

Audit and Governance Committee

15 September 2020

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

Yes

Annual Review of Complaints 2019/20

| | |
|-----------------------------------|---|
| Final Decision-Maker | Audit and Governance Committee |
| Portfolio Holder(s) | Tom Dawlings |
| Lead Director | Lee Colyer – Director of Finance and Corporate Services |
| Head of Service | Jane Clarke – Head of Policy and Governance |
| Lead Officer/Report Author | Jane Clarke – Head of Policy and Governance |
| 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 2019-20, 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 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 (* please delete or add as applicable)

| Meeting | Date |
|--------------------------------|-------------------|
| Management Board | N/A |
| Audit and Governance Committee | 15 September 2020 |

Annual Review of Complaints 2019/20

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 Local Government Ombudsman in relation to those progressed to the Ombudsman.
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2. CORPORATE COMPLAINTS OVERVIEW

- 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 Local Government Ombudsman (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.

Number of Complaints 2019/20

- 2.5 The Council recorded a total of 497 for Stages 1 and 2 of complaints received through the Council's complaints procedure during 2019/20. This compares unfavourably with previous years and shows a significant spike in the number of complaints needing to be resolved by the formal process.
- 2.6 The increase in complaints is seen in quarters 3 and 4 of last year and is as a result of the new recycling and waste contract being introduced.

| Year | Total | Q1 & Q2 | Q3 & Q4 |
|---------|-------|---------|---------|
| 2019/20 | 497 | 166 | 331 |
| 2018/19 | 257 | 154 | 103 |
| 2017/18 | 348 | 172 | 176 |
| 2016/17 | 436 | 235 | 201 |
| 2015/16 | 465 | 193 | 272 |

3. RESPONSE PERFORMANCE

- 3.1 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.
- 3.2 For 2019/20 the total number of complaints responded to within timescales was 34 percent. Again, this significant drop in the number of complaints responded to within time was due to the large volumes received as a result of the new recycling and waste contract being introduced. This compares poorly with previous years which were seeing an improvement on response times.

| Year | Performance Indicator | Target | *Result |
|---------|---|--------|---------|
| 2019/20 | % of overall complaints responded to within timescales | 90% | 34% |
| 2018/19 | % of overall complaints responded to within timescales | 90% | 90% |
| 2017/18 | % of overall complaints responded to within timescales | 90% | 81% |
| 2016/17 | % of overall complaints responded to within timescales | 90% | 74% |
| 2015/16 | % of overall complaints responded to within timescales | 94% | 84% |
| 2014/15 | % of overall complaints responded to within timescales | 94% | 88% |

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

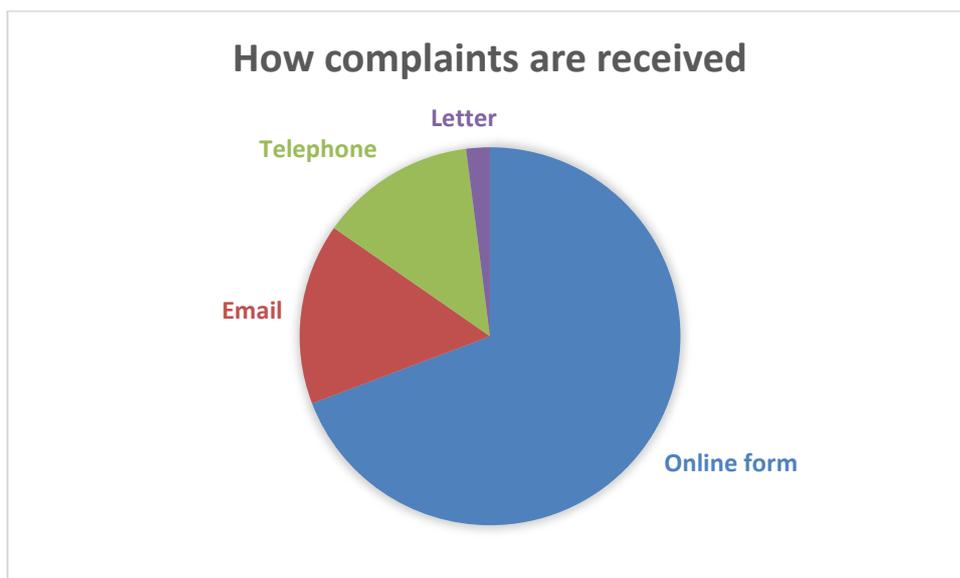
- 3.3 When broken down further, 72 percent of complaints were responded to in time at stage two of the process, whereas only 32 percent were responded to in time at stage one. This is because the Waste and Street Scene Manager, and the Head of Housing, Health and Environment (who are responsible for responding at stage one) focussed on resolving issues and problems on the ground, rather than formally responding to and closing off stage one complaints.
- 3.4 As a result of this, a number of stage one complaints were 'resolved' informally, but not administratively resolved (i.e. a formal response letter sent and closure of the complaint on the system) for some time after.

4. HOW COMPLAINTS ARE RECEIVED

4.1 The council tracks how people register their complaint. For 2019/20 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 online form on the website.

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



4.3 There were no complaints received via paper form or a visit during 2019/20. Electronic methods of contact continue to be the most popular method, with the online form accounting for 70 percent of contacts, and email accounting for 15 percent of contacts. In total therefore, electronic contact for complaints was 85 percent, which is an increase on previous years (79 and 80 percent respectively).

4.4 It is encouraging to see that the online form is increasing in popularity as a way to contact the Council, however telephone and letter are still used as methods of contact, and will continue to be available, alongside the ability to visit the Gateway to make a complaint (although no visits were received in 2019/20).

4.5 It should be noted that the Gateway also provides a first point of contact service for checking the progress of complaints, and for providing advice on how to submit a complaint. Whilst this service provision is not recorded in the complaints statistics, we do know that last year call volumes to the Gateway increased significantly during the introduction of the recycling and waste service, with many people asking for advice on how to submit a complaint, or to check on the status of their complaint.

5. SERVICE TRENDS

5.1 The charts below show the number of complaints received by services in 2019/20. The top five services receiving complaints in 2019/20 were Waste and Street Scene, Planning, Parking, Revenues and Elections.



5.2 Waste and Street Scene and Planning services received the highest number of complaints. The unusually high number of complaints regarding the Waste and Streetscene service for last year relates entirely to the introduction of the new recycling and waste contract.

5.3 Planning, Parking and Revenues are normally services that are in the top five services for complaints received due to their very high levels of contact with residents throughout the year.

5.4 Planning complaints increased by 72 percent last year compared with the year before. The majority of complaints increase can be attributed to the high level

of major applications which were determined in 2019/20, and which by nature have a greater impact on the local residents and therefore generate more complaints.

- 5.5 Parking services complaints decreased in 2019/20 compared with the year before by 31 percent and Revenues complaints also decreased in 2019/20 compared with the previous year by 55 percent.
- 5.7 Electoral Services saw an increase in the number of complaints received last year compared with previous years (one complaint received in 17/18 and two complaints received in 18/19, compared with seven received in 19/20). The reasons for complaints were primarily due to processing errors relating to registration requests, which is not unusual as a result of the high number of electoral events (including a snap Parliamentary election) held last year.
- 5.8 Overall, the number of complaints received by other service areas (excluding Waste and Streetscene and Planning) is broadly consistent or has fallen compared with years. It is likely that had the new recycling and waste service not experienced significant difficulties when it was introduced last year the number of complaints received would have been consistent with previous years.

6. COMPENSATION PAID

- 6.1 In total the council paid £125 in compensation payments to two complainants during 2019/20.

6.2

| Service area | Amount | Issue |
|------------------------|---------------|--|
| Waste and Street Scene | £50 | Time and trouble payment relating to issues regarding new recycling and waste contract |
| Waste and Streetscene | £75 | Time and trouble payment relating to issues regarding new recycling and waste contract |

- 6.3 This remains a low level of compensation paid for complaints issues and is consistent with previous years. It does not take into account any waivers for payment issued to residents relating to the garden waste contract as this was funded by the contractor and not the Council.

7. OMBUDSMAN COMPLAINTS

- 7.1 The annual letter from the Local Government and Social Care Ombudsman can be found at appendix A. The tables provided by the Ombudsman within the Annual Letter show the number of complaints and enquiries received by

the Ombudsman, the decisions made and the authority's compliance with the recommendations during the period.

- 7.2 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.
- 7.3 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.
- 7.4 For the 2019/20 year, there were twelve complaints submitted to the Ombudsman for consideration. Of those complaints, six were closed after initial enquiries and four were prematurely made, so referred back to the Council to go through our own complaints process first. Of the two that were investigated by the Ombudsman, these complaints were not upheld and there were no findings of maladministration.

8. LEARNING FROM COMPLAINTS

- 8.1 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.
- 8.2 The Council reports on learning from complaints to Cabinet on a half yearly basis. For the year 2019-20, the majority of complaints received were about single issues, and no trends emerge from the data (except for complaints relating to the introduction of the new recycling and waste contract – a separate report on this was sent to Cabinet on 25 June 2020: [Cabinet Report on the Household Recycling and Waste Service](#)).

9. AVAILABLE OPTIONS

- 9.1 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 assure itself that this aspect of Council governance is being run effectively.
- 9.2 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 options available to the committee.

10. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

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

11. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

11.1 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.

12. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

12.1 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.

13. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off (name of officer and date) |
|--|---|--|
| <p>Legal including Human Rights Act</p> | <p>(a) Legal</p> <p>This report provides an update on the Council's complaints handling. Where any issues arise in responding to complaints that have legal implications, the Mid Kent Legal Partnership would 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>(b) Human Rights Act</p> <p>All complaints are dealt with on a fair basis. Where any issues arise in responding to complaints that have legal implications or implications in respect of Human Rights, the Mid Kent Legal Partnership would be consulted.</p> | <p>Keith Trowell, Team Leader (Corporate Governance), MKLS28/08/2020</p> |

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|---------------------------------------|---|--|
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| Finance and other resources | 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. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Staffing establishment | There are no direct human resource issues arising from this report. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Risk management | The complaints policy and procedure are not a part of the council's strategic risk register. The risks of any one particular thing happening, and then causing complaints, should be captured on individual service risk registers for action and mitigation. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Environment and sustainability | There are no direct environment or sustainability issues as a result of this report. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Community safety | There are no direct community safety issues as a result of this report. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Health and wellbeing | There are no direct Health and Wellbeing issues as a result of this report. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Health and Safety | There are no direct Health and Safety issues as a result of this report. | Jane Clarke Head of Policy and Governance 27/08/2020 |
| Equalities | There are no direct Equalities issues as a result of this report. | Jane Clarke Head of Policy |

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| | | and Governance 27/08/2020 |
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14. REPORT APPENDICES

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

- Appendix A: Local Ombudsman Annual Review Letter 2019/2020.

15. BACKGROUND PAPERS

- None.