

Complaints Summary: Period Two 2021/22 (1 October 2021 – 31 March 2022)

For Cabinet on 23 June 2022

Summary

Lead Member: (TBC)

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

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

Report Author: Pamela Morgan, Performance & Governance Manager

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	19 May 2022
Portfolio Holder	TBC
Finance and Governance CAB	8 June 2022
Cabinet	23 June 2022

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet notes the summary of complaints over period two (October 2021 to March 2022.)

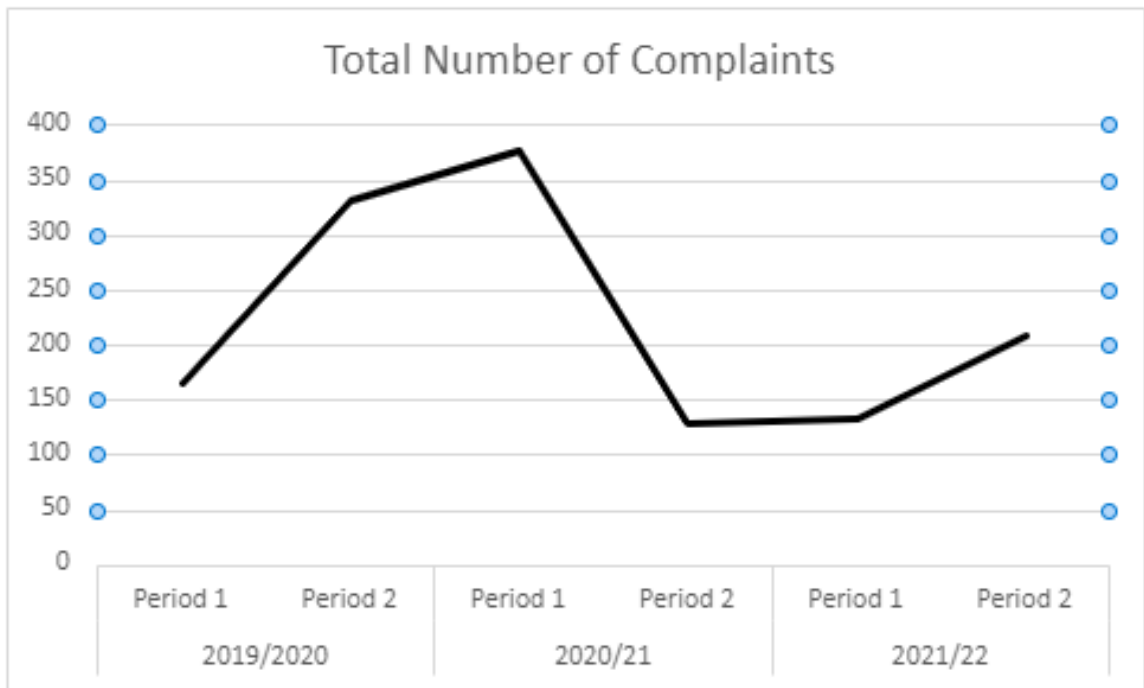
1. Introduction and Background

- 1.1 This report provides an overview of complaints received by Tunbridge Wells Borough Council under the Council's Complaints Procedure during quarters three and four (which is reporting period one from 1 October to 31 March 2022).
- 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.

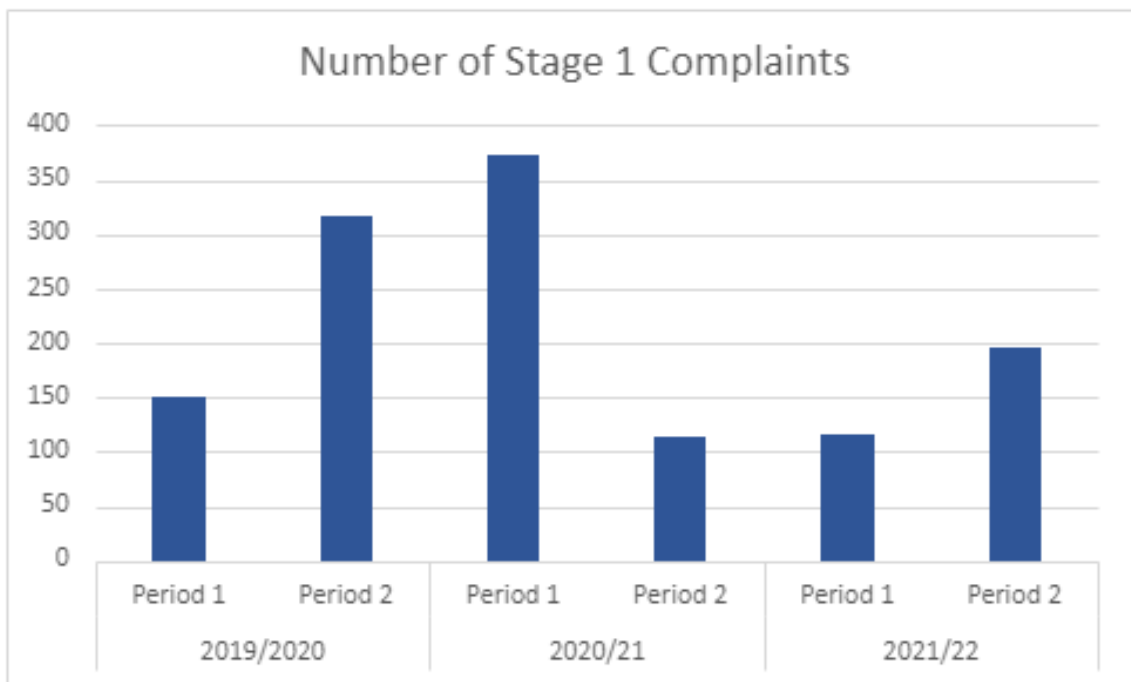
2. Complaints Overview

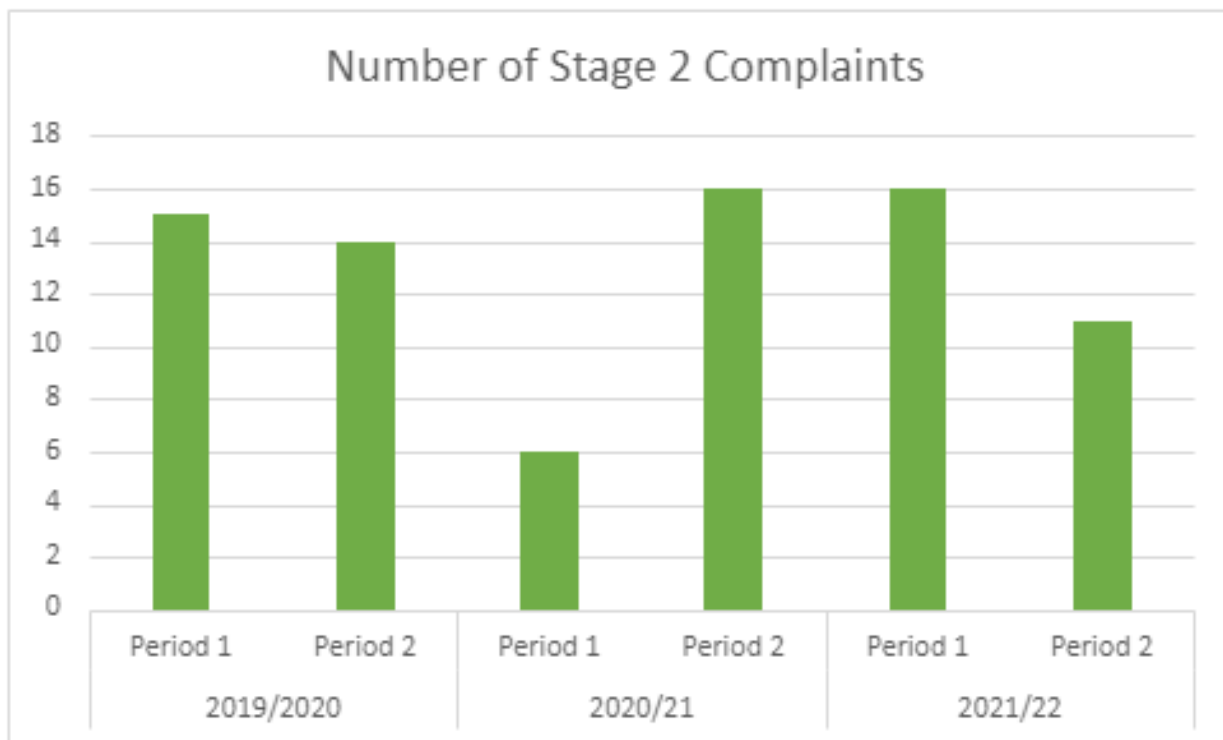
Number of Complaints

- 2.1 The Council recorded a total of 208 complaints during reporting period two of 2021/22. This figure is an increase in the number of complaints recorded for the previous period (133) and an increase in the number of complaints compared with the same period last year (130).



2.2 Of those complaints recorded in period 2 for this year, 197 were recorded at stage one of the Complaints Procedure and 11 were recorded at stage two of the procedure, down from 16 complaints progressing to stage two in the last reporting period.

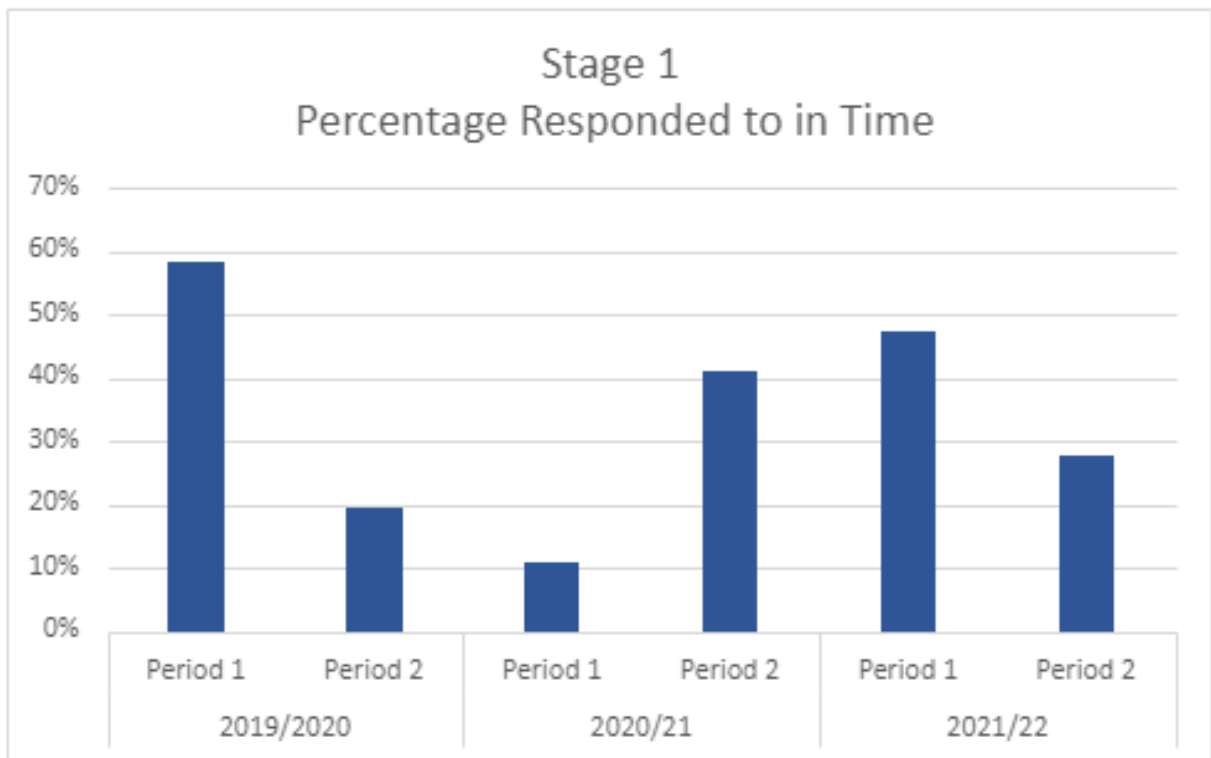
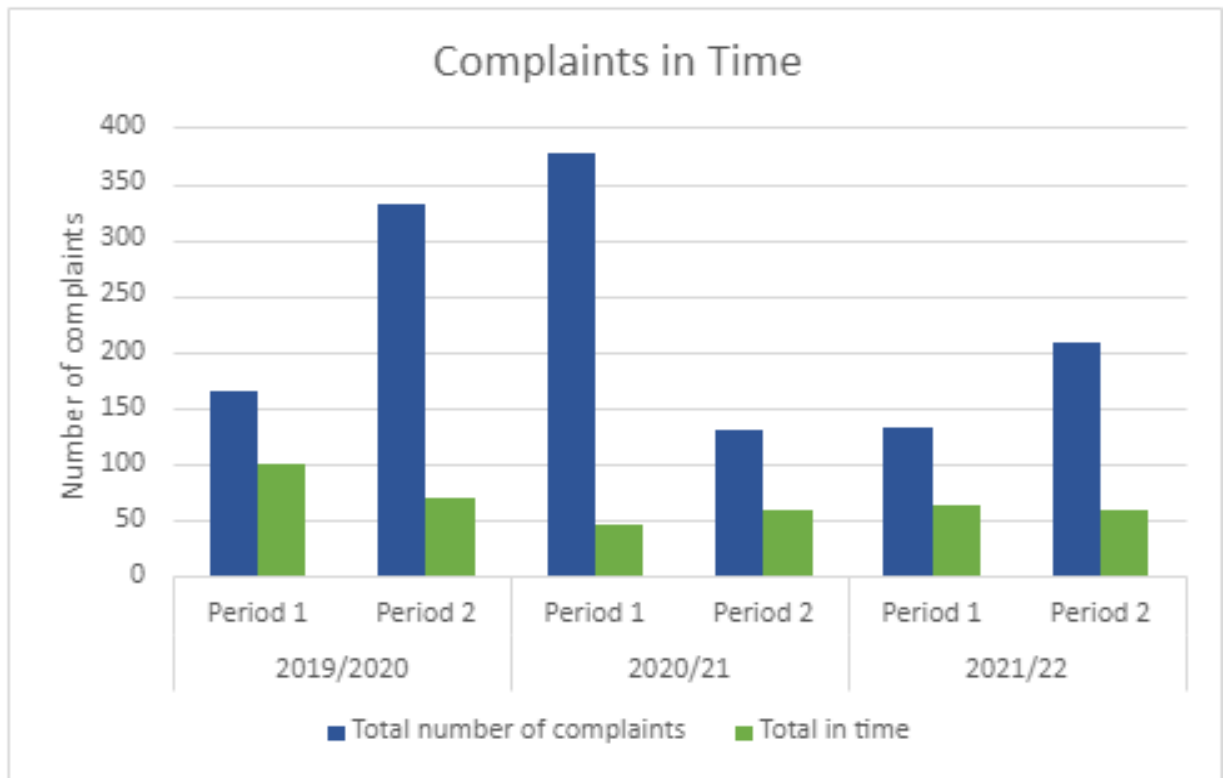


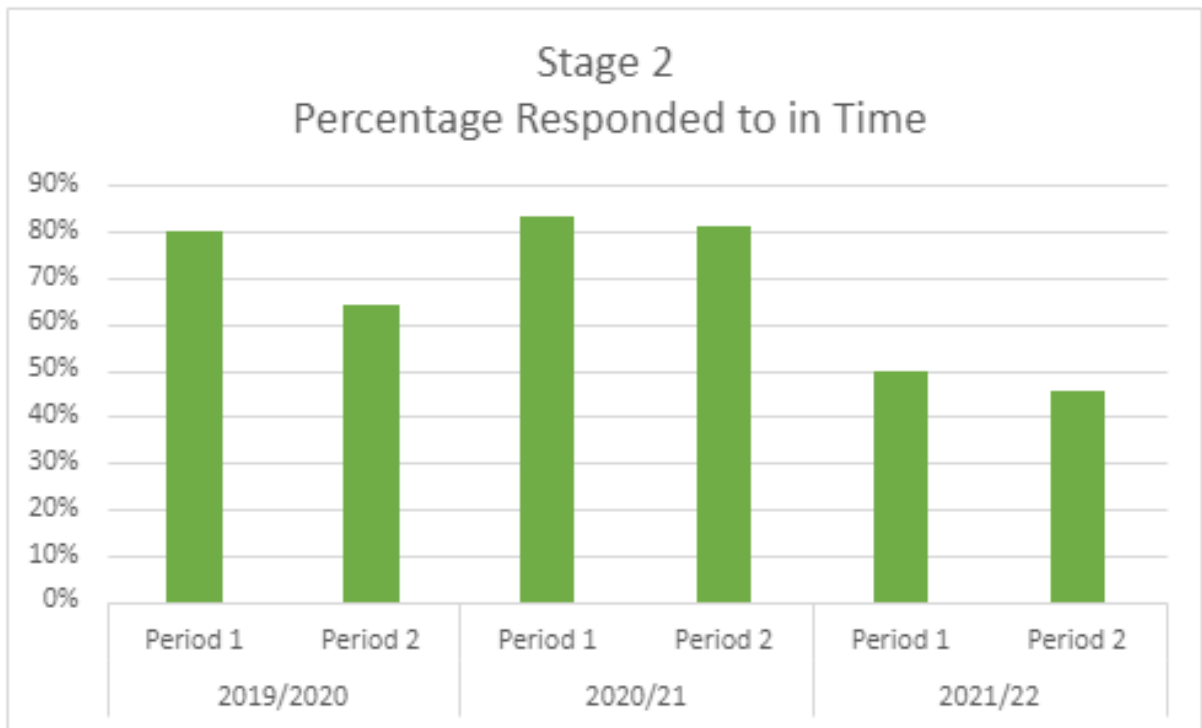


Responding to Complaints in time

- 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.

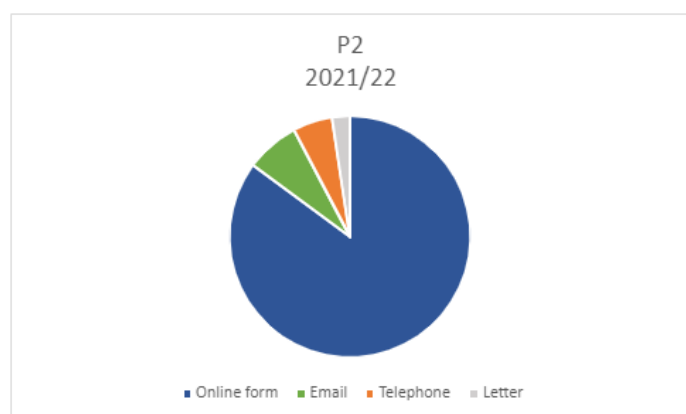
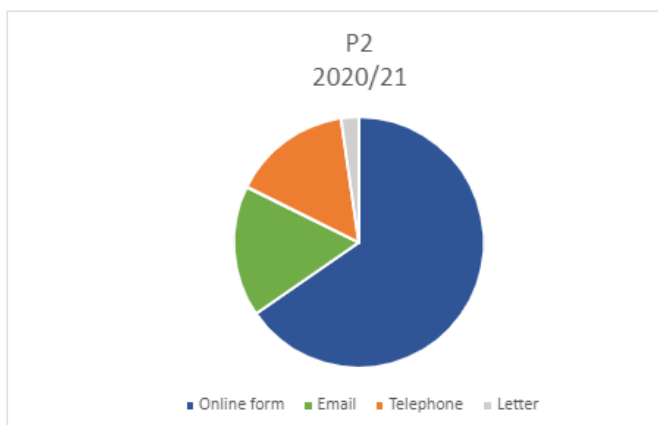
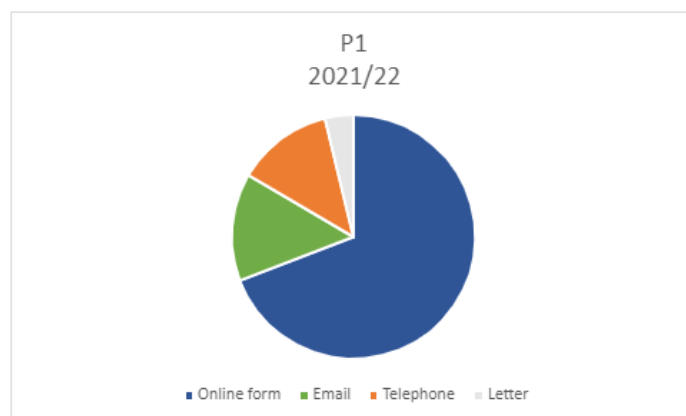
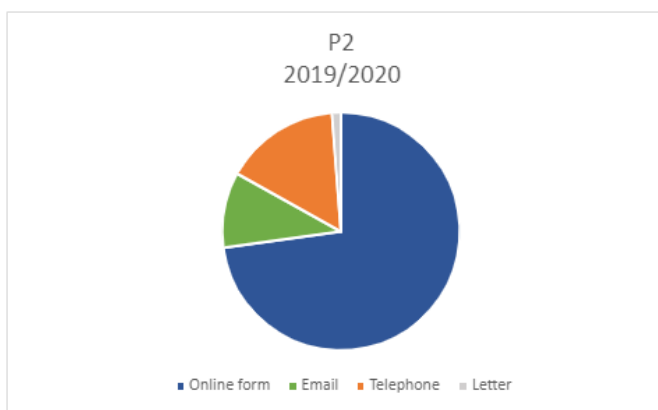
For period two of 2021/22, the Council did not meet its target for responding to 90 per cent of complaints within time. This was due to the significant increase in the volume of stage one complaints closed in this period compared with the previous period.





How Complaints are received

- 2.5 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.
- 2.6 During reporting period two 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.
- 2.7 The preference for digital contact (online form) continues to grow in popularity. As for period one, no complaints were received by paper form or through a visit. The number of complaints submitted by telephone has remained the same compared to period one whereas complaints received by email has decreased slightly during reporting period two for 2021/22.



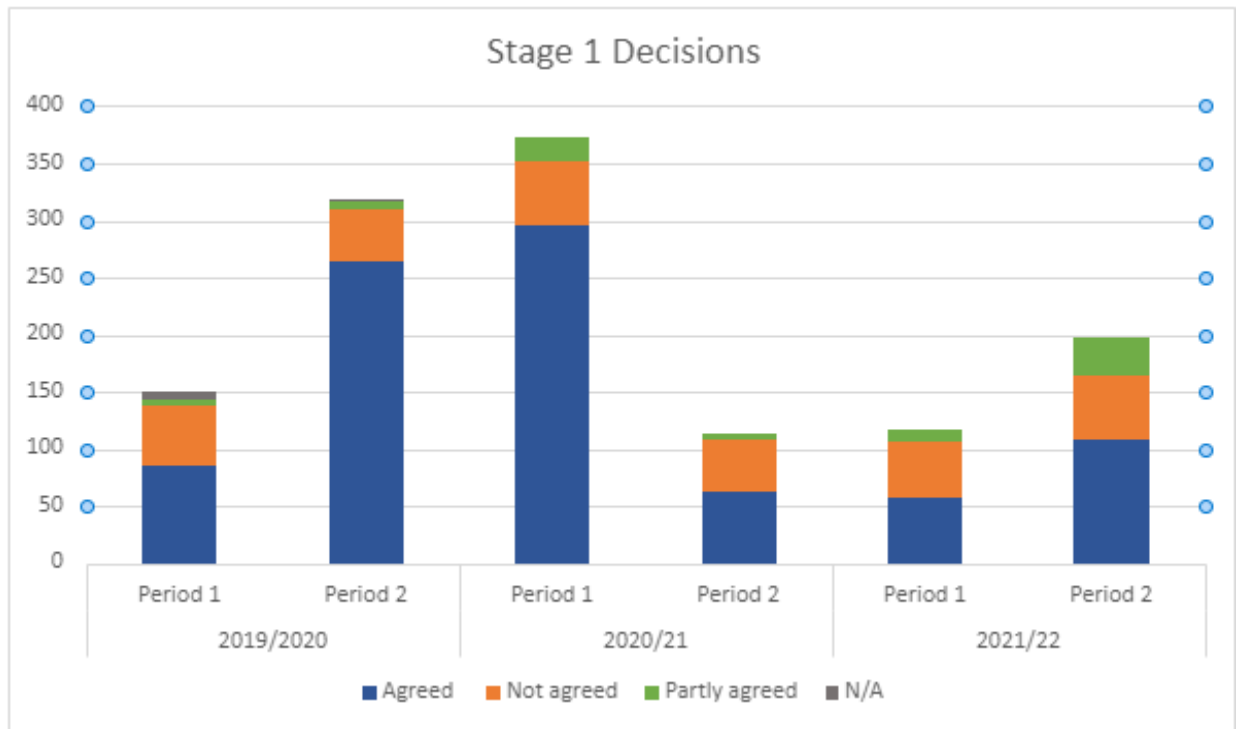
Reasons for Complaints

- 2.8 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.
- 2.9 As for reporting period one, the majority of complaints were recorded as the service not being delivered to expected standards. This can cover a wide range of different issues around how the service was delivered to the customer, and we are reviewing the breakdown of this category to provide further analysis, which will be available from period one of 2022/23. The next highest reason for complaining was because of staff conduct.

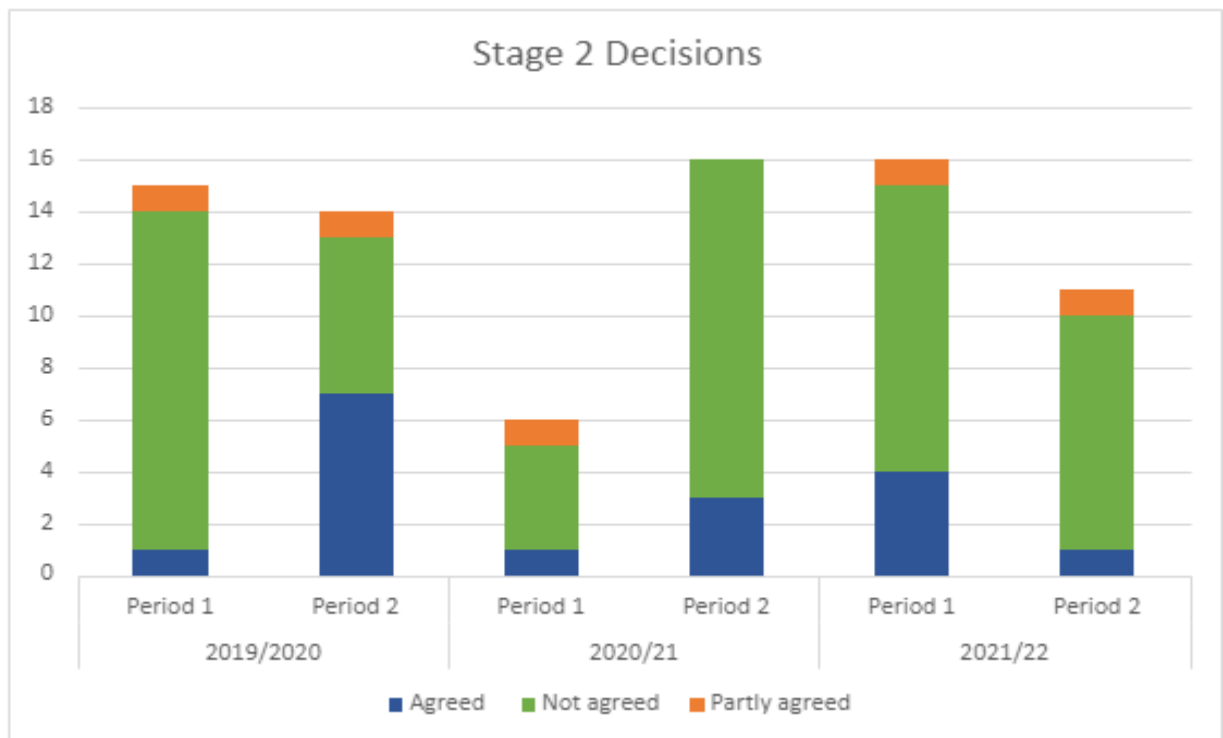


Council Decisions

- 2.10 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.
- 2.11 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.
- 2.12 For period two of 2021/22 the Council agreed with 55% of complaints at stage one, partly agreed with 16% and disagreed with 29%. The slight increase in agreed and partly agreed complaints correlates with the increase in resolved of Waste and Street Scene complaints in period two.



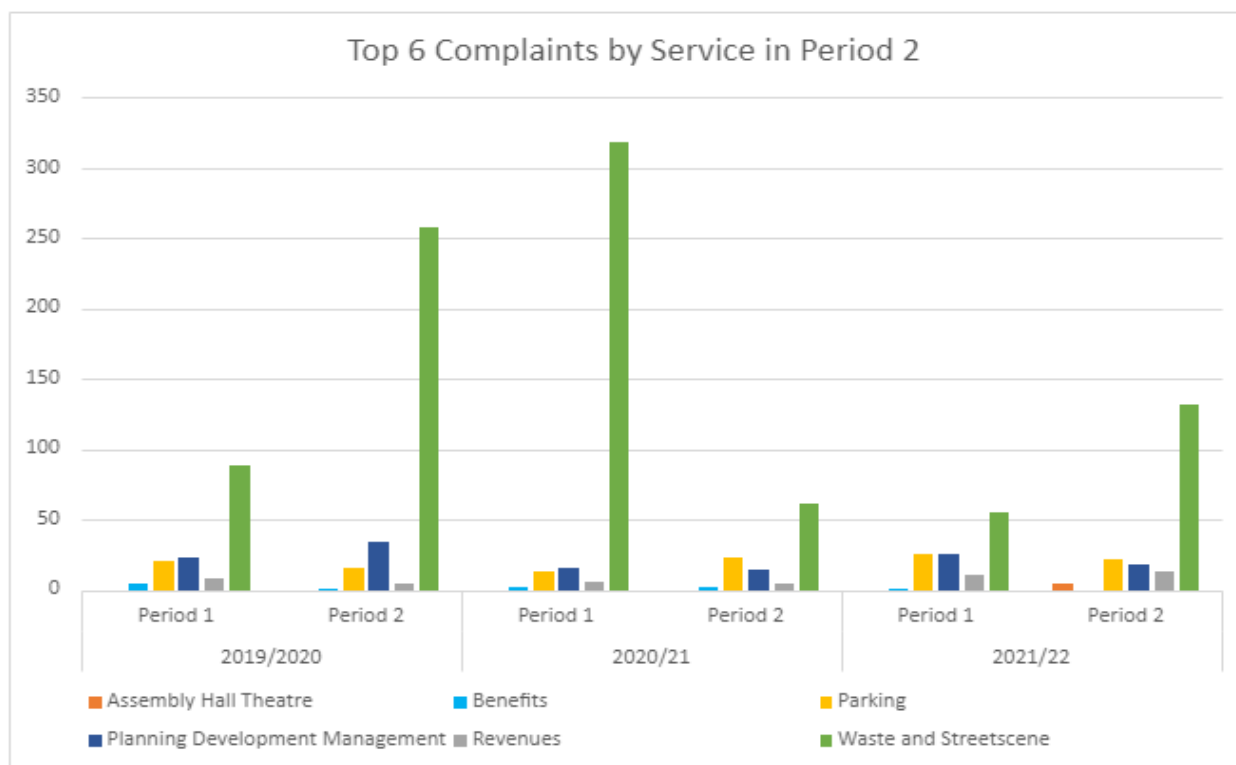
2.13 Stage two complaints proceed where the Council has already made a decision on a complaint, but the complainant remains unhappy. Generally we would expect to see a much lower proportion of complaints 'agreed' with at this stage. For period two of 2021/22, the Council has agreed with the complainant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



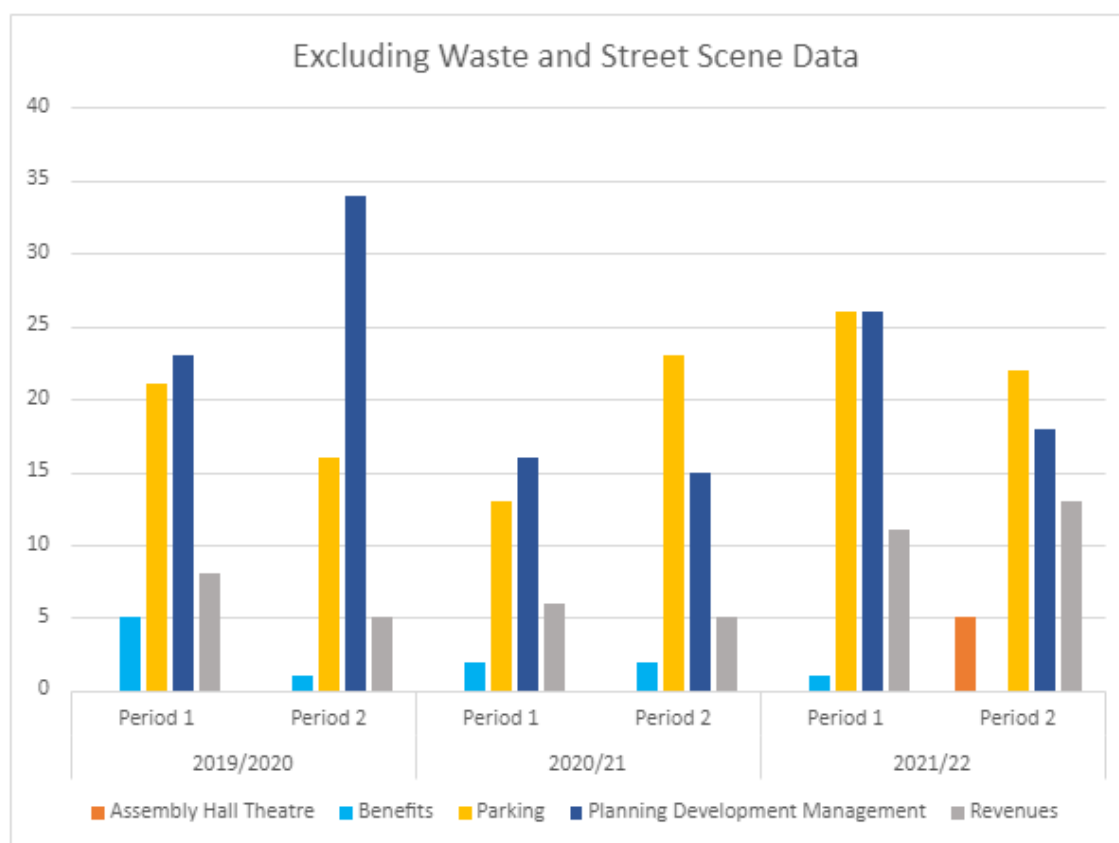
Complaints by Service

- 2.14 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.
- 2.15 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.
- 2.16 For period two of 2021/22, Waste and Street Scene received the highest number of complaints (132) which was an increase of 43 per cent over the previous reporting period. The increase in complaints responded to within period two can be attributed in part to all remaining open complaints from the previous period being reviewed and answered. Overall, the proportion of complaints for Waste and Street Scenes in period two equates to .026% of the number of households receiving refuse collection services within the borough (approximately 49,000.)
- 2.17 The next highest service receiving complaints for this reporting period was Parking (22) which is broadly similar to period one.
- 2.18 Planning Development Management services received 18 complaints in this reporting period, which is a slight decrease in the number of complaints compared to the previous period (although broadly the same number). .
- 2.19 Apart from Waste and Street Scene, 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

2.20 There were four compensation payments made during period two of 2021/22. Two were by Planning and Development Management: a time, trouble and distress payment of £200 was offered in respect of one complaint, and a time and trouble payment of £150 was made in respect of another. A payment of £250 was made by Bereavement regarding a cremation and interment, and the last payment of £350 was made by Environmental Protection by way of a time and trouble payment for the way in which the complaint was dealt with.

Ombudsman Decisions

2.21 The Council received three Ombudsman decisions in period two.

Service	Complaint Summary	Decision
Finance	Complaint about the Council's failure to comply with its procurement processes and the	The Ombudsman will not investigate this complaint. The Ombudsman could not say the decision to award the contract to a third party,

	Public Contract Regulations 2015.	rather than to the complainant was wrong. They could not therefore say the Council's actions caused the complainant significant injustice beyond that which the Council had already remedied. It also would have been reasonable for the complainant to challenge the Council's decision in court had he wished to do so.
Waste and Street Scene	Complaint about missed garden waste collections.	The Ombudsman will not investigate the complaint because there is insufficient evidence of injustice.
Benefits	Complaint about the way the Council has dealt with an overpayment of housing benefit.	The Ombudsman will not investigate this complaint because there is a right of appeal to a tribunal.

Learning from Complaints

- 2.22 The Waste and Street Scene service has continued to receive the highest number of complaints for this period. The main issues for this service now continue to be tackling repeat waste combination and missed bins in 'hot spot' areas and ongoing supervision by the service of the contractor's work.
- 2.23 Planning and Development Management continued to improve the service, with a single compensation payment being made in circumstances where there was wrongdoing on the part of the service.

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 two of 2021/22.

5. Consultation on Options

- 5.1 This report requires no public consultation. 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 25 May 2022.

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.

Claudette Valmond, Interim Head of Legal Partnership, 12 May 2022

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, 12 May 2022

C. Staffing

There are no implications for staffing within this report.

Nicky Carter, Head of HR, Customers and Communities, 12 May 2022

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, 12 May 2022

E. Environment and Sustainability

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

Jane Clarke, Head of Policy and Governance, 12 May 2022

F. Community Safety

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

Jane Clarke, Head of Policy and Governance, 12 May 2022

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, 12 May 2022

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 complainants.

Jane Clarke, Head of Policy and Governance, 12 May 2022

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, 12 May 2022

J. Health and Wellbeing

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

Jane Clarke, Head of Policy and Governance, 12 May 2022