



AUDIT COMMITTEE – 11TH SEPTEMBER 2015

SUBJECT: ANNUAL REVIEW OF COMPLAINTS RECEIVED UNDER THE COUNCIL'S CORPORATE COMPLAINTS POLICY 1ST APRIL 2014 TO 31ST MARCH 2015

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide Members with an overview of the corporate complaints received for the year 1st April 2014 to 31st March 2015.
- 1.2 To advise Members whether any trends were identified during this period and if so the action to be taken.
- 1.3 To update Members on the use during this period of the Policy and Procedure to deal effectively with unacceptable, persistent or unreasonable actions by complainants.

2. SUMMARY

- 2.1 To provide members with a review of the corporate complaints received during the year 1st April 2014 to 31st March 2015.
- 2.2 Complaints 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.
- 2.3 The implementation of the Corporate Complaints Policy ensures that corporate complaints are dealt with consistently and fairly across all service areas.
- 2.4 To update members on the use 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 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 introduced a two-stage complaints process to be followed within the Council. Stage 1 complaints should 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 To coincide with the introduction of the policy a Learning from Complaints Group (referred to throughout this report as “the Group”) was established, which is chaired by the Interim Monitoring Officer (or nominated representative), 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. The group meets quarterly.
- 4.4 The information in relation to corporate complaints is reported on a six monthly basis to Audit Committee.
- 4.5 This report is a review of the complaints received for the year 1st April 2014 to 31st March 2015. This is the first report of this type and it is intended that future reports will include comparative data.

4.6 Review of Corporate Complaints

- 4.6.1 The data referred to below represents the number of complaints received from 1st April 2014 to 31st March 2015 for each Directorate referred to, together with an overview of the response timescales.
- 4.6.2 During the course of the year the data captured was reviewed, it now 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 4.7.5 (c) and an overview of the outcomes in respect of Stage 2 Complaints are set out in paragraph 4.7.6 (d) below.
- 4.6.3 This report only includes details of corporate complaints, Members received a separate report from Social Services at its meeting on 10th December 2014 entitled Social Services Representations and a separate report from Education on 11th March 2015 entitled Procedure relating to School Based Complaints. With this in mind, it is unsurprising that the largest number of complaints relate to services delivered by the Environment and Housing, where separate statutory processes do not exist.
- 4.6.4 The total number of corporate complaints received across the Authority during this period is 212 comprising the following: -

		% of total number of corporate complaints received
29	Corporate	13.7
7	Education	3.3
82	Environment	38.7
83	Housing	39.1
5	Social Services	2.4
6	Other (cross Directorate)	2.8

- 4.6.5 A breakdown of the complaints are summarised as follows: -

4.6.6 Stage 1 Corporate Complaints

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|-----|---|--------|
| (a) | | Actual |
| | Number of Stage 1 complaints received in Corporate Services | 25 |
| | Number of Stage 1 complaints received in Education | 7 |
| | Number of Stage 1 complaints received in Environment | 72 |
| | Number of Stage 1 complaints received in Housing | 60 |
| | Number of Stage 1 complaints received in Social Services | 4 |
| | Number of Stage 1 complaints received Other (cross directorate) | 0 |
- (b) The total number of complaints received at Stage 1 were 168, of those 155 were responded to within timescale and 13 outside the timescale.
- (c) Of the 168 Stage 1 complaints responded to, 45 have been upheld, 99 were not upheld and 24 have been partially upheld. The breakdown of outcomes for each Directorate is listed below.

Outcomes of Stage 1 complaints

	Upheld	Not Upheld	Partially Upheld
Corporate Services	8	9	8
Education	1	6	0
Environment	25	39	8
Housing	11	41	8
Social Services	0	4	0
Other (cross directorate)	-	-	-

4.6.7 Stage 2 Corporate Complaints

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|-----|---|--------|
| (a) | Title | Actual |
| | Number of Stage 2 complaints received in Corporate Services | 10 |
| | Number of Stage 2 complaints received in Education | 1 |
| | Number of Stage 2 complaints received in Environment | 15 |
| | Number of Stage 2 complaints received in Housing | 36 |
| | Number of Stage 2 complaints received in Social Services | 2 |
| | Number of Stage 2 complaints received Other (cross directorate) | 6 |
- (b) The total number of complaints received at Stage 2 were 70 of those 65 were responded to within timescale and 4 outside the timescale and 1 did not proceed.
- (c) Of the 70 Stage 2 complaints, 44 were commenced at Stage 2 and 26 were escalated from Stage 1 to Stage 2; 6 within Corporate Services, 13 within Housing, 5 within Environment, 1 within Social Services and 1 within Education.
- (d) Of the 70 Stage 2 complaints responded to, 16 have been upheld, 36 were not upheld, and 17 were partially upheld. Members will note 1 did not proceed. The breakdown of outcomes for each Directorate is listed below.

Outcomes of Stage 2 Complaints

	Upheld	Not Upheld	Partially Upheld	Ongoing	Did Not Proceed
Corporate Services	2	4	4	0	
Education	0	1	0	0	
Environment	1	10	4	0	
Housing	13	16	6	0	1
Social Services	0	2	0	0	
Other (cross directorate)	0	3	3	0	

- 4.6.8 Members will note that 13 housing complaints were upheld at stage 2. Of the 13 complaints upheld, 8 related to recharges to tenants, which were later removed. These complaints were analysed within the Housing division and as a result, a new recharge policy was introduced and was implemented in April 2015, which incorporates a revised appeals procedure. The procedure will include the use of an independent Recharge Review Panel comprising Senior Housing Officers, a Councillor and a Tenant. It is anticipated that this procedure will provide a more streamlined and uniformed approach to the consideration of recharge appeals.
- 4.6.9 The remaining Stage 2 complaints dealt with by Housing related to a cross section of matters, two related to private sector housing works in default and the service of notices. Again Housing have reviewed their processes and officers reminded of the correct procedures.
- 4.6.10 Members are reminded that a report is submitted annually to Caerphilly Homes Task Group (CHTG) in relation to complaints submitted to Housing; those reports contains more detailed information. The next report will be presented to the 17th September 2015 meeting and thereafter to Policy and Resources scrutiny committee on 30th September 2015 at Members' request.
- 4.6.11 Corporate Services do not have a significant frontline service provision and hence the numbers are lower, but they do include Equalities & Welsh Language complaints in the overall figures. The detailed information in relation to these complaints forms part of the statutory annual reporting framework to the Equality and Human Rights Commission and the Welsh Language Commissioner's Office.
- 4.6.12 Members will note that the number of complaints responded to within the timescales were over 90% of the overall complaints received. The Group is continuing to monitor the reasons for not meeting timescales and officers are working to improve communication with complainants where timescales cannot be met.
- 4.6.13 This report does not include any detail of interactions with customers that are deemed to be service requests.

4.7 Review of Trends and types of complaints

- 4.7.1 Over the year officers have considered the data collected on a quarterly basis for each specific department however no specific trends could be identified.
- 4.7.2 Types of complaints received have been wide ranging for example, waste collection, fly tipping, highway repairs and drainage issues, council tax, housing benefit, student finance, special educational needs transport, grass cutting, pest control, planning issues, litter, housing repairs, recharges and home improvement grants.
- 4.7.3 The Group continues to monitor this data closely at its meetings held quarterly and Members will be kept updated via the six monthly reports. In order to improve outcomes it is proposed that over the next year the Group undertake an analysis of complaints to focus on the causes of complaints. This will hopefully provide an instructive way of understanding how the Authority can focus its attention to target improvement. It is planned to commence this work following discussion with the Group and it is intended to include this information in next year's report. The suggested topics for consideration are collaborative working; sensitivity/empathy of staff; fairness to you (the complainant); accessibility of services; clarity/accuracy of information; politeness; openness and honesty; delay in service provision; keeping informed; quality of work; decision making. This list may be extended following discussion with the Group on this point.
- 4.7.4 Whilst no trends have been identified during this year 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 Group has considered a report from the Ombudsman issued in October 2014. The report related to a housing complaint, which the Ombudsman upheld and made a number of

recommendations. The findings have been reviewed by the Group to try and improve processes and learn lessons for the future. In particular record keeping was identified as an area for improvement.

4.7.5 The number of corporate complaints is increasing. These increased complaints should not be seen in isolation as a negative. This report sets out examples of how knowledge gained from complaints has enabled the Authority to improve its internal policies and procedures.

4.7.6 In addition, over the next few weeks, further training on Corporate Complaints is to be rolled out to senior staff in the Leadership team and Management Network to remind officers of the importance of complying with the approved Corporate Complaints Policy to avoid complaints around process.

4.8 Ombudsman referrals

4.8.1 During this year, the Ombudsman following the issue of the Council's Stage 2 response has considered 16 complaints. The Ombudsman has decided not to investigate 12 complaints, 1 was upheld, and 2 were not upheld.

4.8.2 In respect of the report, which was upheld and issued in October 2014, as part of the formal reporting process the Standards Committee considered this report on 24th November 2014; by the Policy and Resources Scrutiny Committee on 3rd March 2015 and again by the Audit Committee on 11th March 2015.

4.8.3 In a later report, the Ombudsman has acknowledged that the Authority has made good progress towards complying with the recommendations of the report.

4.9 Update on the use of a Vexatious Complainants Policy

4.9.1 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.

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

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. These reports are considered by Policy and Resources Scrutiny and Cabinet 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

None. The report is for information only.

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 Audit Committee 11th March 2015 - Procedure relating to School Based Complaints

Report to Standards Committee 24th November 2014 – Complaint made to the Public Services Ombudsman for Wales – Case Number 201301753