

	Resources & Public Realm Scrutiny Committee 4 December 2019
	Report from the Assistant Chief Executive
COMPLAINTS ANNUAL REPORT 2018 – 2019	

Wards Affected:	All
Key or Non-Key Decision:	Key Decision
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Appendix A - Adult Social Care Complaints Appendix B – Children’s Social Care Complaints Appendix C - Complaints Root Cause Summary & Improvement Actions by Department
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Thomas Cattermole Head of Executive and Member Services 0208 937 5446 Mariza Barros Complaints and FOI Manager 0208 937 1381

1.0 Purpose of the Report

- 1.1 The Complaints Annual Report 2018 – 2019 was considered by Cabinet at its meeting on 11 November 2019.
- 1.2 This report sets out complaints performance in Brent for the period April 2018 to March 2019 and focuses on the nature of complaints and the learning and improvements from complaints and Ombudsmen (Local Government and Social Care Ombudsman / Housing Ombudsman) cases.
- 1.3 Complaints concerning Adult Social Care and Children’s Social Care 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 causes of all Stage 1 complaints and improvement actions by Council departments in 2018/19 is provided in **Appendix C**.

2.0 Recommendation(s)

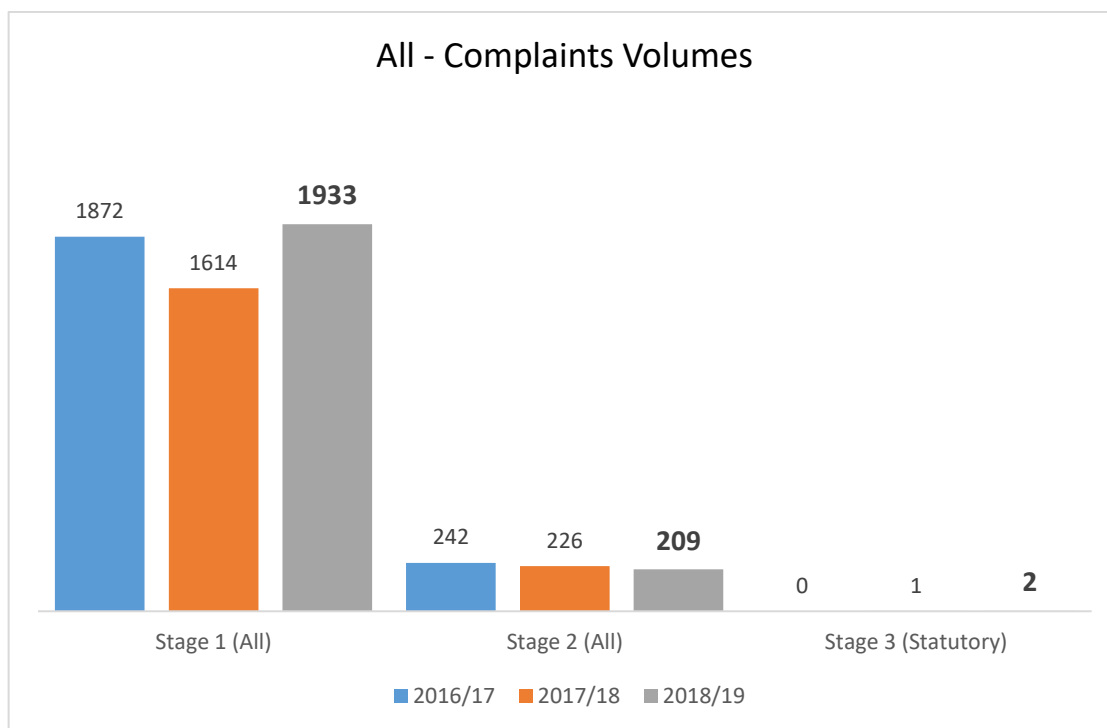
- 2.1 Members of the Resources & Public Realm Scrutiny Committee are asked to note Brent's performance in managing and resolving complaints.

3.0 Detail

- 3.1 The Council operates a two-stage corporate complaints process, two part Adult statutory complaints process and a three 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.
- 3.3 The key headlines from complaints performance in 2018/19 are as follows:
- All Brent Stage 1 complaints (corporate & statutory) have increased by 20% (↑)
 - All Brent Stage 2 complaints (corporate & statutory) have decreased by 8% (↓)
 - 64% of Brent Council complaints were categorised as 'service failure' in 2018/19, compared with 59% in the previous year (↑)
 - There were 23 LGO cases upheld against Brent in 2018/19, compared with 21 cases in 2017/18 (↑)
 - The total amount of compensation paid by Brent decreased by 17% in 2018/19 compared with the previous year – c£61.3k (↓)
 - The total number of cases awarded compensation increased by 4% compared with the previous year – 141 cases (↑).

Volume of Complaints

- 3.4 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:
- In 2018/19 Brent received 1,933 Stage 1 complaints (corporate and statutory). This has increased by 20% compared to the previous year and by 3% compared with 2016/17.
 - The increase of 319 cases is mainly due to an increase in stage 1 cases in the Resources department (164 cases) and in the Regeneration & Environment department (103 cases) compared to last year.
 - Stage 2 complaints (corporate & statutory) decreased by 8% to 209 cases during 2018/19 compared with the previous year.



Root Cause of Complaints

- 3.5 Departmental analysis of the root causes of complaints in 2018/19 and improvement actions is provided in Appendix C.
- 3.6 Overall, the **top 3 specific root causes of complaints** in Brent concerned **Parking (10%), Housing Repairs (9%), and Housing Customer Care (9%)**:

Parking

- The majority of the complaints received in relation to parking were from motorists who had already been through the statutory process for challenging Penalty Charge Notices (PCNs) and were dissatisfied with the outcome. In addition, a small number of motorists chose not to progress their appeal through the statutory procedure and instead paid the PCN and then logged a formal complaint in the hope of securing a refund.
- A new enforcement software system was introduced in July 2018, which initially had some technical issues; this generated complaints relating to permits, PCNs and website integration. One specific technical issue resulted in duplicate letters being sent to motorists, prompting an increase in complaints during that period. All these issues have since been rectified.
- Other parking related issues escalated to stage 2 involved complaints regarding the enforcement of foreign vehicles, a vehicle towed away and not released in a timely manner, administrative errors in correspondence, and cases where statutory notices were not received by the complainant due to their failure to update their address details with the DVLA.
- The Parking service continually reviews its enforcement plan to improve the service to the residents of Brent. They do this by targeting hotspots and providing clear instructions to the parking contractor to ensure signage is compliant.

Housing Repairs

- Housing Management Property Services receive a large number of complaints due to the nature and volume of work the service provides. Repair issues can sometimes be delayed for reasons outside of the control of the contractor, such as weather conditions and other mitigating circumstances.
- The complexity of repairs and determining the cause can also delay in resolving the problem. Delays in resolving leaks, especially when they originate from adjacent properties, remains a prominent theme. The early part of 2018/2019 also saw the tail end of complaints relating to scaffold management. However, this trend has not continued, which indicates the new scaffold management measures have been effective.
- There were a number of 2018/2019 final review complaints where tenants' requests to be decanted while repairs were undertaken were not processed as effectively as they should have been.
- The service is working closely with its contractor and its surveyors to improve the service provided to its tenants and leaseholders.
- Customer service training was rolled out for Housing Management Property service staff from October 2018 and a new IT system was installed in February 2019.
- Housing Management Property Services has introduced a new operational strategy to improve customer satisfaction which includes:
 - Training to diagnose repairs more accurately at source
 - Contact Centre trained in managing demand and resource
 - Making 400 appointments for repairs a week
 - 90% of repairs completed within two weeks of telephone call

Housing Customer Care

- There was a high level of customer care complaints related to interactions with customers, provision of information and attitude of staff in the Housing Management Service.
- The service is presently reviewing customer feedback and complaints with a view to improving efficiencies and streamlining processes.
- The roll out of the Customer Portal will enable residents to access services in a more convenient way, together with tracking progress and status updates. The service is also undergoing the final phase of its Customer Relationship Management (CRM) system which will help frontline teams to effectively allocate and monitor service demands.

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

LGO Volumes & Outcomes

- 3.7 There were 134 enquiries and complaints referred to the Ombudsman in 2018/19. The LGO made decisions on all 134 cases received, however only 29 cases required a detailed investigation, 23 cases of which were upheld and 6 cases not upheld.
- 3.8 Categories of cases not taken up for investigation include: 'advice given' 'referred back for local resolution'; 'incomplete or invalid'; and 'closed after initial enquiries'.
- 3.9 The overall number of complaints referred to the Ombudsman was lower for 2018/19 when compared to both 2016/17 and 2017/18. However, the number of complaints which were upheld by the Ombudsman against the Council has increased. 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	
2016 - 2017	8	17	5	84	4	43	161
2017 - 2018	12	21	5	77	6	41	162
2018 - 2019	6	23	8	53	7	37	134

- 3.10 Brent in 2018/19 compared to the other 33 London boroughs:
- 11th highest in number of referrals to the LGO
 - 18th highest in number of detailed investigations undertaken
 - 11th highest in number of LGO upheld cases
 - Brent and Bromley had joint 2nd highest LGO uphold rate (79%) in 2018/19, whilst Greenwich Council had the highest uphold rate at 82%.

LGO Upheld Cases

- 3.11 There were 23 cases upheld against Brent in 2018/19 in the following services:
- Adult Care Services – 10 (including Blue Badge, Freedom Pass)
 - Housing - 7
 - Highways – 5
 - Education & Children Services – 1

- 3.12 Of the 23 cases which were upheld for 2018/19, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on 9 occasions. This equates to 39% of the total upheld cases and is above the London average of 11%.
- 3.13 A brief summary of the cases upheld by the LGSCO for each area has been provided below. The Council categorises complaints about parking under the Regeneration and Environment department. Parking and Lighting and Highways are classified as two separate services within the department. Blue Badge and Freedom Pass complaints are categorised under Brent Customer Services rather than the Adult Social Care department. For the purposes of this report, the categorisation of complaints by the LGSCO has been followed.

Adult Care Services (including Blue Badge, Freedom Pass)

- 3.14 The majority of upheld complaints centred on the administration of social care packages and care assessments. There was also a number of cases of maladministration in relation to decisions on whether or not to provide Blue Badges/Freedom Passes. Concerns were raised on communication with residents, record keeping and the Council not being proactive in certain situations to avoid complaints escalating.

Housing

- 3.15 Due to the remit of the Housing Ombudsman to tackle most Housing Management related matters, the majority of the upheld complaints focused on issues with housing needs and issues arising within the housing allocations process. There were two significant cases where the Council was at fault for two homeless residents being placed in unsuitable accommodation for lengthy periods. These two cases were awarded £1,000 and £1,700 in compensation respectively.

Highways

- 3.16 The upheld Highways complaints centred exclusively on maladministration of the issuance of Parking Charge Notices (PCNs). Concerns were also raised over a lack of responsiveness to representations from residents. The majority of cases were not investigated further by the Ombudsman after the Council had acknowledged fault and cancelled the PCN in question.

Education and Children's

- 3.17 The only Education and Children's complaint related to the maladministration of a child and family assessment carried out by the Council.

LGO Compensation

- 3.18 In 2018/19 the Council paid out £3,600 within the corporate complaints process. The Ombudsman awarded an additional £3,150 in compensation stemming from five cases (three in relation to Adult Social Care, two in relation to Housing Options). The LGO compensation figure is significantly less than 2017/18

where £23,993 was awarded over 8 cases (there were two significant payments of £13k and £6k which contributed to this high figure last year).

Housing Ombudsman (HO) Decision & Learning Points

- 3.19 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.

Year	Total Cases Decided	Upheld	Not Upheld
2016 - 2017	13	5	8
2017 - 2018	20	6	14
2018 - 2019	13	6	7

- 3.20 The Housing Ombudsman decided on 13 cases, of these, six cases were upheld in 2018/19, an uphold rate of 46%. Although this is a 16%-point increase compared to 2017/18, the amount of cases upheld totalled 6 cases in both periods. The Council has in fact had a 35% reduction in the number of cases decided by the Housing Ombudsman. Of the 7 cases 'Not Upheld', 2 were not upheld due to being either outside the Housing Ombudsman jurisdiction or closed after initial enquiries. A short description of the 'Upheld' cases has been provided below:

Complaint 1

- 3.21 A complaint regarding Housing Management (formerly BHP) and the issuing of invoices to leaseholders. The Housing Ombudsman recommended that the landlord review the way that it issues invoices to leaseholders to ensure that they clearly explain the basis of the charges. £100 compensation was awarded for the stress and inconvenience arising from the landlord's service failures.

Complaint 2

- 3.22 A complaint was raised because the tenant was unhappy that they had not been decanted whilst works at the property were outstanding. The complainant was also unhappy with the amount of compensation offered by the landlord. £600 was awarded by the Housing Ombudsman due to the Council's failure to consider carrying out a decant assessment, distress and inconvenience caused by the delay in carrying out the repair and not keeping the complainant updated whilst the works were outstanding.

Complaint 3

- 3.23 A complaint concerning inaccuracies contained in a survey report and the completion of works required to the property after the survey. Issues were also raised about the handling of the planned programme of works and the replacement of damaged and lost items occurring during the planned works.

The Housing Ombudsman agreed with the Council's offer of redress in regards to the survey inaccuracies, the works carried out after the survey and also with the handling of the planned programme works. However, it found failure by the Council in relation to the replacement of damaged and lost items occurring from the works. The Housing Ombudsman advised that the Council should arrange for the replacement of the damaged or lost items. The Council decided to pay for the items rather than it being an Ombudsman order.

Complaint 4

- 3.24 A complaint concerning the way in which the Council responded to allegations of noise nuisance from a neighbouring property. The Housing Ombudsman requested £750 to be paid to the complainant due to maladministration and requested the Council to write to the complainant with an update of its actions.

Complaint 5

- 3.25 A complaint about the heating to a sensory room which the Council had provided for a family member with disabilities. The Housing Ombudsman found there was *service failure* by the landlord in respect of the management of the complaint. The Council was ordered to pay £200 for its poor communication in relation to the matter.

Complaint 6

- 3.26 A complaint about the compensation offered by the landlord following cyclical works at the property. The Council was instructed to apologise about the length of time taken to complete the works, pay £100 compensation for inconvenience and advise on how to make an insurance claim.

Compensation

- 3.27 The table below shows the total amount of compensation paid in Brent at all stages of the corporate and statutory process, including Ombudsmen cases. In 2018/19, the total amount of compensation paid by Brent decreased by 17% on last year and a 21% decrease compared to 2016/17. However, the total number of cases awarded compensation increased by 4% compared with 2017/18.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2016-17	204	£77,602	£380
2017-18	135	£73,794	£547
2018-19	141	£61,257	£434

Complaints Outcomes

- 3.28 The percentage of cases upheld or partly upheld throughout stages one and two of the statutory and corporate complaints process is shown in the table below. There has been a slight decrease in the uphold rate for corporate cases

in 2018/19 compared to last year. The proportion of statutory cases upheld/ partly upheld has increased by 6% at stage 1 and 12% at stage 2.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2016-17	54%	49%	38%	61%
2017-18	50%	39%	40%	48%
2018-19	47%	46%	39%	60%

Timeliness of Complaints

- 3.29 The table below shows the percentage of complaints closed on time. The overall timeliness of complaints has improved in Stage 1 corporate and statutory cases. Stage 2 corporate complaints performance has also improved and by 6% points compared to 2017/18. Timeliness performance for Stage 2 statutory complaints has dropped compared to the previous two years. The Complaints Service team is continuing to work with departments to improve complaints performance and improve the Stage 2 statutory process, which involves appointing an Independent Person and Investigating Officer to carry out an independent investigation.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2016-17	95%	89%	82%	52%
2017-18	90%	88%	81%	59%
2018-19	94%	90%	87%	47%

Improvements Resulting from Complaint Investigations

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

Compliments

- 3.31 There were 95 compliments recorded on the Council's case management system in 2018/19. This is a drop of 31 compliments compared with 126 compliments logged in 2017/18. Managers and staff have been encouraged to log their compliments on iCasework so it is reflective of all the compliments that are received.

Benchmarking Data

- 3.32 Benchmarking data has been provided for adult social care and children's social care statutory complaints in their respective reports (Appendix A – Adult Social Care complaints and Appendix B – Children's Social Care complaints). Corporate complaints data is not shared as widely as statutory data. The majority of London councils are currently in the process of finalising their complaints annual report. Benchmarking data will be circulated separately to the Committee when available.

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 Adult Social Care and Children's Social Care 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:

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Assistant Chief Executive