

Complaints Summary: Period 1 20/21 (1st April – 30th September 2020)

For Finance and Governance CAB on 10th November 2020

Summary

Lead Member: Councillor Tom Dawlings, Portfolio Holder for Finance and Governance

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Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	21 October 2020
Portfolio Holder	29 October 2020
Finance and Governance CAB	10 November 2020
Cabinet	3 December 2020

1. Introduction and Background

- 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 2020).
- 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.
- 1.3 Tunbridge Wells Borough Council operates a two stage corporate Complaints Procedure and logs these complaints through a centralised complaints management system.
- 1.4 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).
- 1.5 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.

2. Complaints Overview

Number of Complaints

- 2.1 The Council recorded a total of 378 complaints during reporting period 1 of 2020/21. This figure is an increase in the number of complaints recorded for the previous reporting period in 2019/20 (331 complaints) and an increase for the equivalent reporting period in 2019/20 (166 complaints). This would be the next paragraph.

Quarters	Total complaints
20/21 (period 1)	378
19/20 (period 2)	331
19/20 (period 1)	166

- 2.2 Of those complaints recorded in period 1 for this year, 372 were recorded at stage one of the Complaints Procedure and 6 were recorded at stage two of the procedure. There has been a decrease in the number of complaints progressing to stage two.

Quarters	Stage one	Stage two	% progressed to stage 2
20/21 (period 1)	372	6	2%
19/20 (period 2)	317	14	4%
19/20 (period 1)	151	15	9%

Responding to Complaints in time

- 2.3 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.
- 2.4 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.
- 2.5 For period 1 of 2020/21, the Council did not meet its target for responding to 90 per cent of complaints within time across both stages. The response time for Stage 2 complaints has improved compared to the response time in the previous two reporting periods. The Covid-19 pandemic has had an impact on the response times for many services. It was necessary to redeploy a number of staff to ensure that essential services could continue to run. The complaints facility was suspended for all complaints relating to refuse and recycling collections between April and June, this decision was taken to ensure delivery of essential frontline services.
- 2.6 During Quarter 1 a review of open outstanding complaints for waste and Street Scene was started and this led to responses being issued to 292 complaints and a total of 318 for this period.

Quarters	% stage one in time	% stage two in time	Target
2020/21 (period 1)	11%	83%	90%
2019/20 (period 2)	22%	64%	90%
2019/20 (period 1)	58%	80%	90%

How Complaints are received

- 2.7 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.
- 2.8 During reporting period 1 for 2020/21, the majority of complaints received were made through electronic means. The online form was the most popular method of complaining.
- 2.9 Whilst the preference for digital contact (online form and email) has remained largely the same overall compared with the last year, the number of complaints submitted using the online form has decreased during reporting period 1 for 2020/21. The number of complaints received by telephone has increased during reporting period 1 compared to the previous two reporting periods. This is likely to be linked to the increase in demand as the result of the issues related to the waste collection service and the impact of the Covid-19 pandemic.

Quarters	Online	Email	Tele- phone	Letter/ paper form	Visit
2020/21 (period 1)	69%	8%	22%	1%	0%
2019/20 (period 2)	73%	10%	16%	1%	0%
2019/20 (period 1)	62%	26%	8%	4%	0%

Reasons for Complaints

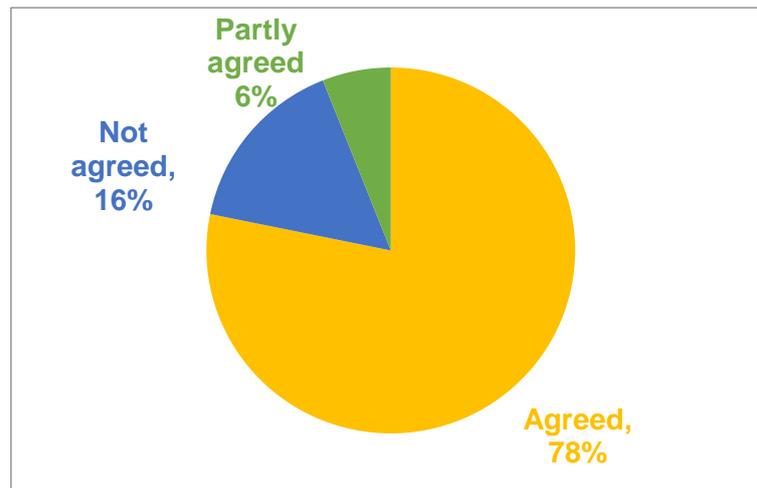
- 2.10 The Council records the reasons why a complaint has been made, in line with a list of categories that have been developed over time and in accordance with guidance from the Ombudsman.
- 2.11 For reporting period 1 of 2020/21, the majority of complaints were recorded as the service not being delivered to expected standards, which can cover a wide range of different issues around how the service was delivered to the customer. The next highest reason for complaining was because of council or government policy. The Council also received a number of complaints relating to issues concerning Tunbridge Wells Borough Council or Government policy.

2.12

Reason	Number
Service not delivered to expected standard	356
Council/Government policy	8
Outside of council services	5
Staff conduct	4
Administrative error	0
Incorrect or misleading information	0
Other	0
Delay	1
Failure to act	0
Not recorded	1
Failure to provide a service	1
Cost of delivering a service	0
Discrimination	1
System or technical error	1

Council Decisions

- 2.13 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.
- 2.14 For those complaints that received a decision in period 1 for 2020/21, the Council agreed with the complainant in 78 per cent of complaints and did not agree with 16 per cent of complaints. The Council partly agreed with the complainant in 6 per cent of complaints. The number of complaints where the Council has agreed with the complainant has decreased slightly from 82 per cent in the previous reporting period.



2.15 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 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. In this case, the high number of complaints agreed with is due to residents experiencing repeated issues below satisfactory levels in relation to the Recycling and Waste contract.

Complaints by Service

- 2.16 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.
- 2.17 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.

2.18

Service	Number
Waste and Streetscene	318
Planning Development Management	16
Parking	13
Housing - Homelessness	8
Revenues	6
Digital Services	3
Finance	3
Benefits	2
Building Control	2
Gateway	2
Assembly Hall Theatre	1
Housing – Private Sector	1
HR	1
Legal	1
Policy and Performance	1

- 2.19 For period 1 of 2020/21, Waste and Street Scene received the highest number of complaints (318). This is a 23 per cent increase in this reporting period compared with the previous reporting period 2 of 2019/20 (258). Overall the proportion of complaints for Waste and Street Scene equates to 0.6 percent of the number of households receiving refuse collection services within the borough (approximately 49,000).
- 2.20 The next highest service receiving complaints for this reporting period was Planning Development Management (16). This is a decrease in this reporting period compared with the previous reporting period 2 of 2019/20 (34) but falls within expected fluctuations.
- 2.21 Parking services received 13 complaints in this reporting period, which is a decrease in the number of complaints received in the previous reporting period (16). Housing - Homeless received 8 complaints in this reporting period compared with 3 complaints in the previous reporting period.
- 2.22 Overall, with the exception of Waste and Street Scene, the number of complaints received by service is broadly consistent with previous reporting periods, and therefore falls within expectations.

Compensation Paid

- 2.23 The level of compensation paid by the Council during this reporting period was £150. This was £100 for a complaint for Digital Services, relating to the time and trouble incurred by the complainant for progressing the complaint with the service. £50 for Waste and Street Scene, relating to the time and trouble incurred by the complainant for the level of service received in relation to their complaint.

Ombudsman Decisions

- 2.24 The Council received one decision on an Ombudsman complaint in this reporting period, which was closed after initial enquiries with no further action.

Service	Complaint summary	Ombudsman decision
Planning	Complaint about the Council's decision to approve a planning application.	The Ombudsman will not investigate this complaint. They have not seen any evidence of fault in the way the Council came to the decision to approve the planning application.

Learning from Complaints

- 2.25 The services receiving the highest number of complaints for this reporting period were Waste and Street Scene, Planning Development Management and Parking services.
- 2.26 For Waste and Street Scene, the increase in complaints occurred between April and June. During Quarter 1 a review of open outstanding complaints for waste and Street Scene was started and this led to responses being issued to 292 complaints. This is reflected in the increase in the number of complaints in Quarter 1. The Council monitors the number of missed bins closely as part of its contract management and is working with the contractor to address any issues raised within complaints so that we can provide the best service for our residents. The number of complaints decreased between July and September to 26.
- 2.27 For Planning Development Management, there were no clear trends emerging from the complaints, which were as a result of single issues.
- 2.28 For Parking services, half of the complaints were related to parking permit issues, such as the parking permit not being refunded or extended when requested.

3. Options Considered

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

4. Preferred Option and Reason

- 4.1 That Cabinet notes the Council's performance on complaints handling for reporting period 1 of 2020/21 (1 April to 30 September).

5. Consultation on Options

- 5.1 This report does not require public consultation as the recommendation is for noting only.

Recommendation from Cabinet Advisory Board

- 5.2 This section will be updated following the Finance and Governance Cabinet Advisory Board on 10 November 2020.

6. Implementation

- 6.1 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.
- 6.2 To ensure transparency, the report is published on the Cabinet agenda and it available on the Council's website through the committee reports pages.

7. Appendices and Background Documents

Appendices:

- None.

Background Papers:

- None.

8. Cross Cutting Issues

A. Legal (including the Human Rights Act)

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.

There is no statutory duty to report regularly to Cabinet 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.

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.

Keith Trowel, Corporate Team Leader (Legal), 26 October 2020

B. 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, Parking and Procurement, 26 October 2020

C. Staffing

There are no implications for staffing within this report.

Nicky Carter, Head of HR, Customers and Communities, 26 October 2020

D. 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, 26 October 2020

E. Environment and Sustainability

There are no environment and sustainability issues raised within this report.

Jane Clarke, Head of Policy and Governance, 26 October 2020

F. Community Safety

There are no consequences arising from the recommendation that adversely affect community safety.

Jane Clarke, Head of Policy and Governance, 26 October 2020

G. 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, 26 October 2020

H. 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, 26 October 2020

I. 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.

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.

Mike Catling, Corporate Health and Safety Manager, 26 October 2020

J. Health and Wellbeing

There are no health and wellbeing implications identified in the report.

Jane Clarke, Head of Policy and Governance, 26 October 2020