

## Report of Director

**PERFORMANCE: COMPLIMENTS, COMMENTS AND COMPLAINTS AND FREEDOM OF INFORMATION – 1 OCTOBER 2016 TO 31 MARCH 2017****1 Purpose of report**

- 1.1. To inform the committee of the council's performance, including Wellingborough Norse, during the second half of 2016-17 in handling customer feedback, including complaints which have been referred to the Local Government Ombudsman (LGO). It also includes performance details for managing requests for information considered under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.
- 1.2. This report relates to the council's priority of delivering an efficient and responsive service.

**2 Executive summary**

- 2.1 The council aims to fully respond to complaints within 12 working days. The performance against this target for the period was 100% (90% to 31 March 2016). The performance does not include those complaints referred by the LGO, as she dictates the response deadline for these.
- 2.2 There is a statutory requirement to respond to requests for information (under the Freedom of Information Act) within 20 working days. The performance against this for the period was 98% (99% to 31 March 2016).

**3 Appendices**

Appendix A – complaints received by service area

Appendix B – Freedom of Information and Environmental Information Regulation requests received

**4 Proposed action:**

**The committee is invited to RESOLVE to note the report.**

**5 Background**

- 5.1 Customer feedback is valued as a means to continuously review and improve the services offered by the council. This includes services delivered directly by council employees or through agency workers and contractors appointed by the council. The target to respond to complaints is 12 working days.

- 5.2 When a customer is dissatisfied with the council's response to their complaint (Stage 1), following a review by a more senior officer (Stage 2), they have a right of appeal to the LGO. This report also contains details of complaints which have been received by the LGO. Depending on the circumstances, the LGO will consider whether the council has had reasonable opportunity to investigate the complaint within its own procedures. If not, the LGO will request this before carrying out her own investigation; these are identified in this report as referrals.
- 5.3 Compliments are considered as praise or expressions of satisfaction about any council activity, or about an employee or representative of the council. Comments are considered as observations which are neither critical nor complimentary, but include helpful suggestions for improving our services and our customer satisfaction.
- 5.4 Since its introduction in 2005, the Freedom of Information Act has instigated a culture change for authorities to represent a balance between greater openness and transparency of decision making and the need to protect information where disclosure would cause harm or otherwise be contrary to the public interest.

## 6 Discussion

### Compliments

- 6.1 For this period, there were 46 compliments received as follows:

<b>Service</b>	<b>Number of Compliments Received (Same period 2015-16)</b>
Environment (Wellingborough Norse)	37(51)
Finance	1 (2)
Planning and Local Development	6 (9)
Resources	2 (0)
<b>Total</b>	<b>46 (62)</b>

- 6.2 When a compliment is received, it is shared with the manager who acknowledges the feedback with the relevant individual or team.

### Comments

- 6.3 There was one comment received from a visitor to the town who had witnessed some inappropriate behaviour whilst using public toilets in the town centre. For the same period in 2015-16 there were no comments received.

### Complaints

- 6.4 During the second half of the year there were 51 complaints, all of which were responded to in full within 12 days. A summary of the complaints per service is detailed below, with a further breakdown by service level attached at Appendix A.
- 6.5 Of the 51 complaints received, four were dealt with at Stage 2 of the council's process and none of these were upheld. There were 19 complaints made against Wellingborough Norse, of which 11 were upheld.

<b>Service</b>	<b>Number of Complaints Received</b>	<b>Completed</b>	<b>Within Target</b>
Environment (Wellingborough Norse)	29	29	29
Finance	5	5	5
Planning and Local Development	15	15	15
Resources	2	2	2
<b>Total</b>	<b>51</b>	<b>51</b>	<b>51</b>

- 6.6 For the same period in 2015-16 a total of 42 complaints were received and 90% of these were responded to within target.
- 6.7 The complaints received for this period highlighted that:
- The increased fees for street trading pitches attracted a level of public interest; this meant a higher number of complaints for Planning and Local Development than is typically expected.
  - Environment (Wellingborough Norse) received the highest number of complaints, mainly relating to bin collection.
  - Finance received significantly fewer complaints than in previous years.
- 6.8 It should be noted that during the year there were changes made to reporting lines for some services. This included Housing moving from Planning and Local Development and Community moving from Resources, both to Finance. For ease of reporting, however, the figures for each of these services is reflected against their previous service area and not against Finance. This will be updated for 2017-18.

### **Local Government Ombudsman (LGO)**

- 6.9 During this period, the council received two complaints via the LGO as follows:

<b>Service</b>	<b>Nature of complaint</b>	<b>Conclusion</b>
Finance - Housing	Council retention of a security bond on a property without adequate justification.	Upon further review of the complaint and the evidence held, it was considered a part refund was reasonable and a remedy was offered to the complainant to settle the dispute; this was accepted and the matter concluded without further involvement of the LGO.
Resources - Property	Land sold by the council and a subsequent issue with easement and maintenance of a neighbouring property.	The LGO would not investigate the complaint about the easement as a court of law is the appropriate body to consider the matter; the LGO could not achieve a remedy for the complainant.

## **Freedom of Information and Environmental Information Requests**

- 6.10 During the first half of the year the council received 266 requests for information under the Freedom of Information Act, 20 requests for information under Sections 29 and 35 of the Data Protection Act and 134 requests under the Environmental Information Regulations. There were no Data Subject Access requests.
- 6.11 The combined total of requests made under the Freedom of Information Act and the Environmental Information Regulations was 400. Of these, 98% were completed within the statutory deadline.
- 6.12 A breakdown of the requests received per service area and the type of requester is attached at Appendix B; this summary excludes the requests made under the Data Protection Act.
- 6.13 For the same period in 2015-16, the council received 239 requests under the Freedom of Information Act, 12 requests for information under Section 29 of the Data Protection Act and 177 requests under the Environmental Information Regulations. Of these 410 requests, 406 (99%) were answered within the statutory deadline.

## **Transparency**

- 6.14 In May 2014, the Secretary of State for Communities and Local Government issued "The Local Government Transparency Code 2014" (the Code) in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980. The Code sets out key principles for local authorities in creating greater transparency through the publication of data and sets out what, when and how this information must be published. The code is intended to meet the government's desire to place more power into citizens' hands to increase democratic accountability and came in to force on 31 October 2014.
- 6.15 The requirement is for quarterly and annual data to be published within specific time frames and is grouped in to three themes.

Publishing spending and procurement information:

- expenditure exceeding £500
- Government Procurement Card transactions
- procurement information (tenders and contracts)
- grants to voluntary, community and social enterprise organisations
- waste contracts.

Publishing organisation information:

- organisation chart
- senior salaries
- the pay multiple
- trade union facility time
- fraud
- constitution

Publishing land asset and parking information

- local authority land and building assets
- parking accounts and parking spaces

6.16 The council's website has dedicated pages to publish information in accordance with the Code.

## 7 Legal powers

7.1 Section 1 of the Freedom of Information Act 2000 provides the general right of access to information held by public authorities.

7.2 Part 2 of the Environmental Information Regulations 2004 provides for access to environmental information held by public authorities

7.3 The Data Protection Act 1998 provides for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information.

7.4 Part 2 of the Local Government, Planning and Land Act 1980 provides a duty for the publication of information by authorities.

## 8 Financial and value for money implications

8.1 Ombudsman investigations may recommend a local settlement by the council or prove maladministration by the council, which may lead to compensation being paid to the customer. No compensation payments have been made so far during 2016-17. As a result of one case (Finance – Housing), however, a remedy was considered reasonable by the council without the need for the LGO to investigate the case any further. This resulted in the council refunding £400 of a £475 bond that had been withheld from the customer.

8.2 There is the potential for the council to charge for the provision of information supplied under the Freedom of Information Act, should it exceed 18 hours work at £25 per hour, i.e. £450. Since the introduction of the Act, the council has not received any income as a result of a request for information, mainly because there is a duty to allow applicants to amend their enquiry so that it remains below the 18 hour threshold.

## 9 Risk analysis

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
Council proved negligent by the Ombudsman.	Potential compensation claim and negative reflection of the council.	Low.	Senior officers investigate or scrutinise all complaints/potential LGO referrals and take action to mitigate the escalation of complaints. Learn from previous errors.
Confidential information given out in error.	Contrary to the Data Protection Act.	Low.	Well trained employees with regular updates. Legal advice sought as required.

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
Not meeting statutory deadlines to respond to FOI requests.	Potential referral to Information Commissioner.	Medium.	Stringent recording and monitoring arrangements in place. Suitably trained employees and legal guidance available.
Council fails to take improvement opportunities identified by complaints.	Rising levels of dissatisfaction by customers.	Medium.	All feedback is measured within Corporate Support to identify lessons learnt. Improvements made as permitted by resources.

**10 Implications for resources**

Officer time and materials in carrying out investigations and for providing information for requests.

**11 Implications for equalities**

Monitoring customer feedback provides an important source of assurance that council services are fair, equitable and free from discrimination and harassment.

**12 Author and contact officer**

Karen Denton, Principal Corporate Support Manager

**13 Consultees**

Monitoring Officer  
Senior Management Team  
Principal Managers

**14 Background papers**

Electronic files held within Corporate Support.  
Customer files held within service areas.

**Complaints received by Service Area**

**Appendix A**

**Environment (Wellingborough Norse) – Bernard Gallyot**

Service	Nature of complaint		Upheld/ justified	Replied to within 12 days	Improvements/ Lessons Learnt?
	Service Quality	Staff			
Customer Service	3	0	3	3	Customer service skills improved
Grounds	3	0	2	3	Measures taken to avoid problem re-occurring
Refuse	19	1	8	20	Arrangements made to prevent future problems  Increased site visits for inspections
Street Cleansing	3	0	3	3	
<b>Total</b>	<b>28</b>	<b>1</b>	<b>16</b>	<b>29</b>	

**Finance – Head of Service: Liz Elliott**

Service	Nature of complaint		Upheld	Replied to within 12 days	Improvements/ Lessons Learnt?
	Service Quality	Staff			
Liz Elliott	0	0	0	n/a	n/a
Accountancy	0	0	0	n/a	n/a
Revenue & Benefits	3	2	1	5	Staff reminded of expected conduct; additional training provided Changes made to website
<b>Total</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>5</b>	

## Planning and Local Development – Head of Service: Julie Thomas

Service	Nature of complaint		Upheld	Replied to within 12 days	Improvements/ Lessons Learnt?
	Service Quality	Staff			
Julie Thomas	1	0	0	1	n/a
Housing	3	1	0	4	Customer service skills improved
Health Protection	0	0	0	n/a	n/a
Environmental Protection	1	0	0	1	New notice template produced to aid public understanding
Planning Policy & Regeneration	8	0	1	8	(Complaints regarding street trading pitches)
Technical Team	1	0	0	1	n/a
<b>Total</b>	<b>14</b>	<b>1</b>	<b>1</b>	<b>15</b>	

## Resources – Head of Service: Bridget Gamble

Service	Nature of complaint		Upheld	Replied to within 12 days	Improvements/ Lessons Learnt?
	Service Quality	Staff			
Bridget Gamble	0	0	0	n/a	n/a
Democratic Services	2*	0	1	2	n/a
Organisational Development	0	0	0	n/a	n/a
Community Support	0	0	0	n/a	n/a
Property & Facilities	0	0	0	n/a	n/a
<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	n/a

\*one of the complaints also related to Environmental Protection

**Freedom of Information and Environmental Information Regulations  
Breakdown of Requests 1 October 2016 to 31 March 2017**

<b>Service</b>	<b>Number of Requests</b>	<b>Answered within Statutory Deadline</b>	<b>Over 20 days</b>
Environment (Norse)	22	22	0
Finance	83	81	2
Planning and Local Development	221	219	2
Resources (Inc. ICT)	62	59	3
All Services	12	11	1
<b>Total</b>	<b>400</b>	<b>392</b>	<b>8</b>

(There were 63 further requests received for information held by Northamptonshire County Council and all were re-directed within the statutory deadline.)

<b>Requester Breakdown</b>	<b>Number</b>	<b>%</b>
General Public	132	33
Business Representative	221	55
Media	34	8
Charity	1	0.5
Local Government	11	3
Researcher (Including Students)	1	0.5
<b>Total</b>	<b>400</b>	<b>100</b>