

# Complaints Summary: Period One 2021/22 (1 April – 30 September 2021)

For Cabinet on 6 December 2021

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## Summary

**Lead Member:** Councillor Tom Dawlings, Leader of the Council

**Lead Director:** Lee Colyer, Director of Finance, Policy and Development

**Head of Service:** Jane Clarke, Head of Policy and Governance

**Report Author:** Ingrid Weatherup, Corporate Governance Officer

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	3 November 2021
Portfolio Holder	4 November 2021
Finance and Governance CAB	16 November 2021
Cabinet	2 December 2021

## Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet notes the summary of complaints over period one (April to September) 2021/22.

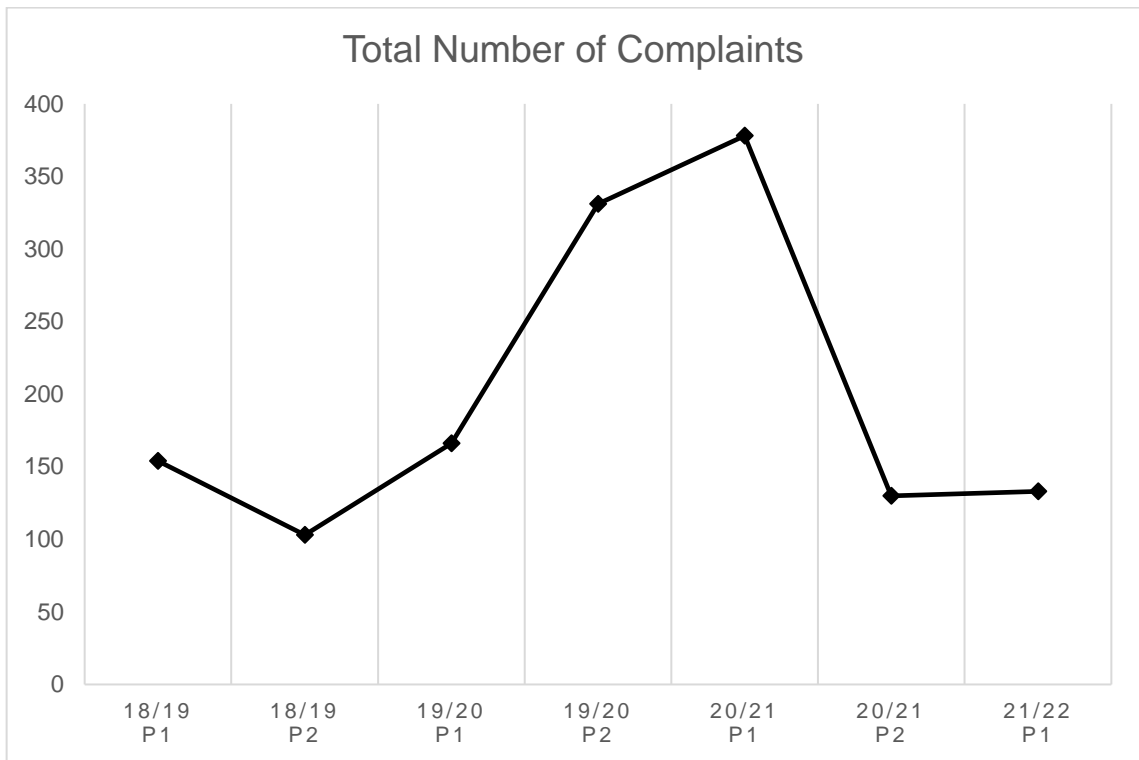
# 1. Introduction and Background

- 1.1 This report provides an overview of complaints received by Tunbridge Wells Borough Council under the Council's Complaints Procedure during quarters one and two (which is reporting period one from 1 April to 30 September 2021).
- 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 dissatisfied, 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 one runs from 1 April to 30 September, and reporting period two runs from 1 October to 31 March in a given financial year.

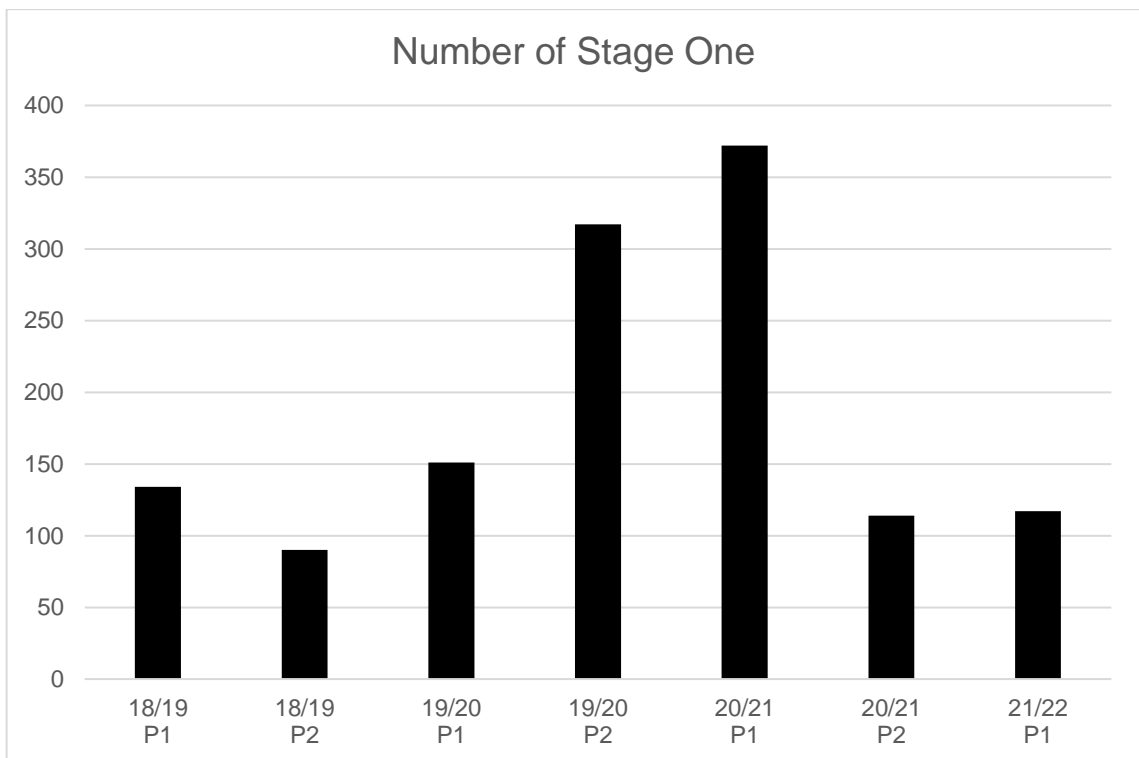
## 2. Complaints Overview

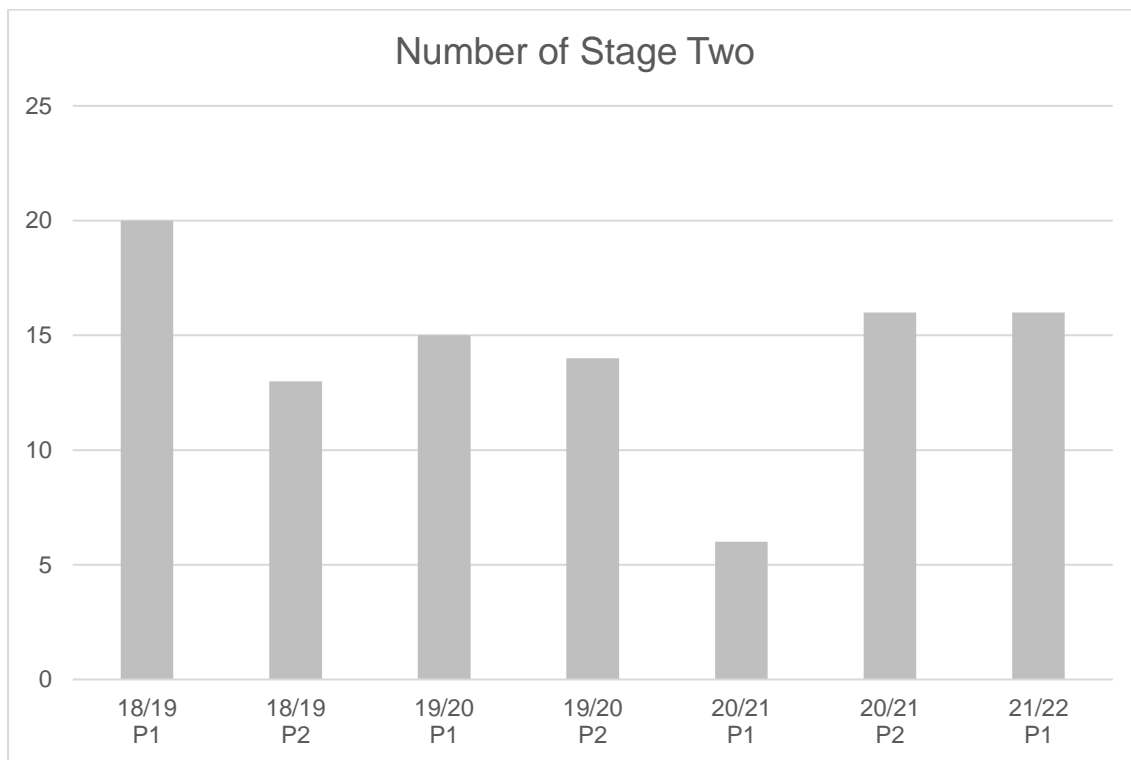
### Number of Complaints

- 2.1 The Council recorded a total of 133 complaints during reporting period one of 2021/22. This figure is a slight increase in the number of complaints recorded for the previous period (130) and a decrease in the number of complaints compared with the same period last year (378).



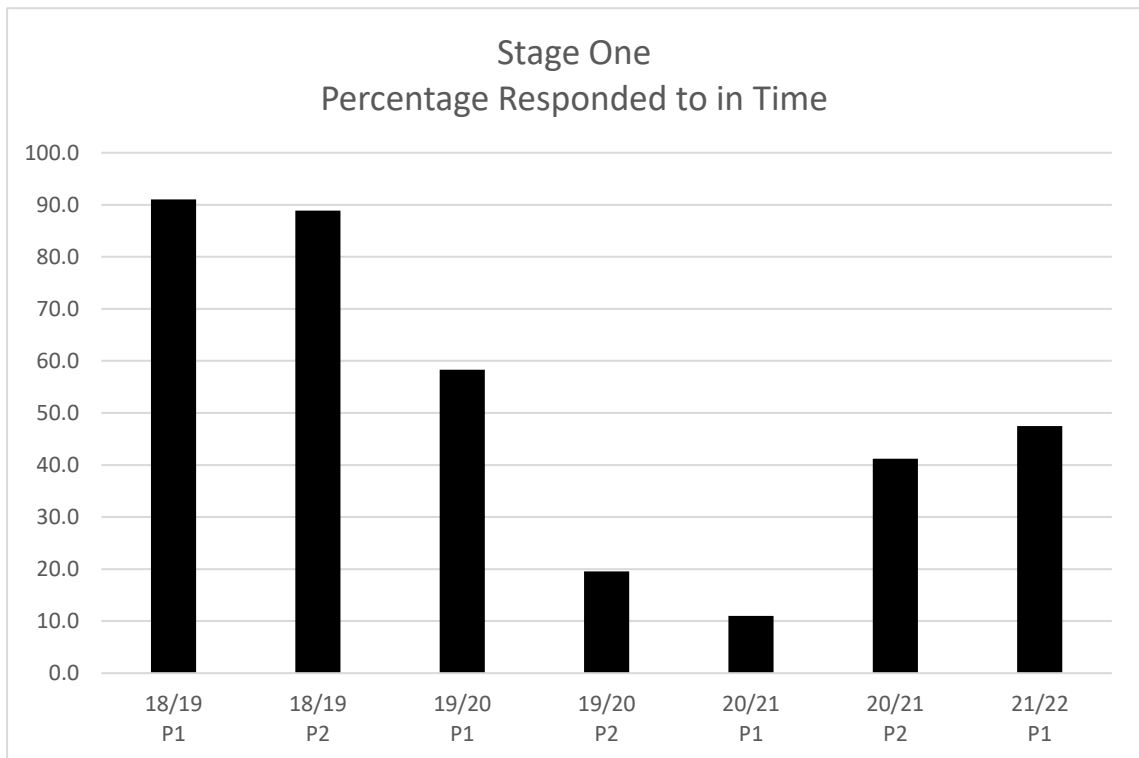
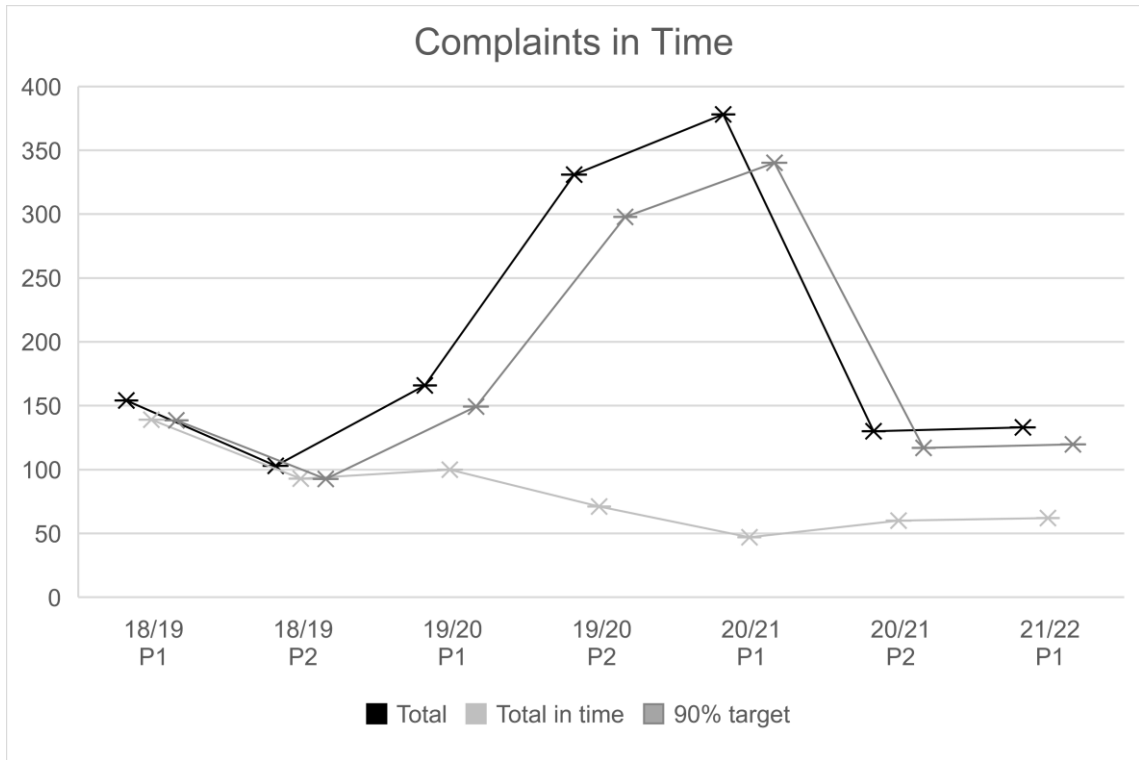
2.2 Of those complaints recorded in period 1 for this year, 117 were recorded at stage one of the Complaints Procedure and 16 were recorded at stage two of the procedure. The number of complaints progressing to stage two has remained the same compared with the previous quarter.

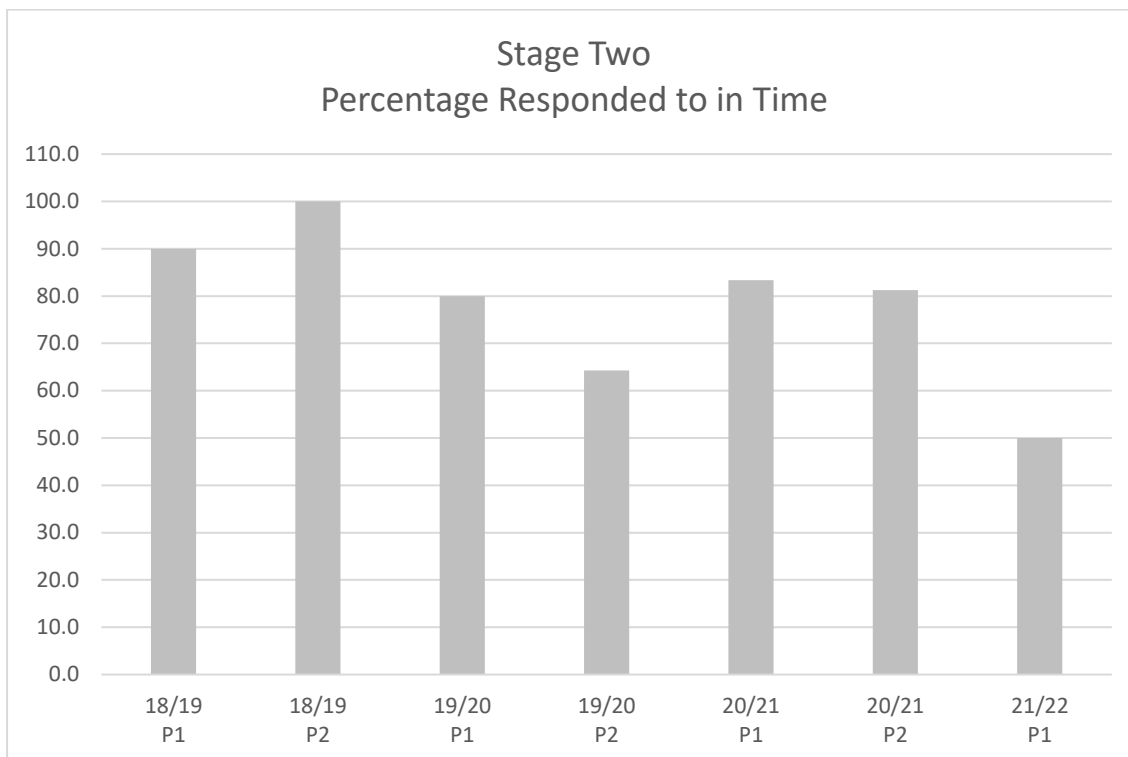




## Responding to Complaints in time

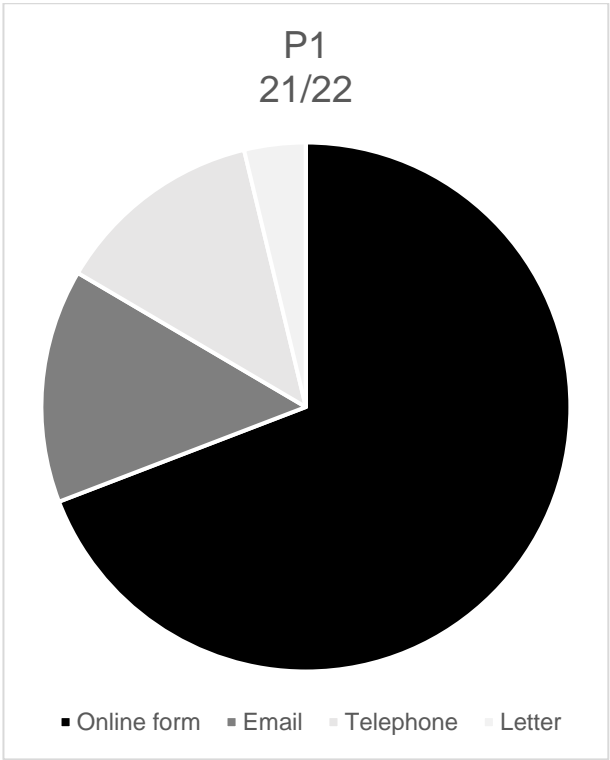
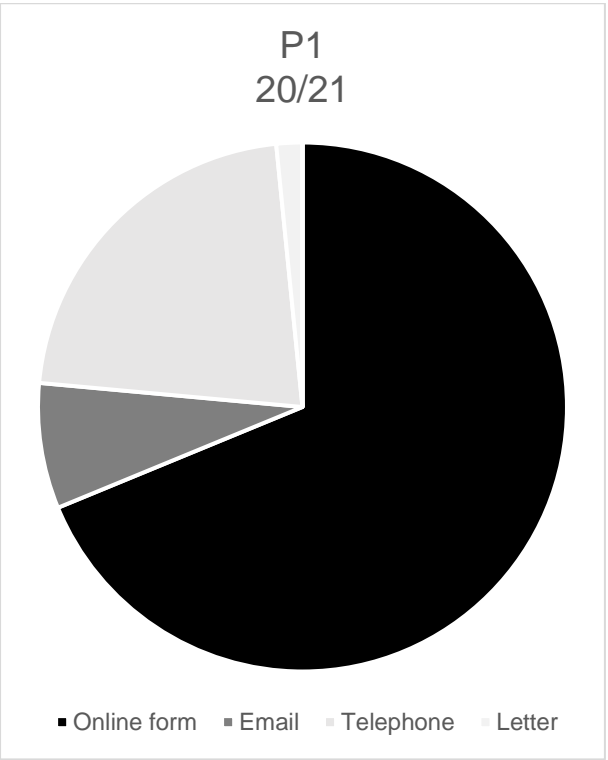
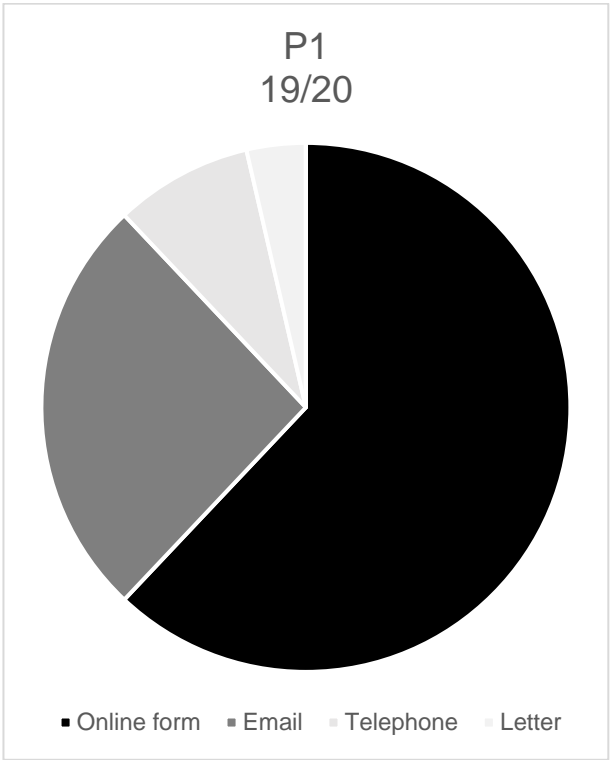
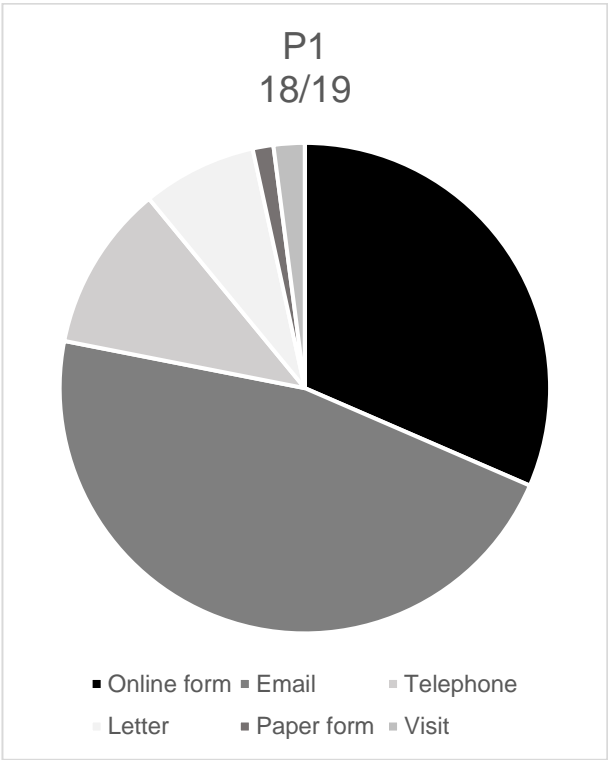
- 2.3 Responding to complaints within a reasonable time is a key performance target for the Council and is a feature of a well performing complaints handling system that adheres to best practice. Performance indicators are used to monitor the speed of the Council's response to complaints dealt with through 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 one of 2021/22, the Council did not meet its target for responding to 90 per cent of complaints within time. The response time for stage one complaints has improved compared to the response time in the previous two reporting periods. The response time for responding to stage two complaints has decreased slightly compare to period one.





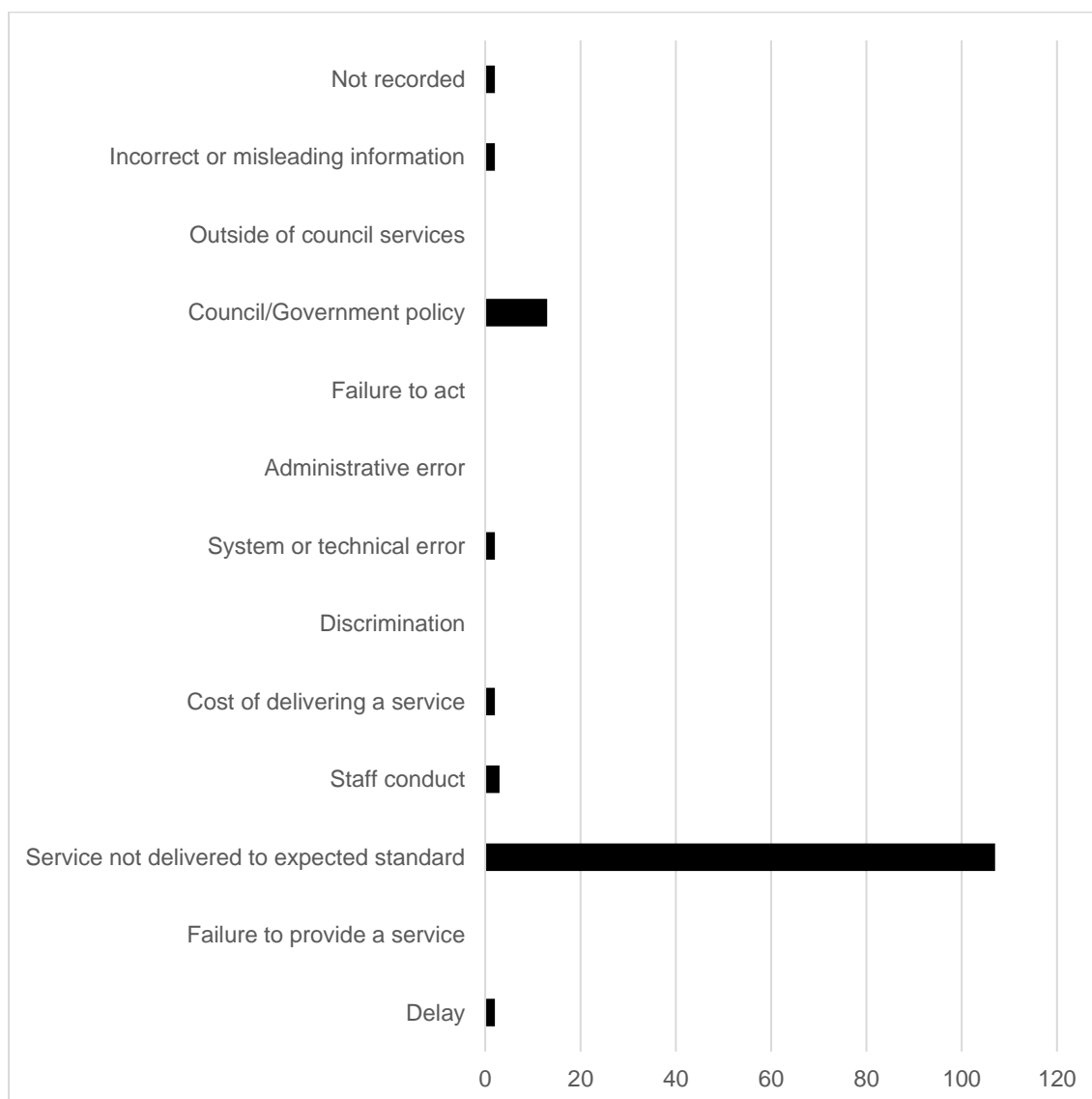
## How Complaints are received

- 2.6 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.
- 2.7 During reporting period one for 2021/22, the majority of complaints received were made through electronic means. The online form was the most popular method of complaining followed by email.
- 2.8 The preference for digital contact (online form and email) has remained largely the same overall compared with the same period in the previous year but has grown in popularity over time. No complaints were received by paper form or through a visit, but this is likely down to the pandemic and the Town Hall and Gateway being closed at times during period one. The number of complaints submitted by telephone has decreased slightly whereas complaints received by email has increased during reporting period one for 2020/21. T



## Reasons for Complaints

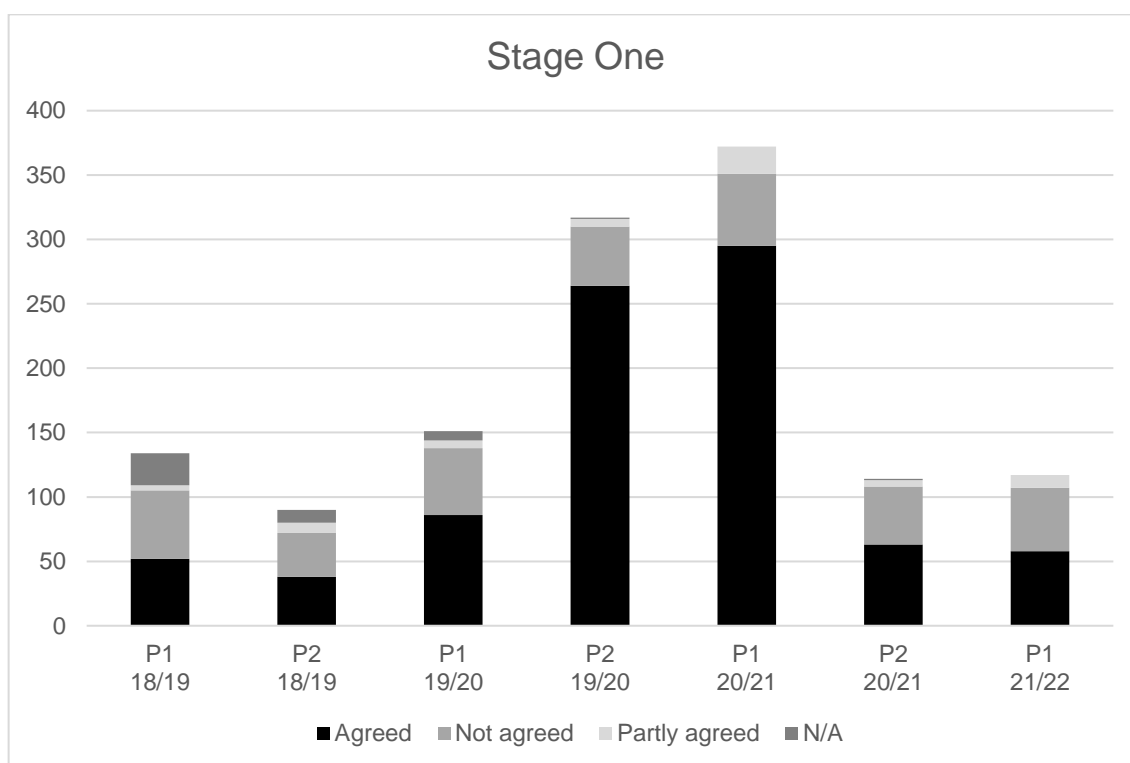
- 2.9 The Council records the reasons why a complaint has been made, in line with a list of categories that have been developed over time and in accordance with guidance from the Ombudsman.
- 2.10 For reporting period one of 2021/22, the majority of complaints were recorded as the service not being delivered 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.



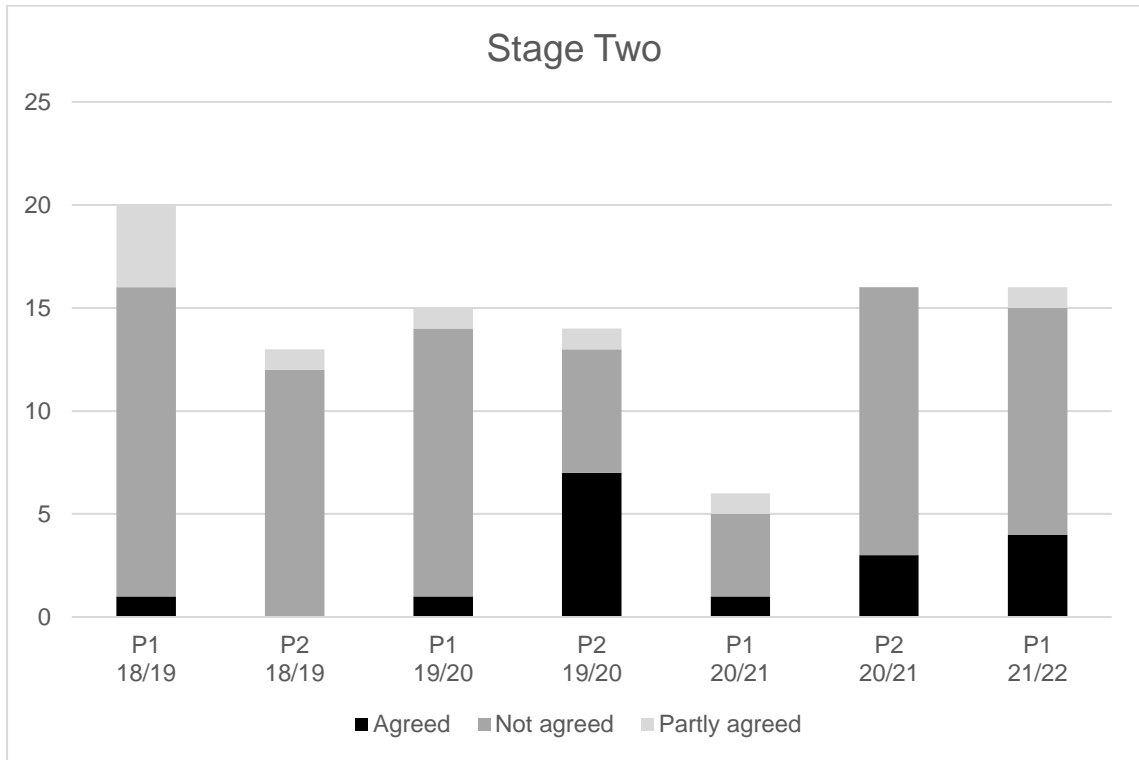


## Council Decisions

- 2.11 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.
- 2.12 Over time the Council 'agrees' with and 'disagrees' with complainants in fairly even proportions, and this is what we would expect to see from a well running complaints system. The data also shows that at the end of 2019/20, and the beginning of 2020/21, the Council agreed with a significantly greater proportion of complaints, and this was due to the issues around the new waste and recycling contract.
- 2.13 For period one of 2021/22 the Council agreed with 50% of complaints at stage one, disagreed with 42%, and partly agreed with 8%.



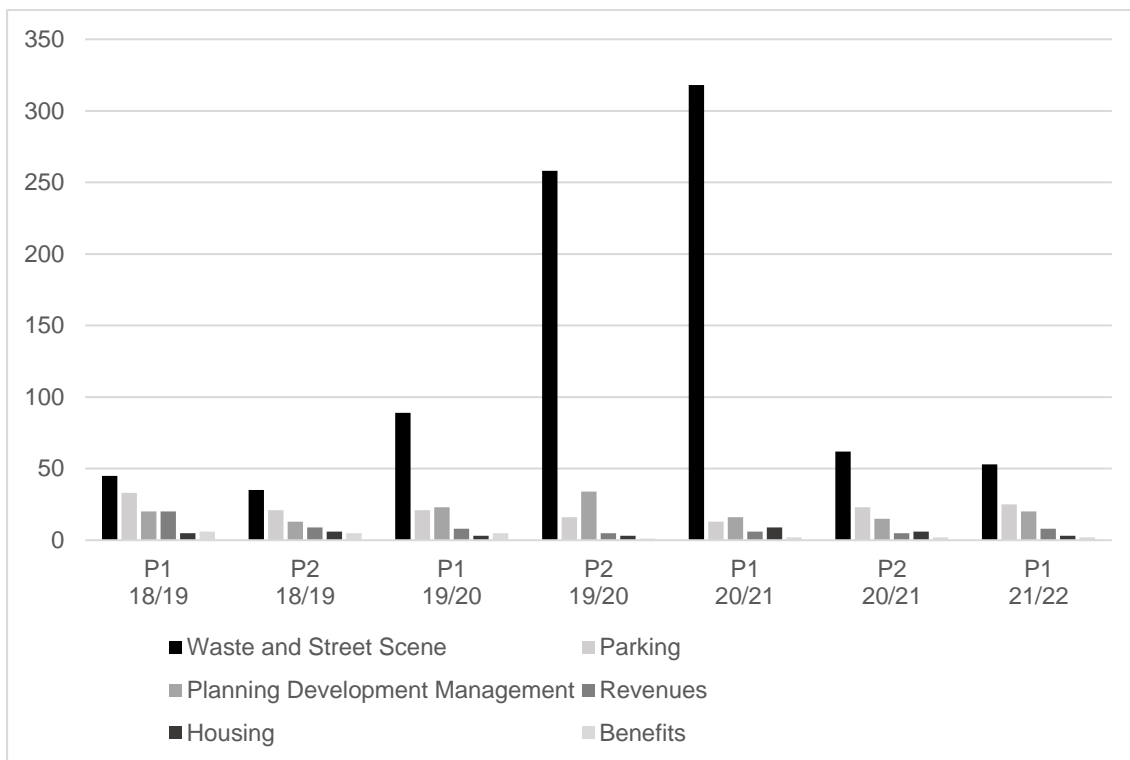
- 2.14 Stage two complaints proceed where the Council has already made a decision on a complaint, but the complainant remains unhappy. Generally we would expect to see a much lower proportion of complaints 'agreed' with at this stage. For period one of 2021/22, the Council has agreed with the complainant in more cases than the previous period.



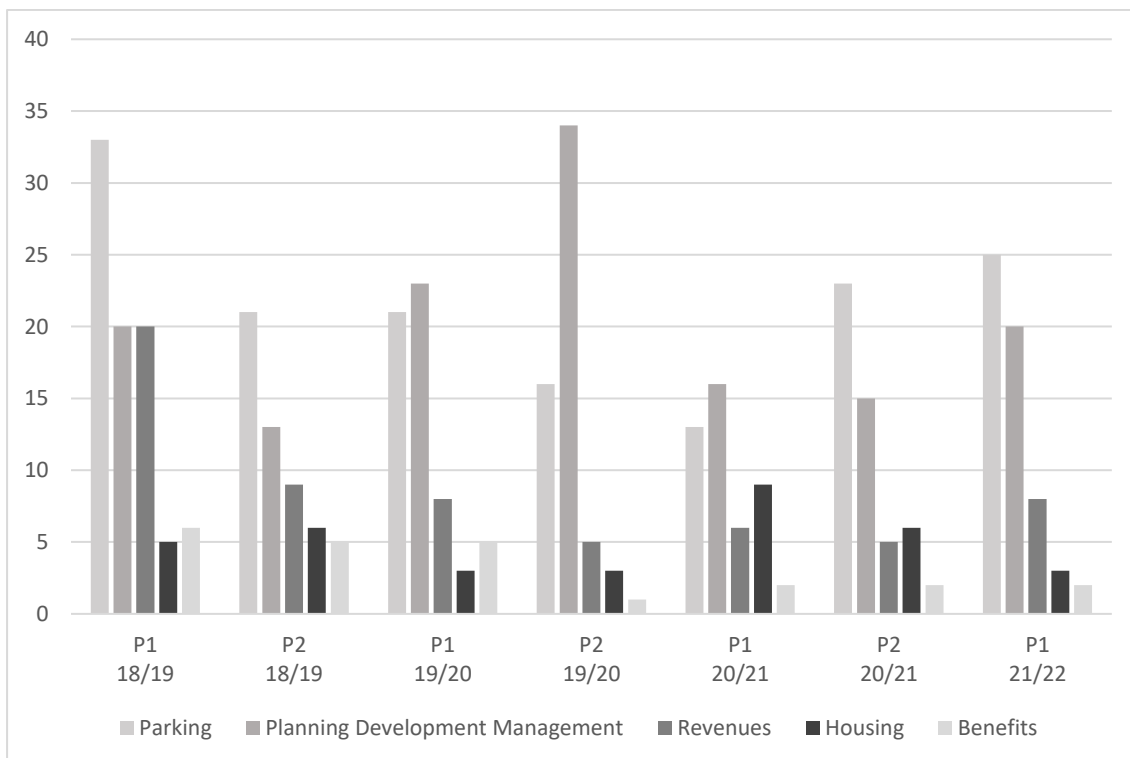
## Complaints by Service

- 2.15 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.
- 2.16 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.
- 2.17 For period one of 2021/22, Waste and Street Scene received the highest number of complaints (53). This is a decrease compared with the previous reporting period.
- 2.18 The next highest service receiving complaints for this reporting period was Parking (25). This is a slight increase compared with the previous period but falls within expected fluctuations.
- 2.19 Planning Development Management services received 20 complaints in this reporting period, which is again an increase in the number of complaints but are attributable to significant developments receiving planning permission.
- 2.20 Overall, the number of complaints received by services is broadly consistent with previous reporting periods, and therefore falls within expectations.

## Top six complaints by Service



## Exc. Waste and Street Scene data



## Compensation Paid

- 2.21 There were two compensation payments made during period one of 2021/22, both for Planning and Development Management. A payment of £600 was offered in relation to a complaint made regarding the interpretation of planning law at a site with planning permission, and a payment of £150 was made in relation to an error in a planning report.

## Ombudsman Decisions

- 2.22 The Council received three Ombudsman decisions in period one.

<b>Service</b>	<b>Complaint Summary</b>	<b>Decision</b>
Planning and Development Management	Complaint made about planning permission granted	The Ombudsman will not investigate this complaint. This is because there is insufficient evidence of fault by the Council which would warrant an investigation.
Waste and Street Scene	Complaint made about missed bin collections	The Ombudsman will not investigate this complaint. This is because there is insufficient evidence of fault and injustice. In addition, we cannot achieve the outcome the complainant would like.
Planning and Development Management	Complaint made about planning permission granted	The Ombudsman finds there was some fault by the Council. The financial remedy already offered by the Council is appropriate, but we made further recommendations for a formal apology and improved communications, as well as a service improvement.

## **Learning from Complaints**

- 2.23 The Waste and Street Scene service has continued to receive the highest number of complaints for this period however the number has been reducing over time. The main issues for this service now are tackling repeat missed bins in 'hot spot' areas. The service has also faced significant challenges around staffing levels in recent weeks, but complaints relating to this issue and the suspension of garden waste services will not be seen until the next reporting period.
- 2.24 Planning and Development Management have made improvements to the service as a result of the two complaints which received payments in the period. As a result of one complaint, the Planning and Development service are now distributing updates to case law in conjunction with Mid Kent Legal Services, and these updates are being discussed in with officers in team meetings and 121s. A training need was identified as a result of the second complaint, which has now been resolved.

## **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 one of 2021/22.

## **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 16 November 2021.

## **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.

*Jayne Bolas, Interim Deputy Head of Legal Partnership, 26 October 2021*

### **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 2021*

## **C. Staffing**

There are no implications for staffing within this report.

*Nicky Carter, Head of HR, Customers and Communities, 26 October 2021*

## **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 2021*

## **E. Environment and Sustainability**

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

*Jane Clarke, Head of Policy and Governance, 26 October 2021*

## **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 2021*

## **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 2021*

## **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 2021*

## **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 2021*

## **J. Health and Wellbeing**

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

*Jane Clarke, Head of Policy and Governance, 26 October 2021*