

Complaints Summary: Period Two 2022/23 (1 Oct 2022 – 31 March 2023)

For Cabinet on 22 June 2023

Summary

Lead Member: Councillor Christopher Hall

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

Report Author: Pamela Morgan, Performance & Governance Manager

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	22 May 2023
Portfolio Holder	23 May 2023
Finance and Governance CAB	6 June 2023
Cabinet	22 June 2023

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet notes the summary of complaints over period two (1 October 2022 to 31 March 2023.)

1. Introduction and Background

- 1.1 This report provides an overview of complaints **closed** by Tunbridge Wells Borough Council under the Council's Complaints Procedure during quarters three and four (which is reporting period from 1 October 2022 to 31 March 2023.)
- 1.2 The report examines how closed complaints were 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 formal two stage corporate Complaints Procedure and logs these complaints through a centralised complaints management system.
- 1.4 At the first stage, the complaints are 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 one runs from 1 April to 30 September, and reporting period two runs from 1 October to 31 March in any given financial year.

2. Complaints Overview

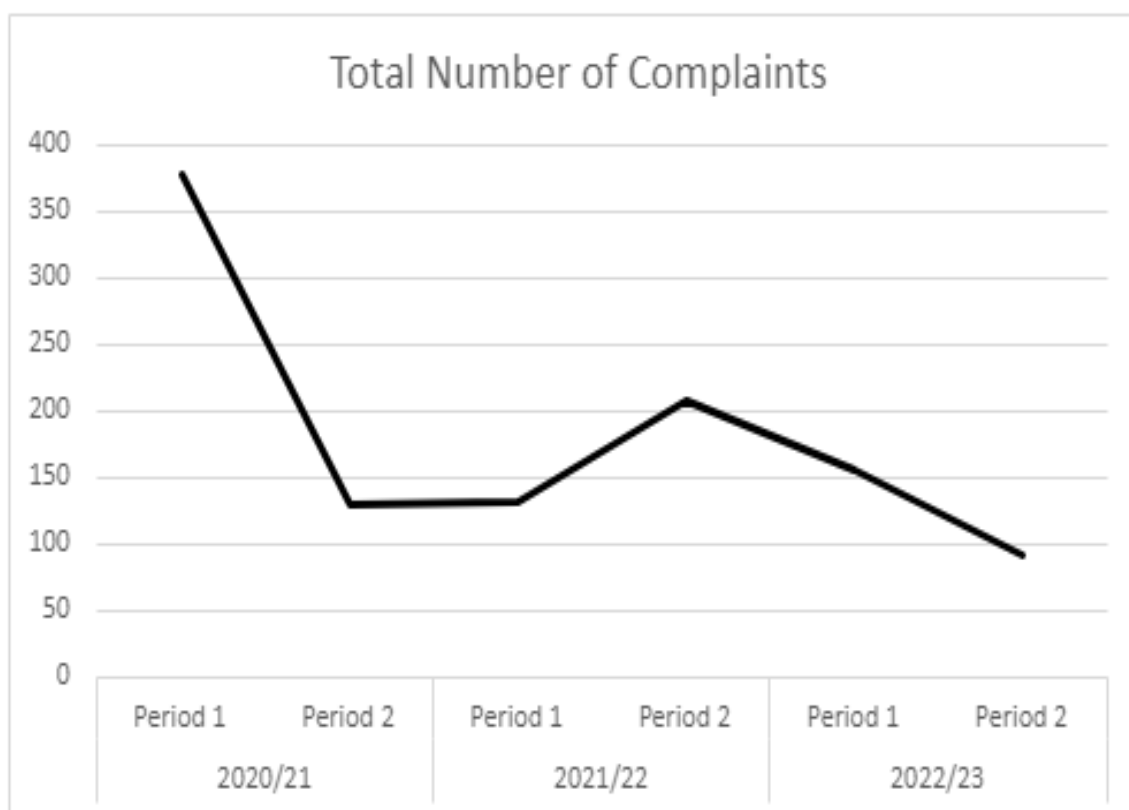
Updated Complaints Policy and Procedure

- 2.1 The Council's two-stage formal complaints process takes a minimum of three people and 35 working days to complete. However, it has always had the option to resolve waste and other service issues as service requests (*requests for the Council's assistance with an issue or problem faced by a customer in an area falling within the Councils' responsibility*) if it judges that doing will result in a better, quicker/more efficient or more lasting customer solution.
- 2.2 In quarter three of 2022-23, the Council ran a pilot in which its staff were actively encouraged to work with customers to resolve any service issues, including feedback about waste issues, as service requests in the first instance. As well as seeing a drop in the number of formal complaints as a result, the Council also found more complaining customers asking for their complaints to be removed from the formal complaints procedure so that they could be resolved as service

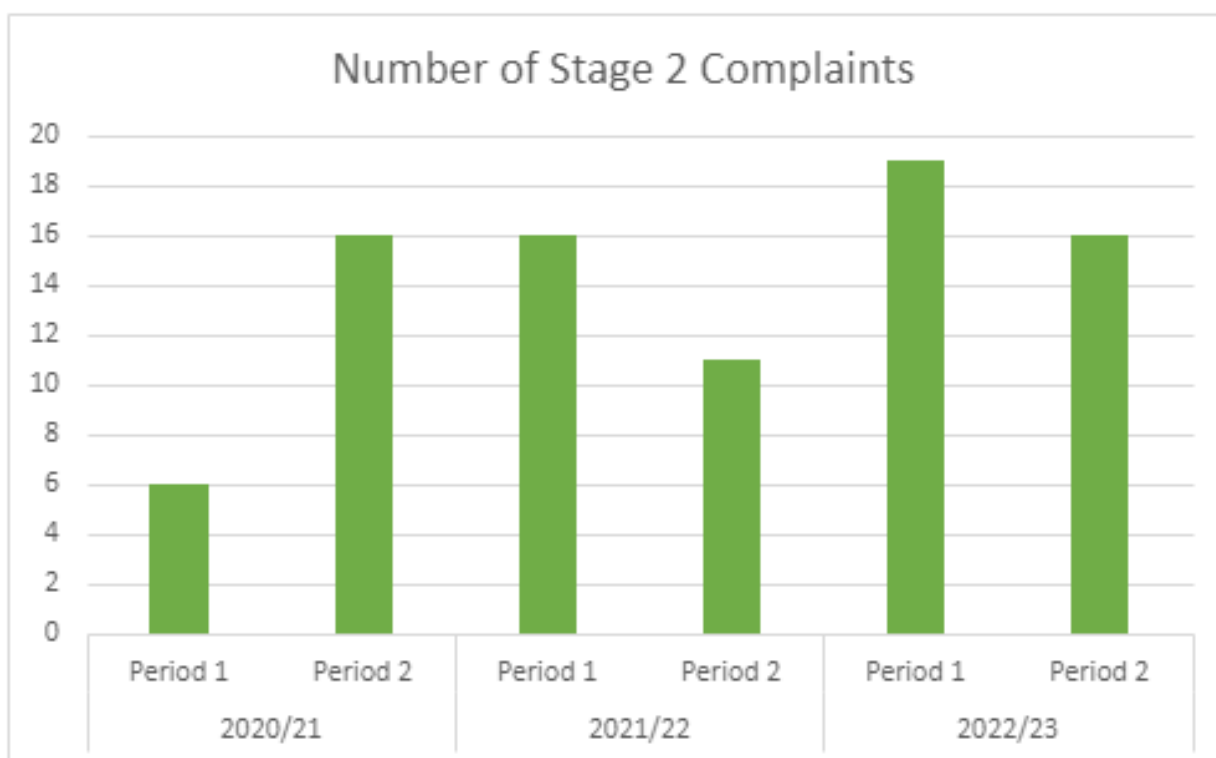
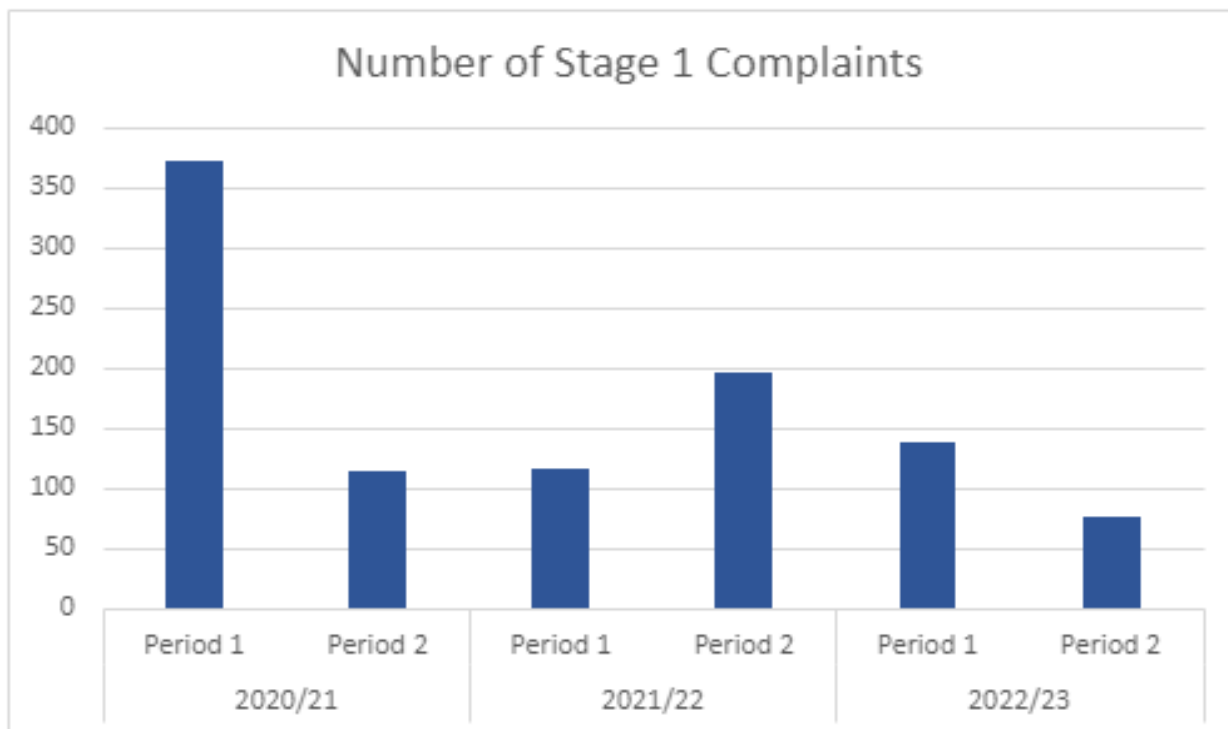
requests. As a result of the pilot, these changes were incorporated into the Council's updated Complaints Policy and Procedure in March 2023.

Number of Complaints

- 2.3 The Council closed a total of 92 complaints in reporting period two of 2022/23. This is a decrease in the number of complaints recorded for the same period last year (208) and a decrease in the number of complaints recorded for the previous period (157).



- 2.4 Of those complaints recorded for period two for this year, 76 were recorded at stage one of the Complaints Procedure and 16 were recorded at stage two of the procedure. These are decreases from the number of stage one (138) and stage two (19) complaints in the previous period.

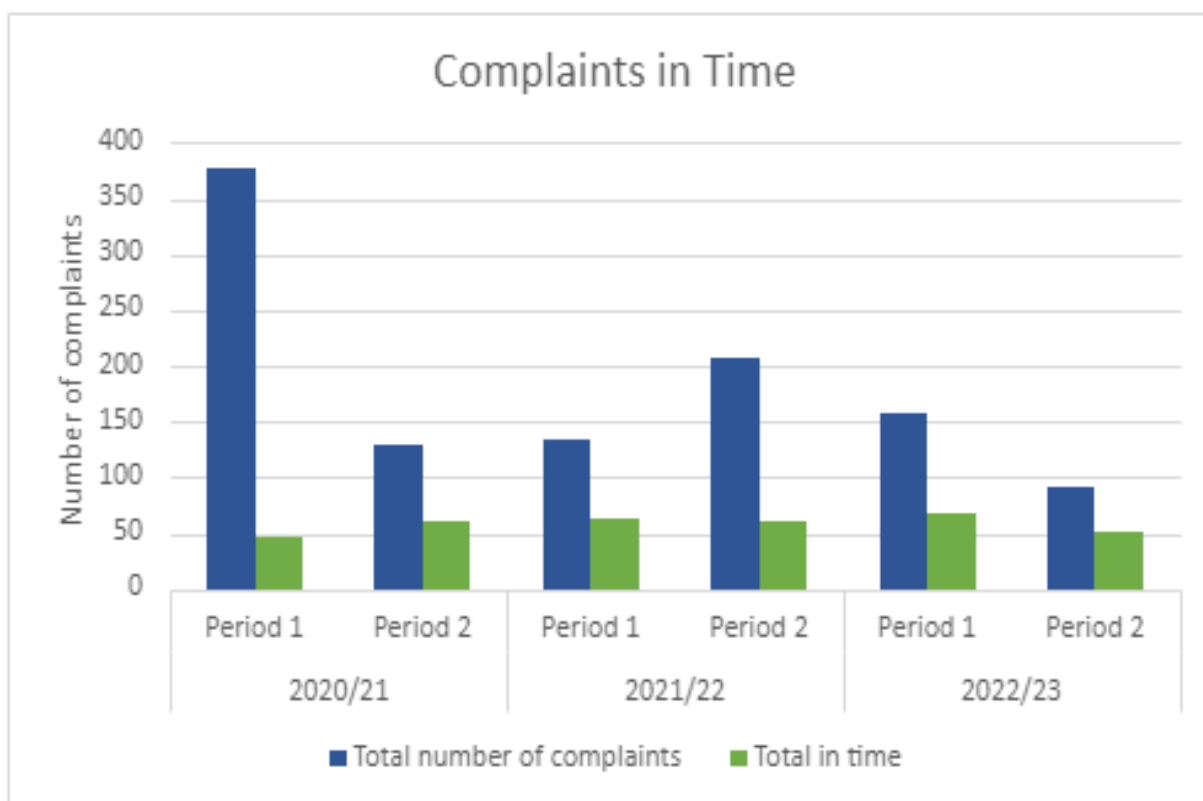


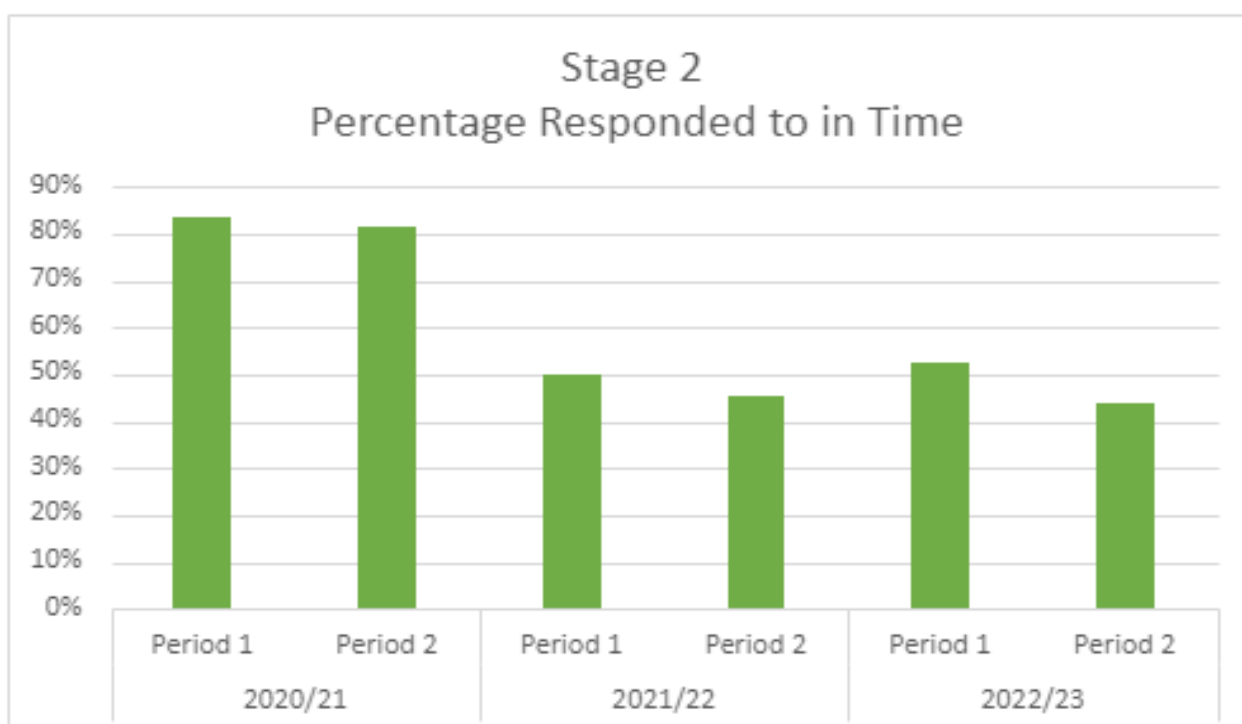
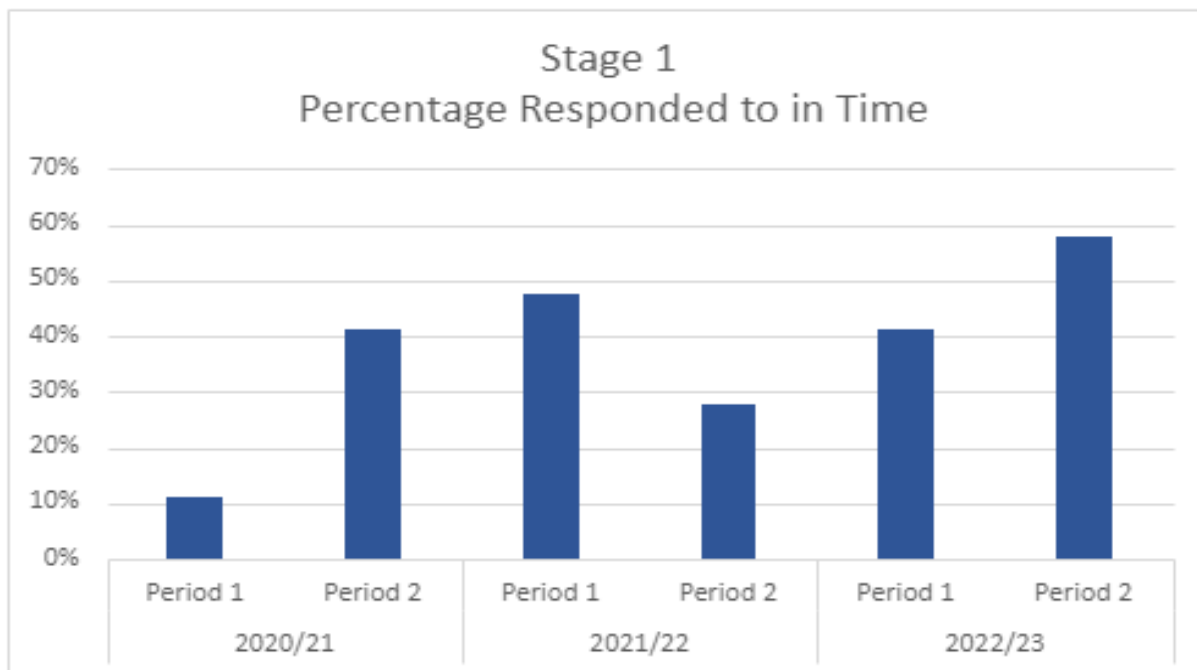
Responding to Complaints in time

- 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.
- 2.5 Although the Council did not meet its target for responding to 90 per cent of complaints within time for period two of 2022/23, overall complaint response times improved by 12% over period one and were at their highest since before the Covid-19 pandemic.

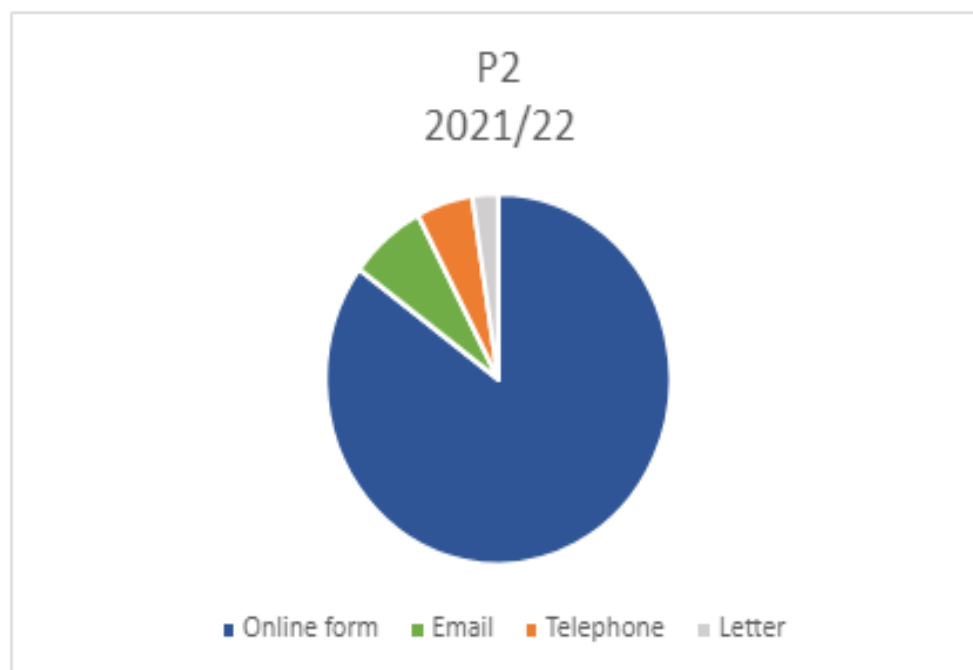
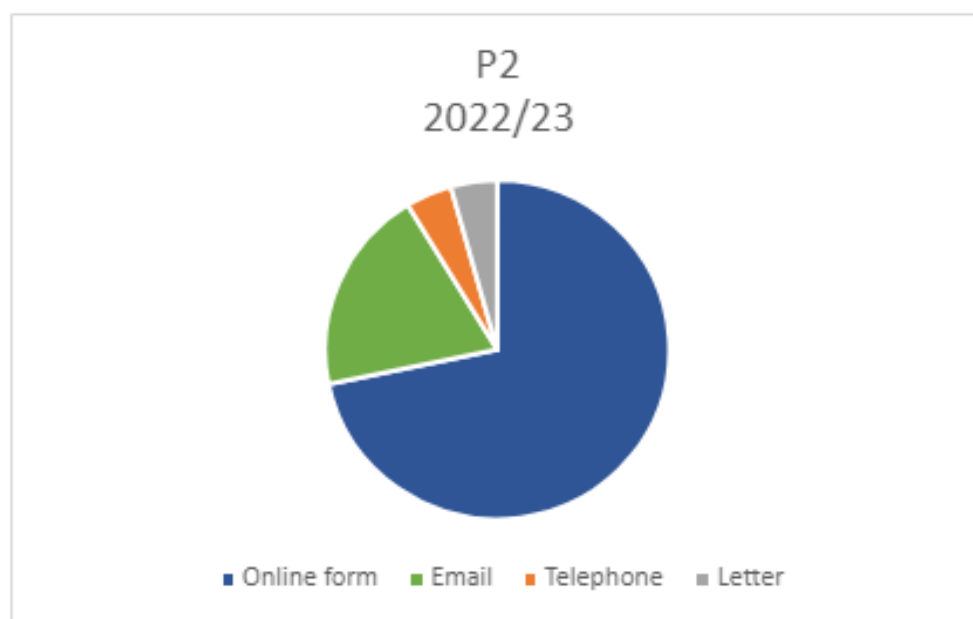




How Complaints are received

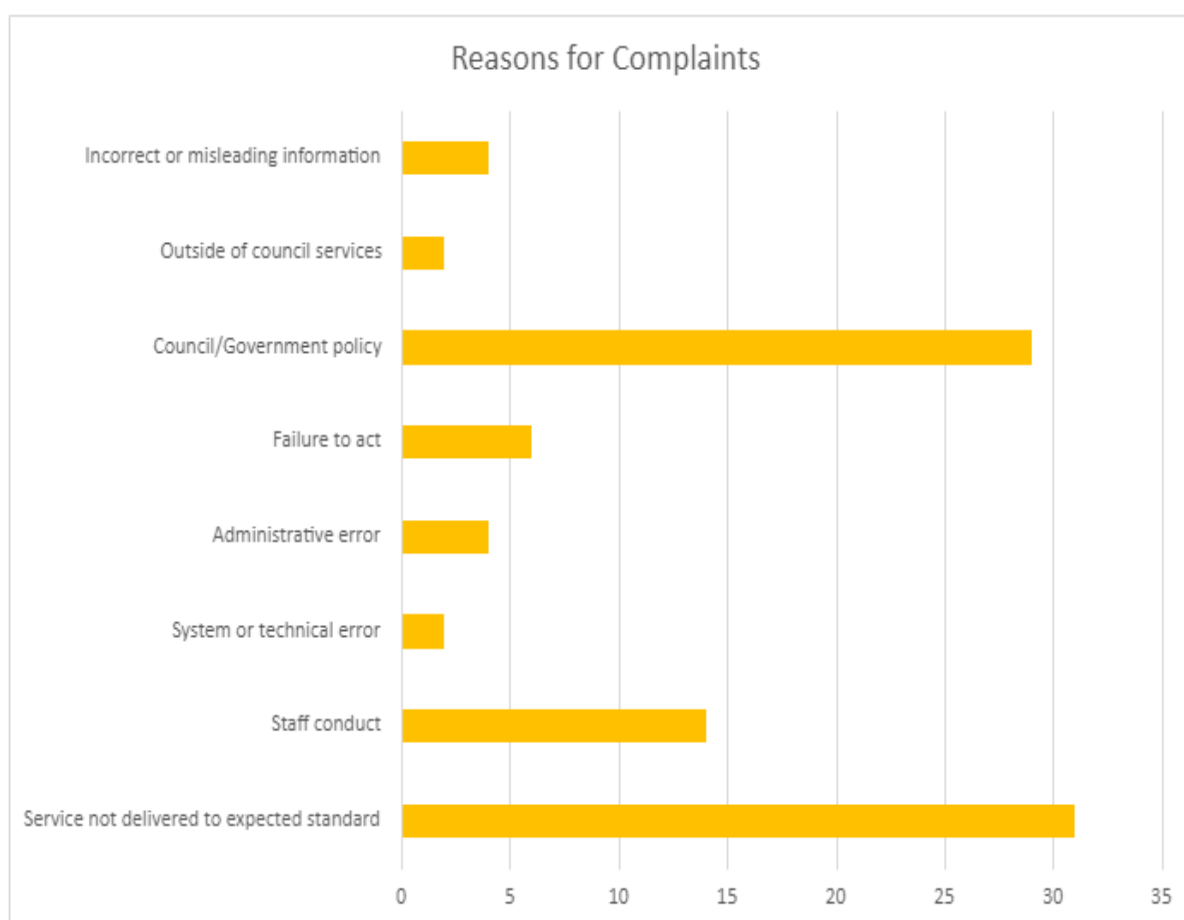
- 2.6 The Council records the channel through which complaints are received, which helps us to understand customer preferences and how these might change over time. It also helps to ensure that we operate a complaints handling system that is accessible and free of barriers.

- 2.7 During reporting period two 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 similar in period two 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 two for 2022/23.

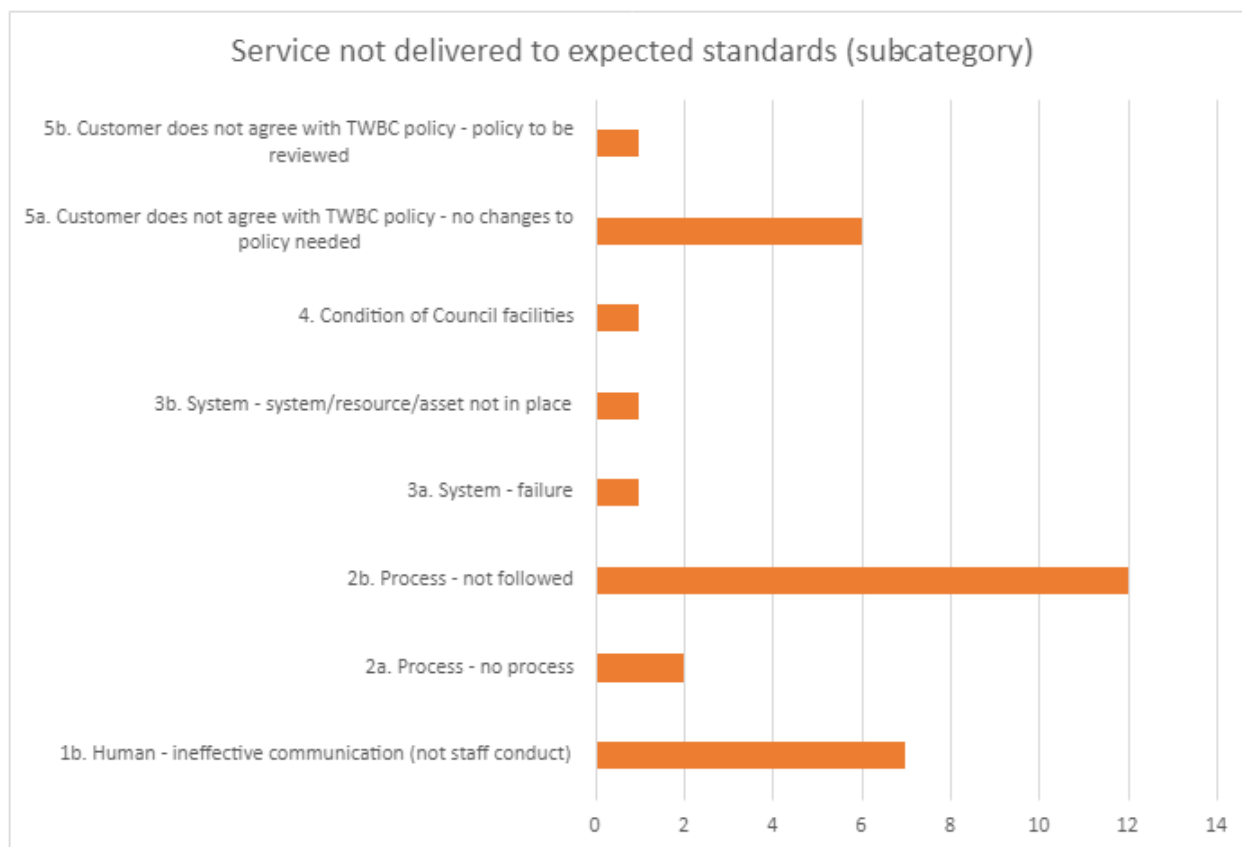


Reasons for Complaints

- 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 two of 2022/23, the majority of complaints were recorded as the service not being delivered to the expected standard, 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.

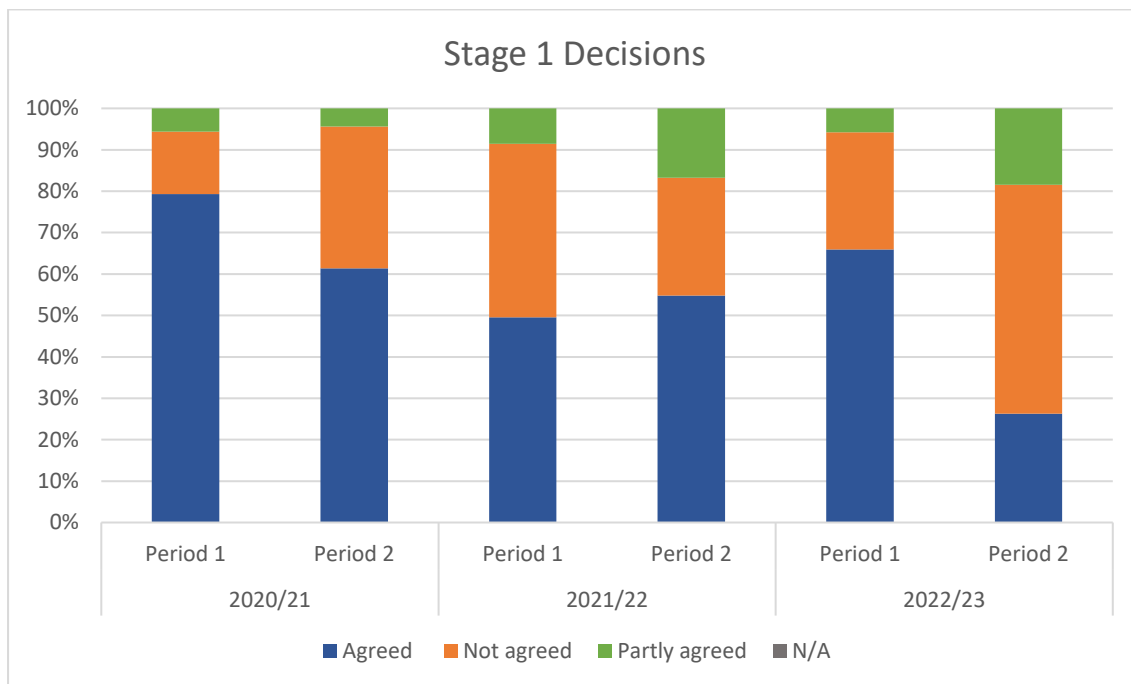


- 2.11 Fewer complaints about services not being delivered to the expected standard were recorded in period two (31) down from 116 in period one of 2022-23. In 2022-2023 the Council recorded the reason for which services were not delivered to standard for the first time. As in period one, in period two we found the leading cause of such complaints to arise from an existing process which was not followed (12). It was followed by ineffective communication (7).

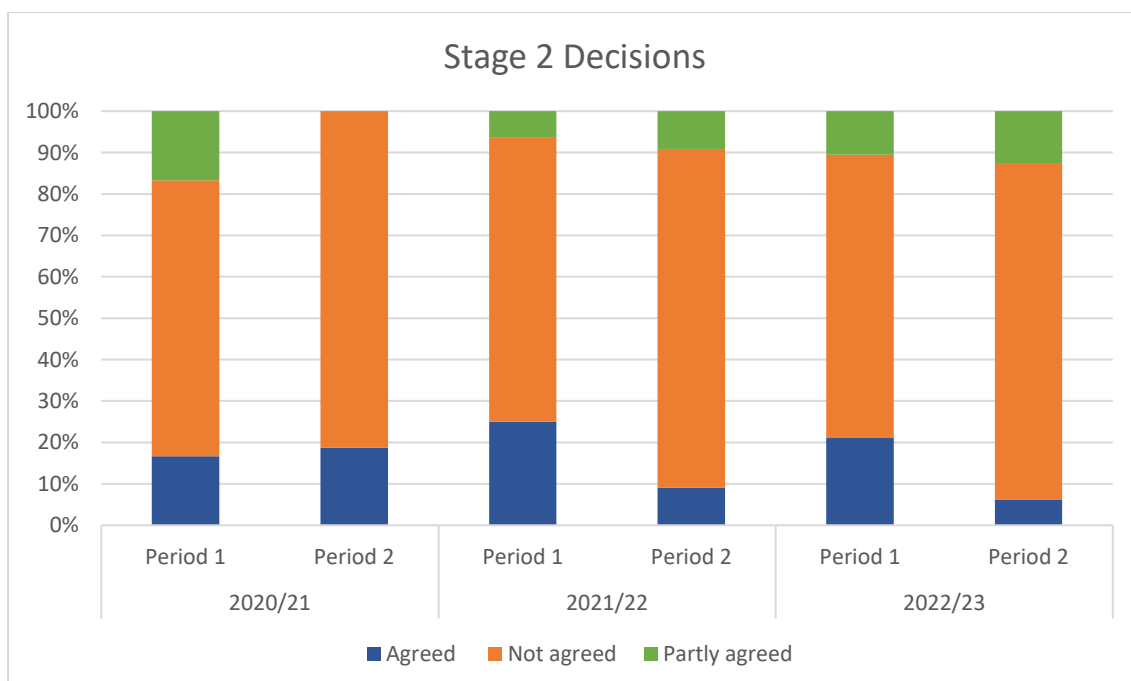


Council Decisions

- 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 two of 2022/23 the Council agreed with 26% of complaints at stage one, disagreed with 55%, and partly agreed with 18%.

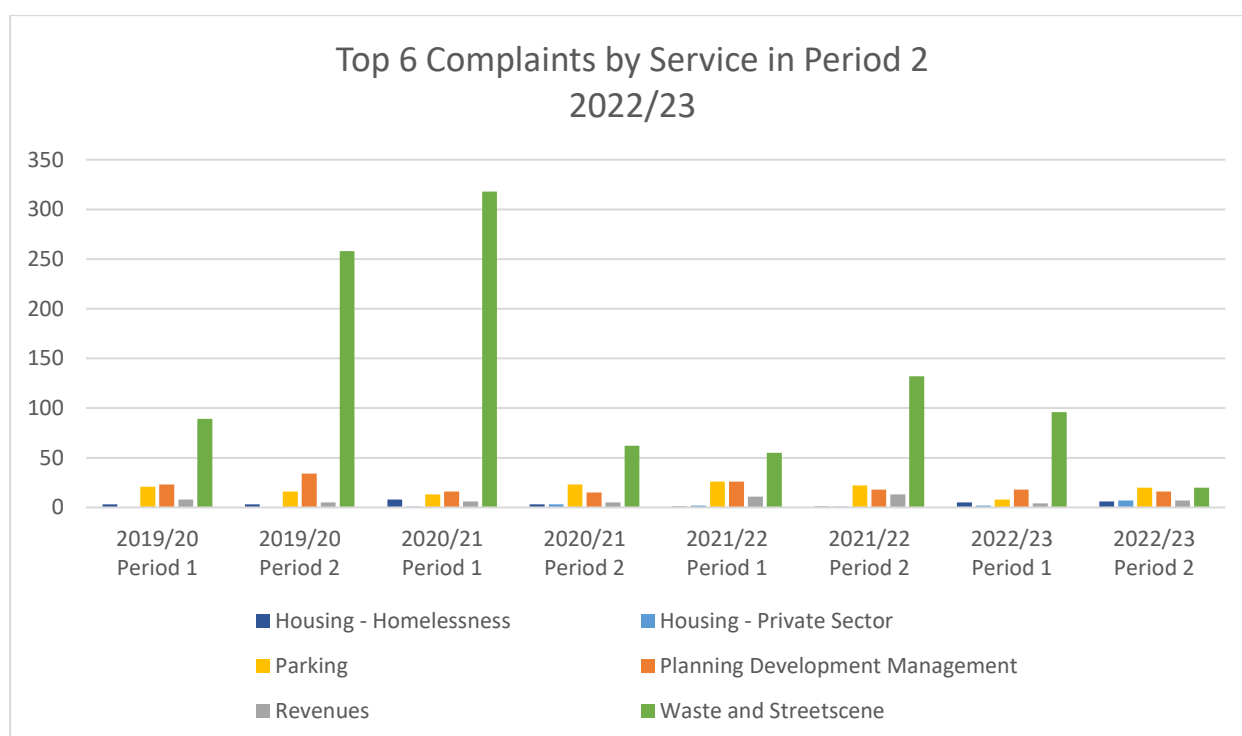


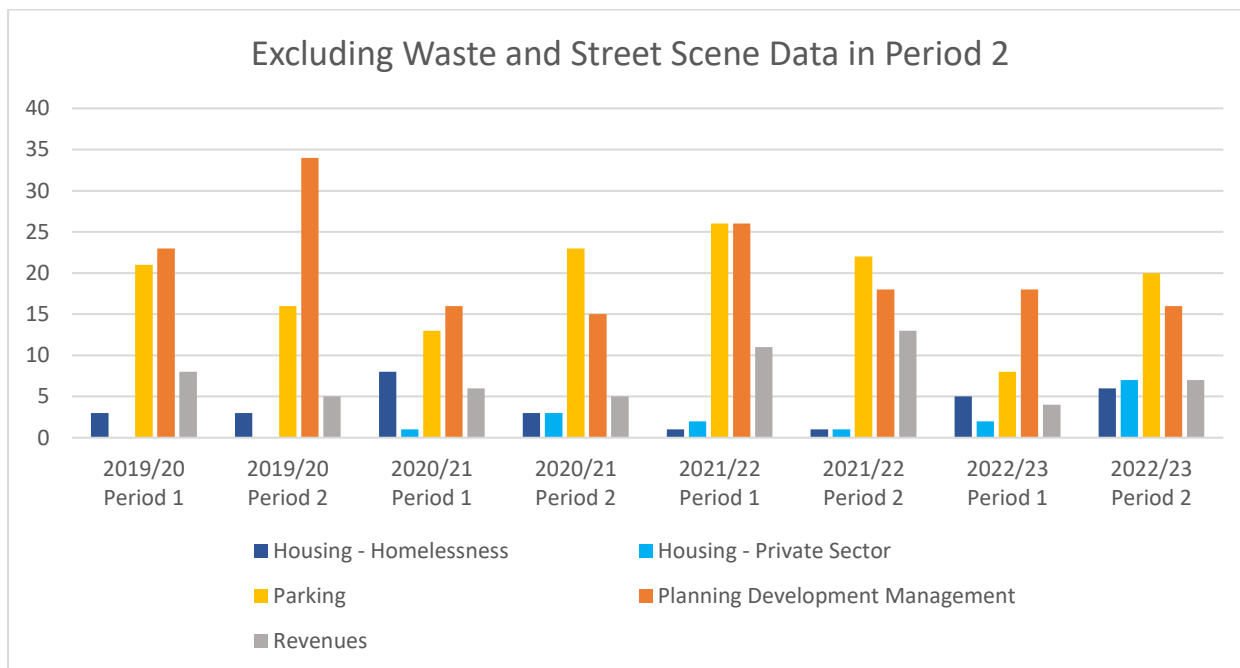
- 2.15 Stage two complaints proceed where the Council has already made a decision on a complaint, but the complainant remains unhappy. Generally we would expect to see a much lower proportion of complaints ‘agreed’ with at this stage. In period two of 2022/23, the Council has agreed with the complainant in 6% of Stage 2 complaints, disagreed with 81% and partly agreed with 13%.



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 In period two of 2022/23, Waste and Street Scene fell in line with other services. Waste and Parking received the highest number of complaints (both 20). For Parking this was an increase compared to period one (8) and a decrease compared to the same period last year (22). With respect to Waste and Street Scene, this represents a decrease both compared to period one (96) and to period two of 2021/22 (132.) The next highest service receiving complaints for this reporting period was Planning Development Management (16). This is a decrease compared to the last period, and period two of 2021/22 (both 18.)





2.19 Excluding Waste and Street Scene, the number of complaints received by services has fluctuated compared to period two in 2022/23. In respect of Housing, although there are still relatively few homelessness complaints (six) the number of private sector Housing complaints increased to seven from two in the last period and one in period 2 2022-23. . Planning continued to reduce its complaints(16) compared to period one and the same period in 2021-22 (both 18) by pre-empting them and engaging with customers in the planning process at an earlier stage.

Compensation Paid

2.20 The Council made three complaint compensation payments in period two of 2022/23. Two were for Planning Development Management: one each for £200 and £600. The last payment, also for £200, was for Waste & Street Scene. All three payments were made in recognition of distress, time and trouble.

Ombudsman Decisions

2.21 The Council received four Ombudsman decisions in period two.

Service	Complaint Summary	Decision
Planning	Complaint concerning replacement of a temporary party wall with backfill	The Ombudsman declined to investigate as the complainant had not completed the Council's own complaints procedure.
Waste & Street Scene	Complaint about the Council's failure to rectify in a timely	The Ombudsman awarded £200 for time and trouble and

	fashion ongoing missed collections of a communal bin	required 2 months' evidence of the Council's monitoring the complainant's bin collections.
Planning	Complaint that the Council failed to investigate a possible breach of planning permission and discharged a planning condition without the benefit of a site visit	The Ombudsman declined to investigate as there was insufficient evidence of fault.
Housing Planning	Complaint about the Council's changing the complainant's priority for housing	The Ombudsman declined to investigate for lack of significant injustice and the complainants' failure to pursue alternative avenues of appeal.

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 two 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 The Finance and Governance Cabinet Advisory Board were consulted on Tuesday 6 June 2023 and agreed the recommendations set out in the report be supported.

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, 16 May 2023

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, 16 May 2023

C. Staffing

There are no implications for staffing within this report.

Nicky Carter, Head of HR, Customers and Communities, 16 May 2023

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.

Lee Colyer, Director of Finance, Policy and Development, 16 May 2023

E. Environment and Sustainability

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

Lee Colyer, Director of Finance, Policy and Development, 16 May 2023

F. Community Safety

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

Lee Colyer, Director of Finance, Policy and Development, 16 May 2023

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.

Lee Colyer, Director of Finance, Policy and Development, 16 May 2023

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.

Lee Colyer, Director of Finance, Policy and Development, 16 May 2023

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, 16 May 2023

J. Health and Wellbeing

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

Lee Colyer, Director of Finance, Policy and Development, 16 May 2023