



Cabinet
7 March 2022

Report from the Assistant Chief Executive

Complaints Annual Report 2020 – 2021

Wards Affected:	All
Key or Non-Key Decision:	Key
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:	Two Appendix A Adult Social Care Complaints Appendix B Children’s Social Care Complaints
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This annual report sets out complaints performance in Brent Council for the period 1 April 2020 to 31 March 2021 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 (ASC) and Children’s Social Care are governed by separate statutory complaint procedures and individual summary reports have been provided for these services in **Appendices A and B** respectively.

Recommendation(s)

- 1.3 Cabinet is asked to note Brent’s performance in managing and resolving complaints.

2.0 Summary

2.1 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.

2.2 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 then updated in November 2020.

2.3 Brent Council has a clear, corporate commitment to customer experience. The organisation is committed to a 'customer promise' which sets out what Brent residents should expect from staff, including service standards in relation to complaints. The aim is for the organisation to be sensitive to customer needs, prioritise communication and provide clear and current information.

2.4 In this context, the Council prioritises customer complaints to ensure that these are dealt with appropriately and efficiently. The central Complaints team monitors the numbers of complaints received as well as the quality and timeliness of responses. The team works closely with service areas to ensure that corrective actions are put in place and learning from complaints is built into service design. There is a strong commitment to improve responses and reduce the number of Complaints.

2.5 Nevertheless, the Council faces a number of challenges in dealing with complaints, not least the rising complexity in cases, where responses may need input from multiple departments or partner organisations; and the impact of the pandemic. In summary, the performance of Brent relating to complaints dipped during the Covid-19 pandemic. While the number of complaints decreased, the capacity of the Council to respond was also reduced as a result of staff sickness and re-allocating resources to assist with the crisis. During this period, the new complaints management system was also implemented and this had an effect on the capacity of the organisation to respond to complaints while a major change programme was undertaken to train staff in the new system and move data across.

2.6 This transition has also made reporting on the complaints data difficult. The intention is for the next annual report to be produced much nearer the end of the financial year and to be combined with the LGSCO's annual report which is usually issued in July.

2.7 The key headlines from complaints performance in 2020/21 are as follows:

- Housing repairs, housing customer experience and neighbourhood management, (for example anti-social behaviour and cleaning and maintenance of public areas and housing estates) are the top three concerns for customers.
- The number of Brent Stage 1 complaints (corporate & statutory) have decreased by 6% (114 complaints) (↓).
- The number of Brent Stage 2 complaints (corporate & statutory) have also decreased by 19% (49 cases) (↓).

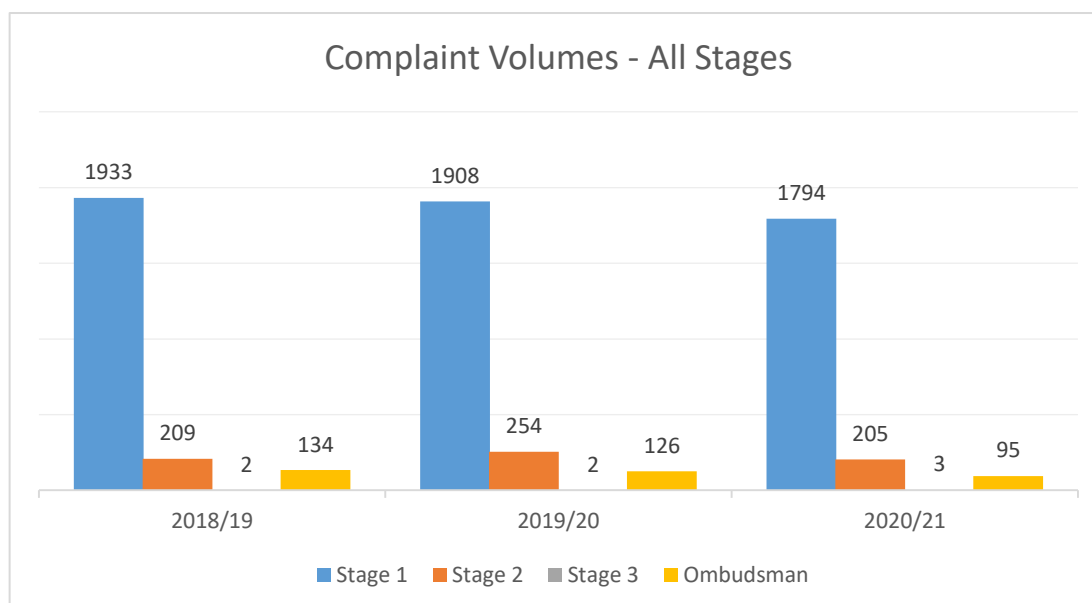
- There were 12 Local Government & Social Care Ombudsman (LGSCO) cases upheld against Brent in 2020/21, compared with 19 cases in 2019/20 (↓).
- The total number of cases where compensation was awarded has decreased slightly compared to last year, however, the total amount of compensation paid by Brent increased significantly by 73% in 2020/21 compared with the previous year – c£42k (↑). This was mainly due to improvements in the way the Council reported compensation and reflects the few cases receiving particularly high compensation awards.
- Statutory and corporate performance across all stages has dropped in 2020/21, mainly as a result of the pandemic. Stage 1 statutory complaints timeliness dropped by 17 percentage points and Stage 2 corporate performance dropped by 12 percentage points(↓).

3.0 Detail

Volume of Complaints received

- 3.1 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 2020/21 Brent received 1,794 Stage 1 complaints (corporate and statutory). This is a decrease of 114 complaints compared to the previous year.
 - Stage 2 complaints (corporate & statutory) have decreased from 254 cases in 2019/20 to 205 cases during 2020/21.
 - There were three Stage 3 Review Panels convened during 2020/21, which is one more than the previous year 2019/20.
- 3.2 The decrease in complaints can be attributed to the Covid 19 pandemic. Residents tended to desist from complaining during the height of the pandemic. Since lockdown ceased, however, the Council has seen an increase in numbers/number of complex cases reflecting a build-up of issues which may have otherwise been reported earlier. The largest number of complaints for 2020/21 relates to the housing service. Of the 1,794 Stage 1 complaints received in 2020/21, 821 complaints concerned the Housing department. The escalation of Housing complaints also accounted for over half the total Stage 2 escalations received by the Council (105 out of 205 escalations received). Although Housing have the highest number of complaints, the number of Stage 1 complaints received and the number of escalations to Stage 2, have both reduced against the previous year. The second highest number of complaints received related to Environmental Services (Parking and Neighbourhood Management), followed by Customer Access (Revenue and Debt and Customer Service Operations). Statutory complaints accounted for 5% (97 complaints) of all the Stage 1 complaints received. Detailed information in relation to those complaints have been provided in appendices A and B.
- 3.3 The corporate complaints team has been working closely with the housing teams to both reduce complaints received by that service and to improve the Council's response on such complaints. This included a quality assurance project initiated by the Operational Director, Housing, which checked a sample of 374 Housing Stage 1 complaint responses against ten criteria. As a result of the project, Housing focused training was provided to managers and Heads

of Service in the department to improve complaints handling and there is now increased monitoring of Stage 1 responses.



Timeliness of Complaints

- 3.4 The table below shows the percentage of complaints closed on time. The overall timeliness of complaints has dropped, and this is likely due to the Covid 19 pandemic. While the pandemic resulted in reduced numbers of complaints for the Council, it also reduced the number of staff available corporately and within service areas to deal with complaints. This is common across London boroughs. Nevertheless, Stage 1 corporate complaints performance held up well, only dipping by 2 percentage points since 2019/20, although statutory complaints saw a 17 percentage point reduction in complaints responded to on time. Stage 2 corporate complaints performance has dropped 12 percentage points and statutory Stage 2 performance by 9 percentage points compared with last year's performance. During the pandemic, some ASC statutory cases were put on hold so that the service could allocate resources to assisting the crisis. 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
2018-19	94%	90%	87%	47%
2019-20	91%	84%	87%	59%
2020-21	89%	67%	75%	50%

Complaints Outcomes

- 3.5 The percentage of cases upheld or partly upheld at Stage 1 of the corporate complaints procedure has increased by 4 percentage points. The percentage of complaints that the Council upheld or partly upheld at Stage 2 have also increased from 51% to 62% in 2020/21. The proportion of statutory cases

upheld/partly upheld has risen by 12 percentage points at Stage 1 and decreased by 1 percentage point at Stage 2.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2018-19	47%	46%	39%	60%
2019-20	44%	47%	51%	59%
2020-21	48%	59%	62%	58%

Compensation

- 3.6 The table below shows the total amount of compensation paid in Brent at all stages of the corporate and statutory process, including Ombudsmen cases. The total number of cases where compensation was awarded has decreased slightly compared to last year, however the amount of compensation awarded for each case has increased. And overall, there was a significant increase in the total amount of compensation paid by Brent in 2020/21: this increased significantly by 73% compared to last year. This is mainly due to improved reporting of compensation by service areas at Stage 1 on the new complaints and casework management system, and a number of cases which had a significantly high compensation award.
- 3.7 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 increase in the compensation awarded 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 higher levels of 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 and compensation is awarded under different circumstances.
- 3.8 The majority of compensation in 2020/21 was awarded at Stage 2 of the Council's complaints process with £69,970 awarded in total. At Stage 1, £22,410 was awarded, £2,700 at Stage 3, and £5,950 at the Ombudsman stage. Compensation was awarded in 167 cases, which is 9 cases less than the previous year but almost double the average per case.
- 3.9 The Housing service accounted for 79% of all the compensation paid (£79,906), followed by the CYP department with 13% (£13,305) of the overall compensation awarded in 2020/21.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2018-19	141	£61,257	£434
2019-20	176	£58,553	£333
2020-21	167	£101,030	£605

Root Cause of complaints

- 3.10 As a result of transitioning to a new complaints management system, complaints data for 2020/21 is held on three different Council systems, and meaningful data in relation to root causes has not been available. However, it is clear that housing repairs, housing customer experience and neighbourhood management are the top three concerns for customers. The Housing Management service carry out on average 36,000 repairs per annum, therefore there will always be a correlation between the number of repairs carried out and the number of complaints received.
- 3.11 This year a high number of complaints received related to the management of anti-social behaviour by Council tenants and across the borough, as well as the cleaning and maintenance of public areas and housing estates. These issues were linked to the impact of the pandemic. Three cases in relation to anti-social behaviour were escalated through the complaints procedure and to the LGSCO and Housing Ombudsman, and subsequently upheld.

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

- 3.12 A report on the Local Government & Social Care Ombudsman: Annual Review 2020/2021 was considered in CMT in September. This included detailed analysis of the Council's performance and comparison with other London boroughs. In summary:
- Fewer referrals were made to the Ombudsman for Brent – the reduction (from 126 in 2019/20, to 95 in 2020/21) largely reflects the 3 month pause that the LGSCO implemented in its investigations due to Covid. The borough with the highest number of referrals in that year was Ealing with 144, and the lowest was City of London with 11.
 - The LGSCO decided to do a detailed investigation into a significantly lower proportion of referred complaints at Brent – both compared with previous years, and in relation to other London boroughs. Only 13 cases were investigated out of the 95 referred. Thirteen boroughs had more than 24 detailed investigations undertaken.
 - However, despite having a small number of cases investigated by the Ombudsman, our uphold rate this year was poor. Brent had the highest upheld rate of 92%, along with Barking & Dagenham and Harrow. However, this was from a lower base (Harrow had 23 cases upheld compared with our 12) and the trends are positive. Twenty-three complaints were upheld in Brent in 2018/19, 19 upheld in 2019/20 and 12 in 2020/21.
 - Of the 13 investigations completed:
 - one complaint was not upheld;
 - eight were upheld with further recommendations; and
 - the remaining four were upheld, but the Council had already implemented its own recommendations which had been accepted by the LGSCO as a suitable remedy. Brent is the second best performing London borough on this measure.
 - Our compliance with the Ombudsman's recommendations is good at 100%.

LGSCO Volumes & Outcomes

- 3.13 There were 95 enquiries and complaints referred to the Ombudsman in 2020/21. The LGSCO made decisions on 77 cases received, however only 13 cases required a detailed investigation, 12 of these were upheld and 1 case not upheld.
- 3.14 Categories of cases not taken up for investigation include: 'advice given', 'referred back for local resolution'; 'incomplete or invalid'; and 'closed after initial enquiries'.
- 3.15 The number of complaints referred to the Ombudsman has decreased year on year, as have the number of detailed investigations undertaken by the Ombudsman. For this year however this is likely due to the pandemic and the Ombudsman stopping investigations between March and June 2020. The uphold rate has increased significantly, from 68% to 92%. However, this needs to be considered in the context of a significant reduction in the number investigations the Ombudsman decided to investigate, indicating that the Council has managed to resolve a number of complaints preventing escalation to the LGSCO. 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	
2018- 19	6	23	8	53	7	37	134
2019- 20	9	19	6	55	5	44	126
2020- 21	1	12	3	35	1	25	77

- 3.16 Brent in 2020/21 compared to the other 33 London boroughs:
- 2nd highest at providing a satisfactory remedy before the complaint reached the Ombudsman
 - 7th lowest in number of detailed investigations undertaken
 - 12th lowest in number of LGO upheld cases
 - 12th highest in number of referrals to the LGSCO
 - 1st joint highest LGSCO uphold rate (92%) in 2020/21.

LGSCO Upheld Cases

- 3.17 There were 12 cases upheld against Brent in 2020/21 in the following services:
- Housing - 3
 - Benefits and Tax – 3
 - Highways and Transport – 2
 - Environmental Services & Public Protection & Regulation - 2
 - Adult Care Services – 1
 - Education & Children Services – 1
- 3.18 Brent came 2nd 'place' out of all London councils for upheld cases where a satisfactory remedy had already been provided before the complaint reached

the Ombudsman. Of the 12 cases which were upheld for 2020/21, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on four occasions. This equates to 33% of our total upheld cases and is significantly above the London average of 12%. 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 four cases, the Ombudsman confirmed no further action was required.

- 3.19 The Ombudsman recommended a specific remedy to the Council in relation to 7 upheld cases. The Ombudsman was satisfied that the Council had successfully implemented its recommendations to remedy the complaints, achieving a 100% compliance rate.
- 3.20 This is an encouraging outcome and shows that the Council is complying with remedies set by the Ombudsman.
- 3.21 A brief summary of the cases upheld by the LGSCO for each area has been provided below.

Adult Care Services

- 3.22 This was a multi-faceted complaint regarding the service a complainant and his mother received from the Council's Adult Social Care Team (ASC) including complaints about the attitudes of staff members at various care providers and within ASC. A restriction was placed on the complainant's contact with the Council, however the Ombudsman found that the documentation was hard to follow and a review period for the restriction was not set as designated in the Council's policies.

Housing

- 3.23 Complaints concerning Council Housing are referred to the Housing Ombudsman. Upheld complaints to the LGSCO focused on issues with Housing Needs. Two of the cases related to the suitability of accommodation. The recommendations regarding these complaints were:
- to remind officers who conduct homelessness reviews of the requirement to ask for the applicant's consent to an extension if they cannot complete the review and issue the decision letter within the relevant timescale; and
 - to carry out a new s202 review of the suitability of the accommodation.

The other Housing complaint which was upheld related to accommodation provided by the Council under the "Everyone In" initiative. The Ombudsman found various issues relating to the initiative and that there was a delay and a lack of communication in this case.

Highways and Transport

- 3.24 Both cases reported under "Highways and Transport" concerned parking related issues. The Ombudsman did not investigate one of these cases because a suitable remedy had already been provided before the complaint reached the Ombudsman, this was in the form of a PCN refund. The other case concerned enforcement agents who removed the customer's vehicle without waiting for him to return with proof of purchase for the vehicle.

Education and Children's

- 3.25 One complaint was upheld about the Council's actions in relation to the complainant's son's special educational needs. There was a delay in the Council naming a special school in her son's education, health and care (EHC) plan.

Environmental Services & Public Protection & Regulation

- 3.26 Both cases concerned noise nuisance. The first complainant complained about the way the Council responded to their concerns about their neighbour's loud music. The Council accepted it could have done more to prevent the noise complaint continuing so long, such as offering a priority caller number. It also accepted the Nuisance Control Team had not responded to the complainant within expected timeframes on several occasions. The second complainant complained about their neighbour testing loudspeakers which were stored in a lean-to structure which the complainant thought was a fire risk. The Council failed to take appropriate action in relation to the noise and investigate the fire risk posed by the neighbour's lean-to shed.

Benefits and Tax

- 3.27 Three Benefits and Tax complaints were upheld. One related to a Council Tax bill that was wrongly sent to the complainant for a property they did not own. The other two were regarding bill errors where the complainants were not informed about their right of appeal.

LGSCO Compensation

- 3.28 In 2020/21, the LGSCO asked the Council to pay an additional £5,450 in compensation across five cases. Most of this compensation related to a single case where £4,750 was offered, as a result of a recommendation at Stage 2 to carry out a new section 202 review (a review of the decision made by the Council on a homeless application). Following the new section 202 review, the LGSCO recommended that the compensation be paid due to the outcome which deemed the accommodation unsuitable. The remaining compensation was spread across cases relating to Housing Needs, Special Educational Needs, Noise Nuisance and a Council Tax error. In these cases, an average of £200 or £300 was offered additionally by the Ombudsman.

Housing Ombudsman (HO) Decision & Learning Points

- 3.29 The Housing Ombudsman does not normally provide annual reports and data in the same way the LGSCO does. However, they are now producing the reports for 2020-21 which will be published before the end of the financial year. The data provided in the table below on HO cases is taken from the information recorded on Brent's complaints system and cross-checked with the Housing Ombudsman's data.

Year	Total Cases Decided	Upheld	Not Upheld	Uphold Rate
2018- 19	13	6	7	46%
2019- 20	9	3	6	33%
2020- 21	14	6	8	43%

- 3.30 The Housing Ombudsman decided on fifteen cases, of these, seven cases were upheld in 2020/21, an uphold rate of 43%. This is higher than the proportion of cases upheld in 2019/20.
- 3.31 The table below provides a breakdown of the areas of complaints which were upheld and the decision by the Housing Ombudsman.

Complaint Decision	Leasehold Services	PHS Grants	Repairs	Tenancy	Total
Maladministration	0	1	3	1	5
Partial Maladministration	1	0	0	0	1
TOTAL	1	1	3	1	6

- 3.32 The key areas for improvement identified in these cases related to: communication, complaints handling, record keeping, better handling of ASB, management of adaptation/repairs work and to ensure the repairs policy is reviewed and made available.

Compliments

- 3.33 In 2020/21 there were 115 compliments logged on the system for the Council. Customers can send feedback to the Complaints Team or to service areas directly. Some of these compliments have been provided below:

Housing Customer Experience

"I just wanted to pass along that I have been dealing with xxxx on a matter that I thought the council could help me with. It turned out that the property that I was complaining about and needing help with isn't owned by Brent but nevertheless, employee, xxxx couldn't have been more friendly, helpful and went over and beyond to answer all of my questions and follow up. Even though the outcome wasn't what I'd hoped for, he was super informative and seemed to actually care. It was so refreshing as my dealings with Brent are usually less than desirable."

Neighbourhood Management

"I have recently moved to this address and was impressed with the professional and courteous attitude of the collection team. We are too quick to criticise and not quick enough to compliment. Please pass on a thank you on my behalf!"

Housing Needs

"This email is to thank you for your support as I signed my Tenancy Agreement and picked the keys for the house. I honestly appreciate for your help. The journey has been stressful and was not easy seeing my sons thrown out. Because of your hard work, we are off the streets been homeless for more than three years but at last I have a home with my boys."

Housing Property Services

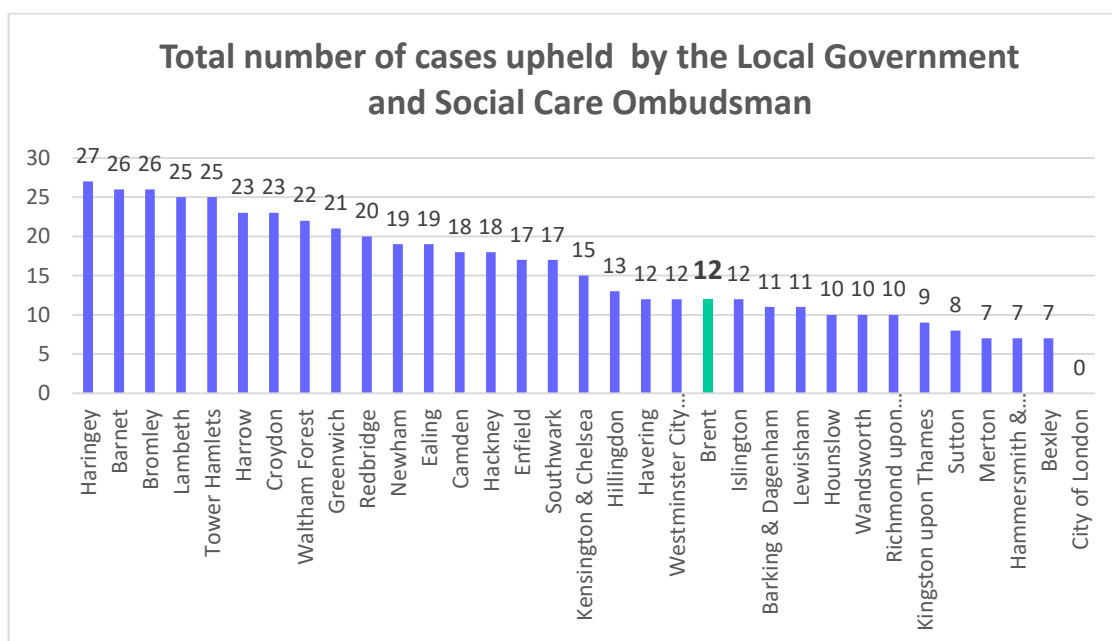
"I would like to take this time, to thank you and your colleagues with regards to the above [wet room refurbishment], I'm very much indeed happy with the completed refurbishment. Effectable Contractor, (xxxx) was professional in his manner detailed all in what he was going to do, which was very helpful,

very satisfied with his work.”

- 3.34 Compliments relating to Adult Social Care and Children and Young People can be found in appendices A and B.

Benchmarking

- 3.35 Benchmarking data has been provided by the Local Government and Social Care Ombudsman in relation to complaints. The table below shows the number of complaints that were upheld by the Ombudsman in 2020/21 compared with all London boroughs. Of the detailed investigations undertaken by the LGSCO, twelve cases were upheld for Brent. This compares favourably with other London boroughs, and when comparing to previous years, shows a year on year decrease.
- 3.36 The number of cases referred to the LGSCO has decreased significantly from 134 in 2018/19, to 126 in 2019/20 and 95 referred in 2020/21. Of the 95 complaints referred, the LGSCO decided to do a detailed investigation into a significantly lower proportion of referred complaints at Brent – both compared with previous years, and in relation to other London boroughs. Only 13 cases were investigated.



4.0 Financial Implications

- 4.1 The details provided on compensation payments in section 3.6 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.
- 4.2 The total number of cases where compensation was awarded decreased by 5% compared to 2019/20 whilst the amount of compensation awarded for each case has increased.
- 4.3 The total compensation awarded and paid in 2020/21 was £101,030 (167 cases), an increase of 73% on the previous year due to the average cost

per case rising substantially. The costs implication to the Council will continue to be monitored.

5.0 Legal Implications

- 5.1 Complaints concerning Adult Social Care and Children’s Social Care fall 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.
- 5.2 The LGSCO is the final stage in the complaints process, where an individual has complained to the council and remains dissatisfied with the outcome. The LGSCO can investigate allegations of maladministration in connection with the exercise of a local authorities’ administrative function, allegations regarding a failure in a service which it is the local authorities function to provide, an allegation or an apparent failure to provide such a service pursuant to the Local Government Act 1974 as amended.

6.0 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 is 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

- 9.1 None

Report sign off:

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Assistant Chief Executive