

	Cabinet 12 November 2024
	Report from the Corporate Director of Law & Governance
	Lead Member – Deputy Leader & Cabinet Member for Finance and Resources (Councillor Milli Patel)
Complaints Annual Report 2023 – 2024	

Wards Affected:	All
Key or Non-Key Decision:	Key
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:	Four Appendix A(i): Adult Social Care Complaints Appendix A(ii): Children's Social Care Complaints Appendix A(iii): Local Government and Social Care Ombudsman Performance comparison with other London Boroughs Appendix A(iv): HMS Annual Complaints Performance and Service Improvement Report
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Martin Stollery Interim Complaints and Casework Manager (job share) 0208 937 1029 martin.stollery@brent.gov.uk

1.0 Executive Summary

- 1.1 This annual report sets out complaints performance in Brent Council for the period 1 April 2023 to 31 March 2024 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(i) and A(ii)** respectively.

- 1.3 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 A(iii)**.
- 1.4 The report also contains in **Appendix A(iv)** the Council's Housing Management Service Annual Complaints Performance and Service Improvement Report for 2023/2024 which is now a requirement of the Housing Ombudsman's Complaint Handling Code. The Council's self-assessment against the Housing Ombudsman's Complaint Handling Code has been added as an appendix to the report.
- 1.5 Brent's performance positively assessed by the Local Government and Social Care Ombudsman (LGSCO):

Independent, external assessment of the quality of Brent's complaint performance is provided by the relevant Ombudsmen. Sections 3.23 to 3.56 of this report and Appendix A(iii) provide detailed information about this. Brent continues to perform well against some key measures. The LGSCO carried out 24 detailed investigations into Brent complaints in 2023/2024, of which 21 were upheld. While this indicates that there is still work to do, it places Brent in the top half of the table on these measures compared to other London boroughs. The LGSCO also noted that Brent complied with 100% of the remedies proposed by their complaint investigations. This demonstrates that Brent is embedding learning identified by Ombudsman investigations.

- 1.6 Dealing proactively with challenges in complaints performance:

Section 3.7 highlights the escalations to the second stage of the complaints procedure which increased to 309 in 2023/2024, 14% more than the previous year. The most marked increase in escalations in 2023/2024 were in the Housing Needs Service and the Housing Management Service. There are underlying factors driving this, primarily the ongoing housing crisis. Nevertheless, action can be taken to address the increase in escalations. The Complaints Service and these Services are therefore working together to improve complaints performance. For example, senior officers from the Complaints Service regularly attend Housing Needs Service DMTs to review trends and advise on improving complaint handling. Training has been provided to the Housing Management Service on issues such as resolving complaints at the first point of contact by taking immediate action to deal with the customer's concern, where this is possible, for example by fast tracking a repair, before complaints become formalised.

Section 3.2.15 and the chart accompanying it in Appendix A(iv), the Housing Management Complaints Annual Report 2023/2024, highlight that one of the reasons for Housing Management Service complaints escalating from the first to the second stage is 'follow up actions not carried out'. This was the primary reason for escalation in 21 out of a total of 134 escalated Housing Management Service complaints (just over 15% of cases). This is also an issue in other service areas. A facility exists on the complaints database to create and monitor actions, with

timescales, assigned to specific officers. This enables the fulfilment of promises and commitments made in first stage complaint responses to be tracked through to completion and evidenced. The Complaints Service is working with all Council departments to reiterate the importance of creating actions that can be monitored in this way each and every time a promise or commitment is made in first stage complaint responses. This should help to reduce unnecessary escalations.

1.7 Capturing customer voice by recording compliments:

The complaints data outlined in this report provides extensive information about our residents' and customers' dissatisfaction with services and the Council's efforts to resolve this dissatisfaction. Section 3.57 of this report provides data on and some examples of compliments received. This is another, more positive side of the story, where residents and customers take the trouble to proactively praise and express gratitude for what the Council does, outside of the standard consultation and feedback processes.

It is acknowledged that the Council could do more to capture our residents' and customers' voices when we receive spontaneous compliments. The Complaints Service will work with relevant Services across the Council this year to further publicise the facility for recording compliments on the database and to underline the importance of officers doing so as when they are received. This will provide useful qualitative data to supplement that recorded through other means, such as the Tenant Satisfaction Measures outlined in sections 3.2.44 to 3.2.47 of Appendix A(iv), the Housing Management Complaints Annual Report 2023/2024, and other activities that take place within departments.

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 in Appendix A(iv).
- 2.3 Cabinet is asked to approve the progress of this report to the relevant Scrutiny Committees.

3.0 Detail

3.1 Cabinet Member Foreword

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.

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 help to 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. By addressing their concerns and developing solutions that will benefit them, communities are given the opportunity to thrive.
- *A Cleaner, Greener Future* - The Council receives a number of complaints regarding environmental issues, which are reviewed and help us target specific areas of improvement. This also allows the Council to evaluate services to ensure they meet our aspirations for a cleaner, greener future.
- *Healthier Brent* – Complaints regarding leisure services and our parks allow the Council to resolve challenges 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, where appropriate.
- *Prosperity and Stability in Brent* – Analysis of complaints received about the Housing Needs and Property and Assets Service, for example, helps to shape the tools and initiatives to support and empower residents, and contributes to long term stability.

Complaints feed into some of the current strategies, priorities and plans set out for Brent, such as the Diversity, and Inclusion Strategy 2024–2028. The Complaints Service ensures residents and service users are provided with access to the complaints procedure in line with the Public Sector Equalities Duty (PSED). The Digital Strategy 2022-2026 also plays a pivotal role when looking at how users are accessing our services and how they are logging complaints. The Complaints Service have made it easier for users to log complaint casework, view the history of what they have logged, and access everything in one place.

Background

- 3.2 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.
- 3.3 The complaints data and information provided in this report is based on information recorded on the Resident Feedback and Complaints (RFC) system.
- 3.4 Brent Council has a clear, corporate commitment to a positive customer experience. The organisation is committed to its Customer Access Strategy 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, accurate and current information.

3.5 In this context, the Council prioritises customer complaints to ensure that these are dealt with appropriately and efficiently. The central Complaints service 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.

3.6 The key headlines from complaints performance in 2023/24 are as follows:

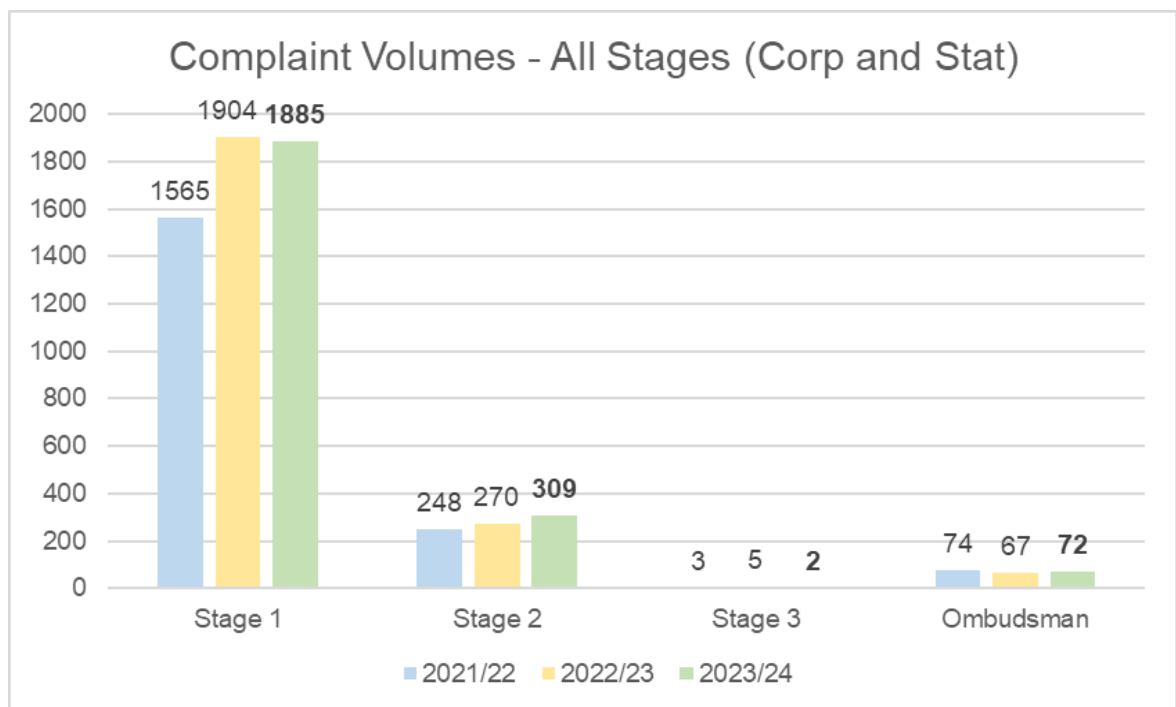
- Housing repairs, Council Tax and Homeless applications are the top three concerns for customers.
- The number of Brent Stage 1 complaints (corporate & statutory) have decreased by 19 complaints (↓ green) compared to last year.
- The number of Brent Stage 2 complaints (corporate & statutory) have increased by 14 % (up by 39 cases) (↑ red) compared to last year.
- There were 21 Local Government & Social Care Ombudsman (LGSCO) cases upheld against Brent in 2023/24, which is one more than last year (↑ red).
- The total number of cases where compensation was offered or awarded has increased by 34% (up by 90 cases) compared to last year, the total amount of compensation has also increased to £177,754. Compared with the previous year, this is an increase of 7%. (↑ red)
- There has been a slight decrease in the timeliness of stage 1 corporate and statutory complaints and stage 2 corporate complaints when compared to 2022/2023. There has been a slight 1% point decrease in corporate complaints timeliness at stage 1 and a 2% decrease for corporate complaints at stage 2. (↓ red)
- Statutory complaints timeliness has decreased by 9% at stage 1 however there has been a 25% increase in the timeliness of statutory stage 2 complaints compared with last year. (- amber)

Volume of Complaints received

3.7 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 2023/2024 Brent received 1,885 Stage 1 complaints (corporate and statutory). This is a decrease of 19 complaints compared to the previous year.
- Stage 2 complaints (corporate & statutory) have increased from 270 cases in 2022/2023 to 309 cases during 2023/24. This is an increase of 39 complaints compared with last year.
- There were two Stage 3 Review Panels convened during 2023/24, which is a decrease of three compared to the number of panels convened in 2022/23.
- The number of Ombudsmen enquires has risen in 2023/2024. This has increased by 5 as there have been 72 in 2023/2024 compared to the previous year where 67 were received.

- 3.8 The majority of complaints for 2023/24 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 1,885 stage 1 complaints received in 2023/24, 864 related to the Housing department. This is a decrease from last year which saw 997 complaints related to this department.



Timeliness of Complaints

- 3.9 The table below highlights the percentage of complaints closed on time. There has been an increase in the timeliness of resolving stage 2 statutory complaints in 2023/2024 and this has continued to increase over the past three years. There has been a slight decrease in the number of cases closed on time for corporate complaints at stage 1 and stage 2, with stage 1 corporate decreasing by 1% and stage 2 decreasing by 2% from 2022/2023. There has been a decrease of 8% from 85% to 77% in the timeliness of response to Stage 1 statutory cases with this being 85% in 2022/2023 and decreasing to 77% in 2023/2024. Overall, there has been an improvement in both stage 1 and stage 2 corporate and statutory complaint response timeliness in 2023/2024 and 2022/2023 in comparison to 2021/2022.
- 3.10 As stated in last year's annual complaints report, the fall in performance in 2021/2022 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. Furthermore, last year the Council also commissioned an external company on a spot purchase basis to assist with CYP statutory investigations, leading to significant improvement.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2021-22	88%	71%	68%	25%
2022-23	96%	85%	98%	72%
2023-24	95%	77%	96%	90%

Complaint Outcomes

- 3.11 The percentage of cases upheld or partly upheld has increased for stage 1 corporate and statutory complaints as well as at stage two for corporate complaints. There has been an increase of 7% of stage 1 corporate complaints being upheld or partly upheld in comparison to in 2022-2023. 47% of stage 1 corporate complaints have been upheld or partly upheld and this figure is the same as in 2021-2022. Stage 1 statutory complaints have seen an increase of 4% from 61% of cases being upheld or partly upheld in 2022/2023 to 65% in 2023-2024. There has been a slight increase in Stage 2 corporate complaints being upheld or partly upheld as this has risen 2 percentage points from 58 to 60 percent.
- 3.12 However, as the table below shows, the number of stage 2 statutory complaint cases that have been upheld or partly upheld is lower than the previous two years. 56% of stage 2 statutory complaints have been upheld or partly upheld in 2023-2024 and this is down by 19 percent. This is mainly due to the fact that there were 29 statutory cases completed in 2022/23 compared to 17 statutory cases in 2023/24 with 6 not upheld in 2022/23 and 4 not upheld in 2023/24.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2021-22	47%	57%	51%	64%
2022-23	39%	61%	58%	75%
2023-24	47%	65%	60%	56%

Complaints not accepted

- 3.13 The Council also records the types of complaints made that were not accepted. In 2023/2024, 200 complaints were not accepted at stage 1 of the complaints process. This included 191 Corporate Complaints, 81 ASC-Statutory Complaints and 1 CYP-Statutory Complaints. Of the complaints not accepted, 82 complaints were withdrawn/not pursued and 118 were rejected. The types of complaints not accepted vary but the top three most common case types were related to Homelessness applications, Housing Repairs and Benefit Assessments. Homelessness applications and Housing repairs are two of the top concerns raised by residents. Due to the high number of complaints received regarding these issues, it is understandable that this would be reflected in the number of cases not accepted. It is also relevant to note that homeless applications and

housing benefit have their own appeal procedures so another reason why some of these complaints were rejected as they would be more appropriately dealt with through these alternative routes.

- 3.14 The most common reason recorded for complaints being rejected or withdrawn/not pursued was that the complaint had already been investigated or was a duplicate request. This was the case for 75 complaints. Other reasons for complaints not being accepted were: that the complaint was about non-Council related service (13 complaints), that the customer has the right of Appeal under a different process (10 complaints), the reasons for escalation were not given or not valid (7 complaints), the complaint was out of time / Over 12 month period (3 complaints), the complaint was about a Legal / HR issue (3 complaints) and the complainant not having permission to act on behalf of service user (2 complaints).

Compensation

- 3.15 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. The total number of cases where compensation was awarded or offered has increased by 34% (90 cases) compared to last year and the amount of compensation awarded/offered for each case on average has decreased by £127, which is a 20% decrease.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2021-22	314	£167,500	£533
2022-23	263	£165,827	£631
2023-24	353	£177,754	£504

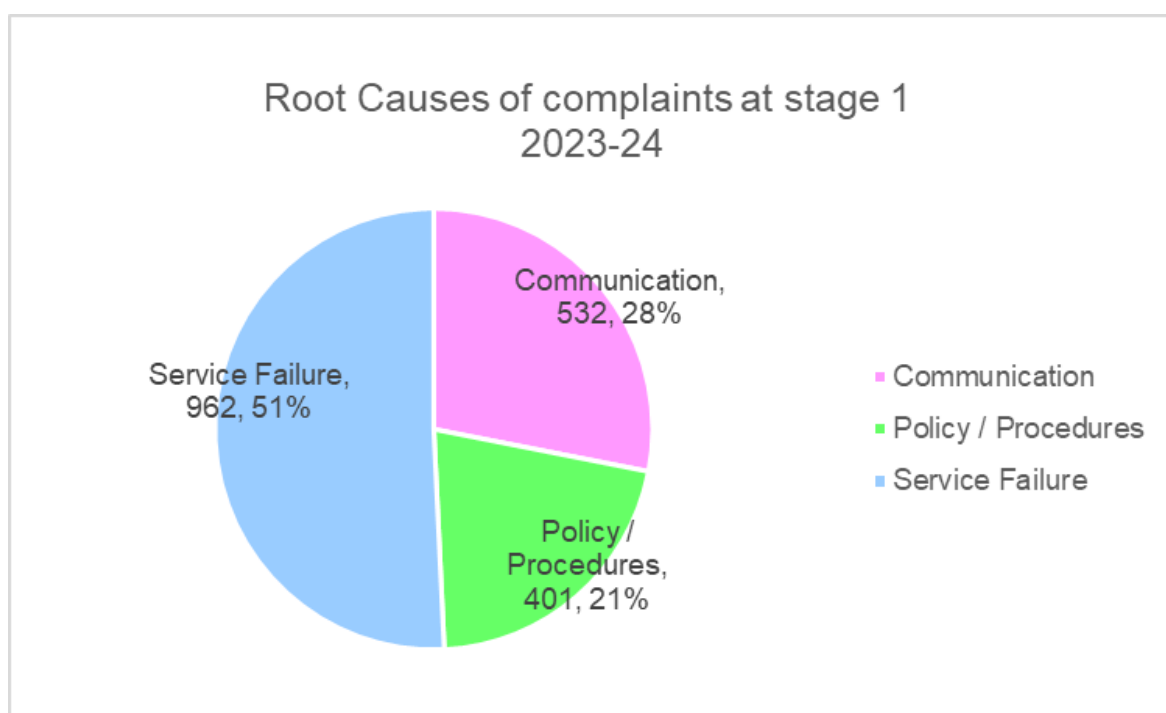
- 3.16 Compensation can be awarded/offered for time and trouble, distress, as a goodwill gesture, or in the form of a refund, reimbursement, or the offset/waiving of arrears. The increase in the number of cases where compensation was awarded/offered is indicative of the fact that the Council is proactively offering remedies including compensation where it is justified. 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 because each complaint is unique and compensation is awarded/offered under different circumstances. However if there have been more cases received there are likely to be instances where compensation has been paid.
- 3.17 The majority of compensation in 2023/24 was offered at stage 2 of the Council's complaints process with £98,448 being offered at this stage. At stage 1, £54,017 was offered, £450 at stage 3 which only relates to children's statutory procedures and £24,744 was awarded across the Council at the Ombudsman stage. The highest amount of compensation paid out for a case was £5,500 at stage 2 and this related to a Housing Needs Case. Compensation was awarded in 353 cases,

an increase of 90 cases compared to the previous year, however, the amount awarded was lower on average per case than the previous two years.

- 3.18 Overall, the Housing directorate accounted for 86% of all the compensation awarded/offered (£153,457). This was averaged at £531 per case and was disbursed in 289 cases.

Root Cause of Complaints

- 3.19 Root causes of complaints are categorised by the Council under the following types: Service failure; Communication; and Policy/Procedures. As shown in the pie chart below, 51% of complaints closed at stage 1 were categorised under Service Failure in 2023/2024. Issues with communication constituted 28% of complaints whilst dissatisfaction with policy/procedure comprised 21% of all complaints closed.



- 3.20 Housing repairs, including surveyor inspections, Council Tax, and Homelessness applications were the central issues that made up residents' concerns. On average, the Housing Management service carry out 36,000 repairs per annum, and this means that there is likely to be a correlation between the large number of repairs carried out and the relatively high number of complaints received.
- 3.21 In 2023/2024, a significant number of complaints were received relating to Council Tax. This is largely due to the rising pressures of the cost of living and residents struggling to keep up with payments. Additionally, the Council received a number of complaints relating to Homeless applications and this also stems from the increased cost of living and the housing crisis as well as changes in the private rented sector.

Service Improvements implemented

3.22 Partly as a result of complaints received by Brent Council, many service improvements have been implemented. These improvements include:

- The Children and Young People department restructuring the SEN service to ensure there is a dedicated team managing the demand on EHCPs and to ensure statutory deadlines could be met.
- The Housing Management Service introducing new procedures for surveyors' inspection reports to ensure quicker turnaround times, with a separate inbox for the surveyors to send their inspection reports being created to improve the timeliness of work orders being raised following inspections.
- Environment and Leisure service setting up unannounced communal spot checks once each quarter for a gym which was the focus of a complaint investigation. For the women-only areas, they implemented carrying out a minimum of bi-annual checks focussing on the cleanliness of the changing areas and general upkeep of the sites.
- Adult Social Care updating their procedure to ensure target timescales are indicated for each element of the safeguarding process to ensure steps are not missed.
- The Customer Access Team reviewing the customer promise guidelines and developing an action plan to reinforce officers' understanding across the Council of the customer promise commitment.
- The Children and Young people department updating wording on letters to care leavers to make sure that the entitlement to an allocated Personal Adviser up to the age of 25 is clear.
- Housing Management revising the procedure for ensuring equal access for non-English speaking tenants.
- The Planning and Development Service developing a web page including information on Planning Performance Agreements and pre-application presentations to the Planning Committee to achieve more transparency in these areas.

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

3.23 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.

3.24 In summary:

- The number of referrals made to the Ombudsman for Brent was 141 which has increased by 42 complaints compared with 99 last year. The borough with the highest number of referrals in 2023/24 was Lambeth at 249, and the lowest was City of London with 9.
- The LGSCO decided to do a detailed investigation into a lower number of referred complaints at Brent compared to last year where 29 detailed investigations were carried out. In 2023/24, 24 cases were investigated out of the 141 referred.

- Brent's upheld rate at 88% has increased from last year, when the upheld rate was 76%. However, this is likely due to the Ombudsman being more selective on investigations that they take on, meaning that they are finding more fault in a narrower range of cases. Brent was joint 10th highest with Harrow, Haringey and Enfield out of all London boroughs on this performance indicator. Barking and Dagenham, Southwark and Greenwich had the highest uphold rates with 100% of cases requiring a detailed investigation upheld.
- Although the uphold percentage rate is high, when comparing the number of actual cases upheld by the Ombudsman, Brent were 13th lowest out of all London Councils. Croydon had the highest number of cases with 43 upheld.
- Of the 24 investigations completed for Brent:
 - three complaints were not upheld;
 - seventeen complaints 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, or there were no further recommendations made by the Ombudsman.
- Compliance with the Ombudsman's recommendations remains at 100%.

LGSCO Volumes and Outcomes

- 3.25 There were 141 enquiries and complaints referred to the Ombudsman in 2023/24 which is 42 enquiries higher than the 99 enquiries made the previous year. In 2023/24 the LGSCO made decisions on 139 cases which is 45 more and an increase of 48% compared to the previous year. However, of the 139 cases decided in 2023/24 only 24 cases required a detailed investigation, 21 of which were upheld and 3 cases not upheld.
- 3.26 LGSCO categories of cases not taken forward for investigation include: 'advice given'; 'referred back for local resolution'; 'incomplete or invalid'; and 'closed after initial enquiries'.
- 3.27 The Ombudsman have explained that 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 upheld rates last year and 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 or cases, so they are naturally finding a higher proportion of fault overall. The statistics also show an increase in the complaints referred and cases which the Ombudsman have referred back to the Council or closed after initial enquiries. The table below shows a 3-year comparison of LGSCO outcomes of Brent Council cases:

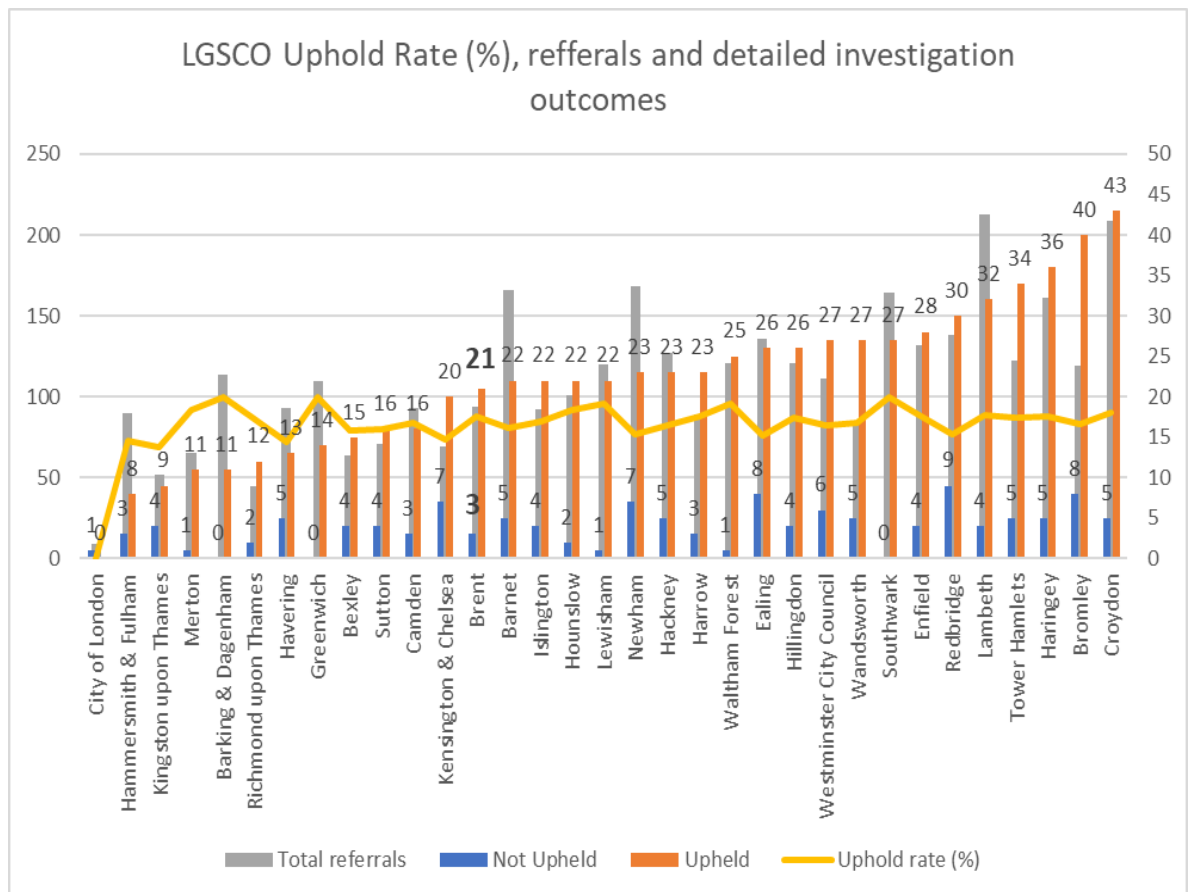
Year	LGSCO Outcomes						
	Not upheld	Upheld	Advice given	Referred back for local resolution	Invalid or incomplete	Closed after initial enquiries	Total
2020 - 21	1	12	3	35	1	25	77
2021 - 22	11	22	8	39	7	31	118
2022 - 23	7	22	6	25	5	29	94
2023-24	3	21	11	46	11	47	139

3.28 In comparison with all 32 London boroughs in 2023/24, Brent fares mid table on most of the criteria measured:

- 13th highest at providing a satisfactory remedy before the complaint reached the Ombudsman, in 14% of cases
- 13th joint lowest in number of detailed investigations undertaken
- 13th lowest in number of LGSCO upheld cases
- 14th highest in number of referrals to the LGSCO
- 13th highest LGSCO uphold rate (88%) in 2023/24.

3.29 The table below shows the Ombudsman uphold rate, cases referred to the Ombudsman and number of cases upheld and not upheld in 2023/24 compared with all London boroughs. Of the 24 detailed investigations undertaken by the LGSCO, 21 cases were upheld for Brent. This provides a uphold rate of 88% which is 13th highest out of all London Councils in percentage terms, however 13th lowest in the number of cases actually upheld. Brent was also joint 10th lowest when comparing upheld decisions per 100,000 residents.

3.30 A performance comparison of all the LGSCO categories with other London boroughs has been provided in Appendix A(iii).



LGSCO Upheld Cases

3.31 There were 21 cases upheld against Brent in 2023/24 in the following services:

- Housing - 7
- Adult Care Services – 6
- Education & Children Services – 3
- Highways and Transport - 3
- Benefits and Tax – 1
- Planning and Development - 1

3.32 Brent came 13th highest of all London councils for upheld cases where a satisfactory remedy had already been provided before the complaint reached the Ombudsman. Of the 21 cases which were upheld during 2023/24, 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 12%. For these three 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. There was also one case where fault was found but there was no injustice and therefore there was no remedy required.

3.33 The Ombudsman recommended a specific remedy in relation to 17 upheld cases. The Ombudsman was satisfied that the Council had successfully implemented its recommendations to remedy these complaints, achieving a 100% compliance rate.

- 3.34 This is an encouraging outcome and shows that the Council is complying with remedies set by the Ombudsman.
- 3.35 A brief summary of the cases upheld by the LGSCO for each area has been provided below.

Adult Care Services

- 3.36 Out of the seven complaints investigated, six complaints were upheld within this category for 2023/24 which is the same as last year. Five of which were statutory complaints, and one of which was corporate. Topics covered: capacity of a complainant's mother to manage financial and property affairs; support provided by the Mental Health team; accommodation provided under s117 of the Mental Health Act; procedures following discharge from NHS treatment; Council and Trust safeguarding review procedures and issues regarding a disabled bay. The Council provided apologies and financial redress and the following service improvements were made:
- work with the Integrated Care Board (ICB) to review its Section 117 aftercare policies and procedures, to ensure these are in line with the Mental Health Act Code of Practice.
 - share a copy of the investigator's final decision with all staff in their adult social care team who have responsibility for completing mental capacity assessments
 - installation and widening of path for access to the disabled bay

Housing

- 3.37 Complaints concerning Housing Management are referred to the Housing Ombudsman. Seven complaints relating to other housing services were upheld after being submitted to the LGSCO, which is a decrease of 2 complaints compared to last year.
- 3.38 In two of the cases a remedy had already been provided during the Council's complaints process, therefore the LGSCO made no further orders or recommendations. In one of the cases only an apology was recommended. In the other cases an apology and financial redress was recommended. The majority of cases upheld related to housing needs.
- 3.39 Case one – The Ombudsman decided not to investigate this complaint about the Council's handling of Miss X's housing application. The Council had upheld the complaint and agreed to remedy Miss X's injustice by paying her £750 and taking actions to prevent recurrence. The LGSCO determined that further investigation by them would therefore not be proportionate.
- 3.40 Case two - Mrs Y complained about the Council's handling of her application for a Disabled Facilities Grant. The Ombudsman found no evidence of fault in how the Council considered Mrs Y's application. They did however find fault in the way the Council dealt with Mrs Y's first stage complaints.

- 3.41 Case three - Ms X complained that the Council was at fault in the way it dealt with her homelessness application as she remained in emergency accommodation for 19 months. The Council accepted it was at fault as it delayed in progressing with Ms X's application. The Council had already apologised and offered a suitable payment in recognition of the distress caused.
- 3.42 Case four - Miss X complained the Council failed to properly consider her application for medical priority on our housing register, did not identify her housing needs and delayed managing her complaint. The Ombudsman found the Council failed to send Miss X an allocation letter after its housing assessment and delayed responding to Miss X's complaint causing uncertainty and distress. The Council provided a further apology and paid her £200 in recognition of uncertainty and distress caused.
- 3.43 Case five - Miss X is a wheelchair user and complained the Council left her in unsuitable accommodation for a long period of time. The Ombudsman considered the Council's remedy was not sufficient and the Council agreed to an increased compensation payment.
- 3.44 Case six - Mrs B complained about how the Council handled her homelessness application when she was threatened with homelessness in June 2022. She said its communication was poor and it wrongly closed her case. The Ombudsman found fault with the Council for delays offering Mrs B interim accommodation and progressing her homelessness application. The Council apologised and made a financial payment Mrs B to remedy this. Service improvements were also made.
- 3.45 Case seven - Miss Y complained the Council did not properly consider her unsuitable housing conditions when assessing her application to the housing register. The Ombudsman found fault by the Council, causing injustice. The Council agreed to remedy this injustice by apologising to Miss Y and making a payment to reflect the upset caused. It has also made service improvements.

Planning and Development

- 3.46 One case was upheld under this category. The complainant complained about the Council's failure to take planning enforcement action against a business that operates near the business the complainant operates. The Council agreed to carry out a review of its practice and procedure to ensure it imposes the planning conditions it intends to. The Council agreed to consider whether it has any power to require safe vehicular access to and from a site and if so, whether it should use it.

Education and Children Services

- 3.47 Mrs X complained the Council delayed issuing her son, F's, amended Education, Health and Care (EHC) plan following an annual review in December 2021. She also complained F was not receiving provision in line with his EHC plan between December 2021 and May 2022. The Council made payments to Mrs X to recognise the injustice this caused to both her and F.

- 3.48 The Council accepted fault when it investigated Mrs X's complaint about school transport for her disabled child. However, the Council's delay to complete the actions agreed in its complaint response was further fault which caused Mrs X injustice. The Council agreed to apologise, take the action it agreed to, make a payment to Mrs X and improve its services for the future.
- 3.49 The Ombudsman found fault with the Council for failing to deliver the education, speech and language therapy and occupational therapy to which Ms X's son was entitled. The Council has already partly remedied the injustice caused to Ms X and her son. The Council also agreed to take further action for the missed occupational therapy provision.

Highways and Transport

- 3.50 The Ombudsman decided to not investigate this complaint about highway maintenance and complaint handling. This is because they were satisfied with the actions taken by the Council and it is not a good use of public resources to investigate complaint handling where they are not investigating the substantive matter.
- 3.51 Ms X complained the Council stopped her parking near her home and told her the area is a car free development. Ms X said this affected her family's health and caused distress. There was fault in the way the Council did not enforce its agreement to stop any parking within the development. This fault did not cause an injustice to Ms X.
- 3.52 Mr X complained about how the Council dealt with a refund application for a visitor's parking permit. This caused Mr X distress, frustration and time and trouble chasing for updates and complaining. The Council took action to remedy the injustice caused.

Benefits and Tax

- 3.53 Mr X complained about delay in processing his Housing Benefit claim. Mr X said the Council failed in its duty to forward the relevant documentation to the Housing Benefit Appeals Tribunal in a suitable timeframe. There were avoidable delays when considering Mr X's second appeal, and submitting Mr X's appeal to the Tribunal which caused uncertainty and frustration. The Council agreed to the Ombudsman's recommendations.

LGSCO Compensation

- 3.54 In 2023/24, the LGSCO asked the Council to pay an additional £9,075 in compensation across thirteen cases. This is £5,125 less than the previous year 2022/23 where £14,200 was paid in compensation over ten cases.
- 3.55 Payments over £1,000 included a total of £3,600 compensation awarded in one of the Housing Needs cases for the amount of time the complainant was in unsuitable accommodation. In another Housing Needs case, £1,400 was offered to recognise the time in unsuitable interim accommodation. In the Education and Children's Service category £1,450 was awarded in one case for the lack of

education provision and for distress and uncertainty caused. In the Adult Social Care case an additional £1000 was awarded for distress as a result of the faults identified and for complaint handling.

Housing Ombudsman (HO) Decisions & Learning Points

- 3.56 The Housing Ombudsman has not yet provided its annual report and therefore we are unable to report on cases that have been referred to it for 2023/2024. The Housing Ombudsman has however asked that the comments from their 2023/2024 report when provided are included in the Council's annual report for 2024/2025. The Housing Ombudsman data will therefore be provided in the next reporting cycle as stipulated by the Ombudsman. A report on Housing Management complaints has been included in Appendix A(iv).

Compliments

- 3.57 In 2023/2024 116 compliments were logged on the system for the Council, an increase of 44 from the previous year where 72 compliments were logged. Customers can send feedback to the Complaints team or to service areas directly. Some of the compliments have been provided below:

Housing Needs

"I would like to thank you XX for your support during my homeless duration and to say your efforts, your acknowledgement, your patience and your sympathy for me and my kids has not gone unnoticed."

"I consider myself very fortunate to have had you helping me so thank you so much for all your help. I really appreciate it."

Libraries

"I just wanted to drop an email to mention how happy I have been with the wonderful service provided by XX at the Queens Park Library. He has been so polite and helpful with both myself and my young daughter"

"I WAS AMAZED! It is exactly the type of place that I wish more libraries were like!"

CYP - Inclusion

"XX is approachable, non-judgmental, intuitive and supportive of any situation. No task or case is ever too big or too small for her. She truly cares about what she does and her vision is crystal clear – making a positive impact and improving lives of young people. She has been a tower of strength for our school and it would be wonderful to have more people like XX providing the high standard service for the good of our young people and their families"

Complaints Team

"Dear XX, Thank you for your time today, it was reassuring talking to you, I felt you understood what I was saying and you were very supportive"

ASC - Commissioning Contracting & Market Management

"I am writing to tell you how delighted I have been for all that you have done for us. My husband and I are most grateful for your choice of care home for my mum-in-law. She is now settled in a bigger and brighter room, looking happier and very comfortable and all at a lower cost to us. It was a pleasure dealing with you. We always appreciate your prompt response and excellent advice. I would like to thank you for your most efficient and kind services and send you my very best wishes in all you do".

4.0 Stakeholder and ward member consultation and engagement

- 4.1 This report has been discussed with Lead members and Corporate Directors and will be discussed at Cabinet and the relevant scrutiny committees.

5.0 Financial Considerations

- 5.1 The details provided on compensation payments in sections 3.15 – 3.18 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 increased by 34% when compared to 2022/23. However, the amount of compensation awarded/offered for each case on average has decreased by £127.
- 5.3 The total compensation awarded/offered and paid in 2023/24 was £177,754 (353 cases), which is a 7% increase 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 Ombudsman 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.
- 6.3 The Housing Ombudsman's Complaint Handling Code became statutory on 1 April 2024, meaning that the Council is obliged by law to follow the requirements set out in the Code. The Social Housing (Regulation) Act 2023 places a duty on

the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code. The Council's procedures and policies have been updated to take account of these changes.

7.0 Equity, 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 are improving data that is collected on the complaints system so that 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 Not applicable

Report sign off:

Debra Norman

Corporate Director of Law & Governance