

**Report of the Cabinet Member for
Citizen, Community Engagement and Democracy**

Cabinet – 23 September 2014

CORPORATE COMPLAINTS ANNUAL REPORT 2013-2014

Purpose: To report on the operation of the Corporate Complaints Team, highlighting the number, nature and outcome of complaints made against the Authority, together with details of lessons learned and service improvements.

The following reports have been prepared separately in conjunction with this report, and are appended for information purposes:

- Adult Social Services Complaints;
- Child and Family Services Complaints;
- Freedom of Information Act (FOI);
- Regulation of Investigatory Powers Act (RIPA).

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FOR INFORMATION

1. Introduction

- 1.1 The City and County of Swansea is a large organisation providing a variety of services and whilst every effort is made to carry out these services accurately and professionally, it is inevitable that mistakes are sometimes made.
- 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. **Appendix 1** contains all statistical tables referred to in this report.

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). A complaint would only arise should the request for service not be properly dealt with. The Complaints Team take calls of this nature and liaise with the service department to ensure they are processed, to avoid a public perception of being “pushed from pillar to post”.

3. The Corporate Complaints Process

- 3.1 A new complaints policy was adopted by the Authority with effect from 01/04/2013 in line with the Welsh Government Model Complaints Policy issued in 2011.

- 3.2 The new policy has streamlined the complaints process, reducing the number of internal stages from 3 to 2. The Welsh Government Model has now been adopted by 20 of the 22 Welsh Authorities, providing greater consistency to the way complaints are handled nationally.

3.3 Stage 1 Complaints

- 3.3.1 The majority of Stage 1 complaints are dealt with by the relevant service area. When a complaint spans several different service areas, the complaints team will coordinate the handling of the complaints and provide a single, substantive response. Additionally, where a member of the public will not accept the information given to them by departmental staff, the complaints team in most cases will work as the intermediary to try and resolve the issues.

- 3.3.2 Stage 1 complaints should be responded to or actioned within 10 working days.

- 3.3.3 Initial complaints may be made to the Complaints Team or to the Service Department. The figures shown in this report reflect Stage 1 complaints that have been received by the Complaints Team; it does not include complaints that went directly to the service departments. A more robust analysis of all Stage 1 complaints will be undertaken next year following the introduction of a central stage 1 complaint monitoring system.

3.4 Stage 2 Complaints

- 3.4.1 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.

- 3.4.2 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, and often incorporates separate discussions with both the complainant and with relevant officers from

the service department(s) concerned. Stage 2 complaints should be responded to within 20 working days.

- 3.4.3 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 (the Ombudsman).

3.5 The Ombudsman

- 3.5.1 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.
- 3.5.2 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 Authority, to give us an opportunity to attempt to resolve the complainant's concerns through our internal complaints processes first.

4. The Social Services Complaints Process

- 4.1 A complaints procedure for Social Services is a statutory requirement, and a summary of the process is set out below.
- 4.2 **Stage 1:** The first stage is dealt with by the service section and a response must be made within 10 working days.
- 4.3 **Stage 2:** This stage is investigated by an Independent Investigator and a report should be issued by the Complaints Team within 25 working days of the start of this stage of the complaint. Should the complainant remain unhappy they can escalate their concerns to stage 3.
- 4.4 **Stage 3:** This stage is investigated by an external body the Independent Complaints Secretariat and consists of a panel who review the complaints handling and the response of the authority's Stage 2.
- 4.5 Details of Social Services complaints are contained in separate annual reports. Full details of Social Services Complaints for Adult and Directorate Services are shown in **Appendix 2** and complaints for Child and Family Services are shown in **Appendix 3**.

5. Corporate Complaints Received

- 5.1 **Table 1** shows details of complaints received directly by the Complaints Team during the 2013-2014, together with 2012-2013 figures for comparison.

- 5.2 **Tables 2 to 6** provide a further breakdown for each Directorate by section.
- 5.3 On each of these tables (1 to 6), a row has been added for comments received. These are 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.
- 5.4 **Table 7** provides the total complaints received at each stage of the complaints process. Figures for 2012-2013 are also provided for comparison.

6. Cases reported to the Ombudsman

- 6.1 **Table 8** shows details of the complaints received by the Ombudsman during this reporting period.
- 6.2 There have been a total of 64 complaints to the Ombudsman this year, a considerable increase on the 36 received during 2012/13. It is possible that this increase was partly a result of the removal of the Stage 3 from our complaints process, at which stage a number of 'loose end' issues have historically been resolved prior to the complaint being referred to the Ombudsman.
- 6.3 Of the 64 complaints received by the Ombudsman this year, only 3 complaints were upheld/partly upheld and 5 matters were resolved by quick fix/voluntary settlement.

7. Service improvements introduced following complaint investigations

- 7.1 Lessons can usually be learned from complaints received; both those that are upheld, and in many cases where the complaint was not upheld but the Authority recognises that improvements to services can be made. Examples of improvements made this year following complaint investigations by the Corporate Complaint team are as follows:
- 7.2 There are often cases where mediation is more productive than an investigation of a complaint. The Complaints Team will, wherever possible, seek to resolve complaints using alternative dispute resolution where it is considered that such an approach would be more appropriate.
- 7.3 Occasionally during the course of an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the "bigger picture" to ensure that residents receive the best possible service from the Council.
- 7.4 **Complaint 1:** A resident whose property had been included in the Hafod Renewal Scheme was unhappy with the standard of work undertaken to the windows and frontage of his property.

- 7.4.1 **Outcome of complaint 1:** Following investigation it was found that the work undertaken was below the expected standard and following recommendations from the Complaints Team further remedial works were undertaken by the service department.
- 7.5 **Complaint 2:** A resident complained about the extent of Japanese knotweed growing on Council land next to her property concerned in case it would encroach on her land, the resident was not happy with the lack of response from the Service Department.
- 7.5.1 **Outcome of complaint 2:** Following a Stage 2 investigation arrangements were made for a 3 year treatment plan that had been put in place to be clearly explained to the resident.
- 7.6 **Complaint 3:** The mother of a child with special educational needs was dissatisfied with the level of speech and language therapy (SLT) being provided as it was not in accordance with the statement of educational needs.
- 7.6.1 **Outcome of complaint 3:** Following a Stage 2 investigation, arrangements were made for a service level agreement to be drawn up between the Health Board and the Council concerning the provision and funding of SLT services to children.
- 7.7 **Complaint 4:** A resident who had made arrangements to collect documentation, which was sensitive in nature from the Contact Centre was aggrieved that he was not required to provide details of his identification when collecting this information
- 7.7.1 **Outcome of complaint 4:** Following investigation it was found that procedures for ensuring that documentation was being collected by the appropriate person needed to be reinforced. A new procedure was developed to improve data security which is now routinely being implemented.
- 7.8 **Complaint 5:** A resident was aggrieved following the erection of a new lamp post adjacent to her property as light was spilling into her home.
- 7.8.1 **Outcome of complaint 5:** Following investigation, it was discovered that appliances were available to provide shielding against the inadvertent spillage of light and arrangements were made for one of these appliances to be installed.
- 7.9 **Complaint 6:** A Council tenant reported problems with flooding that had not been addressed despite making several representations to the Service Department.
- 7.9.1 **Outcome of complaint 6:** Following a site visit from a Complaints Officer it was discovered that there was an unreported case of overcrowding at the property which resulted in an increase to their housing relocation points. This in turn resulted in the family being re-housed within an area of their choice and allowed the Service Department to carry out the required repairs to the (now vacant) previous property.

- 7.10 **Complaint 7:** A Swansea businessman was disgruntled that the works being undertaken on the Boulevard Scheme was affecting his trading and would in the long term result in removal of access for vehicular access.
- 7.10.1 **Outcome of complaint 7:** The Complaints Team following discussions with the Highways and Regeneration departments negotiated a compromise solution to alleviate the vehicular access problems and to minimise disruption to trade.
- 7.11 Where Service Departments agree to take follow up action as an outcome from a complaint investigation, the Complaints Team may inform Internal Auditors (when deemed appropriate) in order to ensure that changes have been implemented. In these circumstances, compliance checks can be made as part of the next internal audit of that section.
- 7.12 Regular reminders are given to departments to follow corporate guidelines with regards to the importance of acknowledgement letters and responses.

8. Comments / Compliments

- 8.1 Members of the public often feel that their experiences should be recorded without necessarily requiring a response. When comments of this nature are received we acknowledge and forward to the relevant service area. This has a positive impact on staff morale and allows departments to recognise good practices.

9. Other Functions carried out by the Complaints Team

9.1 Implementing & Providing Advice on Use of the Unreasonable Customer Behaviour Policy.

- 9.1.1 A revised Unreasonable Customer Behaviour Policy was adopted by the Authority with effect from wef 1 May 2013. There are occasions when customers act in an unacceptable or unreasonable manner. In some cases the frequency and nature of their contact with the Authority can hinder the consideration of their own or other people's enquiries. In some instances the sheer number or nature of their inquiries lead them to be considered as 'persistent' or 'vexatious' in their dealings with staff. The revised policy provides a robust mechanism for dealing with situations whenever such circumstances arise.
- 9.1.2 The Team have issued several letters asking members of the public to moderate their behaviour and on occasion to use the Team as a single point of contact within the Authority. In addition the Democratic Services and Complaints Manager has written to individuals restricting contact. An example of a restriction is where a member of the public is restricted to contacting the Council in writing only.

- 9.1.3 The Team collaborates with departmental staff in a consultative capacity and ensure that a consistent and corporate approach is followed in relation to the way in which they are treated by members of the public. Staff are reminded to complete HS3 forms when incidents of abusive behaviour have occurred. These forms, which are collated and recorded by the Occupational Health Unit, can be used in the decision process when consideration is given to implementing the behaviour policy.
- 9.1.4 The Authority has a duty of care to its staff; in line with this, a revised policy will be launched in Spring 2013, providing more comprehensive guidance on appropriate measures that may be implemented where customers' actions are deemed to be unreasonable or unacceptable.

9.2 Code of Conduct Complaints

- 9.2.1 Details of complaints against Councillors under the Code of Conduct are contained in the Standards Committee Annual Report which will be presented to Council later this year.

9.3 Freedom of Information Requests

- 9.3.1 Requests for information continues to be a growth area, with year on year increases since the inception of the Freedom of Information Act in 2000 and the right to request information which came into force on 1 January 2005. The Complaints Team started closely monitoring information requests in 2005-2006, when there were just 320 requests and 14 reviews. This figure has grown year on year, reaching an all-time high of **1123** requests and **24** reviews this year.

9.4 Subject Access Requests

- 9.4.1 A Subject Access Request is a request made by an individual under the Data Protection Act for personal data held on them. Co-ordinating subject access requests is a role that the Complaints Team have undertaken since January 2010. At present the requests are in much smaller numbers than the Freedom of Information requests, however this is also an area that is increasing as individuals become more aware of their right to have sight of their personal information.
- 9.4.2 Detailed analysis of both FOI & Subject Access requests can be found in the Freedom of Information Annual Report 2013-2014 at **Appendix 4**.

9.5 Regulation of Investigatory Powers Act

- 9.5.1 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.
- 9.5.2 Detailed analysis can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2013-2014 at **Appendix 5**.

10. Conclusion

- 10.1 This has again been a busy year for the Complaints Team. The total number of complaints & Requests for Service handled by the team has risen by **4.5 %** on last year, and requests for information have increased by a further **23.8%**.
- 10.2 The public's expectation of the Authority appears to be more demanding, despite efforts to manage customer expectations. On occasion, behaviour toward staff members has been unreasonable, and this has been addressed by use of warning letters asking individuals to moderate future behaviour.
- 10.3 As volumes of Information Requests continue to increase, facilitating the provision of information is becoming far more onerous across the Authority as there is no scope for increase in resources. As a result, the percentage of response times exceeding the 20 working day statutory deadline has increased.
- 10.4 In order to obtain a clearer picture of Stage 1 complaints made across the Authority and their outcomes, a system was piloted this year for the central logging of all Stage 1 Complaints. The system will be live from 1 April 2014 and more detailed analysis of Stage 1 complaints received across the Authority will be included in next year's Annual Report.

11. Equality and Engagement Implications

- 11.1 Consultation exercises and Equality Impact Assessments were carried out in relation to the revised Complaints Policy and Customer Behaviour Policy introduced this year.

12. Financial Implications

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

13. Legal Implications

- 13.1 None.

Background papers: None.

Appendices: Appendix 1 - Corporate Complaints - statistical data
Appendix 2 - Adult Social Services Complaints Annual Report;
Appendix 3 - Child and Family Services Complaints Annual Report;
Appendix 4 - Freedom of Information Act (FOI) Annual Report;
Appendix 5 - Regulation of Investigatory Powers Act (RIPA) Annual Report.