



Report of the Director of Corporate Services

Governance & Audit Committee – 11 January 2023

Annual Complaints Report 2021-22

Purpose:	To provide assurance on the complaints handling process and report on complaints performance.
Policy Framework:	Complaints Policies
Consultation:	Access to Services, Finance, Legal.
Report Author:	Sarah Lackenby
Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar
For Information	

1. Introduction

- 1.1 This report aims to provide the Committee with assurance on the complaints handling process. 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 Public Services Ombudsman Wales (PSOW) letter was presented to Cabinet and this Committee in September 2022.
- 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 2021-22

2.1 The impact of the pandemic on services continued to be seen throughout 2021-22, including:

- The increased complexity of cases across all Social Services teams
- Recruitment pressures across social care leading to staffing issues with providers
- The reduction of available staff due to sickness absence
- A delay in launching the new IT system as the Council prioritised payments and support to residents and businesses. The system will make the process easier for the public and more efficient for staff with improved reporting functionality. The aim is to go live with staff trained for the start of the new financial year.

2.2 Corporate Stage One Complaints (informal)

2.2.1 Informal complaints are defined as Stage one 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 one complaints should be responded to within 10 working days.

2.2.2 Stage one complaints are logged on the current system by the complaints team. However, monitoring their progress and status is then a manual process. 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.

2.2.3 1,274 stage one complaints were received in 2021-22, which is an 8.1% increase on the previous year.

2.3 Corporate Stage Two Complaints

2.3.1 If a complainant is dissatisfied with the outcome of a Stage one complaint, they may request that the matter be investigated by the Complaints Team, which is independent of the service department.

2.3.2 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.

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

2.3.4 The vast majority of complainants (88%) were satisfied with the stage one response. Only 154 (12%) disagreed with the original investigation and appealed to stage two (a 16.2% increase on 2020-21). Of these only 25 were either justified or partially justified – 115 were not justified following investigation, eight were withdrawn as soon as the issue was resolved, and six were not pursued where the complainants did not respond to requests and communications from the investigating officer, therefore the investigation was unable to continue.

2.4 Social Services Complaints

2.4.1 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 one 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.

2.4.2 The timeframe for dealing with Stage two 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. In 2021-22, two from Adult Services and all the Child and Family Services stage two investigations were subject to extended periods of time with the Director's consent.

2.4.3 In 2021-22 Social Services received the following number of complaints:

- For Adult Services, the total number of stage one complaints received was 139, which increased by 11% in comparison with the previous year. Under the Social Services complaints policy, the legislative framework allows complainants to immediately request a stage two investigation. Although efforts to resolve complaints internally are made wherever possible, the number of stage two complaints increased from 10 to 11 compared with the previous year.
- For Child and Family Services, the number of stage one complaints received was 114, which decreased by 19% compared with the previous year. Under the Social Services Complaints Policy, both the old and new legislative frameworks allow complainants to immediately request a stage two investigation. Although efforts to resolve complaints internally are made wherever possible, the number of stage 2 complaints decreased from seven to six compared with the previous year.

2.5 Welsh Language Complaints

Seven (0.55%) of the corporate complaints received were made through the medium of Welsh, or related to Welsh Language issues. All of these were handled at stage one and none escalated to stage two.

3. **Performance of the Key Performance Indicators (KPIs)**

3.1 This is the first year of reporting on the key performance indicators (KPIs), therefore no comparators are available. The KPIs mirror the targets laid out in the Council's Complaints Policies and performance for 2021-22 can be seen at Appendix A. This highlights the following:

- There are no areas for significant concern. Management attention is focused on the current manual process around monitoring stage one corporate complaints to ensure they are closed on the system. This will improve with the introduction of the new IT system in the new financial year
- The continued impact of the pandemic manifesting in a range of ways including: the increased complexity of cases, staffing issues with providers, and staff absence and capacity
- The continued monitoring of complaints performance and subsequent new management measures which have been introduced across the Council and within Social Services, e.g.
 - The issuing of weekly reports out to services to improve the performance and accuracy around stage one corporate complaints. The new IT system will also help improve this process
 - In Child and Family Services, support has been drawn in from other parts of the service to mitigate the risk of delays moving forward. The Learning and Innovation Team monitor themes from complaints. In addition, trends and learning are shared in the monthly wellbeing reports
 - In Adult Services, a monthly Quality and Performance cross-departmental meeting has been introduced, which includes: monitoring the timeliness of complaints responses, sharing learning, identifying trends, and implementing improvements to practice. Any improvement actions are monitored via an action tracker.

4. **Integrated Assessment Implications**

4.1 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.

4.1.1 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'.

4.1.2 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.

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

4.3 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.

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

4.5 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.

4.6 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.

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

4.8 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.

5. Financial Implications

5.1 During 2021-22, the Council spent £15,551 on complaints investigations in Social Services and paid £12,187 in financial redress, £8,600 of which relates to one case following a re-assessment. During 2020-21, the Council spent £22,700 on complaints investigations in social services and paid £3,633 in financial redress.

6. Legal Implications

6.1 There are no specific legal implications arising from this report.

Background Papers: None

Appendices:

Appendix A Key Performance Indicators
Appendix B IIA Screening Form