



**Cabinet**  
12<sup>th</sup> January 2021

**Report from the Assistant Chief Executive**

**Complaints Annual Report 2019 – 2020**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	Four: Appendix A: Adult Social Care Complaints Appendix B: Children’s Social Care Complaints Appendix C: Complaints Root Cause Summary & Improvement Actions by Department Appendix D: Housing Ombudsman’s Code & Self-Assessment
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Katie Smith Head of Executive and Member Services Brent Council 0208 937 1399  Mariza Barros Complaints and FOI Manager Brent Council 0208 937 1381

**1.0 Purpose of the Report**

- 1.1 This annual report sets out complaints performance in Brent Council for the period April 2019 to March 2020 and focuses on the nature of complaints and the learning they provide to inform Brent’s future approach to service improvement.
- 1.2 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.
- 1.3 A summary of the root causes of all Stage 1 complaints and improvement actions by Council departments in 2019/20 is provided in **Appendix C**.

## 2.0 Recommendation(s)

- 2.1 Cabinet is asked to note Brent's performance in managing and resolving complaints.
- 2.2 To note the comments in the Council's self-assessment against the Housing Ombudsman's Code in Appendix D.

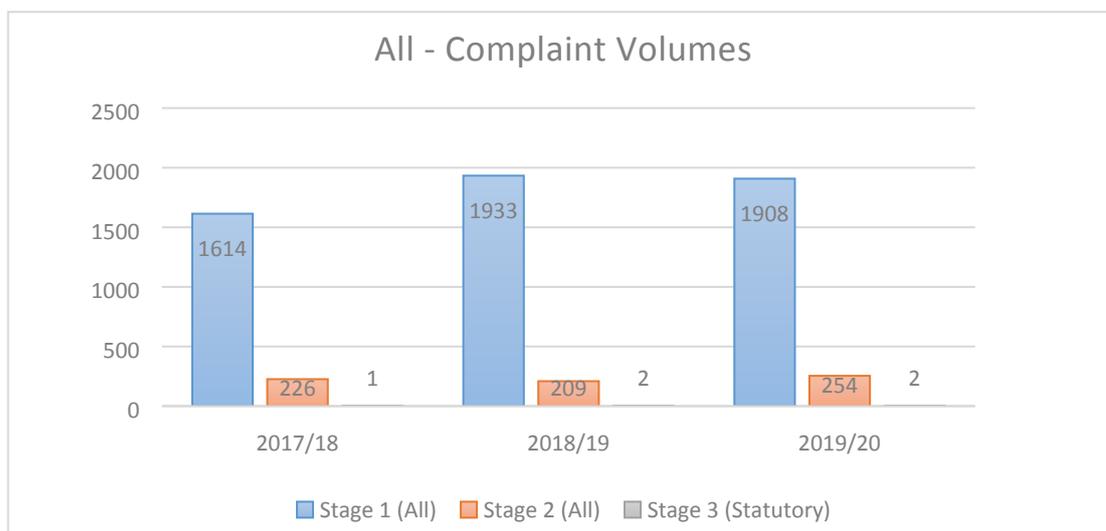
## 3.0 Summary

- 3.1 The Council has three different processes for managing complaints:
  - a two stage corporate complaints process;
  - a 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 and CRM – Microsoft Dynamics. The latter is the Council's new complaints management system, which was introduced in November 2019, and has been replaced by an updated version in November 2020.
- 3.3 Due to the transition between the two systems, it has been difficult to collate and reconcile some of the information.
- 3.4 The key headlines from complaints performance in 2019/20 are as follows:
  - The number of Brent Stage 1 complaints (corporate & statutory) have decreased by 1% (25 complaints) (↓)
  - The number of Brent Stage 2 complaints (corporate & statutory) have increased by 22% (45 cases) (↑)
  - There were 19 LGSCO cases upheld against Brent in 2019/20, compared with 23 cases in 2018/19 (↓)
  - The total amount of compensation paid by Brent decreased by 4% in 2019/20 compared with the previous year – c£3k (↓)
  - Stage 1 statutory and corporate performance has dropped in 2019/20 from 3% points for corporate complaints and 6% points for statutory complaints. (91% corporate and 84% statutory responded to on time) (↓).
  - The top three root causes of complaints are: Housing Repairs (11%), Parking (9%), and Council Tax/Recovery (7%).
  - A range of remedial actions have been put in place. These entail specific changes to the way services are delivered, for example:
    - better coordination between the housing repairs service and other required interventions (for example decants, asbestos and tenancy issues);
    - improved parking enforcement plan has introduced more geographically targeted enforcement across the borough;
    - a revised debt recovery policy.

## 4.0 Detail

### Volume of Complaints received

- 4.1 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 2019/20 Brent received 1,908 Stage 1 complaints (corporate and statutory). This is a decrease of 25 complaints compared to the previous year.
  - Stage 2 complaints (corporate & statutory) has increased by 22% to 254 cases during 2019/20 compared with the previous year.
  - There were two Stage 3 Review Panels convened during 2019/20, which corresponds with the previous year 2018/19.
- 4.2 The increase in stage 2 complaints were in relation to corporate complaints. Housing Management Services attributed to the majority of the increase. In 2018/19 a total of 48 Housing Management related complaints were received, however this year this doubled to 97 stage 2 complaints received.
- 4.3 The Complaints Team are working with the Housing Management Service to implement some new measures to improve complaints handling within the service as a result of the increase and due to the Housing Ombudsman Code, which comes into effect in January 2021. The new changes include; the introduction of a dedicated complaints lead within the Housing Management Service, a rolling list of actions identified and to be completed following a stage 1 response, and training and behaviour change. Further details on actions to be taken within the Housing Management Service can be found in the self-assessment in appendix D.



### Timeliness of Complaints

- 4.4 The table below shows the percentage of complaints closed on time. The overall timeliness of complaints has improved for Stage 2 statutory cases. Stage 2 corporate complaints performance has remained consistent with last year's performance. Stage 1 complaints have dipped by 3% points for corporate complaints and 6% points for statutory complaints. 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
2017-18	90%	88%	81%	59%
2018-19	94%	90%	87%	47%
2019-20	91%	84%	87%	59%

### Complaints Outcomes

- 4.5 The percentage of cases upheld or partly upheld at stage one of the corporate complaints procedure has dropped by 3% points whereas the cases upheld or partly upheld at stage 2 of the corporate complaints procedure has increased by 12% points. The proportion of statutory cases upheld/ partly upheld has increased by 1% at stage 1 and decreased by 1% at stage 2.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2017-18	50%	39%	40%	48%
2018-19	47%	46%	39%	60%
2019-20	44%	47%	51%	59%

### Compensation

- 4.6 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 2019/20, the total amount of compensation paid by Brent decreased by 4% on last year and a 21% decrease compared to 2017/18. However, the total number of cases awarded compensation has increased year on year, with a 25% increase in cases this year compared with 2018/19.
- 4.7 Compensation has remained broadly consistent, however the Council has offered compensation in more cases this year. Compensation can be awarded due to time and trouble, distress, as goodwill or in the form of a refund, reimbursement, or the offset/waving of arrears. The case increase shows that the Council is proactively offering remedies including compensation where it is warranted. Offering remedies earlier on in the process prevents the need to offer more compensation at a later stage. There is no specific correlation between the amount of compensation awarded one year compared to compensation awarded in another as each complaint is unique.

Year	All Brent		
	Cases	Total Comp.	Avg / Case

<b>2017-18</b>	135	£73,794	£547
<b>2018-19</b>	141	£61,257	£434
<b>2019-20</b>	176	£58,553	£333

## **Root Cause and Improvements Resulting from Complaint Investigations**

4.8 Departmental analysis of the root causes of complaints and service-specific improvements resulting from the learning from complaints have been highlighted in Appendix C.

4.9 Overall, the top 3 specific root causes of complaints in Brent concerned:

- Housing Repairs (11%),
- Parking (9%),
- Council Tax/Recovery (7%)

### Housing Repairs

- Housing Management Property Services receive a large number of complaints due to the nature and volume of work the service provides.
- In 2019/20 the majority of complaints received were in regards to delays in repairs works being carried out. The complexity of repairs and determining the cause can delay in resolving the problem. Weather conditions and other mitigating circumstances are also contributing factors.
- The service have used a number of complaints to review their processes and systems so that they can track and effectively manage repairs. They now have a number of case trackers which are reviewed on a weekly basis to ensure cases are progressed in a timely manner and residents updated in advance, where delays are identified.
- The team have worked closely with IT service to build in tracking / referral flags where support is required from colleagues in other teams to progress repairs, for example decants, asbestos and tenancy issues.
- The service also hold complaint reviews, which include their main contractor Wates, as part of a lessons learnt process and to enable them to identify where the blockages are. For example, there were a large number of complaints received which related to leaks and the inability to gain access to undertake the necessary repair, so the service worked with Wates and the Customer Experience Team to develop a no access procedure to address this issue, and as a result, complaints of this nature have reduced.
- In order to improve complaints handling a new role is to be included in the structure to monitor the quality of responses to stage one complaints in line with the new housing ombudsman requirements. This role will also support regular audits and address live issues / breakdown in communication between Property Services and Housing and Neighbourhoods.
- The amount of Housing Management – Property Services complaints have decreased from 262 in 2018/19 to 224 complaints in 2019/20, so there is an improvement within the service. The focus is now on the escalations, which is attributable to a number of factors outlined above as well as ensuring contractors are held accountable and made aware of their expectations in terms of complaints handling. Weekly meetings are taking place with contractors to highlight key issues of complaints and confirm remedial actions going forward.

### Parking

- Parking complaints usually arise as a result of Penalty Charge Notices (PCN) being issued to motorists. Although there is a statutory appeal process, motorists tend to raise further complaints if they do not receive their desired outcome when challenging or appealing a PCN.
- There were a number of complaints received due to a lack of enforcement, where residents would like enforcement action taken in a particular location. As a result, the Parking service regularly review the Parking enforcement plan and target enforcement activity to address hotspots.
- Complaints received at stage 1 also involved issues with the online permit application system, as a result, changes have been made to the system.
- Other parking related issues escalated to stage 2 involved a complaint regarding an enforcement agent acting on the Council's behalf to recover a debt owed not honouring a commitment to await for further evidence before removing a vehicle, and the attitude of a civil enforcement officer whilst issuing PCNs from a CCTV vehicle.
- There were however, 74 fewer complaints about Parking services than in 2018/19, 119 parking related complaints in 2019/20 compared to 193 stage 1 complaints in 2018/19. Although the number of stage 1 complaints received were quite high, there were only nine complaints escalated to stage 2 in the same period. This shows there is an improvement within the service but it still remains one of the key topics of complaint due to the nature of the service provided.

### Council Tax/Recovery

- Complaints about debt collection services generate complaints as they often relate to the work done to collect historic debts that may include tracking customers who have previously absconded or assumed a debt had been forgotten.
- The rise in stage 1 complaints from 77 stage 1 complaints in 2018/19 to 139 stage 1 complaints in 2019/20 in relation to Council tax and recovery was mainly attributed to an issue in July 2019, where historical debt was sent to enforcement agents without any prior notification to customers. There has been a change in management and a new process has since been put in place, which has reduced the number of complaints regarding this matter.
- Complaints escalated to stage 2 related to the administration of a Council Tax account and the lack of consideration for the individual debtor's circumstances. As a result, the service will be reviewing the current Debt Recovery Policy, in line with the guidance as set out in the LGSCO's Focus Report, and any other applicable legislation.
- Other complaints related to correspondence and communication with customers and adhering to promises made to put enforcement action on hold.
- Moving into 2020/21 the service has put more emphasis on ethical and empathetic collection combined with better accuracy to enhance the customer experience while still seeking to maintain collection.

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

### LGSCO Volumes & Outcomes

- 4.10 There were 126 enquiries and complaints referred to the Ombudsman in 2019/20. The LGSCO made decisions on all 126 cases received, however only 28 cases required a detailed investigation, 19 cases of which were upheld and 9 cases not upheld.
- 4.11 Categories of cases not taken up for investigation include: ‘advice given’ ‘referred back for local resolution’; ‘incomplete or invalid’; and ‘closed after initial enquiries’.
- 4.12 The overall number of complaints referred to the Ombudsman has decreased year on year, as have the number of upheld cases by the Ombudsman. The number of upheld cases is four lower than 2018-2019, however still slightly higher than 2017-2018. The table below shows a 3-year comparison of LGSCO outcomes of Brent Council cases:

Year	LGSCO Outcomes						Total
	Not upheld	Upheld	Advice given	Referred back for local resolution	Invalid or incomplete	Closed after initial enquiries	
<b>2017 - 2018</b>	12	<b>21</b>	5	77	6	41	<b>162</b>
<b>2018 - 2019</b>	6	<b>23</b>	8	53	7	37	<b>134</b>
<b>2019 - 2020</b>	9	<b>19</b>	6	55	5	44	<b>126</b>

- 4.13 Brent in 2019/20 compared to the other 33 London boroughs:
- 15th highest in number of referrals to the LGSCO
  - 19th highest in number of detailed investigations undertaken
  - 19th highest in number of LGO upheld cases
  - 21st highest LGSCO uphold rate (68%) in 2019/20, which is 11% points lower than last year.

#### LGSCO Upheld Cases

- 4.14 There were 19 cases upheld against Brent in 2019/20 in the following services:
- Housing - 7
  - Adult Care Services – 4 (including Blue Badge, Freedom Pass)
  - Education & Children Services – 3
  - Highways and Transport – 2
  - Planning and Development – 2
  - Benefits and Tax – 1
- 4.15 Brent came top of all London councils for upheld cases where a satisfactory remedy had already been provided before the complaint reached the Ombudsman. Of the 19 cases which were upheld for 2019-2020, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on 8 occasions. This equates to 42% of the total upheld cases and is significantly above the London average of 15%. This suggests that when issues are identified through the complaints process, corrective actions are effectively carried out to rectify issues or compensate where necessary. For

these eight cases, the Ombudsman confirmed no further action was required. The Complaints Service Team are working to improve decision making in accordance with the Local Government and Social care Remedies guidance. In some cases, there were only minor amendments to decisions that the Council had made.

- 4.16 A brief summary of the cases upheld by the LGSCO for each area has been provided below. The Council categorises complaints about Parking and Lighting, and complaints regarding Highways as two separate services within the Regeneration and Environment 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)

- 4.17 Two of the complaints upheld within the LGSCO's category of Adult Care Services related to applications for a disabled badge, which falls within the Council's Customer and Digital service. In both cases, the Council failed to fully show how it made its decision and how it considered any medical evidence provided. Of the other two cases, one case involved delays in reviewing the care needs of the customer, and the other regarding the actions of a care home, which is commissioned by the Council.

#### Housing

- 4.18 Since most housing matters are referred to the Housing Ombudsman, the majority of the upheld complaints to the LGSCO focused on issues with Housing Needs. Most cases related to how the Council handled homelessness applications. The other complaints upheld covered bidding for housing, a transfer request and a delay in the Council requesting a landlord to carry out repair works. The Ombudsman awarded a total of £2,125 compensation across the seven cases.

#### Highways and Transport

- 4.19 Both cases reported under "Highways and Transport" concerned parking related issues. A historic case from 2015 was raised with the Ombudsman as a result of confusion about the remedy that was agreed at the time. The other case concerned an administrative error, which was rectified as soon as it was identified and no investigation or further action was required.

## Education and Children's

4.20 There were three complaints upheld by the Ombudsman:

- The first complaint related to the handling of a safeguarding investigation. The complaint had been investigated through the statutory three stage process and the Ombudsman was satisfied that there was no fault in how the investigation was undertaken, and the remedies identified through the process were judged to be sufficient.
- The second complaint concerned a foster carer who was approved to foster older children, had agreed to foster younger children, but was not provided with all the necessary equipment to care for the young children.
- The last complaint related to the Special Guardianship Allowance, which had not been paid by the Council between 2015 and 2017. The Council backdated the allowance and paid £3,300 at Stage 2 of the complaint process in acknowledgment of the injustice caused.

## Planning and Development

4.21 The complaints upheld related to the lack of enforcement action taken by the Council at a site, and an extension that was permitted by the Council but which failed to consider the neighbours' comments on the impact it would have on their property. The Council had already provided a suitable remedy in regards to the extension by means of compensation, however in regards to the enforcement action the Ombudsman felt that the Council should have explained its decision in regards to not taking action during working hours.

## Benefits and Tax

4.22 The only complaint upheld for Benefits and Tax related to housing benefit entitlement and recovery of overpayments. The Council delayed dealing with the complainant's requests, however the Council had paid several sums in recognition of the fault.

## LGSCO Compensation

4.23 In 2019-2020 the Ombudsman asked the Council to pay an additional £3,325 in compensation. The compensation was spread across six cases, five of which related to Housing Needs and the other a Parking complaint. This is slightly higher than last year 2018-2019, where £3,150 was awarded from five cases.

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

4.24 The Housing Ombudsman does not provide annual reports and data in the same way the Local Government and Social Care Ombudsman (LGSCO) does. The data provided in the table below on HO cases is taken from the information recorded on Brent's complaints system.

<b>Year</b>	<b>Total Cases Decided</b>	<b>Upheld</b>	<b>Not Upheld</b>	<b>Uphold Rate</b>
<b>2017 - 2018</b>	20	6	14	30%
<b>2018 - 2019</b>	13	6	7	46%
<b>2019 - 2020</b>	<b>9</b>	<b>3</b>	<b>6</b>	<b>33%</b>

- 4.25 The Housing Ombudsman decided on nine cases, of these, three cases were upheld in 2019/20, an uphold rate of 33%. Although there were less cases decided in 2019/20 the uphold rate on the cases decided is relatively better compared to the previous year. The Council has in fact had a 31% reduction in the number of cases decided by the Housing Ombudsman. A short description of the three 'Upheld' cases has been provided below:

#### Complaint 1

- 4.26 The Housing Ombudsman upheld a Housing Management complaint which had previously been investigated under the Council's complaints procedure and upheld. The Council's final review complaint decision, concluded in October 2018, accepted that there had been some minor lapses in communication regarding a roof repair and awarded £25 compensation.
- 4.27 The Ombudsman decided that £300 compensation was appropriate for failings in the repairs service and complaints handling.

#### Complaint 2

- 4.28 The Housing Ombudsman upheld a Housing Management complaint which had previously been investigated under the Council's complaints procedure and upheld.
- 4.29 The Council's final review complaint response, concluded in October 2018, accepted that there had been delay in addressing damp in the complainant's home and awarded £300 compensation.
- 4.30 The Ombudsman decided that the £300 compensation was appropriate for the period up to October 2018, but noted that there were further delays after the final review complaint response, up to the date of its decision in July 2019, partly because commitments made in the final review complaint response were not met. The Ombudsman therefore ordered an additional £700 compensation to be paid on this basis.

#### Complaint 3

- 4.31 The Housing Ombudsman upheld a Housing Management complaint which had previously been investigated under the Council's complaints procedure and upheld.
- 4.32 The Council's final review complaint response, concluded in October 2018, accepted that there had been delay in addressing damp in the complainant's home and awarded £250 compensation. The property is a First Wave property where the Council does not own the freehold. The final review complaint response also said that the Housing Management Service should provide the complainant with clarity on whether a decant would be offered.
- 4.33 The Ombudsman ordered that a further £750 compensation should be paid. This was primarily for further delay, after the final review complaint response, in addressing the damp and providing clarity on the decant issue.

4.34 The complainant was eventually rehoused in September 2019.

### Housing Ombudsman Code: Review

4.35 The Housing Ombudsman published a new, more stringent complaint handling code in July 2020, which comes into operation on 1 January 2021. The Code will affect complaints received for Housing Management and does not cover complaints in relation to Housing Needs, Private Housing Service and Housing Supply & Partnerships. Complaints concerning these services fall within the remit of the Local Government and Social Care Ombudsman.

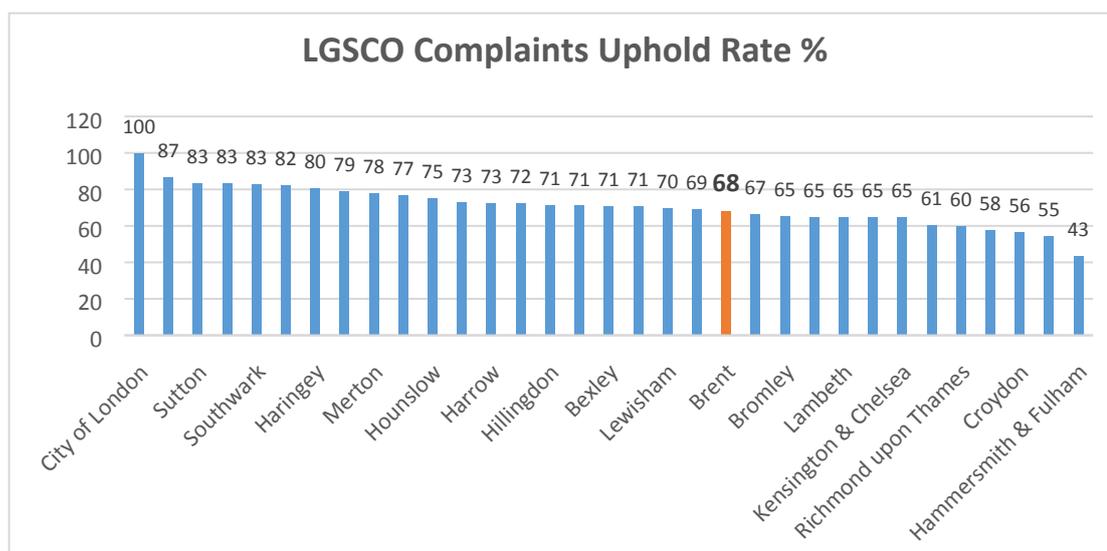
4.36 A copy of the Housing Ombudsman's Code has been provided in Appendix D along with the Housing Management Service's self-assessment against the Code.

### **Compliments**

4.37 There were 85 compliments recorded on the Council's case management system in 2019/20. This is a drop of 10 compliments compared with 95 compliments logged in 2018/19. Managers and staff have been encouraged to log their compliments on iCasework so it is reflective of all the compliments that are received.

### **Benchmarking**

4.38 Due to the current pandemic and competing priorities, it has been difficult to gather statistics from other London boroughs. However, benchmarking data has been provided by the Local Government and Social Care Ombudsman. Of the detailed investigations undertaken, the percentage of complaints which were upheld (68%) compares favourably with other London boroughs.



## 5.0 Financial Implications

- 5.1 The details provided on compensation payments in section 4.4 and throughout this report reflects the monetary impact of not getting things right the first time as an organisation and the need to improve the customer experience thus minimising the financial penalties incurred by the Council.
- 5.2 The data shows that whilst the total number of cases awarded compensation has increased year on year the total amount of compensation paid at all stages of the corporate and statutory process has fallen.
- 5.3 In 2019/20, the total amount of compensation paid by Brent was £58k. This reflects a 4% decrease compared to 2018/19 and 21% when compared to 2017/18. This is despite the fact that the total number of cases awarded compensation has increased year on year, with a 25% increase in 2019/20 when compared with 2018/19. This change is reflected in the average cost per case, which has fallen by 39% from an average cost of £547 in per case in 17/18 to £333 per case in 19/20.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2017-18	135	£73,794	£547
2018-19	141	£61,257	£434
2019-20	176	£58,553	£333

## 6.0 Legal Implications

- 6.1 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.

## 7.0 Equality Implications

- 7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:
- (a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
  - (b) advance equality of opportunity; and
  - (c) foster good relations between those who share a "protected characteristic" and those who do not.
- 7.2 This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.
- 7.3 Although there have been no equality implications identified as a result of this report, the Council are improving the complaints system so that equalities data

is captured and data analysis can be used to identify issues that may disproportionately affect different equality groups.

**8.0 Consultation with Ward Members and Stakeholders**

8.1 None

**9.0 Human Resources/Property Implications (if appropriate)**

9.1 None

**Report sign off:**

**Shazia Hussain**  
Assistant Chief Executive