

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS: ALL</b>
<b>REPORT TITLE</b> London Borough of Camden Annual Complaints Report 2019/2020 (CS/2021/04)	
<b>REPORT OF</b> Borough Solicitor	
<b>FOR SUBMISSION TO</b> Resources and Corporate Performance Scrutiny Committee Cabinet	<b>DATE</b> 23 <sup>rd</sup> March 2021  24 <sup>th</sup> March 2021
<b>STRATEGIC CONTEXT</b>  Camden 2025 is our communities' vision for Camden and Our Camden Plan is the council's response to Camden 2025 Complaints provide a regular source of feedback from our citizens that inform us when things have gone wrong. If we do not learn from this, the council is missing an opportunity to improve services to support our citizens. Insight from complaints plays a key role in how we deliver the right outcomes to our citizens and in continually improving our service delivery.	
<b>SUMMARY OF REPORT</b>  This is London Borough of Camden's annual complaints report for the period 1 <sup>st</sup> April 2019 to 31 <sup>st</sup> March 2020.  It is a single report that includes information on complaints across all directorates. The report also provides information for decisions issued by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) in the same period.  Part III of the Local Government Act 1974 sets out the role of the Ombudsman in terms of investigating and reporting maladministration. Section 5A of the Local Government and Housing Act 1989 then sets out requirements for the Monitoring Officer of a local authority – who in Camden is the Borough Solicitor – to report to the Cabinet on those cases where an Ombudsman has made a finding of maladministration.  This report is therefore presented to Cabinet as well as the Resources and Corporate Performance Scrutiny Committee and covers those cases where there have been routine mistakes or failings and the Council has agreed to make remedies and changes in line with the Ombudsman's recommendation.  <b>Local Government Act 1972 – Access to Information</b>  No documents that require listing were used in the preparation of this report.	

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**RECOMMENDATIONS**

The Resources and Corporate Performance Scrutiny Committee is asked to consider and note the contents of the report.

Cabinet is asked to note the report.

Signed:



Date: Tuesday 9<sup>th</sup> March 2021

## **1. CONTEXT AND BACKGROUND**

### **1.1 Purpose of the report**

This is London Borough of Camden's annual complaints report for the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.

It is a single report on all council services' complaints.

The report also provides the decisions issued by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) in the same period. A recent amendment to the constitution now means that the Ombudsman decisions on cases where there have been routine mistakes or failings (called "maladministration") should be presented to Cabinet on an annual basis for their information only.

[There is a separate detailed report for the statutory Children's social care services complaints as these are processed and monitored under a specific statutory framework which has been presented to Children's Scrutiny Committee. This report can be found at: <https://www.camden.gov.uk/complaints>]

### **1.2 Scope of the report**

Many complaints and enquiries are dealt with informally by officers and managers every day without the need for the formal complaints process to be followed. Officers are encouraged to try to resolve customer dissatisfaction as part of their normal business. These are not formally logged or reported on though services are encouraged to record these informal enquiries in some way in order to inform the way they deliver their services. Dealing informally at as early a stage as possible represents best practice.

Our complaint procedure is for those complaints that require a formal documented response.

The report focuses not only on volumes and timeliness of responses but also identifies themes and lessons learnt that result in service improvements.

The Council's recent Local Government Association (LGA) Peer Review described the Council as high-performing, with a commitment to learning and improvement being a key reason for this. Complaints are important information, providing an opportunity to understand where and why things sometimes go wrong and provide a basis for us to make positive changes, informed by data and resident voice.

### **1.3 The Complaints Procedure**

Our complaints procedure is for those complaints that require a formal documented response and is activated when officers are unable to resolve the issue promptly, or the citizen is not willing to engage with the officers to try and resolve it informally and outside of the formal procedure.

We implemented a new complaints procedure in April 2019 to make the process easier and clearer for residents and staff. The new policy incorporates all three previous procedures (including statutory requirements) into a single policy and procedure for all complaints coming into the council. This combined policy and procedure has been well received and it is now far easier for all involved in complaints to understand the process and next steps.

The council's aim is to resolve complaints for our citizens to their satisfaction and as quickly and simply as possible.

Stage 1 (local resolution) is dealt with by the officers and managers responsible for the service. The emphasis is on trying to reach a resolution. If that resolution is not reached, the citizen has the right to escalate matters to stage 2 (review).

Stage 2 complaints which come under corporate services are dealt with by complaints officers who have not been involved previously and in the case of statutory social care services, by an independent investigator. The whole process is overseen and monitored by the complaints service.

*Stage 3 is an independent review conducted by the LGSCO or HO or in the case of statutory children's services, a panel of professionals. A complainant can approach the Ombudsman at any stage of their complaint, but the Ombudsman will usually expect the complainant to have exhausted the council's complaints procedure before stepping in. The Ombudsman may instruct the Local Authority to investigate a complaint at Stage 2 of the procedure, even if the complaint was not initially investigated at Stage 1.*

## **2. SUMMARY ANALYSIS OF COMPLAINTS DATA 2019~2020**

The council has received more complaints this year (14% increase) with a notable increase in the last quarter of the year (January 2020 to March 2020).

Despite it taking longer than the recommended timescales to resolve, the same proportion of complaints are upheld as the previous year and when resolved they are done so satisfactorily and are not progressed to further stages.

The data reflects the emphasis made by all services during the year on the principle focus at all stages of the complaints process being to provide a high quality response that resolves all the issues raised and to find a suitable outcome in a timely way, whilst keeping the complainant informed and up to date with progress.

## **3. THE OVERALL PICTURE**

### **3.1 Number of Complaints all stages**

<b>Level</b>	<b>2019/2020</b>	<b>2018/2019</b>
Stage 1	<b>992</b>	867
Stage 2	<b>76</b>	151
Housing Ombudsman & Local Government & Social Care Ombudsman	<b>111</b>	110

### **3.2 Benchmarking with other London Boroughs**

Benchmarking with other comparative boroughs is difficult as there is no requirement to publish annual complaints figures other than those of statutory social care services. There is no central body that collects overall complaints figures and the Ombudsman only publishes figures of complaints that have been made to them. The two boroughs that have published their 2019/2020 complaints on their websites are:

- London Borough of Islington has a total of 2,182 Stage 1 complaints which was a 16% increase to the previous year.
- Royal Borough of Kensington & Chelsea has a total 1,013 Stage 1 complaints which was an 8% increase to the previous year.

London Borough of Camden has a total of 992 Stage 1 complaints which was a 14% increase to the previous year.

## BREAKDOWN OF DATA AND ANALYSIS

### 4.1 Stage 1 (Local resolution)

#### 4.1.1 Stage 1 complaints by directorate and division

Service Area	Stage 1	Stage 1 Upheld	% Upheld	Stage 1 responded to within 10 w/days*	Stage 1 responded to within 20 w/days*
<b>Corporate Services</b>	<b>127 (113)</b>	<b>14 (14)</b>	<b>11% (12%)</b>	<b>30%</b>	<b>74% (95%)</b>
Law & Governance	5 (2)	0 (1)	0% (50%)	80%	80% (100%)
Finance	2 (0)	0 (0)	0% (0%)	0%	0% (0%)
Customer Services	120 (111)	14 (13)	12% (12%)	28%	75% (89%)
<b>Supporting Communities</b>	<b>677 (572)</b>	<b>154 (138)</b>	<b>23% (24%)</b>	<b>29%</b>	<b>51% (55%)</b>
Community Services	14 (9)	0 (2)	0% (22%)	14%	29% (67%)
Property Management	346 (292)	106 (95)	31% (33%)	26%	55% (59%)
Regeneration and Planning	84 (19)	16 (2)	19% (13%)	44%	56% (81%)
Housing Management	218 (230)	29 (35)	13% (15%)	29%	46% (59%)
Development	13 (22)	2 (4)	15% (18%)	15% (55%)	38% (55%)
Resident Safety	2	1	50%	0%	50%
<b>Supporting People</b>	<b>188 (182)</b>	<b>26 (14)</b>	<b>14% (8%)</b>	<b>24%</b>	<b>43% (48%)</b>
Housing Support Services	49 (45)	2 (1)	4% (2%)	27%	43% (62%)
Adult Social Care	50 (69)	15 (6)	30% (9%)	22%	42% (62%)
Children's S&SW	68 (68)	6 (7)	9% (10%)	26%	44% (41%)
Early Intervention & Prevention	21 (8)	3 (1)	14% (13%)	19%	43% (13%)
<b>Total</b>	<b>992 (867)</b>	<b>194 (166)</b>	<b>20% (19%)</b>	<b>28%</b>	<b>53% (60%)</b>

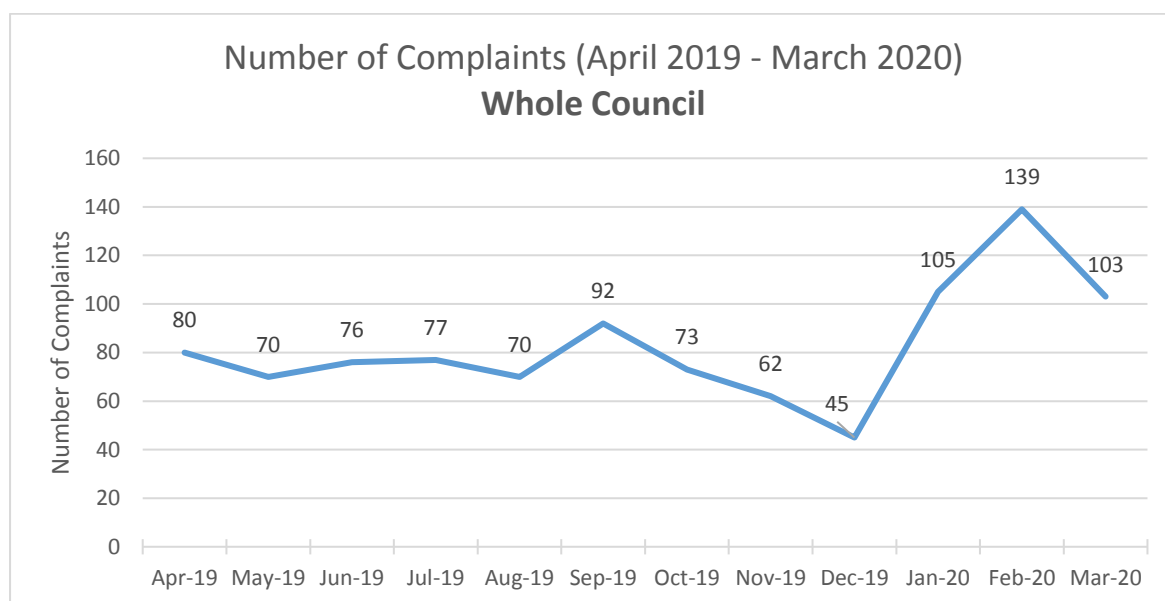
- 2018/2019 figures in brackets
- Some directorates have restructured services during 2019/2020 so data may be located in different divisions to 2018/2019
- \*from April 2019 the response target was amended to 10 working days across all services (2018/2019 report it was 20 working days). For comparison purposes response to within 20 working days has been included

#### 4.1.2 Stage 1 complaints Numbers received in previous years by directorate

Directorate	2018/2019	2017/2018	2016/2017	2015/2016
Corporate Services	113	138	223	(different directorate structure)
Supporting Communities	572	461	573	
Supporting People	182	137	217	
<b>Grand Total</b>	<b>867</b>	<b>736</b>	<b>1013</b>	<b>1223</b>

[Note: The directorates have changed over the years and some services are no longer in the same directorates].

#### 4.1.3 Stage 1 complaints received by month



#### 4.1.4 Analysis of Stage 1 figures

##### 4.1.4.1 Number of Complaints

For a full table of numbers of complaints broken down by division and service area and by month (April 2019 to March 2020) see **Appendix 1**

The total number of complaints recorded at Stage 1 has increased by 14% (125 more complaints than the previous year). The service areas showing a notable increase are:



- Repairs and Operations – an increase of 80 complaints.
- Landlord Services - an increase of 23 complaints.
- Regeneration & Planning – an increase of 29 complaints (though numbers remain relatively low).

There is a notable increase in complaints in Quarter 4 (January 2020 – March 2020) in Repairs and Operations. This is attributable to winter pressures such as leaks and heating issues.

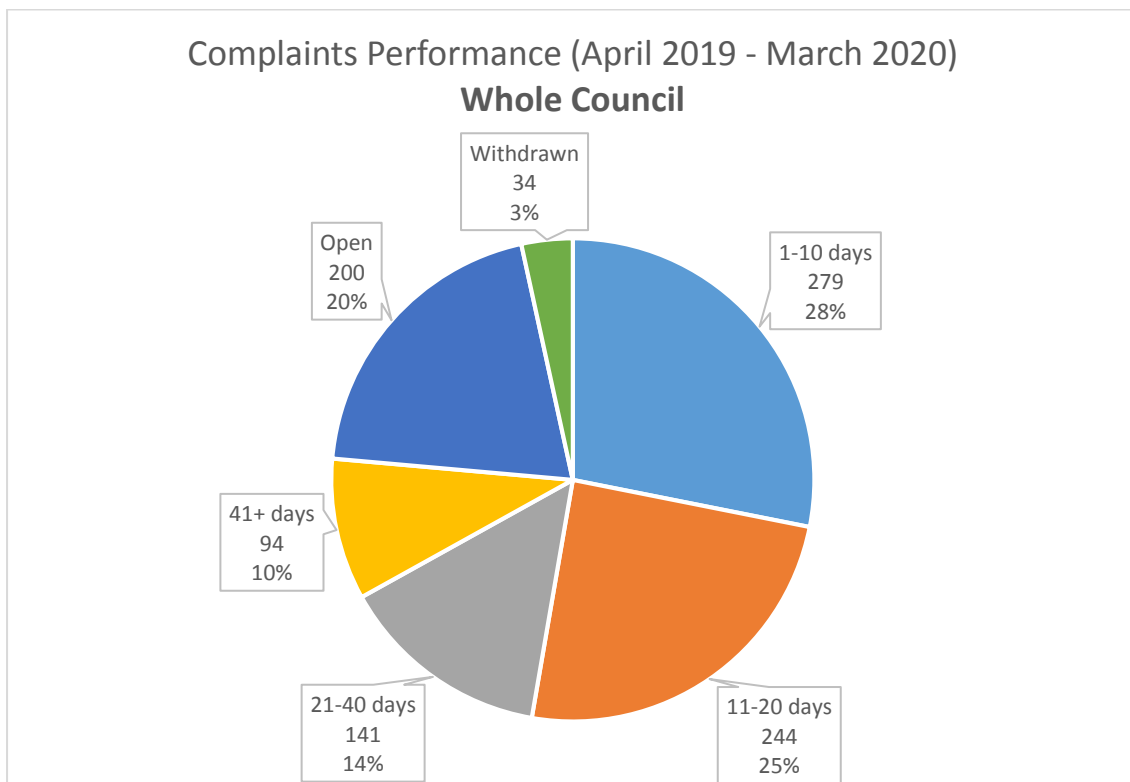
Some service areas showed a notable decrease in complaints compared to the previous year. These are:

- Council Tax and Business Rates - a decrease of 13 complaints
- Estate Management & Parking & Lettings - a decrease of 12 complaints
- Adult Social Care Services - a decrease of 19 complaints
- Housing Support Group - a decrease of 12 complaints



#### 4.1.4.2 Timescales

For a full table of complaints broken down by division and service area and by performance (timescales) see **Appendix 2**



53% of stage 1 complaints were responded to within 20 days. This is a drop from 2018/2019 (60% answered within 20 days).

The highest performing service areas are:

- Public Protection (92%)
- Leaseholders (76%)
- Customer Services (75%)
- Planned works (62%)

These services receive a relatively low number of complaints so it is easier to respond within the required timeframe.



The exception is customer services which does receive quite a high number of complaints and has responded to a high proportion of them within the timeframe. In April 2019 a new complaints procedure and policy was launched which revised the timescales for responding to a complaint to 10 working days in order to have consistency across the council and consistency across different types of enquiry.

28% of stage 1 complaints were responded to within 10 working days. There is no comparable data from previous years as this is a new measure for 2019/2020.

The drivers of performance are likely to be a combination of:

- the volume of complaints received in a relatively short period of time in certain service areas e.g. Repairs and Operations, Environment Services
- Complexity of complaint (particularly in Adult Social Care and Children's Services)
- More focus on the quality of response and appropriate resolution rather than the time taken to complete the response
- More communication with the citizen and keeping them informed
- In areas with a low volume of complaints, those that are outside the timescales have a large impact on the overall council performance.

The highest performing service areas are:

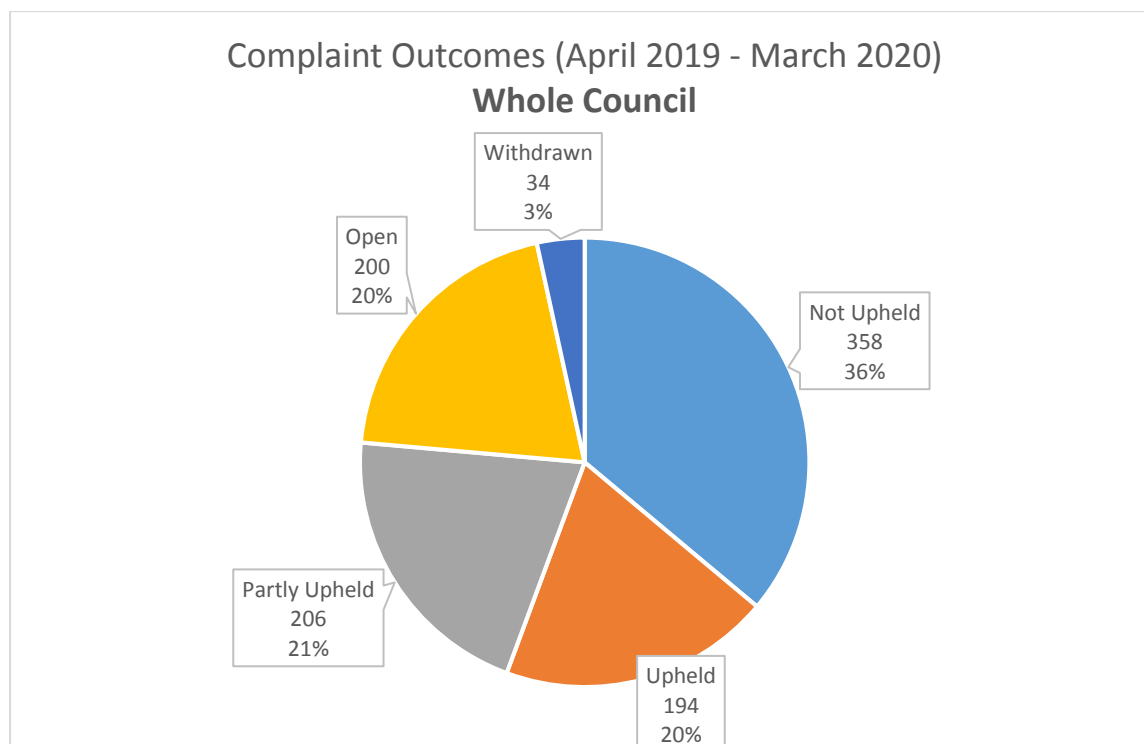
- Public Protection (83%)
- Leaseholder Services (61%)
- Planned Works (47%)

Again, these services receive a relatively low number of complaints so it is easier to respond within the required timeframe.

It is acknowledged that target timescales are not a good marker of success nor of quality. There is now a better understanding that the end to end time (i.e. the time from receipt of the complaint to the full and satisfactory resolution) alongside qualitative measures are better markers of success. The new case management system for managing complaints currently being developed (scheduled for implementation in Spring 2021) will allow these measures to be captured more effectively.

#### 4.1.4.3 Upheld/Not Upheld

For a full table of complaints broken down by division and service area and by outcomes see **Appendix 3**



With a continued focus on services resolving complaints informally we have seen the number of upheld cases at the formal stage 1 stay stable, 20% compared with 19% last year across all divisions in the council. This is a positive indicator as a low percentage shows that the original services provided were shown to have been satisfactory for a larger proportion of the complaints received.

The service areas that have a significantly smaller proportion upheld are:

- Housing Needs Group (3%)
- Development Management (5%)
- Children's Safeguarding and Social Work (8%)
- Landlord Services (10%)

The service areas that have a significantly larger proportion upheld are:

- Repairs and Operations (33%)
- Adult Social Care (30%)

Repairs and Operations have a comparatively high number of complaints of which a third were upheld. The new Case Management team within Property Management is now capturing information on the causes of complaints so that this can be systematically worked through with the relevant services.

Adult Social Care have a low number of complaints of which a large proportion are upheld but that is a relatively low number of cases where it was found unsatisfactory services had been provided.

#### 4.1.4.4 Cases remaining Open

The 2019/2020 data shows that 200 complaints are “open”. This means that at the point the data was downloaded for analysis in July 2020 these cases had not been resolved with an outcome. 50% of these open cases are complaints logged in the last quarter of the reporting period (January 2020 to March 2020) where we saw an increase in volumes of complaints and then entered into the global pandemic situation where other things had to be prioritised.

Some of the complaints may have now been resolved and closed although some complex cases will remain open for a significant amount of time.

#### 4.1.4.5 Escalation to further Stages

There was a decrease in the number of stage 1 complaints that progressed to stage 2 (50% decrease compared to 2018/2019).

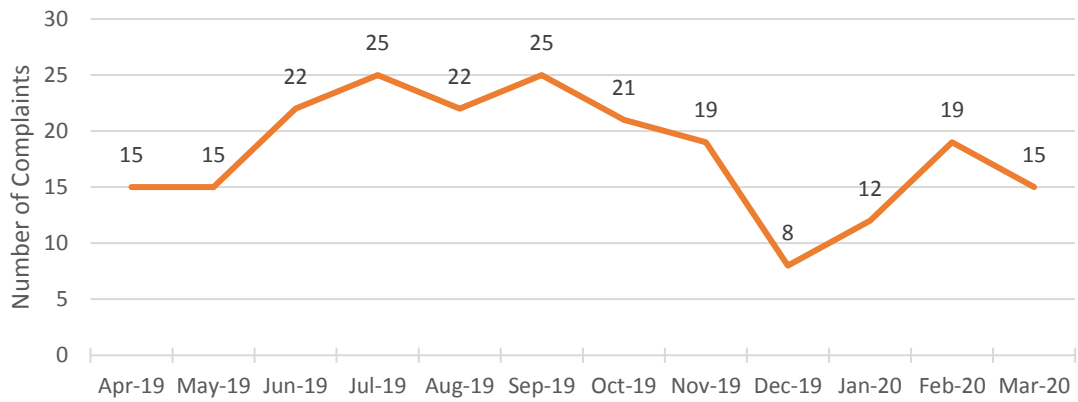
This is a very positive indicator as it shows that the service areas and complaints team are getting much better at ensuring all avenues have been sought to resolve the complaint at stage 1 (or even prior to that at informal stages) without it having to go to stage 2 (see section 5 for details of Stage 2 cases)

#### 4.1.4.6 Specific Service Areas

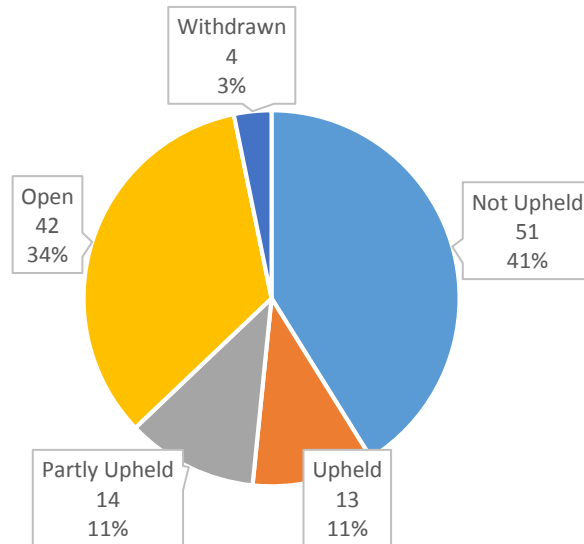
##### 4.1.4.6.1 Housing Management

Service Area	Number of complaints	percentage upheld	percentage within 10 w/days	percentage within 20 w/days
Estate Management (general)	26	14%	11%	21%
Estate Management (estate parking)	30	27%	30%	60%
Leaseholder Services	34	12%	61%	83%
Landlord Services	124	10%	24%	40%
Tenant & Leaseholder Participation	3	0%	67%	67%

**Number of Complaints (April 2019 - March 2020)  
Housing Management**

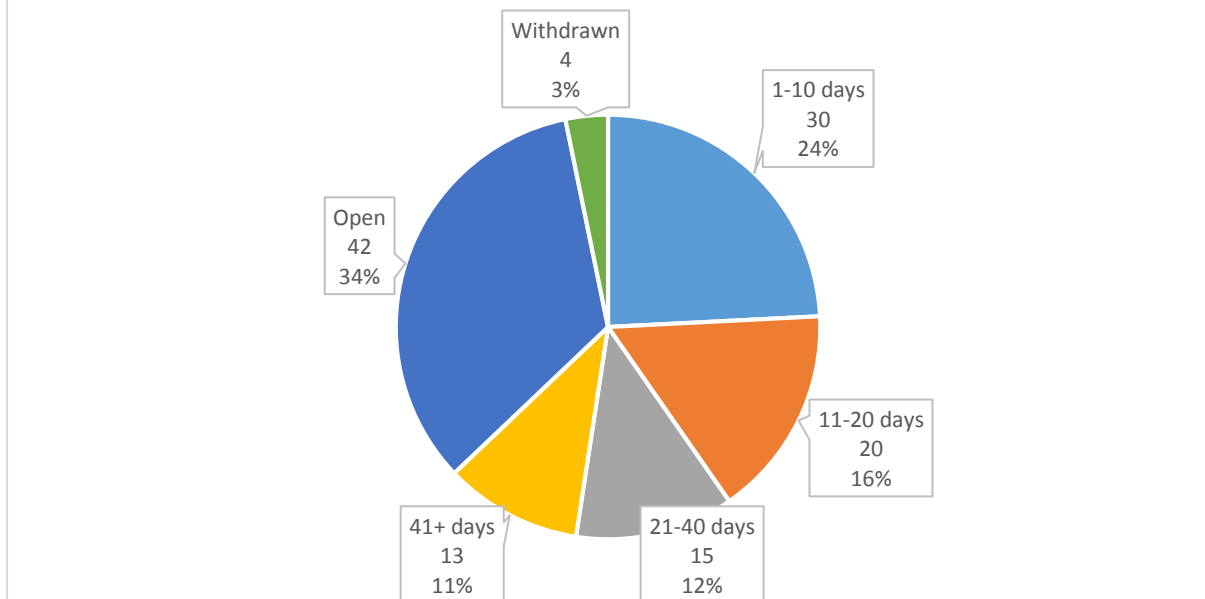


**Complaint Outcomes (April 2019 - March 2020)  
Landlord Services**



## Complaints Performance (April 2019 - March 2020)

### Landlord Services



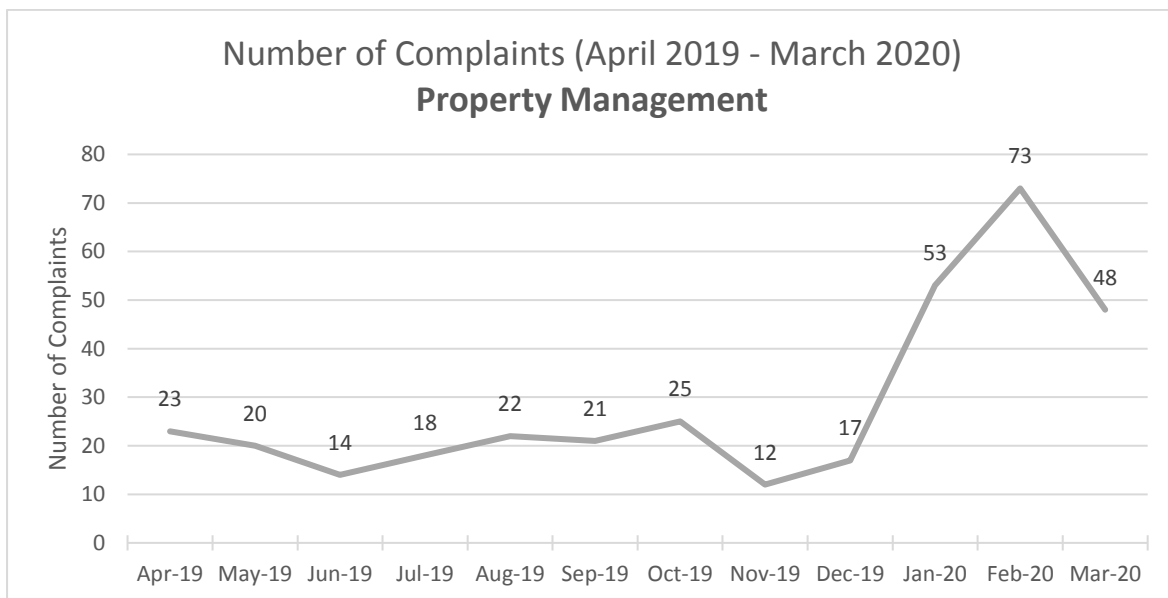
#### Detailed Performance Comment

Housing management services delivers services to 33,000 tenants and leaseholders so the number of complaints represents less than 1% of the population served.

The new Landlord Service was rolled out between June and September 2019. The approach is based on knowing the neighbourhood and residents trying to address issues early on and helping to build community resilience. A high proportion of complaints relate to Anti-Social Behaviour (ASB) and these can be complex and challenging and take a lot of time to resolve. There has been an increase in cases involving vulnerable residents often requiring multi-agency and cross-departmental collaboration on a neighbourhood level. It is often not possible to provide details to neighbouring residents of the action being taken to address concerns for confidentiality and data protection reasons. Consequently, neighbours can become concerned that issues are not being addressed, leading to them making a complaint. Staff are receiving ongoing training and support on how to manage this complex area of work, so they can provide reassurance, involve relevant support agencies and take timely legal action as necessary.

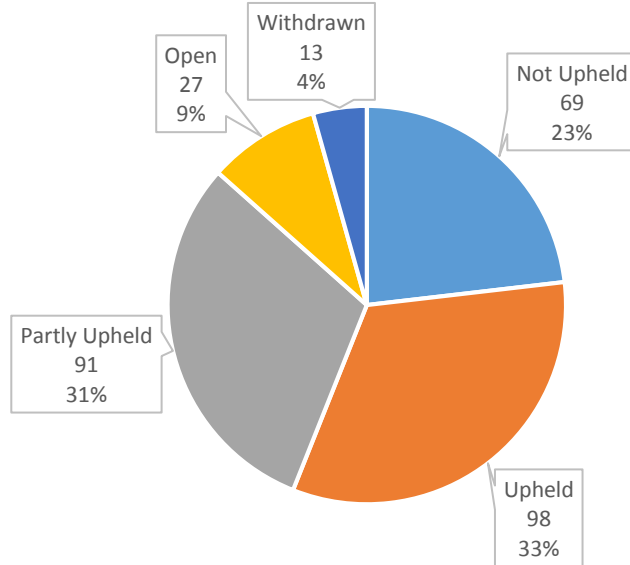
#### 4.1.4.6.2 Property Management

Service Area	Number of complaints	percentage upheld	percentage within 10 w/days	percentage within 20 w/days
Facilities Management	1	0%	100%	100%
Planned Works	45	18%	47%	62%
Property Planning & Asset Management	2	0%	50%	50%
Repairs & Operations	298	33%	22%	54%

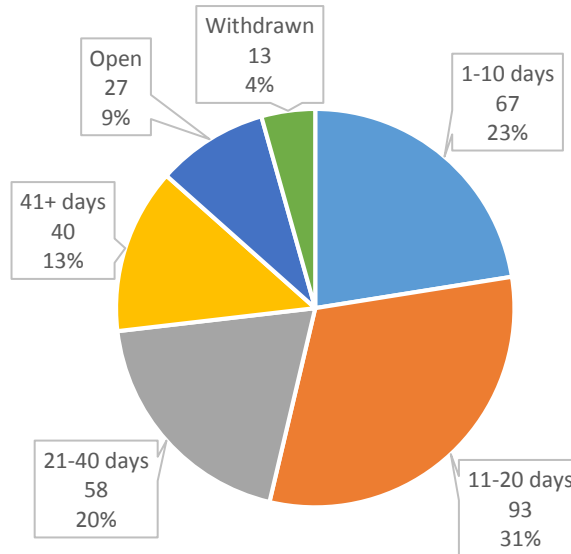


The increase in Repairs and Operations is seen in the last quarter of the year where 53% of the complaints were logged between January 2020 and March 2020. At this time of year the service is subject to high volumes, particularly in relation to heating and hot water services.

Complaint Outcomes (April 2019 - March 2020)  
Repairs and Operations



Complaints Performance (April 2019 - March 2020)  
Repairs and Operations



Detailed Performance Comment

We need to consider the percentage of complaints against jobs and tasks raised. Repairs handled over 200,000 calls in 2019 and 300,000 in 2020 and 298 complaints were raised which is less than 1%.

In 2019/2020, the Property Management Division began a review of its structure and this was completed in August 2020. As part of this we established the Property Customer Services and Engagement Team. Within this team we have brought together all of our case management officers who are analysing our casework and complaints and identifying what needs to be addressed within the service.

Looking back at the analysis, one consistent area of complaint was the time it was taking for certain types of building repairs to be carried out. In November 2020 we introduced a new priorities timeframes policy which meant we were open and upfront with residents about how long it would take for a job to be completed and that no matter where you live in the Borough your repair time would be the same. This approach is now showing a general decrease in complaints about wait times and significant improvement in operational utilisation.

An area of concern is around Contractors specifically about follow on works. Following the restructure there is now a new approach to managing complaints with extensive focus on reducing poor service delivery and where needed improvement plans in place. Extensive work is being undertaken with our heating contractors to improve their service to residents, both at the front-end when scheduling repairs and also how they follow up and close out persistent issues. The team has also implemented improved communications for lift repairs where parts need to be ordered and services are offline for a period of time. This in addition to escalating prolonged delays where these occur with the contractor.

The Case Management team is completing data capture sheets, following completion of every complaint. This logs information such as, the service failure/trend, and the service area it relates to. The team then works in partnership with the Head of Repairs & Operations and the Head of Capital Works depending on the complaint, to ensure we all adopt a lessons learnt approach for relevant action to be taken. This way we will be able to identify trends at a much earlier stage and focus our resources to respond to these developments more quickly

We also carry out extensive customer satisfaction engagement surveys with residents on a monthly basis and on the whole residents are very satisfied (over 90%) with the service we provide. Any negative feedback is followed up directly.

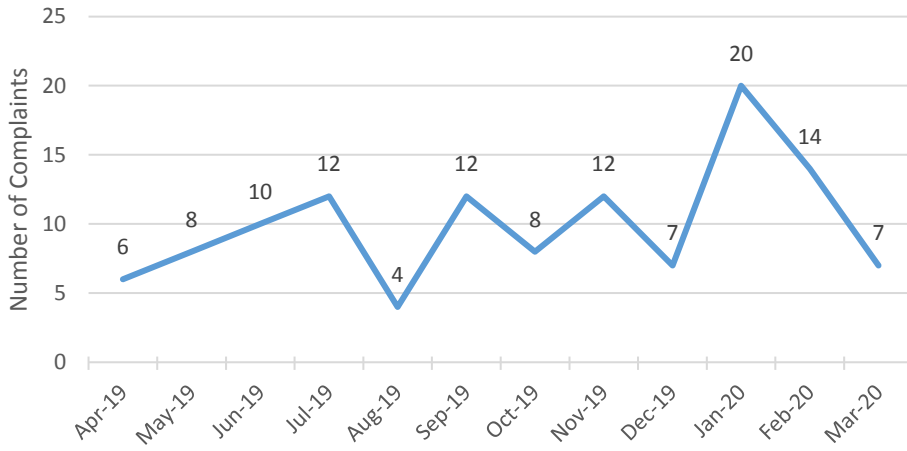
Additionally, the Case Management team have been restructured so that individuals are not just focussing on one area of the service. They now support other colleagues in this team and already the number of cases classed as overdue is now the lowest level to date.

#### 4.1.4.6.3 Customer Services

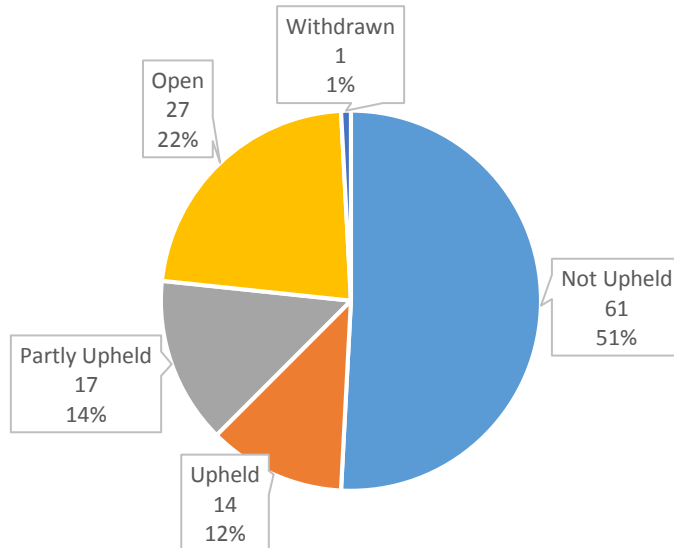
Service Area	Number of complaints	percentage upheld	percentage within 10 w/days	percentage within 20 w/days
Benefits	6	17%	67%	67%
Council Tax & Business Rates	17	29%	29%	71%
Customer & Registration	13	15%	46%	69%
Contact Camden	14	21%	36%	50%
Parking Operations	70	4%	20%	83%

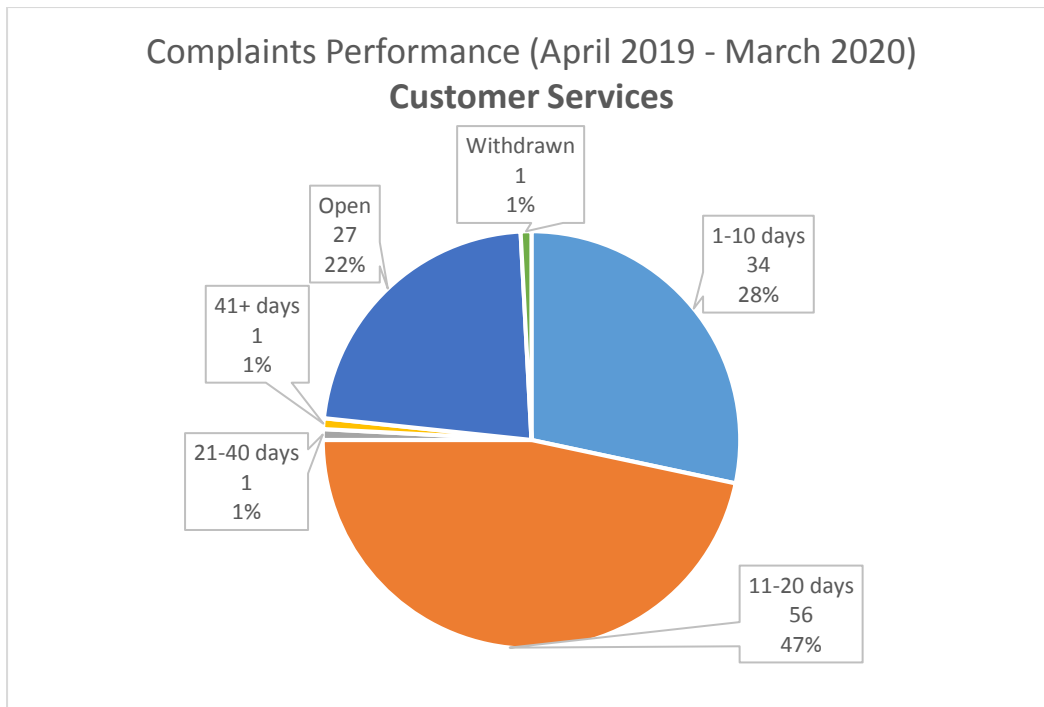


Number of Complaints (April 2019 - March 2020)  
Customer Services



Complaint Outcomes (April 2019 - March 2020)  
Customer Services





### Detailed Performance Comment

As a division we are striving to improve people's experiences and learn from every complaint.

Parking received the highest number of stage 1 complaints within customer services with 70. Despite this number being quite high, the level of complaints escalated to stage 1 for a service such as parking is still relatively low compared to the volume of transactions going through the service (Penalty Charge Notices issued 254,389, Permits issued c100,000 and over a million Cashless parking transactions for this period 2019/20).

Just 4% of stage 1 complaints are upheld reflecting the service's prompt response to representations and the quality assurance work undertaken.

Performance on responding to complaints compares well with other services. A high number of Stage 1 complaints that are recorded within parking are in regards to complaints about the conduct of a Civil Enforcement Officer, which requires requesting statements from the officer involved and investigation of the accusation. This can take time which explains why a number of complaint responses exceeded 10 days.

Parking complaints tend to have a level of complexity when dealing with issues around ownership of vehicles and the debt recovery process, all of these types of cases require a thorough investigation and information requested from different agencies and individuals. The timeframe for waiting for this information tends to be the guide of how long a response will take.

As indicated by the low percentage of stage 1 complaints upheld, these investigations are thorough and answer complaints to a high level of satisfaction although it is not always the result customers were hoping for.

The number of complaints relating to other services within the division remain low considering the volume of interactions with customers. Within Contact Camden there has been a key focus this year on improving the quality of conversation with

callers with team leaders listening to a random sample of calls to ensure customers receive an empathetic, friendly and professional response. Within Council Tax, a service wide review has looked at its processes, online services and correspondence with the aim of making it easier, more transparent and getting information right first time. A series of enhancements will take place over 2020 and 2021 to deliver improvements to people's experiences.

#### **4.1.5 Themes – stage 1 complaints**

Understanding the reasons for a complaint is really important in developing service improvements and areas for ongoing development.

The reasons recorded for stage 1 complaints across all service areas are:

1. Delay in providing a service
2. Poor communication/Lack of communication
3. Lack of customer care/Staff behaviour
4. Quality of service
5. Disagree with decision/action
6. Compensation request (repairs & operations)
7. Lack of information/advice/access to service

Whilst these are in order with the most common first, complaints are often a combination of more than one of these themes. For example, a citizen may complain about a delay in providing a service and not have been contacted (lack of communication) and is requesting compensation as a result.

#### **4.2 Stage 2 (review/investigation)**

If a complainant is not satisfied with the response at the initial stage, they have the opportunity to escalate their complaint for consideration at a more specialist and objective level. There are different names for this stage under the different statutory frameworks, but this report describes them all as stage 2 for ease of comparison. The complaints team are responsible for carrying out the reviews and liaise with the relevant service area as required.

Statutory children's services stage 2 reviews are undertaken by an independent investigator and work to slightly different timescales.

Statutory adult social care services complaints do not have a stage 2 though the complaints team may re-look at a stage 1 if the complainant is dissatisfied. After that, the complainant can go to the LGSCO if they remain dissatisfied.

#### 4.2.1 Stage 2 complaints recorded by directorate and division

Service Area	Stage 2	Stage 2 Upheld
<b>Corporate Services</b>	<b>6 (21)</b>	<b>0% (0%)</b>
Law & Governance	0 (5)	0% (0%)
Customer Services	6 (16)	0% (0%)
<b>Supporting Communities</b>	<b>60 (110)</b>	<b>15% (5%)</b>
Community Services	0 (2)	0% (0%)
Property Management	31 (56)	26% (9%)
Regeneration and Planning	5 (8)	20% (0%)
Housing Management	24 (39)	0% (3%)
Development	0 (5)	0% (0%)
<b>Supporting People</b>	<b>10 (20)</b>	<b>0% (0%)</b>
Housing Support Services	5 (19)	0% (0%)
Children's Safeguarding & Social Work	5 (1)	0% (0%)
<b>Total</b>	<b>76 (151)</b>	<b>12% (4%)</b>

#### 4.2.2 Analysis of Stage 2 Complaints

##### 4.2.2.1 Volumes

The previous year's report showed that only 4% of the 151 stage 2 reviews were upheld, indicating that it might have been better to resolve the stage 1 more informally rather than escalate it to stage 2. This was identified as an area for improvement to address in 2019/2020.

The complaints team have focussed on reducing the number of complaints reviewed at stage 2 by working with the complainant and the service areas to ensure a satisfactory resolution is reached at an earlier stage and being more citizen-focussed.

This has resulted in a significant service improvement in that 50% fewer stage 2 reviews have been required in 2019/2020 to those in the previous year.

#### **4.2.2.2 Timescales**

The complaints policy states that stage 2 reviews aim to be responded to within 25 working days. The complaints team are responsible for carrying out the review and liaise with the relevant service area as required.

64% of stage 2 complaints were responded to within the required timescales. This is similar to the previous year (68%).

It is difficult to determine the exact reasons for taking longer to respond but it is likely to be a combination of:

- Volume of complaints (particularly in Property Management and Housing Management)
- Complexity of complaint
- More focus on the quality of response and appropriate resolution rather than the time taken to complete the response requiring more communication with the citizen and keeping them informed throughout the process.

#### **4.2.2.3 Upheld/Not Upheld**

12% of stage 2 complaints were upheld compared to 4% upheld in 2018/2019. This increase in the number upheld is to be expected because the 50% decrease in the number of stage 2 reviews means that they are only being done when absolutely necessary so it is likely more will be upheld.

### **4.2.3 Themes – stage 2 complaints**

#### **4.2.3.1 Reasons recorded for complaints**

The reasons recorded for stage 2 complaints across all service areas are:

1. Disagrees with Stage 1 response
2. Quality of investigation at Stage 1
3. Agreed actions/outcomes from stage 1 still outstanding
4. No response to Stage 1 complaint /delay with stage 1 response

As is expected, a large proportion of complaints went to stage 2 as the complainant disagreed with the outcome from stage 1. In the last year improvements have been made with how the stage 1 complaints are carried out, including closer working with the complainant to ensure they have input earlier to resolve disagreements at stage 1 and thus reducing the escalation to stage 2 significantly. This has reduced the number of complaints being escalated by 50%.

- 5. External Bodies**  
- **Local Government and Social Care Ombudsman (LGSCO)**  
- **Housing Ombudsman (HO)**

### **5.1 Introduction**

This section of the report provides information on cases that the Ombudsman has made decisions on in the period.

Part III of the Local Government Act 1974 sets out the role of the Ombudsman in terms of investigating and reporting maladministration. Section 5A of the Local Government and Housing Act 1989 then sets out requirements for the Monitoring Officer of a local authority – who in Camden is the Borough Solicitor – to report to the Cabinet on those cases where an Ombudsman has made a finding of maladministration.

The term of reference in the constitution has been updated to state:  
“Agreeing the corporate complaints policy and procedure, remedies policy and procedure, and any other policies related to payments or benefits in kind arising from maladministration findings by an Ombudsman.”

This report is therefore presented to Cabinet as well as the Resources and Corporate Performance Scrutiny Committee and covers those cases where there have been routine mistakes or failings and the Council has agreed to make remedies and changes in line with the Ombudsman’s recommendation.

### **5.2 LGSCO and HO investigations and decisions 2019/2020**

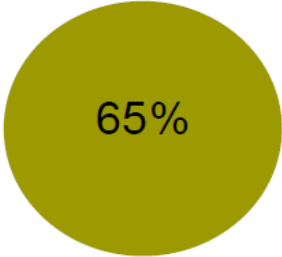
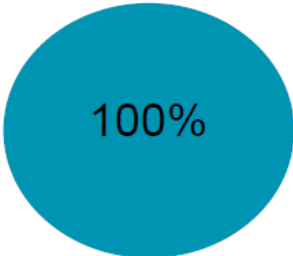
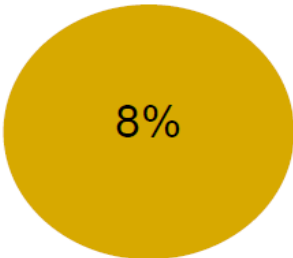
The Housing Ombudsman deals with enquiries and complaints that are related to services provided by the council as a social landlord e.g. repairs to properties.

The Local Government and Social Care Ombudsman deals with enquiries and complaints that are related to all other council services. This includes non-landlord housing issues such as housing allocation, homelessness and temporary accommodation which is categorised in LGSCO reports as “Housing”.

The HO and LGSCO produce annual review reports and the data, feedback and recommendations and remedies made in these are reviewed by the complaints team who ensure the relevant service areas act on them in a timely manner.

### 5.3 Local Government and Social Care Ombudsman (LGSCO)

[LGSCO Annual Report 2019~2020] [LGSCO Camden Performance 19~20](#)

Complaints upheld		
 <p>65%</p>	<p>65% of complaints we investigated were upheld.</p> <p>This compares to an average of 70% in similar authorities.</p>	<p style="text-align: center;"><b>13</b> upheld decisions</p> <p>Statistics are based on a total of 20 detailed investigations for the period between 1 April 2019 to 31 March 2020</p>
Compliance with Ombudsman recommendations		
 <p>100%</p>	<p>In 100% of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of 99% in similar authorities.</p>	<p>Statistics are based on a total of 10 compliance outcomes for the period between 1 April 2019 to 31 March 2020</p>
<ul style="list-style-type: none"> <li>Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li> </ul>		
Satisfactory remedies provided by the authority		
 <p>8%</p>	<p>In 8% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 15% in similar authorities.</p>	<p style="text-align: center;"><b>1</b> satisfactory remedy decision</p> <p>Statistics are based on a total of 20 detailed investigations for the period between 1 April 2019 to 31 March 2020</p>

The proportion of London Borough of Camden's cases upheld by the LGSCO is smaller than in other similar authorities. This demonstrates better performance as it demonstrates that the services have been satisfactory for a larger proportion of the complaints investigated by the LGSCO. The proportion of upheld cases is relatively large but this is also a positive indicator as it shows that cases are only being investigated when absolutely necessary so it is likely more will be upheld.

### 5.3.1 Comparison with other local authorities

London Borough	Upheld decisions	Percentage upheld
Camden	13	65%
Islington	17	71%
Kensington & Chelsea	11	65%
Haringey	33	80%

### 5.3.2 LGSCO cases 2019~2020

LGSCO made a decision on 105 cases and a determination (i.e. upheld or not upheld) on 20 cases in 2019/2020

[From LGSCO data]

Service	Total	Upheld	Not Upheld	Advice given	Closed after initial enquiries	Referred back for local resolution (premature)	Incomplete or Invalid
Adult Social Care	13	3	1		1	5	3
Benefits & Tax	11				5	5	1
Corporate & other services	3				3		
Education & Children's Services	17	3	1		5	8	
Environment, Public Protection & Regulation	10				2	8	
Highways & Transport	16	1	2		5	6	2
Housing	28	5		6	9	6	2
Planning & Development	7	1	3		2	1	
<b>TOTAL</b>	<b>105</b>	<b>13</b>	<b>7</b>	<b>6</b>	<b>32</b>	<b>39</b>	<b>8</b>

Very positively, 75% of the cases sent to the LGSCO did not reach the detailed investigation stage and are either closed with no further action, deemed invalid or sent to the council to go through the council's own complaints procedures as it is deemed premature for the ombudsman to deal with it.

Only 25% of cases reached the detailed investigation stage.

The council formally logged **64** cases from the LGSCO in the period April 2019 to March 2020.



### 5.3.3 LGSCO cases - Maladministration

Where the ombudsman finds fault the outcome decision can be (in order of seriousness):

- Maladministration with injustice
- Maladministration without injustice
- Upheld (NFA)
- Service Failure

There were 13 cases with an outcome decision of either maladministration with injustice or maladministration without injustice in 2019/2020

	Service area	Nature of complaint	Remedies & outcomes
1	Housing Needs Group	Council delayed medical needs assessment in relation to housing allocation priority. The impact of the delays resulted in missing out on suitable properties.	Housing allocation priority was backdated. £200 financial remedy
2	Housing Needs Group	Council failed to advise the resident of changes to its housing allocation scheme in 2015, which affected eligibility.  Council failed to provide assistance to the resident with online homeless prevention form in June 2018.	Apology £2000 financial remedy
3	Housing Needs Group (Temporary Accommodation)	Council took too long to make a decision on Housing Register application and it did not properly consider whether citizen may be exempt from a residency requirement.  Delayed making a referral to hostel providers  Faults in the way it responded to request for homelessness assistance and interim accommodation	Apology £300 financial remedy  Ensure appropriate method of communication is in place  Ensure procedure is followed for Adult Social Behaviour Investigations in Temporary accommodation
4	Housing Needs Group	Adequate consideration was not given to eligibility for medical points in housing application.	Review procedures to ensure all evidence is considered in applications
5	Development Management (Planning)	Way the Council dealt with a planning application for a development near to citizen's home. Council's case report was not accurate and it did not fully consider the impact on home.  Council also took too long to deal with complaint.	No significant injustice but the Council should apologise for not following its policy and for taking too long to respond to complaint.
6	Parking Operations	Council did not follow procedures when assessing whether a debt recovery order applied to a case.  Mishandled the formal complaints	Apology  Ensure complaints are handled better in future

7	Adult Social Care (Camden Learning Disabilities Service)	Mishandling of Direct Payments for citizen  Failure to make a referral to support services	Apology  Ensure appropriate support services are in place
8	Adult Social Care (& Mental Health Trust)	Inadequate records kept and allegations not investigated	Steps put in place to ensure safeguarding report recommendations are complied with in future.
9	Adult Social Care	Incorrect charges made for rent while citizen was in temporary accommodation	Refund on rent made
10	Adult Social Care	Failure to carry out an assessment of needs and mental capacity	Assessments should be flexible and carried out in different ways tailored to the circumstances, needs and ability of the individual to engage.  Where an individual struggles to express their needs they must carry out an assessment of their mental capacity.  Where an adult who is at risk of neglect has capacity and refuses an assessment, service must complete an assessment as far as possible and document it.
11	Children's Safeguarding and Social Work	A number of errors in the way the Council dealt with a Child Protection Conference.  Did not ensure information was corrected  Did not deal with complaint quickly enough.	Apology  Write to all other professionals and organisations the Council sent copies of the inaccurate information to so they can update their records  Financial remedy £300
12	Children's Safeguarding and Social Work	Failure to properly respond and consider complaints in August 2018	Apology for poor handling of complaints in August.  The Council should ensure that its staff properly address and respond to complaints in future
13	Special Educational Needs	Failure to provide alternative education for a child for almost a year.  Council was at fault when it failed to secure tuition for child for three months after it had received information that he was unable to attend school.	Procedures to be put in place to inform parents when it has decided a child no longer meets the criteria for alternative education  Financial remedy £800

## 5.4 Housing Ombudsman

### 5.4.1 Volumes

The complaints team formally logged 47 cases from the Housing Ombudsman that had a determination in 2019/2020. 19 of these were related to Landlord Services in Housing Management and 25 were related to Repairs and Operations in Property Management.

### 5.4.2 Housing Ombudsman cases - nature of enquiries

Property condition continues to be the biggest type of complaint for the council (26%) The next most common type of complaint is the way the council has handled the original complaint made to the council.(18%) This is where the complainant has been unhappy with the outcomes of stage 1 and stage 2 and escalates the complaint to the ombudsman.

The third highest is tenants behaviour (16%) which is when other tenants or leaseholders complain about neighbours for anti social behaviour, disputes over boundaries etc.

These three constitute 60% of the complaints handled by the Housing Ombudsman. This is common to comparable local authority landlords.

### 5.4.3 Orders & Compliance

Two thirds of orders made by the HO are for the council to make a financial remedy (compensation).

The council has complied with orders within 3 months in 93.8% of cases. Payments of some financial remedies were slightly delayed due to changes in financial systems in the period.

### 5.4.4 Housing Ombudsman cases – determinations

Service	Housing Management	Property Management	N/A	
Severe Maladministration		1		
Maladministration	1	2		
Service Failure	2	1		
No Maladministration	5	7		
Local resolution	2	4		
Premature	9	10		
Outside jurisdiction			1	
Withdrawn			2	
<b>TOTAL</b>	<b>19</b>	<b>25</b>	<b>3</b>	<b>47</b>

### 5.4.5 HO cases - Maladministration

In July 2019 the Housing Ombudsman made a decision against the Council of severe maladministration of a longstanding case that had started in 2014.

	<b>Service area</b>	<b>Nature of complaint</b>	<b>Remedies &amp; outcomes</b>
1	Property Management	the length of time taken by the landlord (2014 -2109) to rectify damp and repairs at the complainant's home and the level of compensation offered.	<p>Financial remedy for distress, inconvenience and frustration for the delays in completing the works; calculated from 2015 to 2018 at £2000 per year (total: £8,000)</p> <p>Financial remedy of £2000 financial remedy for the delays in providing its offer of redress</p> <p>Refund the tenant rent costs for the property for the period.</p> <p>Refer the claim for damaged contents to our insurers for consideration.</p>

Lessons Learnt as a result of this complaint have resulted in some organisational changes to services within Housing Management and Property Management:

The new Landlord Service now ensures that there's one point of contact for the resident. Each property is allocated to a named Neighbourhood Housing Officer (NHO) working within a specific area.

The changes to Property Management structures in Autumn 2019 will help to prevent this type of case taking so long to resolve in future. In particular the structure now includes:

- A dedicated customer services team which will co-ordinate and oversee casework
- Integration of the major repairs team into the broader repairs service
- Creation of 'complex repairs managers' to co-ordinate works within the geographical
- teams

The collaboration between these services has significantly improved as a result and this has led to a more citizen-focussed service in housing and property management reducing the risk of this type of service failure.

In the period there were three cases where the HO found maladministration

	<b>Service area</b>	<b>Nature of complaint</b>	<b>Remedies &amp; outcomes</b>
1	Property Management	The condition of the property at the start of the complainant's tenancy. The landlord's handling of tenant's reports of a number of repair issues including mould, disrepair to doors and problems with the fire alarms and communal lighting.	<p>Reimbursement for the cost of the items purchased</p> <p>Financial remedy £300 for delays to repairs and the inconvenience this caused</p> <p>The landlord should carry out the outstanding repairs at the property within 28 days.</p> <p>Inform the complainant of the location of all fire exits</p>
2	Property Management	Poor complaint handling  Inadequate redress offered to the resident in respect of repair works and missed appointments	<p>The landlord did not comply with its remedies policy</p> <p>Financial remedy increased from £875 to £1,525, for the time spent without heating and hot water; for the delays in inspecting the plaster; for the delays in handling the complaint; for the delays in carrying out repairs</p>
3	Housing Management	Neighbour dispute over installation of trellis on outside balcony which is blocking fire safety window exit for tenant.	<p>Arrange for a fire safety inspection report of the property and the terrace to the neighbouring property by qualified person to identify any hazards under the Housing Act 2004</p> <p>The report to address the complainant's concerns about both access to the window as a fire escape and use of the terrace in terms of materials stored there.</p> <p>Obtain legal advice as to whether the landlord is obligated to take any action in relation to the trellis under any responsibilities under the tenancy terms</p>

## 6. Legal Implications

### 6.1 Comments from the Borough Solicitor

The Local Government and Social Care Ombudsman (LGSCO) states that good practice on the approach to dealing with complaints are outlined in The Local Authority Social Services and National Health Service Complaints Regulations 2009. The report shows that the approach adopted in the Local Authority reflects those Regulations.

## 7. Resource Implications

7.1 Funding for the complaints service is secured through revenue budget provision within Business Support Services.

Financial remedies are paid from Directorate services' budgets.

There are no financial implications to add to this report.

### 7.2 Financial Remedies awarded

#### 7.2.1 Stages 1 & 2

Stage	Financial remedy
Stage 1 (Local Resolution)	£35,500
Stage 2 (Review/Investigation)	£14,400
<b>Total</b>	<b>£49,900</b> (£20,461)

Figures are taken from i-casework (2018/2019 figures in brackets)

This is a 59% increase compared to the previous year. This correlates with the increase in complaints in housing repairs in the period indicating that more complaints were remedied through a financial remedy. The individual amounts awarded were no greater than the previous years and levels awarded followed the guidance in the remedies policy and procedure.

#### 7.2.2 Ombudsman-awarded financial remedies 2019/20

Housing Ombudsman and LGSCO orders	£14,385
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This is the total amount ordered by the Ombudsman to be paid as redress for delays and service failures. It does not include the amounts paid as refunds for amounts complainants have paid out due to the service failure (e.g. in rents, service charges, replacement items).

## 8 Lessons Learnt and Service Improvements Highlights

Insight from complaints plays a key role in how we deliver the right outcome to our citizens and in continually improving our service delivery. To achieve this there has been much activity within the way we collate and learn from our citizen complaints. There will be improvements to the way we report on formal enquiries across the board with the implementation of the case management system. This system has now gone live for Freedom of Information requests and for Member Enquiries. The complaints module is currently under development and will go live in Spring 2021.

This will make it easier to identify themes, recurrent issues and better resolutions which will enable improved learning from complaints across the whole council. In this way, as well as putting things right for the individual citizen, the council learns from complaints in order to improve services for the future.

## **8.1 Housing Repairs**

As part of the restructure started in 2019/2020 and completed in August 2020, we established the Property Customer Services and Engagement Team. Within this team we have brought together all of our case management officers who are analysing our casework and complaints and identifying what needs to be addressed within the service.

A new priorities timeframes policy means we are open and upfront with residents about how long it would take for a job to be completed. This approach is now showing a general decrease in complaints about wait times.

Extensive work is being undertaken with our heating contractors to improve their service to residents.

The team has also implemented improved communications for lift repairs where parts need to be ordered and services are offline for a period of time.

A new approach to managing complaints with extensive focus on reducing poor service delivery and where needed improvement plans in place.

Completion of data capture sheets, following completion of every complaint that adopts a lessons learnt approach for relevant action to be taken.

Customer satisfaction engagement surveys with residents on a monthly basis. Any negative feedback is followed up directly.

The Case Management team has been restructured so that individuals are not just focussing on one area of the service. They now support other colleagues in this team and already the number of cases classed as overdue is now the lowest level to date.

## **8.2 Landlord Services - Service Improvement**

Throughout 2018/2019, Tenancy Services carried out a systems thinking review to find out what matters to residents in order to redesign the service to meet that demand. The review looked at that demand and included looking at the complaints residents made when things went wrong. As a result in Summer 2019 the new Landlord Service was introduced. The approach is based on knowing the neighbourhood and residents trying to address issues early and helping to build community resilience. Staff are receiving ongoing training and support on how to manage this complex area of work, so they can provide reassurance, involve relevant support agencies early on and take timely legal action as necessary.

## **9 Complaints handling – service improvements**

A large proportion of complaints at all stages relate to how the council services handle those complaints in a timely and satisfactory way.

Since April 2019 improvements to the way complaints are handled have been made:

- A review of the council's complaints policies and procedures resulting in a single complaints policy and procedure
- Development of a new IT case management system to log and monitor complaints due to be rolled out for complaints in Spring 2021
- Review of Stage 2 investigations processes resulting in a 50% reduction in number of complaints escalating to Stage 2.
- Starting the reporting cycle for collation of the annual complaints report 2019/2020 much earlier (from July 2020) to ensure better service involvement and contribution in the process to focus on lessons learnt (however, the coronavirus pandemic has meant services across the council have had to prioritise other work and have not been able to contribute to reports as quickly)
- To formally log and report on compliments. This is still in development.
- Rollout and training on the new case management system
- Service-specific complaints handling training

## **10 Appendices**

Appendix 1 Complaints by Service by Month 19~20

Appendix 2 Complaints~Performance Apr19~Mar20

Appendix 3 Complaints~Outcomes Apr19~Mar20

**REPORT ENDS**