

 Brent	Resources & Public Realm Scrutiny Committee 7 November 2023
	Report from the Corporate Director of Governance
	Lead Cabinet Member Deputy Leader, Cabinet Member for Finance, Resources & Reform (Councillor Shama Tatler)

Complaints Annual Report 2022 – 2023

Wards Affected:	All
Key or Non-Key Decision:	Not Applicable
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:	Two Appendix 1: Correlation between root cause, issue types and outcomes of complaints by department. Appendix 2: Annual Complaints Report 2022 – 2023 with accompanying appendices. Appendix 2a: Adult Social Care Complaints Appendix 2b: Children & Young People Complaints Appendix 2c: Self-Assessment Housing Ombudsman Appendix 2d(i): Damp and Mould Self Assessment Appendix 2d(ii) Damp and Mould Leaflet Appendix 2e: Benchmarking Data
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Mariza Barros Complaints and Casework Manager Brent Council 0208 937 1381

1.0 Executive Summary

1.1 This report provides a breakdown of complaints received by department and the top 5 issues of complaint for those respective departments. The report also provides a breakdown of the number of complaints that have been upheld, not upheld, partly upheld, rejected or withdrawn for each department.

- 1.2 Appendix 1 provides a correlation between the root causes and their issue types and outcomes of complaints.
- 1.3 The annual complaints report in Appendix 2 sets out complaint's 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.
- 1.4 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 as part of the Annual Complaints Report 2022-23.
- 1.5 The annual complaints 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.
- 1.6 A comparison of the Council's performance with other London boroughs provided by the Local Government and Social Care Ombudsman has been provided as part of the annual complaints report in Appendix E.

2.0 Recommendation(s)

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

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

- 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 plays a pivotal role in 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 with Lead Members 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, a breakdown has been provided in Appendix 1. Councillors are encouraged to discuss the issues 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 Scrutiny Committee have asked for a cover report on the themes and issues resulting from complaints. They have requested a breakdown by department of the key issues and the outcomes of complaints that are investigated by the Council.

3.2.2 Breakdown of complaints received by department and issue type

A breakdown has been provided of the top 5 issues where available for each department. The Councils commissioned services' complaint issues have been incorporated in the overall data.

Adult Social Care received 157 Stage 1 complaints. The top 5 issues were:

- Care package assessments/reviews – 21
- Hospital discharge – 20
- Complex care – 18
- Duty Team – 17
- Social worker/officer – 16

In Communities, there was one Stage 1 complaint made. This issue related to:

- Prevent – 1

The Customer Access department received 404 Stage 1 complaints. The top 5 issues were:

- Council Tax - 297
- Libraries – 32
- Benefits – 19
- Debt recovery - 10
- Housing benefits – 8

Environment and Leisure received a total of 85 Stage 1 complaints. The top 5 issues were:

- Environments and Leisure were Parking and lighting – 22
- Bin collection – 10
- Highways and Infrastructure – 8
- Anti-social behaviour – 7
- Parks – 4

Executive and Member Services received a total of 3 Stage 1 complaints. These were:

- Complaints service – 2
- Electoral Service – 1

The Finance department received a total of 10 Stage 1 Complaints. The top 5 Issues were:

- Insurance – 3
- Invoices – 3
- Payments – 2
- Payroll – 1
- Accounts payable -1

The Housing department received a total of 1010 Stage 1 complaints. The top 5 issues were:

- Repairs – 384

- Homelessness applications – 107
- Wates – 87
- Communal repair and cleaning – 68
- Housing customer care – 52

The HR department received one Stage 1 complaint. This issue was:

- Brent recruitment – 1

The Integrated and Improved Outcomes department received a total of 173 Stage 1 complaints. The top 5 issues were:

- Brent family front door, multi-agency safeguarding hub and no recourse to public funds - 30
- SEND Specialist Services - 19
- East Locality teams - 21
- Looked after children - 17
- Care planning – 14

The legal department received a total of 4 Stage 1 complaints. This issue was:

- Brent legal service – 4

The Property and Assets department received a total of 12 Stage 1 complaints. The top 5 issues were:

- Access and facilities (Brent Civic Centre) – 5
- The residential property team – 2
- Development management - 2
- Residential Construction (new homes) - 1
- Commercial property – 1

Regeneration, growth and employment received a total of 30 Stage 1 complaints. The top 5 issues were:

- Planning -11
- South Kilburn Estates Regeneration – 8
- Customer service - 4
- inadequate investigation or analysis – 2
- Delays and lack of action – 2

The Safeguarding Partnerships and Strategy department received a total of 26 Stage 1 complaints. The top 5 issues were:

- School admissions - 10
- Commissioning - 8
- Child protection – 3
- Quality assurance - 1
- Business support -1

Transformation received a total of 4 Stage 1 complaints. These issues were:

- Poor customer service at the Hubs - 1
- FOI -1
- i4b and FWH - 1

- Information Governance – 1

3.2.3 Service areas use the information gathered from complaints to make service improvements. Once a complaint has been investigated any corrective actions that arise from the complaint are recorded on the Council's case management system to be tracked and monitored to completion. Officers are asked to upload any evidence so that it is readily available and can be retrieved when requested.

3.2.4 Section 3.2.17 in the Annual Complaints Report provides some examples of learning from complaints and improvements that have been implemented as a result.

3.2.5 Breakdown of Stage 1 complaint outcomes by Department

There are several outcomes to a complaint. A definition has been provided below for each outcome:

- *Upheld*
If substantive evidence is found to support the complaint, then the complaint should be recorded as upheld.
- *Not upheld*
If there is no evidence to support any aspects of a complaint made, the complaint should be recorded as not upheld.
- *Partly upheld*
If a complaint is made about several issues and one or more, but not all, are upheld then the complaint should be recorded as partially upheld.
- *Withdrawn*
Sometimes people choose not to pursue their complaint. This may be because the issues have since been resolved, for personal reasons or because of a change in circumstances.
- *Rejected*
Complaints may be rejected if the issues are currently being dealt with through court proceedings, a safeguarding investigation is ongoing or if it has been more than 12 months since the issue occurred.

Department	Complaint Withdrawn / Not pursued	Not Upheld	Partly Upheld	Rejected	Upheld	Total
Adult Social Care	1	54	66	5	31	157
Communities		1				1
Customer Access	19	239	68	14	64	404
Environment and Leisure	6	38	23	4	14	85
Executive Member Services	1	1	1			3
Finance			1	2	7	10
Housing	52	469	101	99	289	1010
HR			1			1
Integration & Improved Outcomes	3	69	68	7	26	173
Legal		3	1			4
Property & Assets		8	4			12
Public Health		8	4		4	16
Regeneration, Growth & Employment	6	17	4		3	30
Safeguarding Partnership & Strategy	1	16	3		6	26
Transformation			1		3	4
Total	89	923	346	131	447	1936

3.2.6 The table above shows the breakdown of Stage 1 complaint outcomes by department type.

3.2.7 A breakdown of the departments which received the highest amount of stage 1 complaints and their uphold rate is provided below:

- The Housing department which received 1010 Stage 1 complaints. Of these 1010 complaints, 390 cases were upheld which presents a 37% uphold rate.
- Customer access received 404 Stage 1 complaints: Out of these 404 complaints, 132 were upheld or partly upheld which presents a 68% uphold rate.
- Integration and Improved Outcomes received 173 Stage 1 complaints. Out of these 173, 94 were upheld or partly upheld which presents a 68% uphold rate.
- In Adult Social Care, there were a total of 157 Stage 1 complaints received. Out of these 157 complaints, 97 were upheld or partly upheld which presents a 66% uphold rate.
- Environment and leisure received 85 Stage 1 complaints. Out of these 85 complaints, 37 were upheld which presents a 23% uphold rate.

3.2.8 Although the Housing department and the Environment and Leisure department receive a high number of stage 1 complaints, the uphold rate is relatively low at 37% and 23% respectively which is under the 50% mark.

3.2.9 Breakdown of Stage 2 complaint outcomes by Department

Department	Complaint Withdrawn / Not pursued	Not Upheld	Partly Upheld	Rejected	Upheld	Total
Adult Social Care	1	6	10		1	19
Communities					1	1
Customer Access		11	8	2	1	22
Environment and Leisure		17	7	1	1	27
Executive Member Services		1				1
Finance			1			1
Housing	3	45	56	1	47	155
Integration & Improved Outcomes		5	19		2	26
Legal			2			2
Property & Assets		5				5
Regeneration, Growth & Employment		9	2		1	12
Safeguarding Partnership & Strategy		2				2
Transformation		1				1
Total	4	102	105	4	54	274

3.2.10 The table above shows the breakdown of Stage 2 complaints outcomes by department type.

3.2.11 The departments where the highest number of Stage 2 cases were upheld are:

- In the Housing Department, 56% of Stage 2 complaints were upheld.
- In Integration & Improved Outcomes, 19% of Stage 2 complaints were upheld.
- In Adult Social Care, 10% of Stage 2 complaints were upheld.
- In Customer Access, 8% of Stage 2 complaints were upheld.
- In Environment and Leisure, 7% of Stage 2 complaints were upheld.

3.2.12 Complaints at stage 2 are investigated independently of the service area by the Complaints team. This provides independence, transparency and fairness. The stage 2 investigation is a consideration review of the adequacy of the

stage 1 response as well as any new and relevant information not previously considered.

3.2.13 Breakdown of Stage 3 complaint outcomes by department

Department	Not Upheld	Partly Upheld	Total
Integration & Improved Outcomes	1	4	5

3.2.14 The table above shows the breakdown of Stage 3 complaint outcomes by department. As only Children's statutory complaints have three stages, the data is limited to the Children and Young people directorate.

3.2.15 Integration & Improved Outcomes received five Stage 3 complaints; 80% of the cases were partly upheld.

3.2.16 Usually complaints that are escalated to the final stage are likely to be upheld or partly upheld due to the number of points of complaint. Even if only one complaint point is upheld the overall complaint outcome will be partly upheld.

4.0 Stakeholder and ward member consultation and engagement

4.1 The report was discussed at Cabinet and is on the agenda for scrutiny committee.

5.0 Financial Considerations

5.1 The details provided in the Annual Complaints Report 2022-23 (Appendix 2) on compensation payments in sections 3.2.10 - 3.2.13 and throughout the 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 in 2022/23 was £165,827 (263 cases), which is similar to the previous year. The cost 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 as part of the complaints annual report in appendices A and B with reference to the statutory frameworks for the management of these statutory complaints.

- 6.2 The Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman is the final stage in the complaints process, where an individual has complained to the council and remains dissatisfied with the outcome.
- 6.3 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.
- 6.4 The Housing Ombudsman investigate complaints and resolve disputes involving the tenants and leaseholders of social landlords (housing associations and local authorities), as well as for voluntary members (private landlords and letting agents). Under the Social Housing Regulation Act the Housing Ombudsman has gained considerable new powers and, following approval by the Secretary of State of a revised Scheme, is now able to order a landlord to evaluate a particular policy or practice to prevent service failure being repeated. Previously, these types of orders would have only been recommendations, which the landlord was not duty bound to act upon. The expanded authority enables the Ombudsman to require landlords to go beyond the scope of individual complaints and seek to address any wider issues.

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

Not applicable

9.0 Human Resources/Property Considerations (if appropriate)

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 its complaints policy on the Council's website and in correspondence with residents.

Report sign off:

Debra Norman
Corporate Director of Governance