

**Annual Complaints Report 2019/20**

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|---|---|
| <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, Orla Sweeney, Equalities and Corporate Policy Officer, and Lauren Connett, Policy Support Officer |
| <b>Classification</b>                     | Public  |
| <b>Wards affected</b>                     | All   |

**Executive Summary**

To provide Audit, Governance and Standards Committee with an overview of how the Council has performed in responding to complaints in 2019/20 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 2019/20 and the Local Government and Social Care Ombudsman’s review letter be noted.

**Timetable**

| <b>Meeting</b>                            | <b>Date</b>     |
|---|-----------------|
| CLT                                       | 5 January 2021  |
| Audit, Governance and Standards Committee | 18 January 2021 |

### 1. INTRODUCTION AND BACKGROUND

- 1.1 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.
- 1.2 Complaints are managed and monitored by the Policy and Information team. Complaints recorded under the formal procedure do not include first-time representations that were requests for service. In the event a service request was not handled correctly and created a form of dissatisfaction, a complaint would then be raised.
- 1.3 The Council's formal complaints procedure has three stages with the following response timescales:
- Stage 1 within 10 working days;
  - Assessment within 5 working days; and
  - Stage 2 within 20 working days.
- 1.4 Stage one complaints are dealt with by the service manager. If a complaint is about staff conduct; the complaint is dealt with by the individual's line manager. Stage two complaints are investigated by the Head of Policy, Communications and Governance. A pre-assessment is conducted by a member of the Policy and Information team.
- 1.5 The Policy and Information team reviewed the complaints process in Quarter 2 and Quarter 3 of 2019 and made the decision to introduce a new stage to the process. This is called the assessment stage and it is triggered when a customer expresses dissatisfaction with the stage 1 response or the way their complaint has been handled. The assessment is made by a Member of the Policy and information team and is fully documented. The purpose of the assessment is to determine whether a stage 2 investigation could add anything of value to the original stage 1 response. This helps prevent complaints being investigated at stage 2 that cannot provide any further remedy or outcome to the complaint, for example cancelling a parking ticket.
- 1.6 Following the completion of stage two of the complaint's process, dissatisfied complainants 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 here:  
<https://www.maidstone.gov.uk/home/other-services/find-and-contact-us/additional-areas/our-complaints-policy>

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## 2019/20 Performance Summary

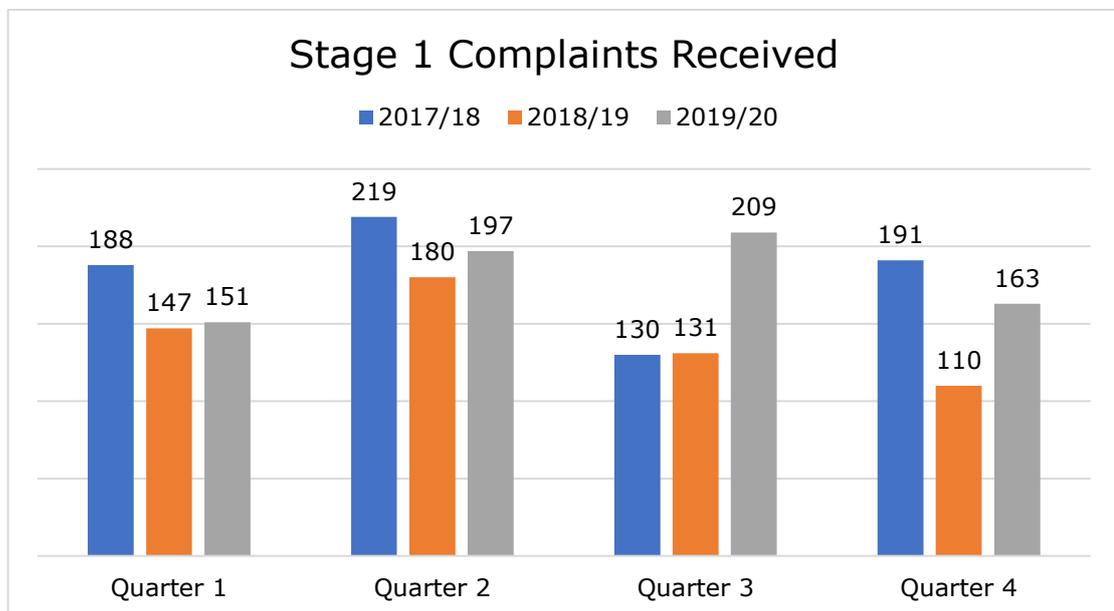
### Stage 1 and 2 Complaints

## Stage 1 Complaints

1.8 The Council received 720 stage 1 complaints in 2019/20 compared to 568 in the previous year. This is an increase of 26.8%.

1.9 The increase was caused almost entirely by an increase in waste complaints (295, compared to 110 in 2018/19).

1.10 During 2019/20, the Waste Contractor experienced persistent and pervasive problems with its vehicle fleet. However, the Waste Contract Manager worked with the Waste Contractor to find resolutions to these issues. The progress was closely monitored by the Policy and Information team who ensured that this was communicated to customers via Customer Services. Additionally, in March 2020 the contractor experienced access issues with an increased volume of parked cars with more people working from home. Again, the Policy and Information team monitored this situation and communicated the action being taken to alleviate the problem.



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

1.12 The number of stage 1 complaints received by the Council accounts for 0.28% of the total volume of calls and online forms received in 2019/20 (254,861).

1.13 Stage 1 complaints for 2019/20 were analysed in two ways: categorisation of complaints received, and the number of upheld complaints.

### The categorisation of complaints received

1.14 Complaints are categorised in the following way:

- **Policy & Decision:** This 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 service failure.
- **Quality:** A data breach, incorrect information provided, quality of letters/responses, poor handling (e.g. 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:** The level of service the customer has received when they were dealing with a Council Officer that ultimately resulted in their complaint.
- **Communication:** Typically relating to telephone calls, messages, and emails not being responded to appropriately, or a general lack of communication.

1.15 The following table displays the number of complaints received within each category for the year. It is important to note that the overall number of stage 1 complaints received (720), 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           | 279                 | 33.86%            |
| Failure                     | 275                 | 33.37%            |
| Customer Service            | 104                 | 12.62%            |
| Communication               | 70                  | 8.5%              |
| Staff Conduct               | 41                  | 4.98%             |
| Quality                     | 39                  | 4.73%             |
| Technical                   | 16                  | 1.94%             |

#### The number of upheld complaints

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

1.17 Of the 720 stage 1 complaints, 29.72% (214) were upheld.

#### Assessments

1.18 Of the 720 stage 1 complaints received in 2019/20, 29 were escalated to the assessment stage of the Council's complaints process.

1.19 The assessment stage was introduced in 2019/20, so there is no previous data to compare against.

1.20 The first assessment was conducted in November 2019, therefore all complaints that were escalated before this date were not assessed and were escalated straight to stage 2.

1.21 An upheld assessment is one that is considered confirmed or supported. The original complaint and stage 1 response are revisited, and an assessment is made on whether the decision at stage 1 was correct and whether there is any value to the complainant or outcome that can be achieved in undertaking a stage 2 investigation. The assessment is fully documented as part of the complaints process.

1.22 Of the 29 assessments conducted, 69% (20) were upheld. This is a high percentage; however, it is important to note that 17 out of the 20 upheld assessments were for Waste complaints.

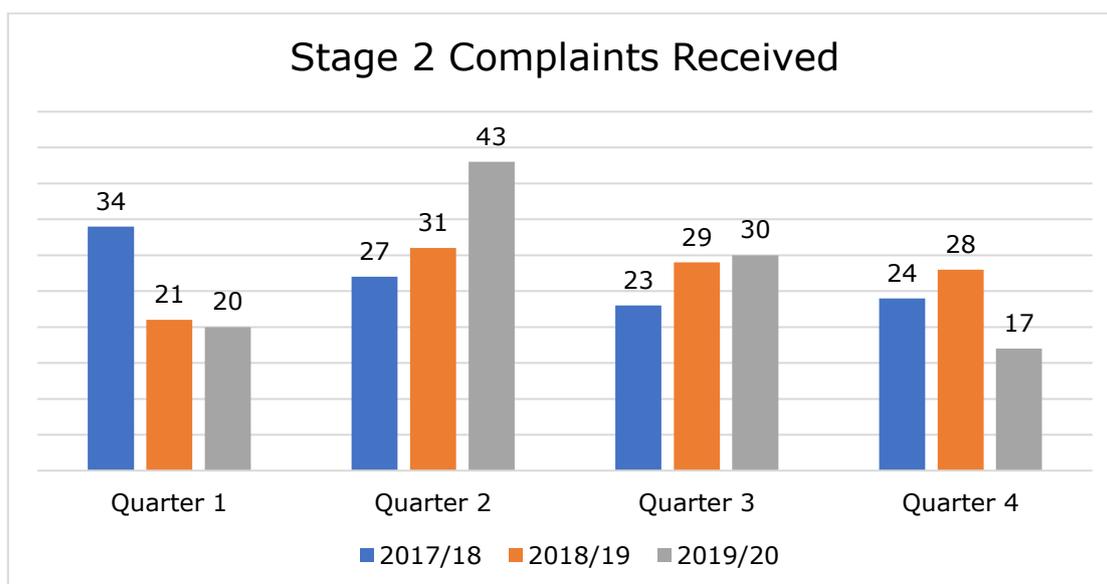
#### The number of justified assessments

1.23 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.

1.24 72.4% (21) of assessments concluded that the customer was justified in their reason for complaining. This is a high percentage, however, as with the upheld decisions, 17 out of the 21 justified decisions were for Waste complaints.

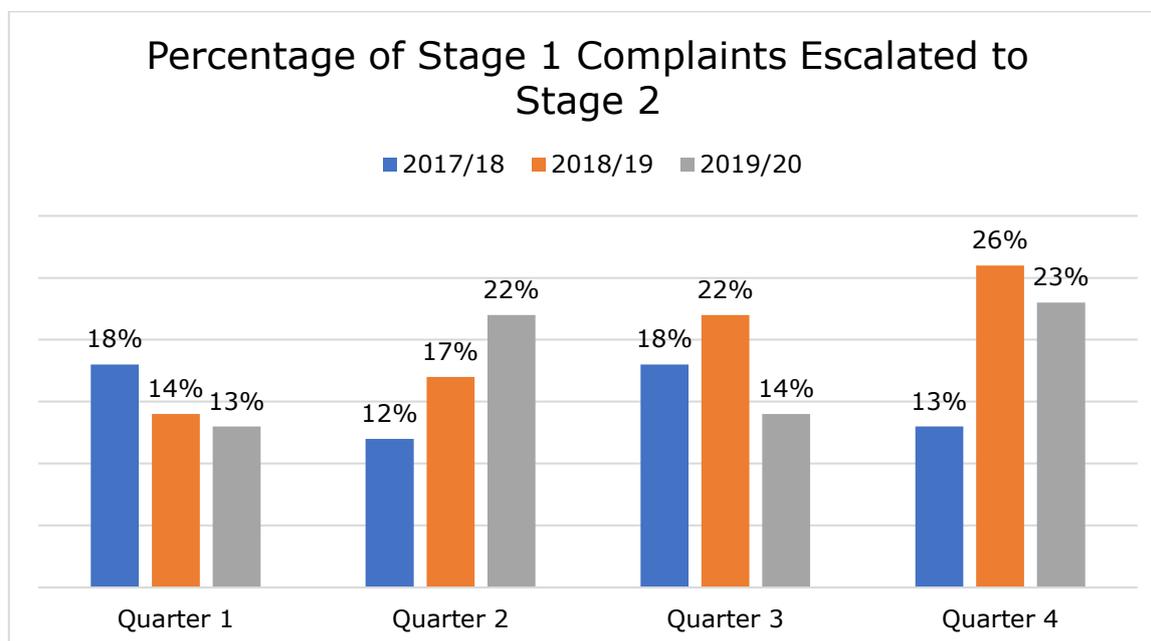
#### Stage 2 Complaints

1.25 Of the 720 stage 1 complaints received in 2019/20, 110 were escalated to the second stage of the Council's complaints process.



1.26 This is an escalation rate of 15.3%, compared to 19.2% in 2018/19. This has decreased from the previous year and is only slightly higher than the performance target of 15%.

1.27 It is important to note that the total number of stage 2 complaints include those that were assessed and upheld, and consequently escalated.



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

1.29 Stage 2 complaints for 2019/20 were analysed in three ways: categorisation of complaints received, the number of upheld complaints, and the number of justified complaints.

1.30 The following table displays the number of complaints received within each category for the year. It is important to note that the overall number of stage 2 complaints received (110) will not match the reason for each complaint as there may be multiple reasons for dissatisfaction.

| Reason for Complaint | Total Number | Percentage |
|----------------------|--------------|------------|
| Policy & Decision    | 50           | 36.23%     |
| Failure              | 41           | 29.71%     |
| Customer Service     | 24           | 17.39%     |
| Quality              | 16           | 11.59%     |
| Staff Conduct        | 4            | 2.9%       |
| Communication        | 2            | 1.45%      |
| Technical            | 1            | 0.72%      |

#### The number of upheld complaints

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

1.32 Of the 110 stage 2 complaints, 10.9% (12) were upheld. This represents a small number of wrongly determined stage 1 decisions.

1.33 Even when a complaint is upheld at assessment stage, it may not be upheld at stage 2. For example, an assessment may conclude that the escalation of the complaint is upheld because the customer reports that the issue has not been resolved, but the stage 2 investigation may determine that the current problem was not caused by the Council and so the complaint is not upheld.

#### The number of justified complaints

1.34 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.

1.35 Stage 2 complaints can have a combination of reasonings and outcomes 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.

1.36 44.5% (49) of stage 2 complaints were justified in their reason for complaining. This is an increase from 31.2% in 2018/19. 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.

#### **Time taken to respond**

1.37 The Council's policy on responding to a stage 1 complaint is within 10 working days of receipt of the complaint request. 693 (96.25%) stage 1 complaints were responded to within this timescale.

1.38 The average length of time taken to provide a formal response to all stage 1 complaints was 6.7 days. This is an increase in response time from 2018/19 when the average time taken was 4.5 days, however the percentage responded to in time has increased by 1.05%. If a complaint is going to be late, the complaints lead in the team will contact the customer to advise and provide a reason for the delay and a confirmed timescale.

1.39 When a customer expresses dissatisfaction with the way their complaint has been handled, the Policy and Information team aim to conduct an assessment within 5 working days. Against this target, 25 (86.2%) assessments were conducted in time.

1.40 The average length of time taken to conduct an assessment in 2019/20 was 5 days. The assessment stage was introduced in 2019/20, so there is no previous data to compare against.

1.41 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 this target, 104 (94.5%) stage 2 complaints were responded to in time.

1.42 The average length of time taken to provide a formal response to all stage 2 complaints was 19.8 days. This is a slight increase compared to average of 19.3 days for 2018/19, however the percentage responded to in time has increased by 3.7%. As with stage 1, if a complaint is going to be late, the complaints lead will contact the customer to advise them and provide a reason for the delay and a confirmed time scale.

### **Summary of Overall Performance**

1.43 The services with the highest volume of stage 1 complaints were Waste (41%), Development Management (9.7%), and Parking (8.9%), a combined total of 59.6% of all stage 1 complaints received. However, as a percentage of overall contact received by the Council, this is still very low (see paragraph 1.12).

1.44 Despite the extremely high volume of complaints received, Waste Services responded to all 295 stage 1 complaints within 10 working days.

1.45 The services with the highest stage 2 escalation rates were Waste (43.6%), Parking (9%) and Benefits (6.4%). For all these services, with the exception of Benefits, this is not unexpected given the number of stage 1 complaints received. Benefits complaints tend to arise when a customer disagrees with the decision the Council has made on a Benefits application; this is unlikely to be resolved in the Stage 1 response because there is a legal appeals process, therefore we tend to see these issues escalated. As detailed at paragraph 1.32 in this report, only 10.9% (12) of stage 1 complaints were upheld when escalated to stage 2.

### **Next Steps**

1.46 It is important that lessons are learned from the Complaints process and recommendations for improvements are identified which improve the Council's overall service. The following themes have been identified in the stage 2 complaints process as areas of focus for the management and handling of complaints:

1. Ensure every point raised within the complaint is addressed in the response.
2. Acknowledge the perceived failure or the way a complainant felt about the service received. This does not admit fault but can go a significant way to ameliorate the complainant's concerns 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 complainant while the complaint is being investigated, if possible. Especially if more time will be required to fully investigate, or if more information is required.
5. Provide clear timescales to manage expectations following a complaint to stop the complaint being raised again.

1.47 The Policy and Information Team will be reviewing the Complaints process including the new assessment stage in early 2021. The team will look for

ways in which to streamline the process now that this additional stage has been embedded. It will also be looking at what further training and guidance can be provided to service managers dealing with complaints as a means of reducing the escalation rate. Training will focus on areas where refreshing knowledge will be useful, such as identifying unreasonably persistent behaviours.

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**Local Government and Social Care Ombudsman Annual Review Letter (Maidstone Borough Council) 2019/20 and Local Government and Social Care Ombudsman Review of Local Government Complaints 2019/20**

- 1.48 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>
- 1.49 The 2019 Annual Review Letter is positive for the Council, there is no comment or critique of its complaints handling and the LGSCO did not issue any public reports in 2019/20.
- 1.50 The LGSCO reviewed 49 complaints and made decisions on 43 complaints in 2019/20. This represents an increase of 6 decisions made from 2018/19. Compared to 2018/19, the upheld rate has increased by 31%. The table below shows the LGSCO decision on each of these:

| <b>Decision Category</b>       | <b>2018/19 Number</b> | <b>2019/20 Number</b> | <b>Explanation</b>  |
|--------------------------------|-----------------------|-----------------------|---|
| Closed After Initial Enquiries | 19                    | 19                    | On the basis of the complainant’s referral the LGSCO have decided not to investigate                              |
| Referred back to Council       | 9                     | 6                     | The complaint hasn’t gone through the Council’s official complaint process and it is referred back to the Council |
| Advice given                   | 0                     | 1                     | The LGSCO provided early advice or explained where to go for the right help                                       |
| Invalid/not enough information | 0                     | 6                     | The LGSCO was unable to progress the complaint  |
| Not Upheld                     | 6                     | 4                     | Following explanation the LGSCO agrees with the Council’s decision  |
| Upheld                         | 3                     | 7                     | The LGSCO doesn’t agree with the Council’s decision and finds   |

|             |     |     |  |
|-------------|-----|-----|--|
|             |     |     | in favour or partial favour with the complainant |
| Upheld Rate | 33% | 64% |  |

1.51 The number of complaints referred to the LGSCO (49) accounts for 5.9% of the total number of stage 1 and 2 complaints received in 2019/20 (830).

1.52 While the Council would strive to have no complaints upheld by the LGSCO, the performance overall has been good in relation to the number of complaints escalated to the LGSCO and the number investigated. The number of upheld complaints has increased, however, for all seven of these complaints, the LGSCO's recommendation was implemented (100% compliance rate).

1.53 A full list of LGSCO complaints by service can be found at appendix 3.

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

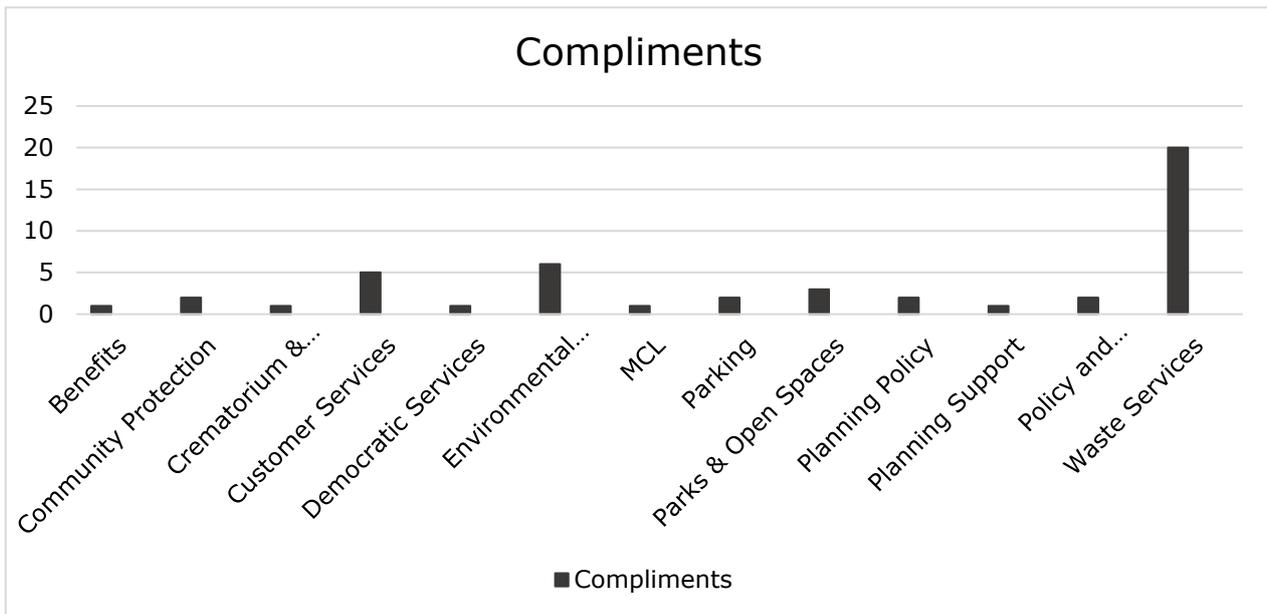
### **Compliments**

1.55 A compliment is an expression of praise for an interaction, a service or a product. Compliments are logged from members of the public as they help identify good practice, recognise those members of staff who provide a high quality of service, and learn from customers' feedback.

1.56 The Council received 47 written compliments in 2019/20. Of these, the services with noticeable volumes of compliments were:

- Waste Services
- Environmental Services (Depot)

- Customer Services




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## 2. REASONS FOR RECOMMENDATIONS

- 2.1 It is best practice and an internal audit requirement that statistics are reported to the Audit, Governance and Standards Committee on an annual basis in relation to performance in the processing of complaints.

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## 3. RISK

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

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## 4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

None.

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## 5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

None.

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## 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue                                 | Implications   | Sign-off                                      |
|---------------------------------------|--|---|
| <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 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        |

|                           |   |   |
|---------------------------|---|---|
| <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 by the Equalities and Corporate Policy Officer to ensure that equalities concerns are investigated appropriately. | Equalities and Corporate Policy Officer                             |
| <b>Public Health</b>      | None Identified   | Senior Public Health 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 |

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## 6. REPORT APPENDICES

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

- Appendix 1: 2019/20 Stage 1 Complaint Volume Summary
- Appendix 2: 2019/20 Stage 2 Complaint Volume Summary
- Appendix 3: 2019/20 LGO Complaints by Service
- Appendix 4: Local Government and Social Care Ombudsman Annual Review Letter 2020

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## 7. BACKGROUND PAPERS

None.