



Report of the Cabinet Member for Business Improvement & Performance, the Cabinet Member for Adult Social Care and Community Health Services and the Cabinet Member for Children Services

Scrutiny Programme Committee – 15 March 2022

Complaints Annual Report 2020/21

Purpose	To present the Annual Complaints Report for 2020-21
Content	This report includes a summary of complaints performance across both Corporate and Social Services including complaints, comments and compliments.
Councillors are being asked to	Discuss the Council's complaints performance for 2020-21 and the comments and compliments received from service users
Lead Councillor	Cabinet Member for Business Improvement & Performance – Councillor Andrew Stevens Cabinet Member for Adult Social Care & Community Health Services – Councillor Mark Child Cabinet Member for Children Services – Councillor Elliott King
Lead Officer	Sarah Lackenby
Report Author	Sarah Lackenby (01792) 637334 Sarah.lackenby@swansea.gov.uk
Legal Officer	Debbie Smith
Finance Officer	Jeff Dong
Access to Services Officer	Rhian Millar

1. Introduction

- 1.1. This report 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. The monitoring of the complaints handling process was added to the Terms of Reference of the Governance and Audit Committee in April 2021 as a result of the new Local Government and Elections (Wales) Act 2021.
- 1.4. 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 and the Welsh Language Standards
 - 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 go live for corporate complaints initially during the first quarter of the new financial year.

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. Corporate Complaints

Appendix 1 contains all statistical tables referring to corporate complaints, comments and compliments in this report.

3.1. 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.

1,171 Stage 1 complaints were received (see Appendix 1). 5 (0.42%) of the corporate complaints received were made through the medium of Welsh, or related to Welsh Language issues.

3.2. **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 1,171 Stage 1 Complaints received only 129 disagreed with the original investigation and appealed to Stage 2. 88 (68%) were not justified and 33 (25%) were either justified or partially justified. In addition to this, seven were not pursued, with one ongoing. Two of the stage 2 complaints received were made through the medium of Welsh, or related to Welsh Language issues.

3.3. 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. Examples of comments and compliments have been included in the appendices.

3.4. In previous years, the stage 1 corporate complaints figures have included Social Services corporate complaints but going forward, these will be reported separately in the Social Services appendices. This year’s total of 1,171 is a decrease in last year’s figure of 1,555 – both figures exclude the Social Services corporate complaints.

3.5. Compared to the previous year:

- Stage 1 complaints decreased (1,171 compared to 1,555 (social services complaints removed) in 2019-20)
- Stage 2 complaints decreased (129 compared to 153 2019-20)
- Requests for service increased (644 compared with 570 in 2019-20)
- The Council received fewer comments (19 compared with 48 in 2019-20).

4. Social Services Complaints

Appendix 2 (Adult Services) and **Appendix 3** (Child & Family Services) contain further details referring to Social Services complaints, comments and compliments in this report.

- 4.1. Swansea Council's Social Services complaints procedures seek to empower service users, or those eligible to speak on their behalf, to voice their concerns in relation to the exercise of Social Services functions. The Social Services Complaints Policy can be viewed online at: <https://www.swansea.gov.uk/sscomplaints>
- 4.2. Swansea Council's Social Services teams are committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from this process are fed back to relevant teams and used wherever possible to improve future service delivery.
- 4.3. Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 4.4. Where someone has been deemed 'not eligible' to utilise the social services complaints procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 4.5. For Adult Services, the total number of Stage 1 complaints received this year has decreased by 28% in comparison with figures for the previous year. Under the Social Services complaints policy, the legislative framework allows complainants to immediately request a stage 2 investigation. Though efforts to resolve complaints internally are made wherever possible, the number of stage 2 complaints this year has increased from 6 to 10.
- 4.6. For Child and Family Services, the number of Stage 1 complaints received this year has increased slightly by 3.7% compared to the previous year. Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Through efforts to resolve complaints internally wherever possible, the number of stage 2 complaints this year is equal to last year's figure of 7 received.

5. Cases reported to the Ombudsman

- 5.1. 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.

- 5.2. The Ombudsman publishes an Annual Report and sends an annual letter to the Council every year. Full details of this report and letter for Swansea Council for 2020-21 can be viewed at **Appendix 4**.
- 5.3. In summary, Appendix 4 shows 73 complaints to the Ombudsman including corporate complaints and Social Services (there were 92 cases received in 2019-20). 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 92 closed in 2019-20

6. Service improvements

- 6.1. Lessons can 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.
- 6.2. 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
- 6.3. The Complaints Service receives an Internal Audit every three years to ensure it is undertaking its functions correctly.

7. Compliments

- 7.1. 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 the appendices.
- 7.2. 19 comments were received corporately during 2020-21. This is a significant reduction to the 48 in the previous year largely due to the pandemic. Social Services include 90 for Adult Services and 75 for Child and Family Services over the period.

8. Conclusion

- 8.1. 2020-21 was a very challenging year due to the pandemic, however based on the statistical evidence provided, there are no trends to cause concern.

9. Integrated Assessment Implications

9.1 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.

9.2 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'.

9.3 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.

9.4 An IIA Screening Form has been completed (**Appendix 5**) 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.

10. Financial Implications

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

11. Legal Implications

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

Background papers: None

Appendices:

- Appendix 1 - Corporate Complaints and Compliments 2020-21
- Appendix 2 - Adult Social Services Complaints and Compliments 2020-21
- Appendix 3 - Child and Family Services Complaints and Compliments 2020-21
- Appendix 4 - PSOW Annual Letter 2020-21
- Appendix 5 – IIA Screening Form