



## **AUDIT COMMITTEE – 26TH JANUARY 2021**

**SUBJECT: SIX MONTH 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 1<sup>st</sup> April 2020 to 30<sup>th</sup> September 2020.
- 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 1<sup>st</sup> 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. This Committee has received regular annual and six-monthly reports on the complaints received under the Policy.
- 5.3 This report provides an update on the complaints received for the six-month period 1<sup>st</sup> April 2020 to 30<sup>th</sup> September 2020.

- 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 is gathering data to identify trends and patterns in public service delivery. In addition, this body offers training and support to complaints handlers in public bodies to support learning from complaints which has already been taken up by officers at Caerphilly and will continue in February.

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 Public Services Ombudsman for Wales has recently issued guidance and a requirement for authorities to review their complaints procedure and update them in accordance with the new guidance by April this year. 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 1<sup>st</sup> April 2020 to 30<sup>th</sup> September 2020 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 5.5.5 and an overview of the outcomes in respect of Stage 2 Complaints are set out in paragraph 5.5.7 below.
- 5.5.3 The total number of corporate complaints received across the Authority during this period is **74** comprising the following:-

Corporate	4
Education	0
Communities (formerly known as Environment)	25
Housing	22
Social Services	23
Other (cross directorate)	0
<b>Total</b>	<b>74</b>

## Stage 1 Complaints

- 5.5.4 The total number of complaints received at Stage 1 were 66; of those 49 were responded to within timescale and 10 outside the timescale and 7 did not proceed. The number of Stage 1 complaints broken down by each directorate are as follows:

Corporate Services	3
Education	0
Communities	21
Housing	19
Social Services	23
Other (cross directorate)	0
<b>Total</b>	<b>66</b>

- 5.5.5 Of the 66 Stage 1 complaints received, 7 were upheld, 35 were not upheld, 17 were partially upheld and 7 did not proceed. Details of the outcomes for each directorate are as follows:

	<b>Upheld</b>	<b>Not Upheld</b>	<b>Partially Upheld</b>	<b>DNP</b>
Corporate Services	2	1	0	0
Education	0	0	0	0
Communities	0	10	11	0
Housing	4	11	4	0
Social Services	1	13	2	7
Other (cross Directorate)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	7	35	17	7

## Stage 2 Complaints

- 5.5.6 The total number of complaints dealt with at Stage 2 were 25; of those 23 were responded to within timescale and 2 outside the timescale. The number of Stage 2 complaints dealt with in each directorate are as follows:

Corporate Services	1
Education	0
Communities	10
Housing	12
Social Services	2
Other (cross directorate)	<u>0</u>
<b>Total</b>	<b>25</b>

- 5.5.7 Of the Stage 2 complaints dealt with, 8 were commenced at Stage 2 and 17 were escalated from Stage 1 to Stage 2; 9 within Housing, 2 within Social Services and 6 within the Communities directorate. Of the 25 Stage 2 complaints responded to 1 was upheld, 20 were not upheld, 4 were partially upheld. Details of the outcomes for each directorate are as follows:

	Upheld	Not Upheld	Partially Upheld	Did Not Proceed
Corporate Services	0	1	0	0
Education	0	0	0	0
Communities	1	8	1	0
Housing	0	9	3	0
Social Services	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>
Other (cross directorate)	1	20	4	0

5.5.8 Members will note that 10 stage 1 complaints and 2 stage 2 complaints were not responded to within the required timescales. The reasons for not meeting the deadlines include work pressures linked to Covid 19 and requirements for staff to re-prioritise workloads to provide community assistance during lockdown, redeployment of staff, initial difficulties relating to remote working, sickness, and annual leave. 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 In terms of the Communities Directorate having reviewed all of the complaints there appears to have been a trend in relation to missed collections. The Waste Management department have faced resource challenges during the pandemic due to increased tonnages which have influenced the collection systems. However, going forward the lessons learned during this period have been to utilise and monitor resource on a regular basis to ensure services are delivered effectively and to undertake and implement a review of collection round size/structure over the next 12-18 months. Other complaints dealt with in this directorate include planning applications, car parking, dog fouling and cleansing and overhanging trees.

5.6.2 In relation to Housing complaints there were no particular trends identified and the complaints received were over a range of services. Public Sector Housing cases related to various issues including reports of Anti-Social behaviour, fencing and re-let decoration standards. Complaints for the Welsh Housing Quality Standards team again varied in nature, but examples include standard of internal electrical works and parking issues with contractors. The Private Housing Sector received complaints relating to grant applications and allocation of properties and the Building Maintenance department reported complaints relating to a heating issue and general repairs to a property.

In relation to the matters that were upheld and partially upheld, the following lessons were learned: Contractors reminded to park considerately whilst working on a property. Officers are also reminded to respond to requests in a timely manner.

5.6.3 The complaints in respect of Social Services were varied in nature and related to both Adult Services and Children's Services, there was no particular trend. The adults complaints referred to residents being unhappy that carers were disposing of PPE equipment outside property and parking dangerously outside, a family member not wanting Social Services to take over finances, a family unhappy with the care provided to parents, being refused a Disabled Persons Parking Place, family

unhappy that late mother's property was under the directorate's supervision and that it was not kept in good condition, staff attitude and the behaviour of staff in a private care home towards the residents.

The children's complaints referred to personal information being shared, grandparents concerned about their grandchildren, concerns raised not being answered by the social work team and the Safeguarding team not being informed of allegations.

In relation to the matters that were upheld and partially upheld, the following lessons were learned:

There should be no delay in referrals to the Safeguarding Team.

The administration process for Disabled Persons Parking Places applications is being reviewed.

Substantive checking and inspection to be carried out in future and documentation to be reviewed in respect of protection of property.

- 5.6.4 In relation to Corporate complaints there were no particular trends, four complaints have been dealt with in this area, two housing benefit complaints, one council tax complaint and one regarding non domestic rates.

## 5.7 Ombudsman Referrals

- 5.7.1 During this reporting period 18 complaints have been referred to the Ombudsman, there were 3 within Housing, 8 within Communities, 5 within Social Services, (2 of which related to the separate social services complaints procedure), one relating to an education appeal which is also dealt with outside of the corporate complaints process and one anonymised referral which officers could not link to a service area.

In terms of the 15 complaints dealt with under the corporate complaints policy 12 were made prematurely, the status of two complaints is unknown and one referral was made following a stage 2 response which was not investigated.

## 6.1 Update On The Use Of A Vexatious Complainants Policy

- 6.1.1 Members are advised that there has been one referral made under this policy and contact from a persistent complainant was restricted but not prevented in its entirety. Officers will continue to use the policy as a useful guide 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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