



## Report of the Cabinet Member for Business Transformation & Performance

Cabinet – 17<sup>th</sup> January 2019

### CORPORATE COMPLAINTS ANNUAL REPORT 2017-18

**Purpose:** To report on 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).

**Policy Framework:** None

**Consultation:** Access to Services, Legal and Finance

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#### FOR INFORMATION

### 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 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”. A total of 1069 service requests have been dealt with by the complaints team during 2017-2018, representing a 7% decrease on the previous year’s figures and reflects the good work being undertaken with service areas such as Waste to reduce any issues.

## **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. 89% of complaints were responded to within this timescale, in comparison to 86% the previous year.
- 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 **1494** Stage 1 complaints received, **652** (44%) 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 **0.4%** 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).
- 3.4.4 Of the 1494 Stage 1 Complaints received only **100** disagreed with the original investigation and appealed to Stage 2. In **24** of those, it was deemed that their appeal was justified (13) or partially justified (11). The remaining 76 were not justified in requesting an appeal.

## 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 at stages 1 & 2 during 2017-2018. This table also shows the number of enquiries received by the complaints team which were referred to service departments as service requests. Although the number of enquires have increased Waste Management it is believed that the new fleet of vehicles being purchased at the end of this financial year will assist in mitigating some of the issues that were presented.
- 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, which is up 8% on the previous year.

## **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 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 Swansea Council for 2017/18 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 **62** complaints to the Ombudsman up 23% on last year (there were **54** cases in 2016/17). Of the total complaints received by the Ombudsman this year, 1 was upheld, 1 was not upheld, 10 were resolved by quick fix/voluntary settlement and all the others were either out of their jurisdiction, premature, or closed after initial consideration. There were no s16 Public Interest Reports during this year.

## **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 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.
- 7.3 Redress measures have included the issuing of apologies, small compensation payments, additional training for staff and the introduction of new procedures
- 7.4 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. No actions were reported to Audit this year.
- 7.5 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 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. 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 **12** letters asking members of the public to moderate their behaviour and on occasion to restrict contact to a single point of contact within the Authority. Another example of 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 Health & Safety 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 More information on the Authority's Unreasonable Customer Behaviour Policy can be found at [www.swansea.gov.uk/behaviour](http://www.swansea.gov.uk/behaviour) .

## 9.2 Freedom of Information Requests

9.2.1 Requests for information continue to be an area of high demand, 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. A total of 1300 FOI requests were received for the year 2017-18. This is slightly higher than the previous year (by 75 requests).

## 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. A total of 61 Subject Access requests were received this year, which is lower by 1 on the previous year.

9.3.2 Detailed analysis of both FOI & Subject Access requests can be found in the Freedom of Information Annual Report 2017-2018 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 Analysis of RIPA activity this year can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2017-2018 at **Appendix 5**.

## 10. Conclusion

10.1 Whilst the resource levels are reducing, the demand continues to grow year on year. The total number of Complaints & Requests for Service handled by the team has risen by 7% on last year, and the number of requests for information

continues to be very high. It is worth noting however, based on the statistical evidence provided that there are no trends to cause concern.

- 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.

## **11. Equality and Engagement Implications**

- 11.1 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. This year, just under 0.4% of all complaints fell into this category.

## **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 2017/18 - statistical data  
Appendix 2 - Adult Social Services Complaints Annual Report 2017/18;  
Appendix 3 - Child and Family Services Complaints Annual Report 2017/18;  
Appendix 4 - Freedom of Information Act (FOI) Annual Report 2017/18;  
Appendix 5 - Regulation of Investigatory Powers Act (RIPA) Annual Report 2017/18.