



## AUDIT COMMITTEE – 30TH JANUARY 2018

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

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### 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, 2017 to 30<sup>th</sup> September, 2017.
- 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 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. LINKS TO STRATEGY

- 3.1 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.

#### 4. THE REPORT

4.1 On 1<sup>st</sup> 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 which was amended and updated in January 2016 and is available on the Council's website.

4.2 This Committee has received regular updates on the implementation of the Policy, details of which are set out in the background papers.

4.3 This report provides an update on the complaints received from the period 1<sup>st</sup> April, 2017 to 30<sup>th</sup> September, 2017.

#### 4.4 Review of Corporate Complaints

4.4.1 The data referred to below represents the number of complaints received from 1<sup>st</sup> April, 2017 to 31<sup>st</sup> September, 2017, for each Directorate referred to, together with an overview of the response timescales.

4.4.2 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 4.4.5(c) and an overview of the outcomes in respect of Stage 2 Complaints are set out in paragraph 4.4.5 (g) below.

4.4.3 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 areas in the past.

4.4.4 The total number of corporate complaints received across the Authority during this period is 83 comprising the following:-

	% of total number of complaints received 1 <sup>st</sup> April, 2017 – 30 <sup>th</sup> September, 2017	
		%
Corporate	11	13.3
Education	3	3.6
Environment	37	44.6
Housing	28	33.7
Social Services	1	1.2
Other (cross Directorate)	3	3.6

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

#### Stage 1 Corporate Complaints

(a)	Title	Actual
	Number of Stage 1 complaints received in Corporate Services	10
	Number of Stage 1 complaints received in Education	3
	Number of Stage 1 complaints received in Environment	28
	Number of Stage 1 complaints received in Housing	25
	Number of Stage 1 complaints received in Social Services	1
	Number of Stage 1 complaints received Other (cross directorate)	<u>0</u>
		67

- (b) The total number of complaints received at Stage 1 were 67 of those 57 were responded to within timescale and 8 outside the timescale (5.36%) 1 did not proceed and 1 was on hold.
- (c) Of the 67 Stage 1 complaints responded to 13 have been upheld, 43 were not upheld and 9 have been partially upheld 1 did not proceed and 1 was on hold. The breakdown of outcomes for each Directorate is listed below:

### Outcomes of Stage 1 Complaints

	Upheld	Not Upheld	Partially Upheld	Did Not Proceed	On Hold
Corporate Services	5	4	1	0	0
Education	0	3	0	0	0
Environment	8	17	3	0	0
Housing	0	18	5	1	1
Social Services	0	1	0	0	0
Other (cross Directorate)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	13	43	9	1	1

### Stage 2 Corporate Complaints

(d)	Title	Actual
	Number of Stage 2 complaints received in Corporate Services	5
	Number of Stage 2 complaints received in Education	0
	Number of Stage 2 complaints received in Environment	16
	Number of Stage 2 complaints received in Housing	11
	Number of Stage 2 complaints received in Social Services	0
	Number of Stage 2 complaints received Other (cross directorate)	<u>3</u>
		35

- (e) The total number of complaints received at Stage 2 was 35 of those 35 were responded to within timescale.
- (f) Of the Stage 2 complaints, 16 were commenced at Stage 2 and 19 were escalated from stage 1 to Stage 2, 8 within Housing, 7 within Environment and 4 within Corporate Services.
- (g) Of the 35 Stage 2 complaints responded to 7 have been upheld, 22 were not upheld, 6 were partially upheld. The breakdown of outcomes for each Directorate is listed below.

### Outcomes of Stage 2 Complaints

	Upheld	Not Upheld	Partially Upheld
Corporate Services	1	4	0
Education	0	0	0
Environment	3	10	3
Housing	3	6	2
Social Services	0	0	0
Other (cross directorate)	<u>0</u>	<u>2</u>	<u>1</u>
	7	22	6

4.4.6 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 2016-2020 and against the Welsh Language Standards prior to submission to the relevant commission.

4.4.7 Members will note that 8 stage 1 complaints were not responded to within the required timescale although all response times for Stage 2 were met. The responses were provided between one and twenty five days over the deadline due to various reasons such as officers on leave, workloads, an administrative error or additional information needed in order to respond. 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. These figures will continue to be monitored.

#### **4.5 Review of Trends and Types of Complaints**

4.5.1 This information will be provided as part of the Annual Report.

4.5.2 The types of complaints received during this six months period have been wide ranging for example civic amenity site visits, household recycling waste, overhanging trees, allotment issues, planning applications, complaints in relation to green sacks, queries over WHQS works, charges to leaseholders, response to repairs, council tax, conditions of roads and antisocial behaviour. The Appendix sets out anonymised examples of complaints dealt with.

#### **4.6 Ombudsman Referrals**

4.6.1 Since the last report to Audit Committee 14 complaints have been referred to the Ombudsman, 4 of which had exhausted the Corporate Complaints Policy and 10 were made prematurely. None were taken to investigation, however the Council has agreed to one quick fix in relation to one of the complaints which related to a Community and Leisure service matter. A quick fix is a voluntary settlement agreed so as to achieve an early resolution to the issues under consideration.

#### **4.7 Update On The Use Of A Vexatious Complainants Policy**

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

### **5. WELLBEING OF FUTURE GENERATIONS**

5.1 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 and 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.

### **6. EQUALITIES IMPLICATIONS**

6.1 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 three statutory duties.

6.2 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.

## **7. FINANCIAL IMPLICATIONS**

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

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no personnel implications associated with this report.

## **9. CONSULTATIONS**

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

## **10. RECOMMENDATIONS**

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

## **11. REASONS FOR THE RECOMMENDATIONS**

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

## **12. STATUTORY POWER**

12.1 Local Government Act 1972-2003.

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Anwen Cullinane, Senior Policy Officer – Equalities and Welsh Language  
Richard Harris, Internal Audit Manager  
Deborah Gronow, Auditor  
Leigh Brook, Corporate Finance  
Lianne Dallimore, Medium Term Financial Plan Programme Coordinator

### **Background Papers:**

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

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

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

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

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

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

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

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

Appendices:

Appendix 1            Anonymised examples of complaints dealt with during this reporting period.

## Appendix 1

### Housing matter

An owner/occupier received an invoice for their share of the cost to remove a joint chimney stack. However, they were not happy to pay the full amount of the invoice as they were not satisfied with the way the situation had been handled. The owner/occupier claimed the matter had been ongoing for a year and she was still waiting for some internal 'bricking up' works to be completed. On reviewing the records, with particular reference to the specification of the works to be undertaken, it was noted that the owner/occupier had been advised the work would include face brickwork ½ brick thick with piers pointed one side to brick up the party wall. However, this work was not undertaken by the contractor as the removal of the chimney stack did not require any remedial work affecting the whole of the party wall, only the area where the stack was removed. In recognition of this it was agreed that this element of the charge would be withdrawn and the invoice amended accordingly. Lesson learned – future surveys to be more thorough in order to provide a more accurate specification.

### Allotment Issue:

A complaint was raised in relation to an issue concerning allotments. On receiving the complaint the allotment officer investigated the matter and anomalies were identified with the process in relation to notice to quit.

The allotment officer as a result of the complaint has reinforced with the site committee that in the event of a dispute they are to follow and adhere to the procedure and constitution for allotment rules.

### Social Services complaint

A grandmother complained that she had attended a Social Services family room with her daughter to have contact with her grandson. The grandmother complained that:

- a) her clothes were covered in animal hair after playing on the floor
- b) the toys and table were dirty
- c) there was mould on the ceiling
- d) a toy was broken and caused a hazard to her grandchild

To ensure a fair response could be made, a Complaints Officer was directed to visit the office on the day the complaint was received, to undertake an unannounced visit to the family room, to assess the areas of complaint. The Officer found:

- a) no evidence of animal hair and the team members who were present that day said that pets are not allowed into the family room.
- b) the toys and table were well used but not dirty. The team explained that the toys are donated and are well used but the team make every effort to clean the room and toys between contacts, within the time limits available to them.
- c) one ceiling tile that was stained and he emailed the Facilities team that day to ask them to replace this and investigate the reason for any damp.
- d) one toy was broken; however, the Officer had to pull on each of the wires before discovering this. The toy was disposed of immediately and the grandmother was advised in the letter of response to make staff aware of any issue in future to minimise risk to all children.

A full response was made to the complainant.

## WHQS works

A complaint was received from an elderly tenant's son in relation to the failure to meet the proposed start date for the WHQS works and the disruption this caused. When start dates were provided the family made arrangements to re-arrange furniture, protect and pack away personal effects, clear away goods to make room in the shed etc but unfortunately the works did not proceed. It was explained that issues had been encountered with the current contractor and their ability to resource the required works to this property and other properties within the contract, the contractor later went into liquidation. Subsequently this property and others were removed from the contractor's work programme and arrangements were made for the works to be completed by the council's in-house workforce at the earliest opportunity. Following the completion of the work a thank you card was received from the complainant stating how pleased they were with the finished product and the professionalism of the workforce. Lesson learned – improve communication with tenants as soon as issues are identified with a contractor.

## Council Tax

A complaint was received from Solicitors acting on behalf of their client in connection with the sale of a deceased person's property. The Solicitors felt that their calls to our office had been disregarded and we displayed discourtesy in the manner in which we had dealt with this matter.

After investigating the complaint the main crux of the matter related to the fact that they did not receive a reply to their original communication requesting an explanation as to why the council tax charges were due. Unfortunately the letter was never forwarded to the Council Tax Section by the Customer First Section. Subsequently this resulted in legal proceedings and costs due to the client.

Sincere apologies and an explanation for the administrative error was given along with the answers to the original questions regarding charges. Legal proceedings withdrawn and a full refund given.

## Education admissions

Admissions concern regarding CCBC Admission Policy. The Local Authority received a request for a child to attend a CCBC school. The parent applied for a nursery place at their local school. Unfortunately the application was late and the closing date for applications was February. The application was received in March. Any late application must be dealt with under the late application process which means that all applications received within the normal admission round and before the deadline are considered first. The application was refused as all the places were allocated up to the schools admission number and in this case there were more applications received than places available therefore the Council's Admissions team applied the published oversubscription criteria in allocating those places.

The reason this concern proceeded as a Corporate Complaint was because there is no right of appeal to the independent appeal panel for non-statutory school aged children. Nursery and post 16 education are examples of non-statutory education. Appeals for statutory age children fall under a separate procedure and are subject to an Independent Appeal Panel.

The complaints officer investigated the parents' concerns and found that the admissions team had complied with the CCBC published admission policy and that the policy adhered to current legislation, specifically the Welsh Government, School Admission Code, statutory document 005/2013.

The CCBC Admissions policy is published on the Councils website and is part of the 'Starting School Booklet' also available on the website.

The finding in this case was complaint not upheld. The officer was considerate and sympathetic in the response as had the parent applied on time it was highly likely the child would have been offered a place as it was their catchment school. It is also difficult as some the nursery children who were accepted at the time do not have automatic rights to continued education at the school; this is clearly



stated on the nursery admission form. It is therefore probable that should the complainant choose to apply for this school for reception they would have a place and if the school receives more applications than places available and if the application is not late a child currently attending the nursery that is lower down on the oversubscription criteria would not.