

MAIDSTONE BOROUGH COUNCIL

**STRATEGIC LEADERSHIP AND CORPORATE SERVICES OVERVIEW
AND SCRUTINY COMMITTEE**

3RD SEPTEMBER 2013

REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS

Report prepared by Sam Bailey

1. REVIEW OF COMPLAINTS APRIL-JUNE 2013

1.1 Issue for Decision

1.1.1 To consider the Council's performance in dealing with complaints during April-June 2013.

1.2 Recommendation of the Head of Change and Scrutiny

1.2.1 It is recommended that

a) the Committee notes the performance in relation to complaints and agrees action as appropriate; and

b) the Committee note the compliments received by teams and individual officers within the Council.

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, timeliness and category can be found at Appendix A. Complaints have been categorised, but many complaints will be about more than one element (e.g. both policy and staff attitude).

1.4 Quarter 1 Performance

1.4.1 During the period April-June 2013, 94 **Stage 1** complaints were closed, of which 90 (95.70%) were responded to in time. In terms of complaints closed on time, performance increased by 1% this quarter compared to Q4 of 2012-2013. There has also been a 62% increase in number of complaints compared to last quarter.

However compared to quarter 1 of 2012/2013 this represents a decrease in complaints of 32%.

1.4.2 Of the complaints responded to outside the target time:

- Two were about Environmental Enforcement
- One was about Parking Services
- One was about Revenues

1.4.3 The reasons for these complaints being responded to out of time were:

- Of the two Environmental Enforcement complaints responded to late:
 - One was responded to late due to an scheduling error by an Officer
 - One was closed late because further information was being sought from the complainant in order to fully investigate allegations made, however this information was not provided
- The complaint responded to late by Parking Services was because the complaint was originally allocated to the wrong department
- The complaint responded to late by Revenues was actually a complaint about several departments, requiring a co-ordinated response. This resulted in the response being sent out a day late

1.5 Trends Identified and Action Taken

1.5.1 The services which dealt with the most number of complaints were:

- Waste Services (17)
- Revenues (16)
- Housing Services (13)
- Development Management (11)
- Parking Services (10)
- Environmental Enforcement (7)

1.5.2 It should be noted that all of these services, except environmental enforcement, saw an increase in complaints compared to quarter 4 of 2012-2013. However there has been a 62% increase in complaints overall across the council compared to quarter 4 of 2012-2013.

1.5.3 There were no services with particularly high numbers of complaints this quarter; however there are a number of trends that

can be noticed quarter to quarter.

- 1.5.4 Waste Services had the highest number of complaints this quarter with 17. Of these complaints nine were about service, four were about waste and recycling policies, one was about time taken, two were about lack of contact and one was about discrimination. There were no clear trends within these complaints. Although Waste Services received the highest number of complaints, they made nearly 2,000,000 waste collections this quarter. This means only 0.0009% of collections resulted in a complaint.
- 1.5.5 Revenues received sixteen complaints this quarter. Of these complaints, eleven were about service, four were about policy and one was about lack of contact. Of the four policy complaints, two were about the new rules around council tax exemptions for empty properties, one was complaining various services and asking whether we were going to reduce council tax and the final complaint was about not being able to claim single person discount in a property when actually the property was empty. The number of complaints received by Revenues is a significant increase compared to quarter 4 of 2012-2013, when only five were received; and quarter 1 of 2012-2013 when nine complaints were received. The reason for this increase in complaints is the localisation of the council tax benefit scheme. This has meant many people have become liable to pay council tax who have never had to pay before. For example, there are 941 summonses for court in August for people who were previously on full Council Tax Benefit, but have not paid council tax now they are liable for it. A correction was made following a complaint to revenues- a customer spotted that an incorrect bank account number was printed on the back of the council tax bill. This error has now been rectified.
- 1.5.6 Of the 13 complaints Housing Services received, six of them were about the new allocation scheme. This spike in complaints was forecast in the Q4 report. Other than this there were no trends with complaints for Housing Services. One complaint about administrative issues with a temporary accommodation provider led to Housing Options working with the temporary accommodation provider to prevent the error happening again.
- 1.5.7 Development Management received eleven complaints this quarter. Of these complaints, three were about service, four were about policy and four were about lack of contact. Of the four complaints about lack of contact, three were justified. Development Management received the most complaints about lack of contact this quarter. There were two complaints about the pre application advice service, both of which resulted in refunds:

- One complaint was about a lack of contact from the pre application advice service, along with delays in processing the advice application. This resulted in the complainant losing the listed building they were considering buying. The fees were refunded in this case.
- One complainant was not happy with the advice given as pre application advice; which was to make a full planning application; because we had not requested further information to give a full assessment. The fee was refunded to the customer at stage 2. This stage 2 was carried out in Q2 of 2013-2014 and will be reported in the complaints report for that quarter.

Other than this there were no clear trends in the complaints for Development Management.

1.5.8 Parking Services received ten complaints this quarter. Of these, two were about service, four were about policy, three were about staff and one was about time taken. There were no overall trends for this quarter, but several complaints resulted in actions taken:

- A complainant complained that Civil Enforcement Officers (CEOs) were not checking rear windows for pay and display tickets. As a result the Parking Services manager reminded CEOs in person to check rear windows for tickets; and two Penalty Charge Notices (PCNs) were rescinded.
- A complainant was not happy that their daughter was being charged a full year's fee for a residents parking permit when it was only valid for two months. The process for administering resident permits is currently being reviewed. A system of virtual permits is being considered which would prevent this problem from occurring.
- There were two complaints relating to PCNs issued to building contractors leaving vehicles behind hoardings on St Faith's street. In both cases disciplinary action was taken against CEOs who issued these PCNs as the PCNs were wrongly issued and entering the hoardings breached building site health and safety rules.

1.5.9 Environmental Enforcement received seven complaints this quarter. All of these were about staff conduct. This represents a decrease in complaints compared to quarter 4 of 2012-2013, when they received eight complaints. Of the complaints about staff conduct relating to CEOs:

- In five cases CCTV bodycam footage was reviewed by an Environmental Enforcement Officer, and the CEOs were found to have behaved correctly.
- In one case, a CEO entered a training centre to pursue an offender who had run away from the CEO. The CEO did not follow the correct procedures for entering premises in this case. The Environmental Enforcement manager has spoken to the CEO involved and has ensured they are clear on their responsibilities during similar situations in the future.

The remaining complaint about staff conduct was a complaint alleging the Environmental Enforcement Manager hung up the phone on the complainant, however this complaint was not upheld as the Environmental Enforcement Manager was found to have been in a meeting at the time.

- 1.5.10 A complaint received by Environmental Services led to the consideration of a service improvement. A complainant complained that the council did not have the equipment or process in place to scan dead animals for ID chips in order to inform owners. As a result of this complaint the process was reviewed, a scanner has now been purchased and a new process has been put into place when dealing with dead domestic animals. The complaint was then informed of how their complaint had resulted in a service improvement. The complainant has since sent a letter of thanks back that is covered in more detail in paragraph 1.9.1.

1.6 Stage 2 Complaints

- 1.6.1 There were 23 stage 2 complaints processed this quarter. Of these complaints, 22 were closed within 20 working days, which is the corporate timescale for responding to stage 2 complaints. The reason that one stage 2 complaint was closed out of time was because the complaints system generated the wrong deadline for this complaint. A breakdown of Stage 2 complaints can be found at Appendix C.
- 1.6.2 Of these stage 2 complaints, eleven were justified. Of the eleven justified complaints, six resulted in refunds or payments to the complainant.
- 1.6.3 The number of Stage 2 complaints has increased sharply compared to quarter 4 of 2012-2013. Twelve stage 2 complaints were received during quarter 4 of 2012-2013; which means this quarter's result represents a 92% increase. However it must be noted that during quarter 4 of 2012/2013 the Council received an extremely low overall number of complaints. 54 Stage 2 complaints were received in total last year, however 20 of these

complaints were received in the first quarter. The number of Stage 2s will be monitored by the Policy and Performance team to assess whether this is a cyclical trend or a genuine increase.

1.7 Complaint Handling Satisfaction

1.7.1 A breakdown of complaints satisfaction surveys can be found at Appendix B. For April-June 2013 80 surveys were sent out, and ten were returned, representing a 13% response rate.

1.7.2 The Performance team have introduced a new process for sending out and reporting on complaints satisfaction surveys. Satisfaction surveys will now be sent out weekly. As part of this new process there is a cut off date for complaints surveys to be counted in the quarterly report. Although some satisfaction surveys for June were received back in July and August, they were received past the cut off date and they will now be counted in the quarter 2 report. This will be highlighted in the quarter 2 report.

1.7.3 70% of respondents were dissatisfied or very dissatisfied, 10% of respondents were neither satisfied nor dissatisfied and 20% of respondents were satisfied or very satisfied with the handling of their complaint.

1.7.4 Some complainants made comments on their satisfaction surveys:

- One complainant requested a Stage 2 complaint, which was duly carried out.
- One complainant who was complaining about a missed bin claimed their complaint was not resolved as they had to wait for the next collection. The complaint response had asked the complainant to contact Waste Services if their bin was full. However no subsequent contact was had with the complainant until the complaints satisfaction survey was received.
- One complainant who complained about lack of contact from the planning department and time taken to decide a planning application said they felt their complaint was not answered and that they were disappointed that there was no 'offer of redress'. The application's decision was a month overdue, however had been determined by the time the complaint had been received. There was no evidence that the complainant was put in a detrimental position because of this case so was not entitled to compensation. The response addressed all issues and apologised for the length of time taken to respond to the complainant and the lack of contact from officers.

- One complainant said that they found the process to be dismissive however; this complainant was complaining on behalf of her sister and we were not able to discuss the matter with the complainant without her sister's written permission.

1.8 Safety, Discrimination and Vexatious Complainants

1.8.1 Three complaints received this quarter were about **safety**:

- One complaint was about a CEO from Parking Services entering a hoarding to issue a PCN. This contravened site health and safety rules as the area within the hoarding was classed as a building site. Disciplinary action was taken against the CEO.
- One complaint was about a footpath on Mote Park that had been damaged due to tree roots, resulting in the complainant's daughter falling over and injuring herself. An inspection was carried out but it was not deemed necessary for remedial work to be carried out.
- One complaint was about a faulty roundabout within a council play area resulting in the complainant having an accident while supervising their child. The complainant also raised health and safety concerns over the way workmen repaired the roundabout and concerns that sufficient checks were not being carried out regularly enough to recognise when play equipment is faulty. The complainant was assured that play equipment is inspected regularly by council officers and independently by the council's insurers; and that the correct procedures were followed when repairing the roundabout. The risk assessment for this piece of equipment was reviewed in light of this complaint, but it was not deemed necessary to inspect the item more regularly.

1.8.2 Two complaints were *primarily* about **alleged discrimination** or about unfair disadvantage for people with protected characteristics:

- One complaint claimed that the council's garden waste bin policy discriminated against those on low incomes because of the cost. The complainant was assured that this was not the case, and that if cost was an issue there were options to lower the costs such as sharing a bin with a neighbour or disposing of the waste themselves at facilities where it is free of charge to do so.
- One complaint was that the needs of blind and partially sighted people were not taken into account when designing the regeneration of the High Street due to the poor provision

of crossing points. The complainant was assured that disabled people, including those who were blind and partially sighted, were included in the focus groups when consulting on the scheme. This complaint was logged as a policy complaint, but was actually a complaint about alleged discrimination.

1.8.3 Three complaints had claims within them comments regarding **alleged discrimination** or about unfair disadvantage for people with protected characteristics, but discrimination was not the primary issue:

- One complaint was about Parking Services. The complainant alleged that a CEO was intimidating and aggressive toward her. Later in the complaint the complainant claimed that she was discriminated against because she is disabled. The CEO was interviewed and it was found that the complainant had verbally abused the CEO during the incident, and the Parking Services manager was satisfied that the CEO conducted themselves properly during this incident. However the Officer's conduct is being monitored. The complainant's parking ticket was upheld because the complainant had contravened parking regulations.
- One complaint was about Benefits. However the complainant also raised the issue that they felt discriminated against because despite being born in Maidstone and having previous generations of his family from the borough; people from outside the borough were able to get housing and not him. Despite the fact we have a new housing allocation system that requires a local connection this point was not addressed in the response.
- One complaint was about a CEO from Environmental Enforcement. The complainant was unhappy that whilst being issued with a Fixed Penalty Notice, the CEO did not move on passers by who were making discriminatory comments about her. However CCTV bodycam footage of the incident was reviewed and the Officer was found to have conducted themselves in a cordial and professional manner throughout the incident and fulfilled their responsibilities.

1.8.4 There were two complaints received from **unreasonably persistent complainants** this quarter. One was about Planning Enforcement and one was about Housing Services. Both complaints were received from the same persistent complainant. Neither complaint was justified.

1.9 Compliments

1.9.1 Many **compliments** have also been received by the Council this quarter:

- Waste Services received eight compliments this quarter. The compliments were about:
 - Quick service delivering garden waste bins and picking up missed bins.
 - Thanking the waste collection crews for a friendly, efficient service and going beyond their remit to help people.
 - Excellent service provided when ordering a bulky item collection.
- Bereavement Services received on compliment, thanking them for helping out with information on a friend's funeral.
- Communications received a compliment about an Officer within the department, thanking for all their help in organising the Spring Market.
- Customer services received three compliments:
 - One was thanking an Officer in the contact centre for how helpful, polite and professional they were in dealing the customer's enquiry.
 - One was thanking customer services in general as every time the customer has had contact it has been dealt with really well.
 - One was thanking everyone in Housing Services and Customer Services, as they have helped the customer get re-housed.
- Revenues received two compliments:
 - One was thanking an Officer for a swift service in dealing with a council tax enquiry.
 - One was thanking the revenues team for a quick reply to an enquiry.
- Parking Services received a compliment saying that each time they have had to call they have received lots of help.
- Parks and Leisure received two compliments:
 - One compliment was about how great the customer thought the new play area at Cobtree park is.
 - One compliment was thanking an Officer for their assistance in helping to locate a missing child.
- A compliment was received from a customer wishing to thank everyone in Building Control and the Conservation Officer who were involved in the building of their dream home.
- Benefits received a compliment thanking them for being really helpful and understanding whilst dealing with their benefit claim.

- A compliment was received via twitter for Environmental Enforcement, thanking them for a quick response to a noise complaint.
- Depot Operations received a compliment about how well they carried out a litter pick, commenting that the area was sparkling after they had finished.
- Depot Operations received a thank you letter due to a service improvement as the result of complaint (detailed in paragraph 1.5.10). The letter stated 'I wanted to thank you for taking my concerns seriously and for updating me with regards to the changes in your procedures for the removal of dead domestic animals...I am sure this will be welcome news to all pet owners within the borough'.

1.9.2 The contact centre received one complaint and three compliments, giving it a 3:1 ratio of compliments to complaints.

1.9.3 Bereavement Services received one compliment this quarter, but received no complaints.

1.10 Methods of Contact

1.10.1 Five complaint records did not have a method of contact filled in. A briefing will be sent out to staff who use the complaints system, reminding them to fill in this part of the complaints form. Of the complaints with method of contact information provided:

- 32 (34%) were made by email
- 11 (12%) were made face to face
- 18 (19%) were made by post
- 28 (30%) were made by telephone

1.11 Payments

1.11.1 The details of payments, compensation, refunds and cancelled charges as a result of complaints in April-June 2013 are set out in Appendix D

1.12 Answers to questions raised at the Strategic Services and Corporate Services Overview and Scrutiny Committee on 6th August 2013

1.12.1 The committee asked for a definition of an unreasonable or unreasonably persistent complainant. The draft unreasonable and unreasonably persistent complainants policy came to this committee on 9th April 2013. The policy defined unreasonable or unreasonably persistent 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.'

This definition is the same as the Local Government Ombudsman's definition in their guidance note to managing unreasonable complainant behaviour.

It is also important to note that unreasonable or unreasonably persistent complainants could have a negative impact on service delivery due to using a disproportionate amount of resources to deal with their complaints.

1.12.2 The committee asked what follow up actions are taken when a complainant returns a complaint handling satisfaction survey stating that they are 'very dissatisfied'. The Performance team only follow up 'very dissatisfied' complainants if the complainant has left a reason why they are very dissatisfied with the handling of their complaint in the comment box on the survey. If there are issues to be addressed then they are followed up.

1.12.3 It is important, however, to separate the handling of the complaint with the outcome of the complaint. The survey is asking the complainant if they were satisfied with the way their complaint was handled, not whether they are satisfied with the outcome of their complaint. Often, respondents that return surveys that are 'very dissatisfied' are actually dissatisfied with the outcome of their complaint, not the complaints process itself. In these cases the Performance team offer the complainant a stage 2 investigation of their complaint.

1.13 Alternative Action and why not Recommended

1.13.1 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.

1.14 Impact on Corporate Objectives

1.14.1 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.

1.15 Risk Management

1.15.1 Failure to manage complaints in a robust fashion represents a service, financial and reputational risk to the Council. Regular

reports are produced for CLT and also presented to the Corporate Services and Strategic Leadership Overview and Scrutiny Committee. Monitoring is carried out by the Research and Performance Officer.

1.16 Other Implications

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

1.16.1 Financial Implications

All financial implications are set out in Appendix D

Staffing Implications

Complaints this quarter have led to staffing implications, including disciplinary action against staff.

1.17 Appendices

Appendix A – Quarter 1 2013-2014 Complaints Categorisation and Timeliness

Appendix B – Quarter 1 2013-2014 Complaints Satisfaction Surveys

Appendix C- Quarter 1 2013-2014 Stage 2 Complaints

Appendix D- Quarter 1 2013-2014 Payments

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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