

Annual Complaints Report 2020/21

Final Decision-Maker	Audit Governance and Standards Committee
Lead Head of Service	Angela Woodhouse Head of Policy Communications and Governance
Lead Officer and Report Author	Anna Collier Corporate Insight Communities and Governance Manager Lauren Connett Information Governance Officer
Classification	Public
Wards affected	All

Executive Summary

To provide committee with an overview of how the Council has performed in responding to complaints in 2020/21 and the Local Government and Social Care Ombudsman's annual complaints review letter.

Purpose of Report

Discussion

This report makes the following recommendation to this Committee:

1. That the Council's performance on complaint management in 2020/21 and the Local Government and Social Care Ombudsman's review letter be noted.

Timetable

Meeting	Date
Corporate Leadership Team	2 November 2021
Audit, Governance and Standards Committee	15 November 2021

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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
Cross Cutting Objectives	The report recommendation supports the achievements of all cross-cutting objectives, by ensuring lessons learnt from customer feedback are implemented.	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	We will deliver the recommendations with our current staffing.	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>	Interim Deputy Head of Legal partnership.
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.	Corporate Insight, Communities and Governance Manager
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 ensure that there is no detrimental impact on	Corporate Insight, Communities and Governance Manager

	individuals with a protected characteristic. All complaints with an identified equality issue are investigated by the Senior Policy and Communities Officer to ensure that equalities concerns are investigated appropriately.	
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	No Impact	Corporate Insight, Communities and Governance Manager
Procurement	No Impact	Corporate Insight, Communities and Governance Manager
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are; There are no implications on biodiversity and climate change.	Corporate Insight, Communities and Governance Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 A complaint is a formal expression of dissatisfaction 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.
- 2.2 Complaints are managed and monitored by the Information Governance 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.
- 2.3 The Council's formal complaints procedure has three steps with the following response timescales:
- Stage 1 – within 10 working days.
 - Assessment – within 5 working days.
 - Stage 2 – within 20 working days.
- 2.4 Stage 1 complaints are dealt with by the service manager. If a complaint is about staff conduct, the complaint is dealt with by the staff member's line manager. Assessments are conducted by a member of the Information Governance team. Stage 2 complaints are investigated by a member of the Corporate Insight, Communities and Governance team on behalf of the Head of Policy, Communications and Governance.
- 2.5 Following the completion of stage 2 of the complaints process, complainants who remain dissatisfied have the opportunity to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).

2.6 The Council's complaints policy can be found here: <https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/information-and-data/tier-3-primary-areas/council-performance-reports/tier-3-primary-areas/policies/complaints-policy>

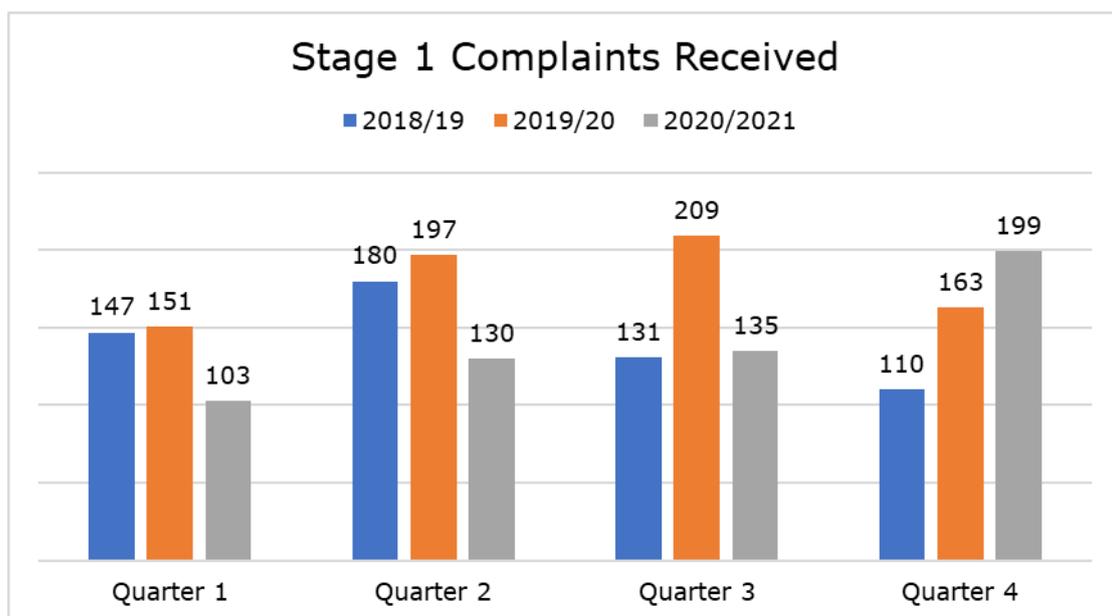
3. 2020/21 Performance Summary

Stage 1 Complaints

3.1 The Council received 567 stage 1 complaints in 2020/21, compared to 720 in the previous year. This is a decrease of 21.25%.

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3.3 It is likely that this decrease was a result of the COVID-19 pandemic. The graph below shows the number of complaints received in each quarter; quarter 1 was when the first national lockdown occurred, quarter 2 was when restrictions began to ease during summer, and quarter 3 was when the country entered the second national lockdown. The jump in numbers of complaints received in quarter 4 can be explained by the large amount of Waste complaints received (128) as a result of disruption caused by snow, vehicle breakdowns, and access issues.



3.4 The volume of stage 1 complaints by service can be found at appendix 1.

3.5 The number of stage 1 complaints received accounts for 0.18% of the total volume of calls and online forms received by the Council in 2020/21 (309,600). This has decreased compared to 2019/20, when the number of stage 1 complaints received accounted for 0.28% of all calls and online forms received by the Council.

3.6 Stage 1 complaints for 2020/21 were analysed in two ways: categorisation of complaints received, and the number of upheld complaints.

The categorisation of complaints received

3.7 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 an officer provided to a customer.
- Communication: Typically relating to telephone calls, letters, and emails not being responded to appropriately, or a general lack of communication.

3.8 The following table displays the number of stage 1 complaints received within each category. It is important to note that the overall number of stage 1 complaints received (567) does not match the total below because a complaint can have multiple reasons for dissatisfaction.

Reason for Complaint	Total Number	Percentage
Policy & Decision	180	29.6%
Failure	263	43.3%
Customer Service	58	9.5%
Communication	29	4.8%
Staff Conduct	39	6.4%
Quality	30	4.9%
Technical	9	1.5%

The number of upheld stage 1 complaints

- 3.9 An upheld complaint is one that is considered confirmed or supported.
- 3.10 Of the 567 stage 1 complaints, 33.9% (192) were upheld, 17.1% (97) were partially upheld, and 49% (278) were not upheld.

Assessments

- 3.11 Of the 567 stage 1 complaints received in 2020/21, 88 were escalated to the assessment stage of the Council's complaints process.

The number of upheld assessments

- 3.12 An assessment is upheld (or partially upheld) when it has been determined that the decision at stage 1 may not have been correct or that additional value can be added or an outcome could be achieved by undertaking a stage 2 investigation.
- 3.13 Of the 88 assessments conducted, 60.2% (53) were upheld and 2.3% (2) were partially upheld.

The number of justified assessments

3.14 A complaint is considered justified at assessment stage when the complainant has a valid concern regarding how their stage 1 complaint was handled and/or the decision that was made.

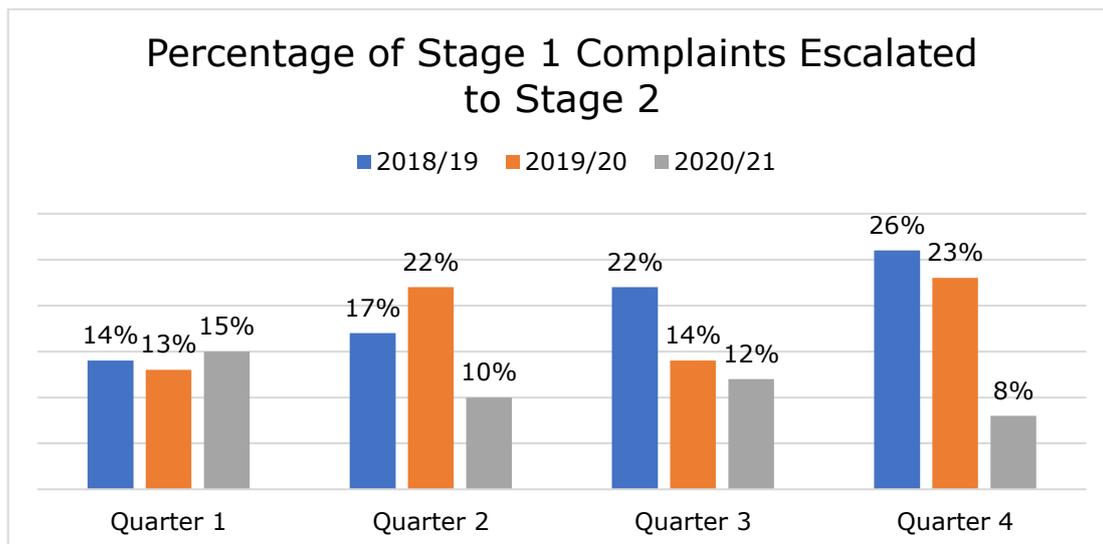
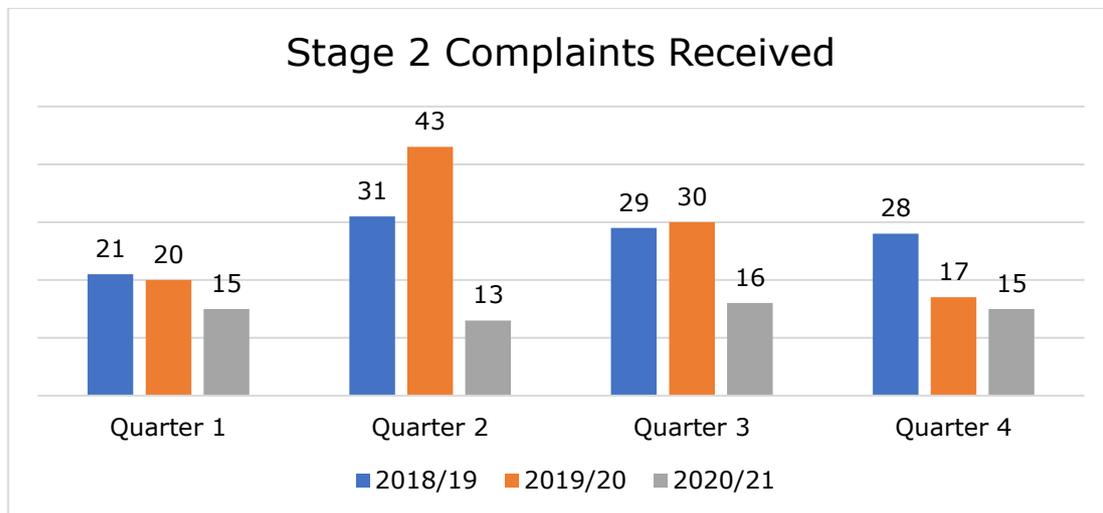
3.15 64.8% (57) of assessments concluded that the customer was justified in their reason for complaining.

Stage 2 complaints

3.16 Of the 567 stage 1 complaints received in 2020/21, 59 were escalated to the second stage of the Council’s complaints process.

3.17 This is an escalation rate of 10.4%, compared to 15.3% in 2019/20. This is significantly lower than the performance target of 15%.

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



3.19 The volume of stage 2 complaints by service can be found at appendix 2.

3.20 Stage 2 complaints for 2020/21 were analysed in three ways: categorisation of complaints received, the number of upheld complaints, and the number of justified complaints.

3.21 The following table displays the number of stage 2 complaints received within each category. It is important to note that the overall number of stage 2 complaints received (59) does not match the total below because a complaint can have multiple reasons for dissatisfaction.

Reason for Complaint	Total Number	Percentage
Policy & Decision	21	30%
Failure	21	30%
Customer Service	13	18.57%
Quality	9	12.86%
Staff Conduct	3	4.29%
Communication	3	4.29%
Technical	0	-

The number of upheld stage 2 complaints

3.22 Of the 59 stage 2 complaints, 23.7% (14) were upheld, 35.6% (21) were partially upheld, and 40.7% (24) were not upheld.

3.23 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 stage 2 complaints

3.24 A complaint is considered to be justified when the complainant has a valid concern regarding how their stage 1 complaint was handled and/or the decision that was made.

3.25 Stage 2 complaints can have different combinations in terms of whether they are upheld/not upheld and 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.

3.26 71.2% (42) of stage 2 complaints were justified in their reason for complaining. This is an increase from 44.5% in 2019/20. This increase can be explained by the introduction of the assessment stage; complaints that are considered to be justified at assessment stage are escalated to stage 2, and thus the vast majority of stage 2 complaints are considered to be justified.

4. Time taken to respond

Stage 1 complaints

4.1 The Council's complaints policy states that stage 1 complaints will be responded to within 10 working days of receipt of the complaint. In 2020/21, 522 (92.06%) stage 1 complaints were responded to within this timescale. This has decreased since 2019/20, when 96.25% of stage 1 complaints were responded to within 10 working days.

4.2 If a complaint response is going to be late, the Information Governance Assistant will contact the customer to advise and provide a reason for the delay and an estimated response date.

- 4.3 In 2020/21, the average length of time taken to provide a formal response to all stage 1 complaints was 7.6 days. This is a small increase in response time from 2019/20 when the average time taken was 6.7 days.

Assessments

- 4.4 When a customer expresses dissatisfaction with the way their complaint has been handled, the Information Governance team aims to conduct an assessment within 5 working days. Against this target, 72 (81.8%) assessments were conducted in time.
- 4.5 The average length of time taken to conduct an assessment in 2020/21 was 5.1 days. This is a slight increase from 2019/20 when the average time taken was 5 days.

Stage 2 complaints

- 4.6 When a complaint is escalated to stage 2, an investigation is conducted by a member of the Corporate Insight, Communities and Governance team and a response is provided within 20 working days. Against this target, 49 (83.1%) stage 2 complaints were responded to on time in 2020/21.
- 4.7 As with stage 1, if a complaint response is going to be late, the Information Governance Assistant will contact the customer to advise them and provide a reason for the delay and an estimated response date.
- 4.8 In 2020/21, the average length of time taken to provide a formal response to all stage 2 complaints was 20.2 days. This is a slight increase compared to average of 19.8 days for 2019/20.

5. Summary of Overall Performance

- 5.1 The services with the highest volume of stage 1 complaints were Waste (52.2%), Parking (12.9%), and Development Management (9.2%), a combined total of 74.3% of all stage 1 complaints received. However, as a percentage of overall contact received by the Council, this is still very low (see paragraph 3.5).
- 5.2 The services with the highest stage 2 escalation rates were Waste (49.2%), Development Management (11.9%) and Parking (8.5%). This is not unexpected given the number of stage 1 complaints these services received.

6. Improvements Made and Next Steps

- 6.1 52.2% of all stage 1 complaints and 49.2% of all stage 2 complaints were regarding Waste Services:
- Some of the complaints were a result of disruption to collections caused by snow – it is difficult to put anything in place to prevent this unfortunately.
 - Many of the complaints were a result of issues with access for waste collection vehicles. Access problems were caused by the increase in the number of parked vehicles in residential areas as a result of lockdown measures. The Waste team worked with the waste contractor to find solutions to access issues, including by installing CCTV cameras in the collection vehicles in order to assess issues faced by the crews. The Council's Communications team also alerted residents to the impact of parked cars blocking access for collection vehicles. Recently, we have seen far fewer complaints regarding service disruption caused by access problems.

- 6.2 The Policy and Information team underwent a restructure in 2021 and became the Corporate Insight, Communities and Governance team. This contains four sub-teams, one of which is the Information Governance team who are responsible for managing the complaints process.
- 6.3 It is important that lessons are learned from the complaints process and recommendations for improvements are identified. The following actions have been implemented in order to try and improve the Council's complaints handling:
- The Information Governance team checks each stage 1 complaint response before sending it to the customer to ensure every point raised within the complaint has been thoroughly addressed in the response.
 - If the Information Governance team feels that anything is missing from the response, they contact the service manager and ask them to provide the missing detail.
 - The Information Governance team keeps in contact with the customer while the complaint is being investigated and advises them if more time will be required to fully investigate.
 - All stage 2 complaints are investigated by members of the Corporate Insight, Communities and Governance team and, before their responses are sent to the customers, they are checked by the Corporate Insight, Communities and Governance Manager; this ensures that all stage 2 complaints are investigated independently and responses have a consistent level of detail and tone.
 - A new ELMS training module on complaints handling has been designed by the team, this will be mandatory for all officers and managers who deal with complaints to complete.

7. Local Government and Social Care Ombudsman Annual Review Letter 2020/21 and Local Government and Social Care Ombudsman Review of Local Government Complaints 2020/21

- 7.1 Each year, this report and review letter is released to local authorities countrywide to communicate 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 2020/21 Annual Review letter is positive for the Council, there is no comment or critique of its complaint handling and the LGSCO did not issue any public reports regarding Maidstone Borough Council in 2020/21.
- 7.3 To allow authorities to respond to the Covid-19 pandemic, the LGSCO did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints they received and made decisions on in 2020/21. This should be taken into consideration when comparing data from previous years.
- 7.4 The LGSCO made decisions on 32 complaints in 2020/21. This represents a decrease of 11 decisions made from 2019/20. Compared to 2019/20, the upheld rate has decreased by 14%.

Decision Category	2019/20	2020/21	Explanation
Closed After Initial Enquiries	19	9	On the basis of the complainant's referral, the LGSCO have decided not to investigate
Referred back to Council	6	9	The complaint hasn't gone through the Council's formal complaints process so it is referred back to the Council
Advice given	1	0	The LGSCO provided early advice or explained where to go for the right help
Invalid/not enough information	6	0	The LGSCO was unable to progress the complaint
Not Upheld	4	7	Following investigation, the LGSCO agrees with the Council's decision
Upheld	7	7	The LGSCO doesn't agree with the Council's decision and finds in favour or partial favour with the complainant
Upheld Rate	64%	50%	

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

7.6 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 stayed the same as 2019/20, however the upheld rate has decreased. Additionally, for all seven of the upheld complaints, the Council implemented the LGSCO's recommendation (100% compliance rate).

7.7 Maidstone Borough Council was not listed in the Decisions and Reports section of the LGSCO's annual report.

7.8 Please find below brief summaries of the complaints that were upheld by the Ombudsman in 2020/21, and outlines of the actions taken by the Council to remedy the complaints and ensure the same mistakes are not made in future:

7.8.1 Complaint regarding attachment of earnings payments – at the recommendation of the Ombudsman, the Council Tax team implemented a new procedure for dealing with attachment of earnings payments to ensure that payments are received as expected and reminders are sent when appropriate.

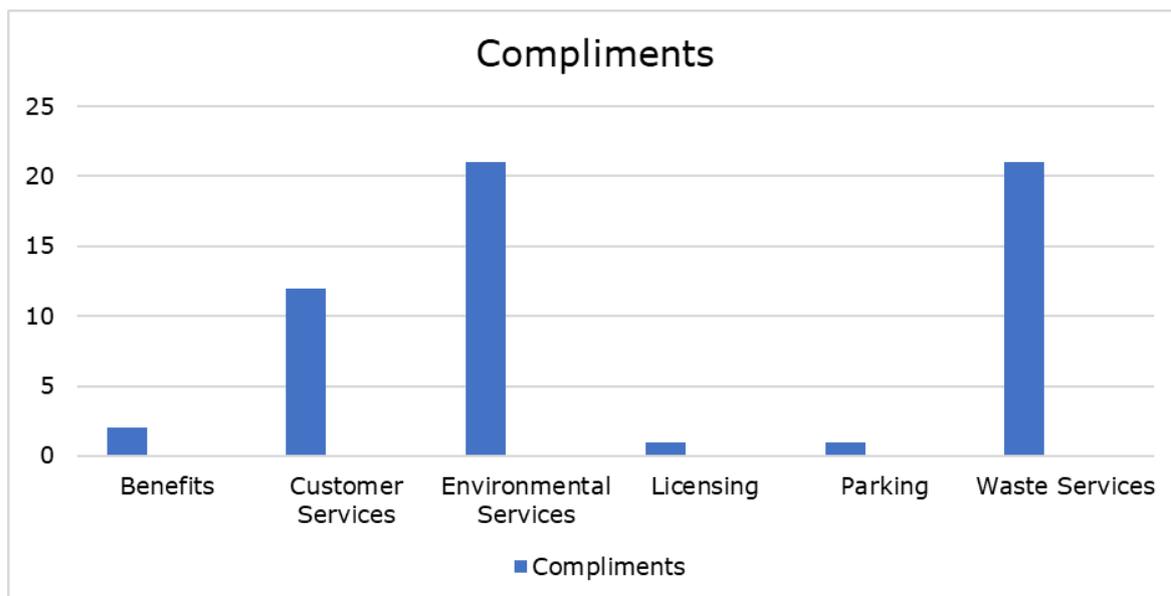
7.8.2 Complaint regarding the length of time taken to pay a Discretionary Housing Payment – the Benefits team apologised to the customer and issued a reminder to Customer Service Advisors that DHP applications cannot be looked at until we receive evidence of either Housing Benefit or Housing Element of Universal Credit.

7.8.3 Complaint regarding the way Mid Kent Enforcement dealt with the customer's proposed payment plan – at the recommendation of the Ombudsman, Mid Kent Enforcement removed the enforcement fee and allowed the customer to pay the remaining balance in monthly instalments of £10.

- 7.8.4 Complaint regarding a failure to enforce against vehicles parking in a particular area – the Parking team apologised to the customer and implemented a new process for dealing with reports that a vehicle is parked across a resident’s driveway; where appropriate, the Civil Enforcement Officer will issue a PCN to the vehicle using their powers under the enforcement of vehicles parked across dropped kerbs.
- 7.8.5 Complaint regarding a failure to enforce against breaches of planning conditions – the Development Manager apologised to the complainant and paid him £100 for time and trouble, £200 for distress, and £200 for the lost opportunity to have taken enforcement action sooner. At the Ombudsman’s recommendation, the Development Manager provided training to the Planning Enforcement team to ensure they follow the correct decision-making process on enforcement complaints and communicate decisions correctly to complainants. The Development Manager also reminded officers of the importance of carrying out site visits in line with the Planning Enforcement Policy.
- 7.8.6 Complaint regarding a failure to investigate potential planning breaches – the Development Manager apologised to the complainants and paid them £900 for their time and trouble, uncertainty, and avoidable frustration in making repeat complaints. At the recommendation of the Ombudsman, the Development Manager provided the complainants with updates on key events on the site every three months. Additionally, a new procedure for Street Naming and Numbering was implemented to ensure that information regarding any changes is shared between all relevant service areas, i.e. Council Tax and Planning Enforcement.
- 7.8.7 Complaint regarding noise nuisance from a temporary accommodation property and antisocial behaviour of the occupants - the Ombudsman upheld this complaint because they considered that the Council made decisions about noise nuisance and anti-social behaviour without any investigation process. However, the Ombudsman did not make any recommendations because the Council had already implemented remedies; the Temporary Accommodation team moved the occupants to new accommodation, which resolved the issues quicker than if formal action had been taken, and this removed the impact on the complainant of loud music and intimidating behaviour. The Temporary Accommodation team also resolved to work closely with future occupants and designated a single point of contact for complaints about the property.

8. Compliments

- 8.1 A compliment is an expression of praise for an interaction, a service, or a product. Compliments from members of the public are logged because they help identify good practice, recognise those members of staff who provide a high quality of service, and help us learn from customers’ feedback.
- 8.2 The Council received 58 written compliments in 2020/21 compared to 47 in 2019/20. This is an increase of 23.4%.
- 8.3 The services with the largest volumes of compliments were
- Waste Services
 - Environmental Services (Depot)
 - Customer Services



9. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

9.1 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.

10. RISK

10.1 This report is presented for information only and has no risk management implications. Ongoing oversight of the management of complaints ensures good ongoing management of the complaints process.

11. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

11.1 That the report be recommended to the Audit Governance and Standards Committee in line with internal audit requirements.

12. REPORT APPENDICES

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

- Appendix 1: 202021 Stage 1 Complaint Volume Summary
 - Appendix 2: 202021 Stage 2 Complaint Volume Summary
 - Appendix 3: 202021 LGSCO Complaints by Service
 - Appendix 4: Local Government and Social Care Ombudsman Annual Review Letter 202021
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