

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	AUDIT & GOVERNANCE COMMITTEE
DATE:	21 <sup>st</sup> September 2017
TITLE OF REPORT:	CONCERNS, COMPLAINTS AND WHISTLEBLOWING 2016-2017
PURPOSE OF THE REPORT:	Assurance on Policy Compliance
REPORT BY:	Head of Function (Council Business)/Monitoring Officer
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## CONCERNS AND COMPLAINTS

### Introduction & Summary

1. This report is produced to provide information on issues arising under the Council's [Concerns and Complaints Policy](#) for the period 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017. The report also includes a high level summary of whistleblowing issues notified during the same period.
2. This report includes Social Services complaints but only those where the complainant is not a service user. Service user complaints are dealt with under the [Social Services Policy – Representations and Complaints Procedure for Children and Adults](#). These are reported annually to the Corporate Scrutiny Committee.
3. Complaints may provide valuable information about how we are performing, what users think of our services, and how and where we should focus improvements.
4. During the period 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017, 191 concerns were received and 74 complaints were made. Of the 74 complaints, 3 were not pursued: 1 complaint having been withdrawn prior to investigation (Learning); 1 complaint could not be investigated as the requested evidence was never provided by the complainant (Public Protection) and the remaining complaint is ongoing (Housing). Therefore, 71 complaints were investigated and formal responses sent to complainants.

The Public Services Ombudsman for Wales (PSOW) defines a “concern” as an expression of dissatisfaction that can be resolved ‘there and then’, at the initial point of contact, or very soon thereafter. A complaint is usually more serious in nature, may often not be possible to remediate, and generally requires an investigation into the circumstances before a response or resolution can be achieved.

5. Of the 71 complaints dealt with during the period, 12 were upheld in full, 10 were partially upheld and 48 were not upheld. 24 complaints were referred to the PSOW but none was accepted for investigation. Of the 24 complaints to the PSOW, 12 had been dealt with

through the internal process during 2016/17 whilst the remaining 12 took their complaints directly to the PSOW.

6. There has been an increase of 12 in the number of complaints received from the 59 received during 2015-16. From an analysis of the complaints, some services have received complaints for the first time, for example, Elections (1) and Economic Development (2). The Maritime Service also received 4 complaints this year, 2 of which related to an increase in harbour fees. Other increases are the result of changes in Policy and these include Waste Management charging for new bins and changing to a 3 weekly collection cycle. These changes led to an increase in the volume of telephone calls to the Service which then resulted in concerns and complaints about the time taken to answer the telephone. In addition, 2 complaints were received in relation to the Council's consultations on new schools.
7. The Council also publishes [complaints data](#) monthly.
8. The overall rate of responses to complaints issued within the specified time limit (20 working days) is 93%. When responses are late, services are expected to send a 'holding response' to the complainant to keep them informed of progress and to explain reasons for the delay and to give an estimated response time.

### Summary of Concerns and Complaints by Service for 2016 – 2017

Service	Number of concerns	Number of complaints	Number of complaints upheld/ partially upheld	Number of complaints rejected	Number of late responses
Involving more than one service	1	0	0	0	0
Economic Development	1	2	0	2	0
Elections	0	1	0	1	1
Finance	36	10	3 complaints upheld / 1 partly upheld	6	0
Finance /Housing	0	1	0	1	0
Highways	6	4	2 complaints upheld	2	0
Housing	6	9	1 complaint upheld / 3 partly upheld	5	1
Housing / Public Protection	0	1	0	1	0
ICT	7	0	0	0	0

Leisure	23	0	0	0	0
Legal	0	2	1 complaint partly upheld	1	0
Lifelong Learning*	9	5	1 complaint upheld	4	0
Maritime	0	4	0	4	0
Planning	5	12	2 complaints upheld/ 1 partly upheld	9	0
Public Protection	2	1	0	1	0
Waste Management	95	17	3 complaints upheld / 4 partly upheld	10	2
Waste / Housing	0	2	0	2	1
<b>Totals</b>	<b>191</b>	<b>71</b>	<b>22</b>	<b>49</b>	<b>5</b>

\* Excluding schools

From an analysis of the above, 21 % of the complaints received resulted from escalated concerns which demonstrates that Services are dealing with concerns effectively and thus avoiding formal complaints. Complainants may take their complaints directly to the formal internal process and this accounts for 72% and the remaining 7 % were sent to the Council by the PSOW who refused to deal with them until the internal Council process has first been exhausted.

## 9. Lessons Learnt

The [Concerns and Complaints Policy](#) places an emphasis on learning lessons from complaints and thereby improving services. Following last year's report to the Committee the following was agreed:-

- More emphasis by services on capturing lessons learnt, any changes arising therefrom, and implemented; as well as analysing the overall corporate data, to identify any improvements required .

As mentioned above, during 2016/17, 22 complaints were upheld or partly upheld.

**Enclosure 1** seeks to explain what lessons have been learnt and any practice which has evolved as a consequence.

However, apart from the Waste Management issues reported in the last report, and the Waste Management issues this year relating to changes to policy (charging and collections), there are no discernible patterns to the complaints received by the other services.

One clear corporate message is the benefit of responding effectively to customers at the initial point of contact and honouring commitments to “keep in touch” while issues are progressing.

## **10. Complaints to the PSOW**

### **Complaints about Services**

There is no internal right of appeal against a decision reached in response to a complaint, but the [Concerns and Complaints Policy](#) includes the option of escalating a complaint to the PSOW when the complainant remains dissatisfied with the Council’s response.

During 2016/17, 24 complaints were made to the PSOW but, having considered the complaints, and the Council’s responses, the PSOW decided not to investigate any of the referrals made to him. These complaints related to the following services: Finance (4); Highways (1); Planning (7); Housing (4); Public Protection (3) and Education (2). The remaining 3 cases related to direct requests to the PSOW that he review his decision not to investigate.

One investigation into a case relating to a Property/ Social Services/Legal matter from 2015/16 was concluded by the PSOW during 2016/17. The Council agreed to two recommendations made by the PSOW in order to resolve the complaint. In addition, 2 further complaints relating to 2015/16 were closed during 2016/17 without investigation.

### **Complaints about Members**

Any complaint against an elected member must be based on an alleged breach, or breaches, of the Members’ Code of Conduct, with the PSOW exercising ‘first sift’ jurisdiction (i.e. assessing merit) before deciding if, and how, to proceed.

During 2016/17, 2 such complaints were made but, as the public interest test was not satisfied in either case, the PSOW did not investigate.

Additionally, there was 1 complaint carried forward from 2015/16. The finding was that the Code had been broken but no further action was required.

For the sake of completeness complaints about the elected members of Town and Community Councils, in relation to the same Code of Conduct, are reported twice a year to the County Council’s Standards Committee. There are also summaries available in the PSOW’s quarterly Casebook Summary which can be found at <http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

## **11. Language Related Complaints**

No formal complaint was received under the Corporate Procedure during the year. However, Social Services received four complaints which contained language related issues. These are picked up and reported in the Welsh Language Standards Annual Report.

Three language concerns were also received by the Finance Service and these related to receipts for payments being issued in English only. This was a system issue and the Council has now received assurance from the external provider that customers will henceforth receive automated bi-lingual receipts. These will also be reported in the Welsh Language Standards Annual Report.

In addition, the public have the right to complain directly to the Welsh Language Commissioner but these complaints are not sent back to the Council to be investigated and are not therefore included in this report. Such complaints are noted in the Welsh Language Standards Annual Report which is published on the Council's Website by the 30<sup>th</sup> June every year:- [http://www.anglesey.gov.uk/Journals/y/p/k/ADRODDIAD-SAFONAU-IAITH---2016-17 English Terfynol.pdf](http://www.anglesey.gov.uk/Journals/y/p/k/ADRODDIAD-SAFONAU-IAITH---2016-17%20English%20Terfynol.pdf)

12. The Council also records compliments received, and 955 were recorded during the relevant period. Additionally, 1093 positive comments were received at the Oriel and 349 at the Breakwater Country Park.

### Summary of Compliments by Service for 2016-2017

Service	Compliments
Finance	16
Highways	30
Housing	58
Learning	131
Leisure	22
Planning	56
Public Protection	290
Waste Management	13
Internal Services	
Human Resources	79
ICT	310
<b>Totals</b>	<b>1005</b>

## WHISTLEBLOWING

13. The Council's Whistleblowing Policy has been devised to encourage and enable employees to raise those concerns, which fall within the ambit of the Policy, without fear of victimisation or discrimination. Whistleblowing is the popular term used when a member of staff (it includes contractors but does not relate to the public or elected members) raise concerns about fraud, criminality, danger or serious risk that might threaten the public, their co-workers or the Council's reputation.
14. A local Guidance document on Whistleblowing has also been issued to support staff in raising any Whistleblowing concerns.
15. The level of information being provided in this report has been agreed by the Senior Leadership Team, as owing to the inevitably sensitive nature of such matters, and the Council's legal obligation to protect Whistleblowers from detriment in the workplace, only limited information will ever be disclosed.
16. As one of the issues reported in last year's report was still under investigation at the time, the result is noted at the end of the table below.

### Summary of Whistleblowing Complaints Reported by Services for 2016-17

Date Raised	Type of Disclosure / Reported to	Nature of Concern	Investigated	Outcome	Lessons learned	Results fed back to the Whistle blower
09.09.16	First Level * - reported to the Monitoring Officer	Alleged abuse of Process – sale of land	No. Insufficient evidence to reach a threshold	No further action	None	Yes
19.12.16	First Level* - reported to the Monitoring Officer	Allegation of systematic bullying within a service	Reviewed but no further investigation required	Matter already fully and independently investigated	Recommendations to the relevant Senior Officer	Yes
Update from last year's report						
24.03.16	First level* – reported to the Monitoring Officer	Alleged abuse of process-enforcement	No. Insufficient evidence to reach a threshold	No further action	None	Yes

\* A first level disclosure means reported within the Council, as opposed to second level disclosure (to Regulators) or third level disclosure (to the media).

## 17. Decision/Recommendations of this Committee

- The Committee accepts that this report provides reasonable assurance that the Council is compliant with the processes required under its **Concerns and Complaints Policy** and **Whistleblowing Policy/Guidance**.
- That the Committee reviews the Lessons Learnt table at **Enclosure 1** and provides feedback on the level of detail captured and makes any recommendations for changes, bearing in mind the limited details which may be provided in a report that is in the public domain
- That consideration be given to omitting the Compliments Data from future reports and to leave these to be reported and discussed at Service Reviews
- That the Committee be informed of the recommendation made in the Internal Audit Report: “**Anglesey County Council Ethical Culture**” regarding the fact that the “The Council does not centrally record its Whistleblowing disclosures” (and) “There is a risk that the Council will not identify trends and act promptly”. However, the Committee to note that this will be a matter for the Senior Leadership Team to decide.

**Key to lessons learnt**

1. Simple Error / 2. Customer care issue / 3. Training or Supervision Required / 4. Change in Policy or process / 5. No further action required

No.	Service Area = Issues Raised	Upheld / Partly Upheld	Lesson Learnt/ Changes Implemented
1	Finance - Overpayment of benefits being recovered	Upheld and deductions re-credited	<b>No further action required</b> - Original decision revoked
2	Finance - Being pursued for payment after declaration of bankruptcy	Upheld and apology provided	<b>Simple error</b> - in that recovery was suppressed but not all accounts written off
3	Finance - Self - assessment forms not being dealt with and not being contacted when promised	Upheld – delays in process and failure to contact	<b>Customer care issue</b> - Staff briefed re: importance of keeping promises to 'phone back etc
4	Finance - complaint that officer was aggressive	Partly upheld – complainant telephoned and apology for perceived upset	<b>Training / supervision required</b> - Officer spoken to and apologised for any perceived upset and noted that comments made would be borne in mind when dealing with customers in the future
5	Highways - Failure to reply to letters and failure to move road sign	Upheld – apology for failure to reply and signage to be moved	<b>Customer care issue</b> - Staff to be reminded to respond in a reasonable time
6	Highways - delays in carrying out agreed works	Upheld - Delay explained and apology made	<b>No further action required</b> - Apology for lack of action. Initial response was timely – only explanation is that a staff member left and the work was overlooked. Work carried out asap.
7	Housing - not taking into account worsening personal circumstances	Upheld and apology made because decision of the panel was never sent but had been confirmed verbally	<b>Simple error</b> - Administrative / human error
8	Housing - Ongoing neighbour dispute and lack of response	Partly upheld re: lack of response – apology made	<b>Customer care issue</b> -Need to ensure that staff respond to correspondence received – message conveyed to the officer concerned and staff in general
9	Housing - Issue of vermin reported to Housing	Partly upheld – issues had been passed on to Environmental Health but not the specific information requested by the complainant.	<b>Simple error</b> – misunderstanding between services



10	Housing - Contractor sent by Housing caused damage to boiler	Partly upheld –apology for upset caused but not for the substantive complaint which was not upheld	<b>No further action required</b> - Message sent that complainant’s comments and language on complaints form was rude and unacceptable
11	Legal - delays in sending out an Enforcement Order	Partly upheld – explanation provided	<b>No further action required</b> - Apology for the delay – but time constraints and work commitments resulted in delays and matter was not prioritised by Client service
12	Lifelong Learning - no response sent to 2 letters	Upheld – apology and response sent	<b>Customer care issue</b> - Full apology made – need to ensure that correspondence is answered in time
13	Planning - made bid for piece of land and expecting explanation of why bid failed	Upheld – apology – plus written report	<b>Simple error</b> - Verbal report had been provided but excessive workload led to delay in responding in writing.
14	Planning - Error made in interpreting the law in relation to a planning matter	Upheld – agreed that error had been made	<b>Training / supervision required</b> - Meeting held and issue discussed with the relevant officers – learning point
15	Planning - Validation of planning application delayed	Partly upheld – delay acknowledged and apology provided	<b>Simple error</b> - genuine oversight
16	Waste - Bins and recycling boxes left well away from collection point	Upheld and apology made. Situation monitored by the service	<b>No further action required</b> - Change in staff but contractor reminded of obligations
17	Waste - Waste Pouch – bin men took it away - householder had to pay for a new one	Upheld – apology for inconvenience and reimbursed	<b>No further action required</b> – customer reminded that the pouch needs to be secured to the orange box
18	Waste - complaint that rubbish and boxes left strewn across driveway and then no response	Upheld – Full apology and explanation. Initial complaint required “quick explanation” and was passed to the service for an immediate response but they did not respond, leading to the complaint	<b>Customer care issue</b> – report re: lack of response to be discussed at the Service Management Team. Team Leaders to be provided with training on the Customer Care Standards Compliance with standards to be monitored by the service

19	Waste - Damage to black bin	Partly upheld – bin was damaged but incorrect address was noted on the report by bin men	<b>Simple error</b> - bin was replaced
20	Waste - Stickers placed on 2 recycling boxes when they should not have been	Partly upheld – sticker had been placed correctly on 1 of the boxes	<b>No further action required</b> - Contractors reminded of obligations
21	Waste - Numerous missed bin collections	Partly upheld – issues because of traffic lights near the property	<b>Change in policy / process</b> - Route time changed to quieter time to enable lorry to access property
22	Waste - Bin not being emptied and issues with getting through on the 'phone	Partly upheld – apology given because the complainant was unable to get through on 'phone and therefore the bin was not reported as “missed” within the timescale.	<b>No further action required</b> – staff inundated with calls following introduction of 3 weekly bin collection. E-mail address provided for future use

#### Main messages –

1. Corporate message to be sent out to all Heads of Service that the Customer Care Charter needs to be adhered to when dealing with the public, especially responding to correspondence within timescales; keeping promises to 'phone back etc.
2. Services to be reminded not to enter into protracted correspondence with complainants but instead to escalate issues to the Complaints Process within the timescales (this arose from a complaint made directly to the PSOW following lengthy correspondence with the Council with no resolution)
3. To be aware that the introduction of any new policy can affect the efficiency of the service (e.g. telephone calls to Waste following introduction of the 3 weekly bin collection) and this needs to be foreseen and planned into the changes
4. That any “learning point” arising from a complaint is discussed with the relevant officer and also that the message is disseminated across the service
5. That sometimes it only takes a simple change to resolve issues (e.g. changing bin collection route times)
6. That there will always be an element of system or human error