

# Complaints and Freedom of Information requests update

## Audit & Scrutiny Committee Thursday 30 September 2021

Report of: Head of Legal Services & Monitoring Officer

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Purpose: For information

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Publication status: Open

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 the Audit and Scrutiny Committee and details about what has changed as a result of a complaint are published on the website.

In addition, this report includes details about 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 note and accept 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.

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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 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 response they receive at Stage 2, 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, changes to a system or process etc.
10. At Stage 2 a member of the Senior Leadership Team reviews the response to Stage 1, to see if it could have been prevented from escalating to Stage 2.
11. In several cases, the way an issue was dealt with has been discussed by officers, with an emphasis on how it might have been handled differently to prevent a complaint being raised.
12. More complaints training is being made available to a broader range of officers to improve responses to customers across the organisation.

## **Number of complaints**

13. In the last quarter (1 April to 30 June) there were 69 complaints in total, as shown in the table below. Of these:
  - There were 31 complaints about recycling and waste, two referred to stage two. Most of these complaints were because of issues caused by the introduction of the new waste contract, while the others mostly related to the bins not being put back properly. This information has been fed back to Biffa, the contractor.
  - There were 14 planning complaints, of which 6 were referred to stage two. The complaints related to no access to pre-application advice, being unable to contact officers for information or updates and a lack of site visits. As part of the work to improve the planning service this information has been shared and customer service and complaints training is being recommended.
14. It should be noted this quarter is one of the Council's busiest in terms of sending out council tax and business rates bills, rent increase letters and other annual increases, which can often result in higher volumes of contact and complaint.

**Table A: Complaints 1 April to 30 June 2021**

<b>Service</b>	<b>Stage 1</b>	<b>Stage 2</b>
Benefits	1	
Business rates	1	
Community Surveyors	3	
Council tax	4	2
Elections	1	
Environmental Health	2	
Finance (no stage 1)		1
Homelessness	3	1
Housing (one with no stage 1)	4	3
HR	1	
Legal	1	
Operational services	1	
Parks	1	
Planning	14	6
Street cleaning	1	
Rubbish and recycling	31	2
<b>Total</b>	<b>69</b>	<b>15</b>

15. The table above also shows that the complaints process is not always followed correctly with some complaints not being referred for a stage 1 response. The new processes and systems adopted earlier this year should help prevent this from happening.

16. The Tandridge District has around 88,500 people, living in 37,500 households. There are around 3,000 business rate payers. The table below 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>
69	0.2	0.8

17. Benchmarking with other Surrey councils is difficult as every council categorises and records complaints in different ways. The same methods are not being used to be able to make a like for like comparison.

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

18. The Freedom of Information Act 2000 provides 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.
19. Anyone can make a freedom of information request – they do not have to be UK citizens, or resident in the UK. Freedom of information requests can also be made by organisations, for example a newspaper, a campaign group, or a company.
20. 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.
21. 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.
22. In the last quarter (1 April–30 June 2021) we received 91 FOIs. The table below shows the breakdown of requests by service area.

<b>Service area</b>	<b>Number of FOIs</b>
Benefits	1
Building Control	2
Burials	4
Business rates	13
Committees	2
Community Safety	1
Community surveyors	4
Council tax	3
Disabled facilities grant (?)	1
Environmental Health	4
Facilities	2
Finance	3
Flytipping	2
Homelessness	6
Housing	2
Housing enabling (building)	1
HR	2
ICT	1
Operational services	2

Parking	3
PH funerals	11
Planning	5
Planning policy	3
Sheltered housing and community alarms	1
Street cleaning	3
Various - council tax, homelessness, enabling, CIL	1
Waste and recycling	8
<b>Total</b>	<b>91</b>

23. Many FOIs are repeat requests and are often from companies trying to find out what contracts the Council has, what software it currently uses, how many people are working in a particular service area etc. At the moment FOI responses are not made public, but it is expected they will be published on the website in the future if a cost effective way to do this can be found. This would make it easier to refer people to responses already provided to similar questions.

## **Key implications**

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

There are no direct financial implications arising from this report.

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 our mistakes and improving processes will reduce the chances of reoccurrence and free 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 complaints received and an update on the Council's complaint handling. If any complaint raises issues that may have legal implications or consequences, Legal Services should be consulted.

There is no statutory duty to report regularly to any of the committees about the Council's performance. 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 assist in demonstrating 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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