

Complaints and Freedom of Information update

Audit & Scrutiny Committee Tuesday 26 September 2023

Report of: Head of Policy and Communications

Purpose: For information

Publication status: Open

Wards affected: All

Executive summary:

This report provides an update about the Council's approach to managing complaints. Complaints are reported quarterly to the committee and details about what has changed as a result of a complaint are published on the website.

Details about any compensation paid is included, as well as Local Government and Social Care Ombudsman (LGSCO) cases. This report covers information about the LGSCO annual letter.

In addition, this report includes the type of Freedom of Information requests received.

This report supports the Council's priority of: Building a better Council

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Recommendation to committee:

The committee is asked to accept and note the report.

Reason for recommendation:

The Complaints Policy stipulates complaints should be reported quarterly to the Audit and Scrutiny Committee. A robust complaints policy ensures customer service standards are sustained and improved. It also helps maintain the Council's reputation.

An approach of continuous improvement gained by learning from complaints, supports the priority of Building a better Council.

Details about Freedom of Information requests are provided to show the volume of requests and services impacted in being required to respond to these.

Introduction and background

1. The Council aims to provide an excellent experience every time a customer uses its services, but occasionally things do go wrong. When that happens, the Council would like the opportunity to put things right.
2. If a service falls below the expected standard, officers work with customers to resolve any issues as quickly as possible. Where this still does not resolve the issue, customers may want to make a formal complaint.
3. Complaints, comments and compliments from customers help the Council identify what has worked well and what could be better.
4. Comments and complaints are used to see where processes should be reviewed and improvements made. In addition, compliments are passed on to staff and shared internally.
5. The complaints policy has two stages. Stage 1: Resolution. If customers are not satisfied with the service they receive, they can make a Stage 1 complaint. Where the customer is not happy with the response to their Stage 1 complaint, they can escalate it to Stage 2: Review. The customer must clearly explain why they are dissatisfied with the Stage 1 investigation and what they think the Council needs to do to put matters right.

Timescales

6. At both stages complaints:
 - Are automatically acknowledged within 2 working days.
 - Are fully investigated and responded to within 10 working days. Where this is not possible the customer is contacted to let them know when they can expect a reply.
7. If customers are still not happy with the Stage 2 response, they are referred to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO investigates complaints about councils with the aim of putting things right if they have gone wrong.

Lessons learned

8. We capture what lessons have been learned from complaints, with the aim of improving customer service.
9. As part of the Stage 1 investigations, team leaders review the process or practice used, to highlight where improvements could be made. Any changes are recorded in the system with a record of the action taken as a result, for example staff training, discussions at team meetings, changes to a system or process etc.
10. At Stage 2 a member of the Extended Management Team reviews the response to Stage 1, to see if it could have been prevented from escalating to Stage 2.
11. Complaints are reviewed and discussed by team leaders and service leads to see where improvements can be made, or training is required. Officers are asked to complete a survey once a complaint case is closed to capture any lessons learned and to improve the process.
12. A customer satisfaction survey for complaints is sent to complainants once their case has been closed. This asks if complainants found the process easy to use and are satisfied with the response to their complaint.
13. In the last quarter there were four responses. Two respondents did not find the complaints process easy to use and three were not satisfied with the response provided. This was due to feeling they had not been given good advice, the Council was not taking responsibility for its actions and their complaint had not been fully answered.

Number of complaints

14. In the last quarter (1 April to 30 June 2023) there were 21 new complaints, with 6 Stage 2 complaints. Table A provides more details.
 - There were 5 complaints for operational services, related to allotments, public toilets, cesspools and grass cutting.
 - There were 4 complaints about recycling and waste, with 2 at Stage 2, related to disagreements about the assisted collection policy and bins not being collected.

Table A: Complaints 1 April to 30 June 2023

Service	Summary of complaint	Stage 1	Stage 2
Benefits	Delay in applying benefits.	✓	
Building Control	Disagreement over insulation agreement and poor communication.	✓	
Building Control	Disagreement over administration handling.	✓	✓
Commercial Asset Management	Garage administration error.	✓	
Operational Services	Unhappy with frequency of grass being cut.	✓	
Operational Services	Condition of public toilets.	✓	
Operational Services	Damage caused to allotment.	✓	
Operational Services	Unhappy with frequency of grass being cut.	✓	
Operational Services	TDC failed to empty cesspool.	✓	
Community Surveyors	Administration of application for permission to carry out alterations.	✓	✓
Community Surveyors	Unsatisfactory service when completing renovations.	✓	
Council Housing	Disagreement over keeping dogs in council housing.	✓	
Council Housing	Disagreement over eviction.	✓	✓
Council Tax	Delay in updating council tax information.	✓	
Homelessness	Dispute over potential removal of possessions.	✓	✓
Legal	Incorrect FOI information sent.	✓	
Planning	Disagreement over handling of application.	✓	
Waste and recycling	Bins not collected.	✓	
Waste and recycling	Disagreement in waste and recycling collection.	✓	✓
Waste and recycling	Disagreement over assisted bin collection policy.	✓	✓
Waste and recycling	Bins not collected after assisted collection arrangement put in place.	✓	
Total		21	6

15. The district has around 88,500 people, living in 37,500 households. There are around 3,000 business rate payers. Table B shows complaints as a % of the household and population figures.

Table B: Complaints per household and population

No of complaints	% of household	% of population
21	0.05	0.02

Complaints to the Local Government and Social Care Ombudsman (LGSCO)

16. In the last quarter three complaints were considered by the LGSCO. One for planning and one for building control are still under investigation. One for planning was upheld.
17. The planning complaint, which was upheld, related to the Council's failure to respond to the complainant or their representative, about three planning appeals, as well as the failure to respond to their request for a stage two complaint review. The Council was ordered to apologise and pay £200 compensation. In addition, the Council must write to the complainant setting out the status of any ongoing enforcement and provide written updates every six weeks until the matter is concluded.

Annual letter from the Ombudsman

18. Every year the Local Government and Social Care Ombudsman writes to the Council with details of the complaints it has received about the Council during the year. Please see Appendix A for a copy of the letter.
19. The statistics focus on three key areas to help assess the Council's commitment to putting things right when they go wrong. In 2022-2023 these were:
 - Complaints upheld: Three decisions were upheld. This meant 100% of complaints investigated by the Ombudsman were upheld, which compares to an average of 59% in similar authorities.
 - Compliance with recommendations: In 100% of cases the Ombudsman was satisfied the Council had successfully implemented the recommendations. There was one case last year. This compares to an average of 100% in similar authorities.
 - Satisfactory remedy provided by the authority: In 33% of upheld cases, the Ombudsman found the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 15% in similar authorities. There was one satisfactory remedy decision last year.
20. In this year's letter (year ending 31 March 2023), the Ombudsman stated they were concerned about the way the Council dealt with a planning complaint. It took a long time to get the information requested and when it arrived it was incomplete and the files were not ordered or named.
21. The Council also did not respond to the draft decision and further correspondence and the Ombudsman had to keep chasing for responses. This meant the Ombudsman spent a great deal of additional time and effort on the case because of the lack of engagement from the Council.

22. The Ombudsman has asked the Council to meet the response targets consistently this year.
23. Since the start of 2023 the Council has been making improvements to its complaints process, with the aim of reducing the number of complaints, improving the way complaints are handled and meeting complaint response deadlines. Officers with responsibility for responding to complaints have been given training and a comprehensive internal complaints guidance document has been shared with all staff involved in dealing with complaints.
24. Steps will also be taken to try and reduce the number of cases which require intervention by the Ombudsman. This will include ensuring officers who are also involved in Data Protection and Freedom of Information Act responses and form part of the Data Champions, are given additional training on complaint handling. Taking the opportunity to learn from complaints will hopefully contribute to the ability to identify causes of complaint and service failure. It can also present an opportunity to design in service features which have a preventative impact.

Compensation

25. The Council offers compensation as a goodwill gesture and this is set at a maximum of £50. This is only considered in exceptional circumstances, where the complaint investigation identifies a fundamental service failure in the way the situation has been handled and where the issue caused a customer unnecessary upset and distress.
26. In this quarter there have been three compensation payments. One for £200 which is detailed in paragraph 17. There were also two payments of £50. One to reflect the significant delay in issuing a council tax bill due to the change of system, which meant the bill had to be paid over a shorter time period. The second in relation to incorrect billing caused by the change of system, leading to a delay in resolving the initial complaint and issuing the correct bill.
27. In certain instances, the Council offers discretionary financial compensation to council tenants or leaseholders in the event of a failure of the Housing Landlord Service. Although a discretionary scheme, it is an expectation of the Social Housing Regulator and the Social Housing Ombudsman that there is one.
28. There are also some landlord related compensation payments required by law. These relate to homelessness and disturbance payments when tenants are required to move out of their home. Any compensation is funded by the Housing Revenue account.
29. In the last quarter we have made no housing related compensation payments.

Compliments

30. Compliments about staff and the way they have responded to customers are shared internally with the Extended Management Team and relevant teams.

Freedom of Information (FOI), Data Protection Act, Subject Access Request, Environmental Information Regulation process

31. There are two separate pieces of legislation under which the public can request information from the Council. These are the Freedom of Information Act (FOIA) 2000 and the Environmental Information Regulations (EIR) 2004. The FOIA provides a general right of access and the EIR provide additional rights of access to environmental information.
32. Both pieces of legislation provide the public with a general right of access to all recorded information held by public authorities. This includes drafts, e-mails, letter, notes, recordings of telephone conversations and CCTV recordings.
33. Anyone can make a freedom of information or an environmental information request – they do not have to be UK citizens, or resident in the UK.
34. All Freedom of Information (FOI), Data Protection Act (DPA), Subject Access Request (SAR) or Environmental Information Regulation (EIR) requests are registered on the corporate system.
35. The Council has 20 working days to reply to an FOI or EIR request and a month for DPAs and SAR. It can often take longer than this if the request is particularly complex or involves multiple documents. All personal data must be redacted from documents before being released and this can take a long time. If the Council is late in responding a holding response is sent to the enquirer to make them aware the response is taking longer to prepare.
36. In the last quarter (1 April-30 June 2023) we received 209 FOIs. Table B shows the breakdown of requests by service area.

Table B: FOIs 1 April-30 June 2023

Service area	Number of FOIs
Benefits	3
Building Control	1
Business rates	19
Car Parks	2
CCTV	1
Commercial Asset Management	9
Communications	5
Community Safety	5
Operational Services	2
Community Surveyors	3
Council Housing	8
Council Tax	8
Customer Services	1
Democratic Services	7
Environmental Health	12
Finance	15
Homelessness	3
Housing	15
HR	13
ICT	17
Legal	7
Operations Services	4
Parking	5
Parking External	5
Parks	3
Planning	8
Planning enforcement	1
Planning Policy	8
Procurement	3
Public health & funerals	11
Trees	1
Trees	1
Ukraine	1
Waste and recycling	2
Total	209

37. The Information Commissioners Office (ICO) is the independent body which oversees FOI and EIR. If the public remains unhappy after the internal review procedure, they can complain to the ICO. If the ICO considers the complaint to have merit they will carry out an investigation. The FOI Officer is responsible for providing the ICO with any information they need for their investigation.
38. The ICO requires a formal written explanation of the Council's position, as well as a copy of any withheld information. The ICO will issue a Decision Notice which can either uphold the Council's position or require any withheld information be disclosed. The Council has not received any decision notices from the ICO in this quarter.
39. To make it easier to respond to FOIs, officers are increasing the number of standard data sets on the website. This will mean there can be standard responses to the most common enquiries which direct the requestor to the website.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications arising from this report, apart from the compensation amount detailed.

Dealing with complaints puts an additional resource burden on the Council in terms of staff time and correctly dealing with complaints in the early stages reduces this. Learning from mistakes and improving processes reduces the chances of reoccurrence and frees up officer time to focus on delivering services. Where compensation payments are necessary, these will need to be met by services from existing budgetary provision.

Comments of the Head of Legal Services

This report provides a review of the number of complaints received, as well as information about FOI and EIR requests. The regulatory body, the Information Commissioner's Office (ICO) considers the key performance indicator is the compliance with the statutory 20 Working days deadline for both FOI and EIR requests. The ICO would intervene to monitor a council where it was aware its compliance rate had fallen below 90%.

If any complaint raises issues which may have legal implications or consequences, the Legal team should be consulted. There is no statutory duty to report regularly to any of the committees about the Council's performance, but it is good practice to provide this information. 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 about the Council's performance in responding to complaints and FOI and EIR requests help to demonstrate best value and compliance with the statutory duty.

Equality

To ensure anyone can make a complaint, complaints can be submitted in a number of ways. They can:

- Complete a form.
- E-mail the Council.
- Write to the Council.
- Visit the Council Offices and a complaint can be recorded by an officer.
- Call 01883 722000 and a Customer Services Advisor can complete a form for a customer over the phone.

Complaints on social media cannot be accepted, as it is too difficult to capture information and not practical if it is sensitive or confidential. When a complaint is received via social media, the complainant is asked to contact the Council in one of the above ways.

While all complaints are dealt with confidentially, anonymous complaints cannot be responded to.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

None

Background papers

None

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