



Performance and Finance Select Committee

Wednesday, 9 December 2009 at 7.30 pm
Committee Room 4, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Councillors:

Dunn (Chair)
HB Patel (Vice-Chair)
Ahmed
Bessong
Butt
Mendoza
Pagnamenta
Van Kalwala

first alternates

Councillors:

Corcoran
HM Patel
Moloney
Green
John
Baker
Motley
Jones

Second alternates

Councillors:

V Brown
Kansagra
Powney
CJ Patel
Coughlin
Mistry
Jackson
Long

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Declarations of Personal and Prejudicial Interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2 Deputations (if any)	
3 Minutes of the Last Meeting held on 28th October 2009	1 - 8
The minutes are attached.	
4 Matters Arising	
5 In-depth Review of Local Area Agreement Priorities: Priority 1 - Crime Prevention 18-28 Age Group and Priority 3 - Violent Crime	9 - 12
Community Safety Units were set up to deliver the Crime and Disorder Reduction Act 1998. This act made statutory what many authorities were already doing, namely working in partnership to increase community confidence by cutting crime and by curbing Antisocial Behaviour. Research had shown that where the Local Authority, Police, Probation and other public and voluntary sector organisations worked together, much better results were obtained. These studies highlighted that all the agencies were working with predominantly the same people in the same geographical areas.	
6 Options for Revenues and IT Delivery from 2011	13 - 26
This report summarises the outcome of an options appraisal for the provision of Revenue and IT services, following the expiry of the existing Capita contract on 30 April 2011. The current contract includes the collection of revenues for council tax and national non-domestic rates and the provision and maintenance of IT systems specific to both Revenue and Benefits services.	

7 Complaints Annual Report 2008/09 27 - 80

This report provides information about complaints against Brent Council considered by the Local Government Ombudsman; comments on the Council's performance under our own performance; and reports on developments in the Council's complaint handling. The annual reports on the operation of the statutory social care complaints process are presented with this report to give Members a comprehensive picture of complaints made against the Council.

8 Brent 2009 Residents Attitude Survey 81 - 96

This report provides an update on the findings from the 2009 Brent residents' attitude survey. The objective of the survey was to find out how residents feel about living in Brent, their views on the council and the services it provides as well as other issues of importance for people living in the area.

9 Community Use of Council Owned Buildings - Update on the Implementation of Recommendations 97 - 108

This report provides an update on the implementation of the recommendations set out in the *Community Use of Council Owned Buildings* task group report.

10 Performance and Finance Select Committee Work Programme 2009/10

Members are asked to consider future topics to be included in the Select Committee's Work Programme for 2009/10.

11 Items requested onto the Overview and Scrutiny Agenda (if any)

None.

12 Recommendations from the Executive for items to be considered by the Performance and Finance Select Committee (if any)

None.

13 Date of Next Meeting

The next meeting of the Performance and Finance Select Committee is scheduled for Tuesday, 16th February 2010 at 7.30 pm.

14 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order No 64.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near the Grand Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE PERFORMANCE AND FINANCE SELECT COMMITTEE Wednesday, 28th October, 2009 at 7.30 pm

PRESENT: Councillor Dunn (Chair), Councillor HB Patel (Vice-Chair) and Councillors Butt, Moloney (alternate for Councillor Ahmed) and Van Kalwala

Also Present: Councillor Van Colle (Lead Member for Environment, Planning and Culture)

Apologies were received from: Councillors Mendoza and Pagnamenta

1. **Declarations of Personal and Prejudicial Interests**

None declared.

2. **Minutes of the Last Meeting held on 8th September 2009**

RESOLVED:-

that the minutes of the last meeting held on 8th September 2009 be agreed as an accurate record.

3. **Matters Arising**

None.

4. **Brent Housing Partnership's Responsive Repairs Service Void Management and Capital Programme**

Gerry Doherty (Director of Technical Services, Brent Housing Partnership) gave a presentation on this item, stating that as a result of the Lean Fundamentals review of responsive repairs, a new Responsive Repairs system had been introduced in September 2008. Under the previous system, many repairs were delegated to sub contractors, however the number of directly employed operatives had now increased from 11 to 59. The new Responsive Repairs system also meant that operatives would not move onto another job until they had completed the one they had been allocated. The changes had led to a number of performance improvements, with failure demand, where a tenant calls more than once about the same job, reduced from 50% to 20%. Percentage of appointments made and kept was 99%, percentage of jobs completed on first visit 91%, percentage of jobs resulting in complaints at 1.5% and percentage of stage one complaints answered in target 94%. The new responsive repairs system complemented the Council's objective to reduce unnecessary customer contact. Overall satisfaction of tenants

satisfied with the Repairs Service was 97% and this was not just based on telephone surveys but also through other means such as receiving thank you letters.

Turning to management of voids, Gerry Doherty advised that a dedicated Repair and Void Team was set up in 2006 on a 10 year contract following a Void Service review in 2005. The average days taken to re-let a void property had reduced from 31 days in 2006/07 to 28 days between April to September 2009, slightly over target, however this was expected to be attained by the end of 2009/10. Members noted that the average days to repair a void was 23 days during the period April - September 2009.

With regard to the Brent Housing Partnership (BHP) Works Programme, Gerry Doherty stated that a budget of £25 million was available for 2009/2010. This was larger than usual, due to £5.2 million being brought forward from 2010/11 after the Council had successfully applied for earlier access to funds as part of a Government initiative to boost the construction industry during the recession. However, Gerry Doherty warned that the budget for 2010/11 would only be £8.5 million. The Select Committee heard that customer satisfaction with major works had risen from 89% in 2005/06 to 94% in 2008/09. Twenty major works contracts were being undertaken for 2009/10 and would commence in the next month following tendering. The relevant ward councillors would be informed of these works. It was noted that over 4,000 homes needed to be updated to receive digital television before the switchover in 2012, with 1,000 having already been so. Following delays to the South Kilburn Regeneration Scheme, priorities at had been identified for South Kilburn Capital Works. This included concrete testing and repairs, window repair and redecorations, electrical safety testing, lift refurbishments and communal heating repairs. An additional £3 million had been set aside to undertake these and to date concrete testing and repairs had been undertaken for six blocks. Gerry Doherty advised that a capital gap of £10 million per year over 30 years had been estimated and that Tribal were assisting the Council in the Housing Revenue Account (HRA) review. HRAs were also being reviewed nationally by the Government and a report was due to be submitted to the Council in June 2010.

Helen Evans (Managing Director, Brent Housing Partnership) added that the Government was consulting nationally on proposals to abolish the current HRA and if Councils were able to agree on how to manage or pass on debts, which were considerable for Brent, then progress could be made. However, she advised there was little prospect of this and that a further review was more likely. Brent, along with a number of other authorities, had a particularly strong housing demand and some capital projects were already being reviewed for possible cancellation. The present economic situation provided a further challenge and increased the risk of some housing falling below the Decent Homes standard.

During discussion, Councillor Moloney reported that he was receiving complaints concerning standards and he enquired if the number of complaints received could be broken down into seasonal figures. He also asked if ten year light bulbs were being installed and whether buildings from the 1950s, 1960s and the 1970s met fire safety standards. He commented that filling voids promptly could sometimes be difficult, such as when an occupier died. With regard to unpaid bills by leaseholders, Councillor Moloney suggested that a charge could be made to the property when it

was sold. Councillor Van Kalwala sought details of the response in the consultation over leaseholder contributions and what was the success rate of recovering payments due from leaseholders.

The Chair enquired what the main issues were with regard to complaints being received. He commented that the new repairs system delegated power across the entire structure including the repair operatives, which helped improve standards of work carried out and increased job satisfaction. With regard to voids, the Chair asked how this compared with other Arms Length Management Organisations (ALMOs) and Registered Social Landlords (RSLs). The Chair acknowledged the scale of the financial pressures facing the Major Works Programme.

In response to the issues raised, Gerry Doherty confirmed that approximately 200 complaints had been received to date for 2009/10. Only 40 of these complaints had been made in customer satisfaction surveys out of a total return of approximately 1,600 returned which represented a significant improvement. The previous repairs system presented too many opportunities for failure, however under the new system the fact that repair operatives would not move onto another job before completing the one they were doing was a major factor in reducing complaints. Complaints were not particularly affected by the seasons and usually concerned time or process issues and rarely were due to quality of work. Gerry Doherty advised that he could not be certain that ten year light bulbs were being installed, however 95% of properties now had smoke alarms. Tenants and leaseholders were also being educated with regard to fire safety issues.

Helen Evans added that some clients still wanted fixed appointments for repairs which would try and be accommodated. Members noted that the new repairs system did not require such high monitoring as the previous one and the call centre identified the type of repair requested, whilst the operative would decide what specific work was necessary. In respect of voids, Helen Evans advised that BHP was in the top quarter of performers with only a handful performing better, however she added that other housing associations in Brent had different ways of measuring performance. She advised that leaseholders had consulted over the legislative process concerning leaseholder contributions which could be larger in some places, such as conservation areas. A balancing of the needs of tenants, who tended to want more works to be undertaken, as compared to leaseholders who wanted lower costs, needed to be struck. Approximately 45-50% of leaseholder payments had been received to date and it was expected that this would be close to 100% by the end of 2009/10. Interest free payments over a period of time and 5% off total costs were also offered as incentives, and decisions of leaseholder tribunals rarely ruled against the Council.

The Chair asked that the Select Committee be updated concerning voids, the repair service and the situation concerning the HRA at a future meeting.

5. Waste Contract Performance

Ian Stewart (Waste Service Manager, StreetScene Team, Environment and Culture) introduced the report and confirmed that the overall recycling rate of 32.56% as of end of August 2009 represented around a 4% increase from that achieved at the same point last year. This included a 16% increase in the total amount of organic waste for composting, a 7% increase in the amount of waste

recycled and a 7% drop in the amount of waste sent to landfill. The tranche 1 score in street cleansing for 2009/10 had shown a drop in performance, with 23% of streets failing to meet an acceptable standard compared to 13% from the first tranche from the previous year. However, Ian Stewart advised that this year's tranche 1 was only one week different to the period covered from last year's tranche 2, which had recorded 22%, so seasonal factors could clearly be seen to be of significance. Members also noted performance in respect of missed collections, complaints and results from the Residents' Attitude Survey 2009.

Councillor C J Patel stated that residents had reported that green recycling boxes had not always been put back in the same place by the waste collection crew. The Chair commented that waste that fell from the refuse collection vehicles and was not picked up and he suggested that Veolia be asked to coordinate their services so that road sweeping took place soon after refuse had been collected from a road. He reported that residents had expressed preference for lids to be attached to the green recycling boxes, as some items such as paper could easily be blown out by the wind. He also suggested that it would be useful for Members to shadow a refuse collection crew for a day and view the whole refuse process from beginning to end and asked officers to investigate the possibility of doing this.

In reply, Ian Stewart advised that any waste dropped during collection should be picked up by the refuse collection crew and that he would raise the issue with Veolia. Members heard that the London Borough of Enfield had tried to introduce a system of street cleansing being undertaken soon after refuse had been collected from the street, however considerable practical problems had been encountered. Ian Stewart agreed to report back to the Select Committee with regard to this issue and also on the possibility of attaching lids to green recycling boxes at a future meeting. He was aware of green recycling boxes not being returned to the spot where they were collected from and advised that officers were to undertake spot checks across the whole borough to monitor this, adding that he would be looking for evidence that Veolia staff were being trained correctly with regard to this. Ian Stewart also agreed to investigate the possibility of Members shadowing the refuse collection process.

6. Waste Strategy Development

David Pietropaoli (Waste Policy Manager, Waste Management and Recycling Team, Environment and Culture) provided an update on the development of a revised Waste Strategy, a key Council priority and a Gold project as part of the One Council Improvement and Efficiency Action Plan 2010-2014. The revision would set out how the Council would meet the requirements of the new Waste Strategy for England and a business plan and case was in the process of being developed. Members heard that the strategy would also provide a framework of decisions on the management of municipal solid waste in Brent over the next 10 years and how it would conform to the zero waste vision set out by the West London Waste Authority (WLWA). David Pietropaoli then referred to the timetable for producing the strategy and Members noted that the process of preparing the strategy was complete, whilst self-assessment would be undertaken in November and December 2009. Clarification of the Council's present situation would be undertaken during this time and the Select Committee noted that the Council would use London's waste composition analysis in the absence of a Brent one. David Pietropaoli stated that a workshop involving WLWA and the Department for Environment, Food and Rural

Affairs would help identify future aims during January-February 2010, followed by consideration of how these aims would be achieved in March – May 2010. This would be followed by the revision of the headline strategy in May – June 2010, which would involve consultation with councillors and the public with a view to launching the revised strategy in September 2010. Members also heard that a workshop involving the Greater London Assembly was planned in December 2009 and that the WLWA was looking at new technologies in dealing with waste. David Pietropaoli confirmed that the strategy encompassed waste collection and street cleansing.

Councillor Van Colle (Lead Member for Environment, Planning and Culture) advised that this was a waste collection and street cleansing strategy and not a waste disposal strategy. He also advised that the WLWA's vision was zero waste to landfill and not zero waste per se. Members heard that a recycling and compost rate of 70% was the theoretical maximum achievable, whilst the issue of Landfill Allowance Trading Scheme (LATS) also needed to be resolved. The strategy needed to be considered in the context of the Mayor of London's Waste Strategy which sought to address carbon emissions issues and the lack of available energy. Energy generation was another important consideration and there were presently no proposals in respect of this for the Wembley Regeneration area. Councillor Van Colle stated that it had been identified that there was a lack of bring sites in Brent and in West London in general and this needed to be addressed. Emerging technology in the way waste was collected also needed to be considered, such as autoclaving which baked waste and allowed collection of products that had not melted, such as plastics, to be extracted for recycling.

During discussion, the Chair commented that there was no mention of how commercial waste would be addressed and the issues such as reduction in packaging by retailers. He felt that a 70% recycling target lacked ambition and suggested that a more positive approach was required, stating that far higher recycling rates had been achieved in other cities such as Vienna whose recycling rate was approximately 98%. He queried the continued use of the incinerator plant at Brent Cross and whether it was intended to send most of the non-recycled waste to landfill or to an incinerator. The Chair continued that incinerators used a lot of energy and also produced toxic waste, with the resulting ash being sent to landfill. It was suggested that Friends of the Earth, Green Zones and Street Watch be invited to participate in any workshops held by the Council in developing the revised strategy. The Chair also spoke of the need to get the Brent community more involved generally with regard to the strategy. He also sought further details with regard to the involvement of councillors, savings targets and waste composition analysis.

In reply, Councillor Van Colle advised that the Mayor of London's Waste Strategy addressed issues concerning commercial waste. Members heard that the Council had a contract still in force with the incinerator plant operators at Brent Cross and that it dealt with a proportion of non recyclable waste. Councillor Van Colle added that the heat produced by the incinerators could be used to generate energy in future.

David Pietropaoli added that policies to reduce waste and increase reuse would be identified and suitable actions put in place to achieve these. With regard to the workshops, he advised that these focused on technical issues at this stage and that

it might be appropriate to include the organisations mentioned by the Chair in any workshops that were arranged at a later stage. However, Friends of the Earth and residents associations were to be consulted over the strategy. Members heard that WLWA had agreed to undertake waste composition analysis on behalf of all London authorities and that it would be affected by seasonal variations. It was noted that the Council did not have sufficient resources to undertake its own waste composition analysis. David Pietropaoli advised Members that savings of £1.2 million were required from waste collection and street cleansing activities as part of the Council' Improvement and Efficiency Action Plan and that a business case was being prepared to specify where these savings would be made. Clear lines of reporting and consulting with councillors would be in place in developing the strategy.

The Chair emphasised the importance of educating residents of the need to recycle and of the cost implications to them with regard to LATS charges for landfill waste. He also suggested that signage on bins be clear as to what can and cannot be put in it.

7. Performance and Finance Review Quarter 1, 2009/10

Phil Newby (Director of Policy and Regeneration) introduced the performance aspect of the report in quarter one of 2009/10. Members heard that overall there had been a decline in performance which was of some concern, with 30% of indicators classified as well below target, as opposed to 26% from the previous quarter. Areas of concern included:-

- Rise in crime, including gun crime
- Fly tipping
- Number of visitors to libraries
- Adults receiving secondary mental health services in employment
- Brent carers
- School places
- Complaints

Phil Newby advised that the perpetrator of a series of hold-ups of betting shops in Brent had been arrested and that gun crime had since dropped, whilst the adults receiving secondary mental health services in employment had been affected by the recession. Members noted that although Brent was second best performer of all London boroughs in terms of complaints dealt with by the Ombudsmen, there continued to be concerns about complaints being escalated from stage one to stage two and from stage two to stage three.

Mick Bowden (Deputy Director of Finance and Corporate Resources) then updated the Select Committee on the financial situation for quarter one of 2009/10. He advised that a net overspend of £4.5 million on the General Fund Revenue budget was forecast as at the end of first quarter, with the two main areas of overspend being Children and Families at £2.8 million and Environment and Culture at £1.6 million. Environment and Culture had been particularly affected by a drop in revenues from parking charges.

During discussion, Councillor H B Patel asked if the rise in the escalation of complaints was due to a lack of training of new staff. Councillor Van Kalwala enquired whether complaints received were particularly common from certain sections of the community or certain areas. He also asked if any measures were being taken with regard to educating residents over changes to Council services. Councillor Van Kalwala also asked if pressures on school places would continue to be an issue. Councillor Butt enquired whether any overspends for 2009/10 would affect the Council's balances and sought further views with regard to falling revenues. He also asked what measures would be in place to accommodate areas where growing demand was driving costs up.

In reply, Phil Newby advised that complaints tended to be received by certain service areas and were often as a result of changes to front line staff. He emphasised the importance of providing staff with the sufficient training and confidence to be able to handle complaints and the Complaints Team was providing ongoing training with regard to this. It was being reinforced to service areas of the need to resolve complaints at stage one and consideration was being given to removing stage two in order to motivate service areas to resolve complaints at the first stage.

Mick Bowden advised that if there was a £4.5 million overspend at the year end this would mean that the Council's general fund balance would be £3.1 million, some way below the target balance of £7.5 million and therefore every effort was being made to redress this during the year. An improvement in the budget position of individual service areas was already underway and this should be reflected in the quarter 2 monitoring report. Members heard that Environment and Culture were in the process of identifying patterns with regard to falling revenues, although this was a difficult exercise to undertake. However, budget estimates for next year had been based on forecasts that the fall in revenue had bottomed out. With regard to rising demand in some service areas, Mick Bowden cited the transformation programme that was underway within Children and Families and the impact of this in addressing the pressures in the service area. In addition the budget position for Adult Social Care was stronger than in previous years, reflecting the work undertaken to manage increased demand. Growth in the number of children requiring primary school places was expected to continue and access to additional funding was being sought.

Phil Newby agreed to a request from the Chair that the findings on Foster Care that were being looked at as part of the Children and Families Overview and Scrutiny Committee work programme be reported back to a future meeting of the Performance and Finance Select Committee.

8. Performance and Finance Select Committee Work Programme 2009/10

The Select Committee noted the items due for consideration at the next meeting of the Performance and Finance Select Committee on 9th December 2009.

9. Items requested onto the Overview and Scrutiny Agenda (if any)

None.

10. **Recommendations from the Executive for items to be considered by the Performance and Finance Select Committee (if any)**

None.

11. **Date of Next Meeting**


It was noted that the next meeting of the Performance and Finance Select Committee was scheduled to take place on Wednesday, 9th December 2009 at 7.30 pm.

12. **Any Other Urgent Business**

None.

The meeting closed at 9.40 pm

A DUNN
Chair

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p>Performance and Finance Select Committee 9th December 2009</p> <p>Report from the Director of Policy & Regeneration</p>
For Information	Wards Affected: ALL
<p>In-Depth Review of Local Area Agreement Priorities: Priority 1 Crime Prevention 18-28 Age Group Priority 3 Violent Crime</p>	

1. Background

1.1 Community Safety Units were set up to deliver the Crime and Disorder Reduction Act 1998. This act made statutory what many authorities were already doing, namely working in partnership to increase community confidence by cutting crime and by curbing Antisocial Behaviour.

1.2 Research had shown that where the Local Authority, Police, Probation and other public and voluntary sector organisations worked together, much better results were obtained. These studies highlighted that all the agencies were working with predominantly the same people in the same geographical areas.

2. Departments Involved

2.1 What also became apparent was that all Council departments and various departments in other public bodies had a role to play in delivering safer communities; Section 17 of the act highlighted this:

Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

(2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

(3) *In this section—*

“local authority” means a local authority within the meaning given by section 270(1) of the [1972 c. 70.] Local Government Act 1972 or the Common Council of the City of London;

“joint authority” has the same meaning as in the [1985 c. 51.] Local Government Act 1985;

“National Park authority” means an authority established under section 63 of the [1995 c. 25.] Environment Act 1995

2.2 This cross organisational /agency work is exemplified by how Community Safety professionals look at community safety:

- Location, taking in planning, cleanliness and repair
- Victim , looking at home security, vulnerability because of age, or other factors linking into where people live and their lifestyle
- Perpetrator, criminals and those who commit antisocial behaviour in the main, come from fractured families and have poor educational achievement.

3. Setting Priorities

3.1 Priorities are determined by a combination of national targets and local priorities. Inevitably, when funding opportunities arise, these too have an impact. Over the last 12 months the Community Safety Unit has successfully bid for over a million pounds to deliver work itself or to work in partnership with other statutory or voluntary agencies.

3.2 As national policy looks towards “Total Place” it is hoped that the reliance on targets will reduce and there will be a strong focus on outcomes and community impact.

4. Testing Effectiveness

4.1 All projects have agreed outcomes with the targets monitoring the stepping stones of progress. A robust system of project management has been introduced within the Community Safety Unity that tailors and merges PRINCE2, LEANSIGMA and Systems Thinking to provide a paradigm to ensure effectiveness, value for money on ongoing learning and improvement.

5. Financial Implications

5.1 When reviewing the financial implications of crime to the Council in Brent it would be far too narrow to review the cost of the community safety unit alone.

5.2 As a hybrid team it:

- develops the multiagency strategy
- writes, coordinates, monitors, evaluates and helps deliver the strategy via the action plan

- acts as an enabling and advising agency to other agencies and all council departments
- bids for funding overwhelmingly in partnership with others

5.3 The Budget for the Community Safety Team is detailed below.

Budget	Amount	Source
Total Budget	£2,030,040.68	LBB and Grants
Grant Funding	£586,392.00	Home Office, Government Office for London, PCT, Transport for London, Borough Command Unit (Police) LAA, Metropolitan Police Authority
London Borough of Brent Core Budget	£1,153,392.00	LBB
Overall salary Budget	£785,479	LBB and Grants
Grant funded salaries	£477,133	Various agencies
Overall Project Budget	£1,244,561.68	LBB and Grants
Grant Funded Project Work	£109,259.00	Various agencies

5.4 For the last two years the Council have funded an additional 17 Police Community Support Officers, the cost of these is £330,000 per annum. Their work and effectiveness is tested via quarterly meetings between the Head of Community Safety and the Chief Inspector who leads the Safer Neighbourhood Teams.

5.5 The very broad brush estimate of other financial inputs from the London Borough of Brent to community safety is £8 million. This initial estimate was done in response to a Councillor's question and is made up of costs for:

- Remedial education
- Youth Work
- Youth Offending Team
- Licensing
- Planning
- Trading Standards

5.6 Further work, as to the costs and inputs around building safer and stronger communities is being carried out as part of the background to the "Total Place" initiative, and a report will be offered to the Committee as soon as possible.

6. Recommendations

That the committee note the report and receive the more detailed report in due course.

Contact: Genny Renard, Interim Head of Community Safety Team
 e-mail: genny.renard@brent.gov.uk



Performance and Finance Select Committee

9th December 2009

Report from the Director of Finance and Corporate Resources

For Information

Wards Affected:
ALL

Report Title: Options for Revenues and IT delivery from 2011

1.0 Summary

- 1.1 This report summarises the outcome of an options appraisal for the provision of Revenue and IT services, following the expiry of the existing Capita contract on 30 April 2011. The current contract includes the collection of revenues for council tax and NNDR and the provision and maintenance of IT systems specific to both Revenue and Benefits services.

2.0 Recommendations

- 2.1 Members are asked to note the outcomes of the options appraisal and the decision to retender the service as a result of this.

3.0 Background

- 3.1 The current contract for revenues and IT is due to expire at the beginning of May 2011. The contract which began in 2003 includes the collection of Council Tax from 109,000 domestic properties and NNDR from 8,000 businesses in the borough, along with the provision of IT for the Revenues and Benefits service.
- 3.2 The existing contract does not include the provision of front line customer services relating to Council Tax. This is currently provided through the Council's One Stop Service. The Capita contract does however incorporate responsibility for phone enquiries relating to Business Rates and a call overflow facility for Council Tax during times of peak demand, such as the period following main billing.
- 3.3 To help evaluate the most effective service provision arrangements for this service in the future an options appraisal has been completed. It was agreed at the September PFSC that an update of the outcome of this would be provided to members at a future committee.

It is further planned to submit a report to the Executive in January that will outline the recommendations and timescales for their implementation.

4.0 Options for future service delivery

4.1 Service Objectives

4.1.1 The main objectives for any future service provision arrangements will be to continue to improve Council Tax and NNDR collection whilst also seeking to improve efficiency and reduce collection costs. The options appraisal has taken account of these objectives as well as the potential risks, advantages and disadvantages of each.

4.1.2 There are three main options open to the Council to consider. These are

- Providing the service in house
- Shared service with another Council
- Retender of the contract with the same or a revised scope

The full options appraisal is attached to this report as Appendix A. The following paragraphs summarise the key findings from this.

4.1.3 The options appraisal includes the outcome of research into service delivery models in other Authorities and collection performance for each of these models. Research has also been undertaken to establish potential market interest in a Brent contract in the event that a competitive market tender was sought. The findings against these areas are provided later in this report.

4.2 Options Considered and Conclusions

4.2.1 In House Service

Consideration has been given to bringing the service back in house and the potential this would bring for improving collection and increasing the efficiency of the service. Initial analysis shows that an in house price for ongoing provision is likely to be 4.5% greater than that of the current contract, with additional costs incurred for set up. A return to in house provision would facilitate direct control of operational arrangements and could, as such, support improved collection. However there would also be a number of risks that would need to be managed in the event of a return to in house provision, these include

- The transition of the service, involving both the transfer of IT, TUPE of staff and assignment of leases etc
- Assimilation of TUPEd staff to Brent terms and conditions and restructure of staff to achieve this. The existing Capita structure would not meet the needs of an in house service.
- Recruitment of staff and managers and a review of resourcing across the various functional areas.
- Service development requirements, including IT system changes
- IT provision arrangements as these would be incorporated into the Council's ITU unit but would need detailed service level agreements to facilitate service continuity
- Training needs analysis of staff and induction into Brent
- Implementation of Brent performance management arrangements and service planning/ budgetary frameworks

4.2.2 Advantages of an In House Service

- The Council would have day to day management of the service which should improve the speed of making decisions and implementing change

- The ability to build more robust relationships with key departments may assist with information sharing, however this can be facilitated by the client team on the contractor's behalf.
- Client monitoring overheads would not be necessary
- The location of the service in Brent would support local employment (the majority of the Council Tax staff are based in Brent House with the exception of IT, NNDR and Valuation staff).

4.2.3 Risks and Disadvantages of an In House Service

- The estimated cost of this is unlikely to offer best value for money.
- Staffing costs are likely to increase because the Council's pension scheme incorporates higher employer contributions than most private sector pensions schemes.
- There would be risk of disruption to IT support which may arise during the transition or afterwards. It is likely that ITU would have to recruit resources to support Revenues and Benefits IT support as there is a very low likelihood of any expertise or resource transferring at the end of the contract. Given the Council's wider transformation programme and the critical role that ITU will play in supporting this, the transfer of Revenue and Benefit systems over the next 18 months may impact on their ability to prioritise this and will inevitably create capacity issues for them.
- The lack of recent in house operational management experience may impact on performance; it would be necessary to recruit NNDR and Valuation team staff as they are currently based in the Capita Bromley office and are unlikely to TUPE.
- There is a risk of the loss of service management and technical expertise as key staffing resources may not TUPE. This would also apply to the alternative contractor scenario, however in that case the new contractor would be responsible for managing the set up and the associated risks with this. It is also likely that another contractor would have a larger pool of experienced managers from which they could identify suitable expertise.
- The Council would bear the full risk of collection shortfalls and costs incurred

4.2.4 Summary

The transfer of staff leading to the harmonisation of terms and conditions along with pension and other HR related costs mean that this is unlikely to be the most cost effective solution. The potential for the loss of key management and specialist support resources for NNDR, IT and Valuation Team work would mean that it is necessary to recruit that resource for Brent as unlike another contractor, there is not a pool of experienced staff available that could be utilised to support the transfer and to oversee the service.

There is provision for penalties within the contract associated with loss of IT which assists in reducing the risk to the council and ensuring that any potential issues are dealt with quickly. The use of incentives and deductions within other areas of the contract provides for shared risk should collection targets not be met. This shared risk would not exist for in house arrangements.

A return to in house provision would involve some increase to cost and potentially increased risk to the Council at this stage. Although these risks could be managed and mitigated, the likely cost of in house provision makes this option less desirable.

4.3 Shared Services

The Council could consider a new service model for Revenues and IT, involving either a shared service with another Authority or shared procurement of a new contract. This option is a longer term option and would require the service to be brought back as an in house service initially, whilst shared arrangements were negotiated with a relevant partner. There is little experience of shared service in London, however those developed outside London between smaller district Councils have typically taken a protracted time to set up and become operational. As part of this review, senior Client staff in Brent met with their counterparts in Harrow and Lambeth to discuss any potential for future sharing of services or contracts. Lambeth was chosen as they plan to go out to tender at a similar time to Brent. Both Lambeth and Harrow use the same Revenue and Benefits IT system as Brent, which would be an essential element to any share service arrangement. Lambeth are currently reviewing the scope of the contract that they are likely to go to market with and at this point in time are unlikely to also consider shared services with another Authority. Harrow is currently exploring a joint managed service solution by Northgate (their IT software provider) for their IT provision with Croydon and another London borough however this is at a very early stage and would separate IT provision from service delivery. Findings from the benchmarking reports across London authorities show that some authorities would consider shared services in the future, but are unlikely to do so within the next 2 years.

4.3.1 Advantages of Shared Services

- There could be economies of scale in joint provision, with rationalisation of location, systems, management and staffing. This has not yet however been proven for larger London Authorities where experience of share service has not yet developed.

4.3.2 Risks and Disadvantages of Shared Services

- This option has not been proven as capable of delivering efficiency and improvement for Revenues services as there is little experience of this within London or larger Metropolitan Authorities. The most difficult part of forming a partnership or consortium is gaining the agreement of all the parties to the approaches and methods of working that should be adopted. Unless there are clear agreements about roles, decision-making, service location etc, there are potential conflicts. There is a real risk that time and resource could be expended on a long term project to achieve this, with implementation either being delayed or aborted because agreements cannot be reached.
- It is unlikely that another authority will be willing as part of a shared service agreement to take on shared risks in relation to collection and other service targets
- Where there is a need to reduce resource input, it may prove difficult to decide which Council should reduce it's staffing and how any resultant costs should be funded.
- Any efficiencies are unlikely to be realised until later in the partnership as the initial set up costs will need to be offset before savings are realised.
- There is a risk of performance declining during transition to new arrangements and the resulting costs arising from this to clear backlogs of work

4.3.3 Summary

There is little prospect of successfully negotiating a shared service agreement by early 2011 as the council does not already have a potential local authority partner with which it shares synergy of requirements and a history of good working relationships. Indeed the benchmarking across authorities has shown little interest from authorities to share services in the next two years. This timescale would bring us to the end of the contract and would mean that it is necessary to bring the service in house prior to embarking on shared service arrangements. Should this happen the uncertainty of future prospects is likely to greatly impact on the staff that would wish to transfer to Brent and subsequently to a shared service from the current contractor. There may therefore be risks to Council Tax collection performance as the service undergoes a number of changes and loses key personnel.

The success of a partnership approach of this type depends on the ability of the authorities to agree on service provision. There are no examples of shared service for London or Metropolitan boroughs in relation to Council Tax provision. Where this has been done it is with smaller district councils who, when merged, have a tax base that does not exceed that of a London borough.

One of the key risks with a shared service agreement is that a lack of clarity at the outset of the service can lead to problems later on. Also the loss of the sharing of risk could impact on the council's ability to ensure the best possible outcome is achieved if the council is not leading in the provision of the shared service.

4.4 Re-Tendering the Service

The Council could chose to retender the service to secure a competitive price for the future provision of the service. This would require an active supplier market and interest in tendering for the Brent contract. The contract with Capita has delivered improvements to both Council Tax and Business Rate collection and IT service provision has been very stable throughout the contract (apart from initial problems which arose during the transition of the service form EDS). Revenues and IT services can and have been provided successfully by a large number of Authorities and do lend themselves well to outsourced arrangements. As with all options open to the Council, retendering is not without risk and formal contractual arrangements can make it more difficult to make changes to service delivery quickly and flexibly. There are additional overheads for outsourced services arising from the need to manage and monitor the contract.

If the Revenues service is retendered then decisions will need to be made about the overall scope of the contract. The current contract does not incorporate responsibility for handling customer contacts and this can result in a disconnect between back office functions and front line service delivery. One Stop Service staff have been trained and empowered to resolve a range of Council Tax enquiries and this has facilitated resolution of queries at the first point of contact. However Customer Services provision is currently responsive and geared to dealing with customers on a one off basis and not maintaining ongoing contact. This means there is little capacity for outward bound calling and that enquiries can be dealt with in isolation to the overall management of arrears owed by the customer. Benchmarking across London authorities shows that authorities who have revenues staff dealing directly with customers enjoy a higher collection rate on average when compared with those who have corporate customer service staff dealing with customers. Improvements have been realised in the current contract but

concerns are that these are unlikely to be built on with the current separation of the revenues staff from customers. The model of the service in terms of customer handling and back office configurations will need to be resolved whatever option is decided upon. A review of the advantages and disadvantages of re-tendering the service are detailed below.

4.4.1 Advantages

- The exposure of the service to competitive pressure will facilitate value for money, provided that there is active market interest. The options appraisal evaluation included a soft market testing of a potential retender of the service and this found that there is sufficient market interest to support a competitive process.
- There are benefits that can be gained through outsourcing by having access to private sector expertise and investment. For established suppliers, there is the added benefit of experience of operating different models of delivery and change management.
- Outsourcing may offer scope for gaining economies of scale or discounts on purchases for example items such as printing etc.
- Outsourcing provides the opportunity to share risk on both price and service delivery and can reduce the impact of financial risk to the council. Although contractors price in some cover for risk, the competitive nature of the tender processes means that this has to be minimised to achieve a competitive price.
- Experience of outsourcing of Revenues and IT over the past 8 years has shown that this can deliver improvements and work well. There is potential to build on the improvements put in place during the current contract if the specification and scope of a new contract support that.
- The Council has an experienced Client Management Team

4.4.2 Risks and Disadvantages

- It is difficult to tightly specify all requirements for the life of a contract and in any event requirements will inevitably change. Contract variations can lead to price creep and protracted contract negotiations, depending on the overall framework of the contract and the Council's relations with the contractor. An open book accounting approach to the finances surrounding the contract can mitigate this and these arrangements have worked well during the Capita contract.
- Improvements need to be specified and costed at the outset of the contract but can be difficult to predict accurately when the scale of improvement isn't easily quantifiable.
- Suppliers may be sceptical about bidding for a contract where there is an existing supplier running the service. This is because they may feel any efficiencies in the service have already been realised or that the existing supplier holds an advantage in any tender process. The soft market testing carried out during the options appraisal, indicated that the Council's approach to any tender exercise and clarity about the objectives for retender (particularly interest in genuinely considering other options) would be key to securing competitive competition. Work currently being carried out reviewing existing end to end service delivery arrangements using Lean System thinking methodology, will also help to identify the scale for further efficiency, beyond the life of the Capita contract.
- The added overhead of client management arrangements
- The transfer of services to another supplier could increase the risk to service provision during the transfer window and early in any new contract

4.4.3 Summary

Comparisons in collection across London Boroughs between 2006-07 and 2008-09 show an average increase of 0.43% for authorities that have council tax collection in house and 0.69% for those that have collection with contractors. Notwithstanding this, it is fair to say that the scope for improvement will vary greatly between Authorities and will be directly affected by the demographics and past performance of the service. It is clear that it is possible to improve collection under both in house and outsourced arrangements. To establish the vehicle for future service provision we need to evaluate the potential value for money that can be offered by all options and the relative risk to the Council of each. Taking all of these factors into account, a retender of the existing service does seem to offer the most appropriate solution for the Council at this stage.

Careful specification will be key to any new contract to successfully meet the objectives of the council. Within the current contract a clear focus on improvements and the sharing of risk has assisted in ensuring that the council has seen improvements in revenues collection. However the scale of improvement is slowing down and indicates that the scope and specification of the current contract needs to be reviewed. An amended scope is also likely to provide increased reassurance to contractors of the potential for improvements and efficiencies within the contract lifetime.

A reviewed scope could include an increase or decrease in services provided within the contract. A potential to decrease the scope would be the removal of IT provision and maintenance from the contract, leaving revenues collection only. However this would impact on the ability of the council to hold the contractor responsible for shortfalls in collection should there be a link to IT performance,

If a decision was made to tender only IT, it is likely that the size of the contract will greatly reduce the number of contractors who would be interested in bidding as the value of the contract would be significantly reduced. IT provision needs to directly support the delivery of service objectives and this would be harder to achieve where the specification was wholly IT based and not directly linked to service provision.

An option has also been considered to increase the scope of the current contract to include other areas; this is likely to increase contractor interest as this could increase the scope for identifying efficiencies. The review of customer service provision for revenues referred to in Appendix A page 3 has meant that the inclusion of customer service in the contract is an area that has been considered in this review. Findings at this juncture are that it is likely that the inclusion of customer service provision by specialist revenues staff is likely to increase the opportunity for the revenues service to meet its objectives and to be attractive to suppliers.

5.0 Conclusion

A review of service performance across London boroughs has shown higher average collection rates for authorities who have contracted out the revenues collection service. The benchmarking has also shown higher average collection rates for those who have revenues staff dealing with customer service enquiries as opposed to customer service staff.

An in-house service is unlikely to be the most cost effective solution. The potential for the loss of key management and specialist support resources and the loss of shared risk mean this is not the preferred option for the future of the service.

There is little prospect of success for a shared service partnership within the timescales available. The council does not already have a potential local authority partner in mind and the benchmarking across authorities has shown little interest from authorities to share services in the next 2 years. As a result this is not the recommended option for the service.

Retendering the service is likely to prove to be the most cost effective option with the greatest likelihood for success if the specification includes some (or all) provision of customer service for revenues. The meetings with current contractors who provide revenues collection services to local authorities has shown that there is likely to be sufficient market interest to ensure that Brent is likely to be successful in securing a competitive procurement environment that provides value for money for Brent.

As a result the recommendation is that the contract is retendered. A review of duration and scope is recommended with further recommendations to consider increasing the scope so as to include the provision of customer service for Council Tax or reconfigure existing arrangements with the One Stop Service to make them more effective.

Any new specification should also include a revision of incentive and deduction schemes, targets for arrears and key service measurements. The recommended duration would be similar to the current contract which is 5 years plus an option for a further extension of 3 years.

6.0 Financial Implications

6.1 It is anticipated that the cost of the tender process for this contract will be funded from the service unit budget.

7.0 Legal Implications

7.1 This procurement is subject to the full application of the EU Regulations relating to procurement.

8.0 Diversity Implications

8.1 There are no diversity implications.

9.0 Staffing/Accommodation Implications (if appropriate)

9.1 This service is currently provided by external contractors and there are no implications for Council staff arising from retendering the contract.

Background Papers

Contact Officers

Margaret Read - Head of Revenues and Benefits

Paula Buckley - Head of Client

2011 - Options for Revenues and IT delivery

Background

The current contract for revenues and IT is due to expire on 30 April 2011. The contract which began in 2003 includes the collection of Council Tax from 109,000 domestic properties and NNDR from 8,000 businesses in the borough along with the provision and maintenance of IT for the Revenues and Benefits service.

This paper contains details of the current contract including scope alongside a review of performance. Also included is the outcome of benchmarking across London boroughs with a summary of those who have contracted out the service and those who deliver the service in house. Findings from the investigations into shared services and the potential contract market are also incorporated in the document.

Current Contract Scope

The scope of the current contract includes the administration and management of revenues collection for council tax and NNDR, along with the provision and maintenance of IT systems that support revenues collection and the administration of benefits.

The face to face and telephone enquiries for Council tax are dealt with by customer service staff within the One Stop Service and all written correspondence including emails is dealt with by Capita staff. The Capita contact does however incorporate responsibility for phone enquiries relating to Business Rates and a call overflow facility for Council Tax during times of peak demand, such as the period following main billing or when thresholds set for the issue of reminders and summons are met.

Until November 2008 all calls from customers were dealt with by customer service staff. In November 2008 a trial was undertaken where customers who had arrears across multiple years were transferred to Capita staff after speaking to a customer service officer, in order to discuss payment arrangements. This pilot was undertaken in order to evaluate whether or not it would provide an increased opportunity to reach a payment arrangement that was suitable to the council and the customer. Initial results from the trial in April 2009 showed that 85% of those who spoke to recovery staff agreed an arrangement for their arrears with 56% having arrears for more than 1 year.

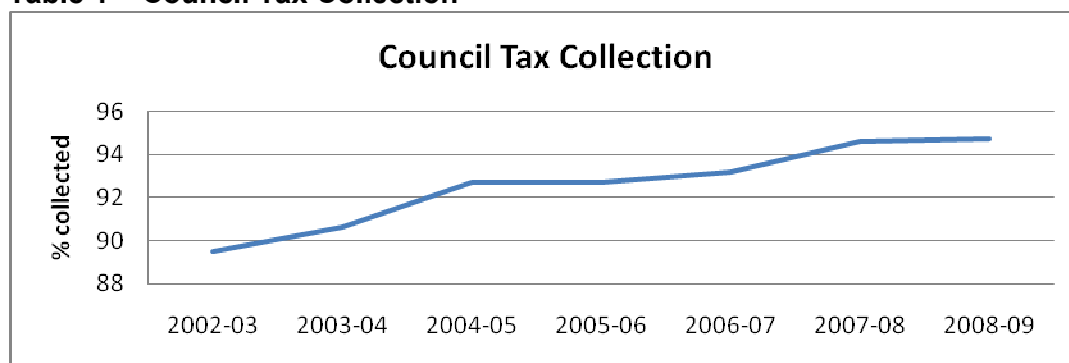
This increased to 91% agreeing an arrangement at the end of October 2009 of which 66% had debts for more than 1 year. As a result this trial has recently been expanded on 2nd November 2009 to allow customers who have arrears to speak directly to Capita recovery staff without the need to first speak to a customer service officer in order to agree payment arrangements. Initial findings from this trial have indicated that specialist recovery officers have an increased opportunity to make arrangements across a number of years and to monitor adherence to those arrangements. It is felt that this assists in increasing the likelihood of adherence to payment arrangements and as a result over time collection.

All customer service enquiries for NNDR are dealt with by staff within the Capita NNDR team.

Performance Current Contract

Between 2003 and 2009 we have generally seen year on year improvement in revenues collection which has resulted in improvements to Brent's position in the league tables when compared to other London boroughs.

Table 1 – Council Tax Collection

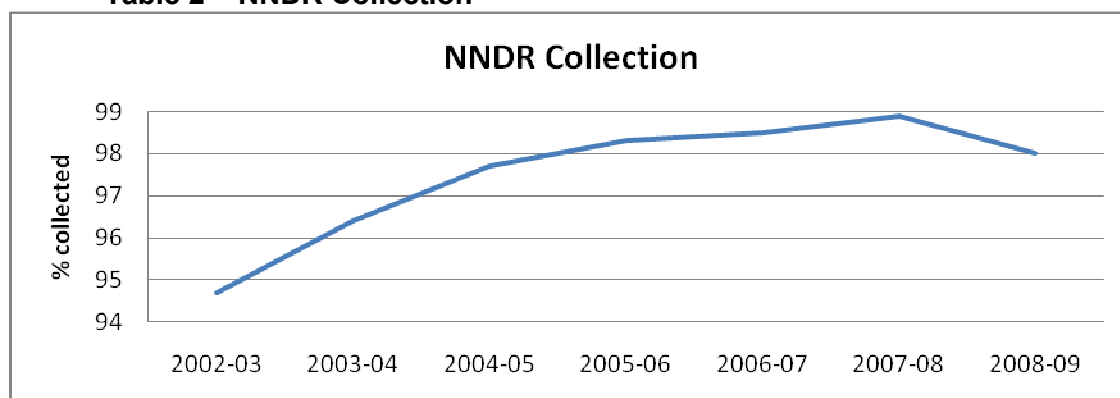


Council Tax collection (Table 1) rose by 5% between 2003 and 2009 and NNDR (National Non Domestic Rates) (Table 2) by 3% for the same period.

In 2003 Brent was 31 out of 33 London boroughs for Council Tax collection this has improved to 23 out of 33 in 2009.

NNDR collection was at 32 out of 33 across London in 2003 this has improved in 2009 to 15 out of 33.

Table 2 – NNDR Collection



The provision of IT has remained stable throughout the contract with the exception of issues experienced at the beginning of the contract which led to systems availability being severely affected for 2 weeks; this had a major impact on the service at the time.

Analysis of current methods of Service Delivery across other authorities

Revenues Delivery in other London Authorities

20 London boroughs provided information to support the benchmarking exercise that was undertaken to establish method and success of service delivery for Revenues collection.

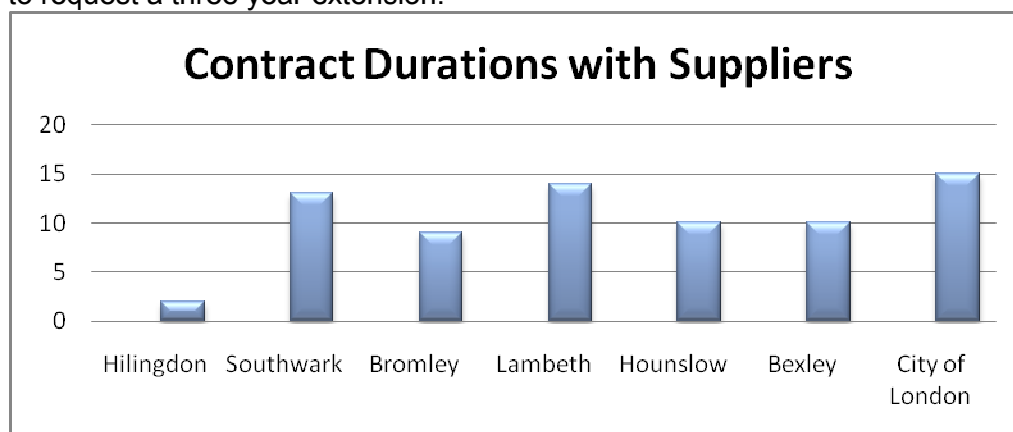
Appendix A – PFSC Committee – December 2009

12 of the 20 London boroughs who responded (60%) have a completely in-house Revenues & Benefit services. Unfortunately none of the respondents were asked why this option was chosen for their local authority or what they see as the benefits of this approach.

The remaining 8 local authorities who choose to contract out their service stated the reasons for contracting out were to try to achieve value for money and greater efficiency. Bexley, for example, considered bringing their service back in-house but a feasibility study conducted in 2005 advised against it. They stated re-tendering was the “only viable way to ensure a cost effective, value for money service”.

Seven of the eight local authorities that have chosen to contract out all or part of the Revenues services have included customer service for Revenues as part of the contracted out package. The remaining authority Hillingdon has not at the time of writing fully contracted out the revenues service; rather they have secured the services of a contractor to undertake some off-site processing of council tax and NNDR.

Of those who have contracted out their service, the contract duration varies. City of London has quite a long contract arrangement (1994 - 2005) and the contract was successfully retendered in 2005, Lambeth (1997 to 2011) and Southwark (1998 to 2011). City of London also has the option to extend this for another five years but have indicated that they are likely to request a three year extension.



The median contract length value across the 7 London authorities is 10 years.

Comparing collection performance for 2008-09 across the London authorities who responded to the benchmarking survey; council tax collection for authorities who have retained services in house at 95.2% is below the average for all London authorities (95.4%), with those who have contracted out the revenues collection is just above average at 95.5%.

Customer Service Delivery

21 London authorities responded to the benchmarking survey for customer service arrangements, of those 11 (52%) have revenues staff dealing with revenues customer service enquiries and 10 have corporate customer service staff dealing with enquires from revenues customers.

When comparing collection rates across the 21 authorities those who have revenues staff dealing with customer enquires notice higher average collection (95.41%) for 2008-09 when compared with the authorities who have customer service staff dealing with revenues enquires (95.24%).

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However it should be noted that the configuration of customer service teams differs between authority, particularly in the use of generic and specialist officers and their roles in face to face and telephone contact.

Shared Services across London

Included in the benchmarking across authorities was a review of shared service across London revenues departments. Responses indicate there is more of an interest than an appetite for shared services amongst respondents. Two Local Authorities are currently sharing services:

Local Authority	Nature of Shared Service
Barking & Dagenham and Havering	Shared NNDR (Business Rates) collection service.

Barking & Dagenham have seen a fall in NNDR collection for 2008/09 which has been attributed to the changes in empty rate legislation. However it should be noted that the changes to empty rate legislation impacted on all authorities with the average drop in collection across London at 1.25% (Brent 1.1%) for 2008/09 compared to 2.2% for Havering and 3.2% for Barking.

Three Authorities detailed below have entered into discussions/negotiations for shared services but subsequently decided not to proceed further for various reasons; details are contained in the table below.

Local Authority	Reason for Breakdown
Authority 1	<p>Looked at tendering for a new shared system with another London authority. Authority 1 say it did not happen as there were too many variables to agree on:</p> <ul style="list-style-type: none"> *what to include/ exclude in system *what each LA needed. <p>Plus there were tight timescales and both felt it was too risky to tender together.</p>
Authority 2	<p>Authority 2, along with another 2 London authorities looked into sharing NNDR services.</p> <p>Authority 2 pulled out and they felt that there didn't seem to be any savings to be made from sharing services with other Local Authorities, the remaining 2 London authorities have not yet entered into a shared service agreement</p>
Authority 3	<p>Authority 3 approached by another authority to share NNDR collection. This did not progress as Authority 3 did not wish to migrate to the other authority's IT system, which they believed was not as effective as the one used by Authority 3.</p>

Appendix A – PFSC Committee – December 2009

A number of Authorities have discussed the options internally/ researched shared services but have not yet taken it any further. 53% would consider shared services at some point in the future (most cite around two years time).

Key Shared Service issues identified in benchmarking:

1. It is not easy to enter into successful shared service arrangements – particularly ensuring risk is evenly spread, and benefits between authorities are aligned.
2. It is important to be specific about benefits and areas that are to be shared and to have measurable outcomes of success.
3. There appears to be little appetite for shared revenues and benefits service in the immediate future within London.
4. The agreement of governance arrangements

Contract Market Analysis

Between March and October 2009, meetings have taken place with 7 contractors to establish the extent of current competition in the market place and potential interest in a Brent contract, particularly as Lambeth and Bromley are also likely to be retendering their services in 2010. The companies we have met with are Capita, Liberata, Vertex, Mouchel, Avato, Fujitsu and Northgate.

Key points from the meetings so far have been contract scope and duration, with those met indicating if scope and duration were correct they would be interested in bidding for any future contract. In relation to duration of the 7 contractors met, 4 provided details of their preferred duration giving timescales between 7-10 years for their preferred duration followed by an option for extension. 2 of the remaining 3 stated that duration would be dependent on the investment required by the contractor at the outset of the contract. The remaining supplier does not currently have a complete revenues contract.

Of the 6 contractors who currently have revenues contracts, when met they indicated that they would be interested in a larger contract, 5 agreed they were likely to bid for a contract with the current scope with 1 stating that they would not bid in those circumstances. Of the 5 who indicated they would be interested in a contract with the current scope, 1 stated if the same package was to be retendered, suppliers may perceive that many of the efficiencies that could be achieved from the contract would already have been obtained by EDS and Capita.

Areas that suppliers stated they would view favourably in a future contract included:

- Customer Service
- Corporate Debt
- Council wide IT and Desktop Support
- Accounts payable and receivable
- HR transactions and Payroll
- Property
- Procurement

Having met with these suppliers it is evident that there is interest in a contract with Brent, subject to other contracts that may be tendered at the same time. Indications from the

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responses received are that should we decide to tender a contract it is likely that the tender process will be sufficiently competitive to secure value for money for the council.

Summary

The current contract has been successful in meeting the objectives that were in place at the beginning and during the life of the contract. Brent has successfully increased council tax and NNDR collection during the life of the contract. In order to build on those improvements it is necessary to review the objectives and whether the current contract specification meets those.


Comparisons in collection across London Boroughs between 2006-07 and 2008-09 show an average increase of 0.43% for authorities that have council tax collection in house and 0.69% for those that have collection with contractors.

A review of service performance across London boroughs has shown higher average collection rates for authorities who have contracted out the revenues collection service. The benchmarking has also shown higher average collection rates for those who have revenues staff dealing with customer service enquiries as opposed to customer service staff.

An in-house service is unlikely to be the most cost effective solution. The potential for the loss of key management and specialist support resources and the loss of shared risk mean this is not the preferred option for the future of the service.

There is little prospect of success for a shared service partnership within the timescales available. The council does not already have a potential local authority partner in mind and the benchmarking across authorities has shown little interest from authorities to share services in the next 2 years. As a result this is not the recommended option for the service.

Retendering the service is likely to prove to be the most cost effective option with the greatest likelihood for success. This option is more likely to build on the work that has already been done to improve collection and to cost effectively assist in the continuation of that trend. The meetings with current contractors who provide revenues collection services to local authorities has shown that there is likely to be sufficient market interest to ensure that Brent is likely to be successful in securing a competitive procurement environment that provides value for money for Brent.

	Performance & Finance Select Committee 9 December 2009 Report from the Director of Policy and Regeneration
For Information	Wards Affected: ALL
Report Title: Annual Complaints Report 2008/09	

Forward Plan Ref: PRU – 0910 - 02

1.0 Summary

- 1.1 This report provides information about complaints against Brent Council considered by the Local Government Ombudsman; comments on the Council's performance under our own performance; and reports on developments in the Council's complaint handling. The annual reports on the operation of the statutory social care complaints process are presented with this report to give Members 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 contained in the attached report and appendices. The key points are:
- Complaints made to the Local Government Ombudsman were at the lowest for many years. No formal reports were issued. The local settlement rate was very low and the Ombudsman commented positively on the quality and timeliness of the Council's responses to his enquiries, and on the way the Council deals with complaints generally
 - Complaints made under the Council's procedure also fell but improvements are still needed in compliance with corporate targets and service standards. This was also highlighted in the internal audit of the process. Increasingly the emphasis needs to be on resolving complaints and providing appropriate redress at the earliest opportunity.

4.0 Financial Implications

- 4.1 The complaints process remains a relatively quick, cheap and effective way of resolving grievances, avoiding time-consuming investigations by the Local Government Ombudsman or court proceedings with their attendant high costs. However, dealing with complaints is expensive in staff salary costs, and as many complaints as possible need to be resolved at the first opportunity. The council could save about £200,000 a year in staff costs alone if all service areas were to meet the corporate targets for escalation between the three stages of the complaints procedure.

5.0 Legal Implications

- 5.1 There are no legal implications arising from this report. The Council has taken all necessary steps to adapt its processes to reflect the changes in the Local Government Ombudsman's jurisdiction.

6.0 Diversity Implications

- 6.1 The Council's complaints procedure covers all spheres of Council's service delivery and is available to everyone who lives in, works in or visits the Borough and all service users. It is important that people know about and are confident about using the complaints procedure. So the Council needs to tailor the service to make it easily accessible to all, and to ensure that no section of the community is excluded from using the procedure or discriminated against unfairly

7.0 Staffing Implications

- 7.1 To implement all the recommendations arising from the internal audit of the corporate complaints process has implications for the resources dedicated to dealing with complaints.

Background Papers

Local Government Ombudsman's Annual Review 2008/09

Contact Officers

Susan Riddle, corporate complaints manager
Email: susan.riddle@brent.gov.uk Direct line: 020 8937 1041

Phil Newby
Director of Policy and Regeneration

Annual report of the corporate complaints manager

This is the tenth annual report on the operation of the Council's corporate complaints procedure.

The complaint managers for Children's and Community Care services are required to report on complaints made under the statutory social care procedures. Their reports are appended to this report with appendix A, being Children & Families and appendix B Community Care. These reports will give Members a comprehensive overview of complaints made about the Council.

1. Complaints made to the Local Government Ombudsman

- 1.1 As from 1 April 2008, the Local Government Ombudsman service changed its way of working by the creation of a central Advice Team which is the single point of contact for all enquiries and new complaints. This followed a change in legislation which now allows the LGO to accept complaints made by telephone, as well as written and emailed complaints.
- 1.2 Direct comparison with previous years' figures is difficult because of the LGO's new way of working. In 2008/09 the LGO Advice Team received 151 enquiries about Brent. Of these, 68 were passed to the LGO Investigation Team to consider. Of the remaining cases, some were referred to the Council as 'premature complaints' to consider under our complaints process. In 43 cases the LGO gave advice. The LGO does not give councils details of these callers, so we do not know whether those people subsequently used the Council's complaints procedures.
- 1.3 The LGO made decisions on 77 complaints against Brent Council in 2008/09. This is the lowest number for many years. Once again, the LGO did not issue any formal reports against the Council. The following table shows the distribution of complaint outcomes.

Local settlement Decisions by letter discontinuing investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant	9
No maladministration Decisions by letter discontinuing investigation because the LGO has found no, or insufficient, evidence of maladministration	25
Ombudsman's discretion Decisions by letter discontinuing an investigation in which the LGO exercises discretion not to pursue the complaint, typically because there is no, or insufficient, injustice to warrant pursuing the matter further.	32
Outside jurisdiction Cases which were outside the LGO's jurisdiction	11
Total	77

- 1.4 The 9 complaints which resulted in local settlements represented just 14% of the complaints the LGO decided and which were within jurisdiction. Nationally the average local settlement rate was 27.4%. Of the remaining 68 complaints, no fewer than 55 of the complaints considered by the LGO had already been considered by the Council under all three stages of our complaints procedure, and the LGO found no reason to question the Council's judgement. This underlines the importance of good complaint

handling in achieving positive outcomes both for individuals and in terms of the LGO's assessment.

1.5 Two of the local settlements involved housing applicants who went to live in another local authority's area and were then categorised as 'out of borough' applicants. In both cases there was muddle and confusion about the applicants' status and they were given misleading information about the chances of being rehoused in Brent. Compensation of £650 was paid in one case, and £1,000 in the other. Two local settlements involved Brent Housing Partnership. One resulted from BHP's delay in dealing with a leak through a window. £375 compensation was paid in addition to the £450 already paid under BHP's internal complaint process. The other concerned a complex complaint from a group of leaseholders about service charges for many properties on an estate. BHP agreed to credit a total of £1,200 to four leaseholders, and £20 to about 20 others. One complaint about the Benefits service resulted in the Council agreeing to pay benefit to a commercial landlord whose tenant had been more than eight weeks in arrears, after the Benefits Service had failed to do so. Two complaints about Council Tax arrears and recovery which resulted in local settlements involved tax payers who could be regarded as vulnerable. The LGO found that the Revenues Service had failed to have sufficient regard to the anti-poverty strategy in deciding what would be an appropriate form of debt recovery. Two local settlements related to the planning enforcement service and their failure to keep aggrieved neighbours informed of what was happening. Compensation payments of £750 and £250 respectively were made.

1.6 The following table shows the outcomes of the complaints considered by the Ombudsman and their distribution across Council departments.

	Central	C&F	E&C	H&CC			BRBS
				BHP	H&CS	CC	
Local settlement	0	0	2	2	2	0	3
No maladministration	0	0	6	4	8	1	6
Ombudsman's discretion	1	3	8	8	8	1	8
Outside Jurisdiction	2	0	2	1	1	0	4
Total 2008/09	3	3	18	15	19	2	21

NB The figures differ slightly from the LGO's figures as some complaints considered by the LGO spanned more than one council department

1.7 As in previous years complaints about the Council's housing services and Brent Housing Partnership make up the greatest proportion of the complaints decided by the LGO – about 42% - followed by complaints about the Revenues and Benefits service (26%), and Environment and Culture (22%). This profile is very different from that of complaints made nationally to the LGO where environmental matters make up the largest proportion (29%), followed by housing (22%) and housing benefit and council tax accounts (10%). This difference no doubt reflects the demographic make up of the borough, and the problems facing its residents.

Local Government Ombudsman's Annual Review

1.8 This is the seventh year that the LGO has written to local authorities to give his appraisal of the complaints he has dealt with over the year, and on the way the Council deals with complaints generally. The format has changed slightly from previous years and is now

called the Annual Review. The full text can be found on the Council's website at www.brent.gov.uk/complain.nsf or on the LGO's website www.lgo.org.uk. The Annual Review report forms part of the Council's Comprehensive Area Agreement.

- 1.9 Continuing the pattern of previous years, the Ombudsman gives positive feedback on the way Brent Council deals with complaints made to his office and under our own procedure. The Council's average response time to the LGO's enquiries was 23 days, well within the LGO's target of 28 days. The LGO commented positively on both the timeliness and the high quality of the responses, as well as the low rate (14%) of local settlements.

Comparison with other councils

- 1.10 Brent Council was joint 17th among London councils for the raw number of complaints decided by the LGO. However only three councils achieved a lower local settlement rate and only six achieved a shorter average written response time although all but one of those councils had higher rates of local settlements. Overall, only Richmond-upon-Thames had both a lower local settlement rate and a quicker average response time than Brent.

2. Complaints considered under the Council's procedure

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

Service Area:	Stage 1		Stage 2		Stage 3		Total	
	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08
Housing & Customer Services	391	401	87	92	30	29	508	522
Community Care	177	168	16	15	3	3	196	186
BHP	805	769	180	146	43	65	1028	980
Revenues & Benefits	487	686	82	142	32	40	601	868
Environment & Culture	*664	843	93	108	37	37	794	988
Children & Families*	*150	120	22	22	6	7	178	149
Central services	0	4	0	1	0	2	0	7
Total	2674	2991	480	526	151	181	3305	3699

*changes partially as a result of BACES transfer from Environment & Culture to Children & Families in October 2008

- 2.2 For the second year, the overall number of complaints received at the first stage of the complaints procedure has fallen, this year by 10%. The most significant fall in complaints at Stage 1 has been those about the Revenues and Benefits service, which have fallen by 29% from 2007/08, and by 55% since 2006/07.
- 2.3 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 this target. As in previous years, only the Revenues and Benefits service met the target at both Stages 1 and 2. Performance in other service areas varies considerably among units and some perform poorly. This is a critical area for improvement.

	Stage 1 Within 15 working days		Stage 2 Within 20 working Days		Stage 3 Within 30 working days	
	2008/09	2007/08	2008/09	2007/08	2008/09	2007/08
Housing & Customer Services	80	83	68	73		40
Community Care	63	62	50	67		50
BHP	88	86	68	71		50
Revenues and Benefits	94	96	96	95		60
Environment & Culture	79	76	71	65		73
Children & Families	62	54	75	55		
All	78	76	71	71	50	55

2.4 The following table shows the percentage of complaints escalating through the three stages of the Council's procedure.

		% complaints escalating from Stage 1 to Stage 2 Target: 20%	% complaints escalating from Stage 2 to Stage3 Target 20%
Housing & Customer Services	2008/09	22	33
	2007/08	23	32
Community Care	2008/09	9	19
	2007/08	9	20
BHP	2008/09	22	24
	2007/08	19	45
Revenues & Benefits	2008/09	15	39
	2007/08	21	28
Environment & Culture	2008/09	14	40
	2007/08	13	34
Children & Families	2008/09	15	27
	2007/08	18	32

Only the Community Care service met the target at both stages. It is clearly in the interests of complainant and Council alike for complaints to be resolved at the earliest opportunity. The staff costs involved in dealing with complaints could be reduced considerably if complaints were dealt with comprehensively at the first stage of the process. To address this, the target for escalation between Stages 1 and 2 has been reduced to 15% as from 1 April 2009

2.5 The next table shows the percentage of complaints upheld either fully or in part at each stage of the complaints process. Ideally more justified complaints should be upheld at the first stage, rather than complainants having to escalate their concerns. A worryingly high percentage of complaints are still being upheld to some degree at the third stage, although there has been improvement in all areas except Housing and Customer Services. Interestingly, although 40% of complaints dealt with at Stage 3 by Environment and Culture were pursued to Stage 3, only 24% were found then to be justified. This seems to reflect some strongly held dissatisfaction with the merits of some decisions, for example around Controlled Parking Zones or planning decisions.

	Stage 1		Stage 2		Stage 3	
	2008/09	2007/08	2008/09	2007/08	2008/09	2007/08
Housing & Customer Services	32	25	24	34	46	43
Community Care	49	51	60	60	0	60
BHP	68	66	43	72	39	57
Revenues and Benefits	42	46	37.5	55	42	60
Environment & Culture	47	46	37	43	24	34
Children & Families	59	56	75	50	33	33

2.6 The final table shows the amount of compensation paid at each stage of the complaints procedure. Overall, compensation has reduced by 21% since last year. Given the very small sums of compensation recommended by the LGO, it would seem that the Council is providing remedies which reflect what the LGO would consider appropriate. In terms of providing early redress for customers, it is important that compensation, where appropriate, is paid as early as possible. But in many cases more compensation is paid at stage 2 than at stage 1. This suggests that service areas are not resolving complaints at the earliest opportunity. We have therefore introduced a target as from 1 April 2009 that 60% of all compensation should be paid at Stage 1. In 2008/09 the figure across all services was 48%. In Housing and Customer Services it was 12%, and in Environment and Culture only 8%, whereas Brent Housing Partnership paid 58% of compensation at Stage 1.

		Stage 1	Stage 2	Stage 3	LGO	Total
Housing & Customer Services	2008/09	1,567.00	6,445.00	3,068.00	1,650.00	12,730.00
	2007/08	6,940.00	4,615.00	4,930.00	950.00	17,435.00
Community Care	2008/09	13,458.00	3,050.00	0	0	16,508.00
	2007/08	9,665.00	6,575.00	1,150.00	250.00	17,640.00
BHP	2008/09	32,058.00	20,666.00	4,455.00	375.00	57,554.00
	2007/08	35,607.00	18,638.00	17,779.95	820.00	72,844.95
Revenues & Benefits	2008/09	6,600.00	9,916.00	1,125.00	0	17,641.00
	2007/08	8,721.55	8,861.78	6,985.10	1841.25	26,409.68
Environment & Culture	2008/09	505.00	2,792.00	1,475.00	1,000.00	5797.00
	2007/08	115.00	1,730.00	730.00	150.00	2,725.00
Children & Families	2008/09	525.00	350.00	1,000.00	0.00	1,857.00
	2007/08	110.00	1,550.00	3,000.00	1,125.00	5,785.00
Other	2008/09	0	0	500.00	0	500.00
	2007/08	0	0	130.00	0	130.00
Total All services	2008/09	54,173.00	43,219.00	11,623.00	3,025.00	112,587.00
	2007/08	61,158.55	41,969.78	34,705.05	5,136.25	142,969.43

3. Developments in complaints handling

Developments in the Local Government Ombudsman service

- 3.1 Part 10 of the Local Government and Public Involvement in Health Act 2007 introduced a number of changes to the LGO's jurisdiction which applied as from 1 April 2008. One key change is that the LGO can now accept complaints made other than in writing, so the service can now accept complaints made by telephone, email or text.

- 3.2 The LGO can now prepare a public 'statement of reasons' instead of issuing a formal report. The LGO is currently consulting local authorities about the format of such statements, which are expected to be introduced as from the autumn of 2009 on a pilot basis, and from 2010 generally.
- 3.3 The Act also confirms that where a local authority carries out a function entirely or partly through an arrangement with another person, the action taken by the other person shall be treated as action taken on behalf of the authority. This confirms the LGO's long-standing view that where a council provides a function through a contract or partnership with another body (be it public, private or third sector) accountability rests with the local authority. It is important that all council contracts and service agreements contain clear arrangements for dealing with any complaints that arise. Officers from the corporate complaints team and Legal Services are developing a set of model clauses which can be included in all new service agreements.
- 3.4 The Apprenticeships, Skills, Learning and Children Bill contains proposals to give the LGO new powers to investigate complaints about the internal management of schools. Officers responded to a consultation exercise, but no date has been set for this significant widening of the LGO's powers.
- 3.5 The Health and Social Care Bill contains provisions to allow the LGO to investigate complaints from people who self-fund their social care. Again, no date had been set for this.
- 3.6 The LGO has issued revised good practice guidance on Running a Complaints System. We will consider this to ensure that the Council's complaints handling reflects the LGO's expectations.

Learning and development

- 3.7 The corporate complaints team continues to deliver training across the council under the corporate learning and development programme. In 2008/09 training was provided to about 200 staff on effective complaint handling and dealing with LGO enquiries. In addition Investigators from the LGO service delivered two training sessions at a more basic, introductory level for front line customer service staff. In addition, a member of the corporate complaints team attends every corporate induction event to emphasise to all new joiners the importance Brent Council attaches to complaints. Whilst the feedback from people attending all these events has been extremely positive, it is difficult to assess the effectiveness of the training. However the fact that complaint numbers appear to be falling is perhaps an indication that the training provided has a positive effect.

Learning from complaints

- 3.8 Complaints continue to provide valuable insights into services which need improving or procedures that need revision. Two examples from this year's casework are the need for clear procedures to deal with disrepair in temporary accommodation, and the need for a coordinated response to an increasing of complaints about problems of nuisance and anti-social behaviour arising from Houses in Multiple Occupation.

Corporate complaints database

- 3.9 Work has continued to configure and roll out iCasework as the council's corporate database. However user acceptance in January 2009 revealed ongoing problems with the workflow and, more especially, with the reporting capabilities. The software company have undertaken a gap analysis and officers are continuing to work with them to ensure that the system is fully fit for purpose. In the meanwhile the Respond software package continues to be used as the recording and reporting tool for 70% of complaints.

Customer satisfaction

- 3.10 A satisfaction survey was conducted of all complainants whose Stage 1 complaints were dealt with between October and December 2008 and which had not progressed to the next stage. 60 completed survey forms were returned. Despite the small number, the feedback has provided useful insight into complainants' views and preferences which will help shape the way complaints are dealt with in future.
- 3.11 Encouragingly, three quarters of complainants experienced no difficulty in making their complaint. (This is at odds with the results of the 2008/08 Brent Place Survey which showed that 60% of those surveyed felt ill-informed about how to complain about public services.) Overwhelmingly, complaints were made in writing (66%), or by telephone (28%). Only 16% of those surveyed has made their complaint on line or by email. The number of complainants choosing to telephone reflects the importance they attach (evidenced in other surveys and reflecting national trends) to discussing their complaint directly and feeling personally involved in the process. 47% of respondents were unhappy with the extent to which they had been involved in the complaint process.
- 3.12 Worryingly, 16% of respondents said that they had not received an acknowledgement of their complaint, and 40% said they were not told the name of the person who would be dealing with their complaint. This reflects the finding of the internal audit of the complaints process that acknowledgements had not been sent in over a third of cases in the sample. In addition, 22% said they had not been told how to pursue their complaint to the next stage.
- 3.13 More positively, only 18% of respondents were unhappy with officers' politeness and helpfulness and, only 20% were dissatisfied with the clarity of response letters. Overall, 37% of respondents were satisfied or very satisfied with the outcome of their stage 1 complaint. This figure is comparable to other public sector organisations.

Equality and diversity

- 3.14 In order to understand which groups of people use the complaints process, and which might have difficulty accessing it, we attempt to collect information across the six equality strands. In practice this is difficult because many people do not provide it when they make a complaint and cross referencing them against the records held by service areas is extremely time-consuming. We will be working to improve our data collection rates.
- 3.15 In the meanwhile the data collected by Brent Housing Partnership and through the satisfaction survey provides a helpful picture of who complains. 61% of BHP complainants were female, and 36% male (the remainder were either 'unknown' or complaints made by more than one person). In the survey, respondents were equally

divided between male and female. Only 16% of BHP complainants provided information about their ethnic background. 23% described themselves as being black; 22% as white and 9% as Asian. The corresponding figures from the satisfaction survey were 27% black, 30% white and 17% Asian. This limited analysis indicates broad comparability with the 2001 census data, other than for the Asian community who appear to be underrepresented. 24.5% of BHP complainants and 17% of those completing the satisfaction survey said that they have some form of disability.

- 3.16 We continue to publicise the complaints service as widely as possible, particularly to advice and other community organisations that might assist people to make complaints. In future, we will use information from the new Brent Evidence Base to identify areas of the borough where we need to target outreach initiatives.
- 3.17 During the year, we have run service desks at a number of service user forums. I met representatives of Brent Community Law Centre with the complaints manager for housing services.
- 3.18 We set up a Community Complaints Circle, aimed at drawing together representatives of as many local community groups as possible. We invited over 90 organisations and held two meetings, in April and November 2008. The attendance at the second was very poor, which was very disappointing, especially as it was organised jointly with the LGO. On balance it does not appear cost-effective to continue to hold meetings of the Circle, although we will continue to contact the organisations with information and during consultation exercises.

Partnership complaints

- 3.19 Continuing the work begun in 2007/08, the Local Strategic Partnership Board in February 2009 adopted a complaints procedure for complaints about decisions taken by the Board, and a set of general protocols covering complaints spanning a number of the partner organisations.
- 3.20 In conjunction with the Borough Solicitor I am working on a set of model terms and conditions and service specifications for complaints handling to be included in all contracts and service level agreements which will provide a clear and consistent framework for complaints about services delivered through partnerships.

Early redress

- 3.21 Following the Government White Paper *Communities in control: Real People, Real Power*, CLG set up a Redress Review Team to consider how to extend early redress for citizens where council services fail to meet agreed standards, and the wider issues of how to put customers at the heart of local service delivery. We contributed to the review, and one of the review team spent a day in Brent, including time with the One Stop Service.
- 3.22 Arising from the review, in June 2009, CLG issued *Getting it Right and Righting the Wrongs*, the aim of which is to provide practical support for local authorities to take forward the three main drivers of customers' experience – the service and remedy pledge, the importance of the front line, and customer-focused partnerships – and to provide practical tools to help councils improve local services and remedy arrangements, and to make best practice common practice.

3.23 We will take account of the advice in the forthcoming review of the complaints policy. Providing adequate remedies at the earliest opportunity has always been at the heart of the council's complaints process and continues to be emphasised in all training. But we need a sharpened focus on this in order to increase customer satisfaction and to avoid unnecessary resources being devoted to complaints which ought to have been resolved very early on in the complaint process.

Internal audit of the corporate complaints process

3.24 As part of the 2009/2010 Internal Audit Plan, Deloitte have undertaken an internal audit of the systems of control in place around complaints handling. The scope was to look at five key areas - awareness of the complaints procedure, receipt and logging of complaints, processing of complaints, compensation and refunds, and monitoring and reporting.

3.25 The fieldwork took place in May 2009, looking at complaints received and/or dealt with in 2008/2009, and a draft report was issued in July. In due course the report will be finalised and submitted to the Audit Committee.

3.26 The audit revealed a number of areas where service areas have inadequate controls in place. These have led to inconsistent compliance across all service areas with agreed standards for dealing with complaints, inadequate quality assurance of stage 1 responses, inconsistent and tardy reporting of complaints performance information, and no regular gathering of feedback from complainants.

3.27 The audit report contains a number of recommendations which are set out in the appendix C to this report. I am drawing up an action plan to address these recommendations but many of them need the corporate management team to accept the need to dedicate resources to complaint management in all departments, and/or a radical overhaul of the way the council deals with complaints.

Priorities for 2009/2010

- 3.28 The priorities for 2009/2010 are
- To put measures in place to improve compliance with the corporate targets and service standards
 - To develop arrangements for dealing with complaints about services delivered through partnerships
 - To take action to address the areas of concern highlighted by the internal audit
 - To review the Council's corporate complaints policy

Susan Riddle
Corporate complaints manager

**HOUSING & COMMUNITY CARE
COMMUNITY CARE COMPLAINTS
ANNUAL REPORT 2008/2009**

<u>Section</u>	<u>Contents</u>
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3	Stage 1 Complaints
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5	Stage 3 Complaints
6	Ombudsman Complaints & Enquiries
7	Learning the Lessons/Practice Improvements
8	Compensation Payments
1.	CONTEXT / OVERVIEW AND GENERAL INFORMATION
1.1	This report provides information on complaints made about Adult Social Care Services during the period 1.4.08 -31.3.09 under: <ul style="list-style-type: none"> • the Health and Social Care (Community Health and Standards) Act 2003 and the Local Authority Social Services Complaints (England) Regulations 2006 • the Council's corporate complaints procedure.
1.2	There is a statutory requirement placed on the local authority to produce an annual report relating to the exercise of its functions under the Regulations.
1.3	We aim to provide a sensitive, customer-focused service for representations and complaints and to provide help and advice to people who may wish to make a complaint so that they understand the options available for resolution; within the complaints procedure or through alternative routes of remedy and redress.
1.4	The Department has a Designated Complaints Manager for Community Care Services whose responsibilities include: assisting in the coordination of the consideration of complaints under the Regulations; promoting local resolution and providing guidance, advice and support to managers and staff; monitoring complaint handling arrangements; managing, developing, resourcing and administering the complaints procedure; overseeing the receipt and investigation of complaints at stage 2; appointing external investigators, Review Panellists and Independent Persons as appropriate; maintaining complaint records; and compiling the annual report.

In addition, the department's complaints section consists of a Complaints

Manager, Housing Services, and two Complaints & Representations Officers, one reporting to each of the Complaint Managers. The complaints staff are all based on the 6th floor at Mahatma Gandhi House and aim to provide an integrated departmental complaints service. Details of complaints about Housing Services are detailed in the Corporate Annual Report on Complaints.

- 1.5 We aim to ensure that we provide appropriate, accessible and high quality services. However we are aware that we do not always get things right and it is important that we acknowledge this and learn from complaints, identifying the action we need to take to improve services in the future. We accept a person's right to complain and when complaints are received we encourage staff to be open and honest, calm and polite; to consider what the complainant says; to acknowledge the complainant's point of view and to have an 'open mind'. Complaints from the people who use our services, their carers and others in the local community should be regarded as an indicator of areas where we need to examine how services are delivered. Complaints provide the Council with valuable information that can be used to improve services, enhance service user's experiences, reduce the anxieties of individuals, their families and carers and prevent further problems and complaints. When we fail to correct a service failure or mistake and do not provide an adequate remedy for the complainant we run the risk of the same thing happening again and an escalation of the person's dissatisfaction. Constructive responses to complaints help to provide high quality services and more responsive service to our diverse community.
- 1.6 There are three stages to the complaints procedure. These being:
- Stage 1 - local resolution
 - Stage 2 - investigation
 - Stage 3 - review
- 1.7 We aim to resolve issues and concerns before they become complaints and resolve as many complaints as possible at the first stage of the complaints process within the service area concerned. Stage 1 of the complaints procedure is primarily a problem solving and local resolution stage and an opportunity for local managers to remedy any service failures that have occurred, to inform and to maintain and develop goodwill between the Council and the complainant. When responding to complaints, managers are required to provide an explanation of what has happened and why and an explanation as to how a justified complaint will be remedied. It is the Council's policy to give an apology if the Council is found to be at fault. Where maladministration and injustice has occurred, a compensation payment can be made.

The Council's aim is to get complaints right at the earliest stage possible. Complaints escalating to the subsequent stages of the complaints procedure can indicate that this is not always the case, and that complaint responses at the early stages may be either inadequate or not sufficiently open and transparent when things have gone wrong. Investigating and reviewing complaints at Stages 2 and 3 is expensive in terms of officer time as well as costs involved in commissioning external investigators and panel members. Also increasing amounts of compensation may be paid at subsequent stages of the procedure when service failures have occurred and injustice has been suffered. Responding in a positive and timely way at the outset saves money in the long run, significantly enhances the Council's reputation with its customers and reduces anxiety for those involved.

- 1.8 Where complaints are seen as being justified, putting things right sometimes relates to an individual case and on some occasions indicates a need for a general improvement or development in respect of the service. It is important that we learn the lessons from complaints, using the information to review practice, put things right if they have gone wrong and to stop mistakes happening again.
- 1.9 External Service Providers regulated under the Care Standards Act by the Commission for Social Care Inspection (Care Quality Commission from 1.4.09) are required by law to have their own complaints procedure. Therefore complaints about care standards provided by such providers will often be received directly by them and these are not detailed in this report. However, our Service Units maintain care management and contract management responsibilities in respect of the services that they arrange through such external providers and services are monitored through such processes and through meetings with contractors and reviews that are held. Service users and their representatives in receipt of such contracted services can pursue their complaint through the Council's procedure if they wish.
- 1.10 The number of complaints detailed in this report should be seen in the context of the range and level of services that are provided; the number of referrals for services; the number of assessments and the total number of users across the service units. When looking at complaints in this context the number received is relatively small. The information in this report demonstrates that there is evidence of some good practice and complaint handling. However, we cannot afford to be complacent. We need to continue to ensure that our customers know about and have confidence in our complaints procedure; that complaints are not overlooked; that time targets are met; escalation rates reduced; and that a good quality response is provided.
- 1.11 As a working guide, a complaint is generally defined as "an expression of dissatisfaction or disquiet about our actions, decisions or apparent failings

which requires a response". The intention is not to be too rigid in the way that complaints are defined and if it is possible to resolve the matter immediately, there is no need to engage the complaints procedure.

Complaints can be made in writing, by telephone, on-line, in person, by e-mail or by fax. We try to make it easy for people to raise their concerns.

1.12 Social Services complaints legislation details those persons who can make a complaint under the statutory complaints procedure. This includes the service user, someone acting with the agreement of the service user and someone acting on behalf of a service user who is not able to make the complaint themselves.

1.13 We have carried out further training during the year for staff and contractors around complaint handling and investigation. Also, in the current year 2009/10 there has been well-attended briefings on the new statutory adult social care complaints procedure and specific courses have been held on investigating such complaints, these courses being run by the LGO office. The NW London Complaints Managers Group also arranged a training and introductory session on mediation for the independent investigators on our jointly administered pool. Some of the independent people on the pool also attended the LGO investigation courses.

During 2009/10 there will also be generic courses on effective complaint handling and introduction to complaints, and the corporate complaints team is also running a course on cross unit complaint handling.

2. THE STAGES OF THE COMPLAINTS PROCESS AND SUMMARY OF FIGURES.

It should be noted that the figures provided in this report in respect of complaint responses and outcomes relate to the complaints received during the year.

2.1 Stage 1 complaints

Service units and external contractors providing services on behalf of the Council are expected to resolve as many complaints as possible at this initial point. The Council's corporate complaints procedure requires complaints at stage 1 to be responded to within 15 working days. The statutory procedure details a maximum period of 20 working days for a response; however the Department of Health expects local authorities to deal with the majority of complaints within 10 working days.

Section 3 provides details of the 177 stage 1 complaints that were recorded. (168 received in the previous year)

2.2 Stage 2 complaints - These are usually considered by the Assistant Director, often following a full investigation by either a Senior Officer or an external investigator. Some complaints have been resolved without the need for a full investigation, following enquiries and consideration by a relevant senior manager.

Stage 2 complaints falling within the statutory complaints procedure should be dealt with in 25 working days, although in certain cases when a complaint is complex this can be extended to 65 working days. Complaints considered under the corporate procedure should be responded to within 20 working days.

Section 4 provides details of the 16 stage 2 complaints that were received. (This compares with 15 stage 2 complaints last year)

2.3 Stage 3 complaints - The third stage of the complaints process is a review. Section 5 of this report provides details of the three stage 3 complaints that were made. (In the previous year there were also three stage 3 complaints received).

Complaints about our statutory social services functions require a Complaints Review Panel to be established. The panel makes recommendations to the Chief Executive who then makes a decision on the complaint and the action to be taken. Complaint Review Panels are chaired by an independent person, and also involve other independent people. There are various timescales relating to stage 3 complaints. These relate to the setting up of the Panel - within 30 working days; the production of the Panel's report - within 5 working days and the local authority's response - within 15 working days.

There was one Panel hearing held during the year, and the other two complaints were dealt with under the corporate complaints procedure.

2.4 Percentage escalation

Stage 1 to Stage 2	9% (9% in the previous year)
Stage 2 to Stage 3	19% (20% in the previous year)

The escalation rate for complaints going from stage 1 to stage 2 is well below the Council's target of no more than 20%. The escalation rate for complaints going from stage 2 to stage 3 is also within the Council's target of no more than 20%.

2.5 Comparative Community Care Complaint figures – London Family and Neighbouring authorities

Figures have been sought from other London local authorities but many have not responded.

Local authority	Stage 1	Stage 2	Stage 3
Barnet	78	12	7
Brent	177	16	3
Camden	92	7	5
City of Westminster	77	10	1
Croydon	Figures requested but not provided		
Ealing	Figures requested but not provided		
Enfield	Figures requested but not provided		
Hammersmith & Fulham	66	9	
Haringey	Figures requested but not provided		
Harrow	66	5	1
Hounslow	162	2	1
Kensington & Chelsea	Figures requested but not provided		
Lambeth	Figures requested but not provided		
Lewisham	Figures requested but not provided		
Waltham Forest	65	8	2

Care should be taken in reaching conclusions about comparison of such figures as numerical data on its own does not take account of differing interpretations, complaint handling practices and other service related issues across local authorities. Over recent years Brent's figures have been higher than most other London local authorities.

3. STAGE 1 COMPLAINTS

3.1 There were 177 recorded complaints during the year, nine more than last year. Service Units have been positively encouraged to record complaints received and to acknowledge and deal with expressions of dissatisfaction as formal complaints when issues and concerns are not resolved within 24 hours of receipt.

Of the complaints where an outcome was determined (excluding withdrawn and pending complaints and those where consideration was given under an alternative procedure; 48% were upheld to some degree (either fully or partially). This is a lower figure than last year (54%). 69% of Contractor complaints were upheld to some extent; the figures for the main service areas being 56% for Older People's Services; 53% for Learning Disability Services; 46% for Physical Disability Services and 19% for Mental Health Services. The figure for Finance was 33%.

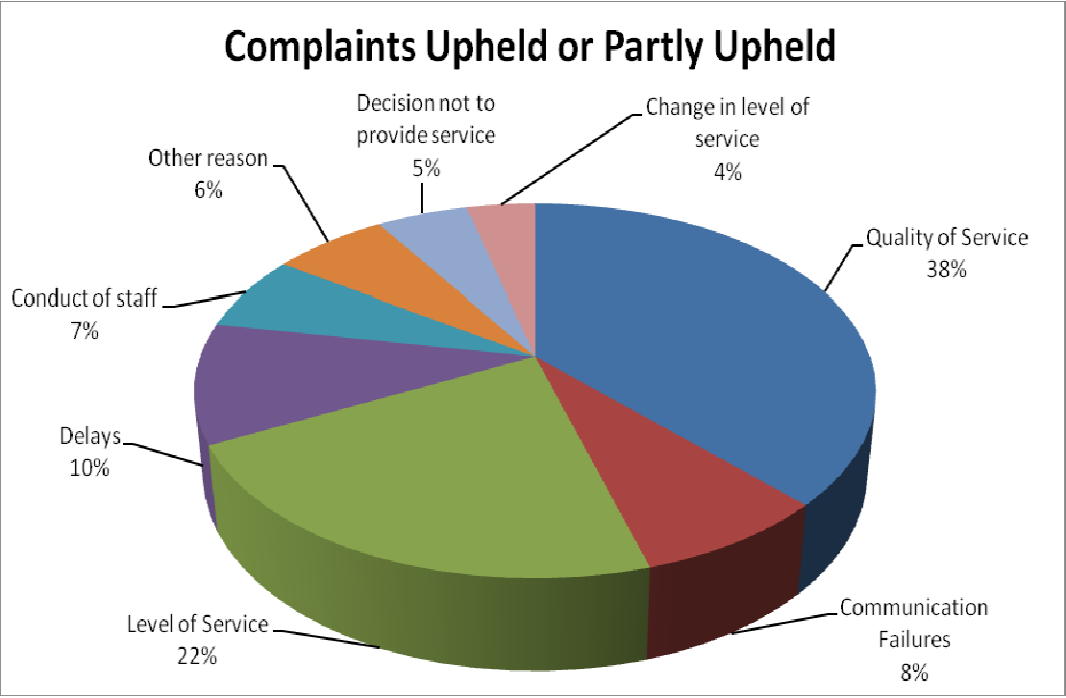
Each statutory complaint is assessed as to its complexity; with a target timescale of 10 working days being attached to a non-complex complaint and 20 working days being attached to a complex complaint. A complaint being dealt with under the corporate complaints procedure should be

responded to within 15 working days. Of all the complaints that were determined, 62% were responded to within the required timescale. This is the same figure as last year. This figure falls short of the Council's aim of 85% of responses being sent within target time. However, it should be noted that from April 2009, new statutory complaints regulations apply and these move away from specific timescales and a process driven approach to a much more flexible arrangement with timescales being set by the local authority in conjunction with the complainant; the time period for dealing with the complaint to take account of the complexity and nature of the issues being raised. This would indicate that the government now accepts that a rigid timescale for dealing with all complaints is not appropriate.

Of the 177 complaints that were made about Community Care Services, 57% were made by the service user; a high majority of the others being made by relatives.

Complaints that are logged formally can be tracked and monitored, and if things have gone wrong managers can ensure that matters are put right. Service Units have been encouraged to recognise and record complaints and report these to the Complaints Team. The figures show a relatively low percentage of complaints being received and recorded at the local level, at least in some Service Units, with only 20% of recorded complaints being received directly by the Service Unit which the complaint related to. (this is a similar figure to the previous year). 55% of the complaints were received directly by the Complaints Team. (this compares with 45% in the previous year).

A large number (37%) of the complaints received related to the overall quality of the service provided; with a further 20% being about the level of the service. Of the complaints that were upheld or partially 38% related to the quality of the service provided and 22% to the level of service provided; with delays accounting for 10%.



3.3 COMMUNITY CARE STAGE 1 COMPLAINTS BY SERVICE UNIT, RESPONSE TIMES, OUTCOME AND WHERE RECEIVED

Service Unit	Joint – OPS and Finance		Older Peoples Services		Physical Disability Services		Brent Learning Disability Partnership		Brent Mental Health Services		Contracted Services		Finance		Central Functions (incl EDT)		TOTAL
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No	%	
NUMBER OF COMPLAINTS	3	(2)	60	(34)	37	(21)	20	(12)	26	(15)	13	(7)	12	(7)	6	(3)	177

Response Times

Within required timescale	1	(33)	28	(47)	22	(59)	6	(30)	18	(69)	10	(77)	6	(50)	3	(50)	94	(53)
Outside required timescale	1	(33)	20	(33)	14	(32)	9	(45)	6	(23)	3	(23)	5	(42)	-	-	58	(33)
Withdrawn	1	(33)	9	(15)	1	(3)	2	(10)	-	-	-	-	-	-	-	-	13	(7)
Dealt with under other processes	-	-	1	(2)	-	-	-	-	1	(4)	-	-	-	-	3	(50)	5	(3)
Pending	-	-	2	(3)	-	-	3	(15)	1	(4)	-	-	1	(8)	-	-	7	(4)

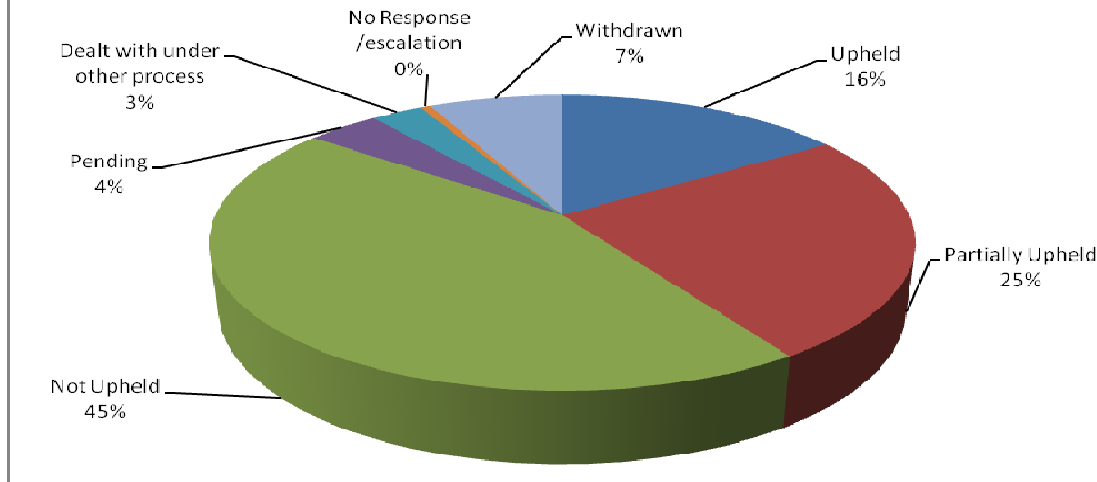
Outcomes:

Upheld	-	-	9	(15)	6	(16)	3	(15)	-	-	7	(54)	2	(17)	1	(17)	28	(16)
Partially Upheld	1	(33)	18	(30)	10	(27)	5	(25)	5	(19)	2	(15)	2	(17)	1	(17)	44	(25)
Not Upheld	1	(33)	21	(35)	19	(51)	7	(35)	19	(73)	4	(31)	7	(58)	1	(17)	79	(45)
Withdrawn	1	(33)	9	(15)	1	(3)	2	(10)	-	-	-	-	-	-	-	-	13	(7)
No response - escalation	-	-	-	-	1	(3)	-	-	-	-	-	-	-	-	-	-	1	(1)
Dealt with under other process or direct to S2	-	-	1	(2)	-	-	-	-	1	(4)	-	-	-	-	3	(50)	5	(3)
Pending	-	-	2	(3)	-	-	3	(15)	1	(4)	-	-	1	(8)	-	-	7	(4)

Where Complaint received:

The Service Unit	1	(33)	12	(20)	13	(35)	2	(10)	2	(7)	4	(31)	1	(8)	1	(17)	36	(20)
Dept Complaints Team	2	(66)	32	(53)	16	(43)	10	(50)	19	(73)	7	(54)	9	(75)	2	(33)	97	(55)
One Stop Shop	-	-	3	(5)	4	(11)	2	(10)	3	(12)	1	(7)	-	-	-	-	13	(7)
Director or Asst. Dir.	-	-	10	(17)	2	(5)	3	(15)	-	-	-	-	2	(17)	3	(50)	20	(11)
Corp. Complaints Team	-	-	-	-	-	-	1	(5)	-	-	-	-	-	-	-	-	1	(1)
Chief Executive	-	-	-	-	1	(3)	-	-	-	-	-	-	-	-	-	-	1	(1)
Other Department	-	-	1	(2)	-	-	2	(10)	-	-	1	(7)	-	-	-	-	4	(2)
NHS Trust	-	-	1	(2)	-	-	-	-	-	-	-	-	-	-	-	-	1	(1)
Other Council Unit	-	-	1	(2)	-	-	-	-	1	(4)	-	-	-	-	-	-	2	(1)
Local Govt Ombudsman	-	-	-	-	1	(3)	-	-	1	(4)	-	-	-	-	-	-	2	(1)

Outcome of Stage 1 Complaints



3.2 COMMUNITY CARE STAGE 1 COMPLAINTS BY SERVICE UNIT AND NATURE OF COMPLAINT

Service Unit	Joint – OPS and Finance		Older Peoples Services		Physical Disability Services		Brent Learning Disability Partnership		Brent Mental Health Services		Contracted Services		Finance		Central Functions (incl EDT)		TOTAL
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No.	%	
NUMBER OF COMPLAINTS	3	(2)	60	(34)	37	(21)	20	(12)	26	(15)	13	(7)	12	(7)	6	(3)	177

Nature of Complaint

Communication Failure	1	(33)	3	(5)	1	(2)	2	(8)	2	(7)	-	-	1	(8)	4	(40)	14	(7)
Service Delay	1	(33)	6	(10)	4	(10)	-	-	-	-	1	(6)	1	(8)	-	-	13	(7)
Level of service	-	-	12	(19)	11	(26)	7	(29)	7	(24)	2	(13)	1	(8)	-	-	40	(20)
Conduct or attitude	-	-	2	(3)	3	(7)	1	(4)	1	(3)	3	(19)	-	-	-	-	11	(6)
Quality of service	1	(33)	26	(42)	9	(21)	11	(46)	9	(31)	10	(63)	4	(33)	3	(33)	73	(37)
Decision not to provide service	-	-	7	(11)	8	(19)	-	-	5	(17)	-	-	-	-	-	-	20	(10)
Change in level of service	-	-	2	(3)	2	(5)	1	(4)	2	(7)	-	-	1	(8)	-	-	8	(4)
Failure to take action	-	-	-	-	1	(2)	-	-	-	-	-	-	-	-	1	(10)	2	(1)
Alleged discrimination	-	-	-	-	1	(2)	-	-	-	-	-	-	-	-	-	-	1	(1)
Other Reason	-	-	4	(6)	2	(5)	2	(8)	3	(10)	-	-	4	(33)	2	(20)	17	(9)
Total	3		62		42		24		29		16		12		10		199	

Meeting
Date

Version no.
Date

4 STAGE 2 COMPLAINTS.

4.1 There were sixteen 2 complaints during the year. This compares with fifteen in the previous year. Nine complaints related to the statutory complaints procedure and seven to the corporate procedure. Nine of the complaints were investigated by independent people; such investigations being very time-consuming and involving interviews with a number of people and consideration of a significant amount of documentation. The other seven complaints were investigated by internal managers.

Of the sixteen complaints, four were fully upheld; six were partially upheld; four were not upheld and two independent investigations are still ongoing at the time of the writing of this report.

There were many and varied issues referred to in the complaints that were made. Six of the complaints were responded to within the required timescales; eight complaints were responded to outside of the timescales and the two pending complaints will also be dealt with in excess of the timescale.

4.2 The people making Stage 2 complaints:

Service User/s	8 (50%)
Relative/Partner	6 (38%)
Organisation	2 (13%)

4.3 Stage 2 Complaints - Equalities Information

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
No.	6	-	4	1	1	1	3	16

Racial Origin of Service User

White British	3	-	1	1	1	-	1	7
White Other	1	-	1	-	-	-	-	2
Black Caribbean	-	-	1	-	-	-	-	1
Asian Indian	1	-	-	-	-	-	1	2
Asian British	1	-	-	-	-	-	-	1
Asian Other	-	-	1	-	-	-	-	1
Group	-	-	-	-	-	1	1	2

Gender of Service User

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
Male	2	-	2	1	-	-	-	5
Female	4	-	2	-	1	-	2	9
Group	-	-	-	-	-	1	1	2

Disability (including mental health problems)

	5	-	4	1	1	-	3	14
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4.4 Stage 2 complaints by Service Unit, Response Times and Outcome

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
No.	6	-	4	1	1	1	3	16

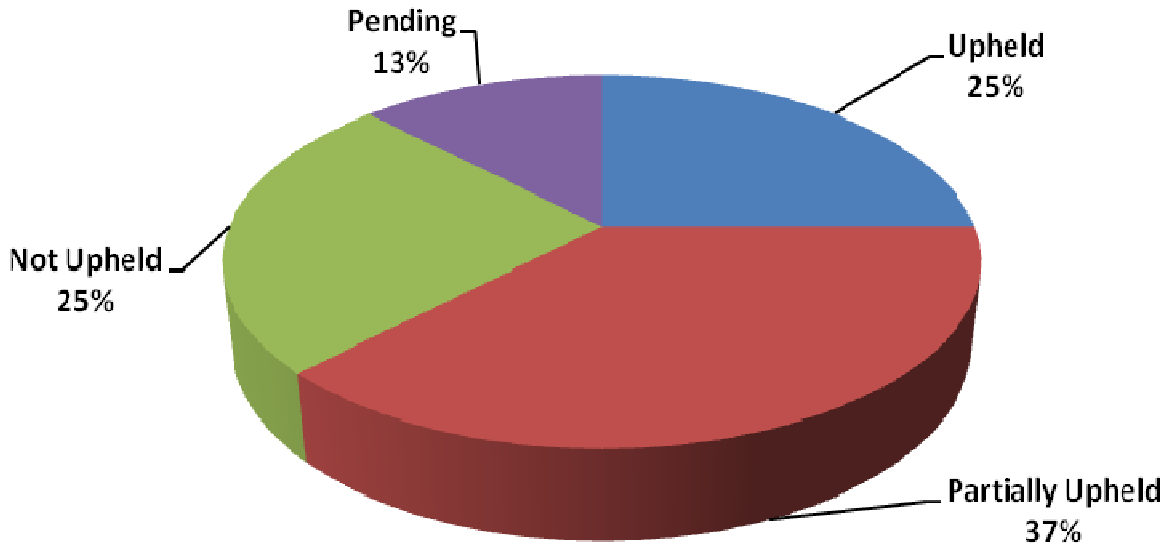
Response Times:

Within corporate time period	1	-	2	-	-	1	-	4
Outside corporate time period	1	-	1	-	-	-	1	3
Within initial statutory time period	-	-	-	-	-	-	-	-
Within allowed extended statutory timescale	1	-	-	1	-	-	-	2
Outside allowed statutory timescale	3	-	1	-	1	-	2	7

Outcome:

Upheld	-	-	2	-	-	-	2	4
Partially Upheld	3	-	-	-	1	1	1	6
Not Upheld	2	-	1	1	-	-	-	4
Pending	1	-	1	-	-	-	-	2

Outcome of Stage 2 complaints



4.5 Stage 2 complaints by Service Unit and Nature of Complaint

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
No.	6	-	4	1	1	1	3	16

Nature of Complaint: (n.b. multi-coding)

Staff Conduct	1	-	1	-	-	-	3	5
Level of service	1	-	1	-	-	-	-	2
Quality of service	4	-	3	1	-	-	3	11
Service request not agreed	3	-	2	-	-	1	-	6
Delays	1	-	-	-	-	-	-	1
Failure to communicate effectively	4	-	2	1	1	1	3	12
Withdrawal of or Change in Service provision.	-	-	1	-	-	-	1	2

Service Unit	Older Peoples Services	Physical Disability Services	Brent Mental Health Services	Brent Learning Disability Partnership	Finance	Quality & Support	Central Functions	Total
Failure to carry out action	-	-	1	-	-	-	-	1
Other	-	-	-	-	1	-	3	4
Total	14	-	11	2	2	2	13	44

5 STAGE 3 COMPLAINTS

5.1 There were three stage 3 complaints this year. This is the same number as last year. There was one Complaints Review Panel held. This complaint was about the level of compensation paid for failure to communicate effectively. Two complaints were considered under the corporate complaints procedure; one being about the refusal of a blue badge and the other about the level of compensation in respect of the manner in which a Protection of Vulnerable Adults referral was handled. None of the complaints were upheld.

There are various timescales relating to statutory stage 3 complaints:

- A Panel should be established within 30 working days – the timescale was met.
- Following the hearing, the Panel is required to produce a report within 5 working days detailing their recommendations – the timescale was met in this case.
- The local authority should send a response within 15 working days of the Panel's report – this did not happen; the response being sent after 17 working days.

Under the corporate complaints procedure a response should be sent within 30 working days. This timescale was met in both cases.

5.2 Stage 3 complaints by Status, Service Area, Timescales and Outcome.

STATUS	SERVICE UNIT	TO SET UP PANEL	PANEL REPORT PRODUCED	COUNCIL RESPONSE	OUTCOME
Statutory procedure	BLDP	30 working days	1 working day	17 working days	Not Upheld
Corporate procedure	Older People's Services	N/A	N/A	14 working days	Not Upheld
Corporate procedure	Older People's Services	N/A	N/A	30 working days	Not Upheld

6. OMBUDSMAN COMPLAINTS AND ENQUIRIES.

6.1 Complainants can refer their complaint to the Local Government Ombudsman at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure. During the year, three complaints about Community Care Services were considered by the Local Government Ombudsman. The conclusions reached by the Ombudsman are detailed below.

Service Area Outcome of Ombudsman Consideration	Older People's Services	Brent Mental Health Services	Joint Physical Disability Services and BMHS	TOTAL
No or insufficient evidence of maladministration	1	-	-	
Ombudsman's Discretion	-	-	1	1
Premature	-	1	-	1
Total	1	1	1	3

7. LEARNING THE LESSONS / PRACTICE IMPROVEMENTS

7.1 Complaints provide senior managers with useful information in respect of the way that services are delivered. When complaints are upheld it is necessary for managers to consider whether there is a need for any service improvements to be made with a view to ensuring that similar failings do not recur. The consideration of complaints has resulted in reviews and changes to procedures; guidance and training for staff and improvements being identified and made in relation to service delivery and practice. I detail below some specific examples of service improvements which were identified in complaint responses.

7.2 Some required service improvements identified from the consideration of complaints.

Complaints about Older People's Services

- Clarification to staff about correct arrangements for Freedom Pass renewal process.
- Staff reminded of policies and requirements relating to customer care standards.
- Staff reminded of the importance of arranging respite care in a timely manner.
- Mechanisms put in place to ensure timely response to referrals received.

- Procedures put in place to ensure that the caseload of members of staff who are on long term sick leave is monitored and prioritised in a timely manner.
- Staff reminded of the need for both service users and carers needs to be assessed to identify their individual needs.
- Staff reminded of the importance of responding to all relevant issues when replying to correspondence.
- Practice to be improved so that when decisions are made not to disclose information that has been requested and/or not to amend records which have been challenged, the reasoning that has informed the decision/s to be provided, along with details of how to appeal against the decisions.
- The cost implications for services to be explained to service users.
- Need for clarity and guidance about the Council's position in relation to requests to electronically record discussions.
- Managers to be reminded of the need for them to accurately explain to complainants the basis on which they have reached their conclusions in respect of matters complained about.
- Where case recording in respect of matters complained about is not explicit managers to request those persons whose conduct is subject to complaint to submit a signed and dated written statement in response to the complaint about their actions.
- Managers to be reminded of the need for examination of case notes as an intrinsic part of a complaint investigation.
- Further complaint training for managers to include the need for discussions with the complainant to take place at an early stage to ensure clarity and agreement in respect of the nature of the complaint, the desired outcome and the arrangements that are to be made for investigating and responding to the complaint.
- Staff to be reminded of the need for case recording to be factually correct, objective and written in a clear and accessible manner. Also, that where any opinion or interpretation is expressed, this is clearly identified as such.
- The issue of best practice in recording to be discussed within the context of the regular practice meetings. Line managers/supervisors to be advised of the need to periodically monitor case recording to ensure that appropriate standards are being achieved and maintained by their staff.
- Review of the guidance given to staff about the need for showing respect for individual privacy and property; and to ensure that best practice is followed and that actions of members of staff are not intrusive or inappropriate.
- Staff to be reminded of the importance of giving adequate notice and information to people who are being visited of proposed appointments and the reasons for them. Also that they should not leave messages with a third party, other than an involved relative/carer or when there are language or capacity issues.
- Managers to be reminded of the need, following any controversial or potentially controversial incident, to ensure that the

circumstances arising, and any ongoing action that is required, is considered and a case decision is made, recorded and communicated to the services user. This to be done in a timely way and for the communication to include information as to how the matter is to be progressed.

- Need for apology to be given when complaints are being upheld.
- Review of the way that POVA enquiry was conducted and subsequent review of the training needs of officers involved. Also arrangements put in place to review the recording and monitoring systems in place with a view to ensuring that appropriate and timely action is taken following POVA related referrals being received.

Physical Disability Services

- Arrangements for respite care raised with team managers, to remind staff of the importance of arranging respite care in a timely manner, ensuring all parties are kept informed at all times.
- The management of customer enquiries and customer care policies to be reviewed as a result of an inappropriate response being given to an enquiry.

Brent Mental Health Services

- Manager to ensure systems are in place to ensure that inappropriate delays do not occur in responding to your requests for information.
- Changes to Freedom Pass criteria and review of individual's eligibility for renewal of pass.
- Need for Freedom Pass reviews to be administered more effectively. Review of cases relating to individuals involved in Freedom Pass appeals or stage 1 complaints to ensure appropriate information has been given about the Freedom Pass review.
- Managers to consider the need for compensation to be made when there is evidence of distress being caused to any individual because of the way that matters had been dealt with.

Finance

- Review and changes to the hourly rate that was being applied when a service user required two carers for specific tasks to meet their needs. This led to the charge being reduced to reflect the number of hours of care provided, and not doubled when two carers were required.
- Need for clear and understandable language to be used when dealing with customer enquiries.
- Need for relevant information to be provided when a cheque is sent out; making it clear what it relates to.
- Review of the circumstances that require two officers to undertake a visit. Staff reminded of need to explain in advance, wherever possible, to the person being visited when more than one officer is going to be involved.

Brent Learning Disabilities Partnership

- The need for more detailed, appropriate and timely investigations into safeguarding referrals and more effective consultation and quality assurance mechanisms put in place. Introduction of monthly monitoring and auditing of safeguarding cases so that timely follow-up is now part of standard practice.
- Continue to ensure all staff have access to autism specific training.
- Review of recruitment arrangements and consider longer term plans to recruit to current vacancies within ASSPECTS on a permanent basis
- Senior managers informed of lack of clarity around funding arrangements for young disabled people aged 18-19.
- Improved signage and notice boards to be put in place in care home

Learning Disabilities Day Care Consultation

- Need for improvements in the way consultation is carried out with clearer internal and external communications and organisational arrangements. Need for the consultation process and arrangements to be seen as open, transparent and inclusive and the need for proposals to take account of the outcome of person-centred assessments. Need for the Council to rebuild trust and to improve the Council's relationships with service users, relatives and carers and to develop a more collaborative approach that includes the Council being more receptive to feedback. Need for review of the advocacy and support arrangements and the working of the Partnership Board.

Contractor

- Need for closer monitoring of carers in respect of arrival times and completion of tasks as per care plan. Spot-checks to monitor time- keeping and adherence to policies and procedures.

8 COMPENSATION PAYMENTS

The Council has a compensation policy and payments are considered if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman would find that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

During the year compensation totalling £16,508.66 was paid following consideration of complaints. Payments related to the following service areas.

Overall compensation is lower this year compared with the previous year; down from £17640 last year.

The corporate complaints team have introduced a new indicator that 60% of all complaint compensation should be paid at stage 1. The Community Care figures reflect that 82% was paid at stage 1.

Service Unit	Stage 1	Stage 2	TOTAL
Older People's Services	£11114.66	£2500	£13614.66
Physical Disability Services	£ 1569		£ 1569
Brent Learning Disability Partnership	£ 775		£ 775
Brent Mental Health Services		£ 550	£ 550
TOTAL	£13,458.66	£3,050	£16,508.66

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July 2009

CHILDREN AND FAMILIES COMPLAINTS ANNUAL REPORT 2008/09

1.0 SUMMARY

- 1.1 The annual report for 2008/09 on complaints about Children and Families services is attached.
- 1.2 The report provides information about the context and operation of the complaints procedure, the number and type of complaints made during the year and how these were dealt with.

1.3 Figures indicate:

- Numbers of Stage 1 complaints received in 2008-09 increased by 25% - but this reflects the move of Brent Adult & Community Education Service (BACES) from Environment & Culture back to Children & Families.
- Stage 2 and Stage 3 complaints remained at the same level – 22 and 6 respectively.
- 62% of Stage 1 complaints were responded to within timescales compared to 54% and 48% in previous years. This is a welcome improvement.
- Stage 2 timescales were met in twelve cases, 75%. This is based, for social care complaints on the extended statutory timescale. There are particular difficulties in meeting the social care statutory timescale because of the complexity of complaints raised. In addition the use of external investigating officers and Independent Persons raises availability issues in scheduling interviews with staff in order to complete a full and thorough investigation. However complainants are kept informed of progress during the investigation.
- The escalation rate from Stage 1 to Stage 2 was 15%, compared to 18% and 16% in previous years, but was within of the Council target of 20%.
- Of Stage 1 complaints closed during the year 43% were not upheld and 56 % fully or partly upheld. These percentages are not significantly different from the previous year.
- At Stage 2 24% were not upheld, but 71% fully or partly upheld. It is recognised that particularly for social care complaints the issues raised at Stage 2 may be wider and more detailed than at Stage 1 but the figures seem to indicate that more thorough and comprehensive investigations at Stage 1 were needed.
- Six Stage 3 complaints were received compared to 7 in the previous year. This gives an escalation rate of 27% for Stage 2 to Stage 3, higher than we would have wished. It should however be noted that 4 of the 6 Stage 3 complaints were not upheld.
- A key performance indicator is the provision of a timely response. Compliance with time targets at both stages 1 and 2 of the procedure remains below requirements, and work needs to be done to improve this.
- There were no formal Ombudsman reports or findings of maladministration

- 1.4 One of the most important parts of complaint handling is making sure that lessons are learnt and appropriate procedural and practice changes are made if things have gone wrong. Complaints in 2008/09 continued to provide some important learning points and some key improvements are shown in section 13.

- 2.0 RECOMMENDATIONS
 - 2.1 Report is for information.

- 3.0 FINANCIAL IMPLICATIONS
 - 3.1 There are no specific financial implications. However better handling of complaints at stage 1 of the complaints procedure, and reducing rates of escalation produces savings as stage 2 complaint investigations and stage 3 reviews incur additional costs, particularly as the social care statutory procedure requires the use of Independent Persons.

- 4.0 STAFFING IMPLICATIONS
 - 4.1 None

- 5.0 LEGAL IMPLICATIONS
 - 5.1 Complaints about children's social care are governed by Children Act 1989, The Children Act Representations Procedure (England) Regulations 2003, and Getting the Best from Complaints [guidance issued under Section 7 of the Local Authority Social Services Act 1970]. The regulations require an annual report to be presented to Committee.

- 6.0 DIVERSITY IMPLICATIONS
 - 6.1 The Council's commitment to equalities and diversity is reflected in the complaints procedure and the way that service users' dissatisfaction is handled. Leaflets and responses will be provided in any language or format on request, and young people and their families and carers encouraged to use interpretation and advocacy support as required.

<u>Section</u>	<u>Contents</u>
1	Context
2	Numbers of Complaints Received
3	Number [and Percentage] of Complaints Responded to within Timescales
4	Early Referral to the Ombudsman
5	Local Government Ombudsman's complaints
6	Escalation Rates
7	Analysis of Complaints by Teams
8	Nature of Complaints
9	Outcomes of Closed Complaints
10	Compensation paid
11	Mediation and Alternative Dispute Resolution
12	Advocacy for Children and Young People
13	Key Service Improvements from Complaints
14	Analysis of Persons Making Complaints
15	Where / How complaints received
16	Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels
17	Training for Staff
18	Information for Children, Young People and their Families
Key	Definitions and Stages of the Complaints Procedure

1. Context

This report is made in accordance with requirements in the Representations Procedure (Children) Regulations 2006 [regulation 13 (3)] and related guidance.

The Children & Families department is required to deal with complaints about specified social services functions for children in accordance with the above statutory regulation. Other complaints about non-statutory social service functions and about education responsibilities are handled in accordance with the Council's corporate complaints procedure. This report provides information about all complaints recorded by the Complaints Team during the twelve months between 1 April 2008 and 31 March 2009.

The Key at the end of this report contains information about the definition of a complaint, who can complain and the stages of the complaints procedure and timescales.

It needs to be noted that some complaints, eg about special educational needs assessments and school admissions offers, have separate appeals procedures and are not dealt with under the complaints procedures. Each school is also required to have its own complaints procedure.

2. Numbers of Complaints Received

There were 150 Stage 1 complaints recorded during the year, compared with 120 in 2007/08. Children & Families department took back responsibility for Brent Adult & Community Education Services (BACES) from Environment & Culture during the

year – and this generally accounts for the increased number of Stage 1 complaints. Numbers of Stage 2 complaints and Stage 3 complaints remained steady.

	Stage 1			Stage 2			Stage 3		
	08/09	07/08	06-07	08/09	07/08	06-07	08/09	07/08	06-07
Total	150	120	161	22	22	26	6	7	2

There has been some fluctuation in the level of complaints over the past three years, but it is difficult to identify why this should be. Staff training continues to emphasise the importance of all officers being pro-active in dealing with queries and concerns and that if issues progress to a complaint they should be addressed in timely and comprehensive way in accordance with procedures.

3. Number [and Percentage] of Complaints responded to within timescales

Stage 1 Corporate 15 working days : Statutory 10 working days

Stage 2 Corporate 20 working days : Statutory 25 working days

Stage 3 Corporate 30 working days : Statutory 30 working days to set up, 5 working days to produce report, and 15 working days for response

Division	Stage 1			Stage 2		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Social Care	15 [33%]	43 [47%]	45 [40%]	6 [67%]	7 [47%]	4 [22%]
Achievement & Inclusion	18 [75%]	8 [73%]	8 [80%]	1 [100%]	4 [100%]	2 [100%]
Finance & Performance	34 [81%]	13 [76%]	16 [73%]	4 [80%]	1 [50%]	3 [60%]
Strategy & Partnership	4 [80%]	2 [100%]				
Total	71 [62%]	66 [54%]	69 [48%]	12 [75%] *	12 [55%]	9 [35%]

*includes one complaint about Occupational Therapy services [part of Housing & Community Care]for a disabled child

Stage 1

Overall the department responded to 71 complaints [62%] at Stage 1 within the appropriate timescales, an improvement over previous years. There were difficulties in meeting timescales for social care complaints, where the statutory complaints procedure specifies 10 working days for standard [non-complex] complaints, compared to the corporate timescale of 15 working days. In view of the nature of complaints within social care, managers are encouraged to hold meetings with complainants before responding in writing which inevitably

has an impact on percentage responses within timescales. However it is recognised that there is room for improved performance and managers are taking steps in this regard.

Stage 2

The Department responded to 12 complaints [75%] at Stage 2 within the appropriate timescales [which for social care complaints was based on the extended complex complaint timescale]. This represents 75% of all complaints closed during the year and compares favourably with previous years.

Most Stage 2 statutory social care complaints raise multiple and sometimes long-standing issues and the department uses external Investigating Officers. It is also required to appoint an Independent Person, to work alongside the Investigating Officer, to provide oversight of the process of the investigation. The use of two contracted persons, whilst providing a reassuring element of independence for the complainant, does cause some availability issues and delays in scheduling interviews with staff in order to complete the investigation.

Stage 3

Six complaints progressed to Stage 3. Of these two were under the statutory procedure and completed in accordance with the specified timeframes.

5. Local Government Ombudsman's complaints

The Ombudsman dealt with 3 complaints about Children & Families during 2008-09, compared to 9 in 2007-08. All three were closed without further enquiry as Ombudsman discretion.

6. **Escalation Rates** – percentages based on the number of complaints received at Stage 2 (3) divided by the number of complaints received at Stage 1 (2)

Council target = 20%

Division	Stage 1 to Stage 2			Stage 2 to Stage 3		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Social Care	18%	17%	15%	33%	40%	8%
Achievement & Inclusion	15%	36%	20%		25%	
Finance & Performance	11%	12%	23%	40%		
Strategy & Partnership		50%				
Total	15%	18%	16%	27%	32%	8%

The increase in escalation rates for Stage 1 to Stage 2 remains within the corporate target of 20% and although the Stage 2 to Stage 3 rate has been higher in recent years actual numbers remain small and outcomes generally are not a cause for concern. Variations across divisions within Children & Families generally reflects changes in areas of responsibilities.

7. Complaints Received - Analysis by Teams

	Stage 1			Stage 2			Stage 3		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Social Care									
Children in Need	20	23	61	4	4	5	1	3	
Referral & Assessment	28	16		5	5		1		
Leaving Care + Unaccompanied Minors	13	23	20	1	2	1		1	
Placements	4	7	15	1	1	6	2	1	2
Youth Offending	1	2							
Commissioning / Reviewing	1			1					
Total	67 (45%)	90 (75%) -19	129 (80%) -33	12 (54%)	15 (68%) -3	19 (73%) -7	4 (67%)	6 (86%) -1	2 (100%)
Achievement & Inclusion									
Disabled Children [previously part of Social Care]	18	[18]	[30]	3	[3]	[6]		[1]	
Occupational Therapy provided by team in Community Care [previously part of Social Care]	2	[1]	[3]	1		[1]			
Special Educational Needs	3		2	1		1			
Other Education & Youth Services	7	4	5						
Total	30 (19%)	11 (9%) +19 -7	10 (6%) +33 -3	5 (23%)	4 (18%) +3 -4	2 (8%) +7 -7		1 (14%) +1 -1	
Finance & Performance									
School Admissions	6	12	13		1	4			
Casual Admissions & Support Services	5	5	9	1		1	1		
Asset Management + Finance	4			1	1		1		
Brent Transport Service [previously part of Achievement & Inclusion]	7	[7]	[3]		[4]	[1]		[1]	
Brent Adult & Community Education [transferred from E&C wef 1/10/08]	24	[28]	[31]	[2]	[4]	[0]	[0]		
Total	46 (31%)	17 (14%) +7	22 (14%) +3	5 (23%)	2 (9%) +4	5 (19%) +7	2 (33%)	+1	
Strategy & Partnership									
Early Years	4	2			1				
Children's Centres	3								
Total	7 (5%)	2 (2%)			1 (5%)				
Total C&F	150	120	161	22	22	26	6	7	2

During 2008-09 Children & Families resumed responsibility for Brent Adult & Community Education Services (BACES) from Environment & Culture and total numbers of Stage 1 complaints reflect this. Numbers of complaints about education services remained overall fairly consistent.

The department's responsibilities for children in need, particularly around child protection, continued to generate a significant number of complaints from parents and carers. The restructure of social care during the early part of 2009 placed additional pressures on services, but the appointment of additional principal officers for the Localities teams is expected to assist with complaint handling over the coming year, and hopefully lead to some reduction in escalation to Stages 2 and 3.

8. Nature of Stage 2 complaints received

Nature of Complaints at Stage 2	2008-09	2007-08	2006-07
Non-Provision of service	5	0	6
Level of service	1	4	8
Quality of service	6	11	1
Delay in service provision	4	2	2
Withdrawal, reduction or change in service		1	1
Failure to appropriately consult or involve	3	6	1
Other failure to communicate effectively	3	6	6
Failure to carry out other required action	4	5	8
Inappropriate conduct or attitude of staff	5	7	5

These figures do not equate to the number of complaints at Stage 2, as some complaints cover multiple issues.

There were a number of complaints about non-provision of service – although no service received more than one, so there is no general trend here. The complaints about the quality of the service provided were about transport services and about social care. Almost all of the social care complaints also raised issues around communication, involvement and taking prompt and appropriate action.

9. Outcomes of Closed Complaints

Some complaints registered in 2008/09 are still live (having entered our monitoring system before 31 March and not yet concluded) they will be included in the next business year's set of figures).

Outcome	Stage 1			Stage 2			Stage 3		
	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07	2008-09	2007-08	2006-07
Not Upheld	57	50	53	4	11	13	4	4	3
Partially Upheld	28	27	35	8	7	4	1	1	1
Fully Upheld	46	45	44	4	4	8	1	1	
Withdrawn *	13	7	13	1		1			
Total closed	131	129	145	17	22	26	6	6	4
Pending	10	7	16	7	2	2		1	

* includes some complaints resolved by action of Senior Manager / progressed straight to Stage 2

10. Compensation paid at Stages 1, 2 and 3 and as a result of Ombudsman recommendations

The Council has a compensation policy that is applied if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that the Ombudsman would:

- find that there has been maladministration by the Council causing injustice to the complainant; and
- recommend that compensation should therefore be paid to the complainant.

A total of £1775 compensation was paid, compared to £5785 and £4760 in the two previous year.

Division	Stage 1	Stage 2	Stage 3	Ombudsman
Social Care	500		250	
Achievement & Inclusion				
Finance & Performance	25	250	750	
Strategy & Partnership				
Total = £1775	525	250	1000	

11. Mediation and Alternative Dispute Resolution

The Guidance on statutory complaints supports the use of alternative ways of resolving complaints. Meeting the complainant to discuss their concerns is often a useful way forward when considering Stage 1 complaints and is also offered following the Stage 2 response.

Formal mediation or ADR has not been used but further consideration will be given to this in the light of the new complaints procedure introduced from 1 April 2009 for adult social care and health complaints by the Department of Health. At present the new procedure does not apply to complaints about children's services but changes to the current Children Act procedure could be made in the future.

12. Advocacy for Children and Young People

Children and young people requesting or receiving social care services are entitled to independent and confidential advocacy support, in accordance with guidance in 'Get It Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act 1989'. The Complaints Service explains about advocacy to all young people wishing to make complaints.

During the year five young people were supported by advocates, either provided by Aidhour – the agency contracted by Brent to provide a service - or arranged by the young person independently. The direct cost of the service was £ 2,500 approximately. All except one of these complaints were resolved at Stage 1.

13. Key Service Improvements from Complaints

- Clearer guidance given to staff about managing kinship carers' requests and expectations around support on re-housing or accommodation issues.
- To seek clarification from the Children & Adolescent Mental Health Service about their procedures and requirements around parental consent for therapeutic treatment for children.
- A Working with Dangerous Families Protocol to be established and adopted by the Brent Local Safeguarding Children Board. The LSCB also agreed to produce a Working with Vulnerable Adults and Child Protection Protocol for use by all agencies and Brent Council departments.

14. Analysis of Persons Making Complaints

Complaints made by:	2008-09 %	2007-08 %	2006-07 %
Child / young person	12 (8%)	19 (16%)	29 (18%)
Parent / person with parental responsibility	119 (79%)	81 (68%)	105 (65%)
Foster carer	7 (5%)	3 (2%)	4 (2%)
Special Guardian			2 (1%)
Person with sufficient interest in the child's welfare	5 (3%)	4 (3%)	6 (4%)
Others	7 (5%)	13 (11%)	15 (9%)

The proportion of complaints made directly by young people fell in 2008/09 to 8% of all complaints made in Children and Families, and these were mostly social care complaints. Departmental complaint managers and other officers working directly with young people met during the year to review the way information about complaints is presented to young people and to consult with young people on the way they would prefer to raise comments, concerns or complaints about services they are receiving. This work is continuing with the aim of improving access to the complaints process for young people.

Equalities Information

It has not been possible to provide equalities monitoring information for all complainants, but details for the fairly small numbers of children and young people who made complaints themselves about their services are given below.

Ethnicity of Child or Young Person	2008-09 %	2007-08 %	2006-07 %
Asian or Asian British		5%	14%
Black or Black British African	25%	} 53%	} 48%
Black or Black British Caribbean	33%		
Black or Black British Other / Unspecified	17%		
Black African		10%	
Mixed / Black and White or Mixed / Other		-	14%
White / British	8%	16%	} 5%
White / Irish	8%		
White / Other	8%	16%	

15. (a) Where complaints received at Stage 1 and Stage 2

	Complaints Team			Director / AD			Team / Unit			Chief Exec			One Stop Service		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
S 1	34%	58%	66%	8%	7%	7%	40%	25%	18%	1%	2%	1%	15%	8%	8%
S 2	72%	59%	73%	5%	-	12%	23%	32%	15%	-	5%	-	-	5%	-

It is clear that most complaints are received by the Complaints Team, but work continues with teams to make sure that any complaints made directly to staff are recorded and processed in accordance with the complaints procedures.

(b) How complaints received at Stage 1 and Stage 2

	Letter/Fax			Telephone			Email			Form/YPform			In person		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
S 1	44%	33%	37%	21%	39%	37%	27%	19%	21%	5%	7%	4%	3%	2%	>1%
S 2	18%	54%	47%	18%	18%	43%	64%	23%	8%	-	5%	2%	-	-	-

16. Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels

	2008-09 £K	2007-08 £ K	2006-07 £ K
External Investigating Officers	12	22	19
Independent Persons	2	6	6
Review Panellists	2		
Total	£16	£28	£25

Expenditure on Stage 2 investigations was significantly lower in 2008-09, the reason being that a number of cases began towards the end of 2008-09 and were carried over to the next year. As a result the costs associated with these ongoing investigations will be reflected in the 2009-10 expenditure figures.

17. Training for Staff

Briefing on the basic requirements of the complaints procedure is provided as part of Children & Families Induction for all new staff. A one-day course on resolving complaints for managers was offered as part of the corporate complaints training programme and a number of complaint sessions delivered to various team meetings. These sessions included discussions with children centres and a respite unit for disabled children about handling day-to-day concerns and complaints and cross boundary issues.

18. Information for Children, Young People and their Families

Complaint leaflets and posters are available for display in all reception areas. Complainants raising concerns about social care services for children and young people in need are also sent information sheets about the statutory social care complaints procedure and about advocacy requirements.

Gillian Burrows
Complaints Manager
July 2009

KEY:

Definition of a Complaint

Corporate

An expression of dissatisfaction, not resolved immediately to the customer's satisfaction, about the level quality or nature of a service which the customer feels should have been provided.

Statutory

An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response – and which is about specified services under the Children Act 1989 and the Adoption and Children Act 2002.

Both definitions include services provided by people or organisations acting on the Council's behalf.

Who can make a Complaint?

Corporate

Anyone who uses or is affected by our services can make a complaint. This includes residents, people who work in or visit the borough, local businesses and community groups.

Statutory

As defined by the Children Act 1989 and related legislation and guidance, a 'Qualifying Person' including a child or young person looked after by the authority or in need, or leaving care; his parent or a person having parental responsibility; a Special Guardian; a foster carer; adopted persons, their natural and adoptive parents and former guardians.

Stages of the Complaints Procedure

The complaints procedure has three stages.

Stage 1 – Local Resolution This is the most important stage of the complaints procedure. The Department's teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

Timescales are:

Meeting
Date

Version no.
Date

- corporate procedure - 15 working days
- statutory procedure -10 working days with a possible extension to 20 working days for complex complaints.

Stage 2 – Formal Investigation The complainant may request a Stage 2 investigation if s/he is dissatisfied with the findings of Stage 1. The investigation is conducted by either an internal manager or an external Investigating Officer. For complaints falling within the Children Act 1989 statutory complaints procedures an Independent Person is also appointed to oversee the investigation. An Assistant Director adjudicates on the findings.

Timescales are:

- corporate procedure - 20 working days
- statutory procedure - 25 working days with a possible extension to 65 working days for complex complaints.

Stage 3 – Review The third stage of the complaints process is a review of the complaint and the response is sent by the Chief Executive. Corporate complaints are reviewed by the Corporate Complaints Team, but for statutory complaints, the Council is required to establish a Review Panel composed of three independent persons. The Panel writes a report and makes recommendations to the Council. There are various timescales relating to statutory Review Panels. These include:

Timescales are:

- corporate procedure - 30 working days
- statutory procedure - 30 working days to set up the panel, 5 working days to produce the report, and 15 working days to send out the Council's response.

A further option for complainants is the **Local Government Ombudsman (LGO)** who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

The new statutory complaints procedure, which was introduced from September 2006, provides for **Early Referral to Ombudsman** - an alternative option to a Stage 3 review panel for complaints meeting specified criteria. The criteria are that the Stage 2 investigation has resulted in a very robust report, a complete adjudication and an outcome where all complaints [or all significant complaints relating to service delivery] were upheld. In these cases if the complainant and the local authority agree, an approach can be made to the Local Government Ombudsman to ask him to consider the complaint without first going through a Stage 3 review panel.

Summary of draft recommendations arising from the internal audit of the corporate complaints process**Priority 1 recommendations****1. Service Area Procedures and Review of Corporate Policies and Procedures**

Recommendation	Rationale
<p>It is recommended that all Service Areas implement service-specific complaints and handling procedures based on the overarching corporate policies and procedures, and that the procedures specifically address complaints relating to service areas. The procedures should also include guidance on making compensation payments.</p> <p>With regards to guidance on making compensation payments, Service Areas may wish to wait until the Corporate Guidance on Remedies and Compensation Payments is reviewed in line with the new Local Government Ombudsman's Remedies Guidance on Good Practice.</p> <p>In addition, it is recommended that all relevant policies and procedures regarding complaints should be formally reviewed on at least an annual basis.</p>	<p>Implementing service specific complaints and handling procedures helps to ensure that staff members in each service area are aware of how the complaints process should be handled in their department. The corporate policy requires service areas to develop departmental guidelines on the payment of compensations and to define authorised offices within the guidelines. In addition, reviewing policies and procedures annually helps to ensure that processes are operating with maximum efficiency and inline with any changes in statutory regulations or best practice advice.</p> <p>The corporate complaints and compensation policies and procedures are available on the Intranet. However, they have not been reviewed on a regular basis. The Corporate Complaints Policy was last reviewed by the Policy & Regeneration Unit in September 2006 and the Compensation Policy and Corporate Guidance on Remedies For Complaints were last reviewed by the Corporate Complaints Team in March 2006. The tenet with regards to complaint handling in Brent, is that all Service Areas should be free to follow their own procedures using their service specific knowledge and experience, provided that they meet the corporate targets and reporting requirements. Discussions with the Complaints Managers across the various Service Areas identified that, whilst all Service Areas follow different procedures, only two of them have documented these procedures and the rest rely on the corporate complaints procedure.</p> <p>Where procedures are not defined in sufficient detail for each service area, there is an increased risk that complaints may be handled incorrectly or inappropriately. In addition, there is an increased risk that complaint handling performance may not be measured effectively due to the lack of a formal framework to measure against. Where policies and procedures are not reviewed regularly, there is an increased risk that superseded policies and procedures may be followed by staff members, potentially resulting in operational inefficiencies or inappropriate actions being taken.</p>

2. iCasework support contract and full migration to iCasework

Recommendation	Rationale
<p>It is recommended that management should liaise with Tagish in order to agree a support contract for iCasework as a matter of priority.</p> <p>It is also recommended that senior management meet with Tagish as soon as possible to reconcile any differences of opinion in the development of the software, and to use that meeting to agree a definitive date for its satisfactory implementation.</p>	<p>Putting in place a support contract with Tagish will help to ensure that the development needs of the iCasework system can be met, and that faults can be rectified promptly as and when identified.</p> <p>Through discussion with the Corporate Complaints Team we understand that, overall, iCasework has a greater degree of functionality and that the intention has been to move towards this as the sole complaints system. However, full implementation has been protracted, largely due to issues regarding reporting functionality within the system. Discussions with management identified that there is no support contract with Tagish, the providers of the iCasework software. Management explained that, due to the absence of a contract, rectification of the reporting issues has not been handled with high priority by Tagish. Due to protracted implementation, complaints information is currently logged onto two systems. From a sample of 20 complaints recorded on Respond that have reached stage 3, it was identified that the complaint was not entered on to iCasework in two cases. Of the 18 that were, 17 of these were not correctly cross-referenced to a corresponding iCasework record.</p> <p>Where support is not provided by the system developer in a timely manner, there is an increased risk that the Council may fail to fully utilise system capabilities or to address any technical limitations, thereby undermining achievement of complaints handling objectives. In addition, dual logging to the two systems not only increases workload but also increases the risk of potential input errors or discrepancies which may impact the accuracy and completeness of iCasework as a historical data source</p>

3. Review of stage 1 complaint responses

Recommendation	Rationale
<p>It is recommended that management should consider putting in place a review system for stage 1 complaint responses, including monitoring of compensation payments.</p> <p>If it is not deemed practical to review all responses prior to these being sent out, consideration should be given to undertaking checks on a sample basis. This may be considered as an area of responsibility for the Service Area Complaint Managers.</p> <p>As part of such a review, management should take account of points raised in the stage 3 reviews undertaken by the Corporate Complaints Team, checking to ensure that feedback from those reviews is being addressed. In all cases, records of the review / checking process should be maintained and these should be analysed periodically to determine whether there are any common areas of weakness which require addressing, for example through additional training or guidance. This should be fed back to the Corporate Complaints Forum as a standing agenda item.</p>	<p>Reviewing stage 1 complaints will help to ensure that complaints are being responded to in an appropriate and timely manner, thereby helping to ensure a lower escalation rate is attained.</p> <p>Examination of stage 1 complaints handling process and discussions held with Service Area Complaints Managers identified that the quality of responses made by the officers dealing with stage 1 complaints is not currently subject to any form of review or monitoring.</p> <p>It is acknowledged that reviews are undertaken of the process followed where a complaint reaches stage 3, and that feedback is given on areas for improvement, but by this point the complaint has already been escalated through two stages.</p> <p>Where the quality of stage 1 responses is not reviewed or monitored, there is an increased risk of a higher than necessary escalation rate.</p>

4. Monitoring timeliness of complaint acknowledgement

Recommendation	Rationale
<p>It is recommended that management should consider how best to monitor timeliness of acknowledgment at all stages.</p> <p>Where systems do not generate suitable monitoring information, management should consider undertaking spot checks as a detective control.</p> <p>If delays are identified, as was the case from our sample testing, management should determine an appropriate course of action to address this, for example through the provision of additional training to staff or formal reminders on the importance of meeting the target.</p>	<p>Undertaking checks on the timeliness of acknowledgement would help to ensure that the five day target is being met.</p> <p>Discussion with Complaints Managers identified that there is currently no formal process in place to monitor the timeliness of acknowledgement of complaints being sent out, except for BHP and Housing. It is noted that the systems in use, Respond and iCasework, automatically attach completion dates to complaints and generate an automatic prompt as a reminder. However, from a sample of 30 complaints tested, an acknowledgement letter was not sent within the five day target in 11 cases.</p> <p>Where timeliness of acknowledgement of complaints is not monitored, there is an increased risk that the corporate target may not be met. This in itself may increase the risk that complaints may be escalated due to customer dissatisfaction with the timeliness of response.</p>

Priority 2 recommendations

5. Complaint Officer's appraisal performance

Recommendation	Rationale
<p>It is recommended that management should consider determining which staff have a significant responsibility for dealing with complaints and have complaint performance monitored as part of their one-to-one meetings and annual appraisals.</p>	<p>Having complaint handling performance fed into staff appraisals helps to ensure that there is a staff performance metric for a complaint that incentivises staff to meet Council objectives regarding complaints handling.</p> <p>A shortfall of authority in the reporting line was also identified in some Service Areas. These occur where complaints managers do not have line manager status over staff handling the complaint. In conjunction with this, it was identified that staff who regularly handle complaints typically do not have complaint response performance fed into their one-to-ones or annual appraisals.</p> <p>Where performance relating to complaints handling is not fed into appraisals for staff who regularly handle complaints, there is an increased risk that Council targets and standards may not be achieved as a result of lack of incentive.</p>

6. Retaining correspondence from complainants

Recommendation	Rationale
<p>It is recommended that management should formally remind all relevant staff of the importance of scanning all correspondence and relevant supporting documentation in relation to each complaint.</p> <p>In addition, checks should be introduced to</p>	<p>Scanning all customer correspondence helps to ensure that a complete audit trail is maintained for each complaint in the event that this is challenged at a later date, as well as helping to ensure that all relevant information is made available to officers dealing with the complaint if it is escalated through the stages. In addition, it helps to ensure that potentially confidential information is not lost.</p> <p>From a sample of 20 complaints recorded on Respond, correspondence from complainants</p>

monitor compliance with this. In the event that documentation continues to not be consistently scanned in full, management should determine an appropriate course of action to address this.

could not be located in a case file or as a Respond attachment in four cases. In addition, the correspondence was retained on file but not as a Respond attachment in 10 cases.

Where correspondence is not scanned in full, there is an increased risk that an officer dealing with an escalated complaint may be unable to determine the full details of the complaint, which may lead to an inappropriate or inadequate response being made. This may further increase the risk of the complaint being escalated further. In addition, the Council may not be able to fully support the actions taken if challenged on this, and potentially confidential information may be lost.

7. Documented procedures for inputting complaints on iCasework

Recommendation	Rationale
<p>It is recommended that documented procedures should be produced for inputting complaints onto iCasework.</p>	<p>Having up-to-date procedure notes for the input of complaints onto the iCasework system will help to ensure that complaints are fully and accurately recorded, and that staff are able to do so in an efficient and timely manner.</p> <p>It was identified during the course of the audit that there are no procedures outlining how to input and handle a case on iCasework. There are procedures for Respond and NonStopGov, the system from which iCasework was developed, but these have not been updated to account for the new system.</p> <p>Without documented procedure notes for the input of complaints onto iCasework, there is an increased risk that data may not be fully and accurately recorded, or that doing so may take excessive amounts of time, thereby representing an inefficient use of staff resources.</p>

8. Recording compensation cases and retaining approval documents

Recommendation	Rationale
<p>Staff should be reminded of the need to record all compensation payments on the Respond / iCasework system.</p> <p>It is recommended that staff members are reminded of the need to maintain copies of the compensation approval forms in all cases.</p> <p>It is suggested that these should be scanned on to system so as to form part of the electronic audit trail.</p>	<p>Recording compensation on systems helps to ensure that management information is extracted in an efficient manner to monitor amount and nature of complaints.</p> <p>Scanning compensation approval forms helps to ensure that a complete audit trail is maintained for each payment in the event that this is challenged or queried at a later date, as well as helping to ensure that all relevant information is made available to officers dealing with the complaint if it is escalated through the stages. In addition, it helps to ensure that potentially confidential information is not lost.</p> <p>Discussions with Service Area Complaints Managers identified that compensation payments are not always recorded on the iCasework or Respond systems and approved compensation forms are not scanned on to the system. It is noted that there is a reporting limitation with iCasework and a breakdown of compensation amounts by complaint stage cannot be extracted at present. Management are aware of this issue, and explained that the next release of iCasework will contain the necessary features to extract required management information.</p> <p>Where compensation payments are not recorded and approval documents not maintained, there is an increased risk that an officer dealing with an escalated complaint may be unable to determine the full details of the complaint and actions taken, which may lead to an inappropriate or inadequate response being made. In addition, the Council may not be able to fully support the actions taken if challenged on this, and potentially confidential information may be lost.</p>

9. Quarterly reports

Recommendation	Rationale
<p>It is recommended that management should determine an approach to enforcing the submission of quarterly complaint return statistics from Service Areas to the Corporate Complaints Team.</p> <p>One option for consideration may be to link appraisal criteria for Service Area Complaints Managers to this requirement. Consideration should also be given to escalating the issue within the Service Areas.</p>	<p>Prompt submission of quarterly statistics helps to ensure that the Corporate Complaints Team is able to monitor performance of the complaints handling process, identify issues and take remedial actions as appropriate in a timely manner.</p> <p>Discussions held with the Head of Corporate Complaints identified that of the 24 quarterly reports expected from six service areas in 2008/09, only 10 were submitted. For the 10 submitted, these were submitted more than a month late in all cases.</p> <p>Where quarterly performance statistics are not provided to the Corporate Complaints Team there is an increased risk that the Council loses oversight of the performance of the complaints process and loses its ability to take appropriate remedial actions in a timely manner.</p>

10. Complaints Forums to discuss compensation issues

Recommendation	Rationale
<p>It is recommended that a discussion of compensation payments is made a standard item on the Complaints Forum agenda.</p>	<p>Regular discussion of compensation payments within the Complaints Forum will help management to gain a better understanding of the compensation process and potential issues within Services Areas, as well as elevating the importance of compensation within the complaints process. This may help to reduce the extent to which complaints are escalated through the stages.</p> <p>It was noted that, whilst the Terms of Reference for the Complaints Forum cited compensation as a remit of the group, there was no discussion around this subject in the meeting minutes.</p> <p>Where compensation is not discussed at a senior level, there is an increased risk that the issue is not treated as a key element of the complaints process, potentially resulting in higher escalation rates.</p>

11. Survey of customers

Recommendation	Rationale
<p>It is recommended that the Council should consider the need for ongoing surveys of complainants who have been through the complaints process.</p>	<p>The Corporate Complaints Policy states that "regular surveys of customers who have made complaints should be undertaken and the feedback used to help improve both service delivery and the complaints procedure."</p> <p>Conducting surveys of complainants who have been through the complaints process helps to ensure that areas of weakness in the way complaints are handled are identified so that corrective actions can be taken in a timely manner.</p>

It was identified that no Service Areas are undertaking any form of survey of complainants who have been through the complaints process.

Where complainants are not given the opportunity to feedback their views regarding the efficiency and effectiveness of the complaints process, there is an increased risk that the overall process, whilst meeting Council set targets, may not meet the expectations of residents.



Performance and Finance Select Committee

9th December 2009

Report from the Director of Communication and Diversity and the Director of Policy and Regeneration

For Information

Report Title: Brent 2009 Residents Attitude Survey

1.0 Summary

- 1.1 This report provides an update on the findings from the 2009 Brent residents' attitude survey.
- 1.2 The objective of the survey was to find out how residents feel about living in Brent, their views on the council and the services it provides as well as other issues of importance for people living in the area.

2.0 Recommendations

- 2.1 That members of the Performance and Finance Select Committee note the report and content.

3.0 Detail

- 3.1 The 2009 Brent residents' attitude survey was carried out on behalf of the council by the market research company, Ipsos MORI between May and August this year. The survey provides the most up to date research information on service satisfaction and liveability issues and follows on from the residents' attitude survey of 2005 and the 2008 place survey.
- 3.2 The methodology employed was a face-to-face, in home survey interview, conducted with resident's aged 16+ across Brent. Fieldwork took place between 28 May and 16 August 2009, during which period 2,243 interviews were completed.
- 3.3 In order to capture data down to ward level, an increased interview sample size was agreed for the 2009 survey. A nominal target of 2,100 interviews

distributed equally across Brent's twenty-one electoral wards provides basic data at this level.

- 3.4 A summary of results is provided in the attached document at appendix 1.

Next steps

- 3.5 Ipsos MORI has supplied the full weighted data set together with postcode information to the council's GIS unit. This data will be matched with existing MOSAIC and other data to provide an important addition to the council's evidence base. The data will also be used to produce ward and service level information, which can be used in the service planning process.
- 3.6 The 2009 residents' attitude survey results are a 'good news' story. Satisfaction levels have increased in twenty-four out of twenty-eight service areas and overall satisfaction with the council has risen to an all time record of 65 per cent. In addition improvements are shown in areas of customer contact, communications and community safety.
- 3.7 The results of the survey will be publicised externally through the council website, The Brent Magazine, local press and local government press and internally through Insight, Brent Brief and the intranet. The Executive will be receiving a further report in January 2010 outlining possible council responses to the results of the residents attitude survey.

4.0 Financial Implications

- 4.1 None.

5.0 Legal Implications

- 5.1 None.

6.0 Diversity Implications

- 6.1 To be determined. Survey data is weighted by ethnicity, gender, age and work status. Detailed analysis of survey findings will highlight implications for diversity issues.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

Background Papers

None

Contact Officers

Toni McConville – Director of Communication & Diversity.
Owen Thomson – Head of Consultation
Cathy Tyson – Assistant Director of Policy

Brent's Resident Attitude Survey 2009

Final Topline Results

1. Background

This briefing highlights the key findings from the results of the 2009 Residents' Attitude Survey (RAS). The briefing also highlights comparisons with the 2005 RAS as well as other trend data where relevant and available. Differences between the 2009 RAS and the 2009 Place Survey will also be considered, although due to the different methodologies used (face-to-face and postal respectively) they are not directly comparable. Both the Place Survey and the RAS were undertaken by Ipsos MORI.

The Council has conducted a residents' attitude survey at least once every three years since 1990 and it has been our key mechanism for measuring resident perception of the council and services it provides. The council is considering undertaking a full residents' survey every 2 years in the future as the central mechanism for monitoring the council's improvement agenda and its impact on the locality. The Council is also required to undertake a Place Survey every two years which is a postal survey. The focus of the Place Survey is much more on the local area and how partner agencies such as the Council, Police, NHS Brent etc are working together to improve outcomes for local people.

There are significant differences recorded in answers to the same or similar questions asked in both the Place Survey and RAS. In many cases the RAS demonstrates respondents are more positive about their local area and the services the council provides than seen in the Place Survey results. We believe the results from the RAS are a more robust measure of resident perception and a fair reflection of the improvements the council has undertaken to deliver better quality services to its residents. This is most likely due to the key methodological differences between the RAS and the Place Survey.

The RAS is a face to face survey and this methodology achieved a more representative sample of respondents as compared with our population demographic. The postal survey methodology, as used in the Place Survey, has a number of inbuilt faults. Respondents are self selecting and lower response rates are obtained particularly from younger people, people with literacy problems and people whose first language is not English. Higher weighing factors have to therefore be applied to such groups in postal surveys.

Other contributing factors explaining the difference in responses between the two surveys may be the impact of national issues experienced at the time and also the change in emphasis of the Place

Appendix 1.

Survey over its predecessor the best value performance indicator, (BVPI) general survey where there is more emphasis on 'local public services'. This change in methodology could well have been confusing to residents who may not understand these government terms. This could have a particular impact in Brent with our high migrant population and the effect of this change is evident from the fact the Place Survey had a very high error rate for some questions (i.e. respondents did not fill out the form for some questions).

The final RAS results for 2009 are based on 2,243 interviews with adults aged 16+ across the London Borough of Brent. These interviews were conducted face-to-face, in resident's homes between 28th May and 26th August 2009. The data is weighted by gender, ethnicity, work status and area (ward).

2. Key Findings

2.1. Overall satisfaction with the council

- Just under two thirds (65 per cent) of respondents overall were satisfied with the way Brent Council runs things in the 2009 RAS. This compares to 48 per cent in 2005 and represents a 17 percentage point increase, this is also the highest level of overall satisfaction recorded by the RAS which, has been carried out since 1990. Prior to the 2009 results there has been a gradual but consistent rise in overall satisfaction since 2000.
- The Place Survey indicates a significant decline in overall satisfaction with the way the Council runs things from 52 per cent in the 2006/7 BVPI survey to 45 per cent in 2009.

	RAS 2009	RAS 2005	Place Survey 2009	BVPI Survey 2006/7
Q15. Taking everything into account, how satisfied or dissatisfied are you with the way Brent Council runs things?	65%	48%	45%	52%

Note: There was a minor change to the wording of this question, the 2005 RAS and 2006/7 BVPI survey asked about satisfaction/dissatisfaction with the way Brent Council is running the Borough. The 2009 RAS and 2009 Place Survey asked about satisfaction/dissatisfaction with the way Brent Council runs things.

2.2. Local area

2.2.1. Satisfaction with the local area

- In the 2009 RAS over eight in ten (83 per cent) respondents were satisfied with their local area as a place to live. This compares to three quarters (75 per cent) of respondents in the 2005 RAS and represents an eight percentage point increase. Prior to the 2009 RAS results, satisfaction with the local area has consistently remained between 72 to 75 per cent since 1993.
- Both the RAS and the Place Survey indicate that there has been around an eight to nine percentage point increase in satisfaction with the local area as a place to live (as shown on the table below). However, levels of satisfaction in the RAS are considerably higher than those recorded by the Place Survey in 2009 (83 per cent compared to 68 per cent)

	RAS 2009	RAS 2005	Place survey 2009	BVPI Survey 2006/7
Q1 Thinking about your local area how satisfied / dissatisfied are you with this area as a place to live	83%	75%	68%	59%

2.2.2. Is your local area getting better or worse?

- Around a quarter of respondents (25 per cent) in the 2009 RAS felt that their local area had got better over the last two years which is consistent with the score in 2005. Fewer respondents felt their local area had got worse (23 per cent in 2009 compared to 27 per cent in 2005) while slightly more felt that not much had changed (40 per cent in 2009 compared to 37 per cent in 2005).

Q2 On the whole do you think that over the past two years your local area has got better, or worse, or not changed much?	RAS 2009	RAS 2005
Better	25%	24%
Worse	23%	27%
Not Changed much	40%	37%
Lived here less than 2 years	11%	10%
Don't know	2%	3%

2.2.3. Strong sense of community?

- Over half (51 per cent) of respondents in the 2009 RAS agreed that there was a strong sense of community in their local area, which is a fourteen percentage point increase since 2005 when 37% agreed with this statement.

Appendix 1.

- Almost three quarters (74 per cent) agreed that Brent is a place where people from different backgrounds get on well together, which is marginally above the figure recorded in the 2005 RAS.

	RAS 2009	RAS 2005
Q5 there is a strong sense of community in my local area	51%	37%
Q7 it is a place where people from different backgrounds get on well together*	74%	72%

*Note: This question was asked in the Place Survey but the scale did not include a neutral option, so it is not possible to compare the results.

2.2.4. Influencing decisions in the local area?

- While only around three in ten (32 per cent) of respondents felt that they could influence decisions in the local area this does represent a nine percentage point increase from 2005.
- Furthermore just under, half of respondents (49 per cent) agreed that they would like to be more involved in decision making.

	% Agree	
	RAS 2009	RAS 2005
*Q4 I can influence decisions affecting the local area	32%	23%
**Q18. I would like to be more involved in decisions the Council makes in my local area?	49%	n/a

*Note: This question was asked in the Place Survey but the scale did not include a neutral option, so it is not possible to compare the results. **Similar question in Place Survey but reply options are yes, no dependent on the issue.

2.3. Making somewhere a good place to live

- The top five things that respondents felt are most important in making somewhere a good place to live have remained the same since the 2005 RAS, although the ordering has changed slightly. The level of crime continues to be the most important thing in making somewhere a good place with over half (52 per cent) of respondents identifying this issue (this is compared to 50 per cent in 2005). Levels of crime, is followed by clean streets (41 per cent), health services (32 per cent) and shopping facilities (31 per cent). The first two of these have both moved up a ranking position out of the list of options provided since the last survey and while a slightly higher proportion identified clean streets (up by four percentage points), health services saw a slight decline (down 3 percentage points) as shown on the table below. Shopping facilities has remained in fourth position but experienced a slight decline in the proportion of respondents who identified it (down 4 percentage points). Lastly while public transport remains in the top

Appendix 1.

five it has dropped from being in second to joint fourth position and has seen 12 percentage point decline since 2005.

- The results for this question from the Place Survey also identifies levels of crime as the key consideration for residents in making somewhere a good place to live (59 per cent), followed by cleaner streets (51 per cent), public transport (46 per cent) and health services (45 per cent). Shopping facilities which, was in the top five in the 2009 RAS was replaced by affordable decent housing (31 per cent) in the 2009 Place survey.

Q8. Thinking generally, which of these things below would you say are most important in making somewhere a good place to live?

	RAS 2009		RAS 2005		% change since 2005	Change in rank 05 to 09
	%	Rank	%	Rank		
Levels of crime	52%	1	50%	1	+2%	↔ 0
Clean Streets	41%	2	37%	3	+4%	↑ +1
Health Services	32%	3	35%	4	-3%	↑ +1
Shopping facilitates	31%	4	35%	4	-4%	↔ 0
Public transport	31%	4	43%	2	-12%	↓ -2

*Note: There are minor changes in the options i.e. in 2005 Low levels of crime, low levels of traffic congestions and low levels of pollution were changed to levels of crime, levels of traffic congestion and low levels of pollution in 2009, which are the same as used in the 2009 Place Survey.

Thinking generally, which of these things below would you say are most important in making somewhere a good place to live?

Place Survey 2008/9	%
Levels of crime	59%
Clean Streets	51%
Public transport	46%
Health Services	45%
Affordable decent housing	31%

2.4. What most needs improving in the local area?

- The top five things that respondents felt most needed improving in the local area has also remained consistent since 2005, again with a slight alteration in terms of the ordering. Levels of crime remains the main thing respondents thought needs improving with 30 per cent of respondents identifying it in 2009 compared to 32 per cent in 2005.
- Around a quarter of respondents thought that activities for teenagers (25 per cent), road pavements and repairs (24 per cent) and clean streets (23 per cent) are in need of improving, followed by levels of traffic congestion (17 per cent).

Q9	2009		2005		% change since 2005	Change in Rank 05 to 09
	%	Rank	%	Rank		
Levels of crime	30%	1	32%	1	-2%	↔ 0
Activities for teenagers	25%	2	22%	4	3%	↑ +2
Road and pavement repairs	24%	2	28%	3	-4%	↑ +1
Clean streets	23%	4	28%	2	-5%	↓ -2
Level of traffic congestion	17%	5	18%	5	-1%	↔ 0

2.5. Satisfaction with council services

- The satisfaction levels with services provided by the council are very positive and have increased for 24 out of the 28 services respondents were asked about and where there is data from the 2005 survey. The highest levels of satisfaction have continued to be with services such as refuse collection (86 per cent), street lighting (85 per cent), parks and open spaces (82 per cent) and recycling facilities (81 per cent) where over eight in ten respondents were satisfied. Over two thirds (69 per cent) were satisfied with libraries and just over half (55 per cent) were satisfied with road and footpath maintenance and road safety and traffic calming (55 per cent).
- The largest increases in satisfaction with local services includes sports facilities (18 percentage point increase since 2005) followed by swimming pools (17 percentage point increase) recycling facilities and street sweeping (both up 16 percentage points), and park and open spaces and car parking (both with a 14 percentage point increase).

Q12 How satisfied or dissatisfied are you with the quality of each of the following services in your local area?			Difference in Satisfaction 2005 to 09
	2009	2005	
	% Satisfied		
Refuse collection	86	80	+6
Street lighting	85	75	+10
Parks and open spaces	82	68	+14
Recycling facilities	81	65	+16
Street sweeping	79	63	+16
Libraries	69	57	+12
Road and footpath maintenance	55	50	+5
Road safety and traffic calming	55	44	+11
Sports facilities	49	31	+18
One stop services	48	47	+1
Community safety & crime prevention work	46	34	+12
Primary schools	45	45	0
Car parking	41	27	+14

Appendix 1.

- Respondents were most dissatisfied with car parking with over a third (36 per cent) registering dissatisfaction with this service. This is followed by parking enforcement (32 per cent dissatisfied), road and footpath maintenance and public conveniences (both 30 per cent dissatisfied). Swimming pools also make it into the top five services respondents were most dissatisfied with although, there has been a nine percentage point decrease in dissatisfaction with this service since 2005 (as shown in the table below).
- Of the 28 services respondents were asked about and where there is comparative data for 2005 19 have seen a decrease in dissatisfaction since 2005. The largest decreases have been for public conveniences (eleven percentage point decrease) and street sweeping (nine percentage point decrease) and swimming pools (eight percentage point decrease in dissatisfaction).

Q12 How satisfied or dissatisfied are you with the quality of each of the following services in your local area?	2009	2005	Difference in Dissatisfaction 2005 to 09
	Dissatisfied		
Car parking	35	37	-2
Parking enforcement	31	29	+2
Road and footpath maintenance	29	35	-6
Public conveniences	31	42	-11
Swimming pools	26	34	-8
Preventing drug and alcohol abuse	24	25	-1
Road safety and traffic calming	23	25	-2
Community safety and crime prevention work	22	28	-6
Youth & community centres	21	20	+1
Sports facilities	20	26	-6

- Furthermore, less than ten per cent of respondents felt that Brent Council services have got worse over the last 12 months, while 18 per cent felt they have got better and 63 per cent felt they have stayed the same in the 2009 RAS.

Q19 Over the last twelve months, do you think Brent Council services have got better, worse or stayed the same?	%
Got better	18%
Stayed the same	63%
Got worse	9%
Lived in Brent for less than 12 months	6%
Don't know	5%

Appendix 1.

2.6. Value for money

- Over a third (36%) of respondents agreed that the Council gives local people good value for money in the 2009 RAS. This represents a ten percentage point increase compared to the 2005 RAS where 26 per cent agreed.
- The 2009 RAS score for this question is also five percentage points above that recorded in the Place Survey (2009).

	RAS 2009	RAS 2005	Place Survey 2009
Q18.3 How strongly do you agree or disagree that the Council gives local people good value for money?	36%	26%	31%

2.7. Listening to the views of local people

- **Over a third (37%)** of respondents in the 2009 RAS agree that the council listens to the views of local people, which is a six percentage point increase on the 2005 RAS score. Since 2000 there has been consistent increase in the proportion of respondents who feel the council listens to local people from 27 per cent in 2000 to 37 per cent in 2009.

	RAS 2009	RAS 2005	Place Survey 2009
Q18.How strongly do you agree or disagree that the Council listens to the views of local people?	37%	31%	n/a

2.8. Rating the council

- A series of further questions in the 2009 RAS that asked respondents to rate the Council were generally positive and showing a consistent improvement (where data is available). For example just under, six in ten (59 per cent) of respondents felt that the quality of Council services is good overall and that the Council is easy to contact for help and information. There was a three and eight percentage point increase respectively for both these questions since 2005.
- There were also significant increases in the proportion of respondents who felt that the council is doing a good job for people like me (eight percentage point increase), who felt informed about how Brent Council spends its money and that the Council keeps its promises to local people (there was a eleven and twelve percentage point increase respectively for latter two questions).

Q18. How strongly do you agree or disagree with the following statements?

	% Agree		Difference between 05 and 09
	2009	2005	
The quality of Council services is good overall	59	56	+3
The Council is easy to contact for help and information	59	51	+8
The Council is helpful when you contact it	51	47	+4
The Council does a good job for people like me	47	39	+8
The Council is well run	44	n/a	
I feel I am informed about how Brent Council spends its money	36	24	+12
The Council keeps its promises to local people	30	19	+11

2.9. Information about the council

- Just under half of the respondents (49 per cent) said that they felt informed about the services and benefits provided by the council in 2009 RAS. This compares to 44 per cent in 2005 and is the highest score achieved for this question since 1990 when the question was first asked.

	RAS 2009	RAS 2005
Q20 How well informed do you think Brent Council keeps you about the services and benefits it provides?	49%	44%

2.10. Information about the council

- When asked about where respondents obtain most of their information about the Council the Brent Magazine (TBM) has consistently been the most popular option with close to six in ten respondents identifying it (56 per cent). This represents a two percentage point increase since 2005 and a six percentage point increase since 2002.
- TBM is followed by leaflets through the door (31 per cent) although there has been a 16 percentage point decrease in the proportion of respondents identifying it as a source of information about the Council.
- Encouragingly there has been a significant rise in the proportion of people using the Brent Council website to find out information about the Council. Just over one in five (22 per cent) of respondents identified this option which, is an eleven percentage point increase since 2005 and a 16 percentage point increase since 2002.

Appendix 1.

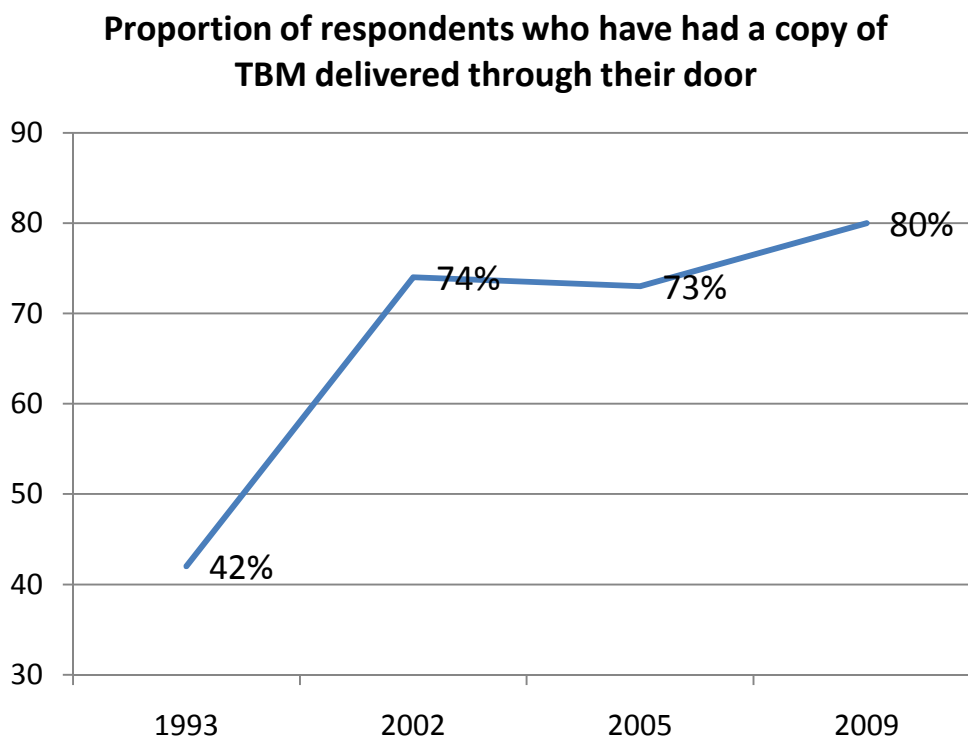
Q21. From which, if any, of the sources on this card do you obtain most of your information about Brent Council?	RAS 2009	RAS 2005	RAS 2002	Difference between 05 and 09
Brent Council's "The Brent Magazine"	56	54	50	+2
Leaflets delivered to your door	31	47	40	-16
Brent Council website (www.brent.gov.uk)	22	11	6	+11
Contact with Council staff	13	17	12	-4
Posters	10	15	7	-5
Friends and neighbours	8	23	19	-15
Other newspaper	8	3	3	+5
Leaflets and notice boards in libraries	7	13	15	-6
Willesden & Brent Times	7	9	13	-2
National newspapers	6	7	9	-1
Wembley & Kingsbury Times	5	4	n/a	+1

- A similar range of sources were identified by respondents in terms of where they would prefer to get their information about the council from, as shown on the table below.

Q22. From which of the sources on this card, would you most like to get your information about Brent Council?	RAS 2009	RAS 2005	RAS 2002	Difference between 2005 and 2009
Brent Council's "The Brent Magazine"	41	47	39	-6
Leaflets delivered to your door	25	41	34	-16
Brent Council website (www.brent.gov.uk)	19	12	8	+7
Contact with Council staff	10	11	8	-1
e-mail	8	4	3	+4
Posters	6	6	5	0
Contact with elected Councillors	4	3	3	+1
Other newspaper	5	2	1	+3
Willesden & Brent Times	4	4	6	0
Brain Community website (www.brent.gov.uk/brain)	4	2	1	+2

2.11. The Brent Magazine

- The chart below illustrates that the proportion of residents who have received a copy of TBM through their door has almost doubled since 1993 from 42 per cent to 80 per cent in 2009. There has also been a seven percentage point increase since 2005.



- Of those who had seen a copy of TBM, 42 per cent read all of it or most of it which is a six percentage point increase since 2005. While less eight per cent said they never read it compared to ten per cent in 2005 (as shown in the table below).

Q23C Thinking about the most recent issue of “The Brent Magazine” that you have seen, would you say you....?	% 2009	% 2005	Difference between 05 and 09
.... read all or nearly all of it	14	13	+1
.... read most of it	28	23	+5
.... read a few articles	29	28	+1
.... just glanced at it	20	24	-4
.... never read it	8	10	-2
Don't know/can't remember	1	1	0

- Around seven in ten respondents thought TBM contained a lot of useful information (70 per cent) and liked the way it was presented (69 per cent). For each question there was a three and seven percentage point increase respectively since 2005.

Appendix 1.

- Around two thirds of respondents thought TBM was well written (65 per cent) and interesting (64 per cent) and there was a ten and twelve percentage point increase respectively for both these questions since 2005.

Q23D How strongly do you agree or disagree with the following?	Agree		Difference between 05 and 09
	2009	2005	
"The Brent Magazine" contains a lot of useful information	70	67	+3
I like the way "The Brent Magazine" is presented	69	62	+7
I like the way "The Brent Magazine" is written	65	55	+10
I find "The Brent Magazine" interesting	64	52	+12

2.12. Customer Contact

- The proportion of respondents who have contacted the Council over the last two years has declined from 57 per cent in 2005 to 50 per cent in 2009
- Of those respondents that have contacted the Council over three quarters (78 per cent) did so over the phone, which has increased by seven percentage points since 2005. A significantly smaller proportion contacted the Council in person (thirteen per cent in 2009 compared to 20 per cent in 2005). While six per cent did so via email.

Q25. How did you get in contact with Brent Council on the last occasion that you contacted them?	%	%
	2009	2005
In person	13	20
By phone	78	71
By letter	2	5
By fax	-	n/a
By email	6	n/a
By SMS text messaging on mobile phones	-	n/a
Via the Council's website	1	0
Other	*	1
Don't know/can't remember	-	*

Note in 2005 email/council website were combined = three per cent

- Around two thirds (65 per cent) of respondents felt that it was easy to get hold of the right person (compared to 58 per cent in 2005) while, three quarters (75 per cent) thought that council staff were helpful (compared to 73 per cent in 2005).

Appendix 1.

- In 2009 over two thirds (67 per cent) of respondents were satisfied with the handling of their enquiry, while 64 per cent were satisfied with the outcome of their enquiry compared to 58 per cent in 2005.

2.13. Community Safety

- Respondents were asked to what extent they felt threatened by crime and if they feel safe walking outside in their local area.
- Just under four in ten (39 per cent) of respondents said that they feel threatened by crime (a fair amount or a great deal) in their local area in the 2009 RAS. This has declined by fourteen percentage points since 2005. While six in ten (61 per cent) of respondents feel not very or not at all threatened by crime, this figure has increased by fourteen percentage points since 2005.

Q32. To what extent, if at all, do you feel threatened by crime in this area these days?				
	%			Difference between 05 & 09
	2009	2005	2002	
A great deal	10	14	17	-4
A fair amount	29	39	41	-10
Not very much	44	39	34	5
Not at all	17	8	8	9
Don't know	1	*	*	*

- The vast majority (88 per cent) of respondents feel safe walking outside in their local area alone during daytime in the 2009 RAS. This has declined marginally by two percentage points compared to 2005 RAS. Findings from the RAS 2009 for this question are nine percentage points higher than those recorded in the Place Survey (2009).
- Around four in ten (43%) respondents feel safe walking outside in their local area alone after dark in the 2009 RAS. This represents a six percentage point increase since 2005. The score for this question in the RAS (2009) is seven percentage points above that recorded in the Place Survey (2009).

	RAS 2009	RAS 2005	Place Survey 2009
Q33 How safe do you feel walking outside in this area alone in the daytime?	88%	90%	79%
Q34 And how safe do you feel walking outside in this area alone after dark?	43%	37%	36%



Performance & Finance Committee 9th December 2009

Report from the Director of Policy & Regeneration

For Action

Wards Affected:
ALL

Community Use of Council Owned Buildings – Update on the Implementation of Recommendations

1.0 Summary

1.1 This report provides an update on the implementation of the recommendations set out in the *Community use of council owned buildings* task group report.

2.0 Recommendations

2.1 That members of the committee comment on the implementation of the task group's recommendations.

3.0 Detail

3.1 In June 2008 the Performance and Finance Select Committee agreed to undertake an investigation into community use of council owned buildings.

3.2 The committee's report was finalised in March 2009 and the committee agreed to forward the report to the Executive.

3.3 The Executive discussed the report on 14th July 2009 and asked officers to implement the recommendations set out in the report.

3.4 Members will recall that a mechanism for monitoring whether or not task group recommendations have been implemented was agreed in December 2007.

The table at appendix A sets out information on implementation, timescales and lead officers.

4.0 Financial Implications

4.1 None

5.0 Legal Implications

5.1 None

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

Community Use of Council Owned Building Task Group Report
Minutes of Performance & Finance Committee June 2008 & March 2009
Minutes of the Executive July 2009

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Performance & Finance Feedback In respect of: Community Use of Council Owned Buildings

Membership: Councillor Dunn – Chair
 Councillor H B Patel
 Councillor Bessong
 Councillor Ahmed
 Councillor Butt
 Councillor Mendoza
 Councillor Pagnamenta
 Councillor Van Kalwala

Date: 9th December 2009

Lead Member:

Lead Officer: Richard Barrett

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Recommendation	Has or will this be Implemented / Not Implemented	If not Why not	Timescales for implementation	Officer Responsible
<p>1. Consider the framework for effective community use of council owned buildings</p> <p>a) The following policy areas should be considered together in future when addressing community use of council owned buildings - asset management leasing policy, voluntary sector strategy development and projects such as the voluntary sector resource centre project. In addition we should also be cognisant of</p>	<p>A Voluntary Organisations Property Group (VOPG) has been formed containing representatives of each relevant Department to formulate a policy and methodology to implement this framework.</p>			<p>Howard Fertleman</p>

<p>stringent test of capacity and alignment with key Council objectives such as Local Area Agreement targets. This is in line with Quirk proposals for the need to assess capacity and capability.</p> <p>d) Development of a leasing policy drawing on best practice elsewhere</p> <ul style="list-style-type: none"> ➤ The contractual and leasing arrangements should be standardised for the community portfolio ➤ The policy approach agreed for the 16 Youth and Community Centres in 2003 should be extended and added to so that: <ul style="list-style-type: none"> ➤ Generally leases would be granted for 7 years or less ➤ These should be contracted out of L&T Act 1954 Part II, ➤ These should include an annual tenant break clause and possibly a landlord break clause ➤ These should include internal repairing and insurance clauses because the tenant will then take responsibility for the day to day management and maintenance of the building and will be the entity occupying the building on a daily basis 	<p>3(d) The VOPG is looking at various models and best practices employed by other Councils especially Sheffield City Council. The drawing up of a standard lease containing all the recommendations of the PFSC and the Executive Report of the 14th July 2009 is being discussed with Legal Services.</p>			
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➤ These should have a restricted user clause and alienation clause to prevent, over time the property not being used for the original intention or by the original occupier without prior Council approval

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➤ Long leases (i.e. for more than 7 years), should exceptionally be available:

- where this meets community outputs critical to council and the community organisation need a long lease to obtain funding (confirmation of funding would be required before agreement)

- where this links to capital funding possibilities (confirmation of funding would be required before agreement)

- where there is some other strong justification for this.

- In addition the legal requirements set out at section 8 would need to be met alongside a test of capability and capacity to ensure the effective use of the asset in the future. (The example highlighted as best practice at section 7.34 should be noted here).

➤ Long lease break clauses should be considered as the norm to safeguard the long term value of Council assets and also

to insure against future failure of the organisation to continue to operate effectively or fail to meet Council objectives.

➤ Shared use of premises should be encouraged where appropriate, to ensure effective and efficient use of council assets to the benefit of Brent residents.

e) The policy approach once agreed should be taken forward as one part of the Voluntary Sector Strategy

3(e) This will be done in consultation with the VOLG once the policy approach is agreed.

<p>5. Strengthen governance of the 'community portfolio' developed in line with any aspects developed within the voluntary sector strategy</p> <p>a) Ensure community outcomes are linked to any provision of below market rent leases within the „community portfolio“</p> <p>b) Clarify responsibility and process for monitoring of the community outcomes</p> <p>c) Ensure linkage to the community strategy priorities for all community outputs in line with the process which is being developed for the voluntary sector strategy</p> <p>d) Ensure appropriate consideration of equality and diversity to ensure the fairness of this process</p> <p>e) Ensure clear advice and guidance on the monitoring process is provided in one place for voluntary and community sector organisations</p>	<p>5(a) It is anticipated that each Department within the Council where appropriate, will sponsor a particular organisation. They will monitor the Organisation's outputs to ensure that the particular group is eligible for a rental abatement or grant provision on a yearly basis.</p> <p>5(b) Each Department has now been circulated a list of community assets together with the occupying community groups.</p> <p>5 (c) The definitions of the community outputs and what is required of each group will be in line with the final defined voluntary sector strategy that is being compiled by the VOLG.</p>			
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	<p>5(d) Equality and Diversity is a key element in the VOLG's formulation of the Voluntary Sector Policy to ensure fairness in granting of future leases, 5(e) It is anticipated that regular meetings will take place with all voluntary sector tenants through the VOLG monitoring process.</p>			<p>The VOLG.</p>
<p>6. Continue to develop the Voluntary Sector Resource Centre Project a) Continue to support the voluntary resource centre projects and others like it in the longer term as an effective way of empowering the voluntary and community sector b) Identify if there are any other projects which provide similar benefits to community and voluntary sector organisations</p>	<p>6(a) Housing and Community Care is drawing up a Resource Centre requirement schedule in conjunction with BRAVA. 6(b) This is a matter for Voluntary Organisations Sector to progress.</p>			<p>Linda Martin</p>
<p>7. Feed into the response to the Quirk Review a) Feed learning from the task group into</p>	<p>7(a) This has been</p>			

Brent's response to the Quirk review in particular the focus on projects like the voluntary sector resource centre, and the recommendations about Brent's leasing policy.	undertaken.			
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