

Surrey Heath Borough Council
Performance and Finance Scrutiny Committee
13 September 2023

COMPLAINTS MONITORING 2022/23

Portfolio Holder:	Cllr Helen Whitcroft – Resident and Community Services
Date Portfolio Holder signed off:	30 August 2023
Strategic Director:	Bob Watson
Report Author:	Lynn Smith
Key Decision:	No
Wards Affected:	All

Summary and purpose

To provide the Committee with a comprehensive report of the Council's corporate complaints monitoring arrangements, lessons learned from complaints and Local Government Ombudsman complaints received for the financial year 2022/2023.

Recommendation

The Committee is advised to RESOLVE that they receive the report on the Council's complaints process and make any comments and recommendations as necessary.

1. Background and Supporting Information

- 1.1 The Performance and Finance Scrutiny Committee receive a comprehensive annual report on the Council's complaints monitoring arrangements, lessons learned from complaints received and complaints received by the Local Government Ombudsman (LGO).

2. Current Position

- 2.1 Most complaints received are dealt with informally under Stage 1 of the Council's complaints policy.
- 2.2 Stage 2 complaints are formal complaints normally identified when the complainant is unhappy with the outcome of the informal complaint. These complaints are dealt with by a Senior Manager. Should a complainant be dissatisfied with the outcome of a Stage 2 complaint, they can request the

matter is considered at Stage 3 by a senior manager independent of the service/directorate being complained about.

2.3 In 2022/23, 39 formal complaints were made to the Council at Stages 2 and 3.

2.4 The table below details the formal complaints made for the period 1st April 2022 – 31st March 23, by each quarter of the year and dealt with in accordance with the Council's formal complaints policy. The figures for the same period in 2021/22 have also been included in the table as a comparison.

	2021/2022	2022/2023
Quarter 1 (April – June)	6	4
Quarter 2 (July – September)	8	11
Quarter 3 (October to December)	5	8
Quarter 4 (January – March)	7	16
Total for year	26	39

2.5 To place some perspective on the number of complaints received set against the total number of customer contacts managed, calls into the Contact Centre, Revenues and Benefits and Theatre numbered 58,821 for the same period. Demand for a face to face service has remained low. Interactions across email, web and face to face accounted for another 10,713 contacts.

2.6 On investigation of the increase in complaints received, there is no apparent trend emerging. Two areas that rarely receive complaints have been included and have contributed to the increase, these being Elections and Investment and Development. The complaints submitted were found to be not justified.

2.7 In addition three complaints were received from the same resident about waste collection issues, which is normally dealt with by our contractors, Amey.

Complaints by Service Area.

2.8 The table below shows the number of complaints received by service area. Please note that the service area were restructured in 2021, so the grouping will reflect the old and new structures. Planning Services are grouped under Finance and Customer Services Directorate.

Number of complaints received	2021/2022	2022/2023
CEO Office (included with L&DS in 2022/23)	4	
Environment and Community	8	19
Finance and Customer Service	13	16
Investment and Development		2
Transformation	1	
Legal and Democratic Services		2
Total	26	39

2.9 The table below shows the number of complaints received by sub-service area for 2022/23:

Complaints by Department within the Service Area

Service Area	Department	Stage 2	Stage 3	Total
Environment and Community	Private Sector Housing	1		1
	Leisure	3	2	5
	JWS	4	1	5
	Noise Pollution	2		2
	Corporate Enforcement	1	1	2
	Parking	1		1
	Family Support	1		1
	Theatre	1	1	2
Finance and Customer Service	Revenues and Benefits	4	2	6
	Development Control	5	2	7
	Trees	1	1	2
	Finance		1	1
Legal and Democratic Services	Democratic Services	1	1	2
Investment & Development	Investment & Development	1	1	2
Total		26	13	39

Service Standard

2.10 Of the **39** complaints received:

- All were acknowledged within 2 days.
- 38 were resolved within 10 days.
- 1 complaint took longer than 10 days to investigate, however the customer was made aware of the reason for delay.

Complaint Status

2.11 Of the **39** complaints received:

- 25 were not justified
- 10 were part justified
- 4 were justified.

Lessons Learned

- 2.12 The 14 complaints, that upon analysis were considered justified or part justified, related to operational matters. The lessons learned from these complaints are detailed at **Appendix 1**.

Local Government Ombudsman complaints 2022-2023

- 2.13 Following the response to a Stage 3 complaint, if the complainant remains dissatisfied with the outcome, then their recourse is via the Local Government Ombudsman (LGO).
- 2.14 In 2022/23 The LGO investigated and concluded 16 complaints and enquiries in respect of Surrey Heath Borough Council services. Some of which had been outstanding prior to April 2022.
- **4** Referred back to Surrey Heath for local resolution
 - **9** Closed after initial enquiries
 - **1** Not upheld
 - **2** Upheld
- 2.15 The LGO have also provided some advice on comparing statistics across years. This is attached at **Appendix 2**.

3. Reasons for Recommendation

- 3.1 It is important that awareness of the complaints received and how they are dealt with is reported to the Performance and Finance Scrutiny Committee.

4. Proposal and Alternative Options

- 4.1 The Committee is asked to note the report on the 22/23 Revenue Budget for the period 1 April to 31 March 2023 and note the carry forwards as proposed. The Committee can also make recommendations to the Executive to be considered at their meeting on 18 July 2023.
- 4.2 Alternatively, the Committee may just note the report and not make any further recommendations on any parts of the report.

5. Contribution to the Council's Five-Year Strategy

- 5.1 The effective management of complaints contributes to the Effective and Responsive Council element of the approved five-year strategy.

6. Resource Implications

6.1 Any resource implications for dealing with Customer complaints should be covered from within existing service budgets.

7. Section 151 Officer Comments:

7.1 There are no additional budgetary implications from this report.

8. Legal and Governance Issues

8.1 None

9. Monitoring Officer Comments:

9.1 The Committee's terms of reference includes the function to monitor and review annually the Council's complaints process.

10. Other Considerations and Impacts

Environment and Climate Change

10.1 Not applicable to this report.

Equalities and Human Rights

10.2 The Council's complaints policy is that all complaints are treated equally and fairly.

Risk Management

10.3 Not adequately dealing with complaints can generate a reputational risk for the Council

10.4 The LGO is able to levy penalties or define a level of restitution in its finds of any investigations.

Community Engagement

10.5 The Council's Complaints policy and process is published on the Council's website.

Background Papers	None
Author/Contact Details	Lynn Smith: Customer Relations Manager Lynn.smith@surreyheath.gov.uk
Strategic Director	Bob Watson - Strategic Director of Finance & Customer Services. Bob.Watson@surreyheath.gov.uk

Lessons Learned

The fourteen complaints that were considered justified or part justified and the lessons learned

Complaint	Lessons learned
Finance and Customer Service	
<p>101150 Stage 2 This complaint related to a planning application. The resident claimed that there had been a lack of engagement and adherence throughout the process.</p>	<p>There was lack of communication between the officer and the applicant regarding this application and further training and guidance has been given to the officer to engage more thoroughly with any future applicant, where planning applications are submitted.</p>
<p>103076 Stage 2 The complaint alleged that there had been a lack of response to the residents emails to a named officer. The complaint had a second element, that personal information had been loaded to the website and that it had taken a day or two to redact. Data protection complaint.</p>	<p>Internal processes have been tightened following this matter and the technical support are thoroughly implementing steps to make sure this matter does not arise again.</p>
<p>123276 Stage 2 escalating to Stage 3 Initially a stage 2 complaint regarding the level of service received from an officer during a request for a TPO to be removed and reissued. The complaint then progressed to a stage 3. The resident claims that the officer concerned refused to respond to his emails and messages which has meant that should he have decided to appeal his TWA application case decision with the Planning Inspectorate, the 28 day window he had to do this in would have expired.</p>	<p>This is partly justified as the tree officer wrongly made a decision on tree which was not covered by the TPO, however, since then we have resolved the matter by writing directly to the resident and the complainant considers this part of the complaint closed.</p>
<p>118779 Stage 2 escalating to a Stage 3. Allegations of errors with committee proceedings and the resident's planning application being treated unfairly. In addition, poor customer</p>	<p>There was lack of communication between the case officer and applicant in relation to this application and further training has been given in relation to better customer and being more proactive on applications. In relation to the committee proceedings, there were</p>

Complaint	Lessons learned
service by an officer and a lack of contact.	no errors here and the application was given a fair hearing, where the planning application was granted.
Environment and Community	
<p>101267 Stage 2 A complaint was received regarding a project manager for disability grants. A contractor of ours. It was alleged that he was asked to leave a residents home and refused. The complaint alleges the contractor was Intimidating.</p>	<p><i>The resident was unhappy with the behaviour of one of the Council's contractors.</i> <i>On investigation, and talking both to the resident and the contractor, it was clear that while the contractor was seeking to resolve an issue with works relating to a Disabled facilities Grant this was a situation that he should have escalated to officers.</i> <i>Although the contractor was trying to resolve things to the Council's satisfaction, by not involving officers he created a conflict situation.</i></p> <p><i>The situation was remedied with a joint visit with officers and the contractor, and a compromise found. The contractor acknowledged that he had let a situation escalate when it should have referred on.</i> <i>The Council generally has positive feedback about this contractor both from residents and from Surrey County Council.</i> <i>The lesson learned was that officers need to be clear that any areas of disagreement are for the Council to resolve. This contractor accepted both this general principle and his error in the way he handled this specific incident.</i></p>
<p>116628 Stage 2, 126578 Stage 2, 123836 Stage 2, 133712 Stage 2 A total of four complaints (three from the same resident) were received in respect of the non-collection of waste bins. Dissatisfaction with the placement of the bins and the proposed cost of a new bin.</p>	<p><i>JWS are working with Amey to ensure there is close monitoring of missed bins to see if there are patterns that can be picked up and reviewed before it gets to a 'complaints' stage.</i></p>

Complaint	Lessons learned
<p>122089 Stage 2 A complaint was received relating to compensation for loss of earnings, relating to an incident where a car has been clamped. Initially the resident didn't respond with the required compensation information. The matter was then not addressed as when the email was sent through it was overlooked by the officer.</p>	<p>It is believed that this was an isolated administrative error. The officer concerned is no longer working within the organisation. There has been no recurrence. It is not felt any further action is required. Other than to remind staff to ensure that out of office messages are utilised and emails managed during periods of absence.</p>
<p>121503 Stage 2 This complaint related to noise that was emanating from a club in Lightwater. This had been reported to an officer in Environmental Health. Unfortunately, when the officer left Surrey Heath, they did not complete an appropriate handover of their workload. Therefore, there was an unacceptable timelapse before the complaint was properly investigated.</p>	<p>Procedures on handover and review have been updated and shared within the team to re-enforce expectations.</p>
<p>126704 Stage 2 The complaint was received from a resident who was unhappy about the way a member of the Family Support team had treated them during their interactions. The resident claimed that the officer concerned acted against them in court proceedings and tarnished their name, leading to defamation of their character in a child safeguarding report.</p>	<p>Family support officers receive ongoing support and training to undertake their role, this training is being reviewed to check that it is sufficient.</p>

LGO Upheld complaints and lessons learned

[Surrey Heath Borough Council \(21 009 060\)](#)

● Statement ● Upheld ● Planning applications ● 21-Apr-2022

Summary: Ms X complained about the Council's delay in protecting her amenity after her neighbour opened a day care nursery without seeking planning approval. We found fault causing an injustice to Ms X, which the Council agreed to remedy.

[Surrey Heath Borough Council \(22 007 860\)](#)

● Statement ● Upheld ● Leisure and culture ● 30-Jan-2023

Summary: We will not investigate Mrs X's complaint that the Council agreed to carry out works to a fence and then changed its mind. The Council has now agreed to mend the fence. Further investigation is unlikely to achieve anything more.

Complaint (21 009 060) – lessons learned

Planning Service

In respect of the first complaint regarding a Planning application. This was in fact brought to the attention of the Performance and Finance Scrutiny Committee on 14 September 2022. Below is the section of the response provided at that time.

1.27 Level of customer service:

1.28 Towards the end of 2021 and beginning of 2022, the Development Management service had a few vacancies, which was caused by planning officers departing the team. This impacted on capacity in the team dealing with planning applications and subsequently increasing the backlog. Furthermore, given the squeezed labour market, it was difficult to recruit planning officers and this is still the case presently. It should be noted that this issue is not just localised to Surrey Heath but is a national issue within the United Kingdom.

1.29 There remains an undersupply of planning officers, particularly the most experienced planners. In October 2021 the Principal Planning Officer (PPO) left the authority and in January 2022 the Senior Planning Officer left the authority. Additionally, a planning officer (PO) left in January 2022. In the interim the service had to rely upon a number of planning contractors. After 3 rounds of recruitment the PPO started in May 2022, and the replacement SPO and new graduate planner in July 2022. The service is now fully staffed. Recruitment to these posts have been difficult but the team have reduced the overall reliance on contractors, giving a more settled service going forwards.

1.30 The consequence of staffing resources in 21/2022 was an impact upon customer service, an increase in backlog of applications and the number of complaints received. The majority of complaints are dealt with at stage 1 level with few complaints progressing to stage 2 and 3 or indeed to the Local Government

Ombudsman (LGO). It should be noted that the level of complaints have decreased during 2021/22 compared to 2021/21.

1.31 However, in March 2022, the service was found to be at fault due to the injustice caused by significantly delaying determination of a retrospective application relating to a day nursery. The complainant was a neighbour and the use was having an impact upon residential amenities. The Council was ordered to pay in total £750 to the complainant. To avoid injustice caused by similar fault in the future, the LGO decision also recommended that the Council reviewed its service to ensure it is adequately resourced to fulfil its functions and to report the LGO findings and the outcome of its review to the Council's relevant scrutiny committee. This paper explains how the service is actively working to improve with staff recruitment and with service improvements as outlined by the PAS review.

Complaint (21 009 060) – lessons learned

Environment and Community - in respect of the second complaint regarding works to a fence.

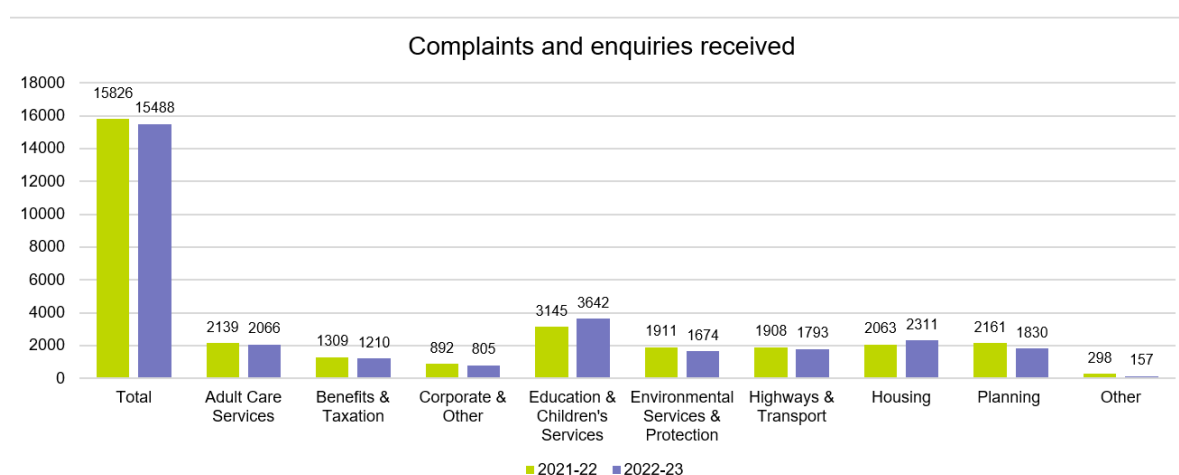
Environment and Community Directorate advise that the learning from this complaint is to improve communication when situations change; whilst we have a disclaimer on all emails that allow for change the Council is looking to introduce a clearer line of communication that refers to changing situations and expiry dates for projects, so that projects which stop and start over a number of years, do expire and then re-start; it is not a continuation. This will remove any confusion and being held accountable for information that is no longer relevant.

APPENDIX 2

LGO Advice on comparing statistics across years.

In 2022-23 we changed our investigation processes, contributing towards an increase in the average uphold rate across all complaints. Consider comparing individual council uphold rates against the average rate rather than against previous years.

In 2020-21 we received and decided fewer complaints than normal because we stopped accepting new complaints for three months due to Covid-19.



Local Government & Social Care OMBUDSMAN	Complaints and enquiries received 2022-23									
	Authority Name	Adult Social Care	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environmental Services, Public Protection and Regulation	Highways and Transport	Housing	Planning and Development	Other
Elmbridge Borough Council	0	3	3	0	4	1	1	7	0	19
Epsom & Ewell Borough Council	0	0	1	0	5	1	0	10	0	17
Guildford Borough Council	0	2	0	0	2	0	3	10	0	17
Mole Valley District Council	0	1	1	0	1	1	1	4	0	9
Reigate & Banstead Borough Council	1	3	1	0	3	0	3	4	0	15
Runnymede Borough Council	0	1	1	0	0	2	3	2	0	9
Spelthorne Borough Council	0	3	1	0	2	0	1	2	0	9
Surrey County Council	39	0	5	157	1	9	0	3	1	215
Surrey Heath Borough Council	0	3	5	0	0	0	2	4	0	14
Tandridge District Council	0	2	2	0	2	0	1	4	0	11
Waverley Borough Council	0	3	2	0	3	2	5	5	0	20
Woking Borough Council	0	2	3	0	2	1	1	2	1	12

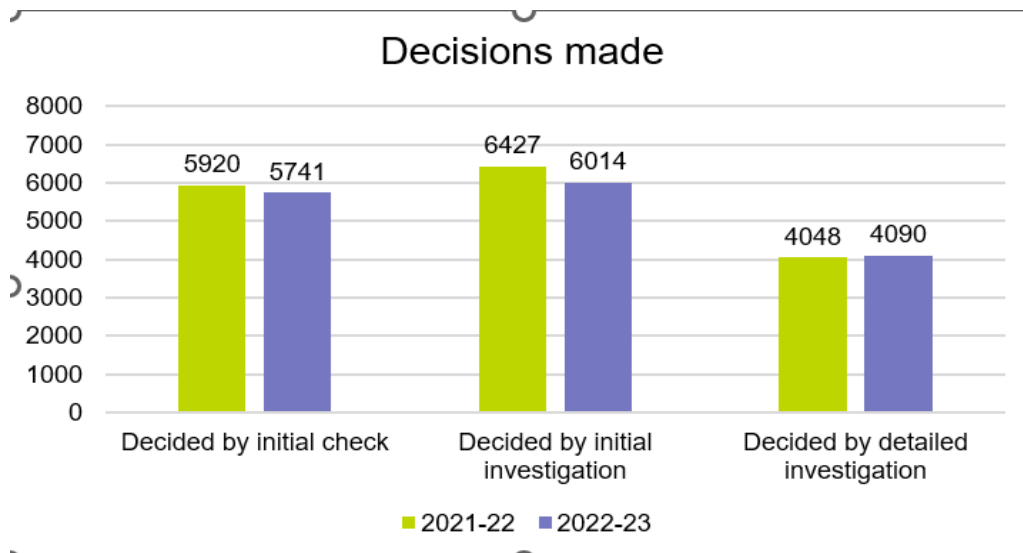
Complaints and Enquiries Decided (by Outcome) 2022-23

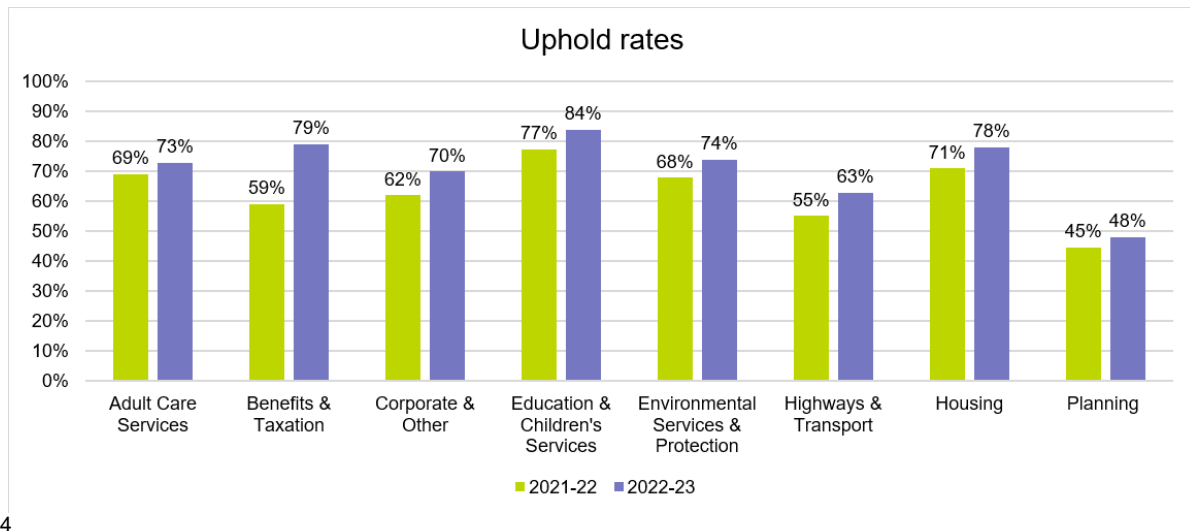
Authority Name	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Total	Uphold rate (%)	Average uphold rate (%) of similar authorities
Elmbridge Borough Council	0	0	400%	10	2	2	18	50%	59%
Epsom & Ewell Borough Council	0	0	6	10	2	2	20	50%	59%
Guildford Borough Council	0	2	6	7	0	2	17	100%	59%
Mole Valley District Council	0	0	2	9	0	1	12	100%	59%
Reigate & Banstead Borough Council	0	0	7	6	1	3	17	75%	59%
Runnymede Borough Council	1	1	2	3	0	3	10	100%	59%
Spelthorne Borough Council	0	0	3	6	0	0	9		59%
Surrey County Council	8	3	46	55	13	68	193	84%	80%
Surrey Heath Borough Council	0	0	4	9	1	2	16	67%	59%
Tandridge District Council	0	0	3	7	0	3	13	100%	59%
Waverley Borough Council	2	0	2	13	1	6	24	86%	59%
Woking Borough Council	2	0	3	6	0	0	11		59%

Notes

These statistics include all complaints and enquiries that were decided from 01 April 2022 to 31 March 2023.

Some cases are received and decided in different business years. This means the number of complaints and enquiries received may not match the number of decisions made.





4

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