

# Complaints and Freedom of Information update - September 2024

## Audit & Scrutiny Committee, Tuesday 24 September 2024

Report of: Head of Policy & 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. This report covers information about the LGSCO annual letter.

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:** Putting residents at the heart of what we do.

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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 maintained and improved. It also helps maintain the Council's reputation.

An approach of continuous improvement gained by learning from complaints, supports the priority of Putting residents at the heart of what we do.

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.
  - **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. The complaints timescale for Stage 2 has been reviewed by the Extended Management Team and amended from 10 to 20 working days. This is to allow the Extended Management Team enough time to review and investigate the complaint, as they are often complex. This timescale is in line with other Surrey councils.

7. Complaints response timescales are as follows:
  - All complaints are automatically acknowledged within 2 working days.
  - Stage 1 complaints are fully investigated and responded to within 10 working days.
  - Stage 2 complaints are investigated and responded to within 20 working days.
8. Where the above timescales cannot be met, the customer is contacted to let them know when they can expect a reply.
9. If customers are not satisfied 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**

10. Any learning from complaints is captured and used to ensure lessons have been learned, with the aim of improving customer service.
11. 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.
12. 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.
13. 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.
14. 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.
15. In the last quarter there were six responses. Over half of the respondents were not satisfied with the response and found the complaints process difficult to use. Some commented about the time taken to respond to their complaint.

## **Number of complaints**

16. In the last quarter (1 April to 30 June 2024) there were 18 new complaints and 4 Stage 2 complaints. Table A provides more details.

**Table A: Complaints 1 April to 30 June 2024**

<b>Service</b>	<b>Summary of complaint</b>	<b>Stage 1</b>	<b>Stage 2</b>
Benefits	Dispute back dating benefits claim.	✓	
Benefits	Council tax support stopped.	✓	
Benefits	Housing benefit appeal delay.	✓	
Building Control	Final inspection not completed and final certificate not issued.	✓	
Community Surveyors	Repair not completed, lack of contact from officer.	✓	
Council Tax	Council tax bill and summons.	✓	
Council Tax	Direct Debit issue.	✓	
Council Tax ( <i>Stage 1 in previous quarter</i> )	Council tax reduction/student discount dispute.		✓
Housing Needs & Allocations	Query housing from out of district.	✓	✓
Environmental Health	Trading consent issue.	✓	
Legal	Ownership of road and gully. Lack of response to e-mails.	✓	✓
Planning	Dispute over committee decision about an application.	✓	
Planning	Lack of council representation at flooding/multi agency meetings.	✓	
Planning	Issues with two planning applications.	✓	
Planning	Handling of planning application.	✓	
Planning enforcement	Planning application enforcement involvement.	✓	
Planning enforcement	Parking by builders on council building site.	✓	
Planning enforcement	No communication/response regarding case.	✓	
Operational Services	Wrong person approached about fly tipping and penalty notice received.	✓	
Waste and Recycling <i>Stage 1 in previous quarter</i>	Bin collection issue.		✓
<b>Total</b>		<b>18</b>	<b>4</b>

17. The district has around 88,500 people, living in 38,000 households. 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
18	0.05%	0.02%

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

18. In the last quarter, five complaints were received by the LGSCO. Three were not investigated, one did not fall under the Council's remit and one was closed as the issue was resolved by the Council.

### **Annual letter from the Ombudsman**

19. 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.
20. The statistics focus on three key areas to help assess the Council's commitment to putting things right when they go wrong. In 2023-2024 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 63% in similar authorities.
  - **Compliance with recommendations:** In 100% of cases the Ombudsman was satisfied the Council had successfully implemented the recommendations. There were four cases last year. This compares to an average of 99% in similar authorities.
  - **Satisfactory remedy provided by the authority:** 0% of upheld cases. The ombudsman found out of the three upheld cases the Council had not provided a satisfactory remedy before the complaint reached the Ombudsman.
21. In this year's letter (year ending 31 March 2024), the Ombudsman stated they were pleased to note the Council met its targets consistently when responding to the Ombudsman's enquiries. This was a welcome improvement from the previous year.
22. The Council also agreed to and implemented the recommendations made in four cases during the year. Although in two cases the recommendations were not completed within the agreed timescales.

23. The Ombudsman has asked the Council to consider how it might make improvements to reduce delays in the remedy process and hopes to see an improved performance in the year ahead.

## **Compensation**

24. 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. There were no goodwill compensation payments in this quarter.

25. 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.

26. Some landlord related compensation payments are 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.

27. In this quarter there were three housing compensation payments.

- £800 for an ombudsman ruling for a housing complaint in relation to damp issues at the property.
- £300 for housing benefit compensation.
- £100 in relation to an ongoing matter about miscommunication with one of the Council's surveyors on a building regulation application.

## **Compliments**

28. 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**

29. 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.
30. 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, letters, notes, recordings of telephone conversations and CCTV recordings.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. In the last quarter (1 April -30 June 2024) we received 157 FOIs. This compares to 269 FOIs in the previous quarter. Table C shows the breakdown of requests by service area.

**Table C: FOIs 1 April -30 June 2024**

<b>Service Area</b>	<b>Service area FOIs</b>
Asset Management	7
Benefits	1
Building Control	2
Business Rates	26
Climate change and energy efficiency	1
Communications	6
Communities	3
Community Safety	1
Community Surveyors	2
Council Housing	5
Council Tax	7
Customer Services	2
Elections	3
Environmental Health	20
Facilities	2
Finance	8
Fly Tipping	1
Health & Wellbeing	1
Homelessness	9
Housing Development	4
Housing Management	0
Housing Needs & Allocations	4
HR	3
ICT	5
Land Charges	5
Legal	1
Operational Services	3
Parking	2
Planning	2
Private Sector Housing Grants	2
Procurement	4
Public health & funerals	11
Street Cleaning	1
Trees	1
Waste and Recycling	2
<b>Total</b>	<b>157</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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