

# Chichester District Council

## CORPORATE GOVERNANCE & AUDIT COMMITTEE 28 September 2017

### Complaints, Freedom of Information Requests and Data Protection Analysis Review 2016/17

#### 1. Contacts

Report Author

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#### 2. Recommendation

**The committee is requested to consider the information provided in this report and to make any appropriate recommendations as to future monitoring arrangements to identify business improvement where appropriate.**

#### 3. Background

3.1 The Corporate Governance and Audit Committee receive an annual analysis of all formal complaints and compliments, freedom of information requests and data subject access requests received by the authority, together with a summary of the Local Government Ombudsman's Annual Report.

3.2 The Council's complaints procedure

The complaints procedure has three stages:

Stage 1 – Initial complaint investigated by the Manager responsible for the service team.

Stage 2 – If the customer is dissatisfied with the response to stage 1, the investigation is reviewed by the Head of Service for that team.

Stage 3 – If the customer is dissatisfied with response to stage 2, they are offered the opportunity to seek an independent investigation by the Local Government Ombudsman.

3.3 From April 2016 – March 2017 the Council received 124 complaints. 91% of those were responded to within the 10 day target date.

3.4 This year has seen a decrease in complaints of 17.7%. Stage 1 complaints have decreased by 8.2%; Stage 2 complaints by 28%; Ombudsman complaints by 77.8%. The Council still receive a relatively low number of formal complaints, considering services we supply.

Analysis of complaints over the last three years is attached as Appendix 2.

3.5 The annual report letter from the Ombudsman shows the number of complaints received for Chichester as 20, 13 of these have been decided.

Of the decided complaints, 1 complaint was upheld, 2 complaints investigated and not upheld, 4 were closed after initial enquiries, 6 were referred back to the Council to resolve. If you would like to view their decisions please use this link to their website

<http://www.lgo.org.uk/decisions>.

3.6 A planning complaint was upheld the decision is not available to view on the website as it may have identified the complainant. This is a summary of decision; The Council was at fault in failing to re-notify of receipt of amended plans relocating a dormer window. The customer did not suffer significant injustice. Officers properly assessed whether there would be an unacceptable increase in overlooking of her garden.

3.7 All complaints are recorded, categorised and monitored by Customer Services. During the preceding 3 years, the percentage of complaints have related to the following categories:

Procedures/Enforcement; Quality of Service; Officer Conduct; Officer Decision; Committee Decision.

The percentage of officer conduct complaints, quality of service has increased. However officer decision and procedure enforcements complaints have reduced.

Compliments are also recorded. Service teams have received 52 compliments by letter or email.

#### **4. Learning Points**

4.1 Complaints and comments from customers can be an opportunity to make changes or service improvements. Examples of some of the learning points and improvements made as a result of these during 2016/17 include:

- Following feedback from customers, Parking Services have invested in new pay and display machines this year to improve the reliability of the equipment used to pay for parking. The new machines now offer customers further ways to pay for their parking by accepting cash, card and contactless payments.
- We have also introduced a telephone, text and an app for paying for this service. We have improved our online services to allow customers 24/7 access to our services. For example customers can now apply for the green waste service online.

#### **5. Outcomes to be achieved**

5.1 The primary purpose of investigating complaints is to resolve customer dissatisfaction where possible. However, by recording and monitoring the nature of complaints, it is possible to identify trends or address issues to avoid future complaints and to improve service delivery and/or to contribute to a review of policy.

- 5.2 Each Head of Services has access to monthly reports containing the detail of all complaints received and their service areas performance in dealing with each complaint.
- 5.3 Not all customers wish to formalise their complaint but it is important for us as an organisation to understand areas where there is dissatisfaction and to try to rectify it. To this end, other channels of feedback and performance monitoring are made available with mechanisms in place to address issues:-
- The website has a generic email account called CDC Complaints. Often customers will use this to report an issue. These are forwarded to the appropriate service area to contact the customer and deal with the request.
- 5.4 The website has the option to provide feedback on usability and usefulness on each page. This information is fed back to the service areas responsible for the appropriate page.
- 5.5 The Customer Service Centre undertakes monthly performance monitoring with customers contacting the Council by telephone and those visiting the Reception Service. This information is used to identify areas where service improvements may be made.
- 5.6 All telephone calls to the Customer Service Centre are recorded and monitored. These recordings are used to mentor and train staff with a view to improving quality of service.
- 5.7 The Council have a Facebook and Twitter account which is a quick and easy way for customers to make contact and provide feedback.

## **6. Freedom of Information Requests**

- 6.1 The Freedom of Information (FOI) Act gives people the right to ask the Council for recorded information they have on any subject. If the request relates to environmental information, this will be handled under the Environmental Information Regulations (EIRs). We are required to reply within strict deadlines, giving the information requested, or explaining why we cannot provide that information
- 6.2 The Customer Services team administers the FOI process.
- 6.3 From April 2016 – March 2017 667 requests for information were received; 92 of these were redirected to other agencies.
- 6.4 92% of the Requests were answered within the 20 working day deadline.
- 6.5 The number of requests received can take up a great deal of officer time in collating the responses. Many requests continue to be received from the press or from commercial organisations. The legislation does not provide for the Council to recover costs for the officer time involved unless the estimated staff costs involved locating or compiling the information exceeds £450. Under these circumstances, we can refuse the request on grounds of cost, or charge the applicant £25 per hour for the estimated work.

6.6 From the recorded information we have identified our most popular requests are as follows;

- Public health funerals
- Information regarding non domestic rates
- This information is published on our website and customers are directed by Customer Services.

## **7. Data Protection Requests**

7.1 The Data Protection Act 1998 provides individuals with the right to access their personal information. In 2016-17 the Council received 9 requests from customers asking for their personal information and 18 requests from other agencies such as the Police and HMRC.

7.2 In May 2018 the Data Protection Act will be replaced by the General Data Protection Regulations. GDPR introduces new obligations for organisations that handle data about EU citizens, whether that organisation is located in the EU or not. It applies to all companies worldwide that process personal data of EU citizens. Although much of it mirrors the requirements under the DPA, the GDPR introduces new accountability obligations and stronger rights and restrictions on data sharing. For customers, they will no longer be required to pay for this information which may increase the number of requests we receive in the future. Customers will also have the right to have their information erased from systems and records if the Council no longer need it and do not have a statutory obligation to retain it (such as Council Tax). Failure to comply with the Regulations can result in significant fines from the Information Commissioner. A corporate project group is currently preparing for these changes to ensure that with effect from 25 May 2018, the Council are compliant and staff are briefed and trained on the new Regulations. Post Brexit GDPR will still be applicable. If the UK wishes to trade with the single market, it will need to have equivalent data protection standards.

## **8. Improvements to Procedures and Publications**

Utilise reports from Customer Services to publish more information on our website enabling customers to self-serve.

## **9. Proposal**

9.1 To continue with existing monitoring and recording of formal complaints, freedom of information and subject data access requests.

9.2 To continue to provide feedback on performance to service areas to provide opportunity to improve service delivery.

9.3 To continue to provide performance monitoring within the Customer Service Centre to gain customer insight and improve service delivery.

## **10. Alternatives that have been considered**

None

## **11. Resource and legal implications**

There is a legal obligation to comply with the Freedom of Information and Data Protection Acts. Compliance does require a significant amount of staff time. However the Customer Services Manager and Head of Business Improvement Services have gained a Practitioner qualification for Freedom of Information to help assist and advise staff in dealing with requests.

**12. Consultation**

None

**13. Community impact and corporate risks**

None.

**14. Other Implications**

	<b>Yes</b>	<b>No</b>
<b>Crime and Disorder:</b>		X
<b>Climate Change</b>		X
<b>Human Rights and Equality Impact</b>	x	
<b>Safeguarding</b>		X
<b>Other (please specify) eg biodiversity</b>		x

**15. Appendices**

- 15.1 Formal Complaints Procedure
- 15.2 Graphical Analysis of Complaints and FOI/EIR Requests
- 15.3 General Description of complaints received
- 15.4 FOI/EIR Procedure

**16. Background Papers**

None