



AUDIT COMMITTEE – 28TH JANUARY 2020

SUBJECT: SIX MONTHLY UPDATE ON THE NUMBER OF COMPLAINTS RECEIVED UNDER THE COUNCIL'S CORPORATE COMPLAINTS POLICY

REPORT BY: HEAD OF DEMOCRATIC SERVICES & DEPUTY MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide Members with an update on the number of complaints received under the Corporate Complaints Policy for the period 1st April 2019 to 30th September 2019.
- 1.2 To update Members on the use of the Policy and Procedure to deal effectively with unacceptable, persistent or unreasonable actions by complainants.

2. SUMMARY

- 2.1 To provide members with an overview of the corporate complaints, which is one of the ways in which the Council gains information on the level of satisfaction or dissatisfaction of the services provided corporately by the Council. The result of the monitoring enables each department to focus on areas of concern, to improve services and to monitor performance and ensure that any trends in issues raised are identified and dealt with so as to be avoided in the future.
- 2.2 To update Members on the implementation of the Policy and Procedure to deal effectively with unacceptable, persistent or unreasonable actions by complainants.

3. RECOMMENDATIONS

- 3.1 It is recommended that Members note the contents of the report.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To monitor the complaints process to ensure effective delivery of Council services.

5. THE REPORT

- 5.1 The Council's Corporate Complaints Policy was adopted on 1st April, 2013, in order to reflect the model policy introduced by the Welsh Government at that time and was amended and updated in January 2016 and is available on the Council's website.

- 5.2 This Committee has received regular Reports on the complaints received under the Policy, details of which are set out in the background papers.
- 5.3 This report provides an update on the complaints received for the six month period 1st April, 2019 to 30th September, 2019.
- 5.4 Moving forward the Committee is advised that the Public Services Ombudsman for Wales has gained new powers under the Public Services Ombudsman for Wales Act 2019 which received Royal Assent in May 2019. The new Act makes it easier for people to complain, removing the barrier that a complaint to the Ombudsman must be in writing. For example, people can complain orally or through British Sign Language. It also allows the Ombudsman to start his own investigations (known as own-initiative investigations) without receiving a formal complaint where there is evidence to suggest there could be a wider public interest issue. A new Improvement Team has been introduced at the Ombudsman's office who will take on the "own initiative" investigations and will be in charge of a newly formed Complaints Standards Authority. The Complaints Standards Authority will develop standards for complaints handling across the bodies within the Ombudsman's jurisdiction and will gather data to identify trends and patterns in public service delivery. In addition it will offer training and support to complaints handlers in public bodies to support learning from complaints.

In addition, under the previous 2005 Public Services Ombudsman for Wales Act, a person had to make separate complaints to different organisations for public and private health treatment. The 2019 Act allows the Ombudsman to consider both the private and public elements, if without doing so, the Ombudsman is unable to completely investigate the relevant action by the public service provider.

The 2019 Act also includes provisions to enable a new Complaints Handling Process to be introduced. The Ombudsman's office has recently consulted on the new proposals, the outcome of which is currently under consideration. This Committee will receive a further update in the coming months on the proposal to adopt a new Complaints process prior to its presentation to Cabinet for formal adoption.

5.5 **Six Monthly Review of Corporate Complaints**

- 5.5.1 The data referred to below represents the number of complaints received from 1st April, 2019 to 30th September, 2019 for each Directorate referred to, together with an overview of the response timescales.
- 5.5.2 In addition, the complaints data captured includes the outcome of each complaint, namely whether a complaint has been upheld, not upheld or partially upheld. An overview of the outcomes in respect of Stage 1 complaints are set out in paragraph 5.5.4(c) and an overview of the outcomes in respect of Stage 2 Complaints are set out in paragraph 5.5.4 (g) below.
- 5.5.3 The total number of corporate complaints received across the Authority during this period is **164** comprising the following:-

**total number of complaints received
1st April 2019 – 30th September 2019**

Corporate	12
Education	2
Communities*	87
Housing	39
Social Services	22
Other (cross Directorate)	<u>2</u>
	164

*formerly known as Environment

5.5.4 A breakdown of the types of complaints are summarised as follows:

(a) **Stage 1 Corporate Complaints**

Corporate Services	11
Education	2
Communities	75
Housing	35
Social Services	21
Other (cross directorate)	<u>-</u>
Total	144

(b) The total number of complaints received at Stage 1 were 144; of those 128 were responded to within timescale, 14 were outside the timescale and 2 did not proceed.

(c) Of those 144 Stage 1 complaints 32 were upheld, 84 were not upheld, 26 were partially upheld and 2 did not proceed. The breakdown of outcomes for each Directorate is listed below:

Outcomes of Stage 1 Complaints

	Upheld	Not Upheld	Partially Upheld	Did Not Proceed
Corporate Services	2	8	0	1
Education	0	1	1	0
Communities	27	26	21	1
Housing	2	29	4	0
Social Services	1	20	0	0
Other (cross Directorate)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	32	84	26	2

(d) **Stage 2 Corporate Complaints**

Corporate Services	2
Education	0
Communities	32
Housing	20
Social Services	2
Other (cross directorate)	<u>2</u>
	58

- (e) The total number of complaints dealt with at Stage 2 was 58 of those 55 were responded to within timescale and 3 did not meet the response deadline.
- (f) Of the Stage 2 complaints dealt with, 20 were commenced at Stage 2 and 38 were escalated from Stage 1 to Stage 2; 1 within Corporate Services, 16 within Housing, 1 within Social Services and 20 within the Communities directorate.
- (g) Of the 58 Stage 2 complaints responded to 9 were upheld, 37 were not upheld, 11 were partially upheld and 1 is ongoing. The breakdown of outcomes for each Directorate is listed below.

Outcomes of Stage 2 Complaints

	Upheld	Not Upheld	Partially Upheld	Did Not Proceed	Ongoing
Corporate Services	0	2	0	0	0
Education	0	0	0	0	0
Communities	8	17	6	0	1
Housing	1	15	4	0	0
Social Services	0	1	1	0	0
Other (cross directorate)	0	2	0	0	0
	<u>9</u>	<u>37</u>	<u>11</u>	<u>0</u>	<u>1</u>

5.5.5 Members will note that 14 stage 1 complaints were not responded to within the required timescale, and 3 at Stage 2. The response times are being monitored and complaints officers have been asked to remind staff of the requirements to comply with the timescales and where this is not possible to seek agreement from the customer to extend the deadline for providing the response.

5.6 Review of Trends and Types of Complaints

5.6.1 There have been no trends identified, although it has been recognised that a large proportion of complaints dealt with by the Communities Directorate during this reporting period relates to waste services. The issues cover a cross section of matters including food waste, general waste, green bags, non- collection of general waste and commercial waste, changes to a specific waste collection service in the borough and assisted collections. Whilst these issues represented a large proportion of the matters dealt with as formal complaints, it must be borne in mind that the waste collection service is provided to residential and commercial properties throughout the County Borough and overall 10 million collections are undertaken each year. Nevertheless, irrespective of the number of complaints, officers have reviewed the reasons for the complaints and have identified that they are not isolated or systemic issues but rather a cross section of issues including the following; breakdown of vehicles, issues beyond the Council's control (such as parked cars obstructing the route for the refuse vehicle), administrative errors, the round had been reviewed, a change in vehicle and human error. A review of the Waste Service is nearing conclusion and arising from the review new processes and systems are being implemented in order to improve the service provided to the community, including investment in end to end digital processes designed to improve customer interaction and enhance service delivery.

5.6.2 Other types of complaints received during this six month period have been wide ranging for example hygiene in care home, hospital discharge, foster care finance, grass cutting, tree issue, a land issue, noise nuisance, street signs, overgrowth on footpath, dog waste bins, school transport, WHQS works, allocations, rent arrears, early years additional support, housing application, garages, rats at property and parking enforcement.

5.7 Ombudsman Referrals

5.7.1 Since the last report to Audit Committee 23 complaints have been referred to the Ombudsman, 5 of which related to complaints dealt with under the separate Social Services Complaints Procedure which is outside the remit of this report. However for completeness all 5 were made prematurely but 2 early resolutions (quick fixes) were agreed. In relation to Corporate Complaints referred to the Ombudsman, there was 1 within Corporate, 5 within Housing, 9 within Communities & Leisure and 3 within Social Services. Of these 18 referrals 5 were made prematurely (ie without exhausting the Council's Corporate Complaints process), the Ombudsman decided not to investigate 12 of the referrals and 1 was taken into investigation.

6.1 Update On The Use Of A Vexatious Complainants Policy

6.1.1 Members are advised that there have been no referrals made under this policy, although the officer hearing from Complaints Group will continue to monitor its use. The Group however acknowledge that it is a useful aide in dealing with potential vexatious complainants.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 Monitoring of the Council's corporate complaints and successful resolution of those complaints contributes to the following Well Being goals within the Well-being of Future Generations Act (Wales) 2015 as it supports the provision of higher quality and more effective services to the public across all service areas. In addition monitoring provides information on the level of satisfaction of the services provided corporately by the Council. The result of the monitoring enables each department to focus on areas of concern to improve services and to monitor performance, ensure that any trends or issues raised are identified and dealt with so as to be avoided in the future and to ensure that corporate complaints are dealt with consistently and fairly across all service areas.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities and thriving Welsh Language
- A globally responsible Wales

8. WELL-BEING OF FUTURE GENERATIONS

8.1 This report contributes to the Wellbeing Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the monitoring of the Council's corporate complaints handling across all service areas enables departments to focus on areas

of concern, to improve services and to monitor performance to ensure that any issues raised are identified and dealt with so as to be avoided in future.

9. EQUALITIES IMPLICATIONS

- 9.1 Monitoring of complaints via the Corporate Complaints policy addresses the Council's statutory duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Welsh Language Measure (Wales) 2011 in two ways. It addresses specific complaints to the Council around alleged discrimination by service areas and also addresses the monitoring of complaints from people who fall under the categories protected by the statutory duties.
- 9.2 The full details of these issues (that cover wider matters than are recorded as Corporate Complaints in this report) are included in the annual reports provided to the Equalities and Human Rights Commission and the Welsh Language Commissioner's Office. Policy and Resources Scrutiny and cabinet consider these reports prior to being published.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications associated with this report.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no personnel implications associated with this report.

12. CONSULTATIONS

- 12.1 The views of the consultees have been incorporated into this report.

13. STATUTORY POWER

- 13.1 Public Services Ombudsman for Wales Act 2005 & 2019
Local Government Act 1972-2003.

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Background Papers:

Report to Audit Committee 11th June 2019 – Annual Review of Complaints received under the Council's Corporate Complaints Policy

Report to Audit Committee 24th July 2018 – Annual Review of Complaints received under the Council's Corporate Complaints Policy

Report to Audit Committee 30th January 2018 Update on the number of complaints received under the Council's Corporate Complaints Policy

Report to Audit Committee 14th June, 2017 – Update on the number of complaints received under the Council's corporate complaints policy

Report to Audit Committee 14th December, 2016 – Update on the numbers of complaints received under the Council's corporate complaints policy

Report to Audit Committee 9th March, 2016 - Update on the numbers of complaints received under the Council's corporate complaints policy

Report to Audit Committee 9th September, 2016 - Update on the numbers of complaints received under the Council's corporate complaints policy

Report to Audit Committee 11th March, 2015 - Update on the numbers of complaints received under the Council's corporate complaints policy

Report to Audit Committee 10th September, 2014 - Update on the numbers of complaints received under the Council's corporate complaints policy

Report to Audit Committee 5th March, 2014 - Update on the numbers of complaints received under the Council's corporate complaints policy

Report to Audit Committee 17th September, 2013 - Update on the numbers of complaints received under the Council's corporate complaints policy.