



## **AUDIT COMMITTEE – 9TH SEPTEMBER 2015**

**SUBJECT: UPDATE ON THE NUMBERS OF COMPLAINTS RECEIVED UNDER THE COUNCIL'S CORPORATE COMPLAINTS POLICY**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND 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 mid January 2015 to 31st July 2015.
- 1.2 To advise Members whether any trends have been identified and if so the action to be taken.
- 1.3 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 are 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 ensure that corporate complaints are dealt with consistently and fairly across all service areas.
- 2.3 To update members on the implementation of the Policy and Procedure to deal effectively with unacceptable, persistent or unreasonable actions by complainants.

### **3. LINKS TO STRATEGY**

- 3.1 Monitoring of the Council's corporate complaints and successful resolution of those complaints supports the provision of higher quality and more effective services to the public across all service areas.

### **4. THE REPORT**

- 4.1 Members will be aware from previous reports presented to Audit Committee that, on 1st April 2013, the Council implemented a new Corporate Complaints Policy (referred to as the Policy in this report) in order to reflect the model policy introduced by the Welsh Government.

- 4.2 The Policy has introduced a two-stage complaints process to be followed within the Council. Stage 1 complaints are intended to be dealt with within 10 working days and Stage 2 within 20 working days. If a complainant remains dissatisfied with the outcome of a Stage 2 response, he/she will have the opportunity to refer the matter to the Public Services Ombudsman for Wales.
- 4.3 Members were advised that a Learning from Complaints Group (referred to throughout this report as “the Group”) had been established, which is chaired by the Interim Monitoring Officer, and includes Complaints Officers from across the Council, the Council’s Senior Policy Officer (Equalities and Welsh Language) and a representative from the Council’s Performance Management Unit.
- 4.4 The Group meet on a quarterly basis in order to consider complaints statistics, identify trends and where appropriate review policies and procedures including the introduction of associated policies and procedures arising from the implementation of the complaints policy.
- 4.5 The result of the monitoring enables each department to focus on main 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. The Group’s findings are then reported to the Audit Committee on a six monthly basis.
- 4.6 This report provides an update on the corporate complaints received for the period mid January 2015 to 31st July 2015.

#### 4.7 **Review of Corporate Complaints**

- 4.7.1 The data referred to below represents the number of complaints received from mid January 2015 to 31st July 2015 for each Directorate referred to, together with an overview of the response timescales.
- 4.7.2 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 4.7.4 (c) and an overview of the outcomes in respect of Stage 2 Complaints are set out in paragraph 4.7.4 (g) below.
- 4.7.3 Members are reminded that the number of complaints listed for Social Services and Education are significantly lower than those of other Directorates such as Housing and the Environment. The reason for the difference is that this report only includes details of corporate complaints received for those service areas. Social Services operate a separate complaints policy for service users. Within Education the respective schools deal with their own complaints. Members have received separate reports on both issues in the past.
- 4.7.4 The total number of corporate complaints received across the Authority during this period is 129 comprising the following: -

	<b>% of total number of complaints received July 2014 - January 2015</b>		<b>% of total number of complaints received January 2015 - July 2015</b>
15 Corporate	16.5	16 Corporate	12.4
3 Education	3.3	1 Education	0.8
28 Environment	30.8	47 Environment	36.4
43 Housing	47.2	60 Housing	46.5
1 Social Services	1.1	4 Social Services	3.1
1 Other (cross Directorate)	1.1	1 Other (cross Directorate)	0.8

4.7.4 A breakdown of the types of complaints are summarised as follows: -

### Stage 1 Corporate Complaints

- |     |   |               |
|-----|---|---------------|
| (a) | <b>Title</b>  | <b>Actual</b> |
|     | Number of Stage 1 complaints received in Corporate Services     | 16            |
|     | Number of Stage 1 complaints received in Education              | 1             |
|     | Number of Stage 1 complaints received in Environment            | 40            |
|     | Number of Stage 1 complaints received in Housing                | 44            |
|     | Number of Stage 1 complaints received in Social Services        | 2             |
|     | Number of Stage 1 complaints received Other (cross directorate) | 0             |
- (b) The total number of complaints received at Stage 1 were 103, of those 88 were responded to within timescale and 10 outside the timescale (9.7%), 5 are ongoing.
- (c) Of the 103 Stage 1 complaints, responded to, 32 have been upheld, 49 were not upheld and 17 have been partially upheld and 5 are ongoing. The breakdown of outcomes for each Directorate is listed below.

#### Outcomes of Stage 1 complaints

	Upheld	Not Upheld	Partially Upheld	Ongoing
Corporate Services	5	5	4	2
Education	0	1	0	0
Environment	18	14	8	0
Housing	9	27	5	3
Social Services	0	2	0	0
Other (cross directorate)	0	0	0	0

### Stage 2 Corporate Complaints

- |     |   |               |
|-----|---|---------------|
| (d) | <b>Title</b>  | <b>Actual</b> |
|     | Number of Stage 2 complaints received in Corporate Services     | 3             |
|     | Number of Stage 2 complaints received in Education              | 1             |
|     | Number of Stage 2 complaints received in Environment            | 13            |
|     | Number of Stage 2 complaints received in Housing                | 28            |
|     | Number of Stage 2 complaints received in Social Services        | 2             |
|     | Number of Stage 2 complaints received Other (cross directorate) | 1             |
- (e) The total number of complaints received at Stage 2 were 48 of those 38 were responded to within timescale and 2 outside the timescale (4.2%) and 8 are ongoing.
- (f) Of the Stage 2 complaints, 26 were commenced at Stage 2 and 22 were escalated from Stage 1 to Stage 2; 3 within Corporate Services, 12 within Housing, 6 within Environment, and 1 within Education.
- (g) Of the 48 Stage 2 complaints responded to, 17 have been upheld, 18 were not upheld, 5 were partially upheld and 8 are ongoing. The breakdown of outcomes for each Directorate is listed below.

#### Outcomes of Stage 2 Complaints

	Upheld	Not Upheld	Partially Upheld	Ongoing
Corporate Services	2	0	0	1
Education	0	1	0	0
Environment	2	6	3	2
Housing	13	8	2	5

Social Services	0	2	0	0
Other (cross directorate)	0	1	0	0

- 4.7.5 Members are asked to note that the number of complaints upheld for Housing at Stage 2 include a significant number of complaints relating to recharges. These complaints have been analysed within the Housing division and as a result, a new recharge policy was introduced and implemented from April 2015. The new policy incorporates a revised appeals procedure and it is anticipated this procedure will provide a more streamlined and uniformed approach to the consideration of recharge appeals, with the inclusion of a Review Panel as the final part of the process. The panel will include a tenant and member representative and will remove recharges from the complaints process. A case study example of a recharge complaint is set out at Appendix 1.
- 4.7.6 Equalities and Welsh Language complaints dealt with under the Corporate Complaints Policy are monitored and reported to members of this committee as part of the overall figures but detailed information also forms part of the statutory annual reporting framework to the Equality and Human Rights Commission and the Welsh Language Commissioner's Office. The Council's Policy and Resources Committee and Cabinet receives an annual report regarding progress against the targets in the Council's Strategic Equality Plan and Welsh Language Scheme, prior to submission to the relevant commission.
- 4.7.7 Members will note that the number of complaints not responded to within the timescales has slightly increased when compared with the data presented in the previous report presented in March 2015 (from 9.4% to 9.7% for stage 1 complaints and 3.2% to 4.2% for stage 2 complaints). There has been an overall increase of 0.3% (from 7.6% to 7.9%) of complaints dealt with outside timescale. However there has been an overall increase in the number of complaints. Complaints Officers from all Directorates have however been asked to remind staff of the importance of responding to complaints within the policy timescales. The response times will continue to be monitored and a further update will be provided in the next six monthly report.
- 4.8 Review of Trends and types of complaints**
- 4.8.1 At the recent meeting of the Group, officers considered the data collected during this reporting period for each specific department however no specific trends could be identified.
- 4.8.2 Again the types of complaints received have been wide ranging for example, street lighting, WHQS works, charges and permits at civic amenity sites. Conditions of leisure centres, personalisation of graves, costs of burial plots and damage to headstones, collection of waste, highway works, use of footpaths, planning processes, consultation of the Local Development Plan and publications which have not been produced bilingually. The Group will continue to monitor this data closely at its meetings held quarterly and Members will be kept updated.
- 4.8.3 Whilst no trends have been identified during this reporting period the Group recognises the importance of learning from all complaints handled under the policy with a view to monitoring and improving outcomes for both future complainants and the Authority as a whole. To this extent the last meeting of the Group considered a report from the Ombudsman issued in April 2015, which was also considered by the Standards Committee on 18<sup>th</sup> June 2015. The report related to a housing complaint, which the Ombudsman upheld and made a number of recommendations. The findings were reviewed by the Group to try and improve processes and learn lessons for the future. Communication and record keeping were identified as areas for each service area to consider.
- 4.8.4 The Annual Review of Complaints report gives details under paragraph 4.7.3 about how the Groups will monitor this data over the next year.

#### **4.9 Ombudsman referrals**

4.9.1 Since the last six monthly update report, the Ombudsman upheld one complaint. The complaint, which was upheld, is referred to in paragraph 4.8.3 above and was reported to the Standards Committee on the 18th June 2015 with a further report to be presented to the next Standards Committee to update its members on progress on the recommendations.

4.9.2 A second Report has also been received and the Ombudsman has decided not to uphold this complaint.

4.9.3 Since the last report to Audit Committee 6 further complaints have been referred to the Ombudsman following the issue of the Council's Stage 2 response. The Ombudsman has decided not to investigate any of the 6 complaints.

#### **4.10 Update on the Introduction of a Vexatious Complainants Policy**

4.10.1 Members will recall that the Policy was presented to and endorsed by Cabinet on 27th November 2013. As a result the Policy has now been introduced and circulated to service areas. It is also available to view on the Council's website.

4.10.2 Members are advised that to date there have been no referrals made under this policy although the Group will continue to monitor the use of the policy.

4.10.3 The Vexatious Complainants Policy together with the Corporate Complaints policy will be shortly reviewed by the Group with a view to reporting any proposed changes to the Audit Committee for consideration at the next meeting.

### **5. EQUALITIES IMPLICATIONS**

5.1 Monitoring of complaints via the Corporate Complaints policy addresses the Council's statutory duties under the Equalities 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 these statutory duties.

5.2 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 by the end of June each year.

### **6. FINANCIAL IMPLICATIONS**

6.1 There are no direct financial implications associated with this report.

### **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications associated with this report.

### **8. CONSULTATIONS**

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

## **9. RECOMMENDATIONS**

9.1 It is recommended that Members note the contents of the report.

## **10. REASONS FOR THE RECOMMENDATIONS**

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

## **11. STATUTORY POWER**

11.1 Local Government Act 1972 – 2003.

Author: Gail Williams, Interim Head of Legal Services/Interim Monitoring Officer  
Consultees: Nicole Scammell, Acting Director of Corporate Services  
Angharad Price, Interim Deputy Monitoring Officer  
Lisa Lane, Solicitor  
Jan Carter, Senior Housing Officer  
Gemma Hoare, Housing Officer (Customer Services)  
David Titley, Customer Services Manager  
Kim Davies, Customer Services/Complaints Officer  
Karen Williams, Support Officer  
Judith Morgans, Customer Services Manager  
Ros Roberts, Performance Manager  
Andrea Jones, Corporate Complaints Officer  
David A Thomas, Policy Officer  
Richard Harries, Internal Audit Manager  
Leigh Brook, Corporate Finance

### Background Papers

Report to Audit Committee 10th December 2014 – Social Services Representations and Complaints Procedure Activity

Report to Standards Committee 18th June 2015 – Complaint made to the Public Services Ombudsman for Wales – Case Number 201400849