

Report of the Cabinet Member for Transformation & Performance

Cabinet – 20 October 2016

CORPORATE COMPLAINTS ANNUAL REPORT 2015-2016

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 the Corporate Management Team 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. This year, 87% of complaints were responded to within this timescale.

- 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.

- 3.3.4 Of the 999 Stage 1 complaints received, 34% were found to be either fully or partly justified. When service delivery is below the level we would normally expect, steps are taken wherever possible to learn from mistakes in order to improve future service delivery.

- 3.3.5 This year, 1.3% of the complaints received were made through the medium of Welsh, or related to Welsh Language issues. In accordance with legislative requirements this information is reported to the Welsh Language Commissioner.

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 the majority 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 dealt with under this process have therefore been reported separately in **Appendix 2**. Complaints for Child and Family Services are shown in **Appendix 3**.
- 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 during 2015-2016. The service departments 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 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.
- 5.4 Appendix 1 (Table 2) 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 2015/16 can be viewed online at: <https://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>
- 6.4 In summary, there have been a total of 44 complaints to the Ombudsman this year, down from 59 last year. Of the 44 complaints received by the Ombudsman this year, only 1 complaint was upheld/partly upheld and 2 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 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 service improvements made this year following complaint investigations by the Corporate Complaint team are as follows:
- 7.5 **Complaint 1:** Sensitive personal information of the complainant was sent to a wrong address in error. This had a negative effect on the complainant's mental health and wellbeing, as it made the complainant fear for their personal safety at home.
- 7.5.1 **Outcome of complaint 1:** Steps were taken to identify how the data breach occurred. Apology and explanation provided, together with a redress payment of £50 to enable the complainant to improve their home security.
- 7.6 **Complaint 2:** Complainant informed that he had been overpaid Housing Benefit. When he queried the calculation he was informed he needed to provide more information regarding his pension entitlement. Complainant was adamant all information had been provided.

- 7.6.1 **Outcome of complaint 2:** The complaints team acted in mediating capacity in this matter, due to a breakdown in relations between the complainant and the service department. To move forward, there was a need to ensure correct proof of pension entitlement was provided from the complainant (although he was adamant this had already been provided). Co-operation from the complainant, following protracted negotiation with the complaints team, resulted in a significant reduction in the overpayment due.
- 7.7 **Complaint 3:** Complainant with physical disability went to a community centre to attend a public meeting. The meeting had been moved upstairs due to the double-booking of the venue, therefore the complainant was unable to attend.
- 7.7.1 **Outcome of complaint 3:** An explanation was provided for the last-minute change of venue and an apology provided. New venues in locality have been sourced to ensure future public meetings are accessible to all.
- 7.8 **Complaint 4:** Complainant went to pick their young child from school and was approached by a member of staff as their breath smelt of alcohol. Whilst the complainant understood the reason for the challenge, the complainant was not happy with the way in which the matter was handled.
- 7.8.1 **Outcome of complaint 4:** Whilst the reason for the challenge was made in the best interests of the child, it was recognised that the matter could have been handled more diplomatically. It was also recognised that the member of staff was in a difficult situation and had to make a judgement call at short notice. In order to assist teaching staff who may be faced with a similar situation in future, the investigator recommended that a protocol be drafted and circulated to all school / flying start staff, providing guidance on action to be taken in such circumstances to ensure that staff have confidence to handle such situations effectively and feel properly supported. This will also ensure that the members of staff adopt a consistent and sensitive approach toward parents / guardians when delicate issues of this nature need to be discussed.
- 7.9 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.
- 7.10 Regular reminders are given to departments to follow corporate guidelines with regards to the importance of acknowledgement letters and responses.

8. Compliments

- 8.1 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 3).

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.

9.2 Freedom of Information Requests

9.2.1 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 1270 requests and 23 reviews this year. This represents a 9.5% increase on last year's figures.

9.3 Subject Access Requests

9.3.1 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. 59 Subject Access requests were received this year.

9.3.2 Detailed analysis of both FOI & Subject Access requests can be found in the Freedom of Information Annual Report 2015-2016 at **Appendix 4**.

9.4 Regulation of Investigatory Powers Act

9.4.1 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.

9.4.2 Detailed analysis can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2015-2016 at **Appendix 5**.

10. Conclusion

10.1 This has been the busiest year ever recorded for the Complaints Team. The total number of complaints & Requests for Service handled by the team has risen by 28% on last year, and requests for information have increased by a further 9.5%.

10.2 The highest standards of service are expected from all service departments irrespective of the increasing budgetary challenges faced by 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 In order to obtain a clearer picture of Stage 1 complaints made across the Authority and their outcomes, the central logging system for all Stage 1 Complaints has undergone further improvements and as a result 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 - 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.