



## Report of the Cabinet Member for Delivery & Performance

### Service Improvement & Finance Scrutiny Panel 2<sup>nd</sup> March 2020

## Corporate Complaints Annual Report 2018-2019

|                                    |   |
|------------------------------------|---|
| <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);</li><li>• Regulation of Investigatory Powers Act (RIPA).</li></ul> |
| <b>Policy Framework:</b>           | None  |
| <b>Consultation:</b>               | Access to Services, Legal and Finance   |
| <b>Report Author:</b>              | Julie Nicholas-Humphreys  |
| <b>Finance Officer:</b>            | Janet Morgan  |
| <b>Legal Officer:</b>              | Debbie Smith  |
| <b>Access to Services Officer:</b> | Rhian Millar  |

### 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 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**

- 3.2.1 The majority of Stage 1 complaints 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.
- 3.2.2 **1676** Stage 1 complaints were received (see Appendix 1) 46% were Not Justified and 38% were found to be either fully or partly justified, with the remaining either withdrawn, outcome unspecified or no response required. 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.
- 3.2.3 0.7% 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.

### **3.3 Stage 2 Complaints**

- 3.3.1 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.
- 3.3.2 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, 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.

3.3.3 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

3.3.4 Of the 1676 Stage 1 Complaints received only 153 disagreed with the original investigation and appealed to Stage 2. 86% (131) were not justified and 14% (22) 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** (Childrens)

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 2018-19.

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 Although Complaints have increased (see Appendix 1, Table 2) requests for Service and Comments have decreased, indicating that Customers are using the correct form of contact according to their need.

#### **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 and sends an annual letter to the Authority every year and full details of his report and letter for Swansea Council for 2018/19 can be viewed online at:  
<https://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>  
and <https://www.ombudsman.wales/annual-letters-2018-2019/> (see Appendix 6)

6.4 In summary, there have been a total of **83** complaints to the Ombudsman (there were 62 cases in 2017/18). However, of the total complaints received by the Ombudsman this year **only 1 was upheld**, 1 was not upheld, 9 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. 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 its 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**

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 **135** Subject Access requests were received this year, (which is higher by 83 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 2018-2019 (**Appendix 4**)

## **10. Regulation of Investigatory Powers Act**

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 Analysis of RIPA activity this year can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2018-2019 (**Appendix 5**)

## **11. Conclusion**

11.1 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.

## **12. Equality and Engagement Implications**

12.1 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.

## **13. Financial Implications**

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

## **14. Legal Implications**

14.1 None.

**Background papers:** None.

### **Appendices:**

Appendix 1 - Corporate Complaints 2018/19 - statistical data

Appendix 2 - Adult Services Complaints Annual Report 2018/19;

Appendix 3 - Children's Services Complaints Annual Report 2018/19;

Appendix 4 - Freedom of Information Act (FOI) Annual Report 2018/19;

Appendix 5 - Regulation of Investigatory Powers Act (RIPA) Annual Report 2018/19.

Appendix 6 - PSOW Annual Letter 2018/19