



**Resources & Public Realm Scrutiny  
Committee**  
7 February 2019

**Report from the Director of  
Performance, Policy &  
Partnerships**

**Complaints Annual Report 2017 – 2018**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Three: <ul style="list-style-type: none"> <li>▪ Appendix A – Adults Complaints Annual Report 2017/18</li> <li>▪ Appendix B – Children’s Complaints Annual Report 2017/18</li> <li>▪ Appendix C – 2017/18 Complaints Root Cause Summary &amp; Improvement Actions by Department</li> </ul>
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Irene Bremang Head of Performance & Improvement  Peter Gadsdon Director - Performance, Policy and Partnerships Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ. 020 8937 1400

**1.0 Purpose of the Report**

1.1 The 2017/18 Complaints Annual Report was presented to Cabinet on 10 December 2018 and variations of the report will also be presented to the Community Wellbeing Scrutiny Committee in January 2019 and Housing Scrutiny Committee in February 2019.

- 1.2 This annual report sets out complaints performance in Brent for the period April 2017 to March 2018 and focuses on the nature of complaints and the learning and improvements from complaints and Ombudsmen cases.
- 1.3 Complaints concerning the Adult Social Care and Children and Young People departments come under separate statutory complaint procedures and separate summary reports have been provided in **Appendices A and B** respectively.
- 1.4 A summary of the root cause of complaints and improvement actions by council departments in 2017/18 is provided in **Appendix C**.
- 1.5 The key headlines from complaints performance in 2017/18 are as follows:
- All Stage 1 complaints volume (corporate & statutory – 1,614 cases) has decreased by 4% (↓)
  - All Stage 2 complaints volume (corporate & statutory – 220 cases) has decreased by 8% (↓)
  - There were 21 LGO cases upheld against Brent in 2017/18, compared with 17 cases in 2016/17 (↑)
  - The total amount of compensation paid by Brent (c£73.8k) decreased by 5% (↓)
  - The total number of cases awarded compensation (135 cases) decreased by 34% (↓)
  - The top 3 root causes of complaints in Brent were customer care (17%), repairs (8%) and parking enforcement (6%).

## 2.0 Recommendation(s)

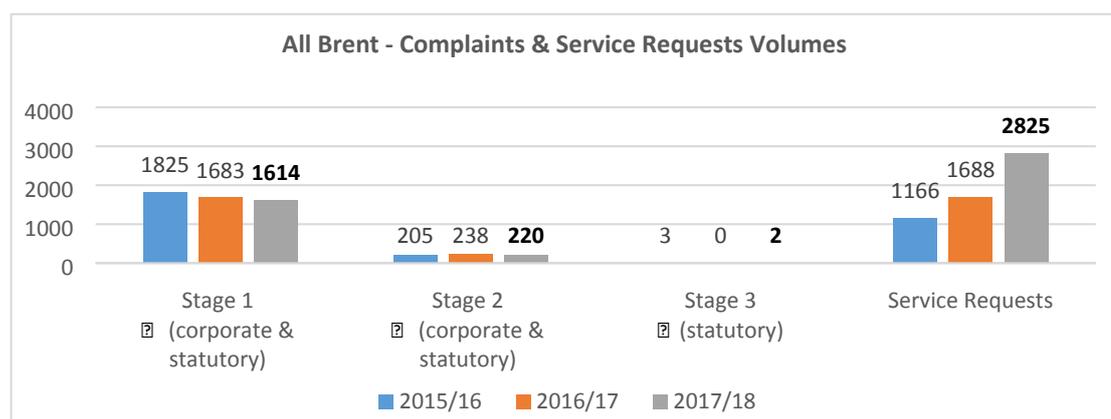
- 2.1 Resources and Public Realm Scrutiny Committee is asked to note Cabinet has approved the Annual Complaints Report presented on 10 December 2018.
- 2.2 Resources and Public Realm Scrutiny Committee is asked to note Brent's performance in managing and resolving complaints.
- 2.3 Resources and Public Realm Scrutiny Committee is asked to review progress in 2017/18 with the eight agreed recommendations from previous annual report in 2016/17. This has been developed into a Complaints Service Team Action Plan and the team will continue to focus on the following areas in the year ahead:
- Ongoing monitoring of corrective actions to help ensure we keep our promises to put things right
  - Monitoring of the root cause of complaints and supporting service areas to improve complaints hotspots
  - Improving the quality of complaints handling through training, quality checks and support to service areas.

### 3.0 Detail

- 3.1 The Council operates a 2-stage corporate complaints process, 2-part Adult statutory complaints process and a 3-stage Children’s statutory complaints process.
- 3.2 The complaints data and information provided in this report is based on information recorded on iCasework, the Council’s complaints system, and includes housing management services (HMS). The housing management data is a composite of Brent Housing Partnership and HMS as the service was brought in house during 2017/18.

#### **Volume of Complaints**

- 3.3 The chart below shows the volume of corporate and statutory complaints received at Stage 1, Stage 2 and Stage 3 over the past 3 years. The key points to note are that:
- Brent received **1,614 Stage 1 complaints** (corporate and statutory) in 2017/18, this was a **4% decrease** from 2016/17 and a 12% decrease from 2015/16.
  - **Stage 2 complaints** (corporate & statutory) **decreased by 8%** in 2017/18 compared with 2016/17, but increased by 7% compared with 2015/16. There were 220 Stage 2 complaints received in 2017/18.
  - **A higher proportion of cases have been escalated to Stage 2** in Brent. In 2015/16, 1 in 9 cases was escalated to Stage 2, compared with 1 in 7 cases in 2016/17 and 2017/18.



#### **Root Cause of Complaints**

- 3.4 Departmental analysis of the root causes of complaints in 2017/18 and improvement actions is provided in Appendix C.

- 3.5 Overall, the **top 3 specific root causes of complaints** in Brent were **customer care (17%), repairs (8%) and parking enforcement (6%)**:
- Most of the customer care complaints were in housing management services but this was not a major theme in other departments across the Council. The Housing Management Service has introduced a range of measures to address staff-related complaints including tailored training and improved management oversight of staff performance.
  - Housing Management Property Services have introduced an improvement plan to improve service delivery and an access policy regarding access to fix leaks in neighbouring properties.
  - The Parking Service regularly reviews its Enforcement plan and puts in place targeted enforcement to address hotspots.

### ***Local Government & Social Care Ombudsman (LGO) Decisions and Learning Points***

#### *LGO Volumes & Outcomes*

- 3.6 The LGO received 168 enquiries and complaints against Brent Council in 2017/18, this was unchanged from the previous year and was an 8% decrease from 2015/16.
- 3.7 The LGO reviewed 162 cases during 2017/18 of which 33 cases were fully investigated; 21 cases were upheld and 12 cases were not upheld against the Council. The table below shows a 3-year comparison of LGO outcomes of Brent Council cases:

Year	LGO Outcomes						Total
	Not upheld	Upheld	Advice given	Referred back for local resolution	Invalid or incomplete	Closed after initial enquiries	
<b>2015 - 2016</b>	10	<b>26</b>	11	92	7	49	195
<b>2016 - 2017</b>	8	<b>17</b>	5	84	4	43	161
<b>2017 - 2018</b>	12	<b>21</b>	5	77	6	41	<b>162</b>

- 3.8 2017/18 comparison of all 33 London boroughs showed that Brent had:
- the 7<sup>th</sup> highest number of referrals to the LGO
  - the joint 10<sup>th</sup> highest number of LGO upheld cases across London in 2017/18.
  - The 17<sup>th</sup> highest LGO upheld rate in 2017/18.

#### *LGO Upheld Cases*

- 3.9 There were 21 cases upheld against Brent in 2017/18 in the following services:
- Housing (Housing Needs) – 7
  - Housing (Private Housing Services) - 2

- Adult Care Services – 5
- Benefits & Council Tax – 3
- Concessionary Travel – 2
- Education & Children Services – 2

3.10 In most of these upheld cases the complainant or their family member was a vulnerable person and the LGO prescribed specific remedies according to individual needs. Additionally the LGO recommended reviews or reconsiderations of our policies, practices and communication/interactions with (vulnerable) service users.

#### Learning & Improvements from LGO Upheld Cases

3.11 In Housing Needs, the seven upheld cases concerned the suitability of temporary accommodation and assessment of eligibility. The LGO awarded compensation totalling £10k in 5 out of the 7 upheld cases and the Council had previously awarded compensation of just over £5k across the 7 cases. The increased levels of LGO compensation reflects the impact on the families placed in temporary accommodation. As a result of the LGO's decisions the individual cases were reviewed and reassessed as required. The service area also reviewed its policies in light of the LGO's decisions and new homelessness legislation. Staff members have received feedback on the learning points from the LGO complaints as well as further guidance on policies and legislation.

3.12 The two upheld cases in Private Housing Services involved communication and documentation with two separate landlords. The LGO awarded £50 compensation in one case where the Council had not awarded compensation and in the other case the LGO was satisfied with the Council's £350 compensation amount. The errors made in these two separate cases were rectified and the service regularly monitors feedback from Customer Satisfaction surveys to help improve service delivery.

3.13 The remedies prescribed in the five upheld ASC cases focussed on the need to review assessments in individual cases and to apologise for the distress caused to service users. Compensation of £13k was awarded in only 1 of the 5 upheld ASC cases. Although this is recorded as LGO compensation, this was the reimbursement of care costs and solicitors fees already agreed by the Council and was noted in the LGO decision letter. Corrective actions were implemented in each case as prescribed by the LGO and the learning points were reviewed and discussed with staff and managers. There were no underlying systemic issues highlighted in these LGO cases.

3.14 Five cases were upheld in the Benefits & CTax and Concessionary Travel categories. The main issues were delays in correctly processing benefit claims and Blue Badge applications. £200 compensation was awarded by the LGO in one of these cases and the Council had paid £115 compensation in one of the other cases. The learning points from these cases were discussed with individual staff members and teams. There was a backlog of work in the Blue Badges team during the year. A new team manager has been appointed and the team was working to clear the backlog by the end of October 2018.

- 3.15 The two cases upheld in Children Services were about school places and alterations to the home of a family with a vulnerable child. Improvements were recommended, however compensation was not awarded by the LGO in either of these cases. The service area took remedial action to address the individual issues in these two cases.

### ***Housing Ombudsman (HO) Decision & Learning Points***

- 3.16 The Housing Ombudsman does not provide annual reports and data in the same way the Local Government and Social Care Ombudsman (LGO) does. The data provided in the table below on HO cases is taken from the information recorded on Brent's complaints system. It should also be noted that the HO has been clearing a backlog of cases and therefore there has been an increase in the number of cases decided during 2017/18.

<b>Year</b>	<b>Total Cases Decided</b>	<b>Upheld</b>	<b>Not Upheld</b>
<b>2015 - 2016</b>	21	1	20
<b>2016 - 2017</b>	13	5	8
<b>2017 - 2018</b>	20	6	14

- 3.17 There were six cases upheld by the Housing Ombudsman in 2017/18 for the following reasons:
- 2 cases about the quality of repairs - Brent awarded £800 in compensation and the HO awarded a further £1,100.
  - 2 cases about leaks and repairs – Brent awarded £650 in compensation and the HO awarded a further £2,692.
  - 1 case about the cost and quality of major works – Brent awarded £400 in compensation and the HO awarded £400 in addition to this.
  - 1 case about noise nuisance and odours – Brent awarded £250 in compensation and the HO also awarded £250.

- 3.18 Appendix C summarises the improvement action being taken by Housing Management – Property Services in addressing these issues and other causes of complaints.

### ***Compensation***

- 3.19 The table below shows compensation paid at all stages including Ombudsmen cases for corporate and statutory cases in Brent. In 2017/18, the total amount of compensation paid by Brent decreased by 5% and the total number of cases awarded compensation also decreased by 34% compared with 2016/17.

<b>Year</b>	<b>Brent - Compensation</b>	
	<b>No. of Cases</b>	<b>Total Compensation</b>
<b>2015-16</b>	170	£62,765
<b>2016-17</b>	204	£77,602
<b>2017-18</b>	135	£73,794

### **Complaints Outcomes**

3.20 The table below shows the proportion of corporate and statutory complaints upheld/partly upheld at the first and second stage. There has been a small increase in the percentage of Stage 2 corporate complaints upheld/partly upheld in 2017/18. The upheld/partly upheld rate has fallen for the other types of complaints.

3.21

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2015-16	40%	54%	43%	75%
2016-17	54%	49%	38%	61%
2017-18	50%	39%	40%	48%

### **Timeliness of Complaints**

3.22 The timeliness of complaints is shown in the table below. Stage 2 Statutory complaints performance has improved year on year. However, performance has dipped on first stage complaints and Stage 2 corporate complaints. The Complaints Service team is continuing to work with departments to improve complaints performance.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2015-16	88%	82%	88%	29%
2016-17	95%	89%	82%	52%
2017-18	90%	88%	81%	59%

### **Improvements Resulting from Complaint Investigations**

3.23 Service-specific improvements resulting from the learning from complaints have been highlighted in Appendix C.

3.24 Cabinet agreed 8 recommendations in the 2016/17 Annual Complaints report which was developed into an action plan by the Complaints Service team. A progress update is provided below on the 8 recommendations

Recommendation/Action	Progress
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Recommendation/Action	Progress
<p>1. Work with Service area and departmental management teams to review key service delay/failure hotspots and develop improvement plans</p>	<ul style="list-style-type: none"> <li>• Quarterly hotspots report introduced and discussed with the Corporate Management Team (CMT), departmental management teams (DMTs) and shared with senior managers</li> <li>• The Complaints Service team have focussed on supporting HMS with improving service delivery based on identified complaints hotspots.</li> </ul>
<p>2. Develop a tailored training plan on communication and staff behaviours to be implemented for priority service areas across the Council.</p>	<ul style="list-style-type: none"> <li>• Hotspots analysis showed that HMS had received a significant amount of complaints regarding communication and staff behaviours. Other areas across the Council had low levels of this type of complaints.</li> <li>• HMS have introduced a number of measures to address staff and communication issues including: further analysis of customer care complaints to identify and address patterns; the rollout of Mary Gober customer service and feedback on learning points given to individuals and teams.</li> <li>• Other service areas have discussed the learning points from complaints with staff members and team meetings.</li> </ul>
<p>3. Support new Housing Management Service during the redesign of the repairs process in order to feed in the lessons learned from complaints.</p>	<ul style="list-style-type: none"> <li>• Redesign of repairs process was part of the wider Housing Transformation Programme.</li> <li>• The Complaints Service team have also provided training and guidance to HMS staff and managers on effective complaints handling.</li> <li>• <b>Action closed</b></li> </ul>
<p>4. Review LGO referrals and identify any future opportunities for early resolution and to help minimise premature LGO referrals.</p>	<ul style="list-style-type: none"> <li>• The Complaints Service team proactively works with complainants to minimise complaints being escalated to the Council's final review stage and to the Ombudsman stage. However, there are cases where the complainant chooses to bypass the Council's complaints process and lodges a complaint directly with the Ombudsman.</li> </ul>
<p>5. Review our internal approach to complaint decisions, corrective actions and compensation in light of LGO outcomes in 2016/17</p>	<ul style="list-style-type: none"> <li>• All LGO upheld cases were reviewed by the Complaints Service team to identify learning points and service areas put in place the appropriate remedial actions.</li> </ul>

Recommendation/Action	Progress
6. Continue to improve internal processes and working arrangements with service managers to increase the timeliness of Stage 2 responses	<ul style="list-style-type: none"> <li>Weekly open case tracker sent to staff and managers and reminders sent by the Chief Executive and Complaints Service team to maintain the focus on timescales.</li> </ul>
7. Work closely with the Housing Management Service management team to establish a new and effective complaints process and implement improved working arrangements to manage Stage 2 complaints.	<ul style="list-style-type: none"> <li>Complaints Service team has been working closely with the HMS senior management team and staff to introduce improved complaints handling processes within the directorate. Regular feedback is provided on live issues and practical solutions agreed.</li> </ul>
8. Implement a weekly Corrective Actions Tracker for all departments to monitor the timely completion of agreed remedial actions.	<ul style="list-style-type: none"> <li>Corrective Actions Tracker sent to relevant staff twice a month. Although completion of corrective actions has improved to some extent, this still needs ongoing attention to ensure that we can keep our promises as a council and follow through on remedial actions completely and in a timely manner.</li> </ul>

### ***Compliments***

3.25 There were 126 compliments for Brent Council departments recorded on iCasework in 2017/18 compared with 22 compliments logged in 2016/17. Although this is a significant improvement from the previous year, there is still an under-recording of compliments on the system and staff are reminded to record this information on iCasework to give a more balanced picture of complaints as well as compliments.

### ***Benchmark Data***

3.26 A corporate Complaints team representative attends the North West London Complaints Forum where complaint performance and best practices are discussed. The corporate team also share information and learning with the London Complaints Managers Group.

3.27 Comparative complaints data for Adult Social Care and Children and Young People can be found in the respective appendices to this report. Some London councils do not publish annual corporate complaints data (as there is only a legal requirement to publish the statutory social care complaints report). Therefore limited comparative data from four other London boroughs in 2017/18 has been provided below. It should be noted that the complaints stages and timescales may differ with other councils; e.g. Brent has a 2-stage corporate complaints process and Lewisham has a 3-stage process.

- 3.28 Brent has a lower volume of Stage 1 complaints compared to the other boroughs. Overall performance is good with a high timeliness response rate and a lower level of upheld/partly upheld cases.

<b>Stage 1 Corporate Complaints – 2017/18 Benchmarking Data</b>					
<b>Complaint Criteria</b>	<b>Brent</b>	<b>Merton</b>	<b>Croydon</b>	<b>Westminster</b>	<b>Lewisham</b>
Volumes	1,475	1602	1490	1007	3983 (includes enquiries)
Timeliness %	90%	67%	88%	82%	68%
Upheld/ Partly upheld	50%	38% (complaints at all stages)	75%	45%	N/A

- 3.29 Compared to the other boroughs, Brent has a larger proportion of Stage 1 complaints escalated to Stage 2; however the timeliness rate has remained high. Lewisham has a 3-stage stage process so the volumes are difficult to compare. From the 205 Stage 2 cases Lewisham received, 105 were escalated to Stage 3.

<b>Stage 2 Corporate Complaints – 2017/18 Benchmarking Data</b>					
<b>Complaint Criteria</b>	<b>Brent</b>	<b>Merton</b>	<b>Croydon</b>	<b>Westminster</b>	<b>Lewisham</b>
Volumes	197	110	127	115	205 (includes enquiries)
Timeliness %	81%	86%	39%	55%	N/A
Upheld/ Partly upheld	40%	38% (complaints at all stages)	39%	22%	N/A

- 3.30 Brent remain consistent with other boroughs when it comes to decisions made by the LGO and the upheld rate.

<b>LGO Decisions – 2017/18 Benchmarking Data</b>					
<b>Complaint Criteria</b>	<b>Brent</b>	<b>Merton</b>	<b>Croydon</b>	<b>Westminster</b>	<b>Lewisham</b>
Volumes Decided	33	19	51	35	24
Upheld	21	12	33	20	16
Upheld Rate	64%	63%	65%	57%	67%

#### **4.0 Financial Implications**

- 4.1 There are no direct financial implications arising from this report. Instead, the details provided on compensation payments reflect the monetary impact of not getting things right first time as an organisation and the need to improve the customer experience and therefore minimise the financial penalties incurred by the Council.

#### **5.0 Legal Implications**

- 5.1 Complaints concerning the Adult Social Care and Children and Young People departments come under separate statutory complaint procedures. It is a legal requirement to produce annual reports for these areas and these are included in appendices A and B with reference to the statutory frameworks for the management of these statutory complaints.

#### **6.0 Equality Implications**

- 6.1 None

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 None

#### **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None

**Report sign off:**

**PETER GADSDON**

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Partnerships