

Is the final decision on the recommendations in this report to be made at this meeting?

Yes**Complaints Summary: Period 2
(1 October 2019 – 31 March 2020)**

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Councillor Tom Dawlings – Portfolio Holder for Finance and Governance
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Jane Clarke – Head of Policy and Governance
Lead Officer/Author	Jane Clarke – Head of Policy and Governance
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

That Cabinet notes the position on complaints performance at the end of period 2 (1 October 2019 – 31 March 2020).

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

This report is for information to enable Cabinet to understand the Council's current performance in relation to complaints handling, to receive an overview on the types of complaints received and the outcome of those which were escalated to the Local Government Ombudsman. The information also sets out any lessons learnt from handling complaints which will ultimately lead to improved service delivery.

Timetable

Meeting	Date
Management Board	20 May 2020
Overview and Scrutiny	8 June 2020
Cabinet	25 June 2020

Complaints Summary: Period 2 (1 October 2019 – 31 March 2020)

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an overview of complaints received by Tunbridge Wells Borough Council under the Council's Complaints Procedure during quarters 3 and 4 (which is reporting period 2 from 1 October 2019 to 31 March 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.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 Tunbridge Wells Borough Council operates a two stage corporate Complaints Procedure and logs these complaints through a centralised complaints management system.
 - 2.2 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).
 - 2.3 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.
-

3. COMPLAINTS OVERVIEW

Number of complaints

- 3.1 The Council recorded a total of 331 complaints during reporting period 2 of 2019/20. This figure is an increase in the number of complaints recorded for the previous reporting period in 2019/20 (166 complaints) and an increase for the equivalent reporting period in 2018/19 (103 complaints).

Quarters	Total complaints
19/20 (period 2)	331
19/20 (period 1)	166
18/19 (period 2)	103

- 3.2 Of those complaints recorded in period 2 for this year, 317 were recorded at stage one of the Complaints Procedure and 14 were recorded at stage two of

the procedure. There has been a slight decrease in the number of complaints progressing to stage two. Due to the increased number of complaints this has led to delays in responding to stage one complaints which has resulted in fewer complaints progressing to stage two.

Quarters	Stage one	Stage two	% progressed to stage 2
19/20 (period 2)	317	14	4%
19/20 (period 1)	151	15	9%
18/19 (period 2)	90	13	13%

Responding to complaints in time

- 3.3 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.
- 3.4 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.
- 3.5 For period 2 of 2019/20, the Council did not meet its target for responding to 90 per cent of complaints within time across both stages. Although a range of measures have previously been put in place to improve response times, the increase in the number of complaints received and the complexity of complaints at stage two of the procedure has led to a fall in response times within reporting period 2. In addition, following introduction of the new recycling and waste collection service, the Waste and Street Scene Team focused resources on resolving issues on the ground that had been raised by residents rather than providing a full formal written response to all complaints.

Quarters	% stage one in time	% stage two in time	Target
2019/20 (period 2)	22%	64%	90%
2019/20 (period 1)	58%	80%	90%
2018/19 (period 2)	87%	100%	90%

How complaints are received

- 3.6 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.
- 3.7 During reporting period 2 for 2019/20, the majority of complaints received were made through electronic means. The online form was the most popular method of complaining, followed by email. These two channels account for 83 per cent of all complaints received.

- 3.8 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 increased during reporting period 2 for 2019/20. The number of complaints received by telephone has also increased during reporting period 2 compared to the previous two reporting periods. This is likely to be linked to the increase in demand as a result of the introduction of the new recycling and waste collection service.

Quarters	Online	Email	Tele- phone	Letter/ paper form	Visit
2019/20 (period 2)	73%	10%	16%	1%	0%
2019/20 (period 1)	62%	26%	8%	4%	0%
2018/19 (period 2)	47%	34%	10%	7%	2%

Reasons for complaints

- 3.10 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.
- 3.11 For reporting period 2 of 2019/20, 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 reasons for complaining were because of council or government policy or complaints relating to issues that fall outside of services delivered by Tunbridge Wells Borough Council.

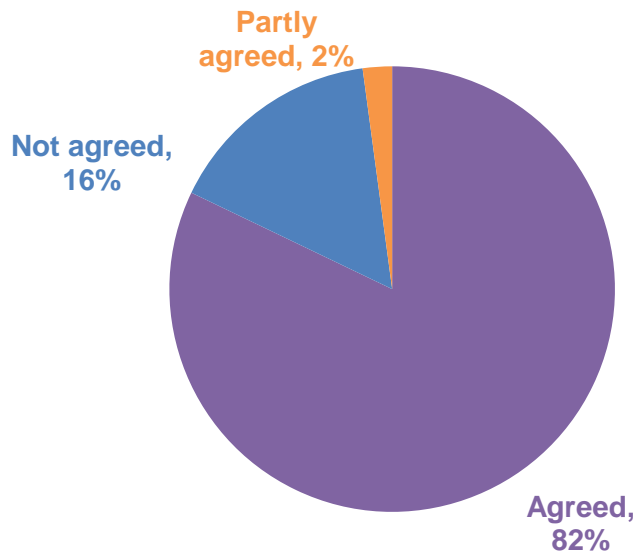
Reason	Number
Service not delivered to expected standard	308
Council/Government policy	6
Outside of council services	5
Staff conduct	3
Administrative error	2
Incorrect or misleading information	2
Other	2
Delay	1
Failure to act	1
Not recorded	1
Failure to provide a service	0
Cost of delivering a service	0
Discrimination	0
System or technical error	0

Complaint decisions

- 3.12 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.

- 3.13 For those complaints that received a decision in period 2 for 2019/20, the Council agreed with the complainant in 82 per cent of complaints, and did not agree with 16 per cent of complaints. The Council partly agreed with the complainant in 2 per cent of complaints. In this reporting period, there has been an increase in the percentage of complaints where the Council has agreed with the complainant from 55 per cent in the previous reporting period.



- 3.14 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 number of complaints agreed recognises some residents experience a period of repeated issues below satisfactory levels following the introduction of the new recycling and waste collection service.

Complaints by Service

- 3.15 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.
- 3.16 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.

Service	Number
Waste and Streetscene	258
Planning Development Management	34
Parking	16
Revenues	5
Elections	3
Housing - Homelessness	3
Digital Services	2
Health	2
Parks and Sports Centres	2
Benefits	1
Communications	1
Environmental Protection	1
Gateway	1
Licensing TWBC	1
Project Management	1

- 3.17 For period 2 of 2019/20, Waste and Street Scene received the highest number of complaints (258). This is a 190 per cent increase in this reporting period compared with the previous reporting period 1 of 2019/20 (89). Overall the proportion of complaints for Waste and Street Scene equates to 0.5% of the number of households receiving refuse collection services within the borough (approximately 49,000).
- 3.18 The next highest service receiving complaints for this reporting period was Planning Development Management (34). This is an increase in this reporting period compared with the previous reporting period 1 of 2019/20 (23) but falls within expected fluctuations.
- 3.19 Parking services received 16 complaints in this reporting period, which is a decrease in the number of complaints received in the previous reporting period (21). Revenues received five complaints in this reporting period compared with four complaints in the previous reporting period.
- 3.20 Overall, with the exception of Waste and Street Scene and Planning Development Management, the number of complaints received by service is broadly consistent with previous reporting periods, and therefore falls within expectations.

Compensation paid

- 3.21 The level of compensation paid by the Council during this reporting period continues to be low, at £50. This was for one complaint for Waste and Street Scene, relating to the time and trouble incurred by the complainant for progressing the complaint with the service.

Remedies

- 3.22 The Local Government Ombudsman recommends that Councils consider remedies where their own complaint investigations have found fault or where a complainant has suffered personal injustice. During this reporting period, a remedy has been put in place to address problems experienced by some residents in relation to the introduction of paid garden waste collections. This provided all garden waste subscribers with one month extension to their subscription. This was been funded by the contractor and no costs were incurred by the Council or local tax payers.

Ombudsman Decisions

- 3.23 The Council received decisions on five Ombudsman complaints in this reporting period, three of which were closed after initial enquiries with no further action. One complaint was investigated with no further action. One complaint was closed after initial enquiries because the complaint was outside of the Ombudsman's jurisdiction.

Service	Summary of Complaint	Decision Statement
Parking	Complaint about a parking fine.	The Ombudsman did not investigate this complaint as the Council cancelled the fine and issued a refund to the complainant. <i>Closed after initial enquiries – no further action taken</i>
Parking	Complaint about parking fines.	The Ombudsman did not investigate this complaint because it was reasonable for the complainant to appeal to the Traffic Penalty Tribunal. <i>Closed after initial enquiries – out of jurisdiction.</i>
Planning	Complaint about a delay in publishing the delegated report for a planning decision.	The Ombudsman did not investigate this complaint because the complainant had not suffered a significant personal injustice. <i>Closed after initial enquiries – no further action taken</i>
Planning	Complaint regarding two planning applications.	The Ombudsman did not find fault in how the Council made its planning decision or its complaint response. <i>Decision recorded as not upheld – no maladministration</i>

Service	Summary of Complaint	Decision Statement
Revenues and Benefits	Complaint regarding a council tax bill.	<p>The Ombudsman did not investigate this complaint. because there is not enough evidence of fault and the complainant is able to appeal to the tribunal.</p> <p><i>Closed after initial enquiries – no further action taken</i></p>

Learning from complaints

- 3.24 The services receiving the highest number of complaints for this reporting period were Waste and Street Scene, Planning Development Management and Parking Services.
- 3.25 For Waste and Street Scene, the increase in complaints occurred between October and December 2019. Approximately 60 per cent of these complaints related to non-collection of waste (after a missed bin had been reported as a service request). Smaller proportions of complaints related to changes to the refuse and recycling service, delivery and replacement of containers and issues that occurred during collection rounds. The Council monitors the number of missed bins closely as part of its contract management and has worked extensively with the contractor to put issues right. There have been significant improvements to the service overall with daily rounds completing with the occasional exception and any missed bins being collected promptly. All remaining open complaints are also being reviewed and will be responded to during Period 1 of 2020/21.
- 3.26 For Planning Development Management, approximately half of these complaints related to a particular planning application. The remaining complaints were as a result of single issues.
- 3.27 For Parking services, complaints were as a result of single issues.

4. AVAILABLE OPTIONS

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

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 That Cabinet notes the Council's performance on complaints handling for reporting period 2 of 2019/20 (1 October 2019 to 31 March 2020).
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

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

RECOMMENDATION FROM CABINET ADVISORY BOARD

- 6.2 The Overview and Scrutiny Committee were consulted on this decision on 8 June and agreed the following:

That the recommendation set out in the report be supported.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 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.
- 7.2 To ensure transparency, the report is published on the Cabinet agenda and it available on the Council's website through the committee reports pages.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	<p>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.</p> <p>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.</p>	Keith Trowell, Team Leader Corporate Governance

	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.	
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 and Procurement
Staffing establishment	There are no implications for staffing within this report.	Nicky Carter, Head of HR, Customer Service and Communities
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
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
Environment and sustainability	There are no environment and sustainability issues raised within this report.	Karin Grey, Sustainability Manager
Community safety	There are no consequences arising from the recommendation that adversely affect community safety.	Terry Hughes Community Safety Manager
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	Mike Catling Health and Safety Officer

	<p>safety concerns this will be picked up by the investigating officer, and appropriate advice and action taken during the complaint investigation.</p> <p>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.</p>	
Health and wellbeing	There are no health and wellbeing implications identified in the report.	Jane Clarke, Head of Policy & Governance
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.	Sarah Lavallie, Corporate Governance Officer 28 April 2020

9. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- None.

10. BACKGROUND PAPERS

- None.