



**Dinas a Sir Abertawe**

**Hysbysiad o Gyfarfod**

Fe'ch gwahoddir i gyfarfod

## **Panel Perfformiad Craffu - Gwella Gwasanaethau a Chyllid**

**Lleoliad:** O bell drwy Microsoft Teams

**Dyddiad:** Dydd Llun, 12 Ebrill 2021

**Amser:** 10.00 am

**Cynullydd:** Y Cynghorydd Chris Holley OBE

**Aelodaeth:**

Cynghorwyr: P M Black, P Downing, P R Hood-Williams, L James, M H Jones, P K Jones, J W Jones, I E Mann, B J Rowlands a/ac D W W Thomas

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### **Agenda**

**Rhif y Dudalen.**

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)
- 3 Gwahardd pleidleisiau Chwip a Datgan Chwipiau'r Pleidiau**
- 4 Cofnodion y Cyfarfod(ydd) Blaenorol** **1 - 4**  
Derbyn nodiadau'r cyfarfod(ydd) blaenorol a chytuno eu bod yn gofnod cywir
- 5 Cwestiynau gan y Cyhoedd**  
Rhaid cyflwyno cwestiynau'n ysgrifenedig, cyn hanner dydd ar y diwrnod gwaith cyn y cyfarfod fan bellaf. Rhaid i gwestiynau ymwneud ag eite mau ar yr agenda. Ymdrinnir â chwestiynau o fewn cyfnod 10 munud.
- 6 Adroddiad Blynyddol Cwynion Corfforaethol** **5 - 50**  
*Gwahodd i fynychu*  
Sarah Lackenby – Prif Swyddog Trawsnewid  
Cllr Andrew Stevens – Aelod y Cabinet - Trawsnewid Busnes a Pherfformiad
- 7 Cynllun Gwaith 2020-21** **51**

**Cyfarfod nesaf:** Dydd Llun, 10 Mai 2021 ar 10.00 am

*Huw Evans*

**Huw Evans**  
**Pennaeth Gwasanaethau Democrataidd**  
**Dydd Iau, 1 Ebrill 2021**

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**Cyswllt: Swyddog Craffu - [emily-jayne.davies@abertawe.gov.uk](mailto:emily-jayne.davies@abertawe.gov.uk)**

# Agenda Item 4



City and County of Swansea

## Minutes of the **Scrutiny Performance Panel – Service Improvement & Finance**

Remotely via Teams

Monday, 8 March 2021 at 10.00 am

**Present:** Councillor C A Holley (Chair) Presided

**Councillor(s)**

P M Black  
L James  
J W Jones

**Councillor(s)**

P Downing  
M H Jones  
I E Mann

**Councillor(s)**

P R Hood-Williams  
P K Jones  
B J Rowlands

**Officer(s)**

Emily-Jayne Davies  
Ben Smith

Scrutiny Officer  
Chief Finance Officer / Section 151 Officer

**Apologies for Absence**

Councillor(s): D W W Thomas

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**1 Disclosure of Personal and Prejudicial Interests.**

Cllr J Jones and Cllr M Jones both made a declaration of interest regarding Item 7

**2 Prohibition of Whipped Votes and Declaration of Party Whips**

No declarations were made

**3 Minutes of previous meeting(s)**

The Panel considered minutes from previous meetings and agreed the minutes of the meeting on 17<sup>th</sup> February 2021 as an accurate record of that meeting.

**4 Public Questions**

No questions were submitted by members of the public.

**5 Mid-Year Budget Statement 2020-21**

**Item 5 & 7 discussed concurrently**

- Capital financial requirement will go up by hundreds of millions of pounds. Measured as a percentage of the revenue budget.
- In every scenario, officers see budgets going up. Cash budgets likely to go up in public sector. Although complex interplays.
- Chief Finance Officer would have liked to have externalised borrowing already, but restricted by law and code of practice, cannot borrow in advance of need.
- Currently relatively low interest rates.
- There is a risk inflation will go up, subsequently interest rates; if bottom of curve has been achieved, will want to externalise borrowing soon and to lock in at good rates.
- Officers explain that whilst these are dry technical documents, if these are wrong we would rapidly run out of resource cover given long term funding commitments to capital.
- Appendix 4, item 6, general fund capital expenditure – now £115M general requirement - panel queried why such a huge difference in original estimate / outturn.
- Officers explained that this is due to a direct consequence of building out the Arena, fuelled by the field hospital expenditure. Inevitability demonstrates the sheer amount of capital spend that is underway.

## **6 Q3 Budget Monitoring 2020-21 - Further Update from Chief Finance Officer**

Ben Smith attended to present this item to the panel. It was noted that:

- Swansea Council was in receipt of council tax funding of £2.6M, council tax reduction scheme funding of £0.7M for the year.
- In Q3 the Council submitted a loss of income claim to Welsh Government, for which we now have a reply notifying us of the position – confirmed £2.2M worth of loss of income for Q3.
- Now submitted Q4 loss of income claim – all other in year claims were submitted retrospectively, but £5M is indicative for Q4 - whether awarded the full amount remains to be seen. Plausible sum in addition likely received – this indicative claim will then settle in early May.
- Local Government and Housing Minister announced further sums totalling £50M allocated on pro-rata fair share basis – we anticipate £3.75M.
- Also announced £42.5M extension to hardship fund, including free school meals to Easter holidays, our share may be circa £3M.
- In addition, related to capital budget, £50M school capital fund, of which our share will be £3.6-£3.7M which needs to be spent in-year.
- There is likely a further tranche of business grant money – possibly up to £15M before year end - subject to First Minister announcements around mid-March. But this money will come in and straight out to businesses, no gain to Council.
- £206M extension of the hardship fund for first 6 months of next year. Council will not know what Swansea's share will be yet – bid basis - but fair share another £15m.
- Q4 outcomes will be known in early May.

- Budget included assumptions over aggregate external finance. Welsh Government will debate its own budget this week.
- Business rates relief holiday (variation to England's announcement) announced by Welsh Government.
- Panel queried whether Council is in a good position financially. Officers explained that during February we received 3 days of notifications, each of over £3M and the continued announcements on funding improves our position. The Council also started with a significant underlying underspend, excluding Covid-related impacts, at beginning of year.
- Council has continued to get majority of sums back from Welsh Government; seeing the pace, scale and frequency of announcements has improved position significantly.
- The panel queried whether we can expect another underspend by end of year. Officers responded that whilst not certain, it would be likely to end up with material underspend position.
- Decision is for members as to where money goes – general reserves would need to go up slightly, majority may go to earmarked reserves. Much debate on earmarked reserves – Chief Finance Officer will continue to give the advice that any decision taken must have due regard to previous decisions taken and the future longer-term consequences – e.g. funding the large scale borrowing to come.
- Outlook for public sector finances is likely bleak.
- Panel discussed Appendix A, P37, taking £4M out of ear marked reserves, do we anticipate that £4m is no longer required? Officers confirm yes, the position at Q3 required that draw, however now certain this anticipated draw would not be needed. Welsh Government have distributed substantial sums to all 22 authorities. Q1 a projected overspend, this rapidly came in, now Q4 likely to be in underspend position. Cannot speculate on amount, although certainly will be a very material sum.
- Panel discussed Revenue Budget summary – contingency fund of £5.9M not currently utilised – given funding levels, why are we not taking money out of this fund? Officers confirmed that this report was written in Q3 and this picture has now changed. This may indeed not all be needed as result of substantial amounts announced due.
- Financing Charges – reduction noted from £36M to £28M. Panel queried whether this is due to MRP. With this extra borrowing over next few years, will we end up with capital financing charges of nearer £40M?
- Officers explain it is difficult to know what the exact figure may be. MTFP that went to Council sets out millions of pounds additional costs going onto capital financing, when council agreed to borrow £180M additional borrowing (borrowed £90M thus far) MRP currently beneficial, longer term will have higher MRP costs.
- 50 year consequence – best assumption at time, officer advice is lots of the savings are temporal, we've not yet borrowed the full amount, at some point the MRP will reverse.
- Assumptions over what will benefit council over next 7 years re City Deal. After Year 7 further burden added to capital financing. Tempting to draw from capital equalisation reserve, however, the Well-being of Future Generations Act requires sufficient to fund over life cycle.

- Capital Equalisation Reserve – panel notes large sums going in, will this continue? Officer advice is that, if there is a temporal underspend on capital financing, add it into the CER. Peak was borrowing anticipated in 2025/26, city deal funding changes may extend that to 2028-29. Cannot be absolutely certain.
- Commitment to fully fund school ICT infrastructure reserve in budget proposals, all to be funded from Capital Equalisation Reserve.

**Action agreed** - more detailed information needed about the expected increase in repayments due to the increase in the borrowing requirements.

**7 Treasury Management Strategy Statement**

**8 Letters**

**9 Work Plan 2020-21**

The meeting ended at 11.06 am

# Agenda Item 6



## Report of the Cabinet Member for Delivery & Operations

Service Improvement & Finance Scrutiny Performance Panel 12<sup>th</sup> April 2021

### **CORPORATE COMPLAINTS ANNUAL REPORT 2019-20**

<b>Purpose:</b>	<p>To report on the number, nature and outcome of complaints made against the Authority, together with details of lessons learned and service improvements.</p> <p>The following reports have been prepared separately in conjunction with this report, and are appended for information purposes:</p> <ul style="list-style-type: none"><li>• Adult Social Services Complaints;</li><li>• Child and Family Services Complaints;</li><li>• Freedom of Information Act (FOI) Requests;</li><li>• Subject Access Requests (SAR)</li><li>• Regulation of Investigatory Powers Act (RIPA)</li><li>• Welsh Language Commissioner Complaints.</li></ul>
<b>Policy Framework:</b>	Transformation & Future Council
<b>Consultation:</b>	Access to Services, Legal and Finance
<b>Report Author:</b>	Sarah Lackenby
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar
<b>FOR INFORMATION</b>	

## 1. Introduction

- 1.1. Swansea Council is a large organisation providing a variety of services and whilst every effort is made to carry out these services accurately and professionally, complaints are made for a number of reasons.

- 1.2. Members of the public complain for various reasons, such as lack of action/consultation, delay, staff attitude etc. Customers wishing to voice their dissatisfaction or concerns are dealt with open-mindedly and impartially by the Complaints Team.
- 1.3. The Council recognises that in order to meet the needs and concerns of members of the public, the monitoring of complaints is a valuable resource in its requirement to continually improve services. All complaints are taken very seriously and provide valuable customer insight. **Appendix 1** contains all statistical tables referring to corporate complaints in this report.
- 1.4. The Council is currently developing a new IT system to capture, process, monitor and report on corporate complaints, Freedom of Information requests (FOI) and Subject Access Requests (SAR). This should be available in the first quarter of the 2021-22 financial year, with reporting from this system being included in the 2022-23 annual report onwards.
- 1.5. At last year's meeting it was highlighted that the intention was bring these reports closer to year end. The Covid-19 pandemic prevented this for the 2019-20 report however, it is the intention to bring the 2020-21 report shortly.
- 1.6. The Service Improvement and Finance Scrutiny Performance Panel recommended at last year's meeting that future FOI Annual Reports show the actual cost incurred by the Council through dealing with FOI, and their impact on the budget. FOIs are responded to by each service through an allocated network of FOI Officers. Any costs would equate to officer time and involve keeping detailed timesheets. The Information Governance Unit is considering how an indicative cost can be estimated for the next report to give the Panel a rough order of magnitude for this activity.
- 1.7. The complaints policy and procedures are under review so that they explicitly refer to Welsh Language complaints. The new IT system will also cater for Welsh Language complaints raised by the public.

## **2. Requests for Service (RFS)**

- 2.1 A request for service is not a complaint (e.g. a request for service could be a request to repair an unlit lamp post, or missed bin collection). A complaint would only arise should the request for service not be properly dealt with.

## **3. The Corporate Complaints Process**

- 3.1. The current Corporate Complaints Policy was adopted on 01/04/2013 in line with the Welsh Government Model Complaints Policy issued in 2011 and the process can be viewed by visiting:  
<https://www.swansea.gov.uk/article/7326/Corporate-complaints-procedure>
- 3.2. **Stage 1 Complaints (informal)**  
Informal complaints are defined as Stage 1 complaints and are dealt with by the relevant service areas. When a complaint spans several different service areas, the complaints team will coordinate the handling of the complaints and provide



a single, substantive response. All stage 1 complaints should be responded to within 10 working days.

**1,597** Stage 1 complaints were received (see Appendix 1). **0.31%** of the corporate complaints received were made through the medium of Welsh, or related to Welsh Language issues.

### 3.3. **Stage 2 Complaints**

If a complainant is dissatisfied with the outcome of a Stage 1 complaint, they may request that the matter be investigated by the Complaints Team, which is independent of the service department.

The Complaints Team will carry out an investigation, re-examining those issues with which the complainant remains aggrieved. This investigation will include a review of all relevant correspondence, often incorporates separate discussions with both the complainant and relevant officers from the service department(s) concerned, and should be responded to within 20 working days.

Complainants who remain unhappy with the outcome of the Stage 2 investigation by a Complaints Officer can refer their complaint to the Public Services Ombudsman for Wales (PSOW).

Of the 1,597 Stage 1 Complaints received only 153 disagreed with the original investigation and appealed to Stage 2. 111 (72.5%) were not justified and 42 (27.5%) were either justified or partially justified.

## 4. **Social Services Complaints**

4.1. The handling of the majority of Social Services complaints is carried out under specific legislation and the Authority has a separate policy for such complaints, see:

<https://www.swansea.gov.uk/article/6520/Making-a-Comment-Complaint-or-Compliment-about-Swansea-Social-Services>

Full details of Social Services Complaints can be seen in **Appendix 2** (Adults) and **Appendix 3** (Children's).

4.2. In some cases, complainants are not eligible to make complaints under the Social Services complaints procedure. In these cases their complaints are handled under the corporate procedure and as such they are included in this report.

## 5. **Corporate Complaints Received**

5.1. Appendix 1 (Table 1) shows details of complaints received at stages 1 & 2 during 2019-20.

5.2. The "Comments" section relates to cases where an individual has made a comment regarding a service as opposed to a complaint, which is then passed on to the relevant service unit for information. These comments may be negative or positive.

- 5.3. Compared to the previous year:
- Stage 1 complaints decreased (1,597 compared to 1,676 in 2018-19)
  - Stage 2 complaints remained the same (153)
  - Requests for service reduced (570 compared with 776 in 2018-19)
  - The Council received fewer comments (48 compared with 83 in 2018-19)

## **6. Cases reported to the Ombudsman**

- 6.1. Should a complainant remain dissatisfied following completion of the two internal complaint stages, they can take their complaint to the Ombudsman's office for independent investigation.
- 6.2. The Ombudsman will usually check with the Authority whether or not the complaint has been through Stages 1 & 2 of the Authority's complaints procedure. Where this has not been done, the Ombudsman will usually refer the complaint back to the Council, to give an opportunity to attempt to resolve the complainant's concerns through the internal complaints processes first.
- 6.3. The Ombudsman publishes an Annual Report and sends an annual letter to the Authority every year. Full details of this report and letter for Swansea Council for 2019-20 can be viewed at **Appendix 4**.
- 6.4. In summary, Appendix 4 shows 92 complaints to the Ombudsman including corporate complaints and Social Services (there were 83 cases received in 2018-19). 42 were out of time and 7 out of jurisdiction. 40 were closed after early consideration and 4 closed on voluntary settlement.

## **7. Service improvements introduced following complaint investigations**

- 7.1. Lessons can usually be learned from complaints received where complaints are upheld. Redress measures have included the issuing of apologies, small compensation payments, additional training for staff and the introduction of new procedures.
- 7.2. The Complaints Service receives an Internal Audit every three years to ensure it is undertaking its functions correctly.

## **8. Compliments**

- 8.1. When compliments are received they are acknowledged and forwarded to the Head of Service for the relevant service area. A selection are highlighted for the staff newsletter, The Weekly. This has a positive impact on staff morale and allows departments to recognise good practices. Examples of the many compliments received are shown in Appendix 1 (Table 3).

## **9. Subject Access Requests (SAR)**

- 9.1. A Subject Access Request is a request made by an individual under the Data Protection Act for personal data held on them. A total of 196 Subject Access requests were received in 2019-20, (which is higher by 61 on the previous year) and it is highly likely that since the £10 fee has been removed and the promotion

and understanding of GDPR, that this will be an area that will increase on an annual basis.

- 9.2. Detailed analysis of both FOI & Subject Access requests can be found in the Freedom of Information Annual Report 2019-20 (**Appendix 5**).

## **10. Regulation of Investigatory Powers Act (RIPA)**

- 10.1. The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity where it is required for the purpose of preventing or detecting crime or of preventing disorder. This is now subject to Magistrates Court approval.
- 10.2. There was no RIPA activity in 2019-20 however further information on developments can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2019-20 (**Appendix 6**).

## **11. Welsh Language Commissioner**

- 11.1. The Council publishes an annual report on the website around the compliance with the Welsh Language Standards and other delivery activities and can be found for 2019-20 here: [Swansea - Welsh language](#)

## **12. Conclusion**

- 12.1. Whilst the resource levels are reducing, the demand continues to grow year on year across the service, it is worth noting, based on the statistical evidence provided, that there are no trends to cause concern.

## **13. Equality and Engagement Implications**

- 13.1. The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on complaints already handled and closed. The screening form is attached at Appendix 7.

- 13.2. The Council has also taken account of Well-being of Future Generations (Wales) Act 2015 implications with this project as it is:
- Helping the Council to continually develop and improve services in response to feedback and complaints from residents and communities

- Increasing accessibility and use of Welsh by responding to and learning from Welsh Language complaints. The Authority reports to the Welsh Language Commissioner on the number of complaints received concerning compliance with Welsh language legislation and those made through the medium of Welsh. These can be seen at Appendix B of the Welsh Language Annual Report
- Removing barriers to complaints by having a separate independent look at where delivery may have gone wrong.

#### **14. Financial Implications**

14.1. All costs incurred in dealing with complaints have to be covered from within existing budgets.

#### **15. Legal Implications**

15.1. There are no specific legal implications arising from this report. All relevant legislation has been highlighted throughout.

**Background Papers:** None.

**Appendices:** Appendix 1 - Corporate Complaints 2019/20 - statistical data  
 Appendix 2 - Adult Social Services Complaints Annual Report 2019/20;  
 Appendix 3 - Child and Family Services Complaints Annual Report 2019/20;  
 Appendix 4 - PSOW Annual Letter 2019/20;  
 Appendix 5 - Freedom of Information Act (FOI) Annual Report 2019/20  
 Appendix 6 - Regulation of Investigatory Powers Act (RIPA) Annual Report 2019/20  
 Appendix 7 – EIA Screening Form

**TABLE 1: Complaints recorded from 1 April 2019 to 31 March 2020 by Service Department**

<b>Service Area</b>	<b>Stage 1 Complaints 2019/20</b>	<b>Stage 1 Complaints 2018/19</b>	<b>Stage 2 Complaints 2019/20</b>	<b>Stage 2 Complaints 2018/19</b>	<b>Requests for Service 2019/20</b>	<b>Request for Service 2018/19</b>	<b>Comments 2019/20</b>	<b>Comments 2018/19</b>
Commercial Services	0	0	0	0	0	1	0	0
Communications & Customer Engagement	84	63	5	2	6	7	3	3
Corporate Building & Property Services	144	139	9	7	31	61	0	6
Cultural Services	82	73	5	4	20	35	5	9
Economic Regeneration & Planning	20	84	12	17	10	14	2	5
Education	16	19	2	4	8	9	0	1
Financial Services	34	62	2	5	35	73	2	4
Highways & Transportation	383	301	49	47	168	144	12	22
Housing & Public Protection	244	242	45	48	112	186	7	8
HR & OD	1	11	1	0	3	4	1	4
Information & Business Change	0	5	0	0	1	2	0	0
Legal & Democratic Services	14	12	1	0	7	7	1	0

Poverty, Wellbeing & Communities	0	2	0	0	0	0	0	0
Social Services Corporate	42	52	In SS Figures	In SS figures	60	46	1	0
Waste Management & Parks	533	611	22	19	109	187	14	21
<b>Totals</b>	<b>1597</b>	<b>1676</b>	<b>153</b>	<b>153</b>	<b>570</b>	<b>776</b>	<b>48</b>	<b>83</b>

**TABLE 2: Comparison of total enquiries received with the Previous Year**

	1 April 2018 to 31 March 2019	1 April 2019 to 31 March 2020	Difference (+ or -)
<b>Stage 1</b>	1676	1597	-79
<b>Stage 2</b>	153	153	0
<b>Requests for Service</b>	776	570	-206
<b>Comments</b>	83	48	-35
<b>Total</b>	<b>2688</b>	<b>2368</b>	<b>-320</b>

<b>Table 3 – Examples of Compliments Received</b>	
<b>Teams</b>	<b>Compliments Received</b>
Waste, Parks & Cleansing	<p>Victoria Park looked fantastic and this is due to the hard works of the staff in the Parks team and my thanks go to them for their efforts</p> <p>I just wanted to tell you that the plastic recycling team this morning did a really good job of cleaning up a huge amount of plastic waste that had been dumped across the street.</p>
Cultural Services	WELL DONE SWANSEA CITY COUNCIL FOR PUTTING ON THE BEST AIRSHOW SO FAR !!! WONDERFUL TIME WAS HAD BY ALL. MUCH MORE ACTIVITIES THAN PREVIOUS YEARS AND A FANTASTIC AIR DISPLAYS. I HOPE THIS WILL BE A FUTURE EVENT.
Education	Well done Penclawdd Primary in 'Swansea in bloom' and congratulations to every single person involved showing how a community can 'get together' and how community isn't an old-fashioned thing but still possible in 2019.
Highways	Just a quick note to say thank you to you and to all the council workmen who were out in Bishopston today clearing the blocked drains and flooding. Hardly anybody ever says thank you these days and just complains.
Libraries	(Job Club) I needed help with my CV which was invaluable. I've also found a route to courses I didn't know was available. Lovely staff very helpful.
Revenues and Benefits	<p>I would like you to be aware how pleased I am with the assistance I have today been provided with (by e-mail) by X revenues officer in relation to council tax. For some time now I have been experiencing financial difficulties and have got myself extremely worried and stressed about the arrears on my council tax.</p> <p>However having e-mailed today to find out my options I received a very helpful and quick response from X which immediately put my mind at rest and gave me an affordable and manageable way of clearing the arrears. I had to send this message as I hope X and her seniors/employers are made aware of how much a difference her assistance has made to someone like me.</p>
Housing	A team of workmen came yesterday and the shed is 'no longer', just a hardstanding ready for the new build. The gang of men were a delight and made every effort to consider my environment. To me living in X is a delight and my congratulations to the team of wardens and others who give support
Customer Services	Just to let you know the blue badge has just been delivered. Excellent service. Thanks again for your help, appreciated

**ADULT SERVICES COMPLAINTS  
ANNUAL REPORT 2019-2020**

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Adult's Services for the period 1 April 2019 to 31 March 2020
<b>Policy Framework:</b>	Transformation & Future Council
<b>Consultation:</b>	Access to Services, Legal and Finance
<b>Report Author:</b>	Sarah Lackenby
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

**FOR INFORMATION**

**1.0 Introduction**

- 1.1 Swansea Council's Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to voice their concerns in relation to the exercise of Social Services functions.
- 1.2 With effect from 1 August 2014 revised legislation came into effect, bringing the Social Services complaints procedure into line with other complaints procedures across public services, in particular the process for NHS '*Putting Things Right*'. The Social Services Complaints Policy reflects the requirements of the new legislation and full details of the new policy can be viewed online at: <https://www.swansea.gov.uk/article/6520/Making-a-Comment-Complaint-or-Compliment-about-Swansea-Social-Services>.  
The legislation requires the reporting of additional information which has been incorporated into this report.



- 1.3 Swansea Council Adult Services is committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from this process are fed back to relevant teams and used wherever possible to improve future service delivery.
- 1.4 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 1.5 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 1.6 Appendix A contains all tables referred to in this report.

## **2. Total Complaints received during the reporting period.**

- 2.1 **Table 1** shows this year's total complaints received by the Complaint Team in respect of Adult Social Services with the previous two years' figures for comparison. The total number of Stage 1 complaints received this year has increased by 7% in comparison with figures for the previous year.
- 2.2 Under the Social Services complaints policy, the legislative framework allows complainants to immediately request a stage 2 investigation. Though efforts to resolve complaints internally are made wherever possible, the number of stage 2 complaints this year has increased from four to six.

## **3. Analysis of Stage 1 Complaints**

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**. Complaints need to be acknowledged within 2 working days. In 89% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, this is lower than the previous year at 78%
- 3.2 Complaints have been broken down by individual service teams this year, in order to provide greater clarity on specific areas where complaints are being received. This will help with the identification of systemic issues and trends which can then be scrutinised more closely within those teams affected.

## **4. Stage 2 Complaints**

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where the Council has not been able to resolve the issues to the complainant's satisfaction at stage 1, or the complainant has requested that the matter be immediately considered at Stage 2.
- 4.2 Both the old and new social services complaint regulations give an eligible complainant a statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should

they wish and is not dependent on having been investigated at stage 1 or the outcome at stage 1.

- 4.3 An independent person is commissioned for a Stage 2 investigation. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaint's procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has set criteria as to who can raise a complaint under that policy. Where an individual is not eligible to make a complaint under the Social Services complaints policy, their concerns will be handled through the Authority's Corporate Complaints Procedure.
- 4.6 The timeframe for dealing with Stage 2 complaints is 25 working days under the Social Services complaints policy, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. For complaints made after the implementation of the new regulations, where an extension of time is sought this will normally only be granted with the permission of the Chief Social Services Officer or other delegated officer on their behalf. All investigations this year were subject to extended periods of time with the Director's consent.
- 4.7 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process. There have been 6 complaints taken to Stage 2 in this reporting period compared to the 4 last year.

#### 4.8 **Summary of Stage 2 complaints**

##### 4.9 Case 1: Community Support Team.

There were 5 complaints about the transition planning from Child and Family Services to Adult Services which included complaints about the hourly rate of Direct Payments. None of the complaints were upheld.

##### 4.10 Case 2: Direct Payment Team

There were 14 complaints about the level of service regarding the administering of the Direct Payments, 7 of which were upheld. As a review of the Direct Payments' process was already taking place the findings of this investigation were also considered as part of that review.

##### 4.11 Case 3: Community Support Team.

The service user was unhappy with the outcome of an assessment and had 4 complaints relating to that assessment, which did not offer him the allocation of a social worker. None of the complaints were upheld and the service user

was signposted to organisations in the community which could provide the required support.

#### 4.12 Case 4: CMHT 3

There was a significant event appertaining to this service user, however, the information regarding that incident was not shared and recorded in a timely manner. This meant that when the support worker next visited her client she was not aware of this incident. There were 4 complaints around poor communication between the teams and between the client which were upheld. Systems are in place to ensure that this does not happen again.

#### 4.13 Case 5 CMHT 1

This complaint was in relation to a deceased service user and whether social services should have involved the family and parents. At that time the service user did not want any information shared with the family. There were five complaints, none of which were upheld. This case was used to raise discussion about whether a more proactive approach could be adopted with the service user in such cases where a family member wishes to be involved. However, this would need to be agreed with the service user.

#### 4.14 Case 6 West Hub

In this case, the service user was living independently at home with input from social services. The family moved the service user to be closer to them in another area and placed the service user in a residential care home without reference to the social work team or an identified need of residential care for the service user and asked the council to fund the care home costs. Following this, 4 complaints were made in respect of the assessment and care home funding. None of the complaints were upheld. Should the service user move back to Swansea the council offered to carry out another assessment.

### **5.0 Complaints made to the Public Services Ombudsman for Wales (PSOW)**

5.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the PSOW can be found at <http://www.ombudsman-wales.org.uk>

5.2 The PSOW has produced their Annual Letter for 2019/20 which can be seen online at:  
<http://www.ombudsman.wales/wp-content/uploads/2021/02/Swansea-Council.pdf>

The council received 14 queries from the Ombudsman in relation to social services, none of which were investigated. Two of which were referred back into the complaint process to be investigated via stage 2 of the complaint process and one was referred back for a new assessment.

## **6. Reasons for complaints and their outcome**

- 6.1 Further analysis of the reasons for complaints is shown in **Table 4**. Whilst service users have unique and complex individual circumstances, complaints have been grouped under 'best fit' generic headings for reporting purposes.
- 6.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. 19% of complaints were justified/partly justified this year, a reduction compared to last year at 27%.

## **7. Advocacy**

- 7.1 Advocacy services exist to represent service recipients' views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services for all clients.
- 7.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

## **8.0 Compliments**

- 8.1 Adult Services have received 63 compliments over the course of the year. At the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process. Set out in **Table 5** are examples of some of the compliments which have been passed to the complaints team in relation to Adult Services. The individual staff members have been made aware of the compliments concerning them, as has the Head of Service.
- 8.2 Compliments received are an equal reflection of individual and team efforts and Adult Services teams should be encouraged by their successes having regard to compliments received.

## **9. Equality and Engagement Implications**

- 9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 9.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on complaints already handled and closed. The screening form is attached at Appendix 7.

## **10. Financial Implications**

- 10.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.
- 10.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2019/20 for Adult & Directorate Services was **£7028.75** (down £666.25 on the previous year).

## **11. Legal Implications**

- 11.1 Complaints should be administered in accordance with the regulations outlined in paragraph 1.2 above.

**Background papers:** None

**Appendices:** Appendix A – Statistical Data Tables

## **Appendix A – Statistical data in Tables**

<b>Table 1 - Total number of complaints received by Complaint Stages</b>				
	<b>Year</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Service Requests		27	27	48
Corporate		18	25	21
Stage 1		138	135	150
Stage 2		7	4	6
Ombudsman		7	13	14
<b>Totals</b>		<b>197</b>	<b>204</b>	<b>239</b>

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Adult – Learning Disability Service Provision	1
Adult Transition	1
Bonymaen	1
Care Home & Quality Team	4
CAP MDT	6
Central Hub	3
CLDT1	1
Client Property and Finance	1
CMHT 1	2
CMHT 3	5
Community Alarms	1
Community Services Hub	4
Community Support Team	9
Contracting	14
Direct Payments	4
Deprivation of Liberty (DoLs)	2
Disabled Facilities Grants	2
Financial Assessments	9
Hospital social work team	1
Intake team	6
Joint Equipment Store	1
Local Area Co-ordinator	1
Long term care and complex team	6
North Hub	23
Occupational Therapy	1
Referred to Other Agency	2
Referred to Health	4
Residential Facs Panel	1
Safeguarding	8
SCIFT	8
St John's Day Centre	1
The Hollies	1
Transition	1

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Adult – Learning Disability Service Provision	1
Adult Transition	1
Bonymaen	1
Care Home & Quality Team	4
CAP MDT	6
Ty Einon	1
Suresprung	3
Unknown	16
West Hub	8
Western Bay Adult Safeguarding	8
<b>Total number of Stage 1 SS complaints</b>	<b>171</b>

<b>Table 3 – Stage 2 Social Services complaints by Service Area</b>		<b>Total</b>
<b>Service</b>	<b>Outcome</b>	<b>ID</b>
Community Support Team	Not Upheld	Case 1
Direct Payments	Partially Upheld	Case 2
Community Support Team	Not Upheld	Case 3
CMHT 3	Upheld	Case 4
CHMT 1	Not Upheld	Case 5
West Hub	Not Upheld	Case 6





Safeguarding concerns				1											14					
Staff attitude														1						
Unhappy with action taken	6	5		7			1	1	2	4	3	1		2	6	1			2	
Unhappy with charges levied		4	1	2					1											
Unhappy with decision	2			1		1		1		1	1				1		1			
Unhappy with level of service	5	6	2	6	2		1		1					1		1	1	1		
Unhappy with response		1							1											1
Unknown				8				1												
Withdrawal of service																				
Totals	22	30	11	28	8	3	2	3	5	10	7	2	3	5	22	3	3	1	2	1

**Table 5 – Examples of Compliments Received**

Teams	Compliments Received
CAP AND Morriston Hospital social work team	I want you to know how amazingly responsive and supportive both the CAP team and the Morriston Hospital Social Work Team was today in response to my 90 year old Mum's recent, but thankfully short, stay in A &E. I was concerned to get a multidisciplinary assessment before discharge. Morriston wanted to discharge her at 10.30 last night but I dug my heels in. Both teams liaised brilliantly and I want to commend both social workers and managers. As ever first class.
Bonymaen House	To All the staff of Bonymaen House, we would like to thank you from the bottom of our hearts for the wonderful care you showed to our mother.
Care Home Team	Even though you have only known my mum for a relatively short period, your assessment of her needs has been so accurate and your written evidence submitted to the local health board described mum so sensitively yet, at the same time, provided a clear account of her highly complex needs. Mum also speaks highly of your involvement in a positive way. She definitely felt listened to during your meeting with her and valued your sincerity. I can't thank you enough.
Central Hub	I write to advise you that I am extremely grateful for the help and support that was provided to me the social worker. She went above and beyond to ensure I had a sense of dignity and has vastly improved my quality of life. Support was arranged for me when I needed it the most and she has a true passion for helping people that is evident in her manner. I can't thank her enough because for someone like me, this is like winning the lottery and her support was out of this world. Often she would end up counselling me and I truly feel she deserves recognition for how amazing she is.
Dom Care/Central Hub	I want thank you and all the carers who have been absolutely fantastic, so supportive, how quickly you had arranged the emergency care I needed to look after X and how amazing the carers and nurse's had cared for X, which I never thought she would be happy to have but they made her feel so comfortable and at ease, that even within the 2 weeks they had all built up such a good relationship with her, that she loved every single staff member and I know X, myself and my family cannot thank you all enough.
Homecare	Thank you to you and your team. I honestly don't know how I would have coped without you. That's honest.
LAC	I'm really impressed with the response of the Sketty community to the corona outbreak. There are so many kind people who are willing to help others, and X the LAC is doing a brilliant job of coordinating everything.
North Hub	We would like to thank you for your excellent professional social work. We feel that you listened with compassion, clarified areas of confusion and acted quickly and effectively. It's been a very difficult time

	for us and we felt well supported by your warm professionalism that demonstrated a depth of experience.
Occupational Therapy	Thank you Card - X entered our lives in March when we were struggling. She was wonderful and from day one her professionalism, expertise and problem solving helped us get back on track. She gave us confidence and support in a delightful way - caring and understanding and with a lovely sense of humour that my husband responded to.
Positive Steps	Thank you for everything that you are doing for me, without your support, I don't know what I would do.
Sensory Services	I wish to THANK YOU for the visit and the gentleman for his kindness, understanding and for the equipment he gave me. I was pleasantly surprised when most of the issues were addressed there and then.
Suresprung	Two of your chaps from Community Alarms came to install a Lifeline for my Dad. I would be really grateful if you could pass on my sincere thanks to them - they were so pleasant, courteous and helpful and a real credit to your service for their caring and professional attitude. The installation was very quick and simple, everything was explained and made very easy to understand and they were just lovely in dealing with my Dad and reassuring him.
St Johns House	Thanks for all the care and love that you have shown mum and I'm happy she has access to such a caring place. You all do a wonderful job. Very seldom do we hear of the good things that happen in aged care so give yourselves a 'well done' for a good job done. You deserve it. I have been made welcome when visiting mum and she has nothing but praise for you all, thank you!

**CHILDREN'S SERVICES COMPLAINTS  
ANNUAL REPORT 2019-2020.**

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Children's Services for the period 1 April 2019 to 31 March 2020
<b>Report Author:</b>	Sarah Lackenby
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar
<b>FOR INFORMATION</b>	

## **1.0 Introduction**

- 1.1 Swansea Council's Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to voice their concerns in relation to the exercise of Social Services functions.
- 1.2 With effect from 1 August 2014 revised legislation came into effect, bringing the Social Services complaints procedure into line with other complaints procedures across public services, in particular the process for NHS '*Putting Things Right*'. The Social Services Complaints Policy has been revised to accommodate the requirements of the new legislation and full details of the new policy can be viewed online at:  
<https://www.swansea.gov.uk/sscomplaints>  
The legislation requires the reporting of additional information which has been incorporated into this report.

Swansea Council's Children's Services is committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from

this process are fed back to relevant teams and used wherever possible to improve future service delivery.

- 1.4 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 1.5 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 1.6 Appendix A contains all the tables referred to in this report.

## **2. Total Complaints received during the reporting period**

- 2.1 **Table 1** shows this year's total complaints received by the Complaints Team in respect of Children's Services with the previous two years' figures for comparison. The number of Stage 1 complaints received this year has dropped **11%** compared to last years' figure.
- 2.3 Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Through efforts to resolve complaints internally wherever possible, the number of stage 2 complaints this year is equal to last year's figure of 7 received.

## **3. Analysis of Stage 1 Complaints**

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**. Complaints need to be acknowledged within 2 working days, and in 73% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, down 6% on the previous year.
- 3.2 Complaints have been broken down by individual service teams this year, in order to provide greater clarity on specific areas where complaints are being received. This will help with the identification of systemic issues and trends which can then be scrutinised more closely within those teams affected.
- 3.3 Due to continuing changes in the structure of Children's Services it is possible that the teams shown below have since been reorganised and may no longer exist as set out. Adjustments will be made to the team names year on year as required to reflect any such changes.

## **4. Stage 2 Complaints**

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where we have not been able to resolve the issues to the complainant's satisfaction at stage 1, or the complainant has requested that the matter be immediately considered at Stage 2.

- 4.2 Both the old and new social services complaint regulations give an eligible complainant a statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish and is not dependent on having been investigated at stage 1 or the outcome at stage 1.
- 4.3 An independent investigator person is commissioned for a Stage 2 investigation, with the work of the investigator overseen by an independent person to ensure the investigation is carried out in a fair and proper way. A formal report is produced which presents the facts and considers the feelings around the difficulties and suggests ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has set criteria as to who can raise a complaint under that policy. Where an individual is not eligible to make a complaint under the Social Services complaints policy, their concerns will be handled through the Authority's Corporate Complaints Procedure.
- 4.6 The timeframe for dealing with Stage 2 complaints is 25 working days under the Social Services complaints policy, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. For complaints made after the implementation of the new regulations, where an extension of time is sought this will normally only be granted with the permission of the Chief Social Services Officer or other delegated officer on their behalf. All investigations this year were subject to extended periods of time.
- 4.7 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process.
- 4.8 There were 7 complaints received in this reporting period that went to investigation at Stage 2.
- 4.9 **Summary of Stage 2 complaints:**

**Case 1 – Child Disability Team and West Team**

The complaint was made as the parents were unhappy with both teams and the Direct Payments process and decision making made by the teams resulting in the family not receiving Direct Payments for their 2 children and poor communication and assessments not shared. Of the 10 complaints made 2 were upheld, 7 upheld in part and 1 not upheld.

**Case 2 – Looked After Children's Team**

This stage 2 complaint investigation exceeded the timeframe due to the number of agencies involved. A complaint made by a young person regarding their

experience when in foster care. This encompassed the care received from the foster carers that was looked at via a police investigation and the social work support during this period. There were 17 complaints in total, 9 were looked at via the police previously, therefore the investigator was unable to investigate these points, 1 complaint upheld, 1 partly upheld, 5 unable to make a finding.

### **Case 3 - Looked After Children's Team**

This stage 2 complaint was made by the sibling of the above young person also regarding their experience when in foster care by the same carers. There were 19 complaints in total, 1 looked at via the police, 1 partially upheld and 17 unable to make a finding.

### **Case 4 - West Team**

This complaint was brought by a father unhappy with the PLO reports not containing his view, social work interaction and alleged lack of police incidents being reported. In all, 8 complaints were made, 2 of which were upheld, 4 not upheld and 2 unable to make a finding.

### **Case 5 – West Team**

Further complaint that escalated to stage 2 made by the above complainant later in the year. The complaint related to what was perceived to be a contradiction in a decision made regarding contact arrangements with his children. There was one complaint that was not upheld.

### **Case 6 – Child Disability Team**

This complaint was made due to numerous referrals made to the Child Disability Team from mother and other agencies. Eligibility criteria to receive support was not met. Of 17 complaints made 2 were upheld and 15 not upheld.

### **Case 7 - Child Disability Team**

A complaint made by parents regarding Direct Payments being denied as the children did not meet eligibility criteria for support and a delay with assessments and poor communication. There were 10 complaints in total, 1 upheld, 9 partially upheld.

## **5.0 Complaints made to the Public Services Ombudsman for Wales (PSOW)**

- 5.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the PSOW can be found at: <http://www.ombudsman-wales.org.uk>
- 5.2 The PSOW has produced the Annual Letter for 2019/20, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. 11 cases were referred to the Ombudsman this

year, 2 of which were referred back into the complaint process to be investigated via stage 2 of the complaint process. However, there have been no findings of maladministration. The Ombudsman's letter can be seen online at:

<http://www.ombudsman.wales/wp-content/uploads/2021/02/Swansea-Council.pdf>

## **6. Reasons for complaints and their outcome**

6.1 Further analysis of the reasons for complaints is shown in **Table 4**. Whilst service users have unique and complex individual circumstances, complaints have been grouped under 'best fit' generic headings for reporting purposes.

6.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. 34 complaints (25%) were found to be justified/partly justified this year, which is slightly lower than the equivalent figure for 2018/19 though the number of complaints received actually fell slightly.

## **7. Advocacy**

7.1 Advocacy services exist to represent children's views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services.

7.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

## **8.0 Compliments**

8.1 Children's Services have received in excess of 40 compliments over the course of the year. Set out in **Table 5** are some examples of the compliments which have been passed to the complaints team this year in relation to Children's Services. The individual staff members have been made aware of the compliments concerning them as has the Head of Service.

8.2 As well as substantial acknowledgements of thanks from service users that are given to staff at the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process.

8.3 Many complaints are often accompanied by compliments for other elements of service provision.



- 8.4 Compliments received are an equal reflection of individual and team efforts and Children's Services teams should be encouraged by their successes having regard to compliments received.

## **9. Equality and Engagement Implications**

- 9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 9.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on complaints already handled and closed. The screening form is attached at Appendix 7.

## **10. Financial Implications**

- 10.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.
- 10.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2019/20 for Children's Services was £26,734.38 (up £1,289.38 on the previous year).

## **11. Legal Implications**

- 11.1 Complaints have been administered in accordance with the regulations outlined in paragraph 1.2 above.

**Background papers:** None

**Appendices:** Appendix A – Statistical Data Tables

## Appendix A – Statistical data in Tables

<b>Table 1 - Total number of complaints received by Complaints Team</b>				
	<b>Year</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
<b>Service Requests</b>		20	20	12
<b>Corporate</b>		30	26	13
<b>Social Services Stage 1</b>		172	125	123
<b>Social Services Stage 2</b>		7	7	7
<b>Ombudsman</b>		3	10	11
<b>Totals</b>		<b>232</b>	<b>188</b>	<b>166</b>

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Bays	4
CCARAT-IAA	6 (1 corporate)
Child and Family general	1
Child Disability Team	32 (2 corporate)
Conference Chairing	3
Contracting	1
EDT	1
Evolve	1
Family Partnership	1
Foster Swansea	2
Friends & Family	3
LAC	19 (3 corporate)
LAC 14+	3 (2 corporate)
Penderry Team	10
Safeguarding Team	1 (corporate)
Safeguarding and Well Being	2
Swansea Valley Team	13 (3 corporate)
Swansea West Team	14 (1 corporate)
Supported Care Planning	1
Townhill Team	4
Unknown	13
Valley Team	1
<b>Total</b>	<b>136</b>

<b>Table 3 – Total Stage 2 complaints by Service Area</b>		
<b>Service</b>	<b>Outcome</b>	<b>ID</b>
<b>Child Disability Team/West Team</b>	The complaint was made as the parents were unhappy with both teams and the Direct Payments process and decision making made by the teams resulting in the family not receiving Direct	<b>Case 1</b>

	Payments for their 2 children and poor communication and assessments not shared. Of the 10 complaints made 2 were upheld, 7 upheld in part and 1 not upheld.	
<b>Looked After Children's Team</b>	This stage 2 complaint investigation exceeded the timeframe due to the number of agencies involved. A complaint made by a young person regarding their experience when in foster care. This encompassed the care received by the foster carers that were looked at via a police investigation and the social work support during this period. There were 17 complaints in total, 9 were looked at via the police previously, therefore the investigator was unable to investigate these points, 1 complaint upheld, 1 partly upheld, 5 unable to make a finding.	<b>Case 2</b>
<b>Looked After Children's Team</b>	This stage 2 complaint was made by the sibling of the above young person also regarding their experience when in foster care by the same carers. There were 19 complaints in total, 1 looked at via the police, 1 partially upheld and 17 unable to make a finding.	<b>Case 3</b>
<b>West Team</b>	This complaint was brought by a father unhappy with the PLO reports not containing his view, social work interaction and alleged lack of police incidents being reported. In all, 8 complaints were made, 2 of which were upheld, 4 not upheld and 2 unable to make a finding.	<b>Case 4</b>
<b>West Team</b>	Further complaint that escalated to stage 2 made by the above complainant later	<b>Case 5</b>

	in the year. The complaint was what was perceived to be a contradiction in a decision made regarding contact arrangements with his children. There was one complaint that that not upheld.	
<b>Child Disability Team</b>	This complaint was made due to numerous referrals made to the Child Disability Team from mother and other agencies. Eligibility criteria to receive support was not met. Of 17 complaints made 2 were upheld and 15 not upheld.	<b>Case 6</b>
<b>Child Disability Team</b>	A complaint made by parents regarding Direct Payments being denied as the children did not meet eligibility criteria for support and a delay with assessments and poor communication. There were 10 complaints in total, 1 upheld, 9 partially upheld.	<b>Case 7</b>




**Table 5 – Examples of Compliments Received**

Teams	Nature of Compliment
Foster Swansea	I just wanted to let you know that X's has contacted Foster Swansea to share how fantastic her child's foster carers are. She told us she is so happy that her child is settled with them. She is grateful for everything that the foster parents have done for her and that they always put her daughter first. She finished the conversation stating that they were awesome and brilliant foster carers and she would like you to receive an award for all what they have done. IA letter of thanks has been sent to the foster carers and we will be putting them forward for national fostering awards.
Looked after Children	I just wanted to praise again the work undertaken by social worker L with child X to date. L has developed a strong and mutually respectful working relationship with X who very much values being consulted with and involved in decision making. I have seen X articulate her views and communicate her thoughts more openly since working with L. The multi-agency team around X also communicate far more effectively with regular updates being shared and all expressing their gratitude towards L for coordinating this.
Townhill team	Thank you card - Just wanted to say thank you for all the support and kindness you have shown while supporting our family
Looked after Children	Just a quick thanks to social worker J for planning the quite complicated trajectory for X's move into her new flat. X is delighted with her new home and it was lovely to see such a transformation in her overall appearance yesterday from an angry despondent young person to a very glamorous and confident young lady who is very much focused on her future. Really lovely example of excellent social work enabling X to stick with her difficulties, persevere in times of frustration (due to system delay) and still remain focused on the future .
Young Peoples Services	Text from a young person regarding support provided: "Thanks M, helping me do the best think that's happened in my life so far... really appreciate it! Your amazing!! I know it's a bit late but better late than never."
Mr X Team	Thanks so much for your amazing Mr X Appeal. What an achievement. Our families have been overwhelmed by the kindness of everyone.
Mr X Team	Thank you so very much for arranging the gifts, I apologise for crying but I was completely overwhelmed by people's generosity. (Client's name) was absolutely blown away when I made the delivery and she started crying too!


Domestic Abuse Hub	I just wanted to give you an update as to how we are getting on with S, and wanted to thank you again, because the last couple of months we have all noticed a massive change in him, he is so much more chilled like he used to be, and his sense of humour is shining through. Life is so so much easier now, and thank god with them all home from school with the current situation, it wouldn't have been possible without the work that u did with him. So I just wanted to thank u again from the bottom of my heart
LAC West	I want to share with you how proud I felt of J sat in court this morning.....the guardian was chatting to us about J's case, which has been a very long, tiring and difficult case to manage. The guardian was so complimentary of J and her work throughout the proceedings, the guardian spoke of a similar case she has in another authority where she said she feels like sharing J's wonderful work in the hope the other case could be managed so well. It was so lovely and heart-warming to hear the guardian speak about J's amazing practice and social work skills! I had a huge smile on my face and felt so proud!
Permanence	I just wanted to provide feedback from the Hard to Place panel on Monday. HH from education commented in relation to Child X that you had made a significant difference and were an excellent SW. So well done you.
Young Peoples Services	Email from a young person, "Hi just contacting you regarding your employee M. I just wanted to say how much of a help he has been to me already and how quickly and efficiently he has got the ball rolling with regards to helping me gain the qualification that I need to obtain work, been a great help already."
Supported Care Planning	Email to social worker. We reviewed X medical yesterday and the consultant team praised you/your team for your flexibility and commitment to the process

Our ref: NB

Ask for: Communications

 01656 641150

Date: 7 September 2020

 Communications  
@ombudsman-wales.org.uk

Councillor Rob Stewart  
Council Leader  
Swansea Council

**By Email Only**  
Cllr.Rob.Stewart@swansea.gov.uk

Dear Councillor Stewart

### **Annual Letter 2019/20**

I am pleased to provide you with the Annual letter (2019/20) for City and County of Swansea.

I write this at an unprecedented time for public services in Wales and those that use them. Most of the data in this correspondence relates to the period before the rapid escalation in Covid-19 spread and before restrictions on economic and social activity had been introduced. However, I am only too aware of the impact the pandemic continues to have on us all.

I am delighted to report that, during the past financial year, we had to intervene in (uphold, settle or resolve early) a smaller proportion of complaints about public bodies: 20% compared to 24% last year.

We also referred a smaller proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 2% compared to 3% last year.

With regard to new complaints relating to Local Authorities, the overall number has decreased by 2.4% compared to the previous financial year. I am also glad that we had to intervene in a smaller proportion of the cases closed (13% compared to 15% last year). That said, I am concerned that complaint handling persists as one of the main subjects of our complaints again this year.

Amongst the main highlights of the year, in 2019 the National Assembly for Wales (now Senedd Cymru Welsh Parliament) passed our new Act. We are now the first ombudsman's office in the UK to have full and operational powers to drive systemic improvement of public services through investigations on our 'own initiative' and the Complaints Standards role.

Page 1 of 7



During 2019/20, we have engaged intensively with Local Authorities on this issue, starting to exercise our new Complaints Standards powers.

Local Authorities in Wales submitted data about the complaints they handled to the Complaints Standards Authority (CSA) for the first time in 2019/2020, revealing much more about the complaints landscape in Wales.

The data submitted for 2019/2020 shows:

- Over 13,000 complaints were recorded by Local Authorities – 4.25 for every 1000 residents.
- Nearly half (42%) of those complaints were upheld in full or in part.
- About 80% (79.51%) were investigated within 20 working days.
- About 7% (6.91%) of all complaints ended up being referred to PSOW.

The CSA will work with public bodies to ensure the data submitted is an accurate representation of complaints being submitted by service users.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

**Action for the Council to take:**

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council's performance.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by 30 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely



Nick Bennett  
Ombudsman

CC: Adam Hill, Chief Executive  
Sarah Lackenby, Contact Officer

## Factsheet

### A. Complaints Received

Local Authority	Complaints Received	Complaints received per 1000 residents
Blaenau Gwent County Borough Council	17	0.24
Bridgend County Borough Council	34	0.23
Caerphilly County Borough Council	49	0.27
Cardiff Council*	122	0.33
Carmarthenshire County Council	42	0.22
Ceredigion County Council	31	0.42
Conwy County Borough Council	29	0.25
Denbighshire County Council	32	0.34
Flintshire County Council	61	0.39
Gwynedd Council	37	0.30
Isle of Anglesey County Council	26	0.37
Merthyr Tydfil County Borough Council	13	0.22
Monmouthshire County Council	16	0.17
Neath Port Talbot County Borough Council	22	0.15
Newport City Council	39	0.25
Pembrokeshire County Council	25	0.20
Powys County Council	72	0.54
Rhondda Cynon Taf County Borough Council	39	0.16
Swansea Council	92	0.37
Torfaen County Borough Council	5	0.05
Vale of Glamorgan Council	30	0.23
Wrexham County Borough Council	33	0.24
<b>Wales</b>	<b>866</b>	<b>0.28</b>

\* inc 1 Rent Smart Wales

### B. Complaints Received by Subject

Swansea Council	Complaints Received	Complaints Percentage Share
Adult Social Services	16	17.39%
Children's Social Services	11	11.96%
Community Facilities, Recreation and Leisure	3	3.26%
Complaint Handling	11	11.96%
Education	2	2.17%
Environment and Environmental Health	5	5.43%
Housing	23	25.00%
Planning and Building Control	8	8.70%
Roads and Transport	10	10.87%
Self Funding Care Provider	1	1.09%
Various Other	2	2.17%

Page 41

### C. Complaint Outcomes

(\* denotes intervention)

Complaints Closed	Premature/ Out of Time/Right to Appeal	Out of Jurisdiction	Other cases closed after initial consideration	Early Resolution/ voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld - in whole or in part*	Public Interest Report *	Grand Total
Swansea Council	42	7	40	4	0	0	0	0	93
Percentage Share	45.16%	7.53%	43.01%	4.30%	0.00%	0.00%	0.00%	0.00%	

#### D. Number of cases with PSOW intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	1	34	3%
Caerphilly County Borough Council	6	50	12%
Cardiff Council	21	120	18%
Cardiff Council - Rent Smart Wales	-	1	0%
Carmarthenshire County Council	6	46	13%
Ceredigion County Council	4	30	13%
Conwy County Borough Council	6	34	18%
Denbighshire County Council	2	32	6%
Flintshire County Council	8	57	14%
Gwynedd Council	4	39	10%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	15	13%
Monmouthshire County Council	2	15	13%
Neath Port Talbot Council	4	25	16%
Newport City Council	4	38	11%
Pembrokeshire County Council	7	29	24%
Powys County Council	14	71	20%
Rhondda Cynon Taf County Borough Council	5	40	13%
Swansea Council	4	93	4%
Torfaen County Borough Council	1	5	20%
Vale of Glamorgan Council	4	27	15%
Wrexham County Borough Council	4	33	12%
<b>Grand Total</b>	<b>113</b>	<b>879</b>	<b>13%</b>

**E. Code of Conduct Complaints Closed**

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Swansea	3	-	-	-	-	-	-	3

**F. Town/Community Council Code of Complaints**

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Gorseinon Town Council	1	-	-	-	-	-	-	1
Mumbles Community Council	4	-	-	-	-	-	-	4
Pennard Community Council	1	-	-	-	-	-	-	1

## **Appendix**

### **Explanatory Notes**

Section A provides a breakdown of the number of complaints against the Local Authority which were received during 2019/20, and the number of complaints per 1,000 residents (population).

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2019/20. The figures are broken down into subject categories with the percentage share.

Section C provides the complaint outcomes for the Local Authority during 2019/20, with the percentage share.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2019/20.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

### **Feedback**

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent via email to [communications@ombudsman-wales.org.uk](mailto:communications@ombudsman-wales.org.uk)

**FREEDOM OF INFORMATION (FOI)  
ANNUAL REPORT 2019/20**

<b>Purpose:</b>	To report on requests for information made under the provisions of The Freedom of Information Act 2000 for the period 1 April 2019 to 31 March 2020
<b>Policy Framework:</b>	Transformation & Future Council
<b>Consultation:</b>	Access to Services, Legal, Finance.
<b>Report Author:</b>	Sarah Lackenby
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

**FOR INFORMATION**

**1. Introduction**

- 1.1. The Freedom of Information (FOI) Act 2000 places a duty on all Public Authorities to comply with the general right of access to all types of “recorded” information held by the Authority (unless an exemption applies under the Act). This right of access to information came into force on 1 January 2005. The FOI process can be found at: <https://www.swansea.gov.uk/freedomofinformation>
- 1.2. The FOI Act is fully retrospective and applies to all information held by the Council. The Council adopted a Corporate Policy on Freedom of Information and Records Management in December 2004.
- 1.3. The FOI policy sets out the Council’s commitment to making information publicly available unless there are sound operational or public interest

reasons for not doing so or there are legal reasons preventing it.

- 1.4. The Complaints Manager is ultimately responsible for all FOI Reviews required under the Act, which arise if the requester is unhappy with the response. The FOI decision is reviewed in conjunction with a Legal Officer and where appropriate a representative from the relevant Department. The Council's SIRO and the Information Governance Unit are currently reviewing the process around FOI Reviews to increase capacity and resilience.
- 1.5. Requesters also have a further right of appeal to the Information Commissioner's Office (ICO).

## 2. Information Request Statistics

**Table 1: Information requests received by Service Area:**

<b>TABLE 1 – Information Requests by Service Area</b>					
<b>Service Area</b>	<b>FOI Requests</b>	<b>Subject Access Requests</b>	<b>FOI /SAR Reviews</b>	<b>Appeals to Information Commissioner</b>	<b>Totals</b>
Information/Communication Technologies	55	0	1	0	56
Social Services (Children Services)	76	69	4	0	149
Social Services (Adult Services)	94	46	6	7	153
Communications	32	6	3	0	41
Corporate Building Services	3	0	0	0	3
Corporate Property Services	45	2	2	1	50
Culture & Tourism	63	1	3	1	68
Environment	113	5	1	2	121
Waste Management	46	1	1	0	48
Financial Services	148	9	2	0	159
Human Resources	45	2	1	0	48
Housing	72	8	3	1	84
Legal & Democratic Services	41	7	0	0	48
Planning	70	3	10	4	87
Education	116	14	2	1	133
Commercial Services & Procurement	10	0	0	0	10
Transportation & Engineering	166	23	7	0	196
<b>Totals</b>	<b>1,195</b>	<b>196</b>	<b>46</b>	<b>17</b>	<b>1,454</b>

3. **Table 2: Shows the number of information requests since 2016/17:** Freedom of Information requests (FOI), Environmental Information Regulation requests (EIR), Subject Access requests (SAR)

<b>Financial Year</b>	<b>Requests Received (FOI, EIR &amp; SAR)</b>	<b>Year on Year Difference</b>
2016/17	1327	-27
2017/18	1361	+34



2018/19	1538	+177
2019/20	1391	-147

#### 4. Table 3: Timeliness of Responses to FOI & EIR Requests

##### 4.1

Financial Year	Answered within 20 days	% answered within 20 days
2016/17	917	74.9%
2017/18	987	75.9%
2018/19	907	65%
2019/20	844	70.6%

4.2 The percentage answered within 20 days does not reflect where further clarification was sought. However, the Council has put measures in place to improve performance in this area. Training has been undertaken with the FOI officer network, new templates have been created to speed up the process, and a decision tree to aid the application of any appropriate exemptions.

#### 5. Type of Applicant

5.1 FOI requests are received from a variety of sources. The table below gives a breakdown of the type of applicant that made the FOI Request.

Table 4 - FOI Request by Type of Applicant	
Type of Applicant	No.
Commercial Organisation	170
Freelance Journalist	8
Individual	797
Media	144
Not for Profit	25
Politician	26
Solicitors	25
<b>Total</b>	<b>1195</b>

#### 6. Responses to FOI Requests

6.1 Table 5 below shows a breakdown of the type of response that the Council gave to the FOI Requestor. 920 of the 1195 (77%) were either fully disclosed or mainly granted. This statistic clearly shows the Council's continued commitment to openness and transparency.

Table 5 - Type of Response given to FOI Requestor	
Type of Response	No.
Full Disclosure	826
Completely Refused	76

Data not held	74
Mainly Granted	94
Mainly Refused	33
Referred to alternative organisation	3
Referred to website for information	9
Not Pursued / Withdrawn	55
Timed Out *	2
Ongoing / Incomplete	23
<b>Total</b>	<b>1195</b>

\* The “Timed Out” category is used where an applicant did not respond to a request for clarification, therefore the request could not be processed.

## 7. Responses where Exemptions were necessary to withhold Information

7.1 Table 4 below shows a breakdown of the exemptions used under the FOI Act to withhold information.

<b>Table 4 - Number of and List of FOI Exemption Used</b>		
<b>Section</b>	<b>Exemption</b>	<b>No.</b>
<b>12</b>	Cost of Redacting & Extracting Information	48
<b>14</b>	Vexatious & Repeated Requests	0
<b>21</b>	Information accessible to applicant by other means	5
<b>22</b>	Information intended for future publication	2
<b>30</b>	Investigations & Proceedings	0
<b>31</b>	Law Enforcement	8
<b>32</b>	Court Records	0
<b>36</b>	Effective Conduct of Public Affairs	1
<b>38</b>	Health & Safety	0
<b>40</b>	Data Protection	11
<b>41</b>	Information provided in confidence	1
<b>42</b>	Legal professional privilege	1
<b>43</b>	Commercial Interest	30
<b>Totals</b>		<b>107</b>

**Note: In some cases more than one exemption was used to withhold data requested.**

## 8. Reviews and Appeals

8.1 There were 36 FOI Reviews carried out during 2019/20. Of the reviews conducted, the original decision was upheld in 23 of those cases.

8.2 The Requester appealed to the Information Commissioner’s Office (ICO) in 9 of those cases. Details of the ICO appeals and their outcome is summarised in Table 5 below.

<b>Table 5 - Appeals to the Information Commissioner's Office (ICO)</b>		
	<b>Information Requested</b>	<b>Outcome of Appeal</b>
	Air Show	Requester contacted ICO as they had not received the information. Information disclosed
	Child and Family	Failed to provide a response within the time frame. ICO asked that we provide a substantive response
	Advocacy services	We reversed our position and released the information
	Child and Family	Not upheld by ICO
	Dog breeding	Not upheld by ICO
	Phone mast, Mayals	Not Upheld by ICO
	Parc Mawr	Not upheld by ICO
	Planning	Not upheld by ICO
	Education	Upheld. Response not provided within the timescale

## **9. Equality and Engagement Implications**

- 9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 9.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on FOI/EIR and SARs already handled and closed. The screening form is attached at Appendix 7.

## **10. Financial Implications**

- 10.1 All costs incurred through dealing with FOI are covered within existing budgets.

## **11. Legal Implications**

- 11.1 None

**Background Papers:** None

**Appendices:** None

**REGULATION OF INVESTIGATORY POWERS (RIPA)  
ANNUAL REPORT 2019-20**

<b>Purpose:</b>	To report on the operation of the Authority’s use of covert surveillance, conducted under the provisions of The Regulation of Investigatory Powers Act (RIPA) 2000 for the period 1 April 2019 to 31 March 2020
<b>Policy Framework:</b>	Transformation & Future Council
<b>Consultation:</b>	Access to Services, Legal, Finance.
<b>Report Author:</b>	Sarah Lackenby
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar
<b>FOR INFORMATION</b>	

**1. Introduction**

- 1.1 The Regulation of Investigatory Powers Act (RIPA) 2000 allows local authorities to conduct covert surveillance activity in circumstances where it is for the purpose of preventing or detecting crime or of preventing disorder. It also allows local authorities to acquire communication data from Communication Providers.
- 1.2 The process must be in accordance with the Home Office’s Code of Practice for Covert Surveillance and Code of Practice on Acquisition of Communication data and this report has been prepared in line with best practice.
- 1.3 This report will provide an overview of the Authority’s practices and activity regulated by RIPA.

**2.0 Service Delivery**

- 2.1 A list of authorised officers is shown in Appendix A. (Table 3)
- 2.2 Table 1 below shows the types of surveillance permitted under RIPA for Local Authority use, comparing annual usage over the last 5 years.

<b>TABLE 1 - Surveillance Permitted Under RIPA</b>					
	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>
Directed	1	0	0	0	0
Interception of Communications	0	0	0	0	0
Acquisition / Disclosure of Communications Data	0	0	0	0	0
Covert Human Intelligence Source	0	0	0	0	0

### 3.0 Process & Procedure

- 3.1 The Process & Procedure that Swansea Council must follow is available on: <https://www.swansea.gov.uk/staffnet/ripaoverview>. The Policy was reviewed during 2019 and updated in September 2019 to reflect necessary legislative and officer changes.

### 4.0 Acquisition and Disclosure of Communications Data

- 4.1 Since 8 February 2012, Swansea Council has subscribed to the National Anti-Fraud Network (NAFN)'s Single Point of Contact Services to acquire this information. Annual Returns are provided to the Interception of Communications Commissioner's Office on a calendar year basis.

### 5.0 Surveillance Activity

- 5.1 Table 2 below shows the use of RIPA by services and its purpose within Swansea Council

<b>TABLE 2 - Use of RIPA</b>		
<b>Directed Surveillance</b>		
	0	
<b>Covert Human Intelligence Source</b>		
	0	
<b>Acquisition and Disclosure of Communications Data</b>		
	0	

- 5.2 Swansea Council operates an extensive Closed Circuit Television (CCTV) system to provide a safer environment for the community. The system is managed and developed in partnership with the South Wales Police. The use of CCTV is not covered by the same regulations as the surveillance reported on above as it is an overt not covert method of observation. The use of fixed

CCTV systems and that of Body-Worn Video Cameras is covered by separate Council policies which are publicly available.

## **6.0 Equality and Engagement Implications**

- 6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 6.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on RIPA activity already handled and closed. The screening form is attached at Appendix 7.

## **7.0 Financial Implications**

- 7.1 All costs incurred in dealing with RIPA have to be covered within existing budgets.

## **8.0 Legal Implications**

- 8.1 As set out in the Report

**Background Papers:** None

**Appendices:** Appendix A – Authorised Officers

## Appendix A

<b>TABLE 3 – RIPA Authorised Officers</b>	
<b>Name</b>	<b>Department / Section</b>
Lynda Anthony	Environmental Health
Peter Richards	Environment Health (Trading Standards)



# Equality Impact Assessment Screening Form – 2017/8

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).**

## Section 1

Which service area and directorate are you from?

Service Area: Customer Services

Directorate: Resources

### Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### (b) Please name and describe here:

The Annual Complaints Report. This is presented to senior managers and Councillors each year detailing complaints performance across corporate complaints, adult social services, children’s social services, freedom of information requests (FOI), subject access requests (SAR), environmental information regulation requests (EIR) and regulation of investigatory powers (RIPA) complaints. This report is a retrospective analysis of performance in 2019-20.

### Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

### (b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

**Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...**

	High Impact	Medium Impact	Low Impact	Don't know
	(H)	(M)	(L)	(H)
Children/young people (0-18) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?**

**Please provide details below – either of your planned activities or your reasons for not undertaking engagement**

There are no engagement, consultation or co-productive activities directly in relation to this annual report. However, performance and feedback around complaints generally from across the year inform the report along with input from the Public Service Ombudsman’s annual letter. The report is a retrospective analysis of performance.

# Equality Impact Assessment Screening Form – 2017/8

**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

High visibility <input type="checkbox"/> (H)	Medium visibility <input checked="" type="checkbox"/> (M)	Low visibility <input type="checkbox"/> (L)
---	--	--

**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL’S REPUTATION?  
(Consider the following impacts – legal, financial, political, media, public perception etc...)**

High risk <input type="checkbox"/> (H)	Medium risk <input checked="" type="checkbox"/> (M)	Low risk <input type="checkbox"/> (L)
---	--	--

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes       No      **If yes, please provide details below**

**Q7 HOW DID YOU SCORE?  
Please tick the relevant box**

**MOSTLY H and/or M → HIGH PRIORITY →  EIA to be completed  
Please go to Section 2**

**MOSTLY L → LOW PRIORITY / NOT RELEVANT →  Do not complete EIA  
Please go to Q8 followed by Section 2**

**Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.**

The complaints annual report is a retrospective look at performance for complaints, FOI/EIR/SAR requests, and RIPA activity that have already been received and closed.

**Section 2**

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Paul Calvert
Job title: Team Leader
Date: 29/03/2021
Approval by Head of Service:
Name: Sarah Lackenby
Position: Chief Transformation Officer
Date: 29/03/2021

**Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)**

# Agenda Item 7

## Service Improvement and Finance – Scrutiny Performance Panel Work Plan 2020/21

<p><b>Meeting 1</b> 9 Nov 2020</p>	<ol style="list-style-type: none"> <li>1. <b>Work Planning for 2020/21</b></li> <li>2. <b>Q1 Budget Monitoring 2020/21</b></li> <li>3. <b>Review of Revenue Reserves</b></li> <li>4. <b>Mid Term Budget Statement</b> Ben Smith – Section 151 Officer &amp; Chief Finance Officer</li> <li>5. <b>Recycling and Landfill - Annual Performance Monitoring 2020/21</b> Chris Howell – Head of Waste Management and Parks Cllr Mark Thomas – Cabinet Member for Environment Enhancement &amp; Infrastructure Management</li> </ol>
<p><b>Meeting 2</b> 14 Dec 2020</p>	<ol style="list-style-type: none"> <li>1. <b>Equality Plan Review</b> Joanne Portwood – Policy &amp; Strategy Officer Cllr Louise Gibbard – Cabinet Member for Supporting Communities</li> </ol>
<p><b>Meeting 3</b> 20<sup>th</sup> January 2021</p>	<ol style="list-style-type: none"> <li>1. <b>Draft Budget Proposals</b></li> <li>2. <b>Q2 Budget Monitoring 2020/21</b> Ben Smith – Section 151 Officer &amp; Chief Finance Officer Rob Stewart – Cabinet Member for Economy, Finance &amp; Strategy</li> <li>3. <b>Q1 Performance Monitoring Report 2020/21</b> Richard Rowlands – Corporate Performance Manager Cllr Andrew Stevens - Cabinet Member for Business Improvement &amp; Performance</li> </ol>
<p><b>Meeting 4</b> 17<sup>th</sup> February 2021</p>	<ol style="list-style-type: none"> <li>1. <b>Budget Proposals 2021/22 – 2023/24 – <i>pre-decision scrutiny</i></b> Ben Smith – Section 151 Officer &amp; Chief Finance Officer Cllr Rob Stewart – Cabinet Member for Economy, Finance &amp; Strategy</li> </ol>
<p><b>Meeting 5</b> 8<sup>th</sup> March 2021</p>	<ol style="list-style-type: none"> <li>1. <b>Mid-Year Budget Statement 2020/21</b></li> <li>2. <b>Q3 Budget Monitoring 2020/21</b></li> <li>3. <b>Treasury Management Strategy</b> Ben Smith – Section 151 Officer &amp; Chief Finance Officer Cllr Rob Stewart – Cabinet Member for Economy Finance and Strategy (Leader)</li> </ol>
<p><b>Meeting 6</b> 12<sup>th</sup> April 2021</p>	<ol style="list-style-type: none"> <li>1. <b>Corporate Complaints Annual Report</b> Cllr Andrew Stevens– Cabinet Member for Business Improvement and Performance Sarah Lackenby – Chief Digital and Transformation Officer</li> </ol>
<p><b>Meeting 7</b> 10<sup>th</sup> May 2021</p>	<ol style="list-style-type: none"> <li>1. <b>Welsh Housing Quality Standards Annual Update</b> Cllr Andrea Lewis – Cabinet Member for Homes, Energy and Service Transformation Mark Wade - Head of Housing and Public Health</li> <li>2. <b>Work Planning – Discussions regarding topics for 2021-22</b></li> </ol>

- Review of Byelaws – date to be agreed.
- Reschedule - Overview/Summary of Commissioning Review Outcomes (to June 2021)
- Budget process
- Progress update on the Local Government Use of Data Action Plan (last update was on 2 Mar 2020). Steve King, Information Research and GIS Team Leader and Sarah Lackenby, Chief Transformation Officer and Cabinet Member Rob Stewart (TBC)