

**Report of Assistant Director****PERFORMANCE: COMPLIMENTS, COMMENTS AND COMPLAINTS AND FREEDOM OF INFORMATION – 1 OCTOBER 2018 TO 31 MARCH 2019****1 Purpose of report**

- 1.1 To inform the committee of the council's performance, including Wellingborough Norse, during the second half 2018-19 in handling customer feedback, including complaints which have been referred to the Local Government and Social Care Ombudsman (LGSCO). 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 98% (100% for 2017/18). The performance does not include those complaints referred by the LGSCO, 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% (98% for 2017/18).

**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 LGSCO. This report also contains details of complaints which have been received by the LGSCO. Depending on the circumstances, the

LGSCO will consider whether the council has had reasonable opportunity to investigate the complaint within its own procedures. If not, the LGSCO 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 28 compliments received as follows:

<b>Service</b>	<b>Number of Compliments Received (Same period last year)</b>
Environment (Wellingborough Norse)	25 (37)
Finance	2 (4)
Planning & Local Development	1 (1)
Resources	0 (1)
<b>Total</b>	<b>28 (43)</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 for this period. For the same period last year, no comments were received.

### Complaints

- 6.4 During this period the council received 37 complaints, of which 98% were responded to 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 37 complaints received, one was dealt with at Stage 2 of the council's process. Five of the complaints received by the council were upheld. Of the overall 37 complaints, ten were complaints made against Wellingborough Norse. Of these, four were upheld.

<b>Service</b>	<b>Number of Complaints Received</b>	<b>Completed</b>	<b>Within Target</b>
Environment (Wellingborough Norse)	13	13	13
Finance	10	10	10
Planning and Local Development	12	12	11
Resources	2	2	2
<b>Total</b>	<b>37</b>	<b>37</b>	<b>36</b>

- 6.6 For the same period last year a total of 39 complaints were received, of which 100% were responded to within target.
- 6.7 There complaints for Environment mainly were related to refuse including littering, fly tipping and bin collection.
- 6.8 Planning and Local Development received the next highest number of complaints (12); most of these related to housing with the remainder relating to building control and environmental protection. The housing complaints related to keyways and housing support with only one complaint being upheld. None of the other complaints across the service area were upheld.
- 6.9 The complaints against Finance all related to the Revenue and Benefits service.

### **Local Government and Social Care Ombudsman (LGSCO)**

- 6.10 During this period, there was one complaint received via the LGSCO which was investigated and related to a housing matter. The council identified that it had been at fault and took action to rectify the matter whilst the investigation was underway. This has now been concluded; the LGSCO agreed that the council was at fault and the remedy for this was to provide an apology to the customer, pay £2,000 compensation and ensure procedures for seeking medical advice were fit for purpose and properly applied.

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

- 6.11 The council received 288 requests for information under FOI, nine requests for information under Sections 29 and 35 of the Data Protection Act and 137 requests under the Environmental Information Regulations. There were six data subject access requests.
- 6.12 The combined total of requests made under the Freedom of Information Act and Environmental Information Regulations was 425. Of these, 98% were completed within the statutory deadline.
- 6.13 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.

- 6.14 For the same period last year the council received 259 requests for information under FOI, 14 requests for information under Sections 29 and 35 of the Data Protection Act and 151 requests under the Environmental Information Regulations. Of these, 98% were answered within the statutory deadline.

## **Transparency**

- 6.15 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.
- 6.16 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

- 6.17 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 (DPA) provided for the regulation of the

processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. However, the General Data Protection Regulation was enforced on 25 May 2018 and supersedes the DPA bringing tighter controls and measures on the handling of personal data.

- 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 LGSCO investigations may recommend a financial settlement by way of compensation being paid to the customer. During 2018-19, the council paid £2,000 in compensation to one 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.
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, Assistant Director

**13. Background papers**

Electronic files held within Corporate Support.  
Customer files (electronic and hard copy) held within service areas.

## Complaints received by Service Area

## Environment (Wellingborough Norse)

Service	Nature of complaint		Upheld	Replied to within 12 days
	Service Quality	Staff		
Customer Service	0	0	0	0
Grounds	2	1	2	3
Refuse	8	0	2	8
Street Cleansing	2	0	1	2
<b>Total</b>	<b>12</b>	<b>1</b>	<b>5</b>	<b>13</b>

## Finance

Service	Nature of complaint		Upheld	Replied to within 12 days
	Service Quality	Staff		
Accountancy	0	0	0	0
Revenue & Benefits	6	4	2	10
<b>Total</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>10</b>

## Planning and Local Development

Service	Nature of complaint		Upheld	Replied to within 12 days
	Service Quality	Staff		
Health Protection	0	0	0	0
Environmental Protection	2	0	0	1
Housing	5	2	1	7
Planning Policy & Regeneration	0	0	0	0
Technical Team	0	0	0	0
Planning & Building Control	3	0	0	3
<b>Total</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>11</b>

## Resources

Service	Nature of complaint		Upheld	Replied to within 12 days
	Service Quality	Staff		
Democratic Services	1	1	1	2
Community Support	0	0	0	0
Organisational Development	0	0	0	0
Property & Facilities	0	0	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>

## Appendix B

### Freedom of Information and Environmental Information Regulations Breakdown of Requests 1 October 2018 to 31 March 2019

Service	Number of Requests	Answered within Statutory Deadline	Over 20 days
Environment (Norse)	24	24	0
Finance	90	86	4
Planning and Local Development	202	202	0
Resources (Inc. ICT)	55	52	3
All Services	17	17	0
Non BCW*	37	37	0
<b>Total</b>	<b>425</b>	<b>418</b>	<b>7</b>

\*of the non-Borough Council of Wellingborough requests, all 37 were for information held by Northamptonshire County Council.

Requester Breakdown	Number	%
General Public	131	31
Business Representative	244	57
Media	32	7
Charity	4	1.5
Local Government	12	3
Researcher (Including Students)	2	0.5
<b>Total</b>	<b>425</b>	<b>100%</b>