

Complaints and Freedom of Information requests update

Audit & Scrutiny Committee - Tuesday 2 November 2021

Report of: Head of Legal Services & Monitoring Officer

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 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.

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.

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.

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 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.

Number of complaints

11. In the last quarter (1 July to 30 September) there were 44 complaints in total, with 8 Stage 2 complaints. Table A provides more details.
 - There were 12 complaints about recycling and waste. These related to repeat missed collections, missed textile collections, correct procedures not followed by crew, contractors' response to challenge by the resident, the road being blocked by the vehicle and garden waste contract issues.
 - There were 7 complaints about council tax. These related to a summons being issued in error, delayed payment, delayed refund, delay in setting up direct debit and bailiff visits.
12. There are a few complaints which are about the way in which an enquiry was handled by the officer and that officer's response. These have been reviewed and discussed by the team leaders and service lead to see where improvements can be made. The corporate complaints training should also help officers to consider the way in which they respond.

Table A: Complaints 1 July to 30 September 2021

Service	Summary of complaint	Stage 1	Stage 2
Benefits	Officer response, benefits not backdated, incorrect advice given.	3	1
Building control	Delay in response.	1	
Community surveyors	Damage to property, poor communication by contractors, delay in dealing with a pest control issue, delay in fitting new fence, delay in fixing leak, lack of response.	5	
Council tax	Summons issued in error, delayed payment, delayed refund, delay in setting up direct debit, bailiff visit.	7	3
Finance	Lack of response.	1	
Homelessness	Officer response.	5	
Housing	Neighbour dispute, officer response, delay in being housed, delay in response.	2	1
Planning	Unhappy with neighbour's approved application, delay in decision, lack of response, officer response, paying for a lawful development certificate for a simple question.	5	2
Planning enforcement	Unhappy with neighbour's building works, delay in action due to appeals, officer response.	3	1
Rubbish and recycling	Repeated missed collections, missed textile collection, correct procedures not followed by crew, contractors' response to challenge, road blocked by vehicle, garden waste contract issues.	12	
Total		44	8

13. The Tandridge 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
44	0.1	0.5

14. 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.
15. In the last quarter one complaint was escalated to the LGSCO, but has not yet been concluded.

Compensation

16. The Council currently has no specific compensation policy for complaints, although this is being considered.
17. 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.
18. 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.
19. In the last quarter we have made no housing related compensation payments.
20. Compensation was agreed for two stage 2 complaints relating to council tax and planning. This was agreed due to the poor customer service the customer received and the impact this had on their situation.

Compliments

21. Compliments about staff and the way they have responded to customers are shared internally on the intranet. Recently compliments have been received about receiving prizes from the bin naming competition and good customer service provided by a number of staff.

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

22. 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, letters, notes, recordings of telephone conversations and CCTV recordings.
23. Anyone can make a freedom of information request – they do not have to be UK citizens, or resident in the UK.

24. 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.

25. 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.

26. In the last quarter (1 July–30 September 2021) we received 115 FOIs. The table below shows the breakdown of requests by service area.

Service area	Number of FOIs
All depts	1
Business rates	20
Climate change & energy efficiency	5
Committees	1
Communications	2
Community Surveyors	1
Council tax	2
Elections	1
Environmental Health	15
Facilities	6
Finance	4
Garages	1
Homelessness	8
Housing	1
HR	3
ICT	3
Land charges	1
Operational services	1
Parking	3
Parks	3
Parks/waste & recycling	1
PH funerals	7
Planning	12
Planning Policy	6
Sheltered housing and community alarms	1
Street cleaning	2
Rubbish and recycling	4
Total	115

27. 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.

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 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 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, 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 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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