

Complaints and Freedom of Information update

Audit & Scrutiny Committee - Tuesday 6 December 2022

Report of: Head of Policy and Communications

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, or training is required.
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 the response to their complaint.
13. In the last quarter there were four responses. All respondents found the complaints process difficult and were not satisfied with the response provided. This was partly due to the length of time it had taken for a response to be sent to them and the lack of information given in the response.

Number of complaints

14. In the last quarter (1 July to 30 September 2022) there were 24 new complaints and 6 Stage 2 complaints. Table A provides more details.
 - There were 8 complaints about council tax, with 1 at stage 2.
 - There were 5 complaints for community surveyors, with 2 at stage 2.
 - There were 4 complaints for planning, with 1 at stage 2.

Table A: Complaints 1 July to 30 September 2022

Service	Summary of complaint	Stage 1	Stage 2
Benefits	Delay in receiving discretionary housing payment form update.	✓	
Benefits	Poor customer service received after phoning regarding tax change enquiry.	✓	
Community Surveyors	Residents flat suffered water damage, disagreement about who covers cost.	✓	
Community Surveyors	Tree fallen onto resident's garage.	✓	✓
Community Surveyors	Resident wanting to re-do their driveway.	✓	✓
Community Surveyors	Scaffolding put up by Council blocking residents SKY dish.	✓	
Community Surveyors	Resident had to pay for overgrown trees to be cut back on their council property.	✓	
Council tax	Delay in reply to council tax enquiry.	✓	
Council tax	Council tax charge sent to resident in error.	✓	
Council tax	Resident couldn't fill out energy grant form, no communication back from council.	✓	
Council tax	Resident summoned to court over wrong council tax amount.	✓	
Council tax	Council tax overpayment not refunded to resident and no communication from council.	✓	
Council tax	Resident charged more than council tax band.	✓	
Council tax	Dispute with council tax bill, no action taken after speaking with council.	✓	
Council tax	Resident unable to create direct debit for council tax.	✓	✓
Exchequer services (Finance)	Multiple invalid reminders sent regarding maintenance charges, no communication back from council.	✓	
Health and Wellbeing	Poorly treated by Wellbeing Prescription Team.	✓	✓
Housing	Resident removed from council housing list.	✓	
Housing	Incomplete maintenance work caused damage to residents' property.	✓	
Housing	Eligibility for council housing.	✓	
Legal (Previously FOI)	Planning enforcement dispute.	✓	✓
Planning	Delay in deciding planning application.	✓	
Planning	Delay in deciding planning application.	✓	
Planning (stage 1 in previous quarter)	Delay in deciding Planning Application.		✓
Planning Enforcement	Disagreement in Planning Application.	✓	
Total		24	6

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

15. In the last quarter six complaints were considered by the LGSCO. Three for housing and three for planning. Two of the housing and one of the planning complaints were not upheld. One case is still under investigation
16. Two complaints were upheld.
 - One related to a planning enforcement issue where the enforcement notice was not issued until after planning permission had been granted. The Council was ordered to issue an apology, make a payment of £1250 and maintain regular contact with the resident about any planning enforcement.
 - The second was about a housing complaint where a tenant raised issues about fire safety in their building and withheld service charge and rent payments. The Council was required to apologise for failures relating to fire safety issues in the building. Evidence must be provided to the ombudsman about regular fire alarm testing, as well as person centred risk assessments and personal evacuation plans. Risk assessments must be carried out at least every two years and evidence provided of electrical equipment checks.

Compensation

17. 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. In this quarter we have not made any compensation payments.
18. 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.
19. 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.
20. In the last quarter a housing related compensation payment of £100 was made to a housing tenant in relation to a drainage leak at their property. The tenant was unhappy with the length of time it took to resolve the issue which led to damage to their carpets. In addition, carpets and other items in the property were deep cleaned at the Council and contractor's cost.

Compliments

21. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. In the last quarter (1 July-30 September 2022) we received 176 FOIs. Table B shows the breakdown of requests by service area.

Table B: FOIs 1 July to 30 September 2022

Service area	Number of FOIs
Asset Management	1
Benefits	4
Building Control	1
Business rates	19
Commercial Asset Management	1
Communications	1
Community Safety	3
Council tax	11

Council Housing	9
Community Surveyors	1
Customer Services	1
Democratic Services	1
Data Protection	1
Environmental Health	17
Facilities	3
Finance	22
Housing	11
Homelessness	3
Housing development	2
HR	7
ICT	7
Legal	9
Locality services	2
Operational services	3
Parking	3
Parking external	1
Parks	3
Planning	7
Planning enforcement	2
Planning policy	4
Procurement	4
Public health & funerals	8
Waste and recycling	3
Trees	1
Total	176

28. 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.

29. 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.

30. 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.

31. As part of the Future Tandridge Programme service reviews the administration of FOIs has moved to the Legal team, so the whole process is managed by one team. In addition, to make it easier to respond to FOIs, officers will increase the number of standard data sets on the website. This mean there will be standard responses to the most common enquiries which direct the requestor to the website.

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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