

Finance and Governance Cabinet Advisory Board

13 November 2018

Is the final decision on the recommendations in this report to be made at this meeting?

No

Complaints Summary: Period 1 (1 April – 30 September 2018)

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

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

1. That Cabinet notes the position on complaints performance at the end of period 1 (1 April 2018 – 30 September 2018).

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

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

Meeting	Date
Management Board	30 October 2018
Cabinet Advisory Board	13 November 2018
Cabinet	6 December 2018

Complaints Summary: Period 1 (1 April – 30 September 2018)

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 1 and 2 (which is reporting period 1 from 1 April to 30 September).
 - 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).
 - 2.3 Complaints performance is reported to Cabinet on a six monthly basis, in two reporting periods. Reporting period 1 runs from 1 April to 30 September, and reporting period 2 runs from 1 October to 31 March in a given financial year.
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3. COMPLAINTS OVERVIEW

Number of complaints

- 3.1 The Council recorded a total of 154 complaints during reporting period 1 of 2018/19. This figure is a reduction in the number of complaints recorded for the previous reporting period in 2017/18 (162 complaints) but a slight increase for the equivalent reporting period in 2017/18 (149 complaints). The fluctuations are within normal ranges however, which, from this measure, shows that the Council's overall performance in delivery of its services has remained consistent.

Quarters	Total complaints
18/19 (period 1)	154
17/18 (period 2)	162
17/18 (period 1)	149

3.2 Of those complaints recorded in period 1 for this year, 134 were recorded at stage one of the Complaints Procedure, and 20 were recorded at stage two of the procedure. This is broadly consistent with 2017/18. Between 10 to 15 percent of complaints progressed to stage two in both financial years, which shows that the Council is effective in dealing with complaints at stage one of its procedure.

Quarters	Stage one	Stage two
18/19 (period 1)	134	20
17/18 (period 2)	146	16
17/18 (period 1)	129	20

Responding to complaints in time

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 period 1 of 2018/19, the Council met its target for responding to 90 percent of complaints within time across both stages. The Council has in the past struggled to meet this target, in particular at stage two where complaints tend to be more complex. However, a range of measures were put in place to improve the response times, including booking time into the Chief Executive’s diary as soon as a new complaint is received, using Microsoft Sharepoint to allocate complaints to officers, and ensuring the Performance and Governance team focus on achieving the deadlines by monitoring through regular team meetings.

Quarters	% stage one in time	% stage two in time	Target
2018/19 (period 1)	91%	90%	90%
2017/18 (period 2)	78%	75%	90%
2017/18 (period 1)	91%	70%	90%

How complaints are received

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

3.7 During reporting period 1 for 2018/19, 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 79% of all complaints received.

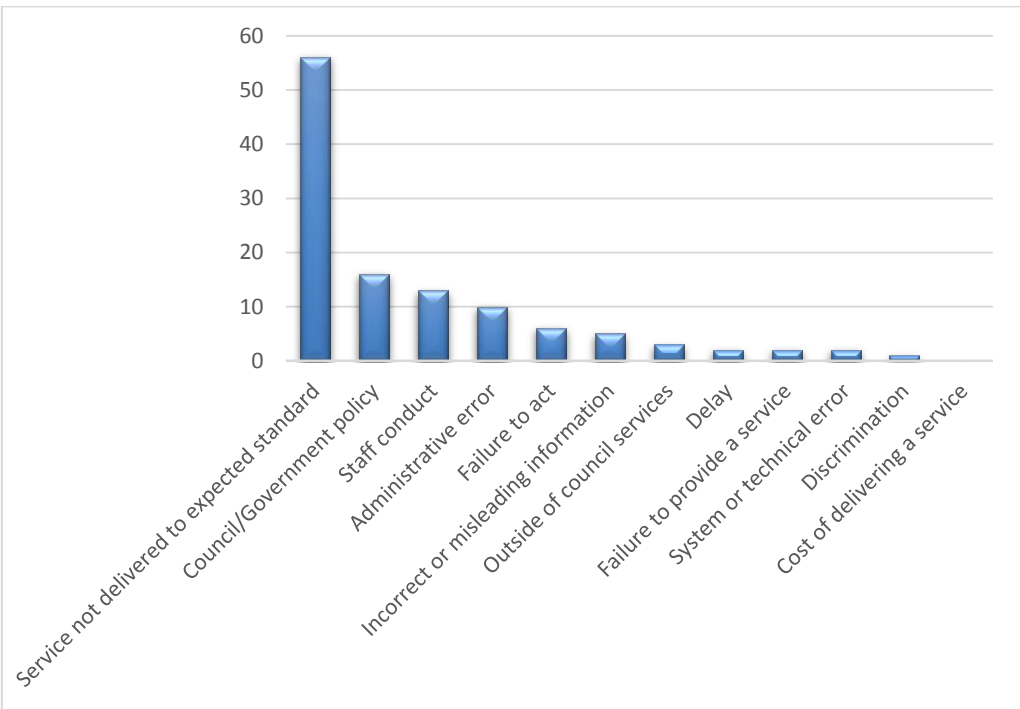
3.8 Whilst the preference for digital contact (online form and email) has remained largely the same compared with the last year, the online form has been reducing in popularity. Following the introduction of GDPR this year, the online form software providers changed the product so that complainants had to register an account with the platform in order to submit a complaint, whereas previously complainants were able to register a complaint without creating an account. This extra step in the process could be the reason why the online form has dipped in popularity.

Quarters	Online	Email	Tele-phone	Letter/paper form	Visit
2018/19 (period 1)	32%	47%	11%	9%	2%
2017/18 (period 2)	38%	40%	12%	10%	1%
2017/18 (period 1)	40%	44%	7%	7%	2%

Reasons for complaints

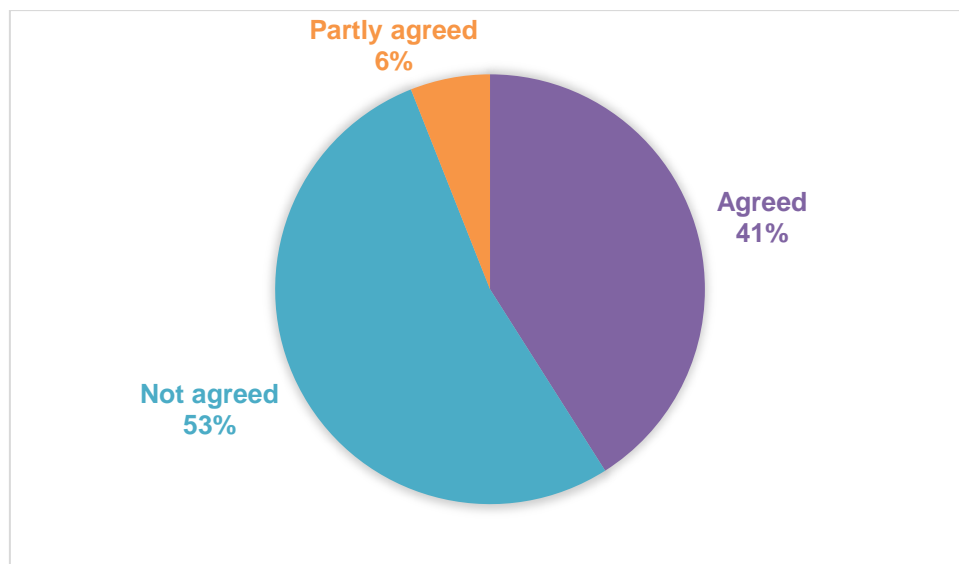
3.10 The Council records the reasons why a complaint has been made, in line with a list of categories that have been developed over time and in accordance with guidance from the Ombudsman.

3.11 For reporting period 1 of 2018/19, 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 how the service was delivered to the customer. The next two highest reasons for complaining were because of council or government policy, and staff conduct, which also includes the conduct of contractors working on behalf of the Council.



Complaint decisions

- 3.12 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.
- 3.13 For those complaints that received a decision in period 1 for 2018/19, the Council agreed with the complainant in 41 percent of complaints, and did not agree with 53% of complaints. The Council partly agreed with the complainant in 6% of complaints. The number of complaints where the Council has not agreed has risen over previous reporting periods, but remains within expected levels.

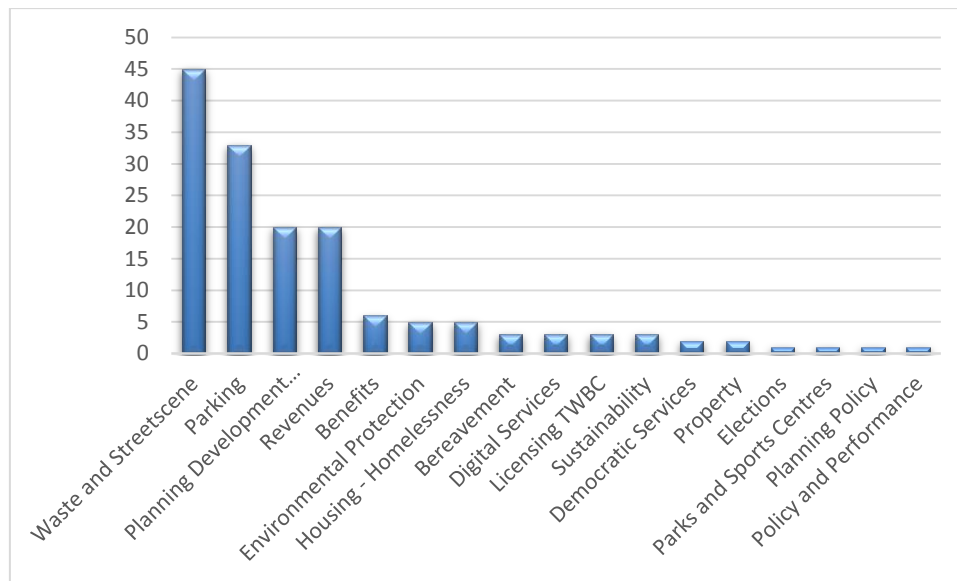


- 3.14 The Council expects to see a fairly even distribution in the number of complaints agreed with and the number of complaints not agreed with over time. If a high proportion of complaints are agreed with in a reporting period, this can indicate that problems or issues are not being picked up and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

Complaints by Service

- 3.15 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.
- 3.16 Whilst this can be done by comparing reporting periods 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.



- 3.17 For period 1 of 2018/19, Waste and Street Scene received the highest number of complaints (45), although the service received less complaints in this reporting period compared with the previous reporting period 2 of 2017/18 (55), which demonstrates an improvement in service delivery standards for this service.
- 3.18 The next highest service receiving complaints for this reporting period was Parking services (33), but again this is a reduction in the number of complaints the service received for the previous reporting period (37).
- 3.19 Planning Development Management received 20 complaints in this reporting period, compared with 26 in the previous reporting period, and Revenues received 20 complaints in this reporting period compared with 16 complaints in the previous reporting period.
- 3.20 Overall, the number of complaints received by service is broadly consistent with previous reporting periods, and therefore falls within expectations.

Compensation paid

- 3.21 The level of compensation paid by the Council during this reporting period continues to be low, at £120. This was for one complaint for to Waste and Street Scene, relating to the costs incurred by the complainant for progressing the complaint with the service.

Ombudsman Decisions

- 3.22 The Council received decisions on three Ombudsman complaints in this reporting period, two of which were closed after initial enquiries with no further action, and one which was closed after initial enquiries because the complaint was out of jurisdiction.

Service	Complaint summary	Ombudsman decision
Planning	Complaint about the Council's decision to agree a planning application to allow external use of a school swimming pool	<p>The Ombudsman will not investigate the complaint.</p> <p>This is because the Ombudsman is unlikely to find fault in the way the decision was taken, and because it did not cause significant personal injustice to the complainant.</p> <p><i>Closed after initial enquiries – no further action taken</i></p>
Planning	Complaint about the Council's handling of an application to vary a planning condition	<p>The Ombudsman will not investigate the complaint.</p> <p>This is because it is unlikely the Ombudsman would find fault by the Council.</p> <p><i>Closed after initial enquiries – out of jurisdiction</i></p>
Planning	Complaint about the way the Council considered a planning application for a telecommunications mast	<p>The Ombudsman will not investigate the complaint.</p> <p>This is because there is insufficient injustice to warrant investigation.</p> <p><i>Closed after initial enquiries – no further action taken</i></p>

Learning from complaints

- 3.23 The services receiving the highest number of complaints for this reporting period were Waste and Street Scene, Parking services, Planning Development Management and Revenues.
- 3.24 For Waste and Street Scene, the majority of the complaints received related to non-collection of waste (after a missed bin had been reported as a service request), and the conduct of contractor staff. The Council monitors the number of missed bins closely as part of its contract management, and already holds regular meetings with the contractor to ensure performance standards are maintained.
- 3.25 For Parking services, there were no trends in the complaints for this reporting period. The service has been updating and upgrading its parking payment machines to enable 'pay on exit' in some car parks. This change had the potential to cause confusion amongst customers, resulting in an uplift in complaints, however, the service has worked to ensure that communication and signage for users is clear and prominent. As a result, only three complaints have been received in the reporting period relating to this issue.

3.26 For Revenues services and for Planning Development Management, there were no clear trends emerging from the complaints, which were as a result of single issues.

4. AVAILABLE OPTIONS

4.1 As this reporting is for noting only, and no decisions will be made, there are no available options to Cabinet.

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

5.1 That Cabinet notes the Council's performance on complaints handling for reporting period 1 of 2018/19 (1 April to 30 September).

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 This report does not require consultation as the recommendation is for noting only.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 This report enables Cabinet to understand the Council's current performance around complaints handling and performance and to receive an overview of the types of complaints the Council is receiving. Those that are escalated to the Ombudsman could result in a significant detrimental impact on the Council if it is found to be at fault through maladministration or negligence and so it is important that Cabinet and the public can be satisfied that the Council is running a well-managed and effective complaints system.

7.2 To ensure transparency, the report is published on the Cabinet agenda and it available on the Council's website through the committee reports pages.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal 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</p>	Keith Trowell, Team Leader Corporate Governance 01/11/18

	interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.	
Finance 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 02/11/18
Staffing establishment	There are no implications for staffing within this report.	Nicky Carter Head of HR, Culture and Customer Services 02/11/18
Risk management	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 02/11/18
Data Protection	Whilst the complaints management system processes personal and at times sensitive data about complainants as part of the complaint investigation, this is managed through the Council's normal data protection procedures and policies. The complaints summary is aggregated and anonymised data regarding complaints handling performance, and therefore does not impact on the personal data of complaints.	Jane Clarke Head of Policy and Governance 02/11/18
Environment and sustainability	There are no environment and sustainability issues raised within this report.	Karin Gray Sustainability Manager 02/11/18
Community safety	There are no consequences arising from the recommendation that adversely affect community safety.	Terry Hughes Community Safety Manager 02/11/18
Health and Safety	The health and safety of both complainants and officers of the Council needs to be considered through the complaints handling process. If a complaint raises health and safety concerns this will be picked up by the investigating officer, and appropriate advice and action taken during the complaint investigation.	Mike Catling Health and Safety Officer 01/11/18

	In order to protect the health and safety of staff, the Council has a lone working policy, which applies to officers going on-site to investigate complaints, and an Unreasonable and Vexatious Complaints policy, which helps to protect staff wellbeing when dealing with particularly difficult or contentious complaints.	
Health and wellbeing	There are no health and wellbeing implications identified in the report.	Gary Stevenson Head of Environment, Housing and Street Scene 02/11/18
Equalities	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.	Jane Clarke Head of Policy and Governance 02/11/18

9. REPORT APPENDICES

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

- None.
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10. BACKGROUND PAPERS

- None.