



Executive
6th October 2008

**Report from the Director of
Policy and Regeneration**

Wards Affected:
ALL

Annual Complaints Report

Forward Plan Ref: PRU-08/09–8

1.0 Summary

1.1 This report analyses the complaints about Brent Council considered by the Local Government Ombudsman; describes the Council's performance under our own procedure; and reports on developments in the Council's complaint handling arrangements. For the first time, the annual reports on the statutory social care complaints processes are presented with this report to provide Members with a comprehensive picture of complaints made against the Council.

2.0 Recommendations

2.1 This report is for information only.

3.0 Detail

3.1 The detail is in the attached report and appendices. The key points are:

- In 2007/08 the Local Government Ombudsman received 164 complaints against Brent Council, which was fewer than in the previous two years.
- The Ombudsman made decisions on 175 complaints in 2007/08, which is the lowest number for ten years at least
- The Ombudsman did not issue any formal reports against the Council, and in over half the complaints decided the Ombudsman found no reason to question the action taken by the Council. However, 20 complaints resulted in a local settlement
- The Ombudsman is generally positive about the way he perceives the Council's complaints handling
- The Ombudsman commented on the high number of premature complaints and also on the high percentage of complaints which are upheld at the third and final stage of the Council's complaints procedure

- Overall, there has been a fall of about 15% in the total number of complaints made under the Council's procedure

4.0 Financial Implications

- 4.1 The complaints procedure remains a simple, cheap and effective way of providing redress for customers who have not received the quality of service they were entitled to expect. It helps avoid protracted legal proceedings with their attendant high costs, as well as adverse findings by the Local Government Ombudsman.
- 4.2 Overall, the Council paid just under £143,000 in compensation, including about £5,000 as a result of complaints to the Local Government Ombudsman resulting in local settlements.
- 4.3 There is a high cost attached to increasingly senior managers having to look into complaints which escalate through the complaints procedure. We need to ensure primarily, that services give no cause for complaint but that, when complaints are made, that appropriate remedies, including compensation, are provided at the earliest opportunity.

5.0 Legal Implications

- 5.1 There are no legal implications arising from this report.

6.0 Diversity Implications

- 6.1 The complaints procedure covers all spheres of the Council's activities and is available to all service users. The Council needs to tailor the service to make it accessible to all, and to collect and analyse equalities information to ensure that no sections of the community are excluded from using the procedure or discriminated against unfairly.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are no staffing or accommodation implications arising from this report.

Background Papers

Local Government Ombudsman's Annual Letter 2007/08

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Annual report on the Council's handling of complaints 2007/08

1. Introduction

- 1.1 This is the ninth annual report on the operation of the Council's corporate complaints procedure. Complaints about the Council's social care services are governed by statutory regulations and follow different procedures. The complaints managers for Children's and Community Care services are required to report on complaints considered under the statutory processes. For this first time, their reports are appended to this one to provide Members with a comprehensive overview of the complaints made against the Council.

2. Complaints made to the Local Government Ombudsman

- 2.1 In 2007/08 the Local Government Ombudsman received 164 complaints against Brent Council, which was fewer than the 187 and 197 in the previous two years. The Ombudsman has commented that this welcome fall is somewhat higher than the general national decline in complaints to his office. There has been a significant, welcome, fall in the number of complaints about the Revenues and Benefits and Housing services.
- 2.2 The Ombudsman made decisions on 175 complaints in 2007/08, 63 of which he referred back to the Council to deal with under our own procedures. This is the lowest number of complaints decided by the Ombudsman in any year since the new corporate process was introduced in 2000, as the following table shows.

	Complaints closed by the LGO	Premature complaints	TOTAL
1999/00	286	42	328
2000/01	238	128	366
2001/02	98	124	222
2002/03	83	104	187
2003/04	95	102	197
2004/05	110	72	182
2005/06	104	82	186
2006/07	131	61	192
2007/08	112	63	175

- 2.3 The table on the next page shows the outcomes of the complaints considered by the Ombudsman and their distribution across Council departments.

	Housing and Community Care			Revenues and Benefits	Central Units	Environment and Culture	Children and Families	Total
	BHP	Housing and Customer Services	Community Care					
L/S	5	3	1	8	0	1	2	20
N M	7	6	2	4	0	13	3	35
Omb Disc	8	5	1	8	1	11	2	*36
OJ	2	2	0	8	2	6	2	22
Total 2007/08	22 (19.4%)	16 (14.1%)	4 (3.5%)	28 (24.7%)	3 (2.1%)	31 (27.4%)	9 (7.9%)	*113

¹*one complaint spanned two departments

- 2.4 The Ombudsman did not issue any formal reports against the Council, and in over half the complaints decided the Ombudsman found no reason to question the action taken by the Council. However, 20 complaints resulted in a *local settlement* and the Council paid just over £5,000 compensation as a result of them. The complaints made up 25% of the Ombudsman's decisions, slightly better than the national average of 27%. In most cases the complaints had not been identified and dealt with by the Council before the customer went to the Ombudsman. Work is needed to capture and deal with as many complaints as possible under our own process.
- 2.5 Eight local settlements were agreed on complaints about the Revenues and Benefits service, mainly about delays in dealing with claims or appeals. Five local settlements involved Brent Housing Partnership; these were mainly about delays in doing repairs.
- 2.6 If someone complains to the Ombudsman without having taken the matter up with the Council first, the Ombudsman will usually refer it back to the council as a *premature complaint* to see if the council can itself resolve the matter.

¹ This footnote explains the Ombudsman's decision categories

LS (*local settlements*): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

NM (*No maladministration*) decisions by letter discontinuing an investigation because the Ombudsman has found no, or insufficient, evidence of maladministration.

Omb disc (*Ombudsman discretion*) decisions by letter discontinuing an investigation in which the Ombudsman has exercised his general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that the Ombudsman found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Premature complaints: decisions that the complaint is premature. The Ombudsman does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the Ombudsman without having taken the matter up with a council, the Ombudsman will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

- 2.7 In 2007/08 the Ombudsman referred 63 such complaints back to the Council. This represents 36% of all decisions reached on complaints about Brent and is considerably higher than the national average of 27%. This is a continuing and worrying feature and the reasons are not clear. It seems that people know that the Council has a complaints procedure but choose not to use it. This is a pity since the Ombudsman comments that the Council deals well with complaints and we need to work hard to overcome this negative public perception. We will be undertaking research to try and establish the reasons, as well as outreach work with local advice and community organisations
- 2.8 40% of the premature complaints were about housing matters, 20% were about the Environment and Culture department and just over a third about the Revenues and Benefits Service.

The Ombudsman's Annual Letter

- 2.9 This is the sixth year that the Ombudsman has written to local authorities to give his reflections on the complaints he has received over the year and on the Council's performance. The full text of the letter is available on the Council's website at www.brent.gov.uk/complain.
- 2.10 As in previous years, the Ombudsman is generally positive about the way he perceives the Council's complaints handling. He believes that the Council deals effectively with most complaints through our own procedure, and that the Council is generally both prompt and thorough when providing responses to enquiries from his office.
- 2.11 The Ombudsman made enquiries into 37 complaints and we took an average of 24 calendar days to respond, well within the Ombudsman's target time of 28 days, and an improvement over 2006/07 when the average time was 27 days.
- 2.12 The Ombudsman has commented on the high number of premature complaints and also on the high percentage of complaints which are upheld at the third and final stage of the Council's complaints procedure, which he feels could lead to 'complainant fatigue', meaning that some people are giving up before getting a fair and reasonable outcome to their complaint. It is inevitable that some people, harbouring a deep seated sense of grievance, will pursue their complaint through all channels. However, we shall be emphasising to all staff the importance of early resolution of complaints wherever possible, to enhance customer satisfaction with the Council, and to reduce the amount of time and money spent in considering complaints through all stages of the complaints procedure.

Local Government Ombudsman developments

- 2.13 The Ombudsman issued two special reports during the year. One provided advice and guidance on 'Applications for prior approval of telecommunication masts'. The other, 'Local partnerships and citizen redress' was issued in July 2007. It sets out the Ombudsman's guidance and expectations about good practice in handling complaints about services delivered in partnerships involving public, private and third sector organisations, and on the more

general governance of partnerships. As from 1 April 2008 such complaints are within the Ombudsman's jurisdiction to investigate.

- 2.14 This report will have a major impact on the way complaints need to be handled in future. Brent Council hosted a meeting of the Public Sector Complaints Network in January 2008 which was addressed by Tony Redmond, Local Government Ombudsman. The meeting was attended by over fifty local authorities and local agencies, and was extremely useful in learning more about the Ombudsman's expectations and in opening discussions at local level on how we might work together in future.
- 2.15 Local protocols and guidance are currently being developed.
- 2.16 On 1 August 2007 the Local Government Ombudsman's jurisdiction was extended to allow joint investigations and reports with the Public and Health Service Ombudsman. Complaints spanning health and social care agencies, and welfare benefits services might well be investigated in this way in future.

3. Complaints considered under the Council's procedure

- 3.1 The table below shows the numbers of complaints received at each stage of the Council's complaints process.

	Stage 1		Stage 2		Stage 3		Total	
	06/07	07/08	06/07	07/08	06/07	07/08	06/07	07/08
Housing & Customer Services	374	401	93	92	32	29	499	522
Community Care	171	168	13	15	5	3	189	186
BHP	938	769	195	146	48	65	1181	980
Revenues & Benefits	1084	686	123	142	48	40	1255	868
Environment & Culture	848	843	114	108	46	37	1008	988
Children & Families	161	120	26	22	2	6	189	148
Central services	12	4	3	1	3	2	18	7
Total	3588	2991	567	526	184	181	4339	3699

- 3.2 Complaints about housing matters make up the largest proportion – 41%, followed by Environment and Culture - 26%, and Revenues and Benefits - 23%. Overall, there has been a fall of about 15% in the total number of complaints. Although this is a welcome trend, we need to be alive to the fact that the numbers may not represent the full extent of customer dissatisfaction as not everyone will be able to or feel confident about making a complaint. It is important to stress that it is how complaints are dealt with, and the service improvements leading from them, which is important, rather than the raw numbers. It is vital that complaints are recognised, recorded and dealt with, rather than swept under the carpet or ignored.
- 3.3 The number of Stage 1 complaints fell by nearly 17%, and in all service areas, except Housing and Customer Services. The most dramatic fall was in

the number of complaints recorded about the Revenues and Benefits Service, where there was a drop of about 36%. This seems to be directly attributable to improvements in the Benefits service, which has reduced both delays in processing claims and assessment errors.

- 3.4 There were also fewer complaints made at the second and third stages, but the percentage drop was much smaller
- 3.5 The Council has a target of replying to 85% of all complaints within the relevant time scale at each stage. The table below shows the percentage of complaints responded to within these targets. The Revenues and Benefits Service was the only service area to meet the target at both Stages 1 and 2. The thoroughness with which a service area deals with complaints at the first two stages is a significant factor in the length of time taken that the third and final stage. Complaints which are wrongly rejected or where compensation is inadequate at the early stages invariably take longer to investigate.

	Stage 1		Stage 2		Stage 3	
	2006/07	2007/08	2006/07	2007/08	2006/07	2007/08
Housing & Customer Services	75	83	71	73		40
Community Care	71	62	41	67		50
BHP	84	86	72	71		50
Revenues and Benefits	84	95	43	95		60
Environment & Culture	77	76	67	65		73
Children & Families	48	54	31	55		
All	73	76	54	71	40	55

Corporate targets: Stage 1 15 working days; Stage 2 20 working days; Stage 3 30 working days

Different timescales apply to complaints made under the statutory social care complaints procedure

- 3.6 The following table shows the percentage of complaints escalating through the stages of the procedure. Only the Community Care Service met the target escalation rate at both stages. What is particularly worrying is the high escalation rate from the second to third stages of the procedure.

	% complaints escalating from Stage 1 to Stage 2 Target: 10% in 2006/07 20% in 2007/08	% complaints escalating from Stage 2 to Stage 3 Target 20%
Housing & Customer Services	23	32
Community Care	9	20
BHP	19	45
Revenues & Benefits	21	28
Environment & Culture	13	34
Children & Families	18	27

- 3.7 The following table shows the percentage of complaints upheld wholly or in part at each stage. Ideally, faults should be identified and remedied at the earliest stage possible, saving officer time and ensuring customer satisfaction

and proper redress. So, more complaints ought to be upheld at the first stages of the procedure than later on, but as the table shows, only the Children and Families Department upheld more complaints at Stage 1 than at Stage 2. The rate of complaints upheld to some extent at Stage 3 remains worryingly high and the Ombudsman has commented on this in his Annual Letter for 2007 – 2008. The corporate complaints team will be focussing on the need for early resolution of complaints in their training programme.

	Stage 1	Stage 2	Stage 3
Housing & Customer Services	25	34	43
Community Care	51	60	60
BHP	66	72	57
Revenues and Benefits	48	55	60
Environment & Culture	10	43	34
Children & Families	56	50	83

3.8 The table below shows the compensation paid under the Council's procedure. Although the total amount of compensation might, at first sight, appear high, it should be borne in mind that legal costs alone in one disputed action could exceed the total compensation paid at all stages across all departments in the year. Viewed in that way, the amount paid is not high if it provides redress in a relatively quick and simple way, avoiding unnecessary re-work and customer contact, adverse findings from the Ombudsman and associated bad publicity, or expensive legal proceedings.

3.9 The Council's policy is to proactively pay compensation in accordance with the Ombudsman's guidelines at the earliest opportunity. Although all departments except Environment and Culture paid more at the first stage than the second, the continued high payments at the second and particularly third stages of the procedure suggest that more could be done to provide appropriate redress sooner.

	Year	Stage 1	Stage 2	Stage 3	LGO	Total
Housing & Customer Services	2006/07	1,000.00	1,743.00	6,300.00	1,635.00	10,678.00
	2007/08	6,940.00	4,615.00	4,930.00	950.00	17,435.00
Community Care	2006/07	276.50	2,520.00	1,796.00	0	4,592.50
	2007/08	9,665.00	6,575.00	1,150.00	250.00	17,640.00
BHP	2006/07	29,276.88	21,575.87	7,906.00	2,710.00	61,468.75
	2007/08	35,607.00	18,638.00	17,779.95	820.00	72,844.95
Revenues & Benefits	2006/07	9314.00	14,891.69	9594.44	620.00	34,420.13
	2007/08	8,721.55	8,861.78	6,985.10	1841.25	26,409.68
Environment & Culture	2006/07	250.00	2,280.00	1,130.00	250.00	3910
	2007/08	115.00	1,730.00	730.00	150.00	2,725.00
Children & Families	2006/07	60.00	4,500.00	350.00	0	4910
	2007/08	110.00	1,550.00	3,000.00	1,125.00	5,785.00
Other	2006/07	150.00	0	0	0	150.00
	2007/08	0	0	130.00	0	130.00
Total All services	2006/07	40,327.38	47,510.56	27,076.44	5215	120,129.38
	2007/08	61,158.55	41,969.78	34,705.05	5,136.25	142,969.43

- 3.10 Taken together, the high escalation rates, the high percentage of complaints found to be justified at the second and third stages, and high compensation levels beyond the first stage suggest strongly that not enough effort is being put into investigating and resolving complaints effectively at the earliest possible opportunity.

Service improvements arising from complaints

- 3.11 One of the aims of the complaints procedure is for the Council to learn from its mistakes and to improve services to give no cause for complaint. The following are a few of the many issues highlighted in complaints over the past year:
- the need to review the guidance on conflict of interest and officers' declaration of interest
 - a review of the Direct Payment scheme as it relates to respite care for a disabled child
 - the need for improved practice and standards around communication with families, especially in the context of child protection enquiries
 - a widespread need for greater coordination between service units and departments
 - a number of issues around staff attitude and behaviour
 - the need to keep customers informed of progress, especially about the progress of planning enforcement action
 - dissatisfaction with the limited hours of the noise service's operation
 - standards of cleanliness at leisure centres
 - revised instructions to benefits staff about how to deal with appeals
 - review of procedures and liaison when disabled people need respite care when building work or adaptations are being undertaken
 - review of practices to ensure that hospital discharge cases are handled effectively, with clarity as to which team is responsible for what
 - a home care agency reviewed its practices and induction and training programme, and introduced enhanced supervision and unannounced spot checks
 - new protocol between Brent Housing Partnership and the Council's noise team about noise nuisance

4. Developments in complaint handling across the Council

Training

- 4.1 As from 1 April 2007, training in complaint handling became part of the corporate Learning and Development programme. Working in close collaboration with the departmental complaints managers, the corporate complaints team has delivered training in complaint handling at all stages to about 200 managers across the Council. The feedback was extremely positive and the indications from the complaints performance in Quarter 1 of 2008/09 are that fewer complaints are escalating to the third stage of the complaints procedure and to the Local Government Ombudsman.

Corporate complaints database

- 4.2 Work has continued throughout the year on the implementation of iCasework (previously called NonStopGov) as the Council's corporate complaints database. Regrettably this taking longer than expected, due to the reluctance of some service areas to use the system, the lack of a dedicated project team, and some issues with the reporting tool which need to be overcome.
- 4.3 The next stage is to open up the external online customer portal so that customers can make their complaint on line direct to the relevant department, and can track the progress of their complaint. There is also great potential for Members to use the system to manage their casework and enquiries.
- 4.4 iCasework will also be integrated with the Council's new CRM system and Client Index.

Customer satisfaction

- 4.5 Increasingly, the public expect complaints to be dealt with promptly and with courtesy. The Best Value User Satisfaction Survey (2006-07) showed that only 34% of people were satisfied with the way their local council handled their complaint. Successive Ipsos MORI surveys show that the general public do not trust public servants to admit mistakes and tell the truth. Open and honest complaint investigation can do much to overcome this negative perception.
- 4.6 In the autumn of 2007 the corporate complaints team surveyed all complainants who had made a complaint at the third, final, stage of the Council's procedure. Traditionally, complaint handling surveys do not show high levels of satisfaction because of the direct correlation of satisfaction the outcome of complaint, and because of the negative experience of the service delivery they have received that precedes the final stage investigation. About half of those surveyed said that they were satisfied to a greater or lesser degree with the way their complaint has been considered. The key messages emerging from the survey were the continuing need to promote trust and confidence in the Council's complaints process, the importance complainants attach to early and constructive direct contact with the person looking into their concerns, and a need for clearly-expressed, jargon free responses.
- 4.7 Although Brent Council's complaint handling has undoubtedly improved over the years, there is still room for improvement. Our aims are, therefore, to increase the proportion of complaints replied to in the appropriate timescale; and, through rigorous and transparent investigation, to identify, acknowledge and remedy service failure at the earliest opportunity.
- 4.8 We plan to conduct a comprehensive survey of all complainants whose complaint is considered the first stage of the procedure in the Autumn of 2008. The intention is that all local authorities who are members of the Public Sector Complaints Network should conduct the survey, using the same questionnaire, over the same period so that some bench-marking can be undertaken.

Valuing diversity

- 4.9 The Council provides complaint leaflets for adults, children and young people, and to a limited extent for people with learning disabilities. The main leaflet is available both online and from the One Stop Shop local offices in Arabic, Gujerati, Hindi, Polish, Punjabi, Somali, Tamil and Urdu. It is available on request in large print, Braille, or audio cassette.
- 4.10 The complaint leaflet asks people to provide equalities monitoring information on all six strands of the equality standard but, perhaps unsurprisingly, only a small percentage of complainants provide this information. It is therefore not possible to know whether Brent's diverse communities are generally accessing the complaints procedure in line with the demographic profile of the borough. Some departmental complaints officers are able to obtain the information from the customer's case records and add it to the complaints database, but this can be time-consuming. In future, the Client Index will automatically populate the database with the details.
- 4.11 For the time being, whilst we are looking at other ways of increasing the monitoring information we capture, we have focussed on ensuring that the complaints process is widely known and trusted, particularly by advice and other community organisations that might assist people to make complaints. The corporate complaints team has given presentations at all the Area Consultative and Service User Forums and at a number of other events.
- 4.12 We have set up a Community Complaints Circle, aimed at drawing together representatives from as many community groups as possible, in order to publicise the complaints process, seek feedback about it and to act as a consultative group when we revise literature. The first meeting was held in April 2008. The second is planned for November 2008; this will be a joint meeting with the Local Government Ombudsman when we plan to provide feedback on the Council's complaints performance, the Ombudsman's Annual Letter, and to clarify when it's better to use the Council's complaints process and when it would be more appropriate for the Ombudsman to consider the complaint.

Priorities for 2008/2009

- 4.13 As ever, the corporate and departmental complaints teams will closely monitor complaint handling to ensure greater compliance with corporate targets and policy expectations. This year we will have a sharpened focus on early resolution, reflecting the themes of the Empowerment White Paper and Comprehensive Area Assessment guidance.
- 4.14 Other priorities in the service plan include:
- Ensuring that our complaint handling arrangements respect the Local Government Ombudsman's enhanced jurisdiction and new ways of working
 - Completing the implementation of iCasework as the corporate complaints database
 - Engaging more with local advice and community groups to widen knowledge of and confidence in the complaints procedure

- Improving the capture of equalities monitoring information and using the data to develop a suite of targets to ensure fair treatment of all complainants
- Carrying out a comprehensive survey of complainants
- Reviewing the children and young people's feedback scheme
- Developing protocols and guidance for dealing with complaints involving partnership arrangements and agreeing ways of working with partners in public, private and third sector organisations, to reflect the Local Government Ombudsman's guidance