 Brent	Cabinet 16 October 2023
	Report from the Corporate Director of Governance
	Lead Member – Deputy Leader & Cabinet Member for Finance, Resources & Reform (Councillor Tatler)
Complaints Annual Report 2022 – 2023	

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
List of Appendices:	Five Appendix A: Adult Social Care Complaints Appendix B: Children’s Social Care Complaints Appendix C: Assessment against the Housing Ombudsman Complaint Handling Code Appendix D: Assessment against the Housing Ombudsman Damp and Mould Spotlight Report Appendix E: Local Government and Social Care Ombudsman Performance comparison with other London Boroughs
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Mariza Barros Complaints and Casework Manager 020 8937 1381 mariza.barros@brent.gov.uk

1.0 Executive Summary

- 1.1 This annual report sets out complaints performance in Brent Council for the period 1 April 2022 to 31 March 2023 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.
- 1.3 The report also contains the Council's self-assessment against the Housing Ombudsman's Complaint Handling Code and Damp and Mould Spotlight Report in Appendix C and D respectively.
- 1.4 A comparison of the Council's performance with other London boroughs provided by the Local Government and Social Care Ombudsman has been provided in Appendix E.

2.0 Recommendation(s)

- 2.1 Cabinet is asked to note Brent's performance in managing and resolving complaints.
- 2.2 Cabinet is asked to note, and review Brent's self-assessment against the Housing Ombudsman's Complaint Handling Code and Damp and Mould Spotlight Report.
- 2.3 Cabinet is asked to approve to progress the report to the relevant Scrutiny Committees.

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 Complaints provide important learning points for the Council and allow us to inform the Council's priorities in many different ways. Through these learning points, we can make changes to achieve and further our priorities and move forward together. Complaints provide an opportunity for the Council to understand issues and put things right, also ensuring that they do not reoccur.
- 3.1.2 Complaints are wide ranging and dealt with across the Council. Owing to this, they touch upon all the priorities within the Borough Plan as detailed below:
- *The Best Start in Life* - Being able to deal with concerns at crucial stages of people's lives allows them to get the best start in life. Assisting our looked after children and children with special educational needs with issues that they may have, and providing advocacy to bring these issues forward to the Council will ensure that they are provided with the necessary support in life.
 - *Thriving Communities* - Providing our residents with a route to complain and provide feedback not only encourages resident engagement but allows us to make improvements and inform change. In turn, by addressing their concerns and developing solutions that will benefit them, communities are given the opportunity to thrive.
 - *A Cleaner, Greener Future* - The Council receive a number of complaints regarding environmental issues, which are reviewed and help us target specific areas. This also allows the Council to evaluate services that are

being provided to ensure they meet our aspirations for a cleaner, greener future.

- *Healthier Brent* – Complaints regarding leisure services and our parks allow the Council to investigate and develop more initiatives to improve the health and wellbeing of our residents and those that visit Brent. During our complaints process we also signpost to relevant services that can assist our complainants, such as Mental Health services.
- *Prosperity and Stability in Brent* – Analysis of complaints received about housing needs is fundamental in terms of providing the tools and initiatives to support, empower and equip residents, and ensure long term stability.

3.1.3 Complaints feed into some of the current strategies, priorities and plans set out for Brent, such as the Equality Strategy 2019 – 2023 to ensure residents and service users are provided with access to the complaints procedure and that we use equalities data to concentrate on providing support to individual needs and in line with the Public Sector Equalities Duty (PSED). The Digital Strategy 2022-2026 also play a pivotal role when looking at how users are accessing our services and how they are logging complaints. We are making it easier for users to log complaint casework, view the history of what they have logged, and access everything in one place.

3.1.4 During discussion at the PCG meeting held on 25 September 2023, one councillor asked for more information on what constitutes a service failure when looking at root cause classifications. Service failure sub-categories include delay in service, service not provided, service provided but not as agreed and third party failure. Overall, the service issues that fall within this category and what these comprise are wide and far reaching, and for this reason deeper analysis may mean that numbers are so few as to be of any meaningful use. However, councillors are encouraged to discuss this with their service leads to gain a clearer understanding of the types of service issues that tend to arise within their portfolio areas.

3.2 Background

3.2.1 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.

3.2.2 The complaints data and information provided in this report is based on information recorded on the Resident Feedback and Complaints (RFC) system.

3.2.3 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.

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

3.2.5 The key headlines from complaints performance in 2022/23 are as follows:

- Housing repairs, Council Tax and homeless applications are the top three concerns for customers.
- The number of Brent Stage 1 complaints (corporate & statutory) have increased by 22% (up by 339 complaints) (↑ red).
- The number of Brent Stage 2 complaints (corporate & statutory) have increased by 9% (up by 22 cases) (↑ red).
- There were 22 Local Government & Social Care Ombudsman (LGSCO) cases upheld against Brent in 2022/23, which is the same as last year (-- amber).
- There were 8 Housing Ombudsman cases determined in 2022/23. There were 11 findings of which 8 were maladministration findings. This provides a 73% maladministration rate. However, there were no severe maladministration findings or Complaint Handling Failure Orders issued.
- The total number of cases where compensation was offered or awarded has decreased by 16% (down by 51 cases) compared to last year, the total amount of compensation paid by Brent has also decreased, with this year the compensation dropping by 1% compared with the previous year – a decrease of £1,673. (↓ green).
- Statutory and corporate performance across stage 1 complaints has improved compared to 2021/22, with an 8% point increase in corporate complaints and a 14 percentage point rise in statutory complaints responded to on time. Stage 2 complaint timeliness has increased significantly with corporate stage 2 complaints rising to 98% completed on time and statutory stage 2 complaints with 72% responded to on time. (↑ green).

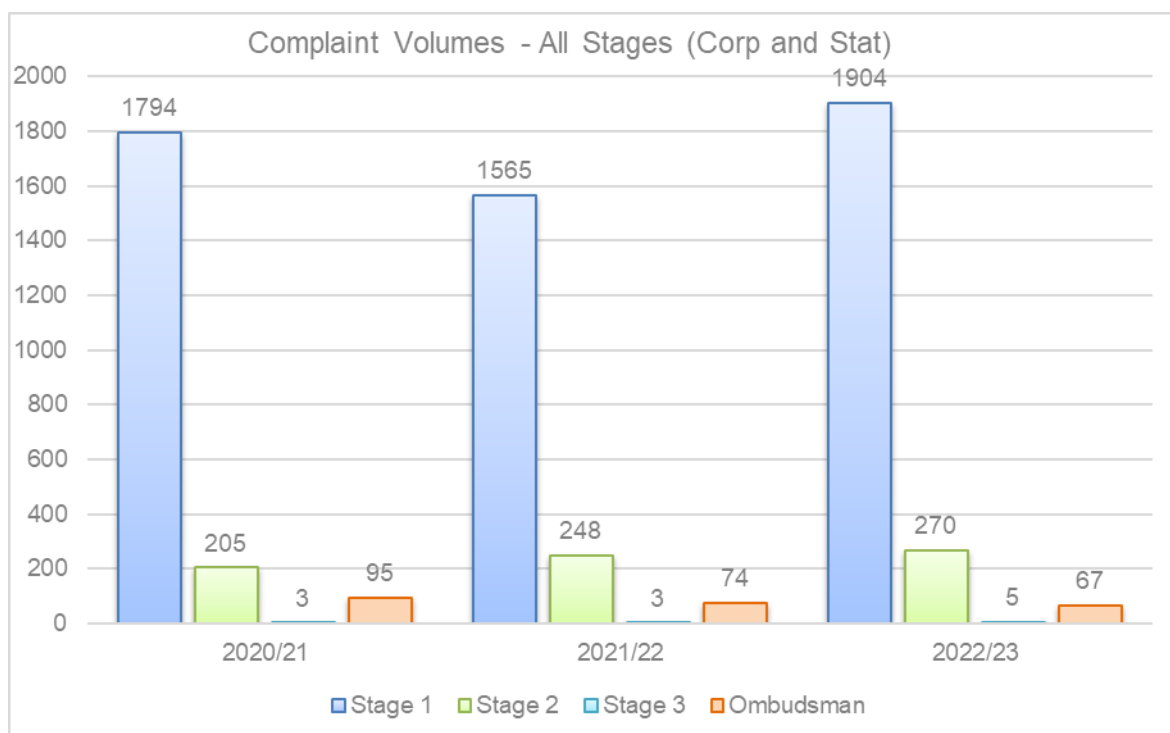
Volume of Complaints received

3.2.6 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 2022/23 Brent received 1,904 Stage 1 complaints (corporate and statutory). This is an increase of 339 complaints compared to the previous year.
- Stage 2 complaints (corporate & statutory) have increased from 248 cases in 2021/22 to 270 cases during 2022/23. An increase of 22 compared with the last year.
- There were five Stage 3 Review Panels convened during 2022/23, which is an increase of two compared to the number of panels convened in 2021/22.

3.2.7 The majority of complaints for 2022/23 relate to the housing service, which is expected given the nature of the service and the number of properties managed

by Brent Council. Of the 1,904 stage 1 complaints received in 2022/23, 997 related to the Housing department. This is 239 more complaints compared to the previous year 2021/22.



Timeliness of Complaints

3.2.8 The table below shows the percentage of complaints closed on time. The overall timeliness of complaint responses has increased across the board, with improvement in both stage 1 and stage 2 corporate and statutory complaints. The dip in performance in 2021/22 related to a restructure that took place and an increase in long-term staff sickness. At the time, there was also a shortage of independent investigators available to investigate children’s statutory complaints meaning that the majority of statutory complaints were not responded to on time. The restructure has now been embedded and is working well. In addition the Council has also commissioned an external company on a spot purchase basis to assist with CYP statutory investigations. The result of this has been a significant improvement as illustrated by the performance figures below.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2020-21	89%	67%	75%	50%
2021-22	88%	71%	68%	25%
2022-23	96%	85%	98%	72%

Complaint Outcomes

- 3.2.9 The percentage of cases upheld or partly upheld during the corporate complaints process has decreased by 7 and 8 percentage points at stage 1 and stage 2 respectively. The percentage of complaints that the Council upheld or partly upheld during the statutory complaints process has increased at stage 1 (4 percentage points) and at stage 2 from 64% to 75% in 2022/23. This shows that the Council is willing to accept when things have gone wrong, and there has been more ownership and acceptance in statutory cases. CYP complaints data is being analysed so that systemic themes can be addressed.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2020-21	48%	59%	62%	58%
2021-22	47%	57%	51%	64%
2022-23	39%	61%	58%	75%

Compensation

- 3.2.10 The table below shows the total amount of compensation paid in Brent at all stages of the corporate and statutory process, including Ombudsmen cases. Compensation can be offered at any stage of the complaints process, however during the Ombudsman stage the Ombudsman can make recommendations and award compensation. The total number of cases where compensation was awarded/offered has decreased by 16% (49 cases) compared to last year, however the amount of compensation awarded/offered for each case has increased by £156 (29%). This is mainly due to the increased cost of living and cost of services and products to be reimbursed. The Council needs to balance the effect the failures have had on the complainants in the current climate. There are always some cases for which a high level of compensation has been paid out and these inflate the amount of compensation awarded/offered overall.
- 3.2.11 Compensation can be awarded/offered for time and trouble, distress, as goodwill, or in the form of a refund, reimbursement, or the offset/waiving of arrears. The increase in compensation awarded/offered 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/offered one year compared to compensation awarded/offered in another as each complaint is unique and compensation is awarded/offered under different circumstances.
- 3.2.12 The majority of compensation in 2022/23 was offered at stage 2 of the Council's complaints process with £107,889 offered in total. At stage 1, £35,493 was offered, £3,000 at stage 3 which only relates to children's statutory procedures and £19,445 awarded at the Ombudsman stage. The highest amount of compensation paid out for a case was £7,087 which related to a Housing Benefit

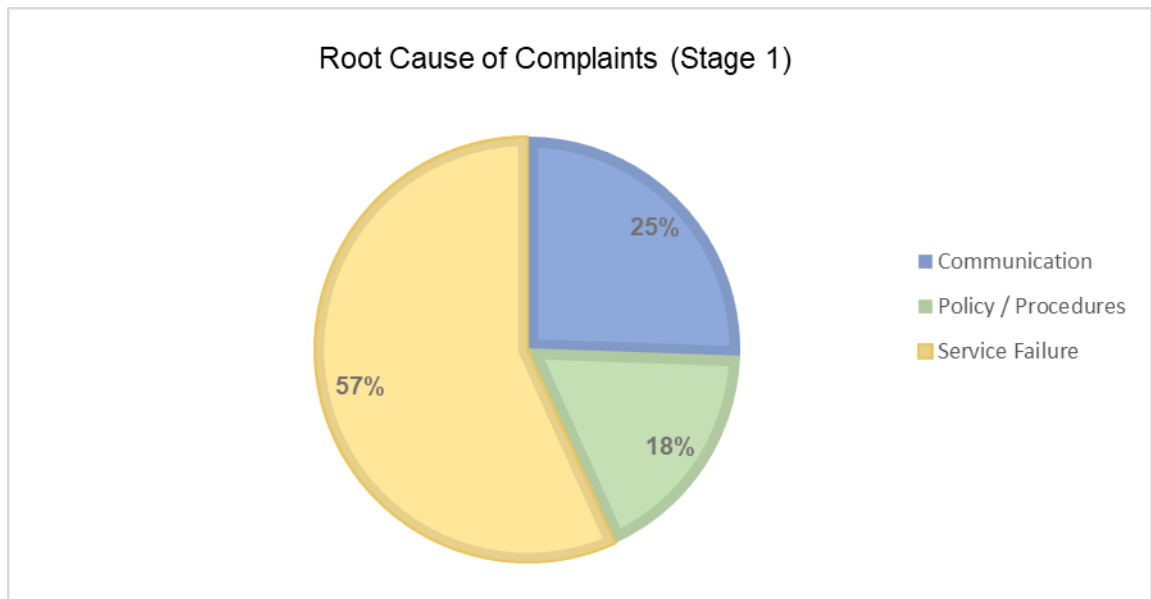
landlord payment. Compensation was awarded in 263 cases, a reduction of 51 cases compared to the previous year, however the amount awarded was higher on average per case.

3.2.13 The Housing department accounted for 66% of all the compensation awarded/offered (£109,724), which was paid out in 184 cases.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2020-21	167	£101,030	£605
2021-22	314	£167,500	£533
2022-23	263	£165,827	£631

Root Cause of complaints

3.2.14 The Council categorises root causes of complaints as follows: Service failure; Communication; and Policy/procedures. In 2022/23, 57% of complaints closed were categorised as service failure. Communication issues accounted for 25% of complaints and dissatisfaction with policy/ procedure accounted for 18% of all complaints closed.



3.2.15 Housing repairs, Council Tax and Homelessness applications were 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.

3.2.16 This year a 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 also received a higher number of

complaints relating to Homeless applications, which also relates to the cost of living and the pressure on social housing.

Service Improvements implemented

3.2.17 As a result of complaints received by Brent Council, many service improvements have been implemented. These improvements include:

- The Highways Management Service making changes to the Vehicle Crossover Policy to make it clearer in relation to the hardstanding and 'soft' landscaping required for approval.
- The Housing and Neighbourhoods service introducing monthly meetings to review learning from complaints and ensure these are implemented.
- The Housing Needs Service refining their policies and procedures to make clear when an incentive landlord payment is being made and when a deposit contribution is being made.
- The Housing Needs service also changing the wording on some of its letters to make it clear when the service will close a case or make a decision on the limited information they had received.
- The Children and Young People department implementing protocols such as case restriction on Mosaic records to prevent decisions on high profile cases being made without senior management approval.
- All future inspections undertaken by the Revenues team for benefits claims being carried out in-person (as opposed to virtually) to help ensure that the property being inspected is indeed the property to which a claim refers. Further, when the official classification of a property is in question or is likely to be amended (and they have legal recourse to do so), Revenues will also consider contacting the landlord (if appropriate) to further verify information submitted by a Housing Benefit claimant.
- With regards to Housing Applications submitted to panel, if the panel rejects a referral based on a lack of sufficient information, the relevant Housing Officer is now tasked with bringing the case back to panel, with more comprehensive documentation, for further consideration within a month.
- The ASC service agreeing a memorandum of understanding with the Central North West London NHS Trust which makes a commitment to work together on complaints to provide an integrated response. This means in future they will provide joint responses where possible in s.117 aftercare cases.
- Improvements made with regards to the way in which the Safeguarding Board communicates and updates families during its investigations.

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

3.2.18 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.

3.2.19 In summary:

- The number of referrals made to the Ombudsman for Brent has remained the consistent at 99 referrals compared with 95 last year. The borough with

the highest number of referrals in 2022/23 was Lambeth at 204, and the lowest was City of London with 7.

- The LGSCO decided to do a detailed investigation into a lower number of referred complaints at Brent compared to last year where 33 detailed investigations were carried out. In 2022/23, 29 cases were investigated out of the 99 referred.
- Brent's upheld rate at 76% has increased from last year, when the upheld rate was 67%. However, this is likely due to a change in process by the Ombudsman this year, which has led them to be selective on investigations that they take on, meaning that they are finding more fault. Brent was joint 14th lowest with Sutton and Bromley out of all London boroughs on this performance indicator. Richmond Upon Thames and Barking and Dagenham had the highest uphold rates with 91% of cases requiring a detailed investigation upheld.
- Of the 29 investigations completed for Brent:
 - seven complaints were not upheld;
 - twelve were upheld with further recommendations; and
 - the remaining ten 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.
- Compliance with the Ombudsman's recommendations remains at 100%.

LGSCO Volumes and Outcomes

- 3.2.20 There were 99 enquiries and complaints referred to the Ombudsman in 2022/23 which is consistent with the 95 enquiries made the previous year. In the same period the LGSCO made decisions on 94 cases which is 24 less, and a decrease of 20% compared to the previous year. Of the 94 cases decided in 2022/23 only 29 cases required a detailed investigation, 22 cases of which were upheld and 7 cases not upheld.
- 3.2.21 Categories of cases not taken forward for investigation include: 'advice given'; 'referred back for local resolution'; 'incomplete or invalid'; and 'closed after initial enquiries'.
- 3.2.22 The pandemic had an impact on the LGSCO's activity over the last two years which makes it difficult to assess trends. The Ombudsman have also explained that this year they have become more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. It has meant that changes in uphold rates this year are not solely down to the nature of the cases referred to them. They are less likely to carry out investigations on 'borderline' issues, so they are naturally finding a higher proportion of fault overall. The table below shows a 3-year comparison of LGSCO outcomes of Brent Council cases:

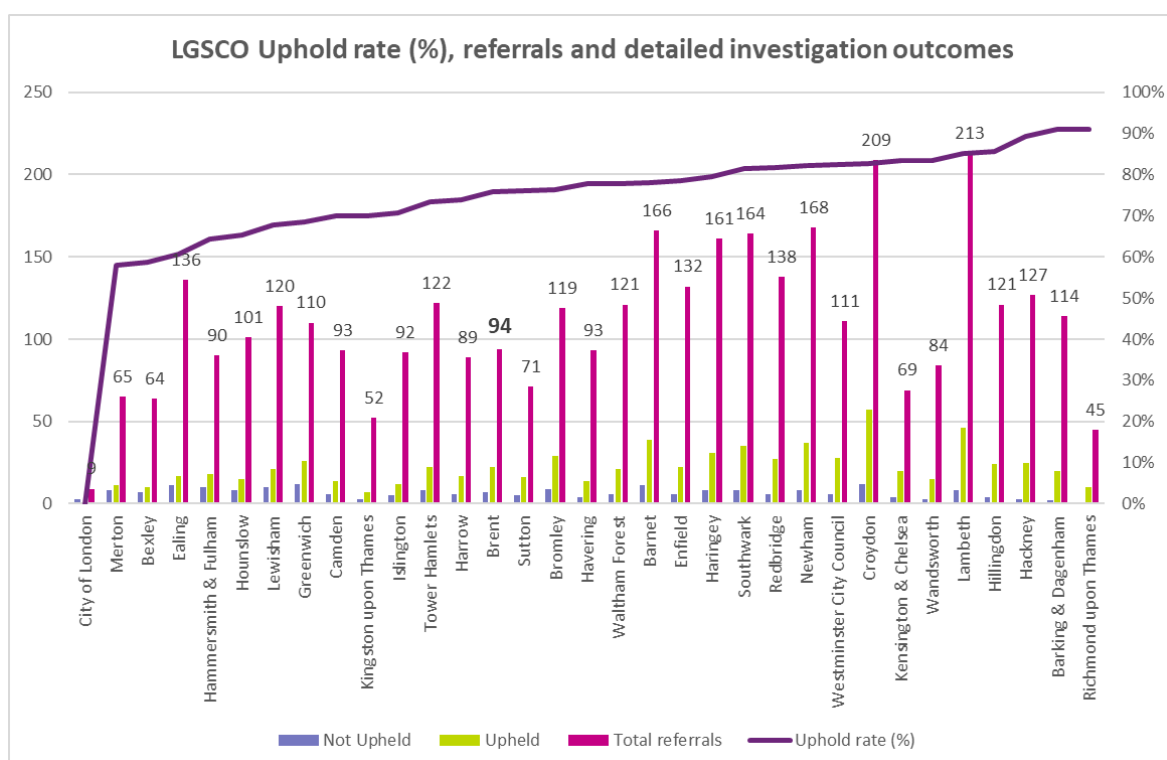
Year	LGSCO Outcomes						Total
	Not upheld	Upheld	Advice given	Referred back for local resolution	Invalid or incomplete	Closed after initial enquiries	
2020 - 21	1	12	3	35	1	25	77
2021 - 22	11	22	8	39	7	31	118
2022 - 23	7	22	6	25	5	29	94

3.2.23 In comparison with other London boroughs in 2022/23, Brent fares as follows:

- Top at providing a satisfactory remedy before the complaint reached the Ombudsman in 41% of cases which is more than any other London borough
- 13th joint highest in number of detailed investigations undertaken
- 13th joint highest in number of LGSCO upheld cases
- 15th joint lowest in number of referrals to the LGSCO
- 14th joint lowest LGSCO uphold rate (76%) in 2022/23.

3.2.24 The table below shows the Ombudsman uphold rate, cases referred to the Ombudsman and number of cases upheld and not upheld in 2022/23 compared with all London boroughs. Of the 29 detailed investigations undertaken by the LGSCO, 22 cases were upheld for Brent. This provides a uphold rate of 76% which compares favourably with other London boroughs and puts Brent in joint 14th place.

3.2.25 A performance comparison of all the LGSCO categories with other London boroughs has been provided in Appendix E.



LGSCO Upheld Cases

3.2.26 There were 22 cases upheld against Brent in 2022/23 in the following services:

- Housing - 9
- Adult Care Services – 6
- Education & Children Services – 2
- Benefits and Tax – 2
- Planning and Development - 1
- Environmental Services & Public Protection & Regulation – 1
- Corporate and Other Services - 1

3.2.27 Brent came joint top 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 2022/23, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on nine occasions. This equates to 41% of our total upheld cases and is 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 nine cases, the Ombudsman confirmed no further action was required and just upheld the complaint because the Council had identified some fault and also upheld the complaint.

3.2.28 The Ombudsman recommended a specific remedy in relation to 12 upheld cases. The Ombudsman was satisfied that the Council had successfully implemented its recommendations to remedy these complaints, achieving a 100% compliance rate.

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

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

Adult Care Services

3.2.31 Six complaints were upheld within this category for 2022/23. Three of which were corporate complaints, and the other three statutory. Topics covered: meeting care needs; Disabled Facilities Grant (DFG); appointed Deputyship and withdrawal of funds; delays in finding a nursing home placement; OT attitude and assessment and a Safeguarding Adults Review (SAR). The Ombudsman offered additional compensation and remedies in two cases.

Housing

3.2.32 Complaints concerning Housing Management are referred to the Housing Ombudsman. Nine complaints relating to other housing services were upheld after being passed to the LGSCO, which is an increase of 5 cases compared to last year.

- 3.2.33 In three out of the nine cases upheld, a remedy had already been provided during the Council's complaints process and therefore the Ombudsman did not take any action and upheld the case. In the other 6 cases, the Ombudsman asked the Council to offer an apology for the failures in the case, provide financial remedy and/or provide training or guidance. The majority of cases upheld related to housing needs.
- 3.2.34 Case one - referred to a homeless applicant being referred to another borough because of his local connection there. The Ombudsman found fault because, although they told him informally, the Housing Needs Service did not formally notify the homeless applicant of their decision to refer his case to another borough (and therefore did not notify him of his right to request a review of this decision).
- 3.2.35 Case two - related to a homeless family whose Locata priority was not assessed independently of their homeless application. In this case the family was entitled to priority on Locata due to overcrowding even though the homeless duty was discharged and they were therefore not entitled to any priority due to homelessness. There was also delay in processing the application.
- 3.2.36 Case three - The complainant was a homeless applicant with a six bedroom need. The Housing Needs Service awarded her band A priority for permanent accommodation, which she successfully secured in June 2021. The Ombudsman found, above and beyond awarding band A, the Housing Needs Service should also have made efforts to secure suitable temporary accommodation after the homelessness decision review process found her accommodation to be unsuitable. The Ombudsman therefore awarded compensation for this.
- 3.2.37 Case four - The complainant was a homeless applicant whose request for interim accommodation due to her having nowhere to stay was overlooked for a period of time. The issue was complicated insofar as when the complaint was eventually offered interim accommodation, she declined it. The Ombudsman highlighted that the issue of interim accommodation should have been considered from the outset of the complainant's homeless application, and it was likely that it should have been offered from the outset, and therefore increased the compensation award.
- 3.2.38 Case five - The Housing Needs Service was at fault for twice closing this complainant's homeless application too quickly and without informing her that they would be doing so. There were also delays in progressing the application when it was being assessed. The Ombudsman broadly agreed with the conclusions reached under the Council's complaints procedure but decided a higher level of compensation was appropriate.
- 3.2.39 Case six - The Ombudsman took on this case without it going through the Council's complaints procedure. This complaint is about the Council not properly considering whether the complainant needs a two-bedroom property and stating that the complainant may be removed from the Housing Register if he does not accept a property within six months. There were some issues with how the Council considered the request for a two-bedroom property but that did not affect

the outcome. The Council delayed notifying the complainant of decisions and did not properly explain the process.

Planning and Development

- 3.2.40 One case was upheld under this category. The complainant said the Council failed to properly handle his requests for advice relating to the development of his property. The Ombudsman did not investigate the complaint because there was not enough evidence of fault in the pre-application advice the Council provided, and they were satisfied with the actions the Council had already taken in respect of the refund of the £120 fee.

Education and Children's

- 3.2.41 Two cases were upheld. Of the cases upheld, one concerned the Council's Education Welfare Officer. The complainant's daughter was absent from school for long periods of time due to her illness. The complainant states the EWO failed to consider medical evidence submitted and wrongly took actions against the parents. The Ombudsman partly agreed with the outcome of the stage 2 response and made further recommendations including compensation for the loss of education provisions.
- 3.2.42 The other upheld complaint related to the Council's delay in making payment arrangements for a British Sign Language interpreter which led to the interpreter withdrawing services provided to the complainant's daughter. The Ombudsman found fault because this led to the daughter not receiving all the educational provision specified in her Education, Health and Care plan.

Environmental Services & Public Protection & Regulation

- 3.2.43 One complaint was upheld under this category. The complainant was unhappy that the refuse crew were not adhering to the complainant's request of where she would like her bins placed. The complainant was not registered for assisted bin collection. Veolia were agreeing to the complainant's suggestions but not adhering to them. Some refuse collections were also missed. Veolia were asked to comply with policy and not the complainant's request as they were raising her expectations on what could be achieved. The complainant was advised she would also have to adhere to the policy on waste collection. £300 was offered for missed collections and time and trouble. The Ombudsman endorsed this decision.

Benefits and Tax

- 3.2.44 Two Benefits and Council Tax complaints were upheld. The first complaint related to Council Tax. The Council sent incorrect information to a different Council and did not tell the complainant she shouldn't pay Council Tax. She was wrongly charged Council Tax by the other Council. The Ombudsman was satisfied with the compensation offered and suggested service improvements.
- 3.2.45 The other complaint also related to Council Tax, this time on an empty property however the landlord disputed this and stated that the tenants were liable for the

Council Tax. The complainant was unhappy with the amount of compensation offered at stage 2. The Ombudsman did not investigate this complaint as they deemed the Council had provided a fair remedy.

Corporate and Other Services

3.2.46 The Ombudsman did not investigate this complaint about incorrect use of pronouns as they were satisfied with the Council's response.

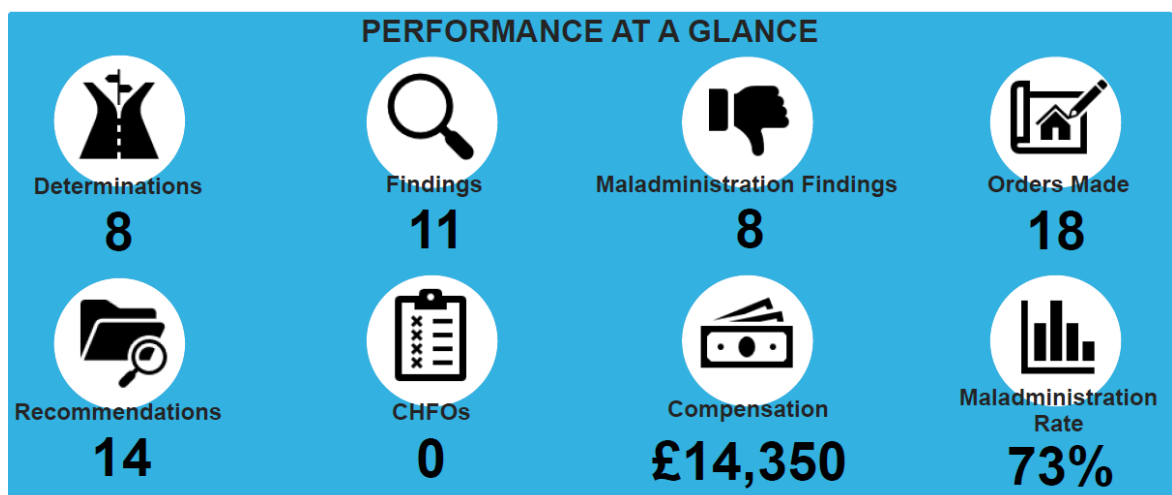
LGSCO Compensation

3.2.47 In 2022/23, the LGSCO asked the Council to pay an additional £14,200 in compensation across ten cases. This is £21,578 more than the previous year 2021/22 where £35,778 was paid in compensation over fifteen cases.

3.2.48 A total of £7,500 compensation was awarded in one of the Education and Children's cases for the loss of education provision. In another case £2,250 was awarded. In this case the Housing Needs Service awarded the complainant band A priority for permanent accommodation, which she successfully secured in June 2021. The Ombudsman found, above and beyond awarding band A, the Housing Needs Service should also have made efforts to secure suitable temporary accommodation after the homelessness decision review process found her accommodation to be unsuitable and therefore awarded the compensation. In the other cases that were awarded compensation, five related to Housing, two related to Adult Care Services and one related to Education and Children's. Compensation awarded in these cases was under £1,000.

Housing Ombudsman (HO) Decision & Learning Points

3.2.49 The Housing Ombudsman provided its annual report on 1 August 2023. The information provided below has therefore been taken from this report.



3.2.50 The maladministration rate is 30% higher than the previous year. This is mainly due to the increased awareness of the Housing Ombudsman, publication of their spotlight reports and the government's 'Make Things Right' advertising campaign. The introduction of Awaab's Law, in memory of Awaab Ishak who tragically lost his life due to conditions in his social home has also encouraged

tenants to raise issues with landlords and then escalate to the Housing Ombudsman if they are not satisfied with the action taken.

3.2.51 Recent changes in legislation around consumer standards for social housing has also improved access to complaints for tenants and leaseholders. The focus is on creating a culture of accountability; where tenants voices are heard and listened to. The Social Housing Regulator and Ombudsman expect Local Governments to actively campaign to provide access and encouragement to tenants to complain when they are dissatisfied. This should be noted as it is expected to drive up complaints, which should be welcomed as a sign of tenant engagement and participation, and an opportunity to learn what is important to residents and how to put things right.

3.2.52 Brent Council performed similarly when compared to landlords of similar size and type. And although the maladministration rate is high, there were no cases of severe maladministration or Complaint Handling Failure Orders issued.

3.2.53 In terms of the recommendations and orders, many of these had already been agreed during the Council's own complaints process and the Ombudsman had asked the Council to complete these if we hadn't done so already. The same can be said for the compensation where the Council had already agreed to pay compensation but the Ombudsman increased the compensation amount and included the total figure awarded during the complaint process rather than the additional amount ordered or recommended. The Housing Ombudsman asked the Council to pay an additional £3,800 on top of what had already been offered by the Council.

3.2.54 The table below provides a breakdown of the areas of complaints which were received by the Housing Ombudsman in 2022/23.

Complaint Decision	Severe Maladministration	Maladministration	Service failure	Mediation	Redress	No Maladministration	Outside Jurisdiction	Withdrawn	Total
Property Condition	0	4	0	0	1	1	0	0	6
Anti-social behaviour	0	0	2	0	1	0	0	0	3
Complaints Handling	0	2	0	0	0	0	0	0	2
TOTAL	0	6	2	0	2	1	0	0	11

3.2.55 The cases related to the following sub-categories:

- Responsive repairs – leaks / damp / mould
- Responsive repairs - general

- Noise

- 3.2.56 The Council complied with all of the Housing Ombudsman's orders, achieving a 100% compliance rate.
- 3.2.57 The Council use the learning from complaints to inform decisions on areas of improvement within the Housing Management Service. The Council also carry out an annual self-assessment against the Housing Ombudsman's Complaint Handling Code to ensure compliance with the Code. A copy of the self-assessment has been provided in Appendix C.
- 3.2.58 The Housing Ombudsman has released a series of reports in which they have put the spotlight on issues identified through the complaints they have investigated and resolved. The Damp and Mould spotlight report contained a number of recommendations for landlords. The Council have therefore self-assessed against these recommendations and provide a copy of the results in Appendix D. The Council are also undertaking a self-assessment against the latest Housing Ombudsman spotlight report on Knowledge and Information Management.

Compliments

- 3.2.59 In 2022/23 there were 72 compliments logged on the system for the Council. This is 3 more than last year. Customers can send feedback to the Complaints team or to service areas directly. Some of the compliments have been provided below:

Housing Needs

"Although, my case is now closed, and my family has been rehoused in a 2-bed property. I wanted to take the time to thank you for your support and help during the process, especially the occasions you took the time to telephone call me - it may seem small but greatly appreciated your consideration to be treated with respect and dignity at such a distressing time for my family. Sometimes, it can feel inhumane, and degrading when accessing council services, systems in place not being properly designed to support families and vulnerable children."

Libraries

"Hi! I had the pleasure of dropping into the Ealing Road Library last weekend. Really enjoyed the experience! Very clean, well organized and attended very well by two extremely talented and helpful professionals, had the pleasure of conversing with xxxxx and xxxxxxx. Both were very kind, a tremendous asset."

Out of Hours Emergency Contact Centre

"I'd like to provide some positive feedback and I'd love for this to be passed on to the call handler who dealt with my query ... my house got burgled and I was advised to get my locks changed. The call handler who answered the call dealt with my query quickly, professionally and with so much empathy. Being burgled feels violating and calling asking for help was difficult but she was very supportive and understanding and I'm so glad that she answered the call when I needed it."

I'm hoping that you're able to find this call handler and thank her on my behalf. Please tell her that she was a bright light during one of my darkest hours this year. Please also tell her I said thank you."

CYP - Localities

"I would like to express my gratitude to xxxxxxxx the social worker, for his excellent work commitment to me, my family and the school. xxxxxxxx went above and beyond the call of duty to ensure my son and the family felt safe and secure. I wish all social workers could work with xxxxxx level of respect and compassion while maintaining their professionalism."

Complaints Team

"Many thanks for your e-mail and helping us get to the resolution. Both my mum and I would like to thank you for your compassion in dealing with this and showing care towards my elderly mum. Brent Council is lucky to have someone like you who genuinely care for its citizens."

ASC Urgent Care

"I just wanted to email you to let you know that in all my time working in care I have never come across a social worker so caring and invested like xxxxx. She goes above and beyond to support us with challenging clients, she's responsive and efficient and checks in to ensure all is well with managing her client... xxxxxxx is a gem! And xxxxxxx really appreciate all her efforts she's made to support us. We cannot thank her enough for everything she has done."

4.0 Stakeholder and ward member consultation and engagement

4.1 This report will be discussed at Cabinet and the relevant scrutiny committees.

5.0 Financial Considerations

5.1 The details provided on compensation payments in sections 3.2.10 - 3.2.13 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/offered has decreased by 16% when compared to 2021/22. However the amount of compensation awarded/offered for each case has increased by £156.

5.3 The total compensation awarded/offered and paid in 2022/23 was £165,827 (263 cases), which is similar to the previous year. The costs implications and budgetary impacts to the Council are being continuously monitored.

6.0 Legal Considerations

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, Diversity & Inclusion (EDI) Considerations

- 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 Climate Change and Environmental Considerations

- 8.1 Not applicable

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 Not applicable

10.0 Communication Considerations

- 10.1 The government have introduced a 'Make Things Right' advertising campaign in relation to social housing complaints. The Housing Ombudsman as well as the Local Government and Social Care Ombudsman issue spotlight reports to address thematic issues.

- 10.2 The Council continues to advertise it's complaints policy on the Council's website and in correspondence with residents.

Report sign off:

Debra Norman
Corporate Director of Governance