

Audit and Governance Committee

10 September 2019

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

Yes

Annual Review of Complaints 2018/19

Final Decision-Maker	Audit and Governance Committee
Portfolio Holder(s)	Councillor Tom Dawlings, Portfolio Holder for Finance and Governance
Lead Director	Lee Colyer – Director of Finance, Policy and Development (s151 Officer)
Head of Service	Finbar Gibbons – Head of Policy and Governance
Lead Officer/Report Author	Ingrid Weatherup – Corporate Governance Officer
Classification	Non-exempt
Wards affected	N/A

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

1. That Audit & Governance Committee note the annual complaint statistics and issues raised during 2018-19, and lessons learned as a result of this feedback; and
2. That Audit & Governance Committee note the Annual Review letter published by the Local Government and Social Care Ombudsman (LGO) at appendix A.

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

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

The information in this report touches on all areas of the Strategic Compass through our customer commitments and the way in which we deliver our services. In particular, the 'Our Customer' section ensures that we treat customers fairly and with respect. The sections for 'Our People' and 'Providing Value' show how we aim to deliver our services. By ensuring that we deal with complaints effectively we aim to provide good quality customer service and ensure we continue to improve and develop our service.

Timetable

Meeting	Date
Management Board	N/A
Audit and Governance Committee	10 September 2019

Annual Review of Complaints 2018/19

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides a review of the complaints received by Tunbridge Wells Borough Council under the Council's Corporate Complaints Procedure, together with the decisions made by the LGO in relation to those progressed to the Ombudsman.
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2. CORPORATE COMPLAINTS REVIEW

- 2.1 Tunbridge Wells Borough Council operates a two-stage Complaints Procedure, which was introduced in June 2017.
- 2.2 Under the two-stage complaints procedure, initially, managers are encouraged to respond to complaints made by members of the public 'on-the-spot', to get issues resolved quickly and to avoid making members of the public go through the corporate complaints process.
- 2.3 If they do choose to use the corporate complaints process however, at the first stage of the procedure, complaints are answered by the relevant Head of Service. The Head of Service has an initial 15 working days to respond to the complaint. If the complainant remained unhappy with the response, they can escalate the complaint to stage two where the Chief Executive, or in his absence, one of his Directors, responds. Stage two has a 20 working day response timescale.
- 2.4 The LGO will only consider complaints after they have been through a local authority's complaints procedure. Any complaints that were sent early to the LGO would be referred back to the Council to consider.
- 2.5 There was a slight reduction in the number of complaints being referred to the LGO in 2018/2019 compared to previous years.

Number of Complaints 2018/19

- 2.6 The Council recorded a total of 257 for Stages 1 and 2 complaints received through the Council's complaints procedure during 2018/19. This compares favourably with previous years, and shows a downward trend in the number of complaints needing to be resolved by the formal process.

Year	Total	Q1 & Q2	Q3 & Q4
2014/15	509	241	268
2015/16	465	193	272
2016/17	436	235	201
2017/18	348	172	176
2018/19	257	154	103

Response Performance

- 2.7 A number of performance indicators are used to track the percentage of complaints that have been responded to within the response deadlines set by the Council's complaints procedure.
- 2.8 For 2018/19 the total number of complaints responded to within timescales was 90%.

Year	Performance Indicator	Target	*Result
2014/15	% of overall complaints responded to within timescales	94%	88%
2015/16	% of overall complaints responded to within timescales	94%	84%
2016/17	% of overall complaints responded to within timescales	90%	74%
2017/18	% of overall complaints responded to within timescales	90%	81%
2018/19	% of overall complaints responded to within timescales	90%	90%

(*Rounded to the nearest whole figure for ease of reference)

- 2.9 This compares well with previous years and has achieved the target of 90 per cent.
- 2.10 The measures that were put in place to improve performance in terms of responding to complaints within the agreed timescales has been recognised and this is demonstrated by the performance indicator. The focus on this needs to continue to ensure we meet our target of responding to complaints for 2019/2020.

Response Performance – Stage Breakdown

- 2.11 The breakdown of response performance by stages for 2018/19 shows that response times for Stages 1 improved for quarters 2 and 3 and dipped below the performance target for quarters 1 and 2 (although overall for the year the performance target was achieved).

Performance Indicator	Target	Q1	Q2	Q3	Q4
% of stage one complaints responded to within timescales	90%	83%	99%	92%	82%
% of stage two complaints responded to within timescales	90%	71%	100%	100%	100%

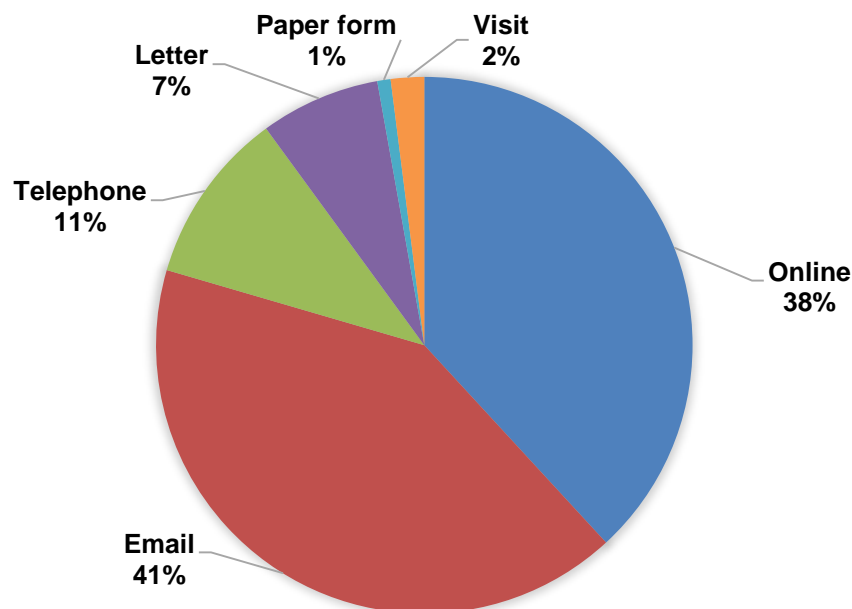
(Rounded to the nearest whole figure for ease of reference)

How complaints are received

2.12 The council tracks how people register their complaint. For 2018/19 customers and residents could record a complaint using:

- A paper feedback form available at all council offices including the Gateway and Weald Information Centre.
- Letter, either directly to the service, or the Performance & Governance team.
- Visiting the Gateway in person.
- Telephone either through the Gateway, directly to the service or to the Performance & Governance team.
- Email directly to the service or to info@ or the complaints@ inboxes.
- Electronically using the new Abavus case management system.

2.13 The chart below shows the number of complaints received through each channel for 2018/19.



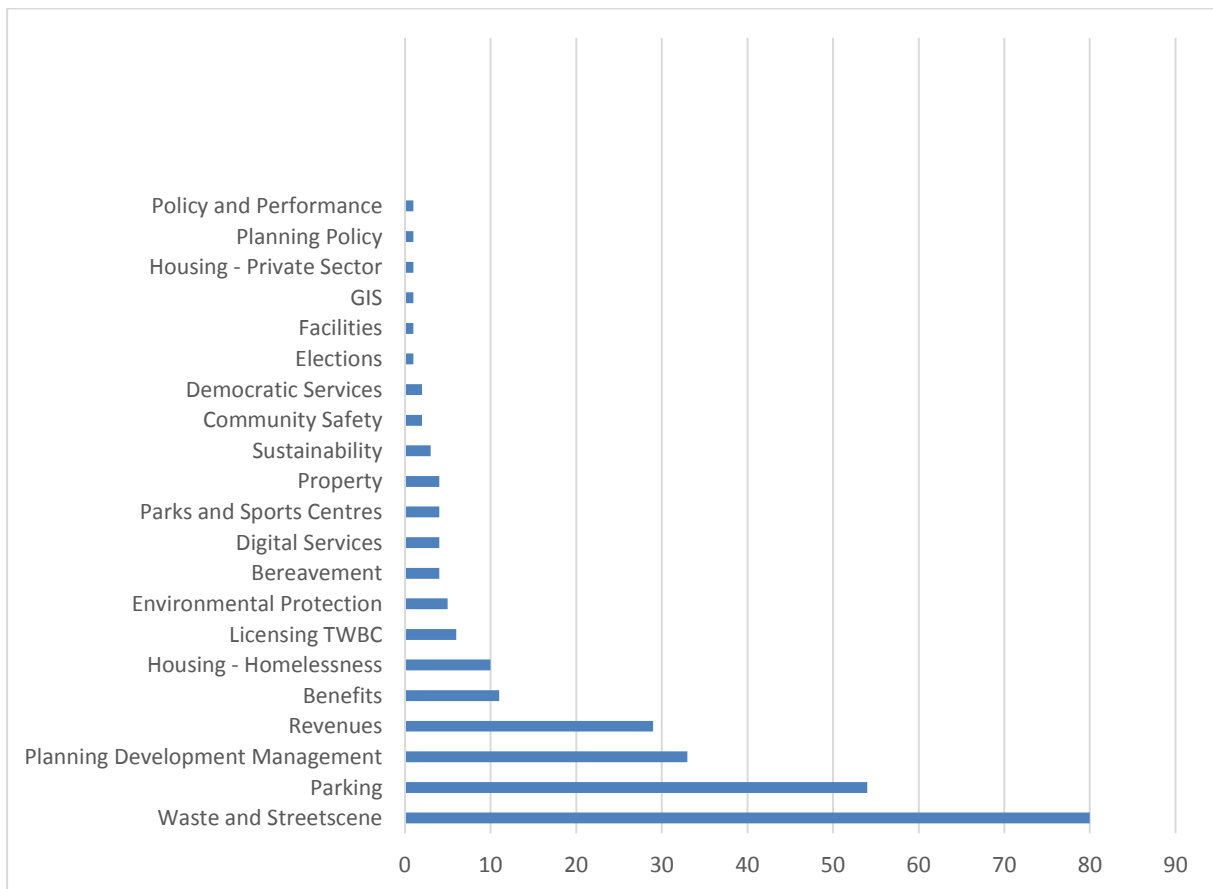
2.14 During 2018/19, electronic channels continued to be the most popular way of making a complaint at 79%, which is the same proportion as last year (80 per cent). Whilst the Abavus system made it easier for the Council to log and keep

a record of the complaints it receives and responds to, the system itself has not increased or decreased the popularity of this method of contact compared with previous years. A new case management system has been introduced for the current year which includes the logging and monitoring of complaints.

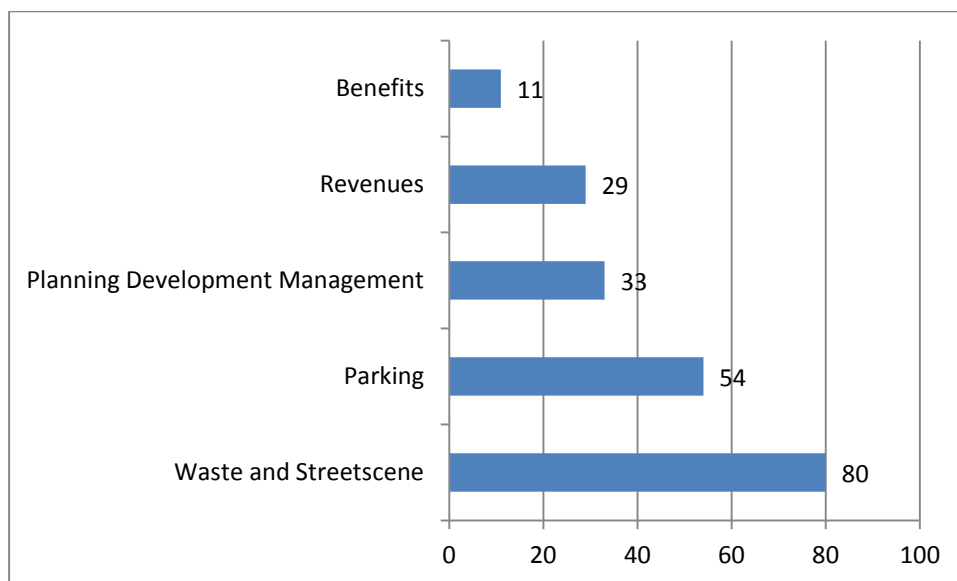
2.15 Non-digital ways of contacting the council to make a complaint are still available, although only 10 per cent of people chose to use these methods (excluding telephone) in 2018/19, which is consistent with the level of use in 2017/18. This does show however, that non-digital forms of contact are still an essential option to provide for customer and residents when making a complaint, who either cannot or do not wish to use digital means.

Service trends

2.16 The charts below show the number of complaints received by services in 2018/19, and the top five services receiving complaints in 2018/19. These are similar year on year, and this is expected, given the high levels of customer contact and service take-up for the services within these top five service areas.



No. of complaints by Service Area



2.17 Waste and Street Scene and Parking received the highest number of complaints, although both services also saw a reduction in the number of complaints received compared with the previous year (24% reduction for Waste and Street Scene and 28% less complaints received by Parking Services compared with 2017/2018). Both service areas have been working to learn from the complaints received and improve service delivery. This reduction points to an improvement in service delivery in these areas relating to how complaints are processed and managed.

2.18 Overall, the number of complaints received by other service areas (Planning, Revenues and Benefits) is broadly consistent with previous reporting periods, and therefore falls within expectations.

Compensation paid

2.19 In total the council paid £120 in compensation payments to one complainant during 2018/2019.

2.20

Service area	Amount	Issue
Waste and Street Scene	£120	Costs incurred by the complainant for progressing the complaint.

2.21 Ombudsman complaints

The Annual Letter from the LGO can be found at Appendix A of this report. The tables provided by the Ombudsman within the Annual Letter present the number of complaints and enquiries received by the authority, the decisions made and the authority's compliance with the recommendations during the period.

The Ombudsman advises that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often the Ombudsman found fault when they investigated a complaint), and alongside statistics that indicate the authority's willingness to accept fault and put things right when they go wrong. They also provide a figure for the number of cases where the authority has provided a satisfactory remedy before the complaint reached us, and new statistics about the authority's compliance with recommendations made; both of which offer a more comprehensive and insightful view of the authority's approach to complaint handling.

Complaints and Enquiries received

(Statistics from Local Government & Social Care Ombudsman)

<i>Benefits and Tax</i>	<i>Corporate & Other Services</i>	<i>Environment Services</i>	<i>Highways & Transport</i>	<i>Planning & Development</i>	<i>Total</i>
2	1	1	1	10	15

Decisions made

(Statistics from Local Government & Social Care Ombudsman)

Of the 15 complaints and enquiries received:

- Four were referred back for local resolution
- Six closed after initial enquiries
- Five not upheld

There were no complaints upheld and the upheld % rate was 0.

The Council received decisions on eight Ombudsman complaints for 2018/2019; three not upheld, three were closed after initial enquiries with no further action and two were 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	The Ombudsman will not investigate the complaint. This is because the Ombudsman is unlikely to find fault in the way the decision was taken, and

		<p>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>
Parking	Complaint about the Council's parking enforcement; not adequately controlling non resident use of resident only spaces.	<p>The Ombudsman has not found fault in the Council's actions.</p> <p>The Council has followed appropriate procedures to introduce the controlled parking zone and enforces it without fault.</p> <p><i>Not upheld – no maladministration</i></p>
Revenues and Benefits	Complaint about the Council's administration of a council tax support claim.	<p>The Ombudsman will not investigate this complaint.</p> <p>This is because there is insufficient evidence of fault by the Council and injustice.</p> <p><i>Closed after initial enquiries - out of jurisdiction.</i></p>
Planning	Complaint about the planning permission	The Ombudsman will not

	granted for a development.	investigate this complaint. This is because it is unlikely they would find fault affecting the decision. <i>Closed after initial enquiries – no further action</i>
Planning	Complaint about handling of a planning application.	The Ombudsman will not investigate complaint about the Council's handling of a planning application. It is unlikely that the Ombudsman would find fault or be able to add to the Council's own investigation. The injustice is not significant enough to justify Ombudsman involvement. <i>Not upheld: no maladministration.</i>
Planning	Complaint about Council's handling of planning applications on a neighbouring site.	The Ombudsman found no fault causing injustice in how the Council handled the planning applications. <i>Complaint not upheld: No maladministration</i>

**The Annual letter sets out that the statistics provided reflect the data held by the Ombudsman and may not necessarily align with the data held by the authority. For example, the numbers may include enquiries from people signposted back to the authority, some of whom may never subsequently contact the Council.*

The Ombudsman's Annual letter can be found at appendix A of this report.

Learning from complaints

2.22 The Council takes a positive approach to the complaints it has received, and the Five Year Plan commits us to learning from the complaints we have received as a council.

2.23 Over 2018/2019 a number of changes and improvements were made to the way services are provided by the council, as a direct result from complaints received. In particular, reviews of policies and procedures were carried out to ensure that they are flexible and meet the different circumstances of residents and customers affected for those complaints.

3. AVAILABLE OPTIONS

3.1 The report is for information and enables Audit and Governance Committee 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 outcomes of those which were escalated to the LGO.

3.2 As the report gives an overview of historic information, and is consistent with our duty to run a transparent corporate complaints process, there are no other options available to the committee.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 In respect of the content of the report there is no alternative action that could be taken, and so no preferred options to highlight to the committee.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 Audit and Governance Committee have responsibility to ensure the council’s corporate governance processes are robust and effective, and this report helps the committee discharge this duty. The report will not be considered by another committee unless Audit and Governance Committee recommends that it does so.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 As this report is for information only there are no anticipated next steps. Should the Audit and Governance Committee require further action at the time of considering the report, this will be captured in the minutes of the meeting and taken forward by the relevant Head of Service.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off (name of officer and date)

<p>Legal including Human Rights Act</p>	<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 is no statutory duty to report regularly to Committee on the Council's performance. However, 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 on the Council's performance in responding to complaints assist in demonstrating best value and compliance with the statutory duty.</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>	<p>Keith Trowell, 2/9/2019</p>
<p>Finance and other resources</p>	<p>There are no direct financial implications arising from this report. However, a well run complaints process gives the council an early opportunity to 'put things right' when they have gone wrong, and can help to avoid large fines or significant costs awarded against the authority.</p>	<p>Jane Fineman</p>
<p>Staffing establishment</p>	<p>There are no direct human resource issues arising from this report.</p>	<p>Nicky Carter 2/9/2019</p>
<p>Risk management</p>	<p>The complaints policy and procedure are not a part of the council's strategic risk register.</p> <p>The risks of any one particular thing happening, and then causing complaints, should be captured on individual service risk registers for action and mitigation.</p>	<p>Ingrid Weatherup 2/9/2019</p>
<p>Environment and sustainability</p>	<p>There are no direct environment or sustainability issues as a result of this report.</p>	<p>Gary Stevenson 2/9/2019</p>
<p>Community safety</p>	<p>There are no direct community safety issues as a result of this report.</p>	<p>Terry Hughes 2/9/2019</p>

Health and wellbeing	There are no direct Health and Wellbeing issues as a result of this report.	Gary Stevenson 2/9/2019
Health and Safety	There are no direct Health and Safety issues as a result of this report.	Gary Stevenson 2/9/2019
Equalities	There are no direct Equalities issues as a result of this report.	Ingrid Weatherup 2/9/2019

8. REPORT APPENDICES

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

- Appendix A: LGO Annual Review Letter 2018/2019.

9. BACKGROUND PAPERS

- None.