	<p style="text-align: center;">Cabinet 14 November 2022</p>
	<p style="text-align: center;">Report from the Corporate Director, Governance</p>
<p style="text-align: center;">Complaints Annual Report 2021 – 2022</p>	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key Decision
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two Appendix A Adult Social Care Complaints Appendix B Children’s Social Care Complaints
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Mariza Barros Complaints and Casework Manager 0208 937 1381 Mariza.Barros@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This annual report sets out complaints performance in Brent Council for the period 1 April 2021 to 31 March 2022 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.

2.0 Recommendation(s)

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

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 the Resident Feedback and Complaints (RFC) system.

3.3 Brent Council has a clear, corporate commitment to customer experience. The organisation is committed to a new 'Brent 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.

3.4 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 and 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 in to service design. There is a strong commitment to improve responses and reduce the number of complaints.

3.5 Nevertheless, the Council faces a number of challenges in dealing with complaints, not least the rising complexity of cases, where responses may need input from multiple departments or partner organisations; and the impact of the pandemic.

3.6 The key headlines from complaints performance in 2021/22 are as follows:

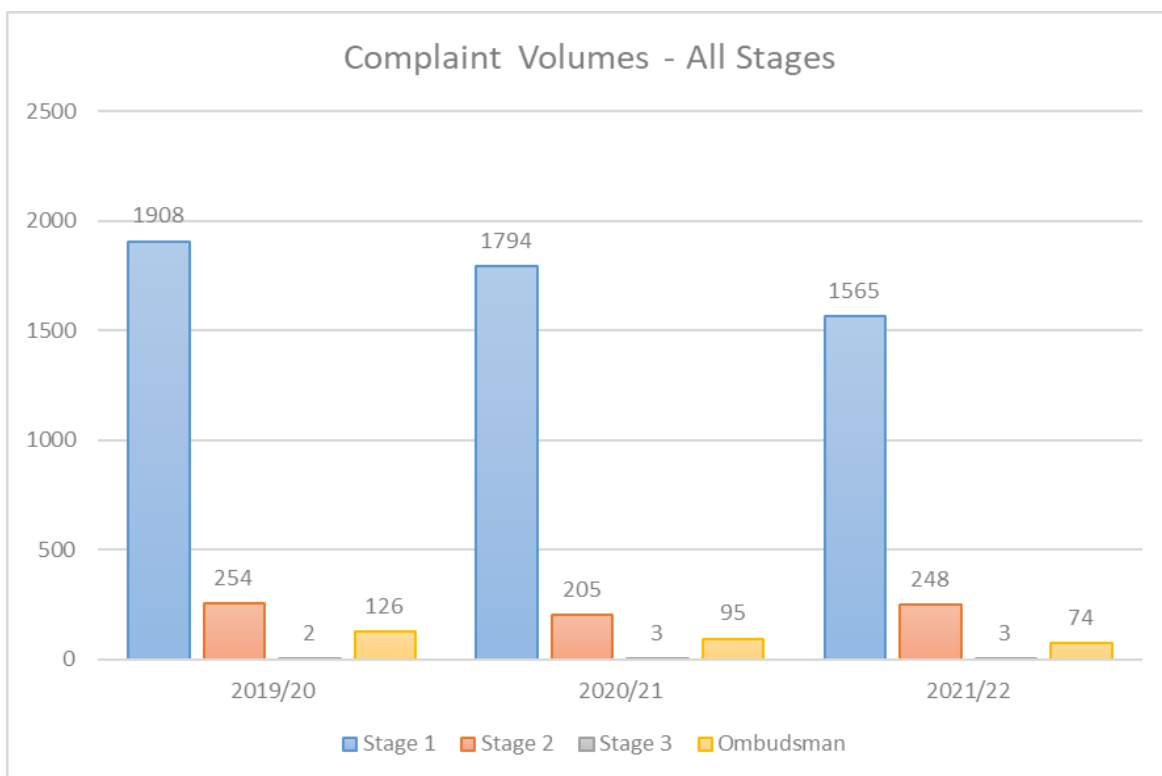
- Housing repairs, housing customer services and Council Tax are the top three concerns for customers.
- The number of Brent Stage 1 complaints (corporate & statutory) have decreased by 13% (down by 229 complaints) (↓).
- The number of Brent Stage 2 complaints (corporate & statutory) have increased by 21% (up by 43 cases) (↑).
- There were 22 Local Government & Social Care Ombudsman (LGSCO) cases upheld against Brent in 2021/22, compared with 12 cases in 2020/21 (↑).
- 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 66% in 2021/22 compared with the previous year – an increase of c£66k (↑). This continues to be as a result of better compensation reporting at stage 1 and reflects a number of cases which received particularly high compensation awards.

- Statutory and corporate performance across stage 1 complaints has remained consistent compared to 2020/21, with a 1 percentage point drop in corporate complaints and a 4 percentage point rise in statutory complaints responded to on time. Stage 2 complaint timeliness dropped by 25 percentage points for statutory complaints and corporate performance dropped by 7 percentage points (↓).

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 2021/22 Brent received 1,565 Stage 1 complaints (corporate and statutory). This is a decrease of 229 complaints compared to the previous year.
 - Stage 2 complaints (corporate & statutory) have increased from 205 cases in 2020/21 to 248 cases during 2021/22.
 - There were three Stage 3 Review Panels convened during 2021/22, which is the same number as in 2020/21.
- 4.2 The reduction in the number of Stage 1 complaints received is a result of the Covid 19 pandemic. Residents tended to allow issues to build up and then grouped all their concerns into a single, often complex, complaint. There have however been more escalations to stage 2 with 16% of complaints escalated compared to 11% in 2020/21.
- 4.3 The majority of complaints for 2021/22 relate to the housing service, which is expected given the nature of the service and the number of properties managed by Brent. Of the 1,565 stage 1 complaints received in 2021/22, 758 related to the Housing department. This is 63 fewer complaints received compared to the previous year 2020/21.



Timeliness of Complaints

4.4 The table below shows the percentage of complaints closed on time. The overall timeliness of complaint responses has dropped, with the exception of stage 1 statutory complaints which increased by 3 percentage points. The dip in performance in relation to stage 2 complaints was due to a restructure that took place in the autumn and an increase in long-term staff sickness. There has also been a shortage of independent investigators available to investigate children's statutory complaints which has meant that the majority of statutory complaints have not been responded to on time. This is a common issue across London boroughs, however the Complaints team is considering using an external company on a spot purchase basis as well as continuing to use the North West London pool to improve performance in this area. The Complaints team is continuing to work with departments to improve complaints performance across the Council.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2019-20	91%	84%	87%	59%
2020-21	89%	67%	75%	50%
2021-22	88%	71%	68%	25%

Complaint Outcomes

- 4.5 The percentage of cases upheld or partly upheld during the corporate complaints process has decreased by 1 percentage point at stage 1 and 11 percentage points at stage 2. The percentage of complaints that the Council upheld or partly upheld during the statutory complaints process has also decreased at stage 1 (2 percentage points) but increased at stage 2 from 58% to 64% in 2021/22. This shows that the Council is willing to accept when things have gone wrong but more work needs to be done around issues raised through the statutory process and recognising fault at an earlier stage in the process. The CYP department are receiving training in relation to complaints handling and implementing recommendations and service improvements as a result of complaints.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2019-20	44%	47%	51%	59%
2020-21	48%	59%	62%	58%
2021-22	47%	57%	51%	64%

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. The total number of cases where compensation was awarded increased considerably compared to last year, however the amount of compensation awarded for each case has decreased by £72. And overall, there was a significant increase in the total amount of compensation paid by Brent in 2021/22: this increased significantly by 66% on 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.
- 4.7 Compensation can be awarded for time and trouble, distress, as goodwill, or in the form of a refund, reimbursement, or the offset/waiving 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 can prevent the need to offer higher levels of compensation at a later stage. There is no direct 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.
- 4.8 The majority of compensation in 2021/22 was awarded at stage 2 of the Council's complaints process with £88,874 awarded in total. At stage 1, £41,848 was awarded, and £36,778 at the Ombudsman stage which included a pay-out in one case of £27,000. Compensation was awarded in 314 cases,

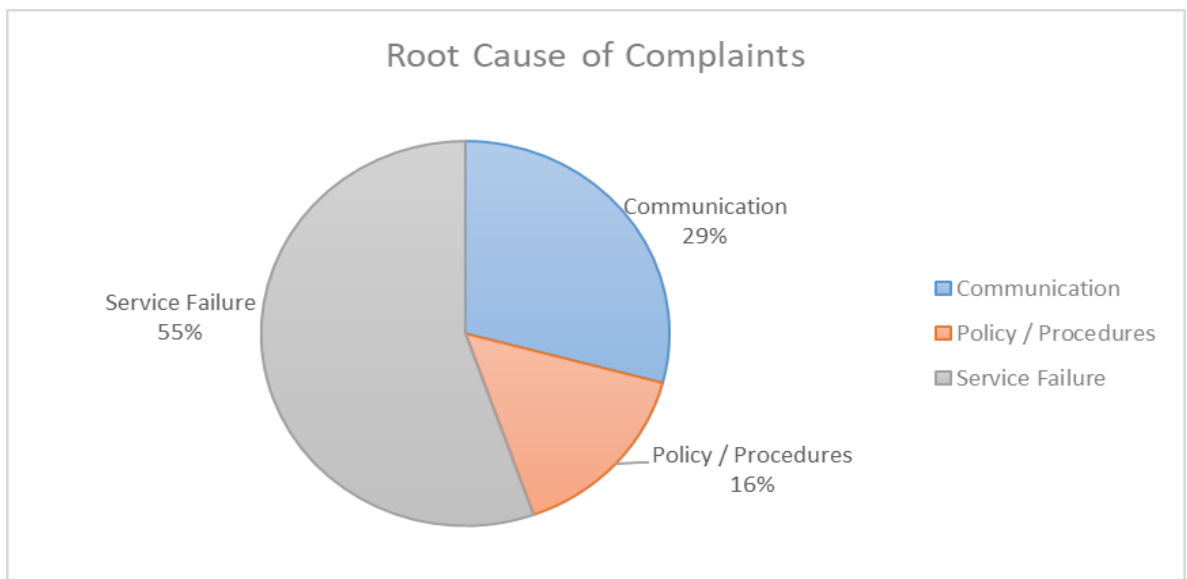
which is 147 cases more than the previous year, but the amount awarded was lower on average per case.

- 4.9 The Community and Wellbeing directorate accounted for 84% of all the compensation awarded (£142,141), followed by the CYP department with 11% (£16,375) of the overall compensation awarded in 2021/22.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2019-20	176	£58,553	£333
2020-21	167	£101,030	£605
2021-22	314	£167,500	£533

Root Cause of complaints

- 4.10 The Council categorises root causes of complaints as follows: Service failure; Communication; and Policy/procedures. Over 50% of complaints closed in 2021/22 identified service failure as being the root cause of complaint. Communication issues accounted for 29% of complaints and dissatisfaction with policy/ procedure accounted for 16% of all complaints closed.



- 4.11 Housing repairs, housing customer services and Council Tax 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.
- 4.12 This year a high number of complaints received related to Council Tax, mainly as a result of the increasing pressures of the cost of living and residents

unable to keep up with payments. The Council has also received a higher number of complaints relating to the Children and Young People service and Adult Social Care due to provisions for education and care during Covid. This can be seen from the number of complaints escalated for these services to the Local Government and Social Care Ombudsman.

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

4.13 The Local Government and Social Care Ombudsman provides an Annual Review report every year which focusses on the Council's performance in relation to complaints that have been referred to it.

4.14 In summary:

- The number of referrals made to the Ombudsman for Brent was the same, at 95 referrals, as last year. The borough with the highest number of referrals in 2021/22 was Croydon at 227, and the lowest was City of London with 12.
- The LGSCO decided to do a detailed investigation into a higher number of referred complaints at Brent compared to last year where only thirteen detailed investigations were carried out. In 2021/22, 33 cases were investigated out of the 95 referred.
- Brent's upheld rate at 67% has improved significantly from last year, when the upheld rate was 92% (albeit from a lower base of thirteen cases investigated). Brent was joint 11th with Kensington & Chelsea out of all London boroughs on this performance indicator. Lambeth had the highest upheld rate with 92% of the 37 cases that required a detailed investigation being upheld.
- Of the 33 investigations completed for Brent:
 - eleven complaints were not upheld;
 - sixteen were upheld with further recommendations; and
 - the remaining six were upheld, but the Council had already implemented its own recommendations which had been accepted by the LGSCO as a suitable remedy, or there were no further recommendations made by the Ombudsman.
- Our compliance with the Ombudsman's recommendations is good at 100%.

LGSCO Volumes and Outcomes

4.15 There were 95 enquiries and complaints referred to the Ombudsman in 2021/22 which is consistent with the 95 enquiries made the previous year. However, the LGSCO made decisions on 118 cases during the year, an increase of 41 cases compared to last year. This increase relates to the Ombudsman temporarily stopping casework for 3 months from March 2020 to the end of June 2020. Therefore, creating a backlog which meant more investigations were carried out in 2021/22. In this respect the Council received a larger amount of enquiries from the Ombudsman on top of its normal caseloads. Of the 118 cases decided in 2021/22 only 33 cases required a

detailed investigation, 22 cases of which were upheld and 11 cases not upheld.

4.16 Categories of cases not taken forward for investigation include: ‘advice given’; ‘referred back for local resolution’; ‘incomplete or invalid’; and ‘closed after initial enquiries’.

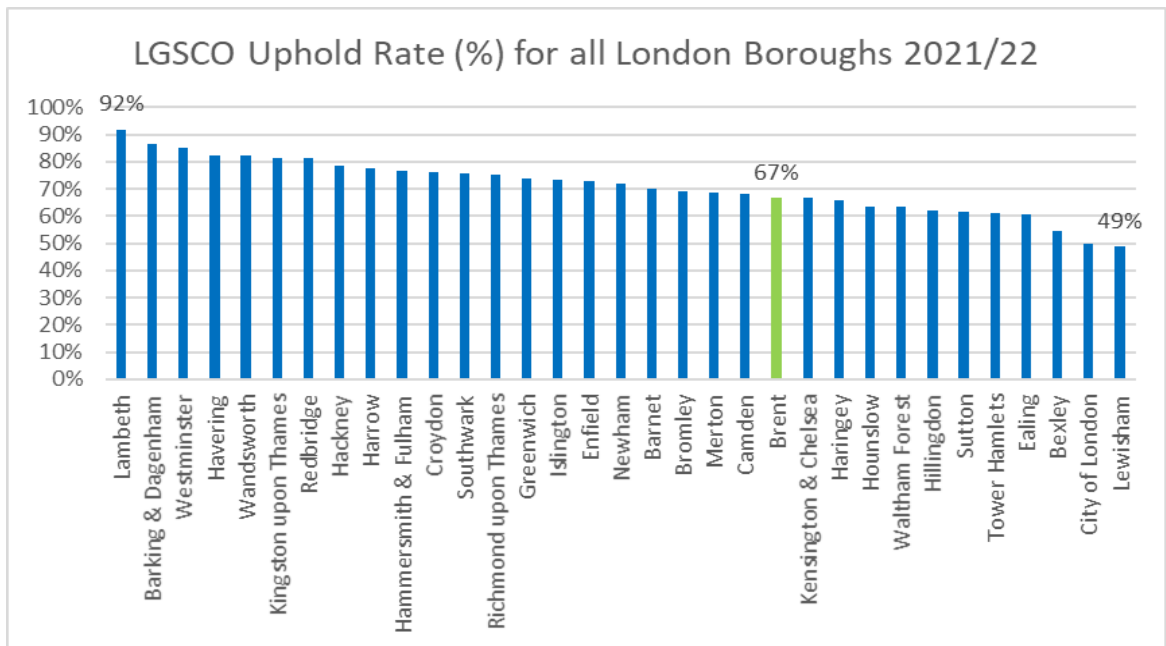
4.17 The pandemic had an impact on the LGSCO’s activity over the last three years which makes it difficult to assess trends. However, the number of decisions, detailed investigations and cases upheld in 2021/22 seem to correlate with the number of decisions and outcomes pre Covid. The table below shows 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	
2019- 20	9	19	6	55	5	44	126
2020- 21	1	12	3	35	1	25	77
2021- 22	11	22	8	39	7	31	118

4.18 In comparison with other London boroughs in 2021/22, Brent fares as follows:

- 11th joint highest at providing a satisfactory remedy before the complaint reached the Ombudsman
- 8th joint highest in number of detailed investigations undertaken
- 11th joint highest in number of LGSCO upheld cases
- 12th joint lowest in number of referrals to the LGSCO
- 11th joint lowest LGSCO uphold rate (67%) in 2021/22.

4.19 The table below shows the Ombudsman upheld rate in 2021/22 compared with all London boroughs. Of the 33 detailed investigations undertaken by the LGSCO, 22 cases were upheld for Brent. This provides a uphold rate of 67% which compares favourably with other London boroughs and puts Brent in joint 11th place.



LGSCO Upheld Cases

4.20 There were 22 cases upheld against Brent in 2021/22 in the following services:

- Education & Children Services – 8
- Adult Care Services – 5
- Benefits and Tax – 3
- Housing - 4
- Highways and Transport – 1
- Environmental Services & Public Protection & Regulation - 1

4.21 Brent came joint 11th '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 22 cases which were upheld during 2021/22, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on three occasions. This equates to 14% of our total upheld cases and is above the London average of 11%. 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 three cases, the Ombudsman confirmed no further action was required.

4.22 The Ombudsman recommended a specific remedy in relation to 16 upheld cases. The Ombudsman was satisfied that the Council had successfully implemented its recommendations to remedy these complaints, achieving a 100% compliance rate.

4.23 This is an encouraging outcome and shows that the Council is complying with remedies set by the Ombudsman.

- 4.24 A brief summary of the cases upheld by the LGSCO for each area has been provided below.

Adult Care Services

- 4.25 Five complaints were upheld within this category for 2021/22. Topics covered: Concerns relating to safeguarding; assessment of needs; concerns relating to service providers; delays in service generally and one pandemic related provisions complaint. Apologies and financial redress were issued in each case, however only two cases required service / policy review or training provision for staff.

Housing

- 4.26 Complaints concerning Housing Management are referred to the Housing Ombudsman. Four complaints relating to other housing services were upheld after being passed to the LGSCO. One of which received service recommendations for improvement. Subject matters included Housing needs; Licencing and enforcement; not issuing a homeless applicant a Personal Housing Plan; and the last concerned a delay in assessing the suitability of accommodation in relation to disability which offered a considerable amount of compensation.

Highways and Transport

- 4.27 One case was upheld under this category. The complaint related to delays in processing an application for a disabled parking bay. No further injustice was found except for unreasonable delay in processing the application.

Education and Children's

- 4.28 Eight cases were upheld, three of which were remedied prior to LGSCO review. Three cases were issued with service recommendations including training needs and policy review. Subjects covered included Education Health and Care Plans (EHCPs) and the right of appeal; safeguarding concerns; failure to recognise circumstantial changes; delays in providing specific learning related to specialist support; and a lack of adequate leaving care support. For the remaining cases, these were already remedied during the Council's complaint process or either submitted prematurely and not reviewed by the Ombudsman.

Environmental Services & Public Protection & Regulation

- 4.29 One complaint was upheld under this category which related to noise nuisance and antisocial behaviour during lockdown, in connection with building works at a neighbouring property. Actions were taken by the Council to resolve issues and delays were acknowledged in reviewing some information provided.

Benefits and Tax

- 4.30 Three Benefits and Council Tax complaints were upheld. One related to Council Tax enforcement – another regarding payments to a landlord as a tenant was paid directly but remained in arrears – and lastly a delay in amending Council Tax liability.

LGSCO Compensation

- 4.31 In 2021/22, the LGSCO asked the Council to pay an additional £35,778 in compensation across fifteen cases. Most of this compensation related to a single Housing Needs case where £27,000 was offered to a disabled resident whose temporary accommodation did not meet his additional needs. The difficulty the Council had in finding this family a suitable place to live reflects the chronic shortage of larger, adaptable properties across London. The remaining compensation, which includes refunds, was spread across cases relating to Housing Needs, Education and Children’s Services, Noise Nuisance, Benefits and Tax and Adult Care Services.

Housing Ombudsman (HO) Decision & Learning Points

- 4.32 The Housing Ombudsman provided its annual report in August 2022. The information provided below has therefore been taken from this report. The figures in the table below include the last two financial years for comparison.

Year	Total Cases Decided	Upheld/Partly Upheld	Not Upheld	Uphold Rate
2019- 20	9	3	6	33%
2020- 21	14	6	8	43%
2021- 22	8	6	2	75%

- 4.33 The Housing Ombudsman decided eight cases in 2021/22. Of these, two cases were not upheld, and six cases were upheld or partially upheld, an uphold rate of 75%. This is an increase of 32 percentage points on 2020/21, however the yearly total of cases decided in 2021/22 has reduced by almost half compared to 2020/21.
- 4.34 The table below provides a breakdown of the areas of complaints which were received by the Housing Ombudsman in 2021/22.

Complaint Decision	Anti-social behaviour	Charges	Complaint handling	Estate Management	Moving to a new property	Occupancy	Property condition	Payments	staff	Health and Safety	Total
Maladministration			3				1		1		5
No Maladministration					1		2			1	4
Service failure	1						2	1			4
Redress				1			1				2
Outside Jurisdiction	1	1		1	1	1	1				6
TOTAL	2	1	3	2	2	1	7	1	1	1	21

4.35 The cases related to the following:

- Anti-social Behaviour
- Communication and issues with gaining access to a property
- Costs and charges for communal lighting
- Leak repair, reports of asbestos and communication and complaint handling
- The Council's response to the resident's reports about cracking in the walls at the property.

Compliments

4.36 In 2021/22 there were 69 compliments logged on the system for the Council. This is 46 fewer (40%) than last year. Customers can send feedback to the Complaints team or to service areas directly. Some of these compliments have been provided below:

Housing Needs

"I would like to give you a huge thank you for all your help throughout this process, I've finally had a good night rest after almost 3 years of really bad depression and anxiety I'm finally starting to get back to myself. I honestly have to thank you I love my new place and I'm already starting to feel at home..... I hope everything works out well for your future plans and I'm eternally grateful for all your time."

Parking and Lighting

"Happy New Year. Hope all is well with you and your family. I'd like to give a feedback about xxxxxx, in parking division who was extremely polite and kind to me and I can do with some kindness. I'd been issued, totally

incorrectly, with 3 parking tickets which were subsequently cancelled and rightly so but dealing with it was stressful but this lady sorted it out effortlessly.”

Parking and Community Safety

“I would like to thank Brent council officers on the behalf of Brent Muslim Community, particularly xxxx and xxxxx for their help and support during the month of Ramadan, they are providing police presence outside and around the Mosques during Ramadan and Eid prayers times and are relaxing parking restrictions for named roads for Eid prayers.

It all happened swiftly when I put my request to them after Mosques management committees expressed their safety concerns to me.”

Housing Property Services

“I would like to take this opportunity to thank the work-men who attended my address for the above works in the kitchen earlier this week.

I was a bit apprehensive due to currently being vulnerable and having work men in the flat. They were so very considerate and thoughtful. The work they carried out was impeccable and they worked efficiently and respectfully.

They are a credit to the company and I felt they needed to be acknowledged for how comfortable they made me feel and the fact that they understood the importance of what it meant to be in someone's home who has a medical condition that makes them vulnerable during these Covid times.

Please pass on my thanks and I hope their line managers appreciate the work ethics that they clearly.”

Complaints Team

“Many thanks for letting me know the time frame.

Please could you pass on my thanks to the Chief Executive and her team for taking the time in providing a thorough response and resolution, particularly through this busy pandemic time.”

Commercial Services

“I would like xxxx’s Line Manager to know how impressed I am by xxxx’s work. He was extremely thorough and went out of his way to ensure that the work was carried out to a high standard. Please thank him on my behalf.”

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

5.0 Financial Implications

- 5.1 The details provided on compensation payments in sections 3.6 - 3.9 and throughout this report reflect 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 total number of cases where compensation was awarded increased significantly by 88% when compared to 2020/21. However the amount of compensation awarded for each case has decreased by £72.

5.3 The total compensation awarded and paid in 2021/22 was £167,500 (314 cases), an increase of 66% when compared to the previous year, which is predominately due to improved Stage 1 reporting and a number of cases with high compensation award. The costs implications and budgetary impacts to the Council are being continuously monitored.

6.0 Legal Implications

6.1 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.

6.2 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.

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 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 Any Other Implications (HR, Property, Environmental Sustainability - where necessary)

8.1 None

9.0 Proposed Consultation with Ward Members and Stakeholders Consultation with Ward Members and Stakeholders

9.1 None

Report sign off:

Debra Norman

Corporate Director Governance