



Report of the Cabinet Member for Delivery & Operations

Service Improvement & Finance Scrutiny Performance Panel 12th April 2021

CORPORATE COMPLAINTS ANNUAL REPORT 2019-20

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) Requests;
- Subject Access Requests (SAR)
- Regulation of Investigatory Powers Act (RIPA)
- Welsh Language Commissioner Complaints.

Policy Framework: Transformation & Future Council

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 provide valuable customer insight. **Appendix 1** contains all statistical tables referring to corporate complaints in this report.
- 1.4. The Council is currently developing a new IT system to capture, process, monitor and report on corporate complaints, Freedom of Information requests (FOI) and Subject Access Requests (SAR). This should be available in the first quarter of the 2021-22 financial year, with reporting from this system being included in the 2022-23 annual report onwards.
- 1.5. At last year's meeting it was highlighted that the intention was bring these reports closer to year end. The Covid-19 pandemic prevented this for the 2019-20 report however, it is the intention to bring the 2020-21 report shortly.
- 1.6. The Service Improvement and Finance Scrutiny Performance Panel recommended at last year's meeting that future FOI Annual Reports show the actual cost incurred by the Council through dealing with FOI, and their impact on the budget. FOIs are responded to by each service through an allocated network of FOI Officers. Any costs would equate to officer time and involve keeping detailed timesheets. The Information Governance Unit is considering how an indicative cost can be estimated for the next report to give the Panel a rough order of magnitude for this activity.
- 1.7. The complaints policy and procedures are under review so that they explicitly refer to Welsh Language complaints. The new IT system will also cater for Welsh Language complaints raised by the public.

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 (informal)**
Informal complaints are defined as Stage 1 complaints and 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.

1,597 Stage 1 complaints were received (see Appendix 1). **0.31%** of the corporate complaints received were made through the medium of Welsh, or related to Welsh Language issues.

3.3. **Stage 2 Complaints**

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.

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.

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 (PSOW).

Of the 1,597 Stage 1 Complaints received only 153 disagreed with the original investigation and appealed to Stage 2. 111 (72.5%) were not justified and 42 (27.5%) 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** (Children's).

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 2019-20.

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. Compared to the previous year:
- Stage 1 complaints decreased (1,597 compared to 1,676 in 2018-19)
 - Stage 2 complaints remained the same (153)
 - Requests for service reduced (570 compared with 776 in 2018-19)
 - The Council received fewer comments (48 compared with 83 in 2018-19)

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 Council, to give an opportunity to attempt to resolve the complainant's concerns through the internal complaints processes first.
- 6.3. The Ombudsman publishes an Annual Report and sends an annual letter to the Authority every year. Full details of this report and letter for Swansea Council for 2019-20 can be viewed at **Appendix 4**.
- 6.4. In summary, Appendix 4 shows 92 complaints to the Ombudsman including corporate complaints and Social Services (there were 83 cases received in 2018-19). 42 were out of time and 7 out of jurisdiction. 40 were closed after early consideration and 4 closed on voluntary settlement.

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 it is 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 (SAR)

- 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 196 Subject Access requests were received in 2019-20, (which is higher by 61 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 2019-20 (**Appendix 5**).

10. Regulation of Investigatory Powers Act (RIPA)

- 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. There was no RIPA activity in 2019-20 however further information on developments can be obtained in the Regulation of Investigatory Powers (RIPA) Annual Report 2019-20 (**Appendix 6**).

11. Welsh Language Commissioner

- 11.1. The Council publishes an annual report on the website around the compliance with the Welsh Language Standards and other delivery activities and can be found for 2019-20 here: [Swansea - Welsh language](#)

12. Conclusion

- 12.1. 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.

13. Equality and Engagement Implications

- 13.1. The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on complaints already handled and closed. The screening form is attached at Appendix 7.

- 13.2. The Council has also taken account of Well-being of Future Generations (Wales) Act 2015 implications with this project as it is:
- Helping the Council to continually develop and improve services in response to feedback and complaints from residents and communities

- Increasing accessibility and use of Welsh by responding to and learning from Welsh Language complaints. 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. These can be seen at Appendix B of the Welsh Language Annual Report
- Removing barriers to complaints by having a separate independent look at where delivery may have gone wrong.

14. Financial Implications

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

15. Legal Implications

15.1. There are no specific legal implications arising from this report. All relevant legislation has been highlighted throughout.

Background Papers: None.

Appendices: Appendix 1 - Corporate Complaints 2019/20 - statistical data
 Appendix 2 - Adult Social Services Complaints Annual Report 2019/20;
 Appendix 3 - Child and Family Services Complaints Annual Report 2019/20;
 Appendix 4 - PSOW Annual Letter 2019/20;
 Appendix 5 - Freedom of Information Act (FOI) Annual Report 2019/20
 Appendix 6 - Regulation of Investigatory Powers Act (RIPA) Annual Report 2019/20
 Appendix 7 – EIA Screening Form