

## Complaints Monitoring 2019/20

Portfolio:	Leader
Ward(s) Affected:	All

### Purpose

**To report on the Council's corporate complaints monitoring arrangements, lessons learned from complaints and Local Government Ombudsman complaints received for the financial year 2019/2020.**

## 1. Background

- 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 the relevant (Executive) Head of Service. Should a complainant be dissatisfied with the outcome of a Stage 2 complaint, they can request the matter is considered by the Chief Executive under Stage 3 of the complaints policy.
- 2.3 In 2019/20, 17 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 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 20, by quarter year and dealt with in accordance with the Council's complaints policy.
- 2.5 The figures for the same period in 2018/19 have also been included in the table as a comparison.

	2018/2019	2019/2020
Total for Quarter 1 (April – June)	13	3
Total for Quarter 2 (July – September)	13	4
Total for Quarter 3 (October to December)	5	3
Total for Quarter 4 (January – March)	6	7
Total for year	37	17

- 2.6 To give some perspective to the number of complaints received against contacts managed. Calls into the Contact Centre, Revenues and Benefits and

Theatre numbered 71173 for the same period. Visitors to Surrey Heath House managed via meet and greet and or by interview were an additional 25047.

- 2.7 The complaints recorded do not include any relating to the former Chief Executive. These would have been managed by the Acting Chief Executive's office.

Complaints by Service Area

Number of complaints received	2018/19	2019/20
Business	5	0
Community	7	1
Finance	4	1
Regulatory	21	12
Corporate	0	1
Legal	0	1
Transformation	0	1
Total	37	17

Complaints by Department within the Service Area

Service Area	Department	Stage 2	Stage 3	Total
Community	Recycling & Refuse	1	0	1
Finance	Revenues & Benefits	0	1	1
Regulatory	Private Sector Housing	1	0	1
Regulatory	Development Control	6	4	10
Regulatory	Family Support	1	0	1
Corporate	Contact Centre	1	0	1
Legal	Building Control	0	1	1
Transformation	ICT/FOI/DP	1	0	1
Totals		11	6	17

- 2.8 There has been a decrease in the number of complaints recorded. I believe this to be due to a number of issues:

- Any Parking complaints would now be managed by Woking.
- Complaints within Business have in the past frequently been about grass cutting, such issues would now be answered by Sodexo.
- Within Regulatory, some past complaints have been about the performance of contract staff. They are no longer in the employ of Surrey Heath Borough Council. In addition, it should be noted, that there has been a vast improvement within Planning in respect of managing dissatisfaction at stage one of the complaints process.

- Finally I have observed a tendency for residents to make direct contact with services, rather than go through the complaints process. This may have allowed an opportunity for complaints to go unrecorded, albeit they are satisfactorily resolved. I shall monitor and address this development as we go forward.

### **3. Service Standard**

#### 3.1 Of the 17 complaints received:

- All were acknowledged within 2 days.
- 14 were resolved within 10 days.
- 3 complaints took longer than 10 days to investigate, however the customers were made aware of the reason for delay.

#### Complaint Status

#### 3.2 Of the 17 complaints received:

- 11 were not justified
- 4 were part justified
- 1 was justified.
- 1 On hold

### **4. Lessons Learned**

#### Community

- 4.1 The stage 2 complaint related to fly tipping within the borough that had been reported previously and not actioned. The issue was resolved through direct conversation with JWS. The value of a representative of JWS being at Surrey Heath House was evident.

#### Finance

- 4.2 The stage 3 complaint raised against Revenues and Benefits was found to be unjustified.

#### Regulatory

- 4.3 There were four Stage 3 complaints. One was for Housing about an HMO licences and was not upheld as there was no fault by the Council. Three were about Planning and in two cases no fault was found. The final case related to an enforcement appeal where the Planning Applications Committee approved an application against officer advice resulting in a last minute withdrawal of the Council from an enforcement appeal. The complainant sought compensation for unnecessary appeal costs incurred due to the actions of the Council. A settlement was reached.

- 4.4 There were six Stage 2 complaints about Planning of which 3 cases were partly upheld. In two cases this was due to a failure to respond in a timely manner and third was due to poor wording of a property description. None of these affected the outcome of the applications involved.
- 4.5 There was one 2 Stage 2 complaint about Housing, this was also about an HMO licence and again was not upheld as there was no fault by the Council. It is, however, worth noting that both this and the Stage 3 complaint above reflect the growing concern of residents about the impact on this use especially due to car parking.
- 4.6 There was one Stage 2 complaint about Family Support, this related to dissatisfaction with health care issues and the equipment funded by the Council. This was not upheld as there was no fault by the Council but it was clear there was a misunderstanding about what is provided by the refugee support scheme by the complainant and other families. Extra support is now being put in to address this and ensure that refugees raise concerns at an earlier stage.

#### Corporate

- 4.7 The stage 2 complaint raised against the Contact Centre was found to be unjustified.

#### Legal

- 4.8 This stage 3 complaint remains on hold. Communication with the customer has been maintained.

#### Transformation

- 4.9 Following this stage 2 complaint, the SHBC Complaints Policy and Procedures were reviewed in line with GDPR guidance, there was a legitimate basis under GDPR for the Council to share the complainants details with JWS and subsequently Amey, however the Council failed in its obligation to inform the complaint in clear terms that this would happen. Therefore to meet this obligation the paragraph 'complainants details may be shared as part of the complaint investigation process with Third Parties contracted by the Council' has been added to the following documents/communication;

- The Complaints Policy and Procedures
- The Complaints website
- Contact Centre and Complaints email acknowledgement auto reply
- Online complaint form before it is submitted

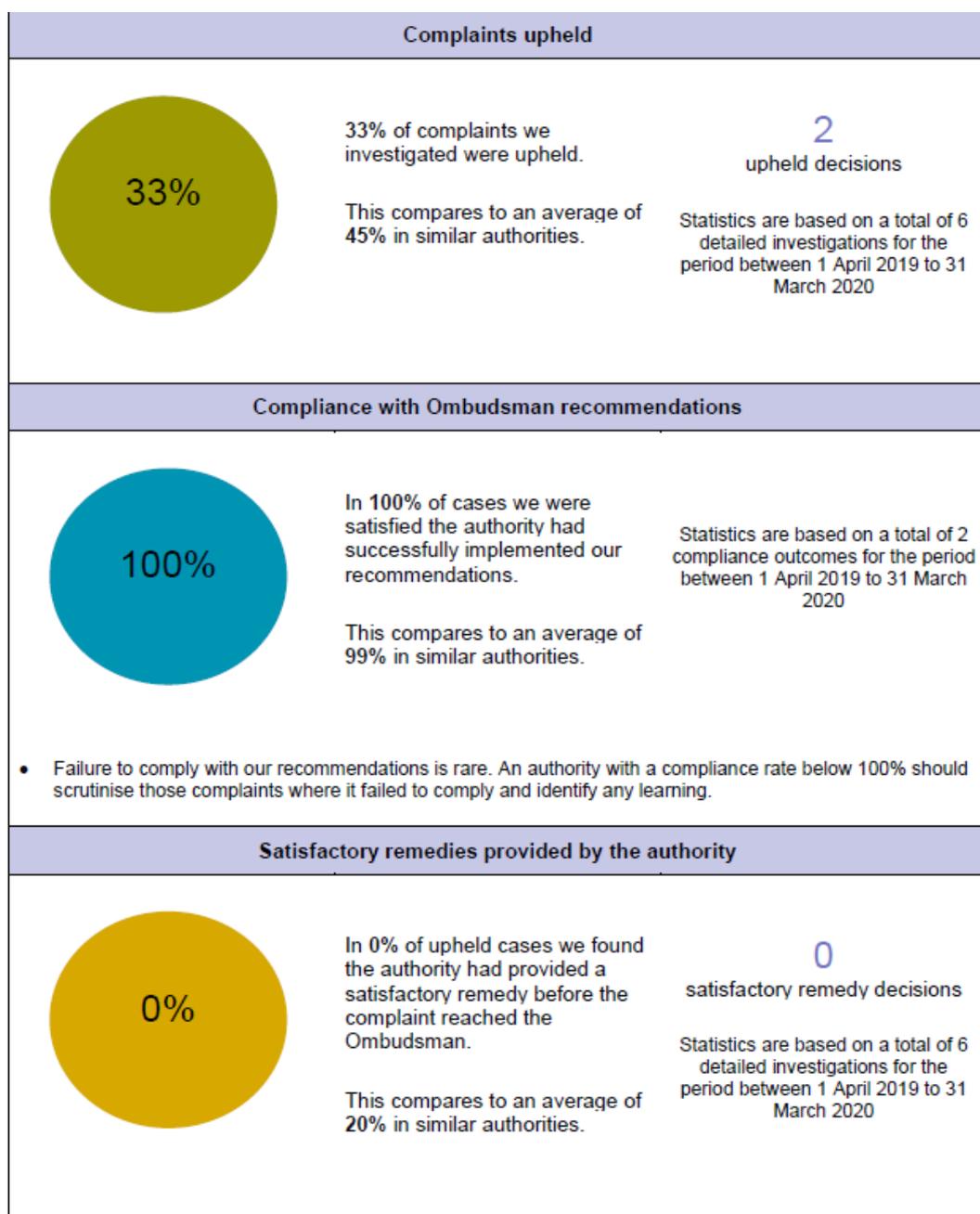
- 4.10 In addition, the following actions were taken;

- A Contact Centre privacy notice was written and uploaded to the main SHBC website, this included the sharing of data with third parties.

- All staff in the call centre were trained to inform callers when complaints are made via telephone calls that their details may be shared with third parties.

## 5. Local Government Ombudsman complaints

- 5.1 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.
- 5.2 In 2019/20 the LGO investigated and concluded 13 complaints and enquiries in respect of Surrey Heath Borough Council services. 2 of the complaints were upheld.



## Local Government Ombudsman Complaints Upheld - Lessons Learned

*Regulatory 19001491 Mrs J Garner*

- 5.3 The partly upheld complaint could have been avoided had the complainant been kept better informed and officers enforced a landscaping requirement in a more timely manner. Other parts of the complaint related to Highways for which the Borough Council is not responsible.

### *Environmental Health*

- 5.4 The decision relates to a delay in putting noise monitors onto a property. This delay was because the noise meter was booked elsewhere and then was sent for a service as it broke down. A second meter has now been sourced thereby eliminating such a delay.

### Comparison Table

Local Government & Social Care OMBUDSMAN		Complaints and Enquiries Decided (by Outcome) 2019-20							
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	6	6	0	4	16	100	45
Epsom & Ewell Borough Council	4	0	6	12	1	0	23	0	45
Guildford Borough Council	1	1	2	5	4	2	15	33	45
Mole Valley District Council	0	0	5	10	3	0	18	0	45
Reigate & Banstead Borough Council	2	1	2	5	2	1	13	33	45
Runnymede Borough Council	2	0	2	4	2	1	11	33	45
Spelthorne Borough Council	1	0	8	4	1	0	14	0	45
Surrey County Council	13	0	63	63	16	33	188	67	66
Surrey Heath Borough Council	0	0	2	5	4	2	13	33	45
Tandridge District Council	0	3	6	5	2	2	18	50	45
Waverley Borough Council	1	2	4	5	2	2	16	50	45
Woking Borough Council	0	1	4	0	3	0	8	0	45

**Notes**  
 These statistics include all complaints and enquiries that were decided from 01 April 2019 to 31 March 2020.  
 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.

## 6. Recommendation

- 6.1 The Committee is advised to consider and comment on the complaints figures reported for 2019/20.

Background Papers None

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