

Complaints and Freedom of Information update

Audit & Scrutiny Committee - 5 July 2022

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.

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.

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 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. In the last quarter there were 15 responses. While most complainants found the process fairly easy to use, many 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 the lack of communication from the Council.

Number of complaints

14. In the last quarter (1 January to 31 March 2022) there were 30 new complaints and 13 Stage 2 complaints. Table A provides more details.
 - There were 9 complaints about planning, with 6 at stage 2.
 - There were 6 complaints for housing (including housing needs and homelessness), with 3 at stage two.
 - There were 7 complaints about council tax, with 1 at stage 2.

Table A: Complaints 1 January to 31 March 2022

Service	Summary of complaint	Stage 1	Stage 2
Benefits	Mistake by council tax/benefits. Complaint against officers from multiple departments.	✓	
Community Surveyors	Repairs to property not done in a timely manner.	✓	
Community Surveyors	Complaint to CE wasn't responded to. Problems with window cleaner.	✓	
Community surveyors (stage 1 in previous quarter)	New property is on heating network - more expensive. Was not advised of this at viewing.		✓
Council tax	Council tax mistake, after moving over to the new computer system.	✓	✓
Council tax	Mistake made by Council tax. Cancelled account without any input or confirmation, resulting in large sum of money being owed.	✓	
Council tax	Mistake made by council tax. Non removal of empty property charges.	✓	
Council tax/elections	Mistake by council tax. Mishandling council tax bills and the registration of address.	✓	

Council tax	Mistake by council tax/benefits. Complaint against officers from multiple departments.	✓	
Council tax	Mistake by council tax. Incorrect bill.	✓	✓
Council tax	Mistake by council tax. Council tax reminder notice sent after first request two years before and previous bill sent to New Zealand.	✓	
Environmental Health	Light nuisance complaint.	✓	✓
Housing	Complaint against an officer.	✓	
Housing	Complaint about the cleaning of communal area in council property.	✓	
Housing Development	Complaint concerning the parking arrangements at Uplands.	✓	✓
Housing Needs	Officer conduct.	✓	
Housing Needs	Problems with hostel and temporary accommodation, complaints against officers.	✓	
Housing Needs	Complaint about the way the hostel is run and the structure of the housing needs team. Housing benefit reimbursement.	✓	✓
Housing Needs	Complaint against a manager.	✓	✓
Housing Needs	Mistake by council tax/benefits. Complaint against officers from multiple departments.	✓	
Housing Needs	Complaint about how the resident was treated by housing allocations.	✓	
Planning	Lack of response from planning	✓	
Planning	Problem with planning application website, lack of action to rectify, compromised consultation process.	✓	
Planning	Delays. Lack of contact from planning officers.	✓	
Planning	No one told resident why certificate of lawfulness was refused.	✓	
Planning	No response from Planning.	✓	✓
Planning	Delays. Lack of contact from planning officers.	✓	✓
Planning (stage 1 in previous quarter)	Does not believe neighbour's planning app (which they opposed) was treated correctly or fairly at committee.		✓
Planning (stage 1 in previous quarter)	Believes they were misled re application turnaround times and paying a fee.		✓
Planning enforcement	Lack of action from planning department.	✓	
Planning enforcement	Complaint about development near Coldharbour Farm, Lingfield.	✓	✓
Planning enforcement	Delays/lack of response from officers.	✓	✓

Waste and recycling	Missed bins, rude response.	✓	
Waste and recycling	No rubbish collection for 15 months – bins were not being presented.	✓	
Total		30	13

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 for the last quarter as a % of the household and population figures.

Table B: Complaints per household and population

No of complaints	% of household	% of population
30	0.08	0.3

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.

Number of complaints received annually

17. Compared to the previous year (2020-2021), there were fewer complaints between 1 April 2021 and 31 March 2022, as detailed in the table below and fewer than the previous year 2019-2020. This could be partially due to the introduction of the new policy and more accurate recording of complaints. The introduction of the new waste contract in April 2021 also contributed to many of the 69 complaints in April-June 2021.

Timescale	2019-2020	2020-2021	2021-2022
April to June	57	38	69
July to September	54	47	44
October to December	74	47	38
January to March	129	108	30
Total	314	240	181

Cost of complaints

18. The committee requested information about the cost of complaints. It is difficult to get an accurate figure, but in terms of the administration of complaints as an estimate it is about 20% of an officer's role, or around one day a week. This equates to an annual figure of around £5,200.

19. This estimate does not include the cost of officers who provide the response to the complaints (team leaders at Stage 1 and Extended Management Team at Stage 2). As an estimate it could take up 5-15% of an officer's time depending on the complexity of the complaint. In terms of cost that could be range from £2000 to £6000 a year at Stage 1 and £3,500 to £10,500 year at Stage 2.

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

20. In the last quarter six complaints were considered by the LGSCO. Three (two for planning and one for council tax) were referred back to the Council as they had not been fully investigated under the complaints process, one for planning was not upheld, one about housing is under investigation and one about planning enforcement was upheld.
21. The planning enforcement case related to the Council's failure to issue an enforcement notice until the planning application had been determined. The Council was ordered to issue an apology and pay the complainant £1250.

Compensation

22. 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.
23. In this quarter we have made two payments of £50 compensation, both related to council tax and rent payments. This was awarded in recognition of the upset and distress caused to the customer, as well as the inconvenience caused by the failure to update records and resolve the issues swiftly.
24. 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.
25. 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.
26. In the last quarter we have made no housing related compensation payments.

Compliments

27. Compliments about staff and the way they have responded to customers are shared internally on the intranet.

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

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. In the last quarter (1 January-31 April 2022) we received 159 FOIs. Table C shows the breakdown of requests by service area.

Table C: FOIs 1 January to 31 April 2022

Service area	Number of FOIs
Benefits	4
Business rates	24
Climate change and energy efficiency	3
Commercial Asset Management	6
Communications	3
Community Safety	3
Community Surveyors (Property Svc)	2
Council Housing	3
Council tax	7
Customer Services	1
Environmental Health	14
Facilities	2
Finance	4

Homelessness	6
Household Support Fund	1
Housing	2
HR	13
ICT	6
Legal	5
Operational Services	2
Organisational performance (Alison Boote)	1
Parking	3
Parks	2
Planning	3
Planning Policy	2
Procurement	4
Public health funerals and burials	9
Street cleaning	3
Trees	2
Various -Homelessness, customer services	1
Various - Communications, legal, ICT	1
Various - Council tax, design and print, elections	1
Various - Council tax, housing	1
Various - Council tax, planning	1
Various - Customer Services, ICT	1
Various - Environmental Health, planning	1
Various - Flytipping, housing	1
Various - Homelessness, HR	1
Various - Legal, communications	1
Various - Legal, planning	1
Various - Parking, finance	1
Various - Planning, finance, HR	1
Waste and recycling	6
Benefits	4
Total	159

34. Over the last year (1 April 2021-31 March 2022) we have received 505 FOIs.

35. 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.

36. 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.
37. 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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