



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.

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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

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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

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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

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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.

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	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

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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.

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- 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.

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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

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

<u>Section</u>	<u>Contents</u>
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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%.

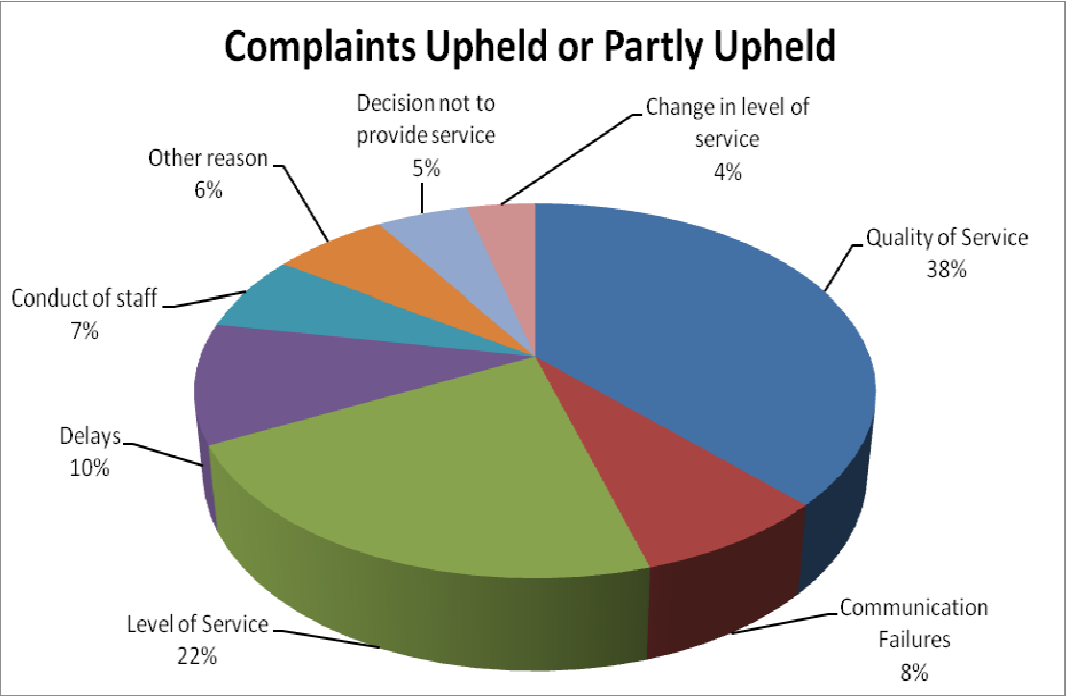
Each statutory complaint is assessed as to its complexity; with a target timescale of 10 working days being attached to a non-complex complaint and 20 working days being attached to a complex complaint. A complaint being dealt with under the corporate complaints procedure should be

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%.



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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

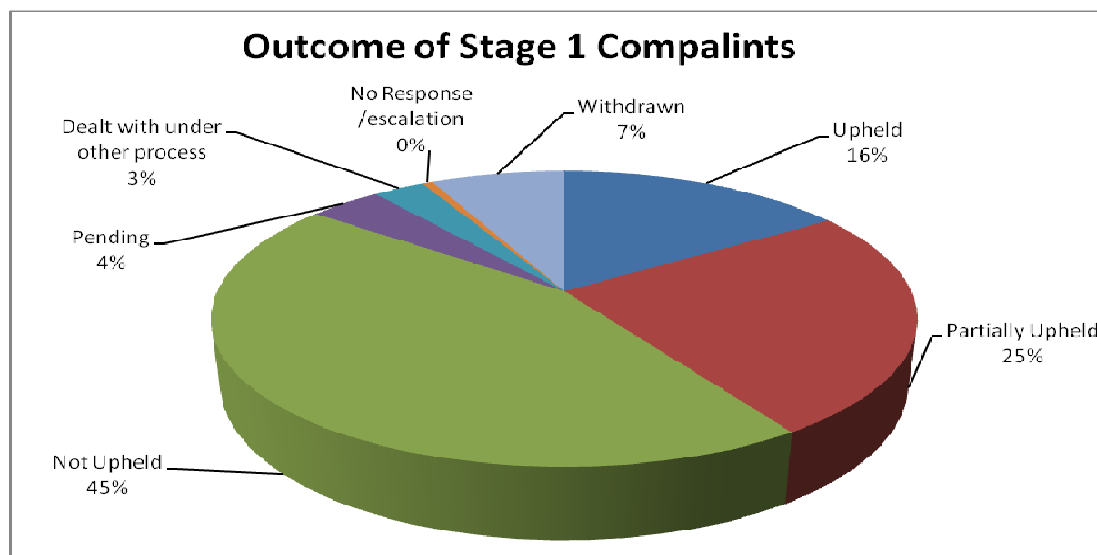
Within required timescale	1	(33)	28	(47)	22	(59)	6	(30)	18	(69)	10	(77)	6	(50)	3	(50)	94	(53)
Outside required timescale	1	(33)	20	(33)	14	(32)	9	(45)	6	(23)	3	(23)	5	(42)	-	-	58	(33)
Withdrawn	1	(33)	9	(15)	1	(3)	2	(10)	-	-	-	-	-	-	-	-	13	(7)
Dealt with under other processes	-	-	1	(2)	-	-	-	-	1	(4)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



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	

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

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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

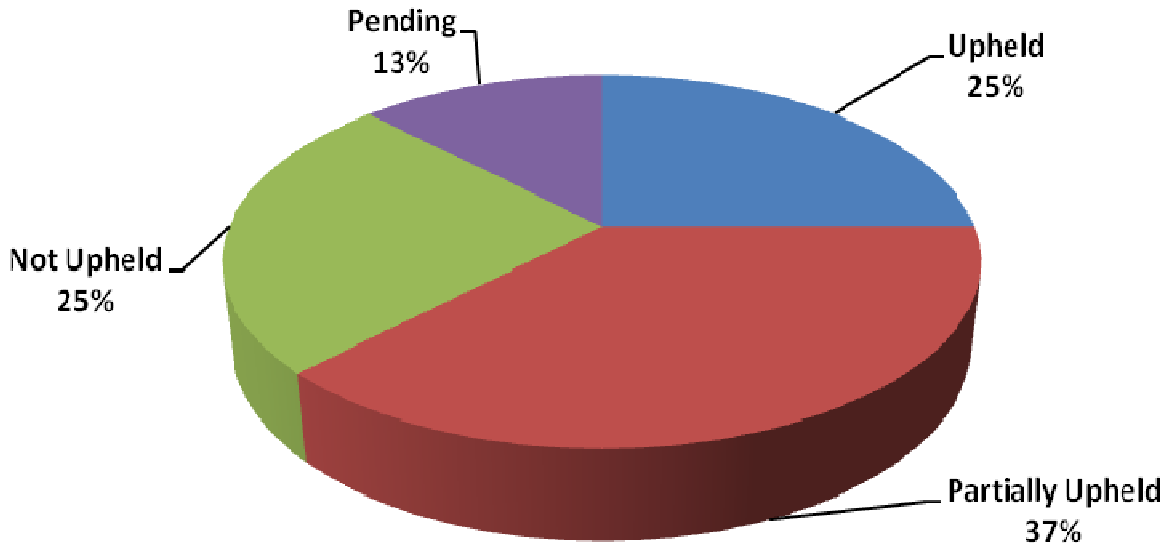
Outcome:

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

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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

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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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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

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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

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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.

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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:

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- 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>

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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>

<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.</p>	<p>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.</p> <p>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.</p>
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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>

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