

Complaints and Freedom of Information update

Audit & Scrutiny Committee - Tuesday 27 June 2023

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 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 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 Stage 2 response, 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. Complaints are reviewed and discussed by 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. Three respondents did not find the complaints process easy to use and none of them were 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 feeling their complaint had not been fully considered.

Number of complaints

14. In the last quarter (1 January to 31 March 2023) there were 15 new complaints, with 3 Stage 2 complaints. Table A provides more details.

- There were 6 complaints about council tax, with 1 at State 2, related to disagreements about payments, refunds and poor service.
- There were 4 complaints for planning, with 1 at stage 2, related to delays in planning application approval and a lack of response.

Table A: Complaints 1 January to 31 March 2023

Service	Summary of complaint	Stage 1	Stage 2
Business rates	Disagreed with business rates decision.	✓	
Community Surveyors	Burst pipes in loft caused water damage.	✓	✓
Community Surveyors	Broken shower in property.	✓	
Community Surveyors	Mould growing in home.	✓	
Council Housing	Resident experienced antisocial behaviour from council tenant.	✓	
Council Tax	Court action letters received.		✓
Council Tax	Denied reduction of council tax.	✓	
Council Tax	Waiting for council tax refund.	✓	
Council Tax	Disagreed about council tax payments for empty property.	✓	
Council Tax	Disputed council tax owed despite moving out of property.	✓	
Council Tax	Poor customer service.		
Environmental Health	Complaint about unsafe adjoining house.	✓	

Environmental Health	Cleanliness of Oxted swimming pool.	✓	
Planning	Development not following parking restrictions imposed by Surrey County Council.		✓
Planning	Delays in planning application approval.	✓	
Planning	Delays in approving planning application.	✓	
Planning	No updates regarding delayed planning application approval.	✓	
Waste and recycling	Didn't receive assisted waste collection and food waste not collected on multiple occasions despite contacting the Council.	✓	
Total		15	3

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
15	0.04	0.02

Number of complaints received annually

16. Compared to the previous year (2021-2022), there were fewer complaints than 2022-2023, as detailed in the table below. 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	2022/2023
1 April-30 June	57	38	69	18
1 July-30 September	54	47	44	24
1 October-31 December	74	47	38	30
1 January to 31 March	129	108	30	15
Total	314	240	181	87

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

17. In the last quarter six complaints were considered by the LGSCO. One for council tax and one for legal were not upheld, two for planning and one for housing are still under investigation. One for housing was upheld.
18. The housing complaint which was upheld related to the Council's response to concerns raised about the attitude and approach of the complainant's former housing officer and the tenant's request for that officer to be changed.
19. Following a decision of severe maladministration, the Ombudsman ordered the Council to comply with several orders to resolve the issues, one of which was to pay £1000 compensation to the resident and provide a written apology. All orders have since been complied with and the following actions and recommendations completed:
 - Refresher training for all customer facing staff will be delivered on safeguarding, vulnerability, equality and diversity and requirements for reasonable adjustments.
 - A review of the staffing structure has already been undertaken, as part of a Council wide programme, to ensure a single point of contact (dedicated housing officer) is assigned to a case. Each case is reviewed monthly by senior officers within the department to ensure necessary support and signposting measures are in place for residents and all options to resolve matters are considered.
 - As part of the new staffing structure, a Resident Engagement Manager has been appointed to oversee all aspects of tenant engagement and their focus will be on supporting those with vulnerabilities to access council services. The Council's Tenant and Leaseholder Engagement Strategy underpins this work.
 - Both the Council's Vulnerability Policy and Equality and Diversity Scheme are easily accessible on the website.
 - All staff responsible for managing complaints have attended recent training to ensure complaints are managed appropriately and in accordance with best practice and regulation.
 - To ensure best practice and meet changes to legislation, the Council's Anti-Social Behaviour process was reviewed in 2022. This process will form part of a Council wide Enforcement Policy due for completion later in 2023.
20. Following the decision, a self-referral to the Regulator for Social Housing was made. It has advised no further action is to be taken.
21. The Ombudsman is due to publish its decision at the end of June 2023 and the Council has had the opportunity to provide a written statement outlining the actions taken above in paragraph 19.

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 no compensation payments.
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 one housing related compensation payment of £1000. This relates to the case that went to the Ombudsman – please see paragraphs 18-21.

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 March 2023) we received 226 FOIs. Table B shows the breakdown of requests by service area.

Table B: FOIs 1 January-31 March 2023

Service area	Number of FOIs
Abandoned Vehicles	1
Asset Management	4
Benefits	5
Building Control	1
Business rates	16
Commercial Asset Management	6
Communications	3
Communities and Partnerships	4
Community Safety	4
Community Surveyors	3
Council Housing	7
Council Tax	13
Customer Services	2
Democratic Services	10
Environmental Health	13
Finance	4
Fly Tipping	1
Health and Wellbeing	1
Homelessness	5
Housing	14
Housing Development	1
HR	14
ICT	12
Land Charges	1
Legal	8
Operations Services	5
Parking	1

Parking External	1
Parks	6
Planning	23
Planning enforcement	1
Planning Policy	13
Procurement	4
Public health & funerals	8
Street Cleaning	1
Street Nameplates	1
Trees	1
Ukraine	1
Waste and recycling	7
Total	226

34. 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.
35. 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.
36. 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, apart from the compensation amount detailed.

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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