

MAIDSTONE BOROUGH COUNCIL

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

6th MARCH 2012

REPORT OF THE POLICY AND PERFORMANCE MANAGER

Report prepared by Catherine Negus

1. REVIEW OF COMPLAINTS OCTOBER-DECEMBER 2011

1.1 Issue for Decision

1.1.1 To consider the Council's performance in dealing with complaints during October-December 2011 and to note the areas identified for improvement.

1.2 Recommendation of the Policy and Performance Manager

1.2.1 That the Committee notes the performance in relation to complaints and agrees action as appropriate.

1.3 Reasons for Recommendation

1.3.1 In order to ensure that complaints are being dealt with effectively and within corporate timescales it is important that a monitoring mechanism is in place.

1.3.2 Details of the complaints received broken down by service area, category and performance can be found at Appendix A.

1.3.3 During the period October – December 2011, 102 complaints were closed, of which 88 (86%) were responded to in time. This is a deterioration from 96% (108 out of 112) in the previous quarter. Of the complaints responded to outside the target time seven related to Housing, two to Customer Services, and one each to Vehicle Licensing, Parks and Leisure, Hazlitt Theatre, Development Management and Council Tax/Business Rates. The Head of Housing has commented that the deterioration in responding to complaints on time is due to the dedicated officer having been on long-term sick leave since October, and is being addressed. Help will therefore be provided by Executive Support to cover the staff shortage. There are also unresolved problems with the complaints software not sending reminders to officers when a complaint is nearing its deadline.

1.3.4 The services with the highest number of complaints were:

- Development Control – 25
- Waste Collection – 19

1.3.5 The Head of Planning has commented that the number of complaints about Development Control reflects the high profile of the service, including the high volume of planning applications. Furthermore, a more disciplined, efficient stance has been taken recently whereby 'dialogue' letters are re-categorised as complaints. Eight complaints concerned the time taken by Development Control to deal with issues - this was often combined with a complaint about lack of contact from officers during this time. Six were related to the quality of service provided by the department, but these were nearly all unrelated. Seven complaints concerned Development Control policy which is unsurprising as these were mainly people unhappy with planning decisions.

1.3.6 Waste Collection is another service with an understandably high number of complaints given the number of residents served by the department. The number of complaints about Waste Collection has fallen from 27 last quarter to 19 this quarter. 12 complaints concerned the quality of service. Of these, six were about failures in collection, and three were about bins being returned to the wrong point. The Waste Manager has noted that some of these complaints were unsubstantiated as often there is a valid reason for non-collection. This was probably the case in four incidents - two where the driver reported the bin as not out, one where food waste may not have been wrapped, and one access problem. Details have been sought from the Waste Manager as to how Waste Collection's consistently good complaints management performance is achieved, so that lessons may be learnt by other service areas.

1.3.7 Six complaints concerned Pollution staff, all of which were about the behaviour of litter enforcement officers. For five of these, the CCTV footage was examined by managers and the behaviour of the officers deemed professional. The sixth complaint is being dealt with by the contractors. It should be noted that a system has recently been introduced to deal with the cases of people who contest fines issued for littering as 'representations' rather than complaints. However, complaints that concern the behaviour of officers must still be counted as such.

1.3.8 The possibility that some Housing complaints are actually 'appeals' was raised (though in this quarter only one complaint was about not having been provided with a house). However, the Housing Services Manager notes that if a complaint was being investigated through the appeals process this would be noted in the response to the complainant. We should not limit the logging of such complaints due to the potential for

claims to the local government ombudsman and the potential for criticism for failing to respond to a complaint.

1.3.9 Ten Stage 2 complaints were processed in this quarter of which nine (90%) were answered on time. This is up from 86% in the previous quarter.

1.3.10 Five of the Stage 2 complaints related to Development Management, two to Council Tax or Business Rates, and one each to Vehicle Licensing, Parks and Leisure, and Waste Collection. Of the five Stage 2 complaints related to Development Management, two were from people unhappy with planning decisions.

1.3.11 A breakdown of complaints satisfaction surveys can be found at Appendix B. 91 surveys were sent out of which 28 (31%) have been returned. Another two, both from the same address, came back as 'address incomplete'. Eight (29%) of the 28 respondents were very satisfied or satisfied, which is a drop from 40% last quarter. Five were neither satisfied nor dissatisfied. A further respondent ticked both 'satisfied' and 'very dissatisfied', commenting that while everyone was helpful the problem (of litter by a path) had not been addressed. Grounds Maintenance have since been in touch with the complainant, and the problem is being dealt with by Tesco and monitored through the year. Other survey responses also included actionable comments (rather than simply dissatisfaction with our decision):

- One complaint has been escalated to Stage 2.
- One customer wrote that after three months the problem had not been solved. However, there has since been correspondence with the customer and it appears that this has been resolved under Stage 2.
- One customer was satisfied on the grounds that she was waiting to hear back from Grounds Maintenance about a pigeon/path sweeping issue. The team have confirmed they have been in touch with the complainant, the path is now being cleaned regularly, and the issue is now in the hands of Network Rail.
- One customer wrote that the problem of his food waste not being fully emptied improved for a few weeks then recurred. He also added a new issue – he has to walk down the public footpath to retrieve his bins. This has been noted by Waste Collection, who will be monitoring the issue over the next few collections, and will remind crews again to ensure that food bins are fully emptied.

Three other respondents said that they would be taking their issue further or going to Stage 2 of their own accord.

1.3.12 Of the 14 dissatisfied or very dissatisfied people, six said their complaint was not responded to within ten days (though one said it had been acknowledged). In one of these cases our records show that

a reply was sent on the third day; in another case the response was posted on the tenth day itself. Eight people said they were not informed of the progress of their complaint – these comments were spread across several services. Eight people said we had not understood their complaint, and two were unsure whether we had understood:

- Three of these have since gone to Stage 2 so any issues are being addressed.
- Four of the responses appear satisfactory and complainants may simply be unhappy with the decision taken.
- Two of the responses appear satisfactory but as the original complaint was made by telephone it is possible that some details were missed.
- In the final case there had been a dispute about what was promised by council officers. However, a compromise has since been reached which should satisfy the complainant.

1.3.13 Equality implications: One complainant stated that in his personal relationship with a staff member, he had heard her make racist comments about customers (logged as a problem with specific 'staff' rather than an identified incident of 'discrimination'). However, upon investigation no evidence was found for this. In another case (the only one logged as being specifically about 'discrimination') a customer complained that changes in council tax payment methods discriminated against elderly residents without internet access. However, it was determined that the automated payments line was more efficient than the discontinued service and was accessible to all age groups. No other complaints were directly about discrimination, but some involved protected characteristics. In one case a complainant stated that a parking officer had asked a disabled person to get out of a vehicle. They were satisfied with the complaint handler's assurance that procedures would be clarified with APCOA, though as she has since left it is not possible to confirm that this was done. All other cases involving protected characteristics were found to be issues where MBC could not take action (eg the complaint was vexatious).

1.3.14 In none of the cases involving protected characteristics had the relevant 'Discrimination' box been ticked on the complaint form - perhaps the term 'discrimination' needs to be interpreted more broadly. Officers should ensure this box is ticked if there is potentially any Equalities aspect to the complaint, to ensure this is not missed in analysis.

1.3.15 Community safety implications: Action has been taken to prevent a repetition of two cases where letters were sent erroneously to the ex-partners of customers.

- Corporate Support have been told to index documents to existing references only if the address is the same on Anite as

on the proofs being provided. If this is different then a new reference will be created.

- The Revenues team has been instructed to put any letters in separate envelopes personally as soon as they are written, rather than sending them to the post team for enveloping.

1.3.16 As was the case last quarter, many complaints records (at least a dozen) are incomplete, with the original complaint or the response being recorded but not both. This is inefficient and ineffective, making analysis of complaints limited or difficult, and could lead to problems if complainants return - indeed, it made dealing with comments on the satisfaction surveys more difficult. A reminder will be put into the core brief, and in future quarters a list of complaints which were not recorded properly will be provided to CLT. There was no particular service which stood out for having incomplete records.

1.3.17 Two complainants were deemed 'vexatious' in this period, ie. had been 'unreasonable and unreasonably persistent'. The Local Government Ombudsman defines vexatious complainants as 'those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints' - MBC's guidance interprets this as meaning their aim is not genuinely the resolution of the situation. The Council's policy on such complaints is that:

'we will request that the complainant follow the steps in the complaints procedure. Once they have been through the complaints procedure unless they raise new information, correspondence will be put on file but no longer be responded to.' It must however be read to ascertain that no new information is being presented. Very trivial persistent complaints do not have to be escalated to Stage 2. If a complainant persistently telephones, officers may choose to close the call and insist on corresponding only by letter for a period. It is best if a vexatious complainant has a single named contact at the Council to avoid mixed messaging.

1.4 Alternative Action and why not Recommended

1.4.1 The Council could choose not to monitor complaints handling but this would impact severely on the Council's ability to use complaints as a business improvement tool.

1.5 Impact on Corporate Objectives

1.5.1 Customer service is a core value and one of the Council's priorities is Corporate and Customer Excellence. Management of complaints is critical to the success of this objective.

1.6 Risk Management

1.6.1 Failure to manage complaints in a robust fashion represents both a financial and reputational risk to the Council. Regular reports are produced for CLT and also presented to the Corporate Services Overview and Scrutiny Committee and the Standards Committee. Monitoring is carried out by the Policy and Performance Manager.

1.7 Other Implications

1.7.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

1.8 Relevant Documents

1.8.1 Appendices

- Appendix A – Stage 1 complaints breakdown
- Appendix B – Satisfaction surveys breakdown

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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