

# Complaints and Freedom of Information Requests update

## Audit & Scrutiny Committee Tuesday, 22 March 2022

Report of: Head of Legal Services & Monitoring Officer

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Purpose: For decision 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.

The details about the 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 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 the last quarter there were a few complaints 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 leads to see where improvements can be made. The corporate complaints training should also help officers to consider the way in which they respond.
12. A customer satisfaction survey for complaints has recently been introduced which is sent to complainants once their case has been closed. This asks if complainants found the process easy to use and are satisfied with our response to their complaint.
13. There have been two responses so far. Both complainants responded to say they were not satisfied with the response to their request. This was largely due to the length of time it had taken for a response to be sent to them – far longer than the stated timescales and one did not feel the response addressed their issue, although guidance was offered about what else they could do.

## **Number of complaints**

14. In the last quarter (1 October to 31 December) there were 38 new complaints and 6 Stage 2 complaints. Table A provides more details.
  - There were 9 complaints about planning, including 1 at stage 2.
  - There were 9 complaints for housing (including housing needs and homelessness), with 4 at stage two.
  - There were 7 complaints related to property services, with 1 at stage 2.

**Table A: Complaints 1 October to 31 December 2021**

<b>Service</b>	<b>Summary of complaint</b>	<b>Stage 1</b>	<b>Stage 2</b>
Benefits	Officer response.	✓	
Benefits	Officer response.	✓	
Benefits	Delay in paying DHP. Lack of contact.	✓	
Building Control	Reminders sent when payment plan in place. Conflicting information given.	✓	
Community Surveyors	Poor quality fence and poor service from officer.	✓	
Community Surveyors	Satellite dish not working due to scaffolding. Lack of communication.	✓	
Community Surveyors	Ongoing problem with boiler despite numerous visits.	✓	
Community Surveyors	Flooding of car park. Lack of contact/update.	✓	
Community Surveyors	Ongoing housing disrepair.	✓	
Community Surveyors	Lack of contact from officer.	✓	
Community Surveyors	Ongoing problem with boiler despite numerous visits.	✓	
Council tax	Significant delay in issuing council tax refund.	✓	
Council tax	Delay in closing accounts for probate, felt staff were uncaring.	✓	
Elections	Mistakes made when processing updates.	✓	
Homelessness	Offered property was withdrawn. Feels entitled to larger property than allowed to bid on.	✓	
Housing	Complaint about officer conduct on visit.	✓	
Housing	Not advised property is on more expensive heating network.	✓	✓
Housing	Incorrect information given by plumber, appliance replaced despite not being faulty.	✓	
Housing	Officer response.	✓	
Housing Needs	Unhappy with property offered.	✓	✓
Housing Needs	Moved to auto bids and feels forced to accept a property that is not appropriate.	✓	✓
Housing Needs	Mutual exchange denied. (Stage 1 in quarter 2).		✓
Housing Needs	Delays processing housing application, difficulty reaching officer. (Stage 1 in quarter 2).		✓
Parks	Removal of vegetation weakened fence causing it to fall. Lack of response from officers.	✓	
Planning	Felt planning process not followed.	✓	✓
Planning	Mistakes on planning application.	✓	
Planning	No notification of planning application.	✓	

Planning	Planning application not considered properly by committee.	✓	
Planning	Considered planning application discriminated against residents with disabilities	✓	
Planning	Misled about application timescales and fee.	✓	
Planning	Unhappy with neighbouring planning application. Lack of site visits.	✓	
Planning enforcement	Felt reports of planning breaches not taken seriously or dealt with properly.	✓	
Planning	Delays. Lack of contact from planning officers	✓	
Trees	Wood from felled trees dumped behind property, also damaging fence.	✓	
Waste and recycling	Request for refund for disrupted garden waste collections.	✓	
Waste and recycling	Ongoing problems with waste collection.	✓	
Waste and recycling	Ongoing collection problems at flats.	✓	
Waste and recycling	Ongoing problem with rubbish collection	✓	
Waste and recycling	Garden waste bin not collected. Lack of response from officers.	✓	
Waste and recycling	Request for refund for disrupted garden waste collections.	✓	
<b>Total</b>		<b>38</b>	<b>6</b>

15. 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**

<b>No of complaints</b>	<b>% of household</b>	<b>% of population</b>
38	0.1	0.5

16. 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.

17. In the last quarter four complaints were considered by the LGSCO. Three were decided and one about planning is still being investigated. Of the three considered:

- One for planning was upheld. The Council was asked to write and apologise to the resident and make a payment of £250. In addition, it was asked to put a process in place to improve the communication between the

enforcement and planning teams. The complaint related to a failure to tell the resident about a receipt of a nonmaterial amendment to a planning application which would have an impact on their property. As the resident was not aware of this amendment they were not able to comment. There was also a delay in making the information available on the website and on the planning file. The LGSCO did not consider these issues made a difference to the final decision about the nonmaterial amendment and did feel the Council complaint responses were comprehensive.

- One about housing was not upheld. The Council has been advised to keep detailed and accurate logs of contractor visits.
- One about backdating housing benefit was not investigated as the LGSCO decided the complaint should be taken to the Social Entitlement Chamber, which settles legal disputes and is structured around particular areas of law.

## **Compensation**

18. The Council has recently agreed an approach to offering compensation as a goodwill gesture. 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. No compensation has been awarded in this quarter.
19. 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.
20. 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.
21. In the last quarter we have made no housing related compensation payments.

## **Compliments**

22. Compliments about staff and the way they have responded to customers are shared internally on the intranet. One received during the last quarter was about the speed with which some flytipped green waste was removed.

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

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. In the last quarter (1 October-31 December 2021) we received 140 FOIs. Table C shows the breakdown of requests by service area.

**Table C: FOIs 1 October to 31 December 2021**

<b>Service area</b>	<b>Number of FOIs</b>
Building Control	1
Business rates	18
CCTV	1
Commercial Asset Management	6
Commercial Asset Management/ Community Surveyors	1
Communications	2
Communications / HR	1
Community Safety	4
Community Surveyors	1
Council tax	7
Covid support fund / grants	3
Customer Services	1

Environment	2
Environmental Health	13
Facilities	2
Finance	3
Finance / Parking	1
Flytipping	2
Garages	1
Health and Wellbeing	1
Housing	2
Housing Development	1
Housing Needs	5
Housing Needs / Planning Policy / Housing Development / Legal	1
Housing/Surveyors/Legal	2
HR	5
HR / ICT	2
ICT	5
Internal review - Planning	1
Legal	2
Operational Services / Environment	1
Operational Services	1
Parking	2
Parking External	2
Parks	5
Planning	8
Planning Policy	3
Planning Policy / Planning	1
Private sector housing grants	2
Procurement	2
Public Health Funerals and burials	8
Street cleaning	2
Street cleaning / Environmental Health	1
Waste and recycling	5
<b>Total</b>	<b>140</b>

29.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.

30.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.



31. 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.

## **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 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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