

## Annual Complaints Report 2017/18

<b>Final Decision-Maker</b>	Audit, Governance and Standards Committee
<b>Lead Head of Service/Lead Director</b>	Angela Woodhouse, Head of Policy, Communication and Governance and Patricia Narebor, Head of Legal Partnership
<b>Lead Officer and Report Author</b>	Anna Collier, Policy and Information Manager and Ashley Sabo, Performance and Business Information Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

### Executive Summary

To provide the Audit, Governance and Standards Committee and Council with an overview of how the Council has performed in responding to complaints in 2017/18 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 2017/18 and the Local Government and Social Care Ombudsman's review letter be noted and that this report be commended to Council for consideration.

### Timetable

<b>Meeting</b>	<b>Date</b>
CLT	7 August 2018
Audit, Governance and Standards Committee	17 September 2018
Council	26 September 2018

## Annual Complaints Report 2017/18

### 1. INTRODUCTION AND BACKGROUND

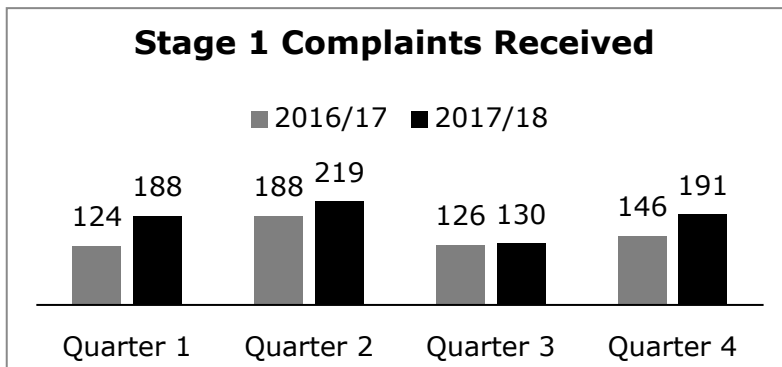
- 1.1 Complaints are managed and monitored by the Policy and Information team.
  - 1.2 A complaint is a formal expression of dissatisfaction or disquiet with the quality of a service, a failure to provide a previously agreed service, a policy or a decision made, a technical issue, a lack of communication or customer service, or, with the attitude or behaviour of a member of staff.
  - 1.3 Complaints recorded under the formal procedure do not include those first time representations which 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 1.2, a complaint would then be raised.
  - 1.4 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.
  - 1.5 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.
  - 1.6 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).
  - 1.7 The Council's complaints policy can be found at <https://beta.maidstone.gov.uk/home/other-services/find-and-contact-us/additional-areas/our-complaints-policy>
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### 2017/18 Performance Summary

#### 2. Stage 1 and 2 Complaints

##### Stage 1 Complaints

- 2.1 The Council received 728 stage 1 complaints in 2017/18 compared to 584 in the previous year. This represents an increase of 25%. Some of this increase has been due to the severe weather – which resulted in additional complaints regarding to the disruption in service provision.

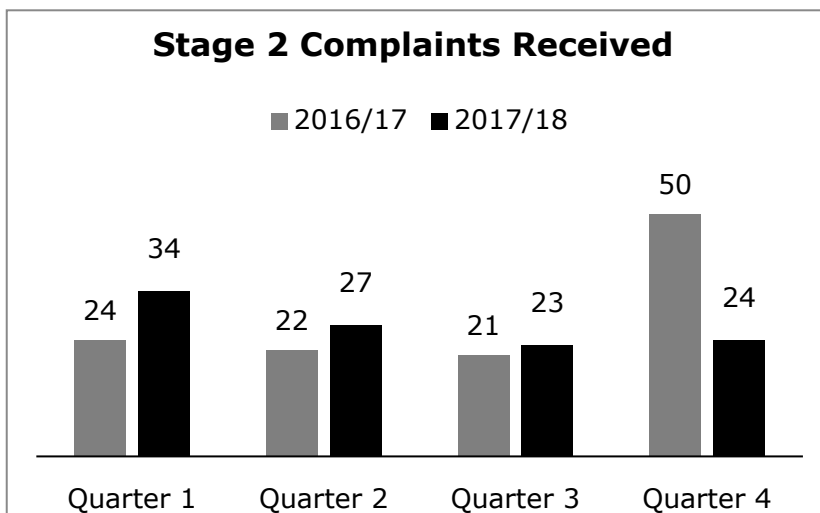


2.2 A full list of complaints by service can be found at appendix 1.

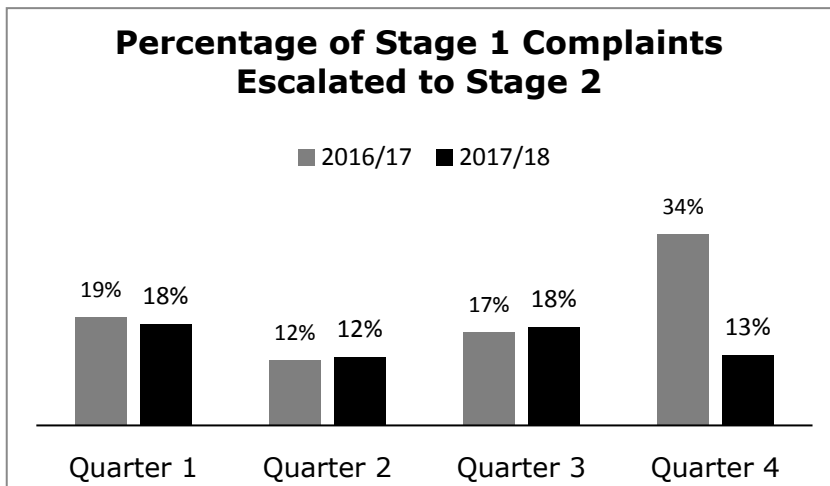
2.3 The number of stage 1 complaints received by the Council accounts for 0.2% of the total volume of calls and online forms received in 2017/18 (329,062).

Stage 2 Complaints

2.4 Of the 728 stage 1 complaints received in 2017/18, 108 were escalated to the second stage of the Council’s complaints process.



2.5 This is an escalation rate of 14.8%, and is a decrease of 5.2% compared to 2016/17. This low percentage indicates the quality of investigation, resolution and response at first stage, ensuring that complainants do not need to seek further resolution.



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

2.7 Stage 2 complaints for 2017/18 were analysed in three ways: categorisation of complaints received, the number of upheld complaints, and the number of justified complaints. Unfortunately, stage 1 complaints for this same year were not monitored, however 2018/19 data is currently being recorded and will be available for reporting in the 2019 annual complaint report.

#### The categorisation of complaints received

2.8 The complaints received for one or more of the following reasons:

- **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 for the holiday period).
- **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.

2.9 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 (108), will not match the reason for each complaint as there may be multiple reasons for dissatisfaction.

<b>Reason for Complaint</b>	<b>Total Number</b>	<b>Percentage</b>
Policy & Decision	69	63.90%
Communication	34	31.50%
Failure	32	29.60%
Staff Conduct	14	12.96%
Customer Service	12	11.10%
Quality	5	4.60%
Technical	4	3.70%

The number of upheld complaints

2.10 An upheld complaint is one that is considered confirmed or supported.

2.11 Of the 108 stage 2 complaints, only 9.3% (10) were deemed upheld. This represents a small number of wrongly determined stage 1 decisions.

The number of justified complaints

2.12 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.

2.13 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.

2.14 25% (27) stage 2 complaints were justified in their reason for complaining. This number is higher than anticipated and represents a failure in the stage 1 response. We endeavour to reduce the number of justified complaints and continue to work with services to provide support in order to reduce these numbers.

**3. Time taken to respond**

3.1 The Council policy on responding to a stage 1 complaint is within 10 working days of receipt. Against that target, 92.6% (674) stage 1 complaints were responded to in time.

3.2 The average length of time taken to provide a formal response to all complaints received in 2017/18 was 6.8 days. 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.

3.3 When a complaint is escalated to stage 2, an investigation is conducted by the Head of Policy, Communications and Governance and a response is

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provided within 20 working days. Against that target, 93.5% (101) stage 2 complaints were responded to in time.

- 3.4 The average length of time taken to provide a formal response to the 108 stage 2 complaints received was 18.6 days. 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.

### 4. How we compare to neighbouring Councils (CIPFA)

- 4.1 The table below represents our performance compared to some of our CIPFA neighbouring Councils. Previously when we have reviewed other council's approaches to complaints handling, we have found our numbers are higher as we have a stricter approach on the difference between a complaint and a service request as well as the complaints being managed by a single team.

Council	Population	No. St 1 2017 /18	St 1 response time (working days)	% responded in time	No. St 2 2017 /18	St 2 response time (working days)	% responded in time
Colchester	173,100 (Census 2011)	1343	28	90%	22	28	91%
Basingstoke & Deane	167,800 (Census 2011)	391	10	99.5%	35	10	94.3%
Cherwell	141,868 (Census 2011)	266	10	n/a	43	10	n/a
Ashford	117,956 (Census 2011)	147	15	96.1%	26	20	86.7%
Taunton Deane	110,389 (Census 2011)	202	20	74.25%	18	n/a	No internal stage 2 direct to LGO
Warwick	137,648 (Census 2011)	123	20	66%	14	20	21%
Maidstone	167,700	728	10	92.6%	108	20	93.5%

### 5. Summary of Overall Performance

- 5.1 The services with the highest volume of stage 1 complaints (>8%) were Council Tax, Development Management, Parking and Waste. However, as a percentage of overall contact, this is actually very low (see 2.3).
- 5.2 Despite the high volume, Waste Services responded to all 150 complaints received in 2017/18 within 10 working days and Parking Services responded to all but one complaint within 10 working days (1 day late).

- 5.3 Development Management also had high volumes of complaints (64); however 25% were not responded to within 10 working days.
- 5.4 The services with the highest stage 2 escalation rates were Council Tax, Development Management, Parking and Waste. This isn't surprising given the large number of stage 1 complaints received. As discussed in 2.11, only 9.3% (10) 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 in an effort to improve the Council's overall service. In the stage 2 complaints investigated in 2017/18, four common themes emerged for the reason of escalation:
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.
- 6.2 The Policy and Information Team will be implementing complaint training and are currently preparing training material for this purpose.

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## **7. Local Government and Social Care Ombudsman Annual Review Letter (Maidstone Borough Council) 2017/18 and Local Government and Social Care Ombudsman Review of Local Government Complaint 2017/18**

- 7.1 Each year this report and review letter is released to local authorities countrywide to feedback statistics from the complaints made to the LGO 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 reached 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 last year which resulted in the issuing of a public report. In December, Council did not agree to implement all recommendations made by the LGSCO regarding the complaint.
- 7.3 The complainant's representatives dealing with the housing complaint (noted at 7.2 above) issued a pre-action protocol judicial review letter dated 21 December 2018, regarding the discharge of the Council's housing obligations. The complaint was reviewed by the monitoring officer when the decision was made in February 2018 to settle the judicial review claim and to conclude the complaint.

7.4 In June 2018, following further contact from the complainant and further correspondence with the LGSCO on the case, Mid Kent Legal Service recommended adhering to the LGSCOs recommendation in full to avoid further resources being spent on the matter. The sum of £4,170 was paid to the complainants as recommended by the LGSCO.

7.5 The LGSCO also recommended that the Council review and formalise its working relationship with the housing service provider in writing to avoid further recurrence of the fault identified. The Council reported back to the LGSCO as required with an action plan to demonstrate that the Council has reviewed the working arrangements with the service provider and appropriate adjustments had been implemented which have been confirmed in writing. The adjustments with the service provider include:

- Where warning notices are issued they will also gather evidence e.g. photographs.
- That no eviction will take place without first notifying the Council.
- The Council’s officers will meet with the parties before an eviction takes place.
- No eviction will happen outside of office hours, unless there is a genuine risk of harm to themselves or other residents.
- The Council will ensure that where the main housing duty is owed, alternative temporary accommodation will be provided before the eviction takes place (except in cases when the Council is ending its duty to provide temporary accommodation).

7.5 The LGO reviewed 39 complaints and made decisions on 42 complaints in 2017/18. This represents an increase of 7 decisions made from 2016/17 but the overall upheld rate has stayed the same. The table below shows the LGO decision on each of these:

<b>Decision Category</b>	<b>2016/17 Number</b>	<b>2017/18 Number</b>	<b>Explanation</b>
Closed After Initial Enquiries	13	14	On the basis of the complainants referral the LGO have decided not to investigate
Referred back to Council	10	13	The complaint hasn’t gone through the Council’s official complaint process and it is referred back to the Council
Invalid/not enough information	1	3	The LGO was unable to progress the complaint
Not Upheld	6	7	Following explanation the LGO agrees with the Council’s decision
Upheld	5	5	The LGO doesn’t agree with the Council’s decision and finds in favour or partial favour with the complainant
Upheld Rate	45%	42%	

7.6 The number of complaints referred to the LGO (39) accounts for 4.7% of the total number of stage 1 and 2 complaints received in 2017/18 (836).



7.7 Whilst 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 five complaints upheld, the table below shows the LGO recommendations. In each case the recommendation was implemented.

<b>Complaint</b>	<b>Service</b>	<b>Redress</b>
1	Planning and Development	Apology, Financial Redress
2	Environment Services	Null
3	Environment Services	Null
4	Benefits & Tax	Null
5	Housing	Apology, Financial Redress, Procedure Improvement

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

7.9 Maidstone Borough Council was listed once in the Public Interest section of the report for a housing related complaint upheld by the LGO in 2017/18 and for which the Council was issued a report. There are a total of seven Council's represented under this category.

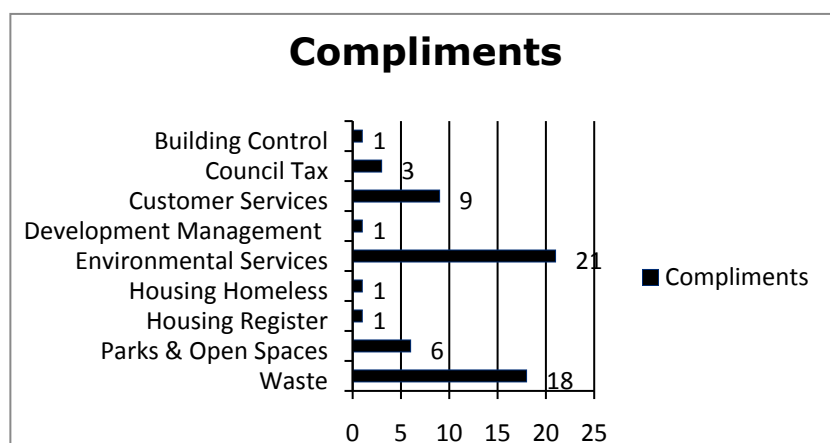
7.10 Despite being listed in the section mentioned in 7.9, Maidstone Borough Council was not considered in the list of landmark cases, or criticised for not complying with recommendations.

## **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 customer's feedback.

8.2 The Council received 61 written compliments in 2017/18. Of these, the services with noticeable volumes of compliments were:

- Environmental Services (fly tip clearance & street cleansing)
- Waste
- Customer Services



**9. RISK**

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

**10. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Good complaints management ensures that the Council learns from customer experience and develops services to deliver both priorities	Head of Policy, Communications and Governance
<b>Risk Management</b>	This report is presented for information only and has no risk management implications.	Head of Policy, Communications and Governance
<b>Financial</b>	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
<b>Staffing</b>	None Identified	Head of Policy, Communications and Governance
<b>Legal</b>	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. 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.	Team Leader (Corporate Governance), MKLS
<b>Privacy and Data Protection</b>	The data will be held and processed in accordance with the data protection principles contained in Schedule 1 to the Data Protection Act 1998 and in line with the Data Quality Policy, which sets	Team Leader (Corporate Governance), MKLS

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	out the requirement for ensuring data quality.	
<b>Equalities</b>	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 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.	Policy & Information Officer
<b>Crime and Disorder</b>	None Identified	Head of Policy, Communications and Governance
<b>Procurement</b>	None Identified	Head of Policy, Communications and Governance & Section 151 Officer

### 11. REPORT APPENDICES

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

- Appendix 1: 2017/18 Stage 1 Complaint Volume Summary
- Appendix 2: 2017/18 Stage 2 Complaint Volume Summary
- Appendix 3: 2017/18 LGO Complaints by Service
- Appendix 4: Local Government Annual Review Letter 2018

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### 12. BACKGROUND PAPERS

None