

Complaints and Freedom of Information Requests update

Audit & Scrutiny Committee - Thursday 23 February 2023

Report of: Giuseppina Valenza

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 accept and note 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

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 Extended Management 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 12 responses. Over half the respondents found the complaints process easy to use, while a quarter found it difficult. Three quarters were not satisfied with the response provided. This was partly due to not meeting the agreed response deadlines, the length of time it took for a response to be sent to them and the lack of detail given in the response.

Number of complaints

14. In the last quarter (1 October to 31 December 2022) there were 30 new complaints, with 7 Stage 2 complaints. Table A provides more details.
 - There were 14 complaints for planning, with 1 at stage 2. The high level of planning complaints is related to a failed upgrade to the planning system which made it impossible to update, view or comment on applications. This led to a backlog of applications, as well as a delay in processing applications resulting in multiple complaints. The main issues have been resolved and the planning team has been working hard to reduce the backlog.
 - There were 6 complaints about council tax, related to court action taken and issues with the bills.
 - There were 5 complaints for community surveyors, with 2 at stage 2, all related to issues with repairs.

Table A: Complaints 1 October to 31 December 2022

Service	Summary of complaint	Stage 1	Stage 2
Benefits	Council tax debt wrongly created due to benefit change.	✓	
Building Control (stage 1 in previous quarter)	Disagreement over building control regulations.		✓
Community Surveyors	Delays in fixing hot water.	✓	
Community Surveyors	Broken central heating in council house.	✓	
Community Surveyors	Communal laundry units removed.	✓	

Community Surveyors	Running costs of generator in loft.	✓	✓
Community Surveyors	Cesspit breaking / flooding despite after fixing.	✓	✓
Council Housing	Complaint regarding council officer.	✓	
Council Housing	Resident wants larger housing for herself and her family.	✓	✓
Council Housing	Delay in approval of housing application.	✓	✓
Council tax (stage 1 in previous quarter)	Resident being charged more than council tax band.		✓
Council tax	Received letters from court regarding over charge on council tax.	✓	
Council tax	Increased council tax and lack of communication from council.	✓	
Council tax	Court action letters received.	✓	
Council tax	Error in processing council tax.	✓	
Council tax	Increase in council tax payments.	✓	
Planning	Disagreement on planning application.	✓	
Planning	Delay in approving planning application.	✓	
Planning	Delay in planning application approval.	✓	
Planning	Delay in approving planning applications.	✓	
Planning	Lack of response in relation to a particular planning application.	✓	
Planning	Lack of response in relation to a particular planning application.	✓	
Planning	Lack of response in relation to a particular planning application.	✓	
Planning	Lack of response in relation to a particular planning application.	✓	
Planning	Lack of response in relation to a particular planning application.	✓	
Planning	Delays in approving planning application.	✓	
Planning	Delay in approving planning application.	✓	
Planning	Delay in approving planning application.	✓	
Planning	Disagreement on approval on planning application.	✓	✓
Repairs	Delays in repairing shower unit.	✓	
Waste and Recycling	Failure to clear dangerous flytipping next to property.	✓	
Total		30	7

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

No of complaints	% of household	% of population
30	0.08	0.03

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

16. In the last quarter three complaints were considered by the LGSCO. One for planning was not upheld, one for legal is under investigation and one for revenues and benefits was not accepted by the Ombudsman, as the Council has not had the opportunity to investigate in line with the complaints process.

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.
18. In this quarter we have made one compensation payment. This was in relation to a council tax bill. The resident was unable to resolve errors on their council tax bill by phone and was not called back as promised. An incorrect bill and court summons were issued and although retracted, this caused undue distress to the resident. The complaint was received at time when there was a backlog of work due to the Northgate system implementation. This backlog has reduced and regular discussions about avoiding complaints like this, take place between the Chief Finance Officer and the team.
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.

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 2022) we received 158 FOIs. Table B shows the breakdown of requests by service area.

Table B: FOIs 1 October 31 December 2022

Service area	Number of FOIs
Asset Management	4
Benefits	2
Building Control	1
Business rates	15
Commercial Asset Management	2
Communications	4
Community Safety	4
Community Surveyors	4
Council Housing	19

Council Tax	6
Customer Services	1
Democratic Services	1
Environmental Health	10
Facilities	2
Finance	6
Homelessness	4
Housing	6
HR	4
ICT	12
Legal	7
Parking	1
Parking External	2
Parks	2
Planning	15
Planning enforcement	1
Planning Policy	2
Procurement	5
Public health & funerals	10
Street Cleaning	1
Ukraine	2
Waste and recycling	3
Total	158

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. To make it easier to respond to FOIs, officers are increasing the number of standard data sets on the website. This will mean there can 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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