

**Complaints Summary: Quarter 3 and Quarter 4**

<b>Final Decision-Maker</b>	Cabinet
<b>Portfolio Holder(s)</b>	Councillor David Reilly, Portfolio Holder for Finance and Governance
<b>Lead Director</b>	Lee Colyer, Director of Finance, Policy and Development
<b>Head of Service</b>	Jane Clarke, Head of Policy and Governance
<b>Lead Officer/Author</b>	Jane Clarke, Head of Policy and Governance
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**This report makes the following recommendations to the final decision-maker:**

That the report be noted

**This report relates to the following Five Year Plan Key Objectives:**

- A Prosperous Borough
- A Green Borough
- A Confident Borough

This report is for information to enable Cabinet to understand the Council's current performance in relation to complaints handling, to receive an overview on the types of complaints received and the outcome of those which were escalated to the Local Government Ombudsman. The information also sets out any lessons learnt from handling complaints which will ultimately lead to improved service delivery.

**Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Management Board	9 May 2018
Finance and Governance Cabinet Advisory Board	29 May 2018
Cabinet	21 June 2018

# Complaints Summary: Quarter 3 and Quarter 4

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an overview of complaints received by Tunbridge Wells Borough Council under the Council's Complaints Procedure during quarters 3 and 4 (1 October 2017 to 31 March 2018).
  - 1.2 The report examines how complaints are received, and looks at any learning, feedback or trends that can be gained from the information presented.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Tunbridge Wells Borough Council operates a two stage Corporate Complaints Procedure and logs these complaints through a centralised complaints management system.
  - 2.2 At the first stage, the complaint is responded to by the relevant Head of Service within 15 working days of receipt of the complaint. At the second stage, the complaint is responded to by the Chief Executive, or one of his Directors, within 20 working days. Once the Corporate Complaints Procedure has been completed, if the complainant remains unhappy they are able to escalate their complaint to the Local Government Ombudsman (LGO).
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## 3. COMPLAINTS OVERVIEW

### *Number of complaints*

- 3.1 The Council recorded a total of 176 complaints during quarters 3 and 4 of 2017/18. This figure is a slight increase in the number of complaints recorded for the previous quarter (172 complaints) and a reduction for the same period in 2016/17 (201 complaints).

Quarters	Total complaints
2017/18 (Q3 & Q4)	176
2017/18 (Q1 & Q2)	172
2016/17 (Q3 & Q4)	201
2016/17 (Q1 & Q2)	235

- 3.2 Of those complaints, 160 were recorded at stage one of the Complaints Procedure and 16 were recorded at stage two of the procedure.

Quarters	Stage one	Stage two
2017/18 (Q3 & Q4)	160	16
2017/18 (Q1 & Q2)	152	20

### **Response times**

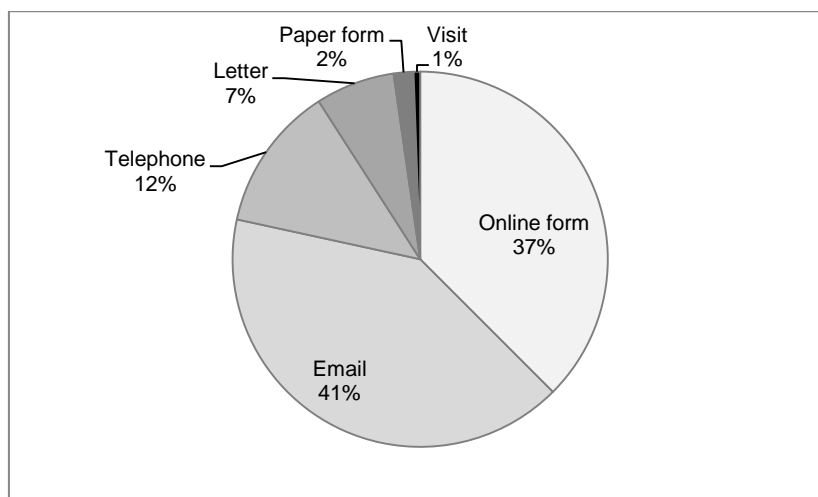
- 3.3 Responding to complaints within a reasonable time is a key performance target for the Council, and is a feature of a well performing complaints handling system that adheres to best practice. Performance indicators are used to monitor the speed of the Council's response to complaints dealt with through the procedure.
- 3.4 Complaints dealt with at stage one should be responded to within 15 working days, and complaints dealt with at stage two should be responded to within 20 working days. The Council has set a target of responding to 90% of all complaints within these timescales.
- 3.5 For quarters 3 and 4 of 2017/18 this target was not met at either stage. An analysis of the reasons for this has shown that for those complaints that have not met the performance indicator target, 32 per cent (32%) of stage one responses missed the deadline by one day. Thirty-one per cent (31%) of stage one responses missed the deadline by two to four days, and 37 per cent (37%) of stage one responses missed the deadline by more than four days.
- 3.6 Response times for stage two complaints have improved slightly. Processes were put in place for quarters 3 and 4 to ensure that the investigation is started more quickly following submission of the complaint, and meetings with relevant senior officers are scheduled promptly, however more work needs to be done to ensure response times are improved. Delays to responses were encountered due to the complexity of some of the complaints and further information required regarding the complaint.

Quarters	% stage one in time	% stage two in time
2017/18 (Q3 & Q4)	58%	75%
2017/18 (Q1 & Q2)	82%	70%

- 3.7 The Council will introduce two additional performance targets for the year 2018/19 to reflect where extensions of time have been agreed with the complainant due to the complex nature of the complaint.

### **Complaint channel**

- 3.8 The Council records the channel through which complaints are received, which helps us to understand customer preferences and how these might change over time, and also ensures that we operate a complaints' handling system that is accessible and free of barriers.

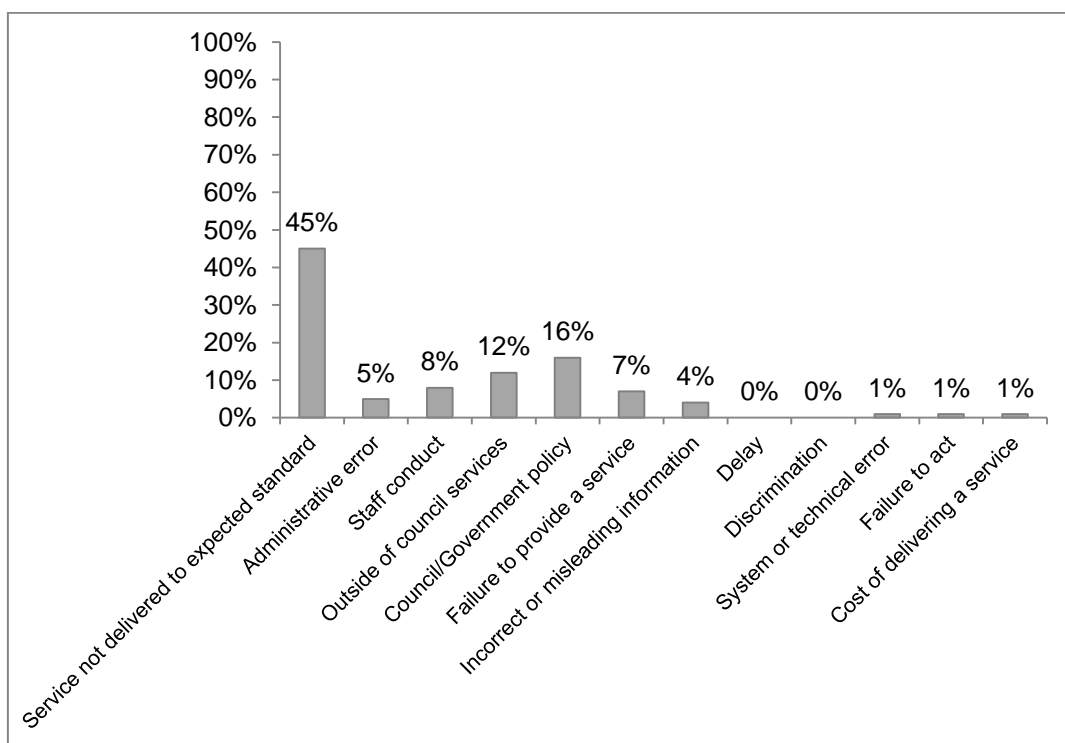


- 3.9 During quarters three and four for 2017/18, the majority of complaints received were made through electronic means. Email was the most popular method of complaining, followed by the online form. These two channels account for 78% of all complaints received.
- 3.10 Whilst the preference for digital contact has remained largely the same over the last year, the online form has slightly increased in popularity. In Q1 and Q2 for 2017/18, 33% of complainants chose to use the online form, compared with 37% in Q3 and Q4.

Quarters	Digital contact	Email	Online form
2017/18 (Q3 & Q4)	78%	41%	37%
2017/18 (Q1 & Q2)	83%	50%	33%

### ***Reasons and decisions***

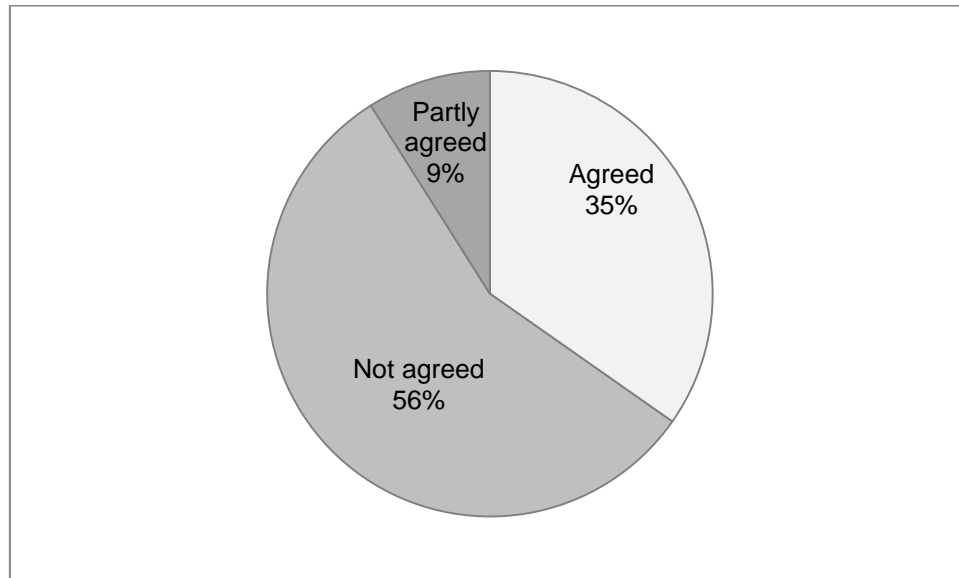
- 3.11 The Council records the reasons why a complaint has been made, in line with a list of categories that have been developed, and the decisions made on complaints.
- 3.12 For quarters 3 and 4 for 2017/18, the majority of complaints were recorded as the service not being delivered to expected standards, which can cover a wide range of different issues around service delivery.



- 3.13 The Council also records its decisions on complaints, and this is done in three ways: 'agreed', where the Council agrees with the complaint made by the complainant; 'partly agreed', where the Council agrees with some aspects of the complaint that has

been made, but not with the entire complaint; and 'not agreed', where the Council does not agree with the complainant about the complaint that has been made.

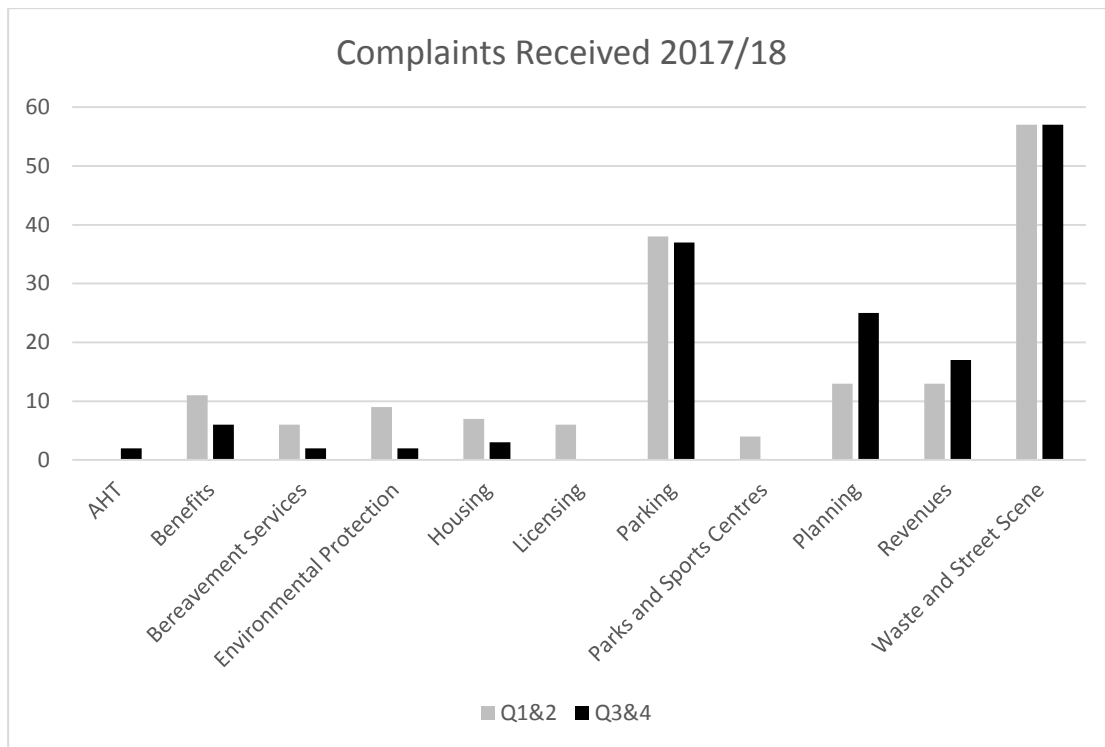
- 3.14 For those complaints that received a decision in quarters 3 and 4 for 2017/18, the Council agreed with the complainant in 35% of cases, and partly agreed in 9% of cases. This is a reduction from quarters 1 and 2 whereby the Council agreed with the complainant in 42% of cases, and partly agreed in 12 % of cases.



- 3.15 The Council expects to see a fairly even distribution in the number of complaints agreed with and the number of complaints not agreed with over time. If a high proportion of complaints are agreed with quarter on quarter, this can indicate that problems or issues are not being picked up and dealt with effectively at service level. If a high proportion of complaints are not agreed with quarter on quarter, this can indicate a lack of understanding and willingness to accept feedback on service improvements by the Council.

### ***Complaints by service***

- 3.16 The Council records the number of complaints, broken down by service areas, as a way of monitoring service levels and standards, and to act as an early warning sign for significant service failure or disruption.
- 3.17 Whilst this can be done by comparing quarter on quarter figures within each service, it is difficult to compare across services, given the diverse nature of business across the Council. Some services, such as waste collection and planning services, will always feature towards the top of the list, due to the high levels of customer contact they receive, and this needs to be taken into account when analysing complaints received by service.



- 3.18 For quarters 3 and 4 for 2017/18, Waste and Street Scene services and Parking services remained the services with the highest numbers of complaints.
- 3.19 The level of complaints for Waste and Street Scene and Parking Services has remained at the same level, whilst the number of complaints for Planning Services has increased by almost 100% (25 complaints for Quarters 3 and 4 compared with 13 for Quarters 1 and 2). This increase was in the main as a result of complaints from residents regarding the handling of a planning application for a telecommunications mast in Hawkhurst and a planning application for Bethany School in Goudhurst.

### ***Compensation paid***

- 3.20 Compensation payments are recommended when it is considered there are no other appropriate remedies to resolve a complaint. The Council has offered the following compensation payment or refunds during quarters 3 and 4 for 2017/18.

<b>Service area</b>	<b>Amount</b>	<b>Issue</b>
Waste and Street Scene	£100	Time and trouble payment recommended by the Local Government Ombudsman.
Waste and Street Scene	£30	Time and trouble payment offered to complainant.

### ***Learning from complaints***

- 3.21 The Council aims to learn from all of the complaints and feedback it receives from residents and customers about its services, and a well run complaints system is able to capture the learning from each complaint and ensure it is communicated across the organisation in order to develop services and prevent the same mistake from happening again.
- 3.22 Key issues and themes drawn out from the recommendations made to services regarding complaints resolutions for quarters 3 and 4 are as follows:

<b>Service Area</b>	<b>Outcome/Learning area from complaint</b>	<b>Action Taken</b>
Assembly Hall Theatre	Introduce revised hire agreements for the Assembly Hall Theatre.	New agreements in place.
Business Support	Monitor feedback from visitors to establish level of demand for public conveniences in Pantiles.	Ongoing.
Housing Services	Review the housing allocations policy to reflect the importance of therapy pets.	A pet agreement is now in place for households in temporary accommodation who have a medical need for a pet.
Planning	Ensure the Landscape and Biodiversity Officer is consulted for all applications and notifications for telecommunications masts to ensure a consistent approach.	Planning Technical Team advised. Consultation matrix updated to reflect the clarification.
Planning	Review and update the information on website relating to high hedges.	Updated information available on website.
Planning	Review procedures for recording the placement of site notices.	Procedures reviewed and communicated to Planning Team.
Planning	Officers reminded to only provide advice to customers from their own specialist/professional area.	Communicated to Planning Team.

Waste and Street Scene	Review of monitoring of assisted collections.	Improved monitoring and recording of assisted collections and hot-spot list created to assist with contracts monitoring.
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#### 4. OMBUDSMAN DECISIONS

- 4.1 Where a complainant has been through the corporate complaints procedure at the Council, but remains unhappy with the outcome, they are able to progress their complaint to the Local Government Ombudsman.
- 4.2 The Ombudsman will only consider complaints where they have exhausted the Council's own resolution processes. Where complaints are submitted too early (i.e. the complainant has not contacted the Council to resolve the complaint in the first instance), the complaint will be referred back to the Council without investigation.
- 4.3 Some complaints are made to the Ombudsmans about issues or services that are not in the Council's control. Where this is the case, the Ombudsman will record these as 'out of jurisdiction'. This is also used where the complaint has another avenue of redress – such as a Judicial Inquiry for planning application decisions.
- 4.4 For quarters 3 and 4 for 2017/18, seven Ombudsman decisions were recorded for the Council.

Quarters	Service Area	Complaint Summary	Decision
Q4	Planning	Complaint regarding the way the Council granted planning permission to demolish and redevelop an asset of community value for residential use.	The Ombudsman found the Council <b>was not at fault</b> in the way the Council granted planning permission to demolish and redevelop an asset of community value for residential use.
Q3	Waste and Street Scene	Complaint regarding missed refuse collections and assisted collection service.	The Ombudsman concluded that the Council <b>was at fault</b> when it missed bin collections and did not return bins in line with its assisted collection service for disabled service users. The Council's response was appropriate. The Council has agreed to the recommendation that it takes further action to prevent the issues continuing including a time and trouble payment of £100.
Q3	Waste and Street Scene	Complaint regarding a missed refuse collection.	The Ombudsman <b>will not investigate</b> this complaint because the Council has provided a proportionate response and the Ombudsman cannot achieve the outcome the complainant wants.



Q3	Planning	Complaint about the Council's handling of a planning application for development at a neighbouring property and about its decision to grant planning permission.	The Ombudsman proposed to close this complaint because they found the Council <b>was not at fault</b> .
Q3	Planning	Complaint regarding the Council granting the complainant's neighbour planning permission for a rear extension without properly considering the impact it would have on his family.	The Council <b>was not at fault</b> when it considered the impact of a neighbour's planning application on the complainant. It properly considered all the evidence and followed official guidance and policy in reaching its decision to grant planning permission.
Q3	Parking	Complaint regarding the issuing of a penalty charge notice for a parking contravention.	The Ombudsman <b>will not investigate</b> this complaint because the complainant has a right of appeal to a tribunal.
Q3	Parking	Complaint regarding the Council sending letters to the complainant's home; addressed to an unknown person. Complainant stated that the letters amounted to harassment and the Council should make proper enquiries to find the correct address.	The Ombudsman <b>will not investigate</b> this complaint because the DVLA provide the details of registered keepers of vehicles for traffic enforcement purposes. If the letters are not addressed to the complainant then he should return them to the Council.

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## 5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 That Cabinet note the contents of this report.
- 5.2 This report is for information to enable Cabinet and the Council to understand the Council's current performance in relation to complaints' handling, to receive an overview on the types of complaints received and the outcome of those which were escalated to the Local Government Ombudsman.

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## 6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This report does not require further consultation as the report is for information only.

### RECOMMENDATION FROM CABINET ADVISORY BOARD

- 6.2 The Finance and Governance Cabinet Advisory Board were consulted on this decision on 29 May 2018, and made the following recommendation:

That the recommendations in the report be supported.

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## 7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 This report is for information only and enables Cabinet to understand the Council's current performance in relation to complaints' handling and to receive an overview of the types of complaints received and the outcome of those which are escalated to the Local Government Ombudsman. This report will be published on the Council's website within the Committee reports.

## 8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal</b> including Human Rights Act	<p>This report provides a review of complaints received and an update on the Council's complaint handling. If any complaint raises issues that may have legal implications or consequences, the Head of Legal Partnership should be consulted.</p> <p>There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.</p>	Keith Trowell, Interim Team Leader (Corporate Governance)
<b>Finance</b> and other resources	Whilst the amounts of compensation are relatively small it is important to review the cause of the complaint and to identify prevention processes, as the cost of administering a complaint and the correction of any mistakes is often significant.	Jane Fineman, Head of Finance and Procurement
<b>Staffing establishment</b>	There are no implications for staffing within this report.	Nicky Carter, Head of HR and Customer Services
<b>Risk management</b> and health & safety	Complaints about services can indicate instances where identified operational risks have materialised. This should be monitored through individual departmental risk registers. Learning from complaints can help to mitigate the same risks occurring in the future.	Jane Clarke, Head of Policy and Governance
<b>Environment</b> and sustainability	There are no environment and sustainability issues raised within this report.	Karin Gray, Sustainability Manager
<b>Community safety</b>	There are no consequences arising from the recommendation that adversely affect community safety.	Terry Hughes, Community Safety Manager
<b>Health and wellbeing</b>	There are no health and wellbeing implications identified in the report.	Gary Stevenson, Head of Environment and Street Scene
<b>Equalities</b>	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	Ingrid Weatherup, Corporate Governance Officer

<b>Data Protection</b>	<p>The corporate complaints process uses personal information to assess the validity of a complaint, which can sometimes include financial and special category information.</p> <p>The online system has been designed so that only those officers who need the information to assess or manage the complaint can access the data, and a privacy notice is available at the point of collection, and on the council's website to inform residents of their rights under data protection legislation.</p>	Jane Clarke, Data Protection Officer
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## 9. REPORT APPENDICES

The following documents are to be published with and form part of the report:

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## 10. BACKGROUND PAPERS

- None.