

Annual Complaints Report 2018/19

Final Decision-Maker	Audit, Governance and Standards Committee
Lead Head of Service/Lead Director	Angela Woodhouse, Head of Policy, Communication and Governance
Lead Officer and Report Author	Anna Collier, Policy and Information Manager and Alex Munden, Information and Corporate Policy Officer
Classification	Public
Wards affected	All

Executive Summary

To provide the Audit, Governance and Standards Committee with an overview of how the Council has performed in responding to complaints in 2018/19 and the Local Government and Social Care Ombudsman's annual complaints review letter.

This report makes the following recommendations to this Committee:

1. That the Council's performance on complaint management in 2018/19 and the Local Government and Social Care Ombudsman's review letter be noted

Timetable

Meeting	Date
CLT	3 September 2019
Audit, Governance and Standards Committee	16 September 2019

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Good complaints management ensures that the Council learns from customer experience and develops services to deliver both priorities	Head of Policy, Communications and Governance
Risk Management	This report is presented for information only and has no risk management implications.	Head of Policy, Communications and Governance
Financial	The process of responding to and dealing with complaints as described in this report has been managed within existing budgets.	Section 151 Officer & Finance Team
Staffing	None Identified	Head of Policy, Communications and Governance
Legal	<p>This report provides a review of complaints received and an update on the Council's complaint handling. If any complaint raises issues that may have legal implications or consequences, the Head of Legal Partnership should be consulted.</p> <p>There is no statutory duty to report regularly to Committee on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. Regular reports on the Council's performance in responding to complaints assist in demonstrating best value and compliance with the statutory duty.</p>	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	The recommendations will not have an impact on the processing of personal data, and there is no need for a Data Protection Impact Assessment.	Information & Corporate Policy Officer
Equalities	The complaints process is extremely valued. It can help identify where changes to policy or improvements to service delivery may be required. When a change is proposed an Equalities Impact Assessment is undertaken to	Equalities and Corporate Governance Officer

	ensure that there is no detrimental impact on individuals with a protected characteristic. All complaints with an identified equality issue are investigated with the Policy and Information Officer to ensure that equalities concerns are investigated appropriately.	
Public Health	None Identified	Senior Public Health Officer
Crime and Disorder	None Identified	Head of Policy, Communications and Governance
Procurement	None Identified	Head of Policy, Communications and Governance & Section 151 Officer

2. INTRODUCTION AND BACKGROUND

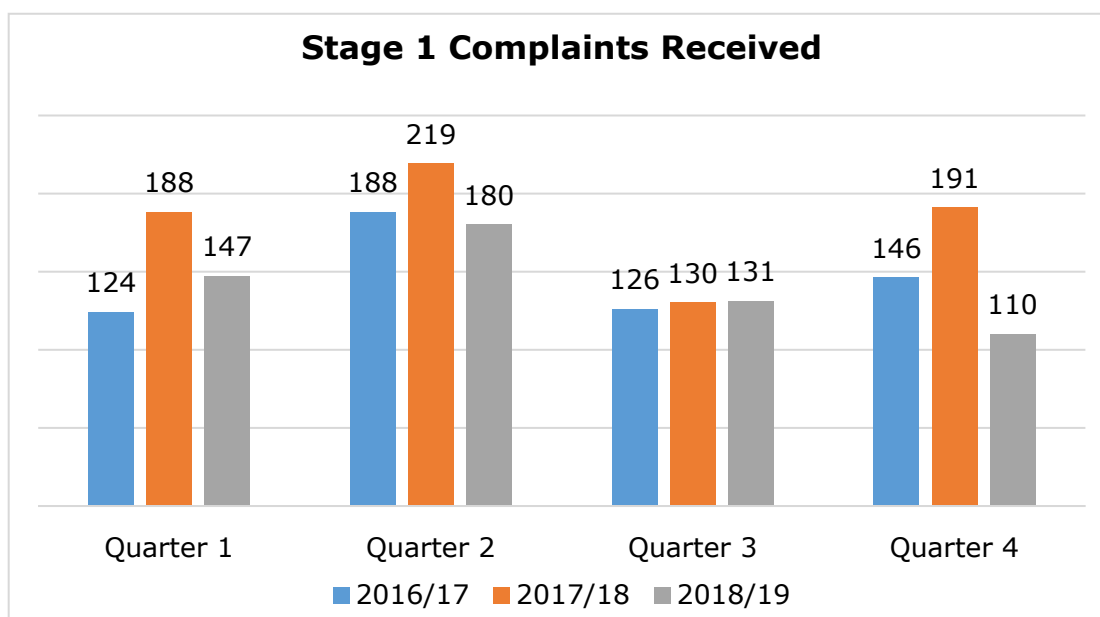
- 2.1 Complaints are managed and monitored by the Policy and Information team.
- 2.2 A complaint is a formal expression of dissatisfaction or disquiet with the quality of a service, a failure to provide a previously agreed service, a policy or a decision made, a technical issue, a lack of communication or customer service, or the attitude or behaviour of a member of staff.
- 2.3 Complaints recorded under the formal procedure do not include those first time representations that were requests for a service and were treated as such. In the event the service request was not handled correctly and created a form of dissatisfaction, as outlined in paragraph 2.2, a complaint would then be raised.
- 2.4 The Council's formal complaints procedure has two stages with the following response timescales:
- Stage 1 within 10 working days; and
 - Stage 2 within 20 working days.
- 2.5 Stage one complaints are dealt with by the manager of the service or their line manager if the complaint is about them. Stage two complaints are investigated by the Head of Policy, Communications and Governance.
- 2.6 Following the completion of stage two, unsatisfied complainants then have the opportunity to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).
- 2.7 The Council's complaints policy can be found at <https://www.maidstone.gov.uk/home/other-services/find-and-contact-us/additional-areas/our-complaints-policy>
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2018/19 Performance Summary

3 Stage 1 and 2 Complaints

Stage 1 Complaints

3.1 The Council received 568 stage 1 complaints in 2018/19 compared to 728 in the previous year, a decrease of 22%. Complaints were higher than usual during 2017/18 partially due to the impact of severe weather. The number of complaints is now comparable to 2016/17.



3.2 The number of complaints by service can be found at appendix 1.

3.3 The number of stage 1 complaints received by the Council accounts for 0.18% of the total volume of calls and online forms received in 2018/19 (317,684).

3.4 Stage 1 complaints for 2018/19 have been analysed in two ways: categorisation of complaints received, and the number of upheld complaints.

The categorisation of complaints received

3.5 Complaints are categorised for one or more of the following reasons. This is the first year we have categorised stage 1 complaints in this way, so we cannot draw comparisons to previous years:

- **Policy & Decision:** usually relates to an outcome of an assessment or a service request that has not been agreed (e.g. our decision to change the bin collection schedule).
- **Failure:** we have a responsibility for delivering a service. What started as a service request and was not completed properly may turn into a failure.

- **Quality:** Data breach, wrong information provided, quality of letters/responses, poor handling i.e. broken bins due to our poor handling.
- **Technical:** Complaints about the website, cyber incidents, the telephone system, or other automated systems we use such as apps/parking machines.
- **Staff Conduct:** complaints about the conduct of members of staff.
- **Customer Service:** not about customer services, but rather the level of service the customer has received when they were dealing with a member of staff that ultimately resulting in them complaining.
- **Communication:** usually about calls, messages, emails etc. not being responded to, or just a general lack of communication.

3.6 The following table displays the number received in each category for the year. It is important to note that the overall number of stage 1 complaints received (568), will not match the reason for each complaint as there may be multiple reasons for dissatisfaction.

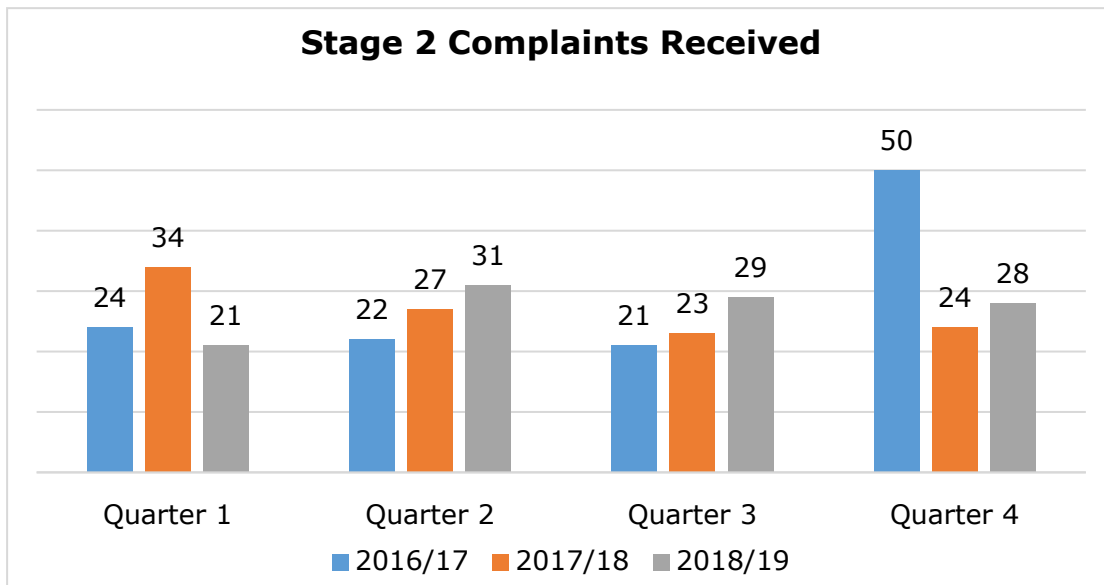
Reason for Complaint	Total Number	Percentage of Complaints Received
Policy & Decision	228	40.14%
Failure	119	20.95%
Communication	84	14.79%
Customer Service	81	14.26%
Staff Conduct	57	10.04%
Quality	54	9.51%
Technical	21	3.70%

The number of upheld complaints

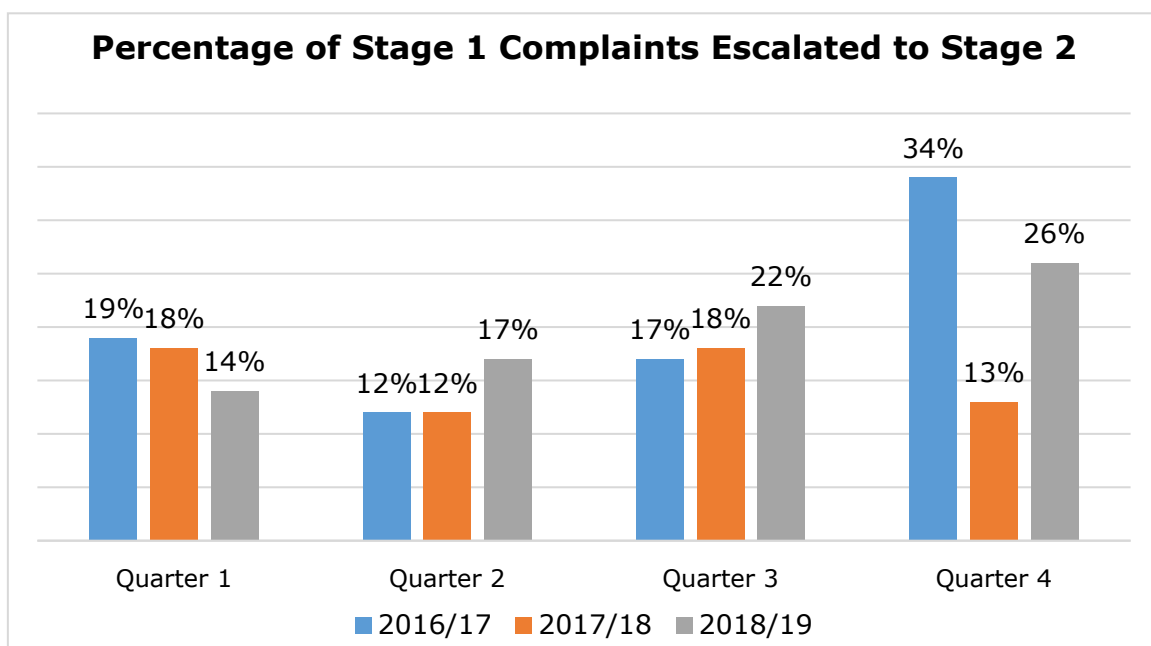
- 3.7 An upheld complaint is one that is considered confirmed or supported, by the Council.
- 3.8 Of the 568 stage 1 complaints, 31.9% (181) were upheld. Uphold rates were not recorded for stage 1 complaints in 2017/18.

Stage 2 Complaints

- 3.9 Of the 568 stage 1 complaints received in 2018/19, 109 were escalated to the second stage of the Council's complaints process.



3.10 This is an escalation rate of 19.2%, compared to 14.8% in 2017/18 and is higher than our target of 15% of complaints being escalated. A full comparison by quarter to previous years can be seen in the graph below. The Policy and Information team have started to look at ways of better managing the complaints process reduce the escalation of complaints, these next steps are outlined in paragraph 6.2 of this report.



3.11 A full list of complaints by service can be found at appendix 2.

3.12 Stage 2 complaints for 2018/19 were analysed in three ways: categorisation of complaints received, the number of upheld complaints, and the number of justified complaints.

3.13 The following table displays the number received in each category for the year. It is important to note that the overall number of stage 2 complaints

received (109) will not match the reason for each complaint as there may be multiple reasons for dissatisfaction.

Reason for Complaint	Total Number	Percentage
Policy & Decision	77	70.64%
Failure	15	13.76%
Customer Service	14	12.84%
Staff Conduct	10	9.17%
Quality	9	8.26%
Technical	2	1.83%
Communication	1	0.92%

The number of upheld complaints

3.14 An upheld complaint is one that is considered confirmed or supported, by the Council.

3.15 Of the 109 stage 2 complaints, 16.5% (18) were upheld. This represents a small number of wrongly determined stage 1 decisions.

The number of justified complaints

3.16 A justified complaint occurs when a customer has a valid concern regarding how their stage 1 complaint was handled and/or the decision that was made.

3.17 Stage 2 complaints can have a few combinations in terms of whether it was upheld/not upheld or justified/unjustified. For example, a complaint could be justified in the reason for escalation because the response may not have been sufficiently detailed; but still not upheld as the stage 1 decision was correct.

3.18 31.2% (34) of stage 2 complaints were justified in their reason for complaining. This is an increase from 25% in 2017/18. A complaint can be justified but not upheld as the stage 1 response may not address all the points raised or create further concerns for the customer. The stage 2 investigation may not uphold these points, even though the escalation was justified.

4 Time taken to respond

4.1 The Council's policy on responding to a stage 1 complaint is within 10 working days of receipt. Against that target, 95.2% (541) stage 1 complaints were responded to in time. This is a slight improvement on last year, where 92.6% of complaints were responded to in time.

4.2 The average length of time taken to provide a formal response to all complaints received in 2018/19 was 4.5 days, this has reduced compared to 6.8 days for 2017/18, and the percentage responded to in time has increased. If a complaint is going to be late, the complaints team will contact the customer to advise them and provide a reason for the delay and a confirmed timescale.

- 4.3 When a complaint is escalated to stage 2, an investigation is conducted by the Head of Policy, Communications and Governance and a response is provided within 20 working days. Against that target, 90.8% (99) stage 2 complaints were responded to in time.
- 4.4 The average length of time taken to provide a formal response to the 108 stage 2 complaints received was 19.3 days, this is a slight increase compared to average of 18.6 days for 2017/18, and the percentage responded to in time has also reduced by 2.8%. As with a stage 1, if a complaint is going to be late, the complaints team will contact the customer to advise them and provide a reason for the delay and a confirmed time scale.

5 Summary of Overall Performance

- 5.1 The services with the highest volume of stage 1 complaints (>9%) were Waste (19.37%), Parking (13.56%), Council Tax (11.8%) and Development Management (9.15%). However, as a percentage of overall contact, this is still very low (see 3.3).
- 5.2 Despite the high volume, Parking Services responded to all 77 complaints received in 2018/19 within 10 working days and Waste Services responded to all 110 complaints within 10 working days.
- 5.3 Development Management also had high volumes of complaints (52) but only 2 (3.8%) complaints were not responded to within 10 working days; this is an improvement on 2017/18, when 25% of Development Management's complaints were not responded to within 10 working days.
- 5.4 The services with the highest stage 2 escalation rates were Development Management, Parking, Waste and Planning Enforcement. For all except Planning Enforcement, this isn't surprising given the number of stage 1 complaints received. Planning enforcement complaints tend to arise when we are not taking action against a particular development, or not taking the action that the complainant wants. As this is unlikely to be resolved in the Stage 1 response, we tend to see these issues escalated. As discussed in 3.15, only 16.5% (18) of stage 1 complaints were upheld when escalated to stage 2.

6 Next Steps

- 6.1 It is important that lessons are learned from each complaint to improve the Council's overall service. In the stage 2 complaints investigated in 2018/19, we identified the following themes. Some of these are recurring from the previous year, however it is important to note we have seen improvements and we are seeing positive trends in comparison to last year. We will however continue to improve these areas of responses.
1. Make certain to answer every point contained within the complaint.
 2. Acknowledge the perceived failure or the way a resident felt about the service. This does not admit fault and can go a significant way to

ameliorate the resident's concerns in an effort to reduce the likelihood of stage 2 complaints.

3. The tone adopted in the response can be as important as the information contained, especially as quoting legislation and technical matters can seem defensive even if that is not the intention.
4. Keep in contact with the resident while their complaint is being investigated, if possible. Especially if more time will be required to fully investigate, or if more information is required.
5. Empower managers to offer a resolution or remedy if appropriate
6. Provide clear timescales to manage expectations following a complaint to stop the complaint being raised again

6.2 The Policy and Information Team will be reviewing the complaints process so that we can assess whether a stage 2 escalation will add value to a complaint. This will ensure our time is spent investigating complaints in more detail where we can add to the original stage 1 investigation. This will also stop complaints being investigated where we cannot remedy the complaint, for example cancelling a parking ticket.

6.3 We will also be looking at what further training and guidance can be provided to service managers dealing with complaints so we can reduce the escalation rate. This will also focus on more general areas where refreshing knowledge will be useful, such as identifying unreasonably persistent behaviours.

7 Local Government and Social Care Ombudsman Annual Review Letter (Maidstone Borough Council) 2018/19 and Local Government and Social Care Ombudsman Review of Local Government Complaint 2018/19

7.1 Each year, this report and review letter is released to local authorities countrywide, to feedback statistics from the complaints made to the LGSCO and comment on their performance in responding to investigations. The LGSCO's Annual Review Letter can be seen at Appendix 4 and the report can be viewed here: <https://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

7.2 The LGSCO Annual Review Letter criticises the Council for a housing complaint the LGSCO received and upheld, which resulted in the issuing of a public report in 2019/20. This was presented to Full Council on Wednesday 17 July 2019.

7.3 The public report was about the way we dealt with an application to join our housing register. We did not take account of failings in the independent medical advisor's assessment or weigh the applicant's evidence against that of the medical assessment. The LGSCO also considered that there were failings with our decision letter. The LGSCO also investigated charging for further medical assessments. They recommended an apology, and a review of the application at no cost, and that we check for any housing bids that would have been successful. They also recommended a distress payment, and that we review our allocation policy and medical assessment process.

We agreed to all LGSCO recommendations, providing training to officers and accepted the customers application.

7.4 The LGO reviewed 38 complaints and made decisions on 37 complaints in 2018/19. This represents a decrease of 5 decisions made from 2017/18. Compared to 2017/18, the upheld rate has decreased by 9%. The table below shows the LGO decision on each of these:

Decision Category	2017/18 Number	2018/19 Number	Explanation
Closed After Initial Enquiries	14	19	On the basis of the complainants referral the LGO have decided not to investigate
Referred back to Council	13	9	The complaint hasn't gone through the Council's official complaint process and it is referred back to the Council
Invalid/not enough information	3	0	The LGO was unable to progress the complaint
Not Upheld	7	6	Following explanation the LGO agrees with the Council's decision
Upheld	5	3	The LGO doesn't agree with the Council's decision and finds in favour or partial favour with the complainant
Upheld Rate	42%	33%	

7.5 The number of complaints referred to the LGO (38) accounts for 5.6% of the total number of stage 1 and 2 complaints received in 2018/19 (677).

7.6 While the Council would strive to have no complaints upheld by the LGO, the performance overall has been good both in relation to the number of complaints escalated to the LGO, the number investigated and the number upheld. For the three complaints upheld, the table below shows the LGO recommendations. In each case, the recommendation was implemented.

Complaint	Service	Redress
1	Development Management	Null
2	Parking	Apology, Training and guidance
3	Housing Register	Apology, Procedure or policy change/review, Reassessment

7.7 A full list of LGO complaints by service can be found at appendix 3.

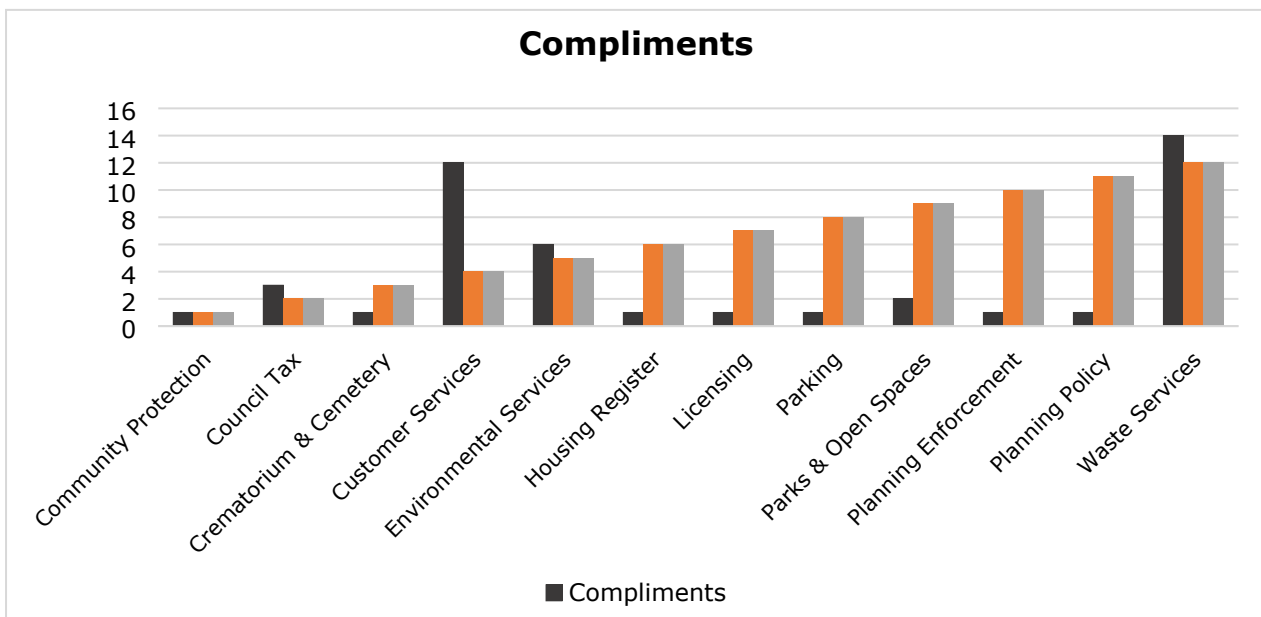
7.8 Maidstone Borough Council was not listed in the Public Interest section of the LGSCO's annual report.

8 Compliments

8.1 A compliment is an expression of praise for an interaction, a service or a product. We log compliments from members of the public as they help us identify good practice, recognise those members of staff who provide a high quality of service, and learn from our customers' feedback.

8.2 The Council received 38 written compliments in 2018/19. Of these, the services with noticeable volumes of compliments were:

- Waste Services
- Customer Services
- Environmental Services (Depot)



9 RISK

9.1 This report is presented for information only and has no risk management implications.

10 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: 2018/19 Stage 1 Complaint Volume Summary
- Appendix 2: 2018/19 Stage 2 Complaint Volume Summary
- Appendix 3: 2018/19 LGO Complaints by Service
- Appendix 4: Local Government Ombudsman Annual Review Letter 2019

11 BACKGROUND PAPERS - None