



## Report of the Cabinet Member for Business Improvement and Performance

Governance & Audit Committee – 14 December 2021

### Annual Complaints Report 2020-21

<b>Purpose:</b>	To provide assurance on the complaints handling process and report on complaints performance.
<b>Policy Framework:</b>	Complaints Policies and Achieving Better Together
<b>Consultation:</b>	Access to Services, Finance, Legal.
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<b>For Information</b>	

#### 1. Introduction

- 1.1 This report aims to provide assurance on the complaints handling process. The report also highlights the number of complaints received by the Council and the Public Services Ombudsman Wales (PSOW) during 2020-21. This was a very challenging year due to Covid-19 and impacted on the number of complaints received. Therefore, comparisons with the previous year's performance should be taken in that context.
- 1.2 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.
- 1.3 Requests for service are different to complaints (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.

## 2. Complaints Performance 2020-21

2.1 Despite the impact of Covid-19 on business as usual work, the Council still made some good progress during the year:

- The Complaints Policies were reviewed to ensure they were in line with the Public Services Ombudsman (Wales) Act 2019
- The complaints team received training directly from the PSOW
- A new IT system is underway to make the process easier for the public and more efficient for staff with improved reporting functionality. This will be live and staff trained for the start of the new financial year.

2.2 The monitoring of the complaints handling process was added to the Terms of Reference of the Governance and Audit Committee as a result of the new Local Government and Elections (Wales) Act 2021. The revised Terms of Reference were presented as part of the Audit Charter report in April 2021.

Other Committees review complaints performance but through a different lens to the Governance and Audit Committee, i.e. Scrutiny consider performance in more detail and within the wider context including compliments, whereas the Governance and Audit Committee seeks assurance on whether the Council has an effective complaints handling process. The annual PSOW letter goes to Cabinet at the request of the Ombudsman.

### 2.3 Corporate 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 coordinate the handling of the complaints and provide a single, substantive response. All stage 1 complaints should be responded to within 10 working days.

Stage 1 complaints are logged on the current system by the complaints team. However, monitoring their progress and status is then a manual process and data was not available for all services during to the pandemic. Moving forward, this will all be automated and improved with the new IT system. Alerts and escalations will be sent to officers when complaints are nearing the 10 working days.

1,171 Stage 1 complaints were received in 2020-21. Five of the corporate complaints received were made through the medium of Welsh, or related to Welsh Language issues.

Stage 1 complaints decreased significantly compared with the 1,597 received in 2019-20. This is due to the impact of the pandemic.

## 2.4 Corporate 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, including a review of all relevant correspondence. It 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. However, extensions are requested for complicated cases and new deadlines are agreed with the complainant.

Complainants who remain unhappy with the outcome of the Stage 2 investigation by a Complaints Officer can refer their complaint to the PSOW.

Of the 1,171 Stage 1 Complaints received only 129 disagreed with the original investigation and appealed to Stage 2. 88 were not justified and 33 were either justified or partially justified. In addition to this seven were not pursued and one complaint is ongoing. Two of the stage 2 complaints received were made through the medium of Welsh, or related to Welsh Language issues.

Out of the 129 stage 2 complaints, three escalated because they had not been responded to at stage 1. Seven were not responded to on time however, where more time is needed to investigate a complicated complaint the complainant is notified.

Stage 2 complaints decreased compared with the 153 received in the previous year.

## 2.5 Social Services Complaints

The handling of the majority of Social Services complaints is carried out under specific legislation and the Council has a separate policy for this.

The timescale for dealing with social services complaints at stage 1 is variable; a discussion needs to be held with the complainant within ten working days and once that discussion has taken place the responding officer then has five working days to respond in writing.

The timeframe for dealing with Stage 2 complaints under the Social Services Complaints Procedure (Wales) Regulations 2014 is 25 working days. If, due to exceptional circumstances, the local authority is not able to send a written response within 25 working days it must write to the complainant and tell them why there is a delay and when the response will be issued. This full response must be issued as soon as possible and no later than six months from the date on which the complaint was received. All instances of delay due to exceptional circumstances must be agreed by the Director of Social Services. All investigations this year were subject to extended periods of time due to their complexity.

In 2020-21 Social Services received the following number of complaints:

- Children's Services: 146 Stage 1 and six stage 2 complaints. 17 stage 1 complaints were not responded to within 10 working days and four stage 2 complaints were not responded to within 25 working days. One stage 2 complaint is ongoing.

This represents an increase in stage 1 complaints compared with 123 stage 1 complaints in 2019-20 and a decrease in stage 2 complaints compared with seven in 2019-20.

- Adult's Services: 123 Stage 1 and 10 stage 2 complaints. 21 stage 1 complaints were not responded to within 10 working days and seven stage 2 complaints were not responded to within 25 working days.

This represents a decrease compared with 150 stage 1 complaints in 2019-20 and an increase in the six stage 2 complaints in 2019-20.

Where complaints were not responded to within timescales, this was due to a mix of factors, e.g. the impact of the pandemic, or where it took considerable time to speak with the complainant.

## 2.6 Cases reported to the Public Services Ombudsman (Wales)

2.6.1 The PSOW publishes the annual letters to all Councils on its website (see Appendix A). The letter highlights activities undertaken by the Ombudsman's office during the year and the Council's performance. The Council submits quarterly returns of complaints data to the Ombudsman's office, which inform elements of this report. As mentioned at 1.1 of this report, the Ombudsman's letter highlights the impact of the pandemic on complaints across Wales.

2.6.2 The letter shows:

- The general picture across Wales that overall complaints were down by 12.5% compared with 2019-20. However, the PSOW saw a general increase in code of conduct complaints
- The PSOW received 73 complaints relating to Swansea Council, 67 of which were closed within the year, and nine of which received intervention (early resolution / voluntary settlement (5) or were upheld (4)). PSOW complaints reduced compared with the 93 closed in 2019-20
- There were 19 code of conduct complaints closed relating to Swansea Council and four others relating to Community Councils. For Swansea Council this increased compared with the three received and closed in 2019-20 and six relating to Town/Community Councils. Responsibility for considering the code of conduct complaints rests with the Standards Committee, which is advised and updated by the Monitoring Officer

- The letter also highlights key activities undertaken by the Ombudsman's office during the year.

#### 2.6.3 Outcomes and Lessons Learned

Where a complaint was upheld by the PSOW, the findings were discussed with the Head of Service and relevant Principal Officer. The Complaints Officer responded to the PSOW on the actions undertaken by Swansea Council and any lessons learned. Once actions were completed, the complaint was closed on the system, recording the outcome and any lessons learned.

#### 2.6.4 Section 40 Submissions

The Council submits quarterly returns to the PSOW, reporting on stage 1 and stage 2 complaints received for the previous three months. The returns are populated with data from the IT system alongside information updated by services in manual spreadsheets. In compiling this report a cross reference check has been made which highlights 25 more complaints for 2020-21. There are two reasons for this:

1. The Complaints Team changed the status of some requests for service into complaints on review; and
2. The IT system was down on several occasions and complaints had to be manually inputted at a later date.

This has been discussed with the Ombudsman's office and is considered acceptable given the section 40 submissions are only a snapshot in time. In addition, the number is not material in the context of all complaints. Moving forward the new complaints system will improve reporting functionality, which automatically populates the section 40 submission.

#### 2.7 Welsh Language Complaints

Five Welsh Language complaints were received directly to the Council at stage 1 of which two were escalated to stage 2 during 2020-21. Further staff awareness will be undertaken, particularly around the Service Delivery Standards as all the complaints during the year relate to that category.

### **3. Integrated Assessment Implications**

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.

- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.2 An IIA Screening Form has been completed with the agreed outcome that a full IIA report was not required.

The impacts have been categorised as medium as there is the potential to positively change and adapt services based on complaints received. The exception is where policies and processes are governed by statutory legislation, therefore the impact remains the same.

With regard to the summary of involvement, complaints from the public are used as a valuable tool to adapt, change and develop services.

Well-being and future generations considerations around this annual report include:

- Using complaints information to adapt and shape services for the future
- Using Welsh Language complaints to ensure the Council not only meets the existing standards but also encourages and promotes the Welsh Language
- Using complaints information to prevent problems occurring or getting worse
- Viewing complaints in an integrated way, especially where a complaint may involve multiple public sector organisations.

The report adheres to the transformation and future council development well-being objective in the Corporate Plan - so that services are sustainable and fit for the future.

The report provides historic performance information and therefore risks are considered low.

With regard to the cumulative impact, this is an annual performance report. When a complaint is received by a service opportunities to adapt, review or change ways of working are considered at that point. However, some policies and procedures are related to statutory legislation and cannot be changed locally.

#### **4. Financial Implications**

- 4.1 During 2020-21 the Council spent £22,700 on complaints investigations in social services and paid £3,633 in compensation.

#### **5. Legal Implications**

- 5.1 There are no specific legal implications arising from this report.

**Background Papers:** None

**Appendices:**

- Appendix A PSOW Annual Letter 2020-21  
Appendix B IIA Screening Form