

# Complaints and Freedom of Information update

## Audit & Scrutiny Committee - Tuesday 6 February 2024

Report of: Head of Policy and Communications

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Purpose: For information

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Publication status: Open

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Wards affected: All

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### Executive summary:

This report provides an update about the Council's approach to managing complaints. Complaints are reported quarterly to this 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.

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

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**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.

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## **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.

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## **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. Any learning from complaints is captured and used to ensure lessons have been learned, 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 was one response. The respondent found the complaints process easy to use and was somewhat satisfied with the response.

## **Number of complaints**

14. In the last quarter (1 October to 31 December 2023) there were 25 new complaints and 3 Stage 2 complaints. Table A provides more details.
  - There were seven complaints about council tax, of which two were in relation to account updates and three regarding discrepancies on bills.
  - There were five complaints about planning, one at stage 2 about a disagreement with the way their planning application was dealt with.
  - There were five council housing complaints, with one at stage 2 related to a dispute about housing options.

**Table A: Complaints 1 October to 31 December 2023**

<b>Service</b>	<b>Summary of complaint</b>	<b>Stage 1</b>	<b>Stage 2</b>
Community Surveyors	Delays fixing heating.	✓	
Community Surveyors	Multiple failed repairs on property.	✓	
Community Surveyors	No insulation in flat causing cold conditions for 15 years.	✓	
Council Housing	Mould in council home.	✓	
Council Housing	Complaint regarding housing officer.	✓	
Council Housing	Incorrect rent arrears on residents' parents' property.	✓	
Council Housing	Disputes over debt put in resident's name.	✓	
Council Housing	Dispute over council housing options.	✓	✓
Council Tax	Disagreement over council tax due to joint ownership tenancy ending.	✓	
Council Tax	Multiple errors with council tax information.	✓	
Council Tax	Delays in changing residents change of address.	✓	
Council Tax	Long delay in applying council tax reduction.	✓	
Council Tax	Complaint about council tax officer.	✓	
Council Tax	Council tax refund not received and no response from Council.	✓	
Council Tax	Residents receiving final notices despite accounts being up to date.	✓	
Customer Services	Delay in bus shelter light repair due to error with third party website.	✓	
Legal	Delays in Right to Buy process.	✓	✓
Parking	Disputed parking charge and website information misleading.	✓	
Planning	Disagreement with way planning application was dealt with.	✓	✓
Planning	No contact regarding planning appeal.	✓	
Planning	Delays in approving planning application.	✓	
Planning	Disagreement with way planning application was dealt with.	✓	
Planning	Delay in approving planning application.	✓	
Planning Enforcement	Dispute over neighbours planning application / action from Council.	✓	
Waste & Recycling	Disagreement over bin collection.	✓	
<b>Total</b>		<b>25</b>	<b>3</b>

15. The district has around 88,500 people, living in 37,500 households. Table B shows complaints as a % of the household and population figures.

**Table B: Complaints per household and population**

<b>No of complaints</b>	<b>% of household</b>	<b>% of population</b>
25	0.07%	0.03%

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

16. In the last quarter, ten complaints were considered by the LGSCO. Five were not taken forward to be investigated and four investigations are ongoing. One complaint about planning was upheld and the details are provided in the paragraph below.
17. In the last quarter £200 compensation was paid as a result of a planning complaint. While the Ombudsman did not consider the decision the Council had made about the application to be wrong, the way officers dealt with the complaint did not meet the Council's own complaint timescales or standards. This and the fact officers did not keep the complainant up to date led to an apology and the award of compensation. The Ombudsman also recommended officers record reasons for approving non-material amendments to planning applications on decision documents.

### **Compensation**

18. 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.
19. In this quarter there was one Ombudsman recommended compensation payment of £200 as detailed in paragraph 17 above.
20. 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.
21. 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.
22. In this quarter there was one housing related compensation payment of £25. This related to delays in responding to an issue with a tenant's

heating. The Council's heating contractor also made a payment of £75 to the tenant due to the delay in dealing with the issue.

## **Compliments**

23. 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**

24. 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.
25. Both pieces of legislation provide the public with a general right of access to all recorded information held by public authorities. This includes drafts, emails, letter, notes, recordings of telephone conversations and CCTV recordings.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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 is disclosed. The Council has not received any decision notices from the ICO in this quarter.

31. 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.

32. In the last quarter (1 October -31 December 2023) we received 234 FOIs. Table C shows the breakdown of requests by service area.

**Table C: FOIs 1 October-31 December 2023**

<b>Service area</b>	<b>Service area FOIs</b>
Asset Management	7
Benefits	4
Building Control	6
Business Rates	23
Chief Executives	1
Committees	1
Communications	7
Community Safety	2
Community Services	1
Community Surveyors	5
Council Housing	32
Council Tax	10
Customer Services	3
Design and Print	1
Elections	7
Environmental Health	12
Facilities	2
Finance	8
Fly tipping	1
Homelessness	5
Housing	7
Housing Development	6
Housing Management	1
Housing Needs and Allocations	6
HR	7
ICT	16
Land charges	2
Legal	4
Operational Services	5
Parking	5
Parking External	2
Parks	3
Planning	6
Planning enforcement	3
Planning Policy	9

Public Health and Funerals	6
Street Cleaning	1
Street Name plates	1
Sustainability	4
Trees	1
Ukraine	2
Waste and recycling	5
<b>Total</b>	<b>234</b>

## **Key implications**

### **Comments of the Chief Finance Officer**

There are no direct financial implications arising from this report, apart from the compensation amounts 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 are paid by services from existing budgets.

### **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 is 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) 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 made 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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