

Report of the Cabinet Member for Transformation and Performance

Cabinet – 15 October 2015

CORPORATE COMPLAINTS ANNUAL REPORT 2014-2015

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, 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 Executive Board receives monthly updates on complaints received, providing valuable customer insight. **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 The current Corporate Complaints Policy was adopted on 01/04/2013 in line with the Welsh Government Model Complaints Policy issued in 2011.

- 3.2 It is understood that the Welsh Government Model has now been adopted by all 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 will often work as the intermediary to try and resolve 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 directly and those that went directly to the service departments.

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).

4. Social Services Complaints

- 4.1 The handling of Social Services complaints is carried out under specific legislation and the Authority has a separate policy for such complaints. Full details of Social Services Complaints for Adult and Directorate Services have therefore been reported separately in **Appendix 2**. 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 2014-2015. The headings under which Stage 1 complaints have been grouped have changed this year following a restructure at Head of Service level, reflective of the new structure. As such there is no comparison with previous year's figures.
- 5.2 **Tables 2 to 6** provide a 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 enquiries received by the Complaints Team, which includes both complaints, requests for service and comments.

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 Authority, to give us an opportunity to attempt to resolve the complainant's concerns through our internal complaints processes first.
- 6.3 The Ombudsman publishes an Annual Report every year and full details of his report for 2014/15 can be viewed online at: <https://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>
- 6.4 There have been a total of 59 complaints to the Ombudsman this year, down from 64 last year.
- 6.5 Of the 59 complaints received by the Ombudsman this year, only 1 complaint was upheld/partly upheld and 1 matter was resolved by quick fix/voluntary settlement.

7. Service improvements introduced following complaint investigations

- 7.1 Lessons can usually be learned from complaints received where complaints are upheld (and in many cases where the complaint was not upheld but the Authority recognises that improvements to services can be made).
- 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 Examples of improvements made this year following complaint investigations by the Corporate Complaint team are as follows:
- 7.5 **Complaint 1:** A resident who had applied for a Disabled Facilities Grant (DFG) had not been provided with a copy of the Owner’s Certificate which contains details of the circumstances where repayment of the grant may be required.
- 7.5.1 **Outcome of complaint 1:** It was acknowledged that whilst it is not a legal requirement, provision of this information constitutes good practice. The complaints officer recommended that procedures be amended to ensure that this information is routinely provided to all DFG applicants and this has since been fully implemented.
- 7.6 **Complaint 2:** A Housing Benefit applicant complained that the wording on the Housing Benefit application form relating to appointees completing application forms on behalf of another individual was confusing. This resulted in a delay in the calculation of Housing Benefit.
- 7.6.1 **Outcome of complaint 2:** Following investigation, arrangements were made for the wording on the application form to be clarified to avoid ambiguity in future.
- 7.7 **Complaint 3:** A letter was sent to a resident by the Planning Department in English, in response to original correspondence received in Welsh.
- 7.7.1 **Outcome of complaint 3:** Following investigation it was found that procedures for ensuring that correspondence received in Welsh were not robust. Recommendations for improvement included the creation of new response categories within the Planning software system to avoid repetition of this error, which have duly been implemented.

7.8 **Complaint 4:** Parents complained that their son had not been properly supervised at Morriston Leisure Centre, resulting in a slow response by pool staff when he got into difficulties in the pool during a swimming lesson.

7.8.1 **Outcome of complaint 4:** The investigation, which included an examination of the CCTV footage of the incident, found that the lifeguard had acted promptly and taken appropriate action. However, it was noted that the positioning of the CCTV cameras could be improved as there were some areas of the pool that could not be clearly seen. The cameras have since been repositioned to ensure there are no blind spots.

7.9 **Complaint 5:** A stall holder in Swansea Market had disputed liability for electricity charges backdating several years as the stall did not have a dedicated electricity meter on the stall.

7.9.1 **Outcome of complaint 5:** The investigation found that there had been a breakdown in communication between several parties, leading to the stallholder incorrectly thinking that electricity charges were included in the terms of the licence agreement. Arrangements were made for a dedicated meter to be installed. It was also made clear that from this point forward the stall holder would be responsible for all electricity charges incurred by the stall.

7.10 **Complaint 6:** A resident reported that they had been subject to verbal abuse from a driver of a Council vehicle.

7.10.1 **Outcome of complaint 6:** This was one of several complaints that had been received concerning the driving of Council vehicles / behaviour of drivers. Such complaints are taken very seriously and where such complaints are upheld, further disciplinary action may be considered. In order to address this issue, a recommendation was made to the Chief Operating Officer to remind all staff of the importance of responsible driving and this reminder was duly issued.

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 request that comments made are recorded without requiring a response, however these are always passed to the relevant service area for information purposes. When compliments are received we acknowledge their receipt and forward to the relevant service area. 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 8).

9. Other Functions carried out by the Complaints Team

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

9.1.1 A revised Unreasonable Customer Behaviour Policy was adopted by the Authority with effect from 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 Complaints 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 was launched with effect from May 2013, providing more comprehensive guidance on appropriate measures that may be implemented where customers' actions are deemed to be unreasonable or unacceptable.

9.1.5 The Complaints Team assisted the Education Department in the development of a Parent / Guardian Behaviour Policy for Schools this year, providing consistent guidance to behaviour management for all CCS educational establishments where parents / guardians act unreasonably toward staff.

9.2 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 **1159** requests and **25** 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 2014-2015 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 2014-2015 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 highest standards of service are expected from all service departments irrespective of the increasing budgetary challenges faced by all Local Authorities. It is therefore vital that customer expectations are carefully managed to keep complaints to manageable levels. On occasion, customer 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 the volume of Information Requests continues to increase, facilitating the provision of information is becoming far more onerous across the Authority and this has been compounded by reductions in staff 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 went live this year for the central logging of all Stage 1 Complaints. This is now providing better customer insight than has ever previously been available.

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 last 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 Annual Report - Statistical Data

Appendix 2 - Adult and Directorate Social Services Complaints Annual Report 2014-2015;

Appendix 3 - Children's Services Complaints Annual Report 2014-2015;

Appendix 4 - Freedom of Information (FOI) Act Annual Report 2014-2015;

Appendix 5 - Regulation of Investigatory Powers (RIPA) Annual Report 2014-2015.