



**Resources and Public Realm
Scrutiny Committee**
8 November 2016

**Report from the Director of
Performance, Policy &
Partnerships**

For information

Wards affected: None

Complaints Annual Report 2015 – 2016

1.0 Summary

- 1.1 This report provides an overview of complaints received by the Council during the period April 2015 to March 2016. High level data for the past 3 years has been included where available for the purpose of comparison. Departmental/service area analysis has been provided for the 2015 – 2016 operational year (based on the current structure).
- 1.2 Complaints concerning the Adult Social Care and Children and Young People departments come under separate statutory complaint procedures and are therefore provided as separate analysis reports in appendices A and B respectively.
- 1.3 Commentary on Brent Housing Partnership (BHP) complaints performance is provided in the body of this report and separate analysis of BHP complaints is detailed Appendix C.

2.0 Recommendations

- 2.1 Scrutiny Committee is asked to:
- a) note and consider the Council's performance in managing and resolving complaints.
 - b) note the actions being taken to improve response times to complaints and reduce the number of complaints which escalate to stage 2 (final review).
 - c) note the ongoing measures to improve services as a results of complaints and improve the customer experience.

3.0 Detailed Considerations

Headlines

3.1 The key headlines from the Council's complaints performance are as follows:

Volumes

- Number of new stage 1 complaints received (corporate and statutory) has decreased year on year - 1,812 stage 1 complaints in 2015/16 (106 cases or 6% less than in 2013/14).
- Reduction in new Ombudsman cases from 74 cases in 2013/14 to 63 cases in 2015/16 (15% reduction over 3 years)
- Volume of stage 2 (escalated) cases increased by 16% over the past 3 years from 160 to 186 final review cases.

Nature/Reason for Complaints

- The top two reasons for complaints over the past 3 years were delay/failure to provide a service and inadequate communication with residents and services users.

Outcome of Complaints

- Increased number of cases upheld or partly upheld at the first stage - 623 cases in 2013/14 rising to 677 cases in 2015/16, demonstrating a more willing attitude to acknowledge fault at the initial stages of a complaint.
- More cases being fully upheld at stage 2 (17 upheld cases in 2013/14 compared to 49 upheld cases in 2015/16). There has been a notable increase in the number of BHP cases escalated to stage 2 and subsequently upheld or partly upheld.

Timeliness of Complaints

- Timeliness of stage 1 complaint responses steadily increased from 73% in 2013/14 to 88% of responses in time for 2015/16.
- Stage 2 response timeliness also increased from 61% in 2013/14 to 78% in 2015/16, despite higher volumes of complaints processed.

Compensation

- The number of cases awarded compensation and total amounts paid has been increasing over the past 3 years (2013/14 – 79 cases, c£28k to 2015/16 - 168 cases, c £75k).

Ombudsman Enquiries

- The number of referrals made to the Ombudsman has been increasing however the number of new cases accepted by the Ombudsman has reduced.
- In the vast majority of cases investigated the Ombudsman agreed with the Council's decision at stage 2 and in some instances imposed an increased financial remedy.

Council's Complaint Framework

- 3.2 The Council's Complaints Framework sets out the stages and timescales for dealing with both corporate and statutory complaints:

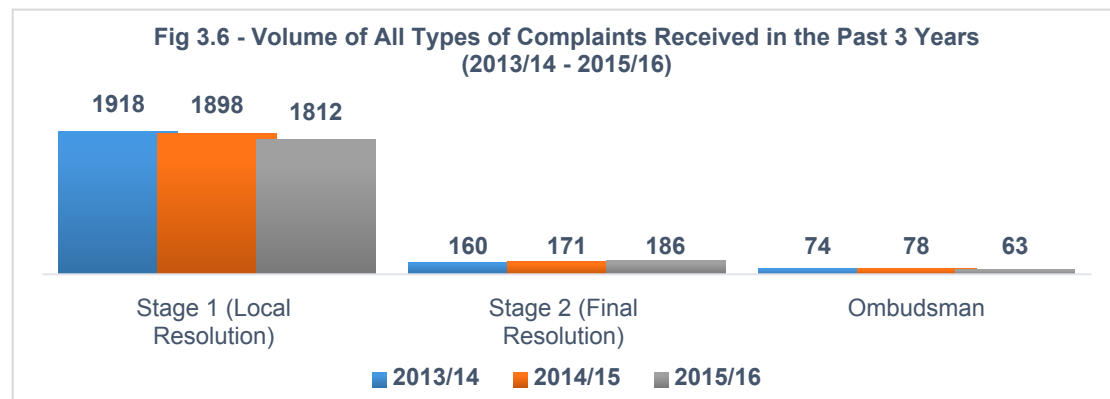
Complaint Type	Stages	Timescales (Written Response)
Corporate	2 stages + Ombudsman	Stage 1: 20 working days Stage 2: 30 working days
Adults (Statutory)	1 stage (provision/final) + Ombudsman	Stage 1: 20 working days (extension up to 6 months in complex cases)
Children (Statutory)	3 stages + Ombudsman	Stage 1: 10 working days (extension to 20 working days in complex cases) Stage 2: 25 days (extension to 65 working days in complex cases) Stage 3: 45 working days

- 3.3 Service areas are responsible for the local management and resolution of all corporate and statutory stage 1 complaints. The corporate Complaints Service team manages final review/stage 2 corporate complaints on behalf of the Chief Executive. Children's statutory complaints are reviewed by an independent investigator and independent person at stage 2 and by an independent panel at stage 3.
- 3.4 The outcome of a complaint is decided in one of these ways:
- *"Upheld"* – this is where the Council has accepted responsibility for the matter arising. The complaint response will offer an apology, clarify what happened and the remedy to the problem. We will also identify actions to prevent this from happening again.
 - *"Partially Upheld"* – this is where the Council accepts some responsibility for part of the complaint. We will send a complaint response as above also highlighting our reason for not accepting the whole complaint
 - *"Not Upheld"* – this means the investigation into the complaint has not found the Council at fault. The complaint response will explain our reasons for this decision
- 3.5 The Council's performance against the timescales outlined in the framework and other performance measures are detailed in this report. It should be noted that departmental analysis provided for 2015/16 is based on the current departmental/service area structure although the composition of departments has changed over recent years.

Volume of Complaints

Volumes of Complaints – All Stages 3 Year Comparison

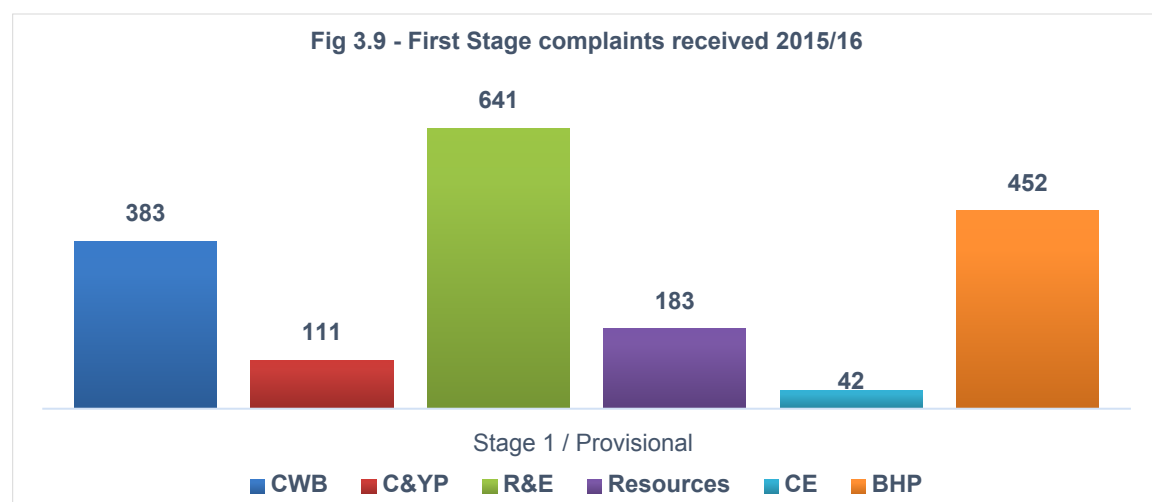
- 3.6 Over the past three years, the number of stage 1 complaints received (corporate and statutory) has decreased year on year. The Council received 1,812 stage 1 complaints in 2015/16 (106 cases or 6% less than in 2013/14). Similarly there has been a reduction in new Ombudsman cases from 74 cases in 2013/14 to 63 cases in 2015/16 (11 fewer cases or 15% less than in 2013/14). Further details on Ombudsman cases are provided later on in this report.



- 3.7 In contrast to stage 1 (local resolution) complaints, the volume of stage 2 (final resolution) complaints has been increasing year on year with 186 stage 2 cases received in 2015/16 (26 cases or 16% more than in 2013/14). This is mainly due to an increased number of cases relating to Brent Housing Partnership (BHP), Planning and Brent Customer Services.
- 3.8 There were three Children stage 3 cases in 2015/16. Previously there were three cases in 2014/15 and one case in 2013/14.

Volume of Stage 1 Complaints – Departmental Overview 2015/16

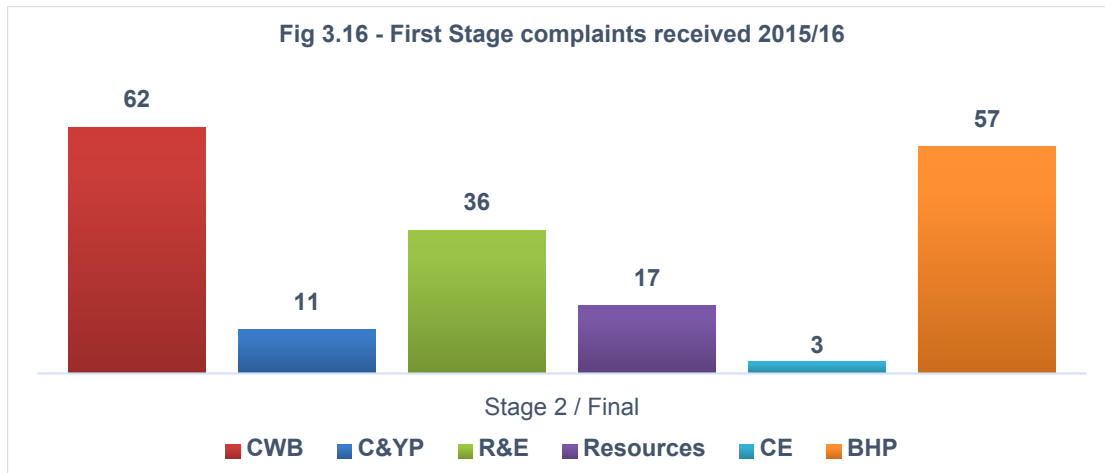
- 3.9 The Council received 1,812 stage 1 complaints in 2015/16 and the departmental breakdown is shown in the chart below:



- 3.10 Regeneration and Environment (R&E) received the largest volume of stage 1 complaints, i.e. 641 cases or 35% of all stage 1 complaints. Complaint volumes overall across the department went down from the 735 first stage complaints received in the previous year (reduction of 94 cases). In 2015/16, Parking, Environmental services and Planning were the departmental service areas with the highest number of complaints. The number of Parking complaints dropped from 271 in 2014/15 to 182 in 2015/16 (33% reduction) as there had been a greater focus on clearly distinguishing between complaints and appeals relating to parking tickets and ensuring the correct process was followed. There was a 32% increase in Environmental services complaints from 2014/15 and these were mainly regarding waste services. These complaints were usually quickly resolved at the first stage with very low escalation rates to the second stage. There were 39 complaints about Planning in 2015/16 with a higher than average escalation rate to stage 2, although a low rate of upheld cases at the second stage.
- 3.11 BHP also had a high number of stage 1 complaints in 2015/16 – 452 cases or 25% of all stage 1 complaints received. A full breakdown is available in Appendix C.
- 3.12 The Community Wellbeing department was the third highest area for complaints in 2015/16. Housing services received 193 complaints (50%) mainly about the housing process, temporary accommodation and customer care. Adult Social Care received 108 complaints (28%) and further detail is provided in Appendix A. Library services accounted for 15% of complaints (58 cases) mainly about customer care.
- 3.13 Of the 183 complaints received by the Resources department, 87 cases (47%) were regarding Benefits services and 56 cases (30%) were regarding Revenue services. There was an increase in Benefits related cases, particularly around the processing of claims for self-employed customers.
- 3.14 Children & Young People department received 111 complaints in 2015/16 and further detail is provided in Appendix B.
- 3.15 The 42 complaints recorded against the Chief Executive's department related to complaints concerning two or more departments being managed centrally the Complaints Service team. These complaints were not about the service areas within the Chief Executive's department.

Volume of Stage 2 Complaints – Departmental Overview 2015/16

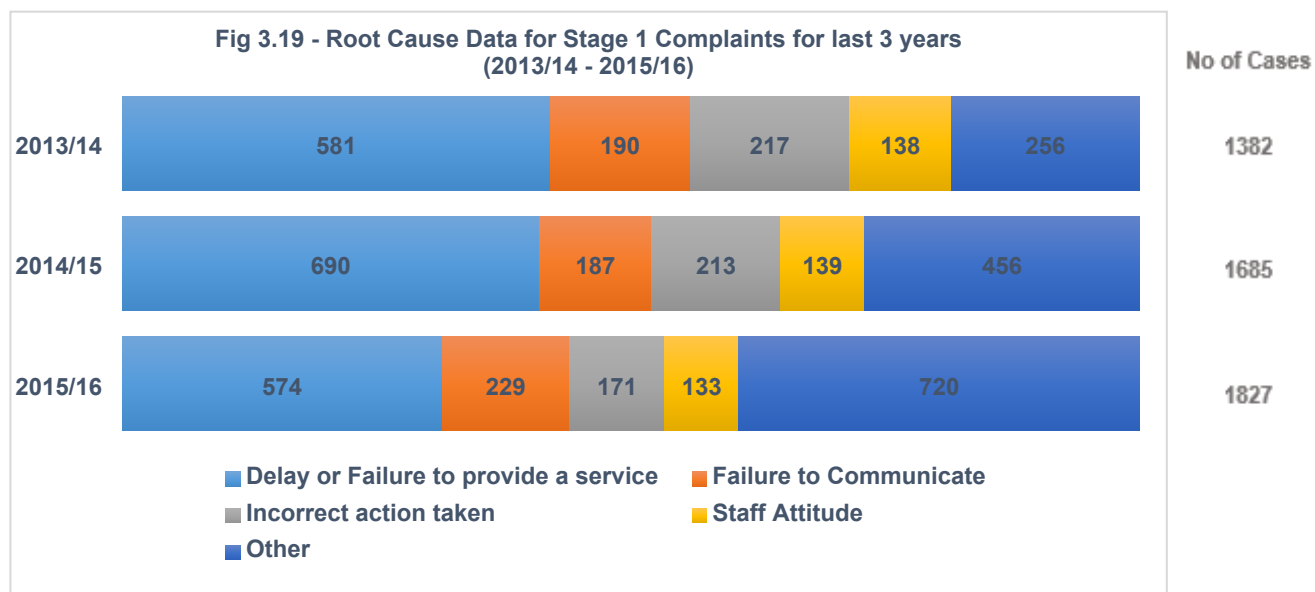
- 3.16 In 2015/16, 186 cases were escalated to Stage 2 and the departmental breakdown is shown in the chart below:



- 3.17 The Community Wellbeing department generated the highest amount of escalated stage 2 complaints (62 cases or 33% of all stage 2 cases). These final review complaints were in relation to Housing, Adult Social Care and Private Housing Services.
- 3.18 The yearly increases in stage 2 complaints across the Council can partly be attributed to significant increases in BHP complaints over recent years and is also indicative that stage 1 complaints were not always dealt with fully and appropriately at the initial stage.

Nature / Reasons for Complaints – 3 Year Comparison

- 3.19 High level analysis on the nature or reasons for complaints is provided below with a caveat on the level of detail provided. The nature/root cause of the complaint is determined and recorded on the iCasework system by the officer responsible for closing the case and the classifications used have been too broad to allow for any further detailed analysis. The Complaints Service team is currently working with departments to improve the classification types and to enable more in depth analysis and reporting.



3.20 The chart above shows that over the past three years delay/failure to provide a service and inadequate communication with residents and services users have been the top two reasons why the Council received complaints.

3.21 There was a noticeable rise in the number of cases being classified as “other” and the work with departments to improve classifications will provide much better insight and clarity in future.

Nature / Reasons for Complaints – High Volume Services in 2015/16

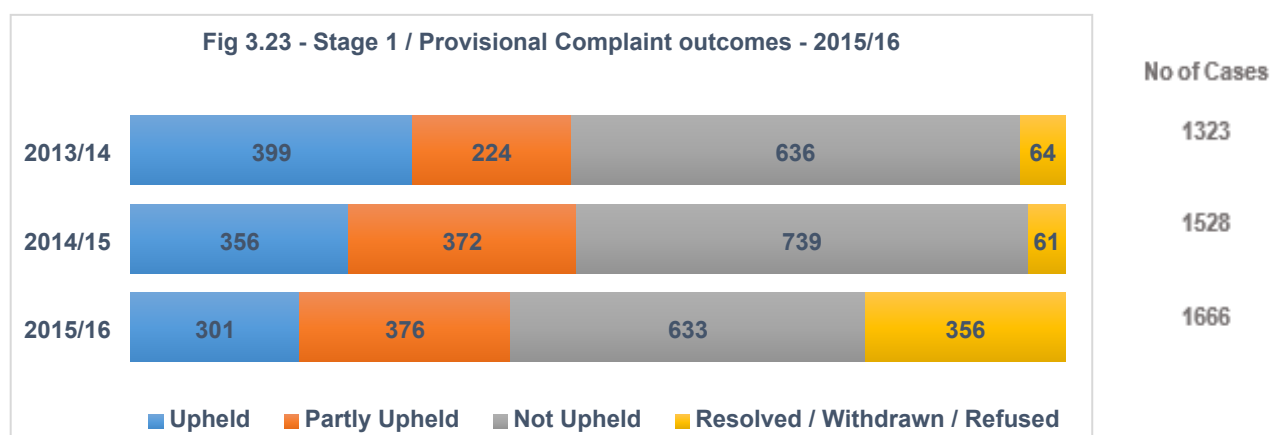
3.22 The top 3 reasons for complaints for high volume service areas across the Council in 2015/16 is summarised in the table below. This information is based on classifications used by the service areas.

Service Area	Top 3 Reasons for Complaints
Housing	<ul style="list-style-type: none"> Applications Assessments Temporary Accommodation
Parking	<ul style="list-style-type: none"> Parking permit applications On street enforcement Penalty Charge Notices (PCN's)
Environmental Services	<ul style="list-style-type: none"> Contractor conduct Non Collection Street Cleaning
Brent Customer Services	<ul style="list-style-type: none"> Benefits – Over payment Benefits – Change of circumstances Council Tax recovery
Planning	<ul style="list-style-type: none"> Planning Applications Planning Enforcement Building Control – Other

Outcome of Complaints

Stage 1 Complaint Outcomes – 3 Year Comparison

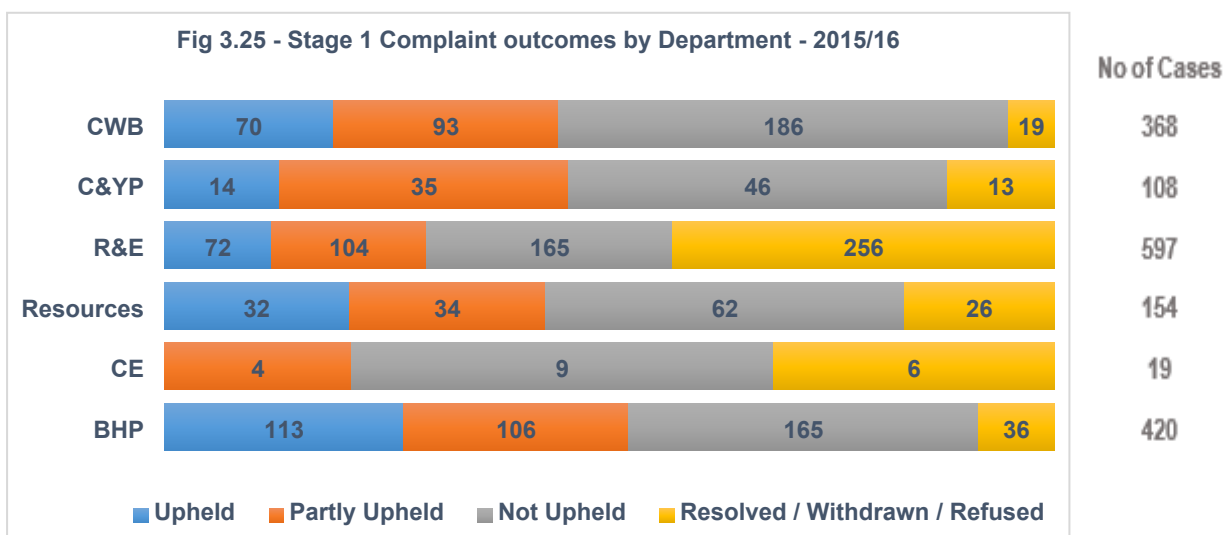
- 3.23 The chart below shows the outcome of stage 1 complaints closed cases over the past three years. As more and more complaints are being completed and closed there has also been an increase in the number of cases upheld or partly upheld at the first stage - 623 cases in 2013/14 rising to 677 cases in 2015/16. This is a reflection that service areas are acknowledging faults and trying to remedy complaints at the first stage.



- 3.24 The 5-fold spike in cases counted as 'resolved/withdrawn/refused' is largely due to an administrative anomaly. The Public Realm service (R&E department) had been incorrectly logging service requests as complaints and then showing them as 'resolved' on the system when it was actually a service request that had been dealt with. Since 2015/16, Public Realm no longer record service requests in this way on the system, although genuine complaints are properly recorded on the iCasework system.

Stage 1 Complaint Outcomes – Departmental Overview 2015/16

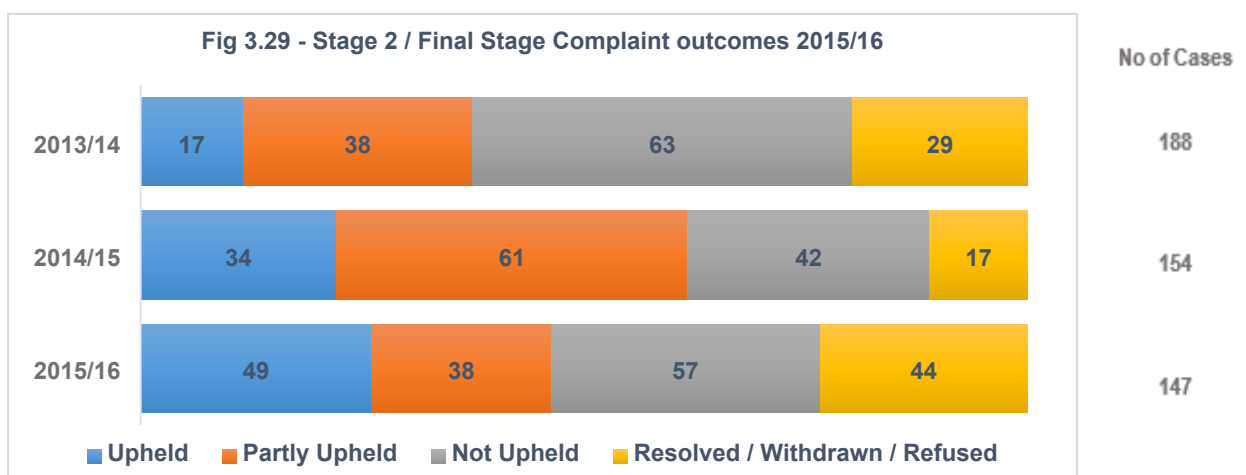
- 3.25 Outcomes of first stage complaints managed within service areas and departments are shown in the chart below. Again, the significant proportion of cases upheld or partly held by departments reflect a more open and transparent attitude to admitting to errors and mistakes on our part.



- 3.26 The R&E Department was able to resolve a large number of environmental services complaints (waste collection, recycling and street cleanliness) satisfactorily at the first stage.
- 3.27 BHP had the highest volume of stage 1 complaints determined as upheld and partly upheld across the Council (51% of 420 BHP stage 1 outcomes).

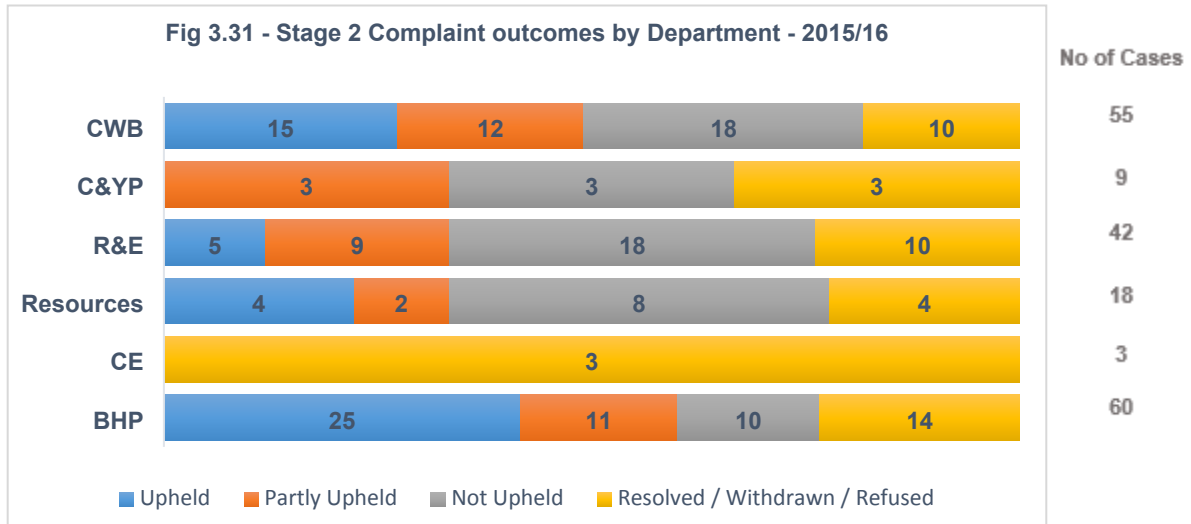
Stage 2 Complaint Outcomes – 3 Year Comparison

- 3.28 There has been a significant increase in the number of cases upheld, and at the other end of the spectrum, significant increases in the number of cases that were resolved/withdrawn/refused. The increase is mainly due to a rise in BHP complaints and the subsequent increase in BHP cases upheld. There may also be some correlation to outcomes at the first stage of the complaint over the past three years. The number of fully upheld stage 1 cases has decreased whilst the number of fully upheld cases has increased at the second stage.
- 3.29 The increased number of stage 2 cases resolved/withdrawn/refused reflects a more stringent approach taken by the Complaints Service team in assessing the merits of request for final stage investigations.



Stage 2 Complaint Outcomes - Departmental Overview 2015/16

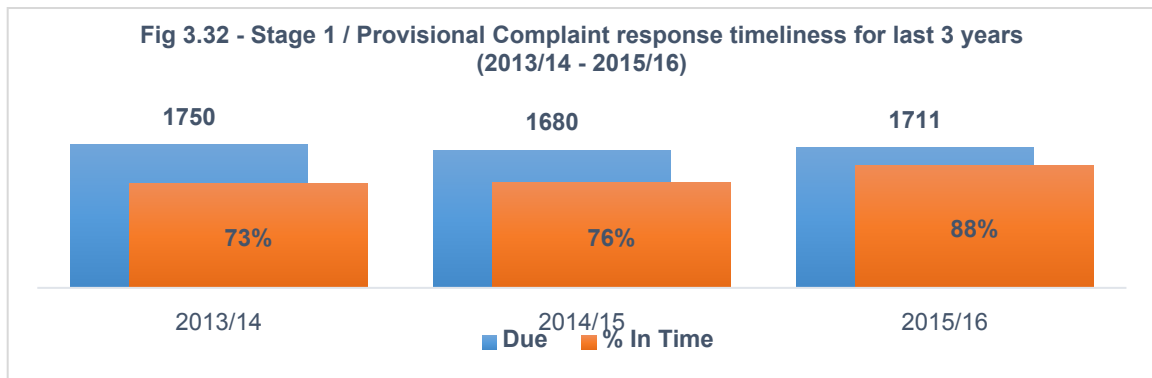
- 3.30 CWB department had 27% of stage 2 investigations upheld in 2015/16. This was largely to do with complaints against Housing and the Clients Affairs team, with the latter attributing to a high volume of upheld decisions.
- 3.31 BHP cases accounted for 32% of all stage 2 cases.



Timeliness of responses

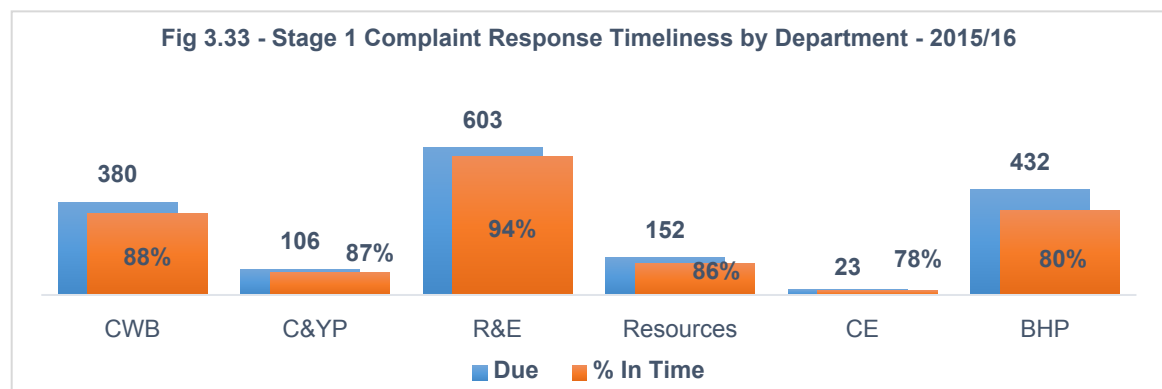
Timeliness of Stage 1 Cases – 3 Year Comparison

- 3.32 The number of stage 1 cases closed over the last 3 years has broadly remained the same. On a positive note there has been a marked improvement in the timeliness of responses across the Council, from 73% completed on time in 2013/14 to 88% on time in 2015/16. It is important that we continue to ensure that the quality of our responses are good as well as striving towards achieving our Council target of all complaints being responded to in time (100% target).



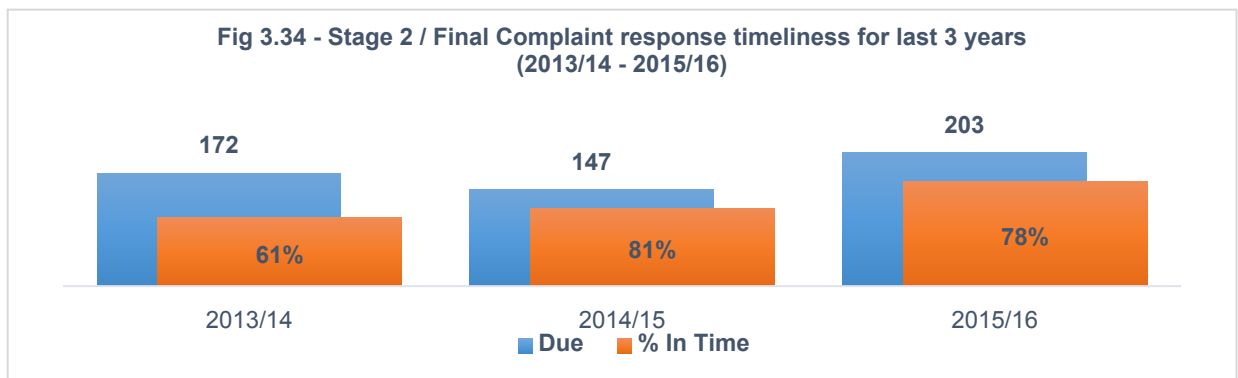
Timeliness of Stage 1 Cases – Departmental Overview 2015/16

- 3.33 In 2015/16 the Council's performance on timeliness of stage 1 responses peaked at 88%. Regeneration & Environment and Community Wellbeing showed really strong performance in this regards. There has also been a significant improvement in this area in BHP.



Timeliness of Stage 2 Cases – 3 Year Comparison

- 3.34 All Stage 2 cases are managed by the Corporate Complaints Service Team and therefore only a 3-year comparison has been provided as departmental analysis of timeliness would not be relevant here. The volume of new stage 2 cases received and closed has steadily been increasing over the last 3 years and in spite of this there has also been a notable improvement in timelessness of stage 2 responses; i.e. from 61% of cases completed on time in 2013/14 to 78% of cases completed on time in 2015/16.



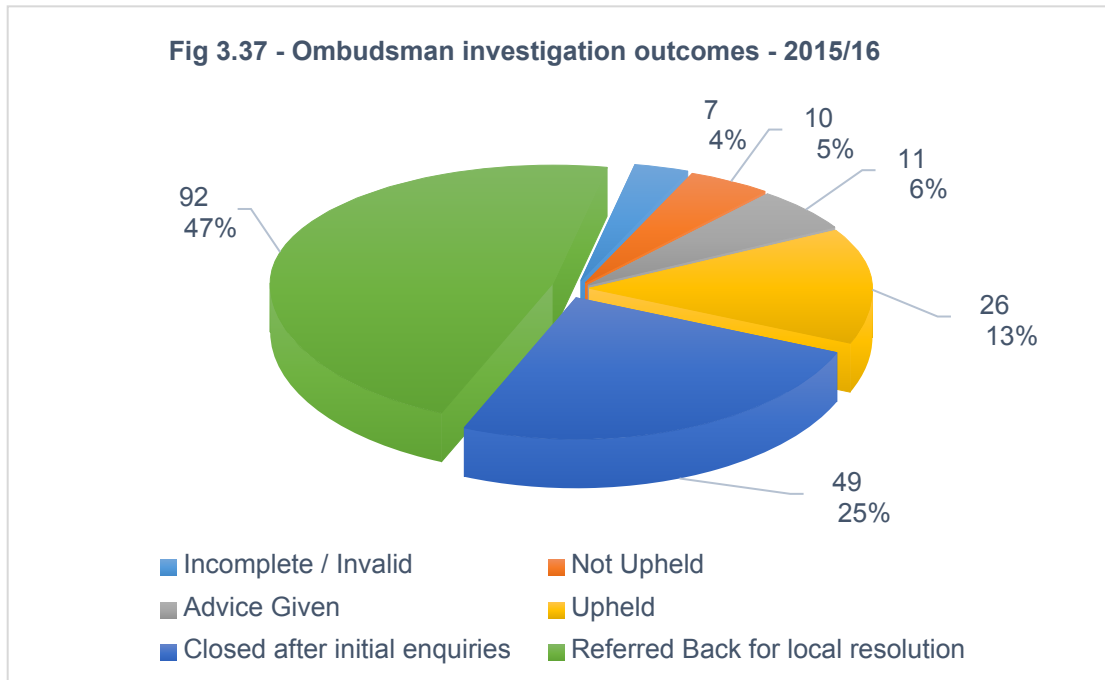
Local Government Ombudsman (LGO)

Volume of Ombudsman Cases – Referrals & Accepted Cases

- 3.35 The number of cases referred to the Local Government Ombudsman (LGO) against Brent Council has increased from 169 referrals in 2014/15 to 195 referrals. And although the number of referrals has increased, the number of new cases accepted by the LGO has dropped from 74 new accepted cases in 2013/14 to 63 new accepted cases in 2015/16 (a reduction of 15%).
- 3.36 The Housing Ombudsman (HO) deals with housing management/BHP issues and takes a mediation type approach to resolving referrals. There is a sizeable backlog of HO investigations of more than a year. The HO has been in contact with the Council regarding a small number of complaints but has not produced any recent performance reports.

Outcome of Ombudsman Cases (LGO)

- 3.37 The chart below summarises the outcomes of the Ombudsman cases against the Council in 2015/16:



- 3.38 Out of the 195 referrals to the LGO, 92 cases (47%) were referred back to the Council to investigate through the complaints process. This normally happens when the customer has contacted the LGO before they had exhausted the Council's complaints process. Furthermore the LGO closed their investigation after initial enquiries on 49 referrals, which suggests they were satisfied with the Council's handling of the complaint and found no need to investigate further. LGO advice was also given on 11 cases.
- 3.39 The LGO investigated and made decisions on 36 cases out of the 195 referrals considered (18% of referrals). Ten cases were not upheld by the Ombudsman meaning that the LGO either agreed with the Council's decision or did not find any injustice.
- 3.40 The LGO 'upheld' 26 cases of the 195 original referrals (13% of all referrals). However it should be noted that the LGO takes a different approach to classifying their cases and decisions as shown below:

LGO Classifications	No of Cases	%
The Council upheld the complaint and the LGO decision confirmed this	2	8%
The Council upheld the complaint. The LGO upheld the complaint because the Council's complaint recommendations were not implemented	3	12%
The Council upheld the complaint and the LGO decision confirmed this. The LGO recommended an enhanced remedy	2	8%

LGO Classifications	No of Cases	%
The Council did NOT uphold the complaint but the LGO did	4	15%
The Council did NOT uphold the complaint and the LGO decision confirmed this	4	15%
The Council did NOT uphold the complaint and the LGO decision confirmed this. The LGO recommended a remedy	3	12%
The Council failed to engage with complainant / LGO to remedy the issue	3	12%
The LGO decided to investigate without giving the Council the opportunity to do so	5	18%
Total	26	

- 3.41 Interestingly in 14 out of the 26 cases investigated, the LGO did not challenge the Council's decision at stage 2. There were also 5 other cases which the LGO investigated without giving the Council the opportunity to do so first.

Learning Points from LGO Cases

- 3.42 There were 3 cases upheld by the Ombudsman where service areas had been advised to engage with the complainant in the first instance to resolve the complaint to avoid further escalations. However our failure to follow this advice resulted in the LGO taking on the cases rather than the cases going through our complaints process.
- The first case was in Passenger Transport where a passenger suffered a seizure whilst being transported by the Council. There was no process in place to manage this and as a result the customer suffered. Following on from the LGO's findings, the Council has since put measures in place to deal with a similar situation in the future.
 - The other two cases were in Housing and the service area was advised to carry out reviews of outcomes. By the LGO stepping in on behalf of the complainant, further corrective actions were recommended to improve communications and several changes were made to processes and procedures to ensure similar incidents did not occur.

Compensation

- 3.43 The number of cases awarded compensation and the total amount of compensation awarded has been increasing over the past three years. There may be several reasons why this is happening. First of all it is important to recognise that the Council has undergone significant changes in our workforce and how we operate in very turbulent times for local government. There has still been a commitment to delivering excellent customer services during these times however mistakes and errors have been made. Culturally there is greater willingness and openness to recognise our failings and weaknesses as an organisation and to remedy this.

Complaint Stage	2013/14 Compensation		2014/15 Compensation		2015/16 Compensation	
	Cases	£	Cases	£	Cases	£
Stage 1 / Provisional	31	£12,747	61	£38,726	90	£40,363
Stage 2 / Final	46	£14,394	67	£39,274	66	£28,592
LGO	2	£375	4	£600	12	£5,560
Total	79	£27,516	132	£79,050	168	£74,515
Average Compensation paid	£348		£599		£443	

- 3.44 In 2015/16, BHP accounted for 55% of compensation cases (92 out of 168 cases) and 41% of all compensation paid (£30,551 out of £74,515).

Compliments

- 3.45 There were 23 compliments captured on the iCasework database for the period 2015/16. The majority of the feedback was in relation to services provided by Culture and teams within BHP. It is probably true to say that there has been an under-recording of compliments or positive feedback on the iCasework system. It is most likely that positive feedback has been sent directly to officers or teams and not recorded on the system. From now on, staff will be reminded to do so and compliments will be included in our complaints performance reporting. Below are a few anonymised examples of compliments received in 2015/16.

Department / Service	Compliment
R & E / Cemeteries	<i>Thank you so much for meeting us and finding the gravestone, x. I'm very impressed that someone had taken the trouble to place it back on the correct grave and with the service you all provide there at Brent.</i>
CWB / Accommodation Services	<i>Brent Council, this is NOT a complaint. I just want to say that i have looked at your latest locata freesheet today (edition 431) and i just had to commend and applaud the amount of properties advertised. I am very impressed and happy because so many people will be getting the home they so desperately need. Brent Council....you have done a very good job and well done! Trust me you will make over 100 people/families ecstatic in just one week. Keep up the good work and well done again!!</i>
CWB / Culture	<i>I've just visited the library at Willesden and I must say, it is very impressive. It is a nice and pleasant place to study. I will be back.</i>

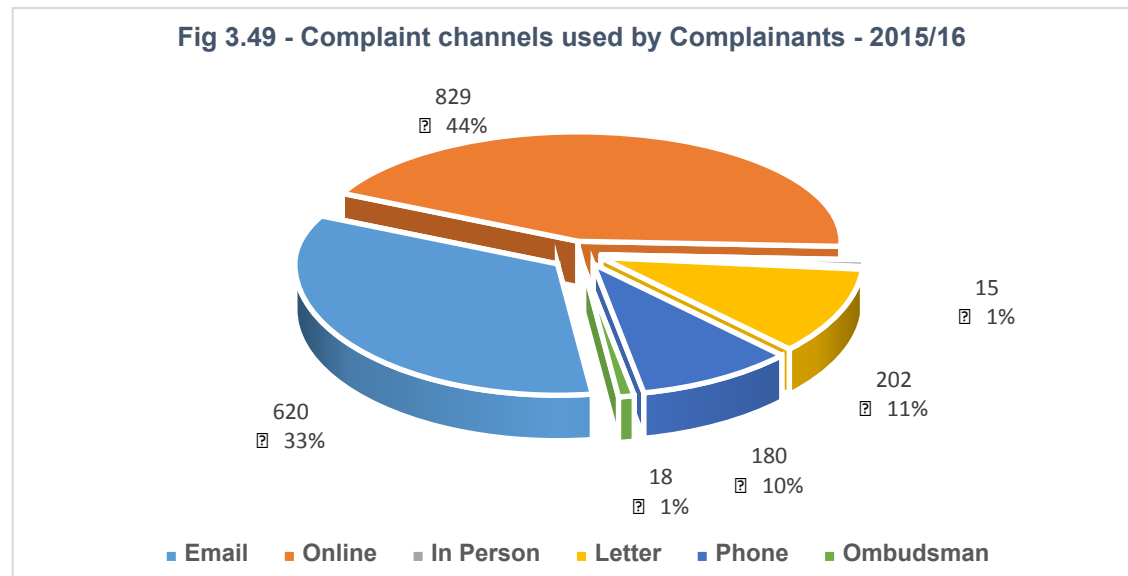
Department / Service	Compliment
BHP / Customer Response Team	<i>Dear Sir/Madam, I would like to report that the leak was fixed by a plumber from Wates and he told me that the cause of the leak was the washing machine as I expected. I would like to take this opportunity to thank x, x and x from BHP for their swift action in solving the leak problem. And also a big thank you to my good Cllr. X and Mr. x.</i>
BHP / Property Services	<i>Hi. Just wanted to say a big thank you to x. She was the only person that was able to help me! Had a leak in my house since Saturday afternoon and no one done anything. Once again thank you for your help x, we need more people like you!</i>

Improving Complaint Performance

- 3.46 This report and appendices include several examples of learning points from corporate, statutory and ombudsman complaints. Some of the key themes for improvement were procedures, joined up services, communication and customer care. Ultimately we need to keep working on embedding the lessons learned and service improvements within the organisation to prevent mistakes from being repeated and improving the customer experience. This is not an easy challenge but there is strong leadership and commitment across the organisation to improve our performance.
- 3.47 A number of measures have been put in place over the past 12 months to raise our performance across the Council and this is having a positive impact on current performance. These measures include:
- Regular weekly monitoring of performance by Chief Executive, CMT and managers
 - Monthly monitoring of corrective actions identified from complaints
 - Closer working between corporate complaints teams and service area managers to review the complaints and introduce service improvements.
 - Support and advice to BHP to improve complaints performance.
 - Improved use of the iCasework system to monitor and analyse complaints performance.
- 3.48 BHP's performance on complaints has been an area of particular concern and special focus for improving performance. The main concerns regarding performance were that:
- BHP related complaints accounted for the highest percentage of cases upheld or partly upheld at both stages of the complaints process.
 - BHP also accounted for the highest amount of compensation paid.
- 3.49 Alongside the wider review of BHP performance, a number of other measures have been put in place to address specific concerns about complaint performance. These are outlined in Appendix C.

Complaint Channels

- 3.50 In general, complainants are using electronic channels (email and online) to lodge complaints and are moving away from the use of letter and telephone.



4.0 Financial Implications

- 4.1 There are no direct financial implications arising from this report. Instead, the details provided on compensation payments reflect the monetary impact of when we do not get things right first time as an organisation and the need to improve the customer experience and minimise the financial penalties incurred by the Council.

5.0 Legal Implications

- 5.1 Complaints concerning the Adult Social Care and Children and Young People Department come under separate statutory complaint procedures. It is a legal requirement to produce annual reports for these areas and these are include appendices A and B with reference to the statutory frameworks for management these statutory complaints

6.0 Staffing/Accommodation Implications (if appropriate)

- 6.1 None

7.0 Diversity Implications (if appropriate)

- 7.1 A report on equality and diversity related complaints received by Brent Council was presented to the Equalities Committee in January 2016. The reported covered both corporate and statutory complaints for April to September 2015. The report provided analysis of voluntarily disclosed diversity data from complainants as well as any potential diversity related complaint matters. Based on the findings there was no evidence of discriminatory practices or trends.

8.0 Background Papers

Appendix A – ASC Complaints Annual Report 2015/16

Appendix B – CYP Complaints Annual Report 2015/16

Appendix C – BHP Complaints Annual Report 2015/16

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