

Complaints Summary: Period One 2022/23 (1 April 2022 – 30 Sept 2022)

For Cabinet on 8 December 2022

Summary

Lead Member: Councillor Christopher Hall

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	26 October 2022
Portfolio Holder	27 October 2022
Finance and Governance CAB	15 November 2022
Cabinet	8 December 2022

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet notes the summary of complaints over period one (1 April 2022 to 30 September 2022.)

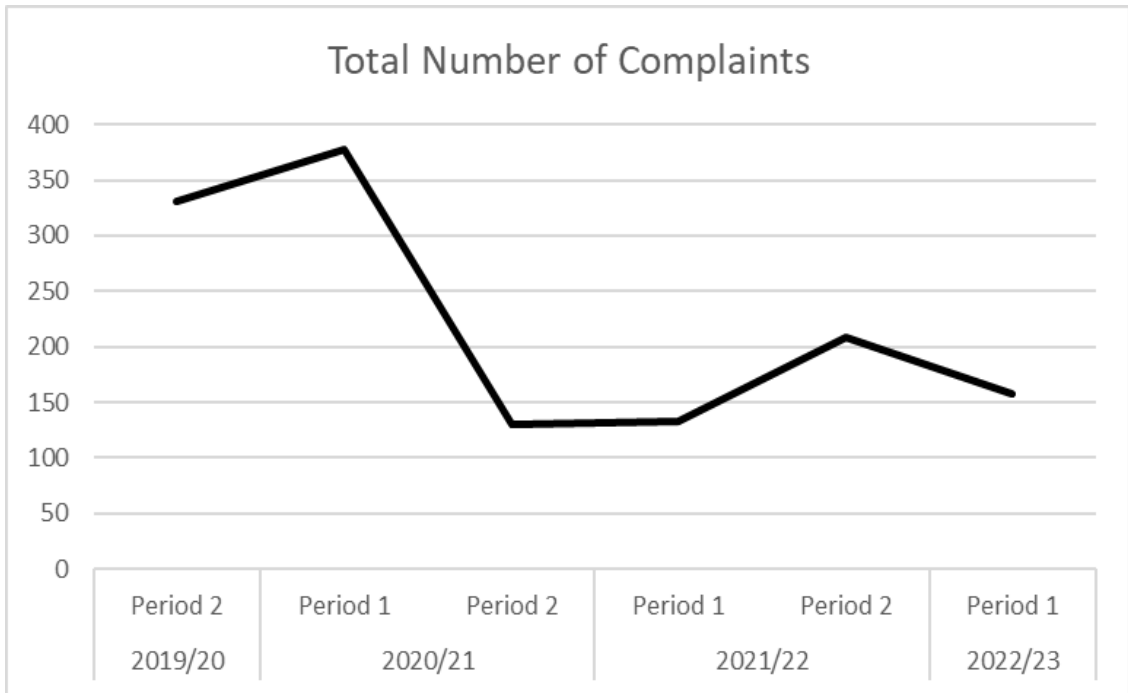
1. Introduction and Background

- 1.1 This report provides an overview of complaints received by Tunbridge Wells Borough Council under the Council's Complaints Procedure during quarters 1 and 2 (which is reporting period from 1 April to 30 September 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 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.

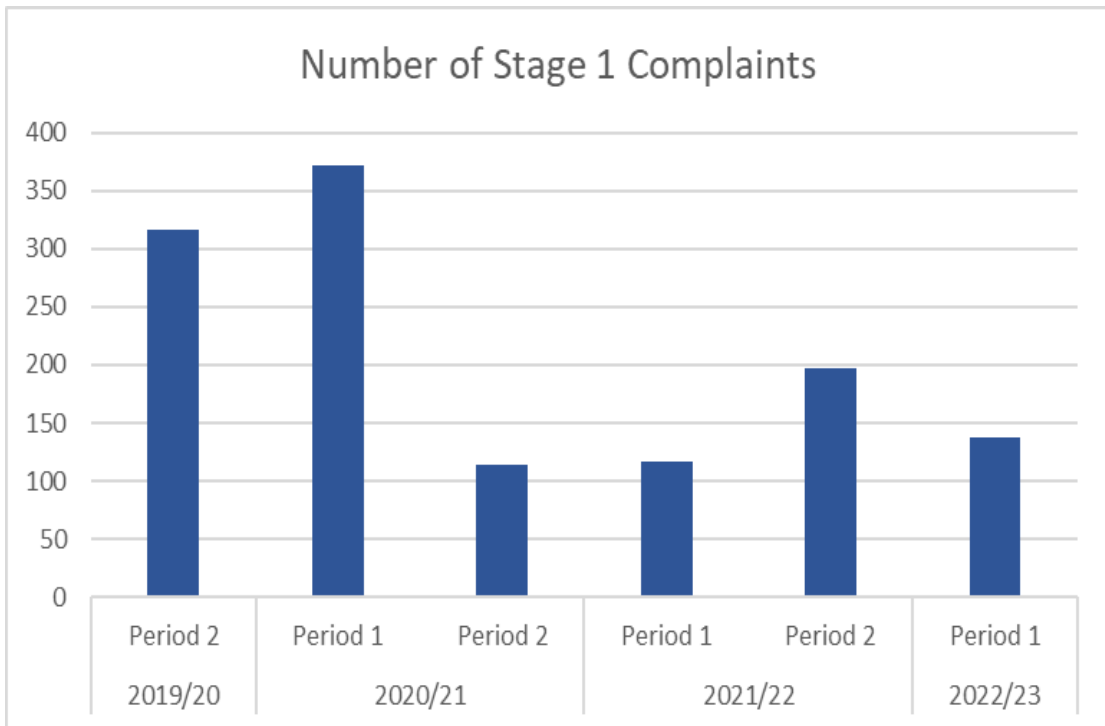
2. Complaints Overview

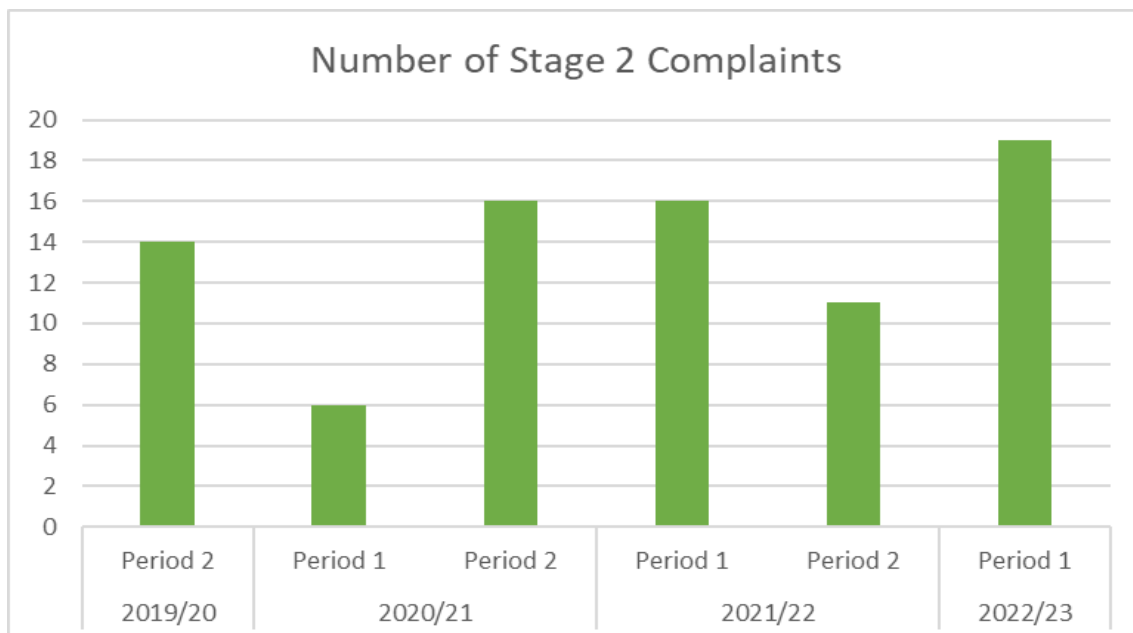
Number of Complaints

- 2.1 the Council recorded a total of 157 complaints during reporting period one of 2022/23. This is an increase in the number of complaints recorded for the same period last year (133) and a decrease in the number of complaints recorded for the previous period (208).



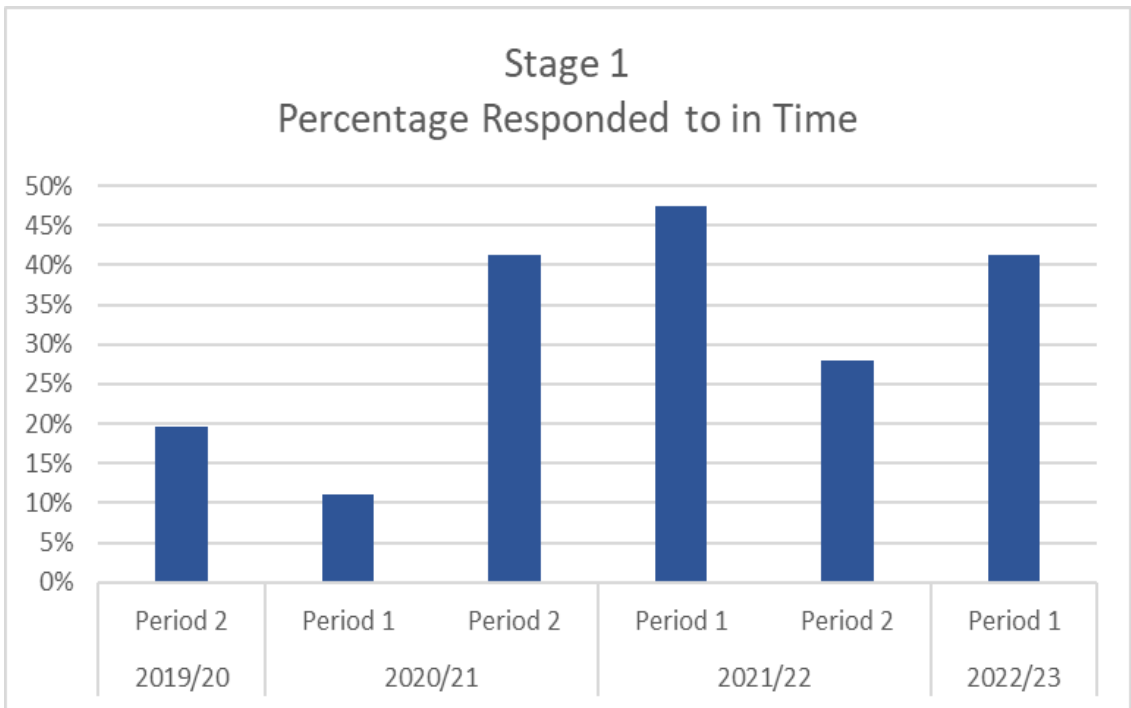
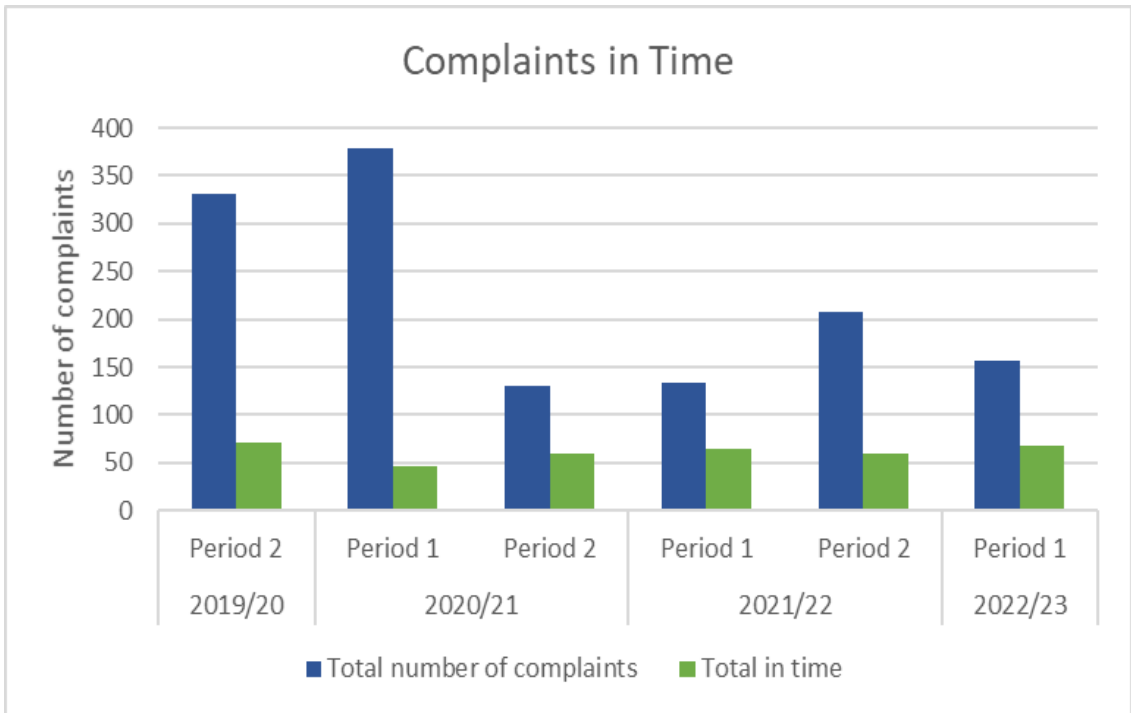
2.2 Of those complaints recorded in period 1 for this year, 138 were recorded at stage one of the Complaints Procedure and 19 were recorded at stage two of the procedure. This is in an increase from the number of stage 2 complaints in the previous period (11.)

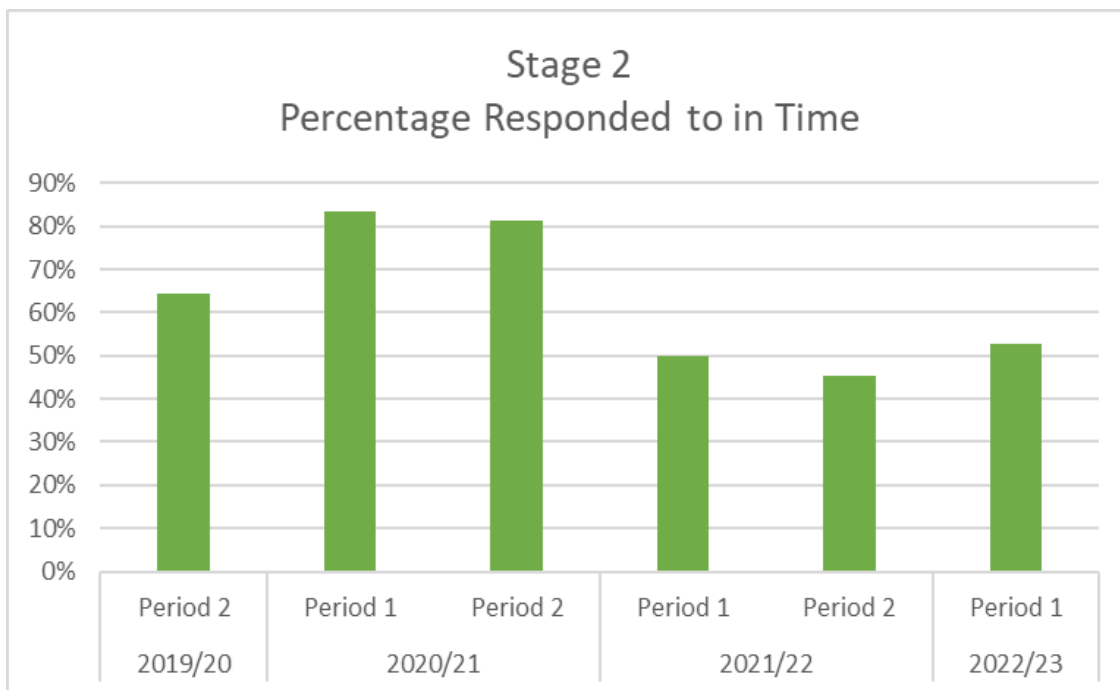




Responding to Complaints in time

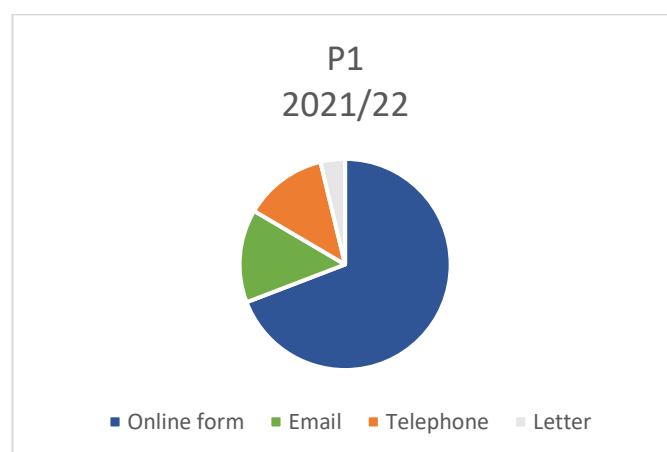
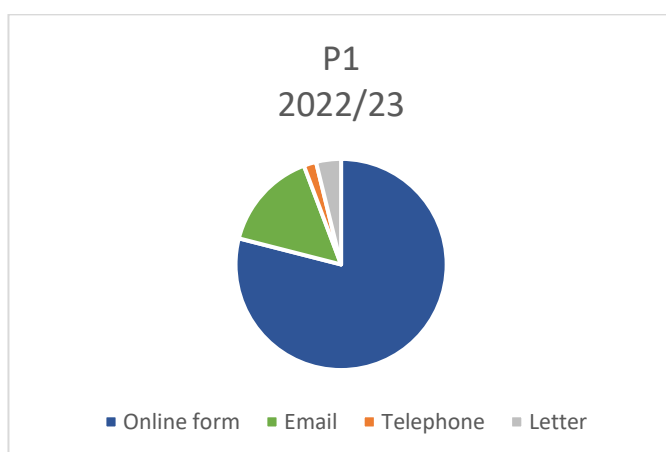
- 2.3 Responding to complaints within a reasonable time is a key performance target for the Council and is a feature of a well performing complaints handling system that adheres to best practice. Performance indicators are used to monitor the speed of the Council's response to complaints dealt with through 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 Although the Council did not meet its target for responding to 90 per cent of complaints within time for period one of 2022/23, Stage 1 complaint response times improved by 13% in period over the previous period, and Stage 2 response times improved by 8%.

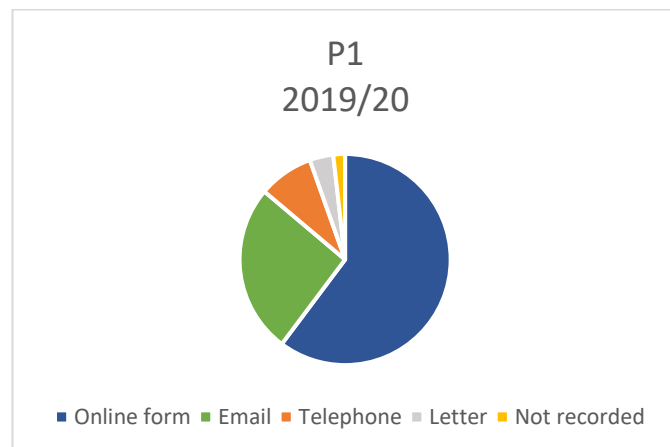
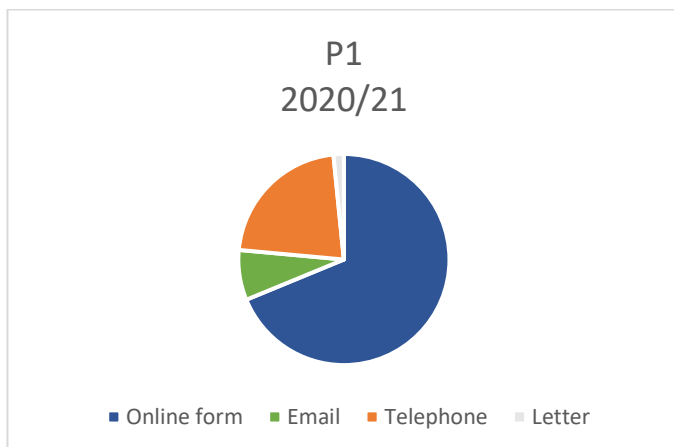




How Complaints are received

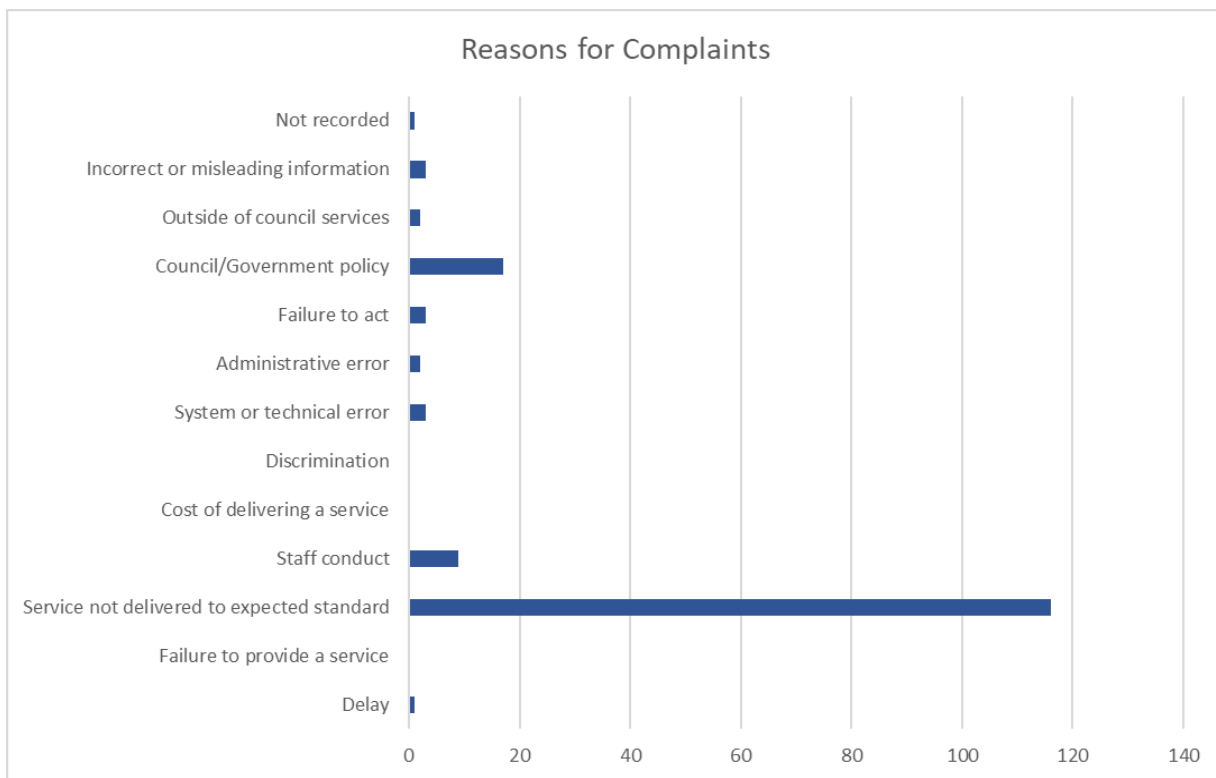
- 2.6 The Council records the channel through which complaints are received, which helps us to understand customer preferences and how these might change over time. It also helps to ensure that we operate a complaints handling system that is accessible and free of barriers.
- 2.7 During reporting period one for 2022/23, 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) remained the same in period one as it was throughout the previous year. The number complaints received by post was similar to the last period, the number of complaints submitted by telephone has decreased significantly and complaints received by email increased during reporting period one for 2022/23.



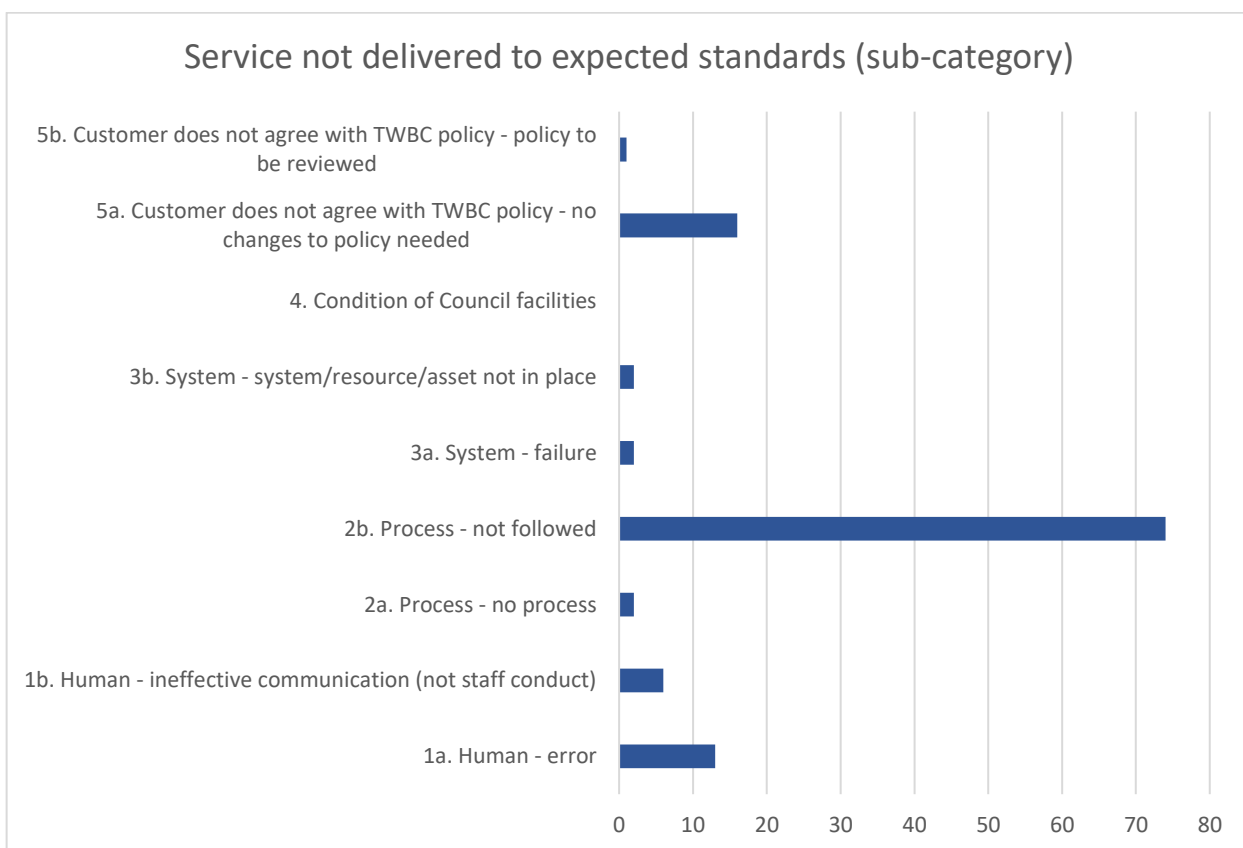


Reasons for Complaints

- 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 2022/23, 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.

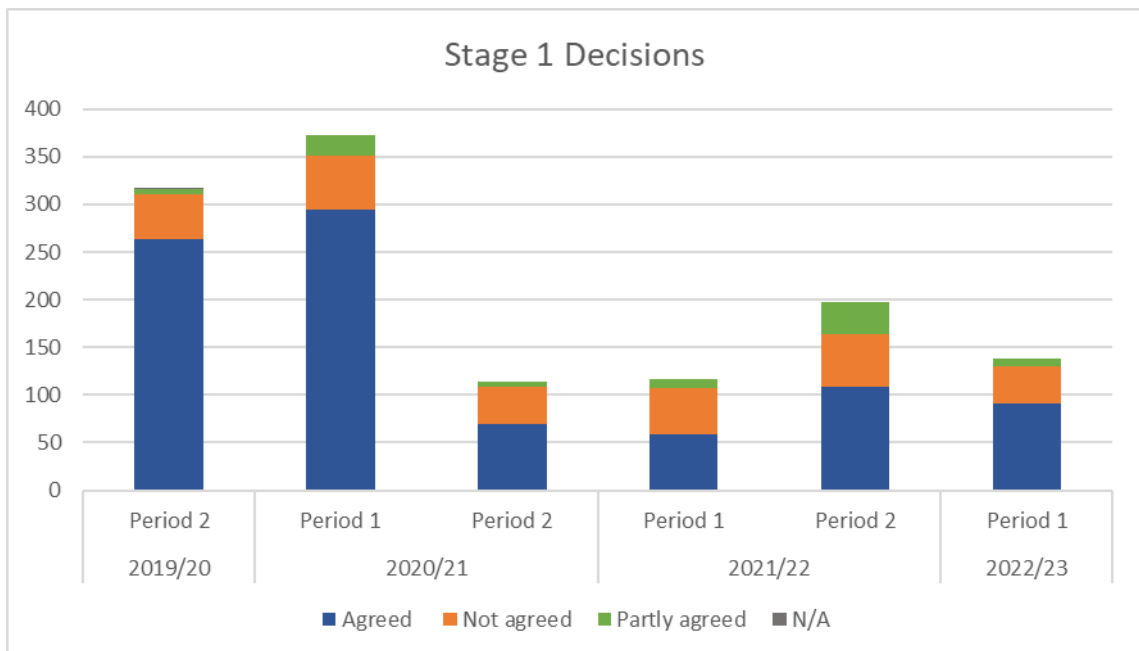


2.11 Fewer complaints about services not being delivered to expected standards were received in period one (116) and were down from 183 in period two of 2021-22. In period one the Council recorded the reason for which services were not delivered to standard for the first time. We found the leading cause of such complaints to arise from an existing process which was not followed (74) followed by human error (14).

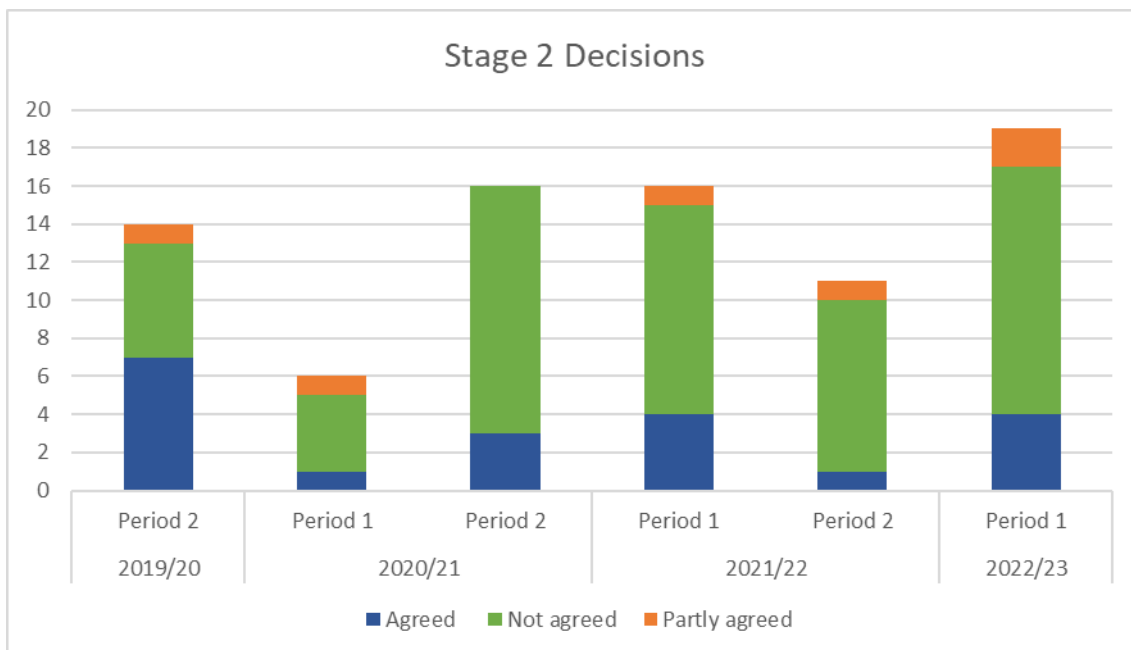


Council Decisions

- 2.12 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.
- 2.13 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.
- 2.14 For period one of 2022/23 the Council agreed with 66% of complaints at stage one, disagreed with 28%, and partly agreed with 6%.

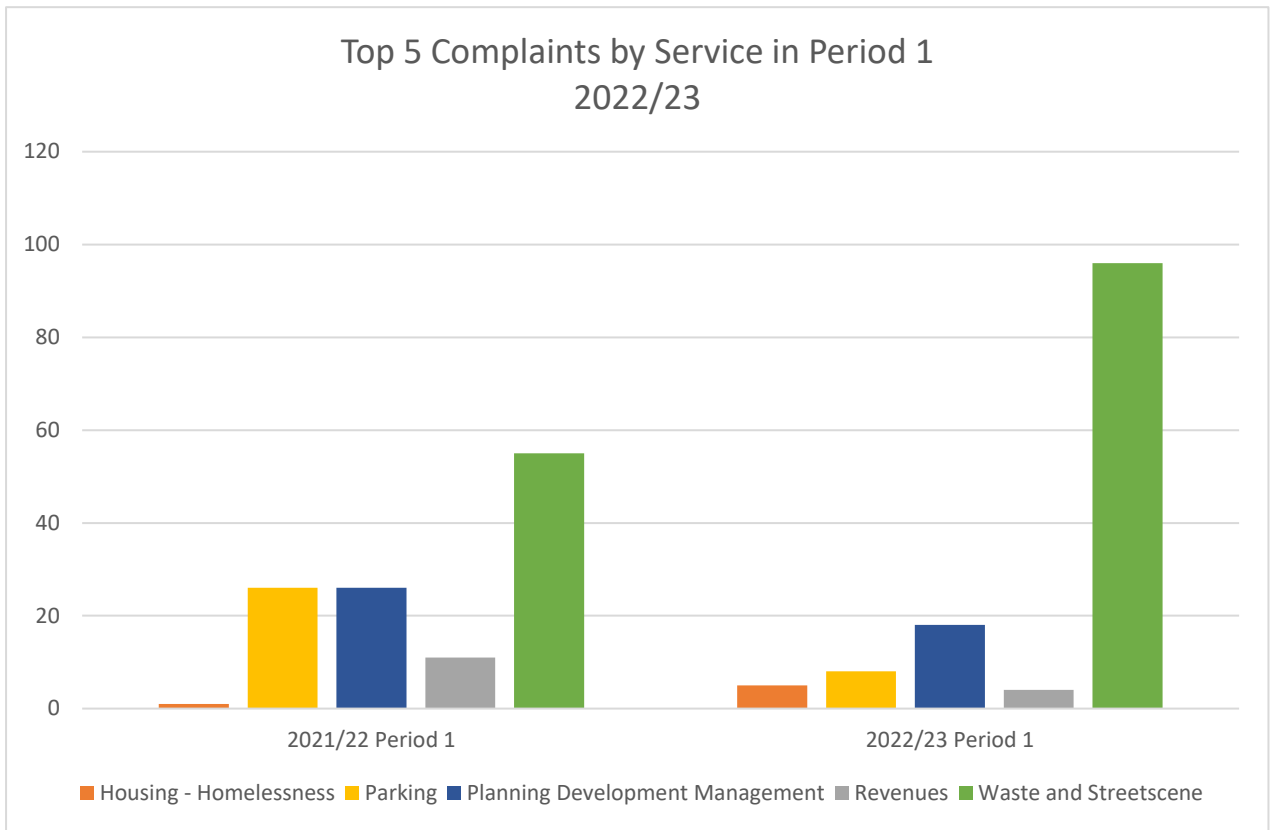


- 2.15 Stage two complaints proceed where the Council has already made a decision on a complaint, but the complainant remains unhappy. Generally we would expect to see a much lower proportion of complaints 'agreed' with at this stage. In period one of 2022/23, the Council has agreed with the complainant in 21% of Stage 2 complaints, disagreed with 68% and partly agreed with 11%. Period one saw an increase in Stage 2 complaints of 42% over the last period.



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 For period one of 2022/23, Waste and Street Scene received the highest number of complaints (96) which was a decrease compared to period 1 of 2021/22 (55). The next highest service receiving complaints for this reporting period was Planning Development Management. This is a decrease compared to the same period in 2021/22 (26) and is the same number as in the last period: number of complaints as in period two.



2.19 Excluding Waste and Street Scene, the number of complaints received by services has fluctuated compared to period 1 in 2021/22. In respect of Housing, there are still relatively few homelessness complaints (5) Parking is focusing on keeping parking appeals out of the formal complaints process and treating them as service requests and Planning is successfully keeping its complaints to a minimum by pre-empting them and engaging with customers in the planning process at an earlier stage.

Compensation Paid

2.20 The Council made no complaint compensation payments in period one of 2022/23.

Ombudsman Decisions

2.21 The Council received four Ombudsman decisions in period two.

Service	Complaint Summary	Decision
Planning	Complaint on behalf of the complainant's deceased mother in respect of breaches of planning control by a neighbouring landowner	The Ombudsman declined to investigate as: -there was insufficient evidence of fault - they could not remedy any injustice to the complainant's mother following her death
Planning	Complaint about the Council's failure to consult all affected parties on a new road layout near his home.	The Ombudsman declined to investigate as: -there was insufficient evidence of fault - any fault has not caused injustice -they cannot achieve the outcome sought.
Planning and Environmental Health	Neighbour dispute culminating in allegations of planning breach and statutory nuisance	The Ombudsman declined to investigate as there was insufficient evidence of fault.
Parks & Leisure	Complaint about leisure centre accepting card payments only	The Ombudsman declined to investigate for prematurity; Council's complaint process not completed
Planning	Escalation of neighbour dispute concerning complainant's planning permission	

3 Options Considered

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

3. Preferred Option and Reason

- 4.1 That Cabinet notes the Council's performance on complaints handling for reporting period one of 2022/23.

4. 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 15 November 2022.

5. 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.

6. Appendices and Background Documents

Appendices:

- None.

Background Papers:

- None.

7. 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, 19 October 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, 19 October 2022

C. Staffing

There are no implications for staffing within this report.

Nicky Carter, Head of HR, Customers and Communities, 19 October 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, 19 October 2022

E. Environment and Sustainability

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

Jane Clarke, Head of Policy and Governance, 19 October 2022

F. Community Safety

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

Jane Clarke, Head of Policy and Governance, 19 October 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, 19 October 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 complaints.

Jane Clarke, Head of Policy and Governance, 19 October 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, 19 October 2022

J. Health and Wellbeing

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

Jane Clarke, Head of Policy and Governance, 19 October 2022