was not notified, and therefore was unaware that the consultation period had to expire before works can commence. The customer was provided with information about Section 20 qualifying works and was notified that the consultation period had expired, and works could now commence. Scaffolding was erected and works were completed promptly. As a result, the customer was satisfied without escalation to the ombudsman, and feedback was provided to the service to ensure that customers are kept informed where Section 20 works are delayed, and complaint responses are issued at the earlier stage of our process.

## 2.12 Ombudsman (Local Government & Social Care Ombudsman)

There was a total of 54 LGSCO cases received (up from 52), while 54 decisions were reached. The cases received represent 8% of the complaints considered at final review stage and 1% of the complaints considered at local resolution stage.

The cases received related to the following services:

- 20 housing needs
- 8 council tax
- 4 parking services
- 4 children's social care
- 3 education
- 3 Serco

When reviewing decisions 32 (59%) were closed at the assessment stage after initial enquiries, where the LGSCO decided not to investigate. This is because the matter was either outside jurisdiction or no further action was required as they were satisfied with the outcome achieved via the council's internal complaint process. This represents a significant reduction from 80% in the previous period, and 54% and prior to that.

Of the remaining cases 12 were upheld, which is an increase from 5 in the previous period. These cases related to housing needs, children's social care, and council tax in equal amounts, with the remaining cases concerning Serco and housing benefit.

As was the case in the previous 6-month period, the upheld cases represent 2% of all final review complaints investigated, which is indicative that we are getting better at effectively resolving cases internally at stage 2, however there are some cases still under investigation.

While there has been a marked increase in the volume of final review complaints received in this period which poses challenges and impacts final review performance, the benefits of investigating more cases at this stage enables us to reduce the volume of upheld ombudsman cases. This demonstrates the advantage gained from working with the ombudsman to encourage them to pass cases back to us, where our internal complaint process has not yet been exhausted. In addition, we are actively promoting the arbitration scheme as an alternative route to resolve housing repair issues.

A sample of lessons learned from upheld cases are set out below.

### **Homelessness Prevention 23 002 236 (UFN15997365) LGSCO decision**

A recent LGSCO investigation identified fault with the council for not providing an applicant with interim accommodation, failing to tell her about the duty it owed her and failing to tell her about her right of review. The applicant complained that the council delayed providing her with accommodation when she was street homeless and felt that the private rented accommodation the Council eventually helped secure for her was unsuitable.

The council agreed the remedy which included an apology, compensation of over £600 for not having somewhere to live for 5 weeks, backdating an award of Band B priority and providing a written decision following a homeless application setting out clearly the right to a review. In addition, the council reviewed the content of decision our letters, and provided staff training on how to assess whether an applicant is in priority need.

### **SEN 22 005 821 (UFN5823437) LGSCO decision**

Another recent LGSCO investigation identified fault in that the council failed to provide a child with suitable education, and delayed in completing a review an Education, Health and Care plan for a 9-month period, which caused distress and injustice. As a remedy the council were required to apologise

and pay over £5,000 in recognition of the period where there was no suitable education provision. In addition, we needed to review policies and procedures for deciding whether alternative provision is required where a child can no longer attend school, and ensuring that annual reviews are completed within the required timescales. The ombudsman is satisfied that the remedy has been implemented in full and the case is now closed.

### **Temporary Accommodation 22 007 276 LGSCO Public Interest Report March 2023**

In a very a small number of investigations if the LGSCO find issues that other councils and care providers could learn from, or the public should know about and a public report is issued. In this instance a report was issued in March 2023 as we failed to provide suitable temporary accommodation to a family for over three years despite knowing since April 2019 that the private rented temporary accommodation provided to a homeless family was unsuitable for the needs of a disabled child. Fault was identified in our duties to the customer under homelessness law, in our efforts to secure suitable accommodation in a timely way, our failure to review and increase the family's priority band on the housing register, and in the communication with customer and professionals working with the family.

To remedy the matter, we have taken all the actions we were instructed to take and the LGSCO have confirmed that we have taken all required steps. We have apologised and paid compensation in recognition of the time spent in unsuitable accommodation at avoidable risk of harm and increasing pain.

In addition, and as requested, the council shared a copy of this report with all staff in the relevant departments to discuss and identify learning. With regard to the independent review of the service and action plan we can confirm that Department for Levelling Up and Communities (DLUHC) recently completed an independent review of the service and provided several recommendations that feed into the Housing Needs Service Improvement Plan. We have introduced a Housing Improvement Board that the CEO, Leader of Council and Cabinet Member for Housing and Homelessness attend, chaired by the Corporate Director. The board reflects on and responds to key concerns/reports from the LGO to ensure that we are reflecting/learning and continue to drive service improvement.

The family have been re housed in suitable accommodation.

### **Independent Housing Ombudsman (IHO)**

On 1/2/21 the new IHO powers came into force to promote accountability, transparency and fairness, and increase awareness of resident rights, and accessibility to redress. It provided new powers to issue complaint handling failure orders, severe maladministration findings, and refer landlords to the Regulator of Social Housing.

The number of formal investigations has doubled from 26 cases to 52 within this period, 40 of which concerned housing repairs. This accounts for 77% of all cases received from the IHO, which compares to 65%, and 74% in the 2 previous 6-month periods. Looking at the remaining cases 10% related to housing management north area - estate services, 8% related to home ownership, and 4% concerned housing management south area.

While many of the cases received are still under investigation where we have responded to information requests and are awaiting a decision from the IHO, the total number of severe maladministration findings received to date are set out below.

<b>IHO Ref</b>	<b>Month</b>	<b>Issue</b>
202124484	May	Repairs
202121344	May	Repairs
202119227	May	Repairs & damp & mould
202117500	June	ASB
202127748	June	Repairs & damp & mould
202215944	June	Damp & mould
202121350	June	Leaks & floods

apology, a requirement to complete the required adaptations, and a case review formed part of the orders. The review, which is currently in progress, is being carried out by a senior member of staff to

the lessons to be learned with a view to improving our handling of vulnerable residents and adaptation requests, taking into account the seriousness of the matter and potential impact on residents. The remedy has been implemented in part with the remaining element on track to ensure compliance by the due date.

## **Member's enquiries**

- 2.13 4,206 Member Enquiry (ME) requests were received during this 6-month period (compared to 4,188 in the previous period, and 3,535 prior to that). Of the 4,206 cases received, 2,023 (49%) concerned housing, with resident services accounting for 1,197 (28%), which is broadly similar to the last 6-month period. The remaining MEs concerned Serco (260 down from 275), this is despite consultation taking place around fortnightly collections, where we would have envisaged additional MEs, Climate & Inclusive Growth (191), Sustainable and Growth and Opportunity (178 down from 344), Children's Services (166 up from 138), and Adults & Health (109 down from 139). All other cases were spread across a range of council services including Finance and Strategy & Communications.
- 2.14 4171 cases were completed in this period, bringing volumes received and closed much closer. However, it is encouraging to see a significant 9% increase in performance which stands at 76% in comparison with 67% previously. During the previous period we had seen a huge increase in performance while the housing backlog was cleared, and performance is now stabilising and gradually increasing, to bring us closer to the corporate 90% target.
- 2.15 Basic requests for information or for a service accounted for 62% of MEs received, a reduction from 66%. This was followed by delays in doing something (9% down from 19%), failure to do something/deliver a service (9% up from 3%), and council decisions/policies (5% up from 4%). While this is largely consistent with the root causes identified in the previous period, the increase in MEs about a failure to deliver service warrants greater attention.
- 2.16 Taking a deep dive into MEs, housing appear in 9 of the top 10 areas in terms of the volume of cases raised as was the case previously, and the relevant heads of services and assistant directors have provided the following insights and improvements, reflected in paragraphs below.
- 2.17 Housing allocations and voids received the most cases (300 down from 353), followed by general property repairs and temporary accommodation with 293 cases respectively. As is normally the case, the vast majority of housing allocations and voids cases related to service and information requests, for example updating a tenant on their transfer application or an applicant enquiring about their status or banding. A small proportion were linked to disagreeing with the council's allocation scheme or delays in handling applications. While temporary accommodation MES had a similar profile, the general property repairs cases largely concerned delays in completing works, followed by service requests and failure to do something.
- 2.18 The volumes of MEs concerning requests to be transferred to alternative temporary accommodation because of disrepair issues continues to provide challenges, and work continues on the new IT solution to facilitate a proactive inspection service as part of the housing needs transformation programme. The prevention service continues to receive a high demand level, creating challenges for housing advisors in keeping up with increasing volumes of casework. Of the 197 cases received (up from 110) most relate to service or information requests, whereas in the previous period they mostly concerned poor communication and a failure to meet applicants' expectations.

The new staff within housing needs has increased capacity, although rising volumes still present a challenge. The service continues with improvement actions and recent appointments to expedite TA



completing suitability assessments are expected to have a significant impact on enquiries regarding delays.

- 2.19 We received 95 MEs regarding grounds maintenance, and 94 cases concerning damp and mould (down from 98). The Damp Charter sets out our key commitments to work in partnership with residents to resolve damp issues and prevent disrepair complaints. Our Strategic Asset Partner ("SAP") is pro-actively undertaking stock condition surveys, to identify issues that may give rise to future disrepair claims or complaints, therefore allowing early preventative action to be taken. We saw a reduction in the number of cases relating to leaks and floods (75 down from 116), which is normal during the warmer months.
- 2.20 The disrepair arbitration scheme is in operation and customers are being actively signposted to the scheme, as a viable alternative dispute resolution mechanism, which may in turn reduce the volume of complaints. In addition, improvements continue through working with IT to extend the information Contact Centre agents can see, improve how customer contacts are recorded, and provide an interface to the complaints system. This in turn will allow agents to provide more detailed advice to customers. Progress continues with our contractors on key indicators, with work in progress to achieve a sustainable improvement and reduce the number of missed appointments.
- 2.21 The MEs relating to council tax largely concerned disputing charges, and this was the only service area outside housing that appears in the top 10 issues raised.
- 2.22 We have received the draft audit report back for the Member Enquiries Effectiveness and Efficiency Audit with reasonable assurance! Only 1 high risk - Services Compliance with ME protocol!

## **Freedom of Information Requests**

- 2.23 We received fewer FOIs (1081) during this period in comparison with 1104 received in the previous 6-month period, and 1104 prior to that. Improvements to our website continue with publication of further FOI responses which aims to increase transparency, improve the customer experience, and in turn reduce FOI volumes.
- 2.24 FOI performance however has reduced from 88% to 71%, which is significantly below the corporate performance target of 90%. Additional resource has now been put in place to drive performance with more proactive chasing and monitoring and ensuring that any required press approval is obtained promptly before cases are due. The top five areas were Environment/Streetcare, Housing Management, Resident Experience & Digital, Finance & Property and Planning Transport & Sustainability.
- 2.25 When looking at outcomes of the 1,041 cases we responded to in this period, we provided all the information requested in 763 cases (73%), partial information in 84 cases (8%), and did not hold the required information in 65 cases (6%). In the remaining cases we applied exemptions or exceptions explaining why data could not be released.
- 2.26 During the reporting period 54 FOIs (down from 86) were escalated to an Internal Review. Common areas for escalated FOIs were broadly the same as the top 5 areas listed above, however housing management had a higher escalation rate, accounting for 30% of all internal reviews received. We continue to receive large volumes relating to Housing and Development Planning & Housing Growth, as they concern areas in the public interest e.g. the Low Traffic Neighbourhood Scheme.

- 2.27 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.
- 2.28 We received 3 decision notices from the ICO for review in comparison with 6 previously. In 2 cases, the ICO issued a decision asking the Council to disclose information to the applicant that was previously withheld, and in the remaining case we were asked to provide reasonable advice and assistance. There are 4 remaining cases the ICO are considering but formal enquiries have not yet been received.
- 2.29 We proactively engaged with the ICO and met with the regulator in July 2022, September 2022, and January 2023 to update them with improvements we have made to the FOI process. This included ensuring staff recognise the difference between FOI/EIR requests, providing more detailed responses to internal review requests, and reviewing published information and ICO guidance. We have undertaken a variety of tasks to address the issues included in our improvement plan, providing additional training and support to CCU staff, quality-checking responses, and reviewing advice provided across the Council. The ICO were happy with progress made and felt that frequent meetings were no longer required.

### **Subject Access Requests (SARs)**

- 2.30 We received 457 SARs during the reporting period of in comparison with 411, and 418 in the previous reporting periods. This represents an 11% increase in volumes, while performance stood at 70% (down from 74%) against a 90% target.
- 2.31 During this period 27% of all SARs received related to housing, 26% concerned children's services, with 23% concerning resident services. Residents often submit SARS before making taking legal action in respect of housing disrepair. The remaining requests concerned the contact centre (14%), adults & health, and finance & investment (2%).
- 2.32 The SAR improvement plan, put in place following the ICO reprimand in Sept 22 on our SAR performance, was progressed, with regular updates provided to the ICO on volumes and performance. The ICO are happy with the improvements made and the reprimand has been lifted. We will not lose momentum in this area and work continues to drive performance and provide support and training for staff issuing responses.
- 2.33 A PWC audit is underway looking at the controls and associated processes for handling SARS. This is aimed at evaluating the design of the controls in place, and an assessment of the council's policies and procedures, staff training and awareness systems and performance management.
- 2.34 There is a monthly focus group across key areas to discuss SAR performance, improve awareness offer advice and training and share good practice. Information Governance have created extensive guidance notes that are available for staff on SharePoint, and the CCU continue to provide additional reporting, escalating and chasing cases in an effort to drive performance.

## **3. FINANCE**

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

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 There were no further comments from Democratic Services.

#### **4. CONSULTATION AND CO-PRODUCTION**

- 4.1 Not applicable.

#### **5. RISK MANAGEMENT**

- 5.1 There are no risks noted within this period and for this report. Project risks are picked up as part of project management and reported into the relevant governance boards.

#### **6. EQUALITIES IMPACT ASSESSMENT**

- 6.1 Not applicable.

#### **7. COMMUNITY SAFETY**

- 7.1 Not applicable.

#### **8. ORGANISATIONAL IMPLICATIONS**

##### **Environmental**

- 8.1 Not applicable.

##### **Health**

- 8.2 Not applicable.

##### **Corporate Parenting**

- 8.3 Not applicable.

##### **Staffing and accommodation**

- 8.4 Not applicable.

##### **Responsible Procurement**

8.5 Not applicable.

**9. TIMETABLE FOR IMPLEMENTATION**

9.1 Not applicable



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**Wards:** All

**Portfolio:** Cabinet Member for Finance and cost of Living, Councillor David Amos

**Report Authorised by:** Venetia Reid- Baptiste, Interim Strategic Director for Resident Services

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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 last six months of 2023/24.
- 1.2 Trend comparison for the previous period is contained throughout the report.
- 1.3 We have received 14 findings of severe maladministration from the Housing Ombudsman Service in the period covered by this report, and 25 in the operational year from April 2023.

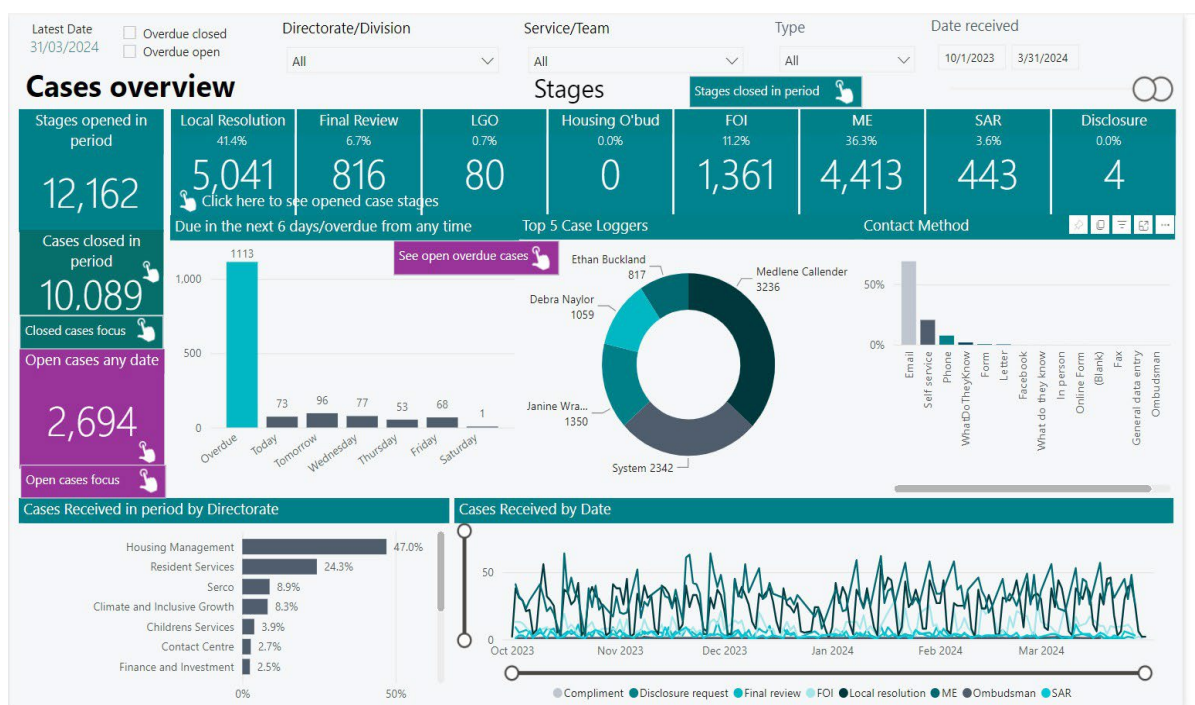
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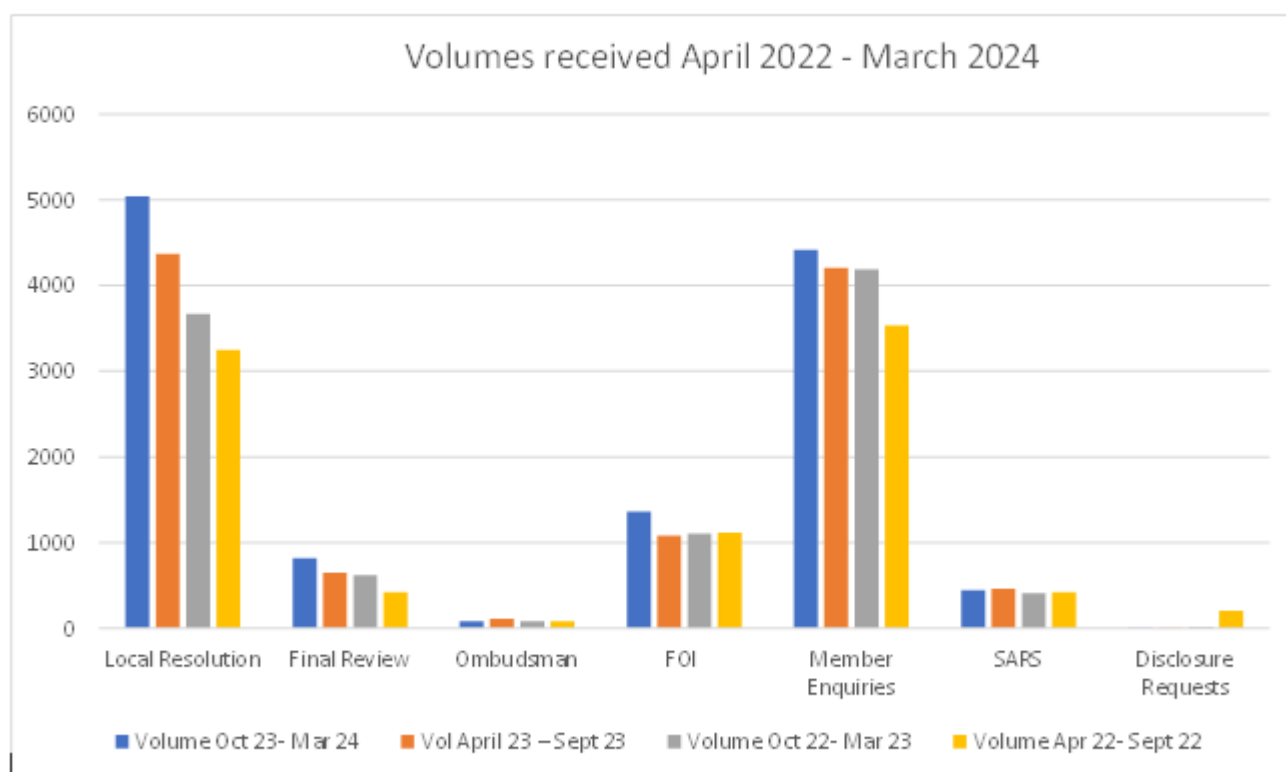
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2.2 For the period 1 October 2023 – 31 March 2024, we received 12,162 new cases, which is an increase from 10,887 in the previous 6-month period, and 10,095 during the same period last year. As was the case in the previous period Local Resolution complaints now account for the largest proportion of cases received with 41%, followed by MEs with 36% (down from 39%), FOIs with 11 (up from 10%,) Final Reviews with 7% and Subject access Requests (SARS) with 4%. Housing received 5276 (47%) of all cases received. Resident and Enabling Services received 2728 cases (24%), while Serco received 998 (9%), and Children's Services received 437 (4%). Over the course of the year, we received 23,012 cases which represents a 20% increase on 2022 – 2023 (19,117 cases), and a 13% increase from 2021 – 2022 (20,199). A large proportion of this increase is due to increased local resolution volumes, particularly relating to housing repairs. The 'Make Things Right' campaign actively encouraged social housing residents to report issues and make complaints to address hazards in their homes, and ensure customers are aware of how to escalate where matters are not resolved to their satisfaction. This in turn led to the increases we can see in both local resolution and final review complaints. In addition, the HOS focus on Lambeth throughout 2023/24, through issuing special reports, holding a public meeting, and the inspection, increased customer awareness, therefore also contributing towards increased volumes.

2.3 Local Resolution complaints generated the largest volume of enquiries over the six-month period where we received 5041 complaints, in comparison with 4367 in the previous period, and 3670 in the same time last year.

### Case-management Volumes 1<sup>st</sup> October 2023 – 31 March 2024 (Power Bi dashboard for illustration of volumes only)





## Local Resolution

- 2.4 At the first stage of our complaint process 5041 of our residents were unhappy with the level of service the council provided over this reporting period (up from 4,367 cases during the previous period, and 3,670 for the same time last year). This represents a 37% increase in volumes over the course of a year, which in turn has impacted performance levels, where we achieved a response rate of 63% against a target of 90%.
- 2.5 It should be noted that there has been a 16% decrease in performance in comparison with the previous 6 months where performance stood at 79%, and during the same period last year performance stood at 68%. Increased volumes have required improved procedures and greater efficiency across the service, but still pose a challenge as performance remains beneath the corporate target.

## Top 5 Complaint Reasons

- 2.6 Our top 5 complaint reasons have been largely consistent when compared to the last period. The top root cause was delay in doing something with 653 cases (up from 405), service requests with 589 cases (down from 660), failure to do something (404 cases), failure to deliver a service with 302 cases, followed by a failure to deliver a service to the expected standard (255 cases). Just under half of all complaints regarding a delay in doing something related to housing repairs, while they accounted for 17% of the service requests received. Housing repairs and temporary accommodation had the highest number of complaints concerning a failure to do something, while most of the complaints regarding a failure to deliver a service concerned Serco. Complaints about the standard of our services were spread across a broad range of services across the organisation.
- 2.7 The housing backlog has grown and at 9 April 2024 stands at 391 complaints and 86 MEs. It covers largely housing repairs and housing needs cases. Measures are still in place to improve performance with extensive work within Housing to streamline efficiencies in their processes, recruitment of additional staff to align with demand levels and staff training to improve both quality and timeliness and

ensure compliance with the new Housing Ombudsman Service Code.

- 2.8 For this reporting period October 23 - April 24, volumes have continued to increase with a larger 12% increase across all case management. This compares with a smaller 7% increase in the previous 6-month period, and a 12% increase prior to that. Local resolution complaint volumes however increased by 15% with housing receiving 52% of all cases (2322) up from 49%, closing 1876 cases (up from 1254).
- 2.9 As highlighted previously the Housing Ombudsman Service (HOS) publicity campaign encouraging customers to raise complaints, and the focus on damp and mould within public sector housing continued to impact volumes and performance. Greater public awareness and expectations as to how complain, an increase in the number of upheld ombudsman complaints, and 2 previously resolved ombudsman complaints where maladministration was identified a second time, led to an inspection under paragraph 11 of the Housing Ombudsman Scheme in October 2023. This followed a public meeting with the Ombudsman in September 2023.
- 2.10 For all case management the lessons learnt field provides valuable insight as to the mistakes we have made, and the measures required to rectify them.
- 19% (up from 16%) led to us reviewing contracts or partner arrangements.
  - 17% (up from 7%) required us to take action against a partner/contractor
  - 14% (up from 10%) resulted in a review and refresh of staff training/guidance
  - 10% (down from 18%) of cases have required us to provide an additional service or additional information.
  - 9% (same as previous period) required additional inspections taking place.
  - 9% required enforcement of our policies/procedures.
  - 7% required discussions at team meetings.
- 2.11 We upheld 63% complaints either in full or in part, which is particularly high but demonstrates a desire to accept responsibility when things go wrong. While our escalation rates to final review stage still exceed our 12% target, standing at 16%, this means that in 84% of local resolution complaints the measures we put in place are effective to resolve matters.
- 2.12 The level of compensation awarded fell to £14,933 from £18,981 in the previous period, and prior to that. When looking at the 5,041 complaints received during this period, this is extremely low. A greater awareness and effort to award and monitor an effective remedy at local resolution stage can resolve matters quickly, and in turn avoid further escalation and much larger awards being made at final review of ombudsman stage.

While there have been sustained improvements, particularly within housing, efforts now need to shift towards improving the quality of responses and ensuring remedies are implemented and followed up, which in turn is designed to reduce escalation. Building upon the culture of accountability and ownership is key, and additional resource has been put in place within housing to ensure resilience in implementing remedies at all stages of the process, with a focus on the more serious high-risk cases.

## **Final Reviews**

- 2.13 At the second stage of our complaints process 816 cases were escalated to the final review stage (up from 645 the previous period, and 779 for the whole year in 2022- 2023). Since the same period last year we have seen a 32% increase in volumes and over 70% relate to housing. We have closed 677 cases in this period up from 532 in the previous period and 511 prior to that.



- 2.14 We achieved a response rate of 83%, which is a 1% increase on the previous 6 months. Performance for the same period last year stood at 89%, however volumes were 32% lower. While significant improvements have been made, with increased engagement with key services and the housing resilience team, increased resources and additional staffing, and improved processes, the continuous increase in volumes poses challenges. Efforts to drive performance improvement, and additional reporting continues, with an emphasis on quality and customer satisfaction.
- 2.15 Housing accounted for 72% of final review complaints, which is similar to the previous period. The top 5 areas are housing repairs (98), council tax (60), leaks and floods (54), temporary accommodation (49), and housing allocations and voids (33). It should be noted that damp & mould and heating & hot water, which usually feature in the top 5 during the winter months received fewer complaints for the first time. As stated above, the escalation rate is 16% (up from 10%), whereas for housing cases this rises to 23%, indicating that further measures need to be taken at local resolution stage to resolve complaints to a customer's satisfaction. In particular, the low level of compensation awarded at local resolution stage may result in increased escalation where remedies applied are not proportionate to the injustice caused.
- 2.16 The Serco contract is reported on separately and they received 7% (40) of the cases received, which is an increase from 6% (33). The most common root causes were a failure to deliver a service, service requests, and service not being delivered to the expected standard. The top 5 areas were bulky refuse collection, street sweeping, missed collections, the supply of bins, and bins not being returned to stance. Looking at outcomes, 55 cases were closed in this period, 37 being upheld either in full or in part (up from 14), while 16 (up from 11) were not upheld, with the remaining cases being still outstanding/under investigation.
- 2.17 Of the 677 final review cases closed we upheld 59% (406), cases investigated either in full or in part (up from 57%), while the majority of the remaining cases were not upheld. Fault was therefore identified in just under 60% of the complaints considered. A closer look at these decisions indicates that of the upheld final reviews 67% of these cases were also upheld at local resolution stage, which is a slight decrease from 70% in the previous 6 months.
- 2.18 As highlighted in the previous report, this is still indicative of either inadequate remedies at local resolution stage, or a failure to monitor implementation effectively, which in turn contributes towards increased escalation where customers remain dissatisfied. If the measures put in place to resolve complaints at local resolution stage were effective, customers would not feel the need to escalate to a higher stage in the process. In addition, a further 29% of upheld final reviews were not upheld at the earlier stage of our complaint process, suggesting that better ownership and interrogation is required to ensure that we are reaching the correct decision at the earliest possible stage in our complaint process. The remaining cases were either outside jurisdiction or withdrawn.
- 2.19 Work continues within the Corporate Complaints Team to improve the quality of responses, to ensure that they are detailed and comprehensive and are compliant with the new HOS code. Templates are being reviewed, staff training is taking place to fully utilise the guidance and advice on the ombudsman's website, and ensure that remedies awarded are comparable to those awarded by the Housing Ombudsman Service.
- 2.20 A lesson learnt from a final review stage is set out below:

#### Housing repairs void works – (UFN20665418) December 2023

The customer raised concerns about damp & mould within her property and a permanent decant was agreed as her property was uninhabitable. There were however considerable delays in her being able to move into the new property as it required extensive repairs and in particular the front door was not secure and her windows could not be locked properly. The customer therefore had to reside in her

home which was deemed unfit for a considerable period of months while the new property was rectified so it reached a lettable condition, which impacted the whole family.

The investigation identified that greater effort should have been made to keep the customer informed, to update her as to the progress made, and when she would be able to move in. An apology was issued, a rent refund was arranged, utility bills were covered, and a goodwill gesture was awarded to address the distress, upset and inconvenience caused.

Recommendations were made to ensure customers are kept updated, and alternative decants are considered where a property offered to a customer is not yet suitable for occupation.

## **2.21 Ombudsman (Local Government & Social Care Ombudsman)**

There was a total of 45 LGSCO cases received (down from 54), while 29 decisions were reached. The cases received represent 6% of the complaints considered at final review stage and less than 1% of the complaints considered at local resolution stage.

The top cases received related to the following services:

- 20 housing needs
- 4 parking services
- 3 planning
- 3 transport policy
- 4 children's social care
- 3 education
- 2 council tax
- 6 other

When reviewing decisions 20 (69%) were closed at the assessment stage after initial enquiries, where the LGSCO decided not to investigate. This is because the matter was either outside jurisdiction or no further action was required as they were satisfied with the outcome achieved via the council's internal complaint process. This represents a significant increase from 59% in the previous, but there were 80% with this outcome prior to that.

Of the remaining cases 8 were upheld, which is a decrease from 12 in the previous period. All these cases related to housing needs, apart from 1 case which related to children's services - commissioning and community safety. There was 1 case concerning accessible transport which was not upheld, while the remaining cases are still under investigation and awaiting decisions.

The upheld cases represent less than 1% of all final review complaints investigated, which is indicative that we are getting better at effectively resolving cases internally at stage 2. While final review volumes have rapidly increased, they are invaluable in resolving cases which could have escalated to the LGSCO. This demonstrates the advantage gained from working with the ombudsman to encourage them to pass cases back to us, where our internal complaint process has not yet been exhausted. In addition,

A sample of lessons learned from upheld cases are set out below.

### **Homelessness Prevention (UFN1623285) 23 010 115 LGSCO decision**

A recent LGSCO investigation identified fault with the council for not providing an applicant with a written decision after deciding that the customer was not homeless or in priority need. While the customer was referred to supported housing he raised concerns about the impact this had on his ability to access his children, work, and reside in Lambeth. While the customer has accommodation which is available to him for over 6 months and is not in priority need, the council failed to issue a written decision, setting out the right to a review. providing details

The council agreed to apologise, issue a written, and inform the customer whether he has a local connection in the borough to remedy the complaint.

## Housing Allocations and Voids (UFN17273837) 23 009 142 LGSCO decision

The applicant complained that the council failed to provide a bidding number to allow him to bid for properties following a housing application and failed to respond to his reports of damp and overcrowding in his temporary accommodation over a 2-year period. This in turn impacted the health of the whole family.

The council caused the customer upset and frustration by failing to provide a bidding number and did not take action to assess and remedy the damp and overcrowding concerns raised. The agreed remedy included issuing a correct bidding reference, ensure the customer is placed in the correct band, assess the damp within the property and the suitability of the temporary accommodation, and pay £750 in recognition of the frustration, and for failing to take action.

There were no public interest reports issued in this period.

## Housing Ombudsman Service (HOS)

The new HOS powers came into force to promote accountability, transparency, and fairness, and increase awareness of resident rights, and accessibility to redress. It provided new powers to issue complaint handling failure orders, severe maladministration findings, carry out inspections, and refer landlords to the Regulator of Social Housing.

We continue to hold monthly meetings with HOS to enable us to discuss issues and maintain a collaborative working relationship with them.

The number of formal investigations has reduced from 52 to 32 within this period, 27 of which concerned housing repairs. This accounts for 84% of cases received from the IHO in comparison with 77% and 65% in the two previous periods. Looking at the remaining cases 13% related to housing management north area - estate services, while 3% related to housing management south area.

While many of the cases received are still under investigation where we have responded to information requests and are awaiting a decision from the IHO, the total number of severe maladministration findings received in the operational year, April 23 to March 24, are set out below.

IHO Ref	Month	Issue
202124484	May	Repairs
202121344	May	Repairs
202119227	May	Repairs & damp & mould
202117500	June	ASB
202127748	June	Repairs & damp & mould
202215944	June	Damp & mould
202121350	June	Leaks & floods
202014676	July	Repairs & damp & mould
202212757	August	Leaks & floods
202208047	September	Repairs
202204121	September	Repairs & decant
202228659	October	Repairs & record keeping
202123528	October	Repairs & damp & mould, record keeping
202219308	October	Repairs & rent accounts
202215325	November	Leaks & floods
202107857	December	Leaks & floods & window repairs
202203532	December	Leaks & floods
202203490	December	Repairs & damp & mould
202111661	December	Leaks & floods, complaint handling
202215719	January	Asbestos, repairs & decants
202224983	January	Leaks & floods
202109540	January	Communal heating charges
202213082	February	Disrepair

202207742	March	Repairs & complaint handling
202230659	April	Clearing a walkway & complaint handling

The top four service areas of complaint were:

- Housing Repairs
- Housing Management North - tenancy
- Housing management North - estate services
- Housing Management South - tenancy

We received 1 complaint handling failure in December 2023. We have disputed this with the HOS as we have no prior record of them sending the case to us. We are awaiting their response.

While we continue to engage with the HOS, the volume of severe maladministration findings, the special report issued in February 2022 and repeated maladministration findings in 2 separate cases prompted an inspection on 18–20<sup>th</sup> October 2023. The aim was for the IHO to establish why the service failure re-occurred, assess progress against the recommendations in the special report, and examine the council's overall approach to complaint handling.

Outcomes and actions from the inspection were presented and discussed at Corporate Committee on March 28, 2024, with associated report as part of the reporting pack. Housing continues to progress their improvement programme and implement recommendations.

A sample of lessons learned from upheld cases are summarised below:

#### **Repairs 202207742 (UFN10825313) Severe Maladministration**

In 2020 an elderly tenant with mobility issues raised concerns about a back surge of water coming up through the drain in his wet room. After many orders being raised and contractors carrying out works that failed to resolve the issue, it became apparent that the resident required a decant for the works to be expedited. He contacted the council 18 times to resolve the matter and the delays resulted in the vulnerable resident living in unsatisfactory living conditions for over 3 years. In addition, delays and failings in complaint responses, and an inadequate compensation award resulted in a finding of severe maladministration. The council were required to issue an apology from a director and pay compensation of £2,700. The remedy has been implemented in full and the case is now closed.

#### **Repairs 202123528 (UFN5585709) Severe Maladministration**

A tenant complained about damp, repairs required to her bathroom, defective plug sockets, a defective electric meter box causing a hazard, and an external trip hazard. During the course of a 3-year period we failed to follow our own on policy on repairs, delayed in completing works, closing some orders before they were completed. We provided conflicting and inconsistent information about our responsibility for the resident's electric meter box and delayed in addressing the damp and mould issue some years.

Our records were poor, and we failed to maintain accurate records of repair reports, responses, inspections, and investigations which caused upset and distress. In addition, fault was identified with the complaint handling and failing to adequately address and resolve the issues with a proportionate remedy.

The remedy included an apology from a senior member of staff to the resident for the failures identified, a payment of £1,700, and works to be completed. The remedy has been implemented in full.

#### **Member's enquiries**

- 2.22 4413 Member Enquiry (ME) requests were received during this 6-month period (compared to 4,206 in the previous period, and 4,188 prior to that). We closed 4269 case which represents 144 less cases than we received. Of the 4413 cases received, 2,176 (49%) concerned housing, with resident services

accounting for 1,103 (25%), which is broadly similar to the last 6-month period. The remaining MEs concerned Climate & Inclusive Growth (476), Serco (322), Children's Services (147), and Adults & Health (106). All other cases were spread across a range of council services including Finance and Strategy & Communications.

- 2.23 Performance fell from 76% to 67% while volumes increased by 5%. This brings performance closer to the level reached a year ago but is still far from the 90% corporate target. As housing accounts for just under half of all MEs received, an increase in the volume of overdue housing cases is concerning, particularly with the new Housing Ombudsman Service complaint handling code being introduced on 1<sup>st</sup> April 2024, which will impact resources directed to both ME and complaint handling. Increased resource is being put in place within housing to adequately staff the complaint and ME function.
- 2.24 Basic requests for information or for a service accounted for 64% of MEs received (up from 62%), while delays in doing something accounted for 8% (down from 9%), and failure to do something/deliver a service accounted for 8%. Concerns about council decisions/policies accounted for 5% which is largely consistent with the root causes identified in the previous period. The requests for a service/information mostly relate to housing needs and repairs which should be addressed without the intervention of a member. Typically, these enquiries may relate to how long a person has been waiting on the housing register, which should be addressed as business as usual.
- 2.25 Taking a deep dive into MEs, housing appears in 8 of the top 10 areas (down from 9 out of 10). Temporary accommodation received the most cases with 406 cases (up from 293), followed by housing allocations and voids with 266 cases (down from 300), then general property repairs with 244 MEs. As is normally the case, the vast majority of temporary accommodation MEs were service requests, where applicants raised concerns about the quality and suitability of temporary accommodation. The housing allocations and voids cases related to service and information requests, about the length of time customers have to wait to be allocated a property, queries about banding and bidding, and a smaller proportion were linked to disagreeing with the council's allocation scheme or delays in handling applications. In contrast MEs regarding repairs were mostly service requests or raised concerns about delays and a failure to take action.
- 2.26 The volumes of MEs concerning requests to be transferred to alternative temporary accommodation because of disrepair issues continues to provide challenges, and work continues on the new IT solution to facilitate a proactive inspection service as part of the housing needs transformation programme. The prevention service had 142 cases and continues to receive a high demand level, creating challenges for housing advisors in keeping up with increasing volumes of casework. New staff appointed within housing needs has increased capacity, although rising volumes still present a challenge. The service continues with improvement and recent appointments to expedite TA complete suitability assessments are expected to have a significant impact on enquiries regarding delays.
- 2.27 We received 102 MEs regarding grounds maintenance (up from 95), and 84 cases concerning damp and mould (down from 94). The Damp Charter sets out our key commitments to work in partnership with residents to resolve damp issues and prevent disrepair complaints. Our Strategic Asset Partner ("SAP") has pro-actively undertaken stock condition surveys, to identify issues that may give rise to future disrepair claims or complaints, therefore allowing early preventative action to be taken.
- 2.28 Transport policy had 82 MEs, while housing disrepair cases had 79 cases. We saw a reduction in the number of cases relating to leaks and floods (67 down from 75) which is unusual during the winter months.
- 2.29 The disrepair arbitration scheme is in operation and customers are being actively signposted to the scheme, as a viable alternative dispute resolution mechanism, which may in turn reduce the volume of complaints. In addition, improvements continue through working with IT to extend the information Contact Centre agents can see, improve how customer contacts are recorded, and provide an

interface to the complaints system. This in turn will allow agents to provide more detailed advice to customers. Robust management continues with our contractors on key indicators, with work in progress to achieve a sustainable improvement and reduce the number of missed appointments.

- 2.30 There was an increase in the volumes received for street sweeping which featured in the top 10 root causes for the first time.

## **Freedom of Information Requests**

- 2.19 We received more FOIs during this period with 1361 received in comparison with 1081 and 1104 in the 2 previous 6-month periods. Over the course of a year we have seen a 23% increase in volumes. Improvements to our website continue with publication of further FOI responses which aims to increase transparency, improve the customer experience, and in turn reduce FOI volumes. We also continue to encourage services to publish data on a regular basis where possible, in an effort to ensure that information frequently data requested is easily accessible.
- 2.20 FOI performance however has increased to 74% up from 71% which is still significantly below the corporate performance target of 90%. Additional resource has now been put in place to drive performance with more proactive chasing and monitoring and ensuring that any required press approval is only applied to relevant cases and is obtained promptly before cases are due. The top five areas were Environment/Streetcare, Housing Management, Planning Transport & Sustainability, Finance & Property and Resident Experience & Digital.
- 2.21 When looking at outcomes we responded to 1,262 cases which is a 21% increase on 1,041 cases in the previous period. We provided all the information requested in 960 cases (up from 763) partial information in 89 cases (up from 84%) and did not hold the required information in 63 cases (down from 65). In the remaining cases we applied exemptions or exceptions explaining why data could not be released.
- 2.22 During the reporting period 88 FOIs (up from 54) were escalated to an Internal Review. Common areas for escalated FOIs were broadly the same as the top 5 areas listed above, however environment & streetscene had a higher escalation rate, accounting for 23% of all internal reviews received. This was followed by planning (16%), housing management (15%), and finance & property (14%). We continue to receive large volumes relating to planning transport and sustainability, and housing management as they concern areas in the public interest.
- 2.23 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.
- 2.24 We proactively engaged with ICO as required whilst we were under increased scrutiny and until January 2023 when they advised that they were happy with progress made and felt that frequent meetings were no longer required. We continue to progress our improvement plan with staff training on FOIs/EIRS, applying exemptions, and reviewing published information and ICO guidance. In addition, we now provide more detailed and comprehensive internal review responses, and quality check FOI responses.
- 2.25 We received 5 Decision Notices from the ICO for review. In one complex case concerning Pre-Planning advice, the Commissioner asked us to provide additional information to the applicant. In another case, although the ICO did not uphold the applicant's complaint, he asked us to consider how we could provide advice and assistance to the applicant. In the remaining three cases, we were not required to take additional steps or disclose additional information.

- 2.26 We continue to have positive engagement with the ICO and have begun to have frequent open dialogue with the Commissioner, particularly when handling complex cases by way of case conferences via Teams or by phone. This has enabled us to assure the ICO of our commitment to openness and transparency and improve understanding and expectations internally. The Corporate Complaints Team are adopting a more consistent approach to managing FOI and EIR and sharing this knowledge with colleagues across the council as a result of learning from ICO casework and engagement, for example by calling upon resource and expertise from Digital colleagues to carry out server-based information searches, resulting in accurate and reliable outputs.

### **Subject Access Requests (SARs)**

- 2.27 We received 443 SARs during the reporting period of in comparison with 457, and 411 in the previous reporting periods. This represents a 3% decrease in volumes, while performance stood at 71% (up from 70%) against a 90% target.
- 2.28 During this period 39% (up from 27%) of all SARs received related to housing, 22% (down from 26%) concerned children's services, with 19% concerning resident services. Residents often submit SARS before taking legal action in respect of housing disrepair. The remaining requests concerned the contact centre (12%), adults & health (4%) IICSA (2%), and finance & investment (1%).
- 2.29 The SAR improvement plan continues to progress and work continues to drive performance and provide support and training for staff issuing responses. Additional reporting and performance monitoring continues and the CCU work closely with colleagues in Information Governance.
- 2.30 The recommendations of the PWC audit are being implemented regarding the controls and associated processes for handling SARS. Staff training, advice and support continues, with additional processed being put in place to effectively manage multi-departmental SARS centrally.
- 2.31 There is a monthly focus group across key areas to discuss SAR performance, improve awareness offer advice and training and share good practice. Information Governance have created extensive guidance notes that are available for staff on SharePoint, and the CCU continue to provide additional reporting, escalating and chasing cases in an effort to drive performance.

## **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 comments from Democratic Services.

## **5. CONSULTATION AND CO-PRODUCTION**

- 5.1 Not applicable.

## **6. RISK MANAGEMENT**

- 6.1 There are no risks noted within this period and for this report. Project risks are picked up as part of project management and reported into the relevant governance boards.

## **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 Fred Cowell and Cllr Nanda Manley-Browne	Cabinet Members for Equalities, Governance and Change	23 04 2024	01 05 2024	none
Venetia Reid-Baptiste Interim Strategic Director	Resident, Enabling and Commercial Services	23 04 2024	01 05 2024	none
Nataša Patterson, Chief Digital, and Data Officer	Resident and Enabling Services	19 04 24	23 04 2024	Throughout
Cagdas Canbolat, Director of Finance	Finance and Governance	23 04 2024	26 04 2024	none
Andrew Pavlou, Principal lawyer Legal Services	Finance and Governance	23 04 2024	23 04 2024	none
Kaya Small, Democratic Services	Finance and Governance	23 04 2024	23 04 2024	none
Fiona Connolly, Corporate Director, Housing and Adult Social Care	Housing and Adult Social Care	23 04 2024	23 04 2024	none
Neil Fenton, Director Resident and Commercial Services	Resident and Enabling Services	23 04 2024	25 04 2024	none
John Bosley, Director Highways, Environment and FM	Resident and Enabling Services	23 04 2024	23 04 2024	none
Tim Hillman-Brown, AD Revenues & Benefits	Resident and Enabling Services	23 04 2024	23 04 2024	none

## REPORT HISTORY

Original discussion with Cabinet Member	
Report deadline	01/05/2024
Date final report sent	01/05/2024
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	<a href="#">Local Government Act 1974</a> <a href="#">Housing Act 1996</a> <a href="#">Data Protection Act 2018</a>
Appendices	N/A

