

**Report of Assistant Director****PERFORMANCE: COMPLIMENTS, COMMENTS AND COMPLAINTS AND FREEDOM OF INFORMATION – 1 OCTOBER 2019 TO 31 MARCH 2020****1 Purpose of report**

- 1.1 To inform the committee of the council's performance, including Wellingborough Norse, during the second half 2019-20 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 95% (98% for the same period last year). 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 last year).

**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 27 compliments received as follows:

| <b>Service</b>                     | <b>Number of Compliments Received<br/>(Same period last year)</b> |
|------------------------------------|---|
| Environment (Wellingborough Norse) | 20 (25)   |
| Finance                            | 2 (2)   |
| Planning & Local Development       | 4 (1)   |
| Resources                          | 1 (0)   |
| <b>Total</b>                       | <b>27 (28)</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 were no comments received for this period. For the same period last year, one comment was received.

### Complaints

- 6.4 During this period the council received 34 complaints, of which 95% 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 34 complaints received, none were dealt with at Stage 2 of the council's process. Seven of the complaints received by the council were upheld. Of the overall 34 complaints, one was a complaint made against Wellingborough Norse, which was upheld.

| <b>Service</b>                     | <b>Number of Complaints Received</b> | <b>Completed</b> | <b>Within Target</b> |
|------------------------------------|--------------------------------------|------------------|----------------------|
| Environment (Wellingborough Norse) | 7                                    | 7                | 7                    |
| Finance                            | 11                                   | 11               | 11                   |
| Planning and Local Development     | 14                                   | 14               | 12                   |
| Resources                          | 2                                    | 2                | 2                    |
| <b>Total</b>                       | <b>34</b>                            | <b>34</b>        | <b>32</b>            |

- 6.6 For the same period last year a total of 37 complaints were received, of which 98% were responded to within target.
- 6.7 For this period, Planning & Local Development received the highest number of complaints (14). These were comprised predominantly of Housing & Environmental Protection Complaints; with objections raised regarding the handling of noise nuisance complaints.
- 6.8 There was no particular pattern for complaints received against other service areas; although of all complaints connected to Finance, all were related to Revenue & Benefits.

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

- 6.9 During this period, there were six complaints received via the LGSCO.
- one was a revenue and benefits matter that was premature as it had not exhausted the council's complaints process;
  - two related to the planning service both of which were not investigated as no significant personal injustice had been caused;
  - one related to a property matter that the LGSCO would not consider as the complainant had access to a legal remedy;
  - one related to anti social behavior that had also not exhausted the council's complaints process;
  - one related to a housing case that is still with the LGSCO pending next steps.

Whilst this report relates to the September 2019 to March 2020 period, it is worth noting that during the pandemic, the LGSCO paused the handling and progression of complaints in recognition of the additional burden that authorities were facing. However, they have now resumed business as usual.

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

- 6.10 The council received 319 requests for information under FOI, two requests for information under Sections 29 and 35 of the Data Protection Act and 139 requests under the Environmental Information Regulations. There were six data subject access requests.

- 6.11 The combined total of requests made under the Freedom of Information Act and Environmental Information Regulations was 458. 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 last year 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. Of these, 98% 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 (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 Ombudsman investigations may recommend a financial settlement by way of compensation being paid to the customer. There have been no compensation payments made during 2019-20.
- 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.   |

| Nature of risk  | Consequences if realised                       | Likelihood of occurrence | Control measures   |
|---|--|--------------------------|--|
| 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

Appendix A

### Environment (Wellingborough Norse): Six complaints reported directly to BCW

| Service          | Nature of complaint |          | Upheld   | Replied to within 12 days |
|------------------|---------------------|----------|----------|---------------------------|
|                  | Service Quality     | Staff    |          |                           |
| Customer Service | 0                   | 0        | 0        | 0                         |
| Grounds          | 2                   | 0        | 0        | 2                         |
| Refuse           | 4                   | 0        | 3        | 4                         |
| Street Cleansing | 0                   | 0        | 0        | 0                         |
| <b>Total</b>     | <b>6</b>            | <b>0</b> | <b>3</b> | <b>6</b>                  |

### Environment (Wellingborough Norse): One complaint reported directly to Norse

| Service          | Nature of complaint |          | Upheld   | Replied to within 12 days |
|------------------|---------------------|----------|----------|---------------------------|
|                  | Service Quality     | Staff    |          |                           |
| Customer Service | 0                   | 0        | 0        | 0                         |
| Grounds          | 0                   | 0        | 0        | 0                         |
| Refuse           | 1                   | 0        | 1        | 1                         |
| Street Cleansing | 0                   | 0        | 0        | 0                         |
| <b>Total</b>     | <b>1</b>            | <b>0</b> | <b>1</b> | <b>1</b>                  |

## Finance

| Service            | Nature of complaint |          | Upheld   | Replied to within 12 days |
|--------------------|---------------------|----------|----------|---------------------------|
|                    | Service Quality     | Staff    |          |                           |
| Accountancy        | 0                   | 0        | 0        | 0                         |
| Revenue & Benefits | 10                  | 1        | 2        | 11                        |
| <b>Total</b>       | <b>10</b>           | <b>1</b> | <b>2</b> | <b>11</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       | 4                   | 1        | 0        | 5                         |
| Planning Policy & Regeneration | 1                   | 0        | 0        | 1                         |
| Technical Team                 | 0                   | 1        | 0        | 1                         |
| Housing                        | 6                   | 1        | 1        | 5                         |
| Community Support              | 0                   | 0        | 0        | 0                         |
| Planning & Building Control    | 0                   | 0        | 0        | 0                         |
| <b>Total</b>                   | <b>11</b>           | <b>3</b> | <b>1</b> | <b>12</b>                 |

## Resources

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



## Appendix B

### Freedom of Information and Environmental Information Regulations Breakdown of Requests 1 October 2019 to 31 March 2020

| <b>Service</b>                 | <b>Number of Requests</b> | <b>Answered within Statutory Deadline</b> | <b>Over 20 Days</b> |
|--------------------------------|---------------------------|---|---------------------|
| Environment (Norse)            | 44                        | 44  | 0                   |
| Finance                        | 79                        | 79  | 0                   |
| Planning and Local Development | 258                       | 254                                       | 4                   |
| Resources (Inc. ICT)           | 29                        | 26  | 3                   |
| All Services                   | 9                         | 5   | 4                   |
| Non BCW*                       | 39                        | 39  | 0                   |
| <b>Total</b>                   | <b>458</b>                | <b>447</b>                                | <b>11</b>           |

\*of the non-Borough Council of Wellingborough requests, all 39 were for information held by Northamptonshire County Council.

| <b>Requester Breakdown</b>      | <b>Number</b> | <b>%</b>    |
|---------------------------------|---------------|-------------|
| General Public                  | 142           | 30          |
| Business Representative         | 256           | 56          |
| Media                           | 37            | 8           |
| Charity                         | 5             | 1           |
| Local Government                | 11            | 3           |
| Researcher (Including Students) | 7             | 2           |
| <b>Total</b>                    | <b>458</b>    | <b>100%</b> |