

	<p style="text-align: center;">Executive 18 October 2010</p> <p style="text-align: center;">Report from the Director of Policy and Regeneration</p>
For Information	Wards Affected: ALL
<p style="text-align: center;">Annual Complaints Report 2009/2010</p>	

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 its own corporate complaints procedure, and reports on developments in the Council's complaint handling. The annual reports on the operation of the statutory children's and adult 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

Complaints made to the Local Government Ombudsman

- 3.1 In total the Local Government Ombudsman's Advice Team received 147 enquiries and complaints about Brent Council in 2009/10. Over a third of them related to housing matters. Of those, 74 were accepted for investigation. The rest were either referred back to the Council to be dealt with under our internal complaints process ('premature complaints'), or general advice was given to the complainant.
- 3.2 The Local Government Ombudsman (LGO) made decisions on 77 complaints, the same number as in 2008/09.

The following table shows the outcomes of the complaints decided by the LGO with a definition of each category.

Formal report: None issued	0
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	7
No maladministration: Decisions by letter discontinuing investigation because the LGO has found no, or insufficient, evidence of maladministration	33
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.	24
Outside jurisdiction: Cases which were outside the LGO's jurisdiction	14
Total: excluding premature complaints	77
Premature complaints: Complaints referred back to the council to consider under our own procedure	36

- 3.3 Complaints to the LGO have fallen year on year and are now only a quarter of the number dealt with by the LGO in 1999/2000 – demonstrating a significant and sustained improvement both in service delivery and customers' satisfaction with the Council's complaint handling. The following table shows the steady decrease over past decade

	Complaints decided by the LGO	Complaints referred back as premature	Total
1999/00	286	42	328
2000/01	238	128	366
2001/02	98	124	222
2002/03	83	104	187
2003/04	95	102	197
2004/05	110	72	182
2005/06	104	82	186
2006/07	131	61	192
2007/08	112	63	175
2008/09	77	44	121
2009/10	77	36	113

- 3.4 Continuing the trend of recent years, just over 40% of the complaints investigated by the LGO were housing matters. The other main categories of complaint were those about the Environment and Culture service (25%) and Revenues and Benefits (18%).

The following table shows the breakdown of LGO complaints across departments.

	Local settlement	No mal	Ombuds discretion	Outside jurisdiction	Total excl premature complaints	Premature complaints
Bus Trans	0	0	0	3	3	0
Central	0	0	1	0	1	0
C & F	0	5	2	0	7	0
E & C	0	10	5	4	19	5
BHP	2	5	6	1	14	10
Housing	2	7	5	3	17	8
Comm care	1	1	0	0	2	0
Rev & Bens	2	5	4	3	14	11
Total	7	33	23	14	77	36

3.5 For the third year running, the LGO did not issue any formal reports against the Council. Seven complaints resulted in local settlements. This represents just 11% of the complaints decided by the LGO which were within his jurisdiction and reflects extremely well on the effectiveness of the Council's complaints procedure in providing prompt and suitable redress when things go wrong. (The average local settlement rate nationally was 26.9 %.) Only £1,370 compensation was paid as a result of these seven complaints. In all other cases the LGO found no reason to criticise the Council's actions.

3.6 The complaints which resulted in local settlements were as follows:
Homelessness

The complaint was from a resident who approached the Council as homeless just before going into hospital, saying that he would be homeless on discharge. The issue was whether the Council should have treated the man as homeless and potentially in priority need. The Council's stage 3 investigations relied on an officer's recollection that the complainant had said that he could go to stay with friends, but there was no written record of that statement and the complainant denied making it. The LGO concluded that the Council should have decided that the person was homeless and in priority need and therefore offered him interim accommodation. The LGO asked the Council to pay £300 compensation and to remind officers of the need to ensure that the Council's homeless prevention strategies did not stand in the way of people being able to make formal homeless applications. The Housing Resource Centre introduced new procedures to prevent a recurrence.

Council house repairs

Two complaints resulting in local settlements came about as a result of Brent Housing Partnership's delays in rectifying leaks. In one case the LGO asked the Council to increase the compensation already paid from £580 to £750 to reflect the fact that the tenant had had to live in temporary accommodation longer than necessary. In the other case Brent Housing Partnership offered to replace carpets and floor covering in recognition of the excessive delay in carrying out refurbishment work. The LGO found that to be a suitable outcome.

Housing benefit

The Council failed to send the complainant (a landlord) £750 to which he was entitled and which represented several months housing benefit for his tenant. The LGO asked the Council to pay £50 compensation.

Council Tax recovery

Two local settlements resulted from the Council's failure to deal with complainants' requests to repay arrears by instalment, contrary to the policies contained in the anti-poverty strategy. The LGO acknowledges that the strategy itself is a good one but he has previously issued two formal reports in 2007, criticising the Council for not having regard to its own strategy when recovering Council Tax debts. In one case the LGO asked the Council to pay £300 compensation and, in the other, to pay £50 in addition to the £350 already awarded. Given that the LGO has already issued two formal reports finding maladministration causing injustice because of the Council's failure to have regard to its own policy designed to protect the vulnerable, the Revenues and Benefits service needs to be vigilant in ensuring that the anti-poverty strategy is observed in order to avoid further adverse findings by the LGO.

Adult social care services

The complainant was going through a severe crisis and the Council agreed, exceptionally, to store his possessions at an office. However there was no proper procedure in place and no inventory was taken. A year before the complainant approached the LGO, the Council offered £500 compensation for items that the complainant claimed had been lost, but the complainant refused to accept the money. The LGO asked the Council to offer the complainant the compensation again. Another complaint, investigated under the Council's internal complaint procedure, highlighted the inadequate procedures which were in place and the Director of Housing and Community Care was asked to review them.

- 3.7 The LGO made formal written enquiries into 46 complaints and the Council replied in an average 21.9 days, well within the LGO's timescale of 28 calendar days.

The Local Government Ombudsman's Annual Review

- 3.8 Each year the LGO publishes an Annual Review commenting on each authority's performance on complaints made to his office and on general complaint handling arrangements.
- 3.9 In his Review for 2009/10 the LGO once again commented positively on the Council's continued prompt and thorough responses to his enquiries and on the Council's complaint handling generally. The LGO said "*The Council continues to respond well to our enquiries on complaints and we obtain local settlements at a rate far below the average across all authorities. In my view this reflects very well on the Council's complaint handling arrangements.*"
- 3.10 The full text of the LGO's Annual Review can be found on the LGO's website www.lgo.org.uk or the Council's Intranet and Internet sites www.brent.gov.uk/complain.

Comparison with other London councils

- 3.11 Brent Council was 19th among the 32 London boroughs in terms of the raw number of complaints decided by the LGO. However only two councils (Sutton and Merton) had a lower percentage of local settlement decisions (10.5% and 10.7% against Brent's 11.1% and a national average of 26.9%). Eight London councils achieved a shorter average response time than Brent but none of those matched Brent's achievement in terms of outcomes. The Council's response times has improved year on year since 2006 but further gains could be made if all responses were sent electronically to the LGO's office.

Complaints considered under the Council's complaints procedure

- 3.12 The table below shows the numbers of complaints received at each stage of the Council's corporate complaints procedure. (* figure includes OSS)

	Stage 1		Stage 2		Stage 3		Total	
	08/09	09/10	08/09	09/10	08/09	09/10	08/09	09/10
Housing	391*	257	87*	81	30*	37	508	375
Comm Care	177	40	16	2	3	3	196	45
BHP	805	848	180	181	43	55	1028	1084
Rev & Bens	487	826	82	70	32	30	601	926
E & C	664	690	93	83	37	35	794	808
C & F	150	168	22	10	6	4	178	182
Central services	0	0	0	0	0	2	0	2
Bus Trans	n/a	55*	n/a	4*	n/a	1*	n/a	60*
Total	2674	2884	480	431	151	167	3305	3482

The increase in complaints received reverses the downward trend of the past two years. The most marked increases are in the numbers of Stage 1 complaints received about Brent Housing Partnership – a 5.3% increase, largely about repair issues, and a 69.6% increase in Stage 1 complaints received about the Revenues and Benefits service following increased Housing Benefit applications at a time when the service was being restructured. However, the effectiveness of the complaint handling arrangements in those two services in resolving matters for customers is demonstrated by the fact that the number of stage 2 complaints did not increase.

- 3.13 The Council has a target of replying to 85% of all complaints within the relevant timescale. The following table shows the percentage of complaints responded to at each stage within this target:

	Stage 1 Within 15 working days		Stage 2 Within 20 working days		Stage 3 Within 30 working days	
	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10
Housing	80	74	68	64	* the small numbers of complaints dealt with at Stage 3	
Community Care	63	50	50	*100		
BHP	88	94	68	86		
Revenues and Benefits	94	84	96	76		

Environment & Culture	79	79	71	68	make comparison between service areas meaningless	
Children & Families	62	60	75	31		
Central services	n/a	n/a	n/a	n/a		
Business Transformation	n/a	95	n/a	100		
All	78	77	71	75	*50	*36

Performance is very patchy across departments and between units within departments. Only Brent Housing Partnership and Business Transformation met the target at Stages 1 and 2. Performance in every other department fell since 2008/09. The performance at Stage 3 deteriorated considerably over previous years. This was in part the result of a reduction of 0.5 posts in the corporate complaints team but reflects the amount of work necessary to investigate a complaint thoroughly at Stage 3. It is in everybody's interests that complaints are dealt with promptly. Delays in responding make it more likely that the complainant will be dissatisfied with the outcome, and more likely to escalate their concerns to the next level. Crucially, the LGO considers that twelve weeks is sufficient for a council to consider a complaint through all stages of its complaint procedure, and is more likely to accept a complaint for investigation if this timescale is exceeded. Measures to improve performance in this area are being introduced.

- 3.14 The next table shows the percentage of complaints escalating through the stages of the complaints procedure. The target at Stage 1 was reduced to 15% as from 1 April 2010 to encourage greater emphasis on resolving matters at the earliest possible opportunity. That initiative has had limited success and alternative approaches are being considered

NB. There is a problem with escalation percentages in that they can make the problem appear greater than it is – eg. 1 out of 3 Stage 2s going to Stage 3 is 33% but only 1 complaint. This comment also applies to para 3.15 below – 1 complaint goes to Stage 3 and is upheld is 100%

	% complaints escalating from Stage 1 to Stage 2 (Target: 20% 008/09 15% 2009/10)		% complaints escalating from Stage 2 to Stage3 (Target 20%)
Housing	08/09	22	33
	09/10	33	35
Comm Care	08/09	9	19
	09/10	35	n/a
BHP	08/09	22	24
	09/10	21	29

	% complaints escalating from Stage 1 to Stage 2 (Target: 20% 008/09 15% 2009/10)		% complaints escalating from Stage 2 to Stage3 (Target 20%)
Rev & Bens	08/09	15	39
	09/10	17	47
E & C	08/09	14	40
	09/10	12	41
C & F	08/09	15	27

	09/10	7	38
Central	08/09	n/a	n/a
	09/10	n/a	n/a
Bus Trans	08/09	n/a	n/a
	09/10	6	29

- 3.15 The rate of escalation between complaint stages needs to be considered together with the percentage of complaints upheld at each stage, which is illustrated in the next table.

	Stage 1		Stage 2		Stage 3	
	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10
Housing	32	21	24	24	46	32
Comm Care	49	33	60	33	0	39
BHP	68	69	43	66	39	45
Rev & Bens	42	49	38	45	42	62
E & C	47	50	37	45	24	5
C & F	59	57	75	50	33	50
Central	n/a	n/a	n/a	n/a	n/a	n/a
Bus Trans	n/a	74	n/a	100	n/a	100

A relatively high percentage of complaints about housing and revenues and benefits matters are upheld to some extent at all stages of the procedure. This contrasts with the pattern for complaints about Environment and Culture where very few are upheld. This reflects the higher proportion of complaints about the merits of decisions, for example on planning applications, rather than about administrative and service failures.

- 3.16 The final table shows the compensation paid under the complaints procedure.

Compensation	Year	Stage 1	Stage 2	Stage 3	LGO	Total
Housing	2008/09	1,567	6,445	3,068	1,650	12,730
	2009/10	1,470	4,818	8,880	350	15,518
Comm Care	2008/09	13,458	3,050	0	0	16,508
	2009/10	24,673	1,500	0	500	25,273
BHP	2008/09	32,058	20,666	4,455	375	57,554
	2009/10	26,558	15,010	7,360	170	49,098
Rev & Bens	2008/09	6,600	9,916	1,125	0	17,641
	2009/10	7,594	6,360	5,399	350	19,703
E & C	2008/09	505	2,792	1,475	1,000	5797
	2009/10	535	955	400	0	1890
C & F	2008/09	525	350	1,000	0.00	1,857
	2009/10	23,538	20,472	0	0	44,010

Compensation	Year	Stage 1	Stage 2	Stage 3	LGO	Total
Central	2008/09	0	0	500	0	500
	2009/10	0	0	0	0	0
Business Transformation	2008/09	n/a	n/a	n/a	n/a	n/a
	2009/10	610	275	212	0	1097
Total All services	2008/09	54,173	43,219	11,623	3,025	112,587
	2009/10	84,978	49,390	22,251	1,370	157,989

- Overall, the amount of compensation has increased by 40% over last year. However, this includes a small number of large payments made by the Children and Families and Community Care services to recompense complainants for services or financial support which ought to have been provided. It is better that such compensation payments are made as a result of the Council's investigation of the complaint rather than following an investigation by the LGO or costly legal proceedings.
- 3.17 The complaints procedure remains a relatively quick and cheap method of resolving grievances, avoiding the attendant high costs of court proceedings and the office time needed to deal with LGO complaints.
- 3.18 The Council's policy remains to provide redress at the earliest possible stage of the complaints procedure and, to support that policy, we adopted a target of paying 60% of all compensation at Stage 1. Other than the Community Care service where one large payment was made at Stage 1, no department achieved the target. Brent Housing Partnership, Business Transformation and Children and Families paid over 50% at the first stage, whereas the figures for the Housing, Environment and Culture and Revenues and Benefits services achieved only 9.4%, 28.8% and 38.5% respectively. The approach to settling complaints at the earliest stage is being reviewed in the light of this performance.
- 3.19 The cost of investigating complaints is high, particularly at the second and third stages of the process as increasingly senior managers become involved. Ways of reducing costs by improving performance at the first stage of the complaints procedure are being developed as part of the Council's restructuring strategy. This has also been the focus of the training provided during the year.
- 3.20 Increasingly, complaints are being made on line or by email – for example almost half of all complaints about the Environment and Culture department were made electronically. Complaint management is more streamlined, quicker and cheaper when complaints can be handled electronically. The Council should continue to encourage customers to use this channel wherever possible, whilst retaining a high quality personal service for people who do not have internet access or, through vulnerability, need to be able to speak directly to an officer
- 3.21 It has remained difficult to capture equalities information about complainants as many complainants prefer not to provide this personal monitoring information. Online complaints provide the highest return. Without this data it is impossible to profile complainants, and to identify accurately whether any sections of the community are either under- or over-represented. Work is continuing to try and improve the collection rate and also to plot complaints by post code in conjunction with the work being done on the Council's evidence base.
- 3.22 Overall, the increase in complaints made under the Council's process coupled with the patchy performance against targets is a cause for concern and is being addresses as part of the Council's restructuring strategy.

Developments in complaint handling

Developments in the Local Government Ombudsman service

- 3.23 There have been two major extensions to the LGO's jurisdiction which will have significant impact on the Council.
- 3.24 The Apprenticeships, Skills, Children and Learning Act 2009 gave the LGO increased jurisdiction to investigate complaints by parents and pupils about state schools. The LGO is piloting the arrangements in a number of authorities with the intention that by September 2011 the LGO's jurisdiction will be extended to all state schools in England.
- 3.25 In preparation for this major change, the Children and Families department have already delivered some training to school governing bodies but more work will be needed once the LGO has issued guidance about the delivery of this new service.
- 3.26 The Health Act 2009 extended the LGO's powers to investigate complaints about privately arranged and funded adult social care. These powers will begin to come into effect in October 2010. Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction and it is expected that many complaints will involve the actions of both the council and the care provider. The LGO is currently developing information-sharing agreements with the Care Quality Commission and with councils in their role as adult safeguarding leads and service commissioners.
- 3.27 This extension of the LGO's powers is likely to have implications for the Council and work is underway to ensure that it is equipped to deal with this new challenge.

Learning and development

- 3.28 The corporate complaints team has continued to provide training and guidance across the Council under the corporate learning and development programme. In the early part of 2009/10 the priority was to prepare staff in the Housing and Community Care department for the changes in the statutory complaint process which were introduced on 1 April 2009. Four briefing sessions for managers were held and the LGO delivered training in Effective Complaint Handling in Adult Social Care to two groups of staff.

In addition the corporate complaints team delivered training on Effective Complaint Handling and Dealing with LGO complaints, as well as continuing to attend every corporate induction day. Take up of training events has been inconsistent and some planned sessions had to be cancelled. The approach to complaints handling training is currently being reviewed.

Learning from complaints

- 3.29 Complaints provide a valuable window on service delivery and many service improvements have been identified in this way in the year, for example:

- strengthening the procedures to deal with removal of untaxed vehicles and the associated complaints process
- introduction of a new protocol for deploying cameras to capture anti-social behaviour
- training for homeless persons officers on how to consider applications from people in permanent accommodation, the need to focus on the Code of Guidance timescales and meet the duty to provide interim accommodation
- advice to housing benefit assessment officers on how to respond when told that a tenant is rent arrears of over eight weeks
- working with Legal Services to devise a suite of model clauses about complaint handling to use in all contracts on procured services

Internal audit of corporate complaints process

- 3.31 The Annual Report for 2008/2009 outlined the key recommendations arising from the internal audit of the corporate complaints procedure. Some of these recommendations have been implemented. Others have been reviewed in the light of events since the audit was carried out.
- 3.32 An updated action plan is attached to this report at Appendix A.

Priorities for 2010/11

- 3.33 The key priority for 2010/11 is to ensure that appropriate complaint management arrangements are in place across departments in line with the Council's restructuring strategy. This will include reviewing the operation of the corporate complaints policy, and the associated targets and service standards, to focus on improving standards and reducing complaints activity by ensuring that service improvements identified are implemented.

4.0 Financial Implications

- 4.1 The corporate complaints procedure 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.
- 4.2 During the rest of 2010/11, the Council's complaints handling arrangements will be restructured with the aim of improving performance and reducing costs. The emphasis will be on improving performance in dealing with complaints at the earliest stage to reduce escalation, and on ensuring that service delivery issues identified are resolved to avoid further complaints and improve the service overall.

5.0 Legal Implications

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

6.0 Diversity Implications

- 6.1 The Council's complaints procedure covers all areas of the Council's service delivery and is available to everyone who lives in, works in or visits the Borough and all service users.

7.0 Staffing Implications

- 7.1 There are none at present but the restructuring of the complaints handling arrangements may identify resource issues.

Background Papers

Local Government Ombudsman's Annual Review 2008/09

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