

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	AUDIT & GOVERNANCE COMMITTEE
DATE:	19 <sup>th</sup> September 2018
TITLE OF REPORT:	CONCERNS, COMPLAINTS AND WHISTLEBLOWING 2017-2018
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 provides information on issues arising under the Council's [Concerns and Complaints Policy](#) for the period 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2018. The report is also intended to include any whistleblowing disclosures made during the same period. However, none was reported during 2017-2018.
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 2017 – 31<sup>st</sup> March 2018, 112 concerns were received and 72 complaints were made. Of the 72 complaints, 1 complaint was withdrawn prior to investigation (Housing) so 71 complaints were investigated and formal responses sent.

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, 17 were upheld in full, 6 were partly upheld and 48 were not upheld. 9 complaints were escalated to the PSOW, 8 were rejected by the PSOW and 1 complaint was resolved by early resolution (Highways). Each of the 9 complaints escalated to the PSOW had been through the internal process.

6. The number of complaints investigated this year remain the same as in 2016/2017 and these are shown in the table below.

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) was 92%. 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 2017 – 2018

Service	No. of concerns	No. of complaints	No. upheld	No. partly upheld	No. rejected	No. of late responses
Corporate Transformation	4	-	-	-	-	-
Cyswllt Môn	-	3	1	-	2	-
Finance	27	16	6	2	8	2 (11 days and 19 days)
**Finance /Education	-	1	-	-	1	-
Highways	7	4	1	-	3	-
Housing	20	10 ( 1 withdrawn)	2	3	4	1 (9 days)
ICT	14	1	-	-	1	-
*Lifelong Learning	3	1	-	-	1	-
Leisure	16	1	-	-	1	-
Legal	-	1	-	-	1	-
**Legal/Property	-	1	-	-	1	-
Maritime	2	-	-	-	-	-
Planning	4	13	-	-	13	1 (10 days)
**Planning/Highways	-	1	-	1	-	-
Public Protection	1	3	1	-	2	-
Social Services (not a service user)	-	1	1	-	-	-
Waste Management	14	14	5	-	9	2 (5 days/ 2 days)
**Waste / Highways	-	1	-	-	-	-
<b>Totals</b>	<b>112</b>	<b>72 (71)</b>	<b>17</b>	<b>6</b>	<b>48</b>	<b>06</b>

\* Excluding schools

\*\* These were matters which related to 2 Services

From an analysis of the table above, 5% of the complaints received resulted from escalated concerns which indicates that Services are effectively dealing with concerns and thus avoiding formal complaints. This has improved from 21% in 2016/2017. Complainants may take their complaints direct to the formal internal complaints process and of the complaints received 90% followed this route whilst the remaining 5 % 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.

As mentioned above, during 2017/18, 17 complaints were upheld and 6 complaints partly upheld. **Enclosure 1** seeks to explain what lessons have been learnt and any practice which has evolved as a consequence.

## 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.

There were 17 complaints relevant to this process, within the timescale of the report, lodged with the PSOW. 9 were escalated following formal responses under the Council's Complaints Procedure and 8 were complaints made direct to the PSOW.

Having received these, only 1 was considered sufficiently serious to warrant an investigation, but this was dealt with by way of the Council agreeing to an early voluntary resolution. This was a Highways matter.

### 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 2017/18 3 code of conduct complaints were received by the PSOW against County Councillors but closed after initial assessment. There were no investigations against County Councillors.

Limited information about such complaints are formally reported to the County Council's Standards Committee twice a year.

<http://democracy.anglesey.gov.uk/ieListMeetings.aspx?CId=148&Year=0&LLL=0>

For the sake of completeness complaints about the elected members of Town and Community Councils, in relation to the same Code of Conduct, are also 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 <https://www.ombudsman.wales/code-of-conducts/>

## **11. Language Related Complaints**

No formal complaint was received during the year.

However, one Social Services complaint contained a language related issue and this was dealt with as part of the complaint response under the Social Services Policy – Representations and Complaints Procedure for Children and Adults procedure and this will be / has been reported to the Corporate Scrutiny Committee.

Finance received two expressions of concern. Firstly, that a corporate message had been sent out in English only and another concern regarding a Welsh language advertisement in a local newspaper which contained numerous errors. The message was re-sent bilingually, and the advertisement was re-published the following week with all errors corrected. Neither matter was escalated to the formal complaints process.

Any other complaints relating to the Welsh language are reported annually in the [Welsh Language Standards Annual Report](#).

In addition, the public have the right to complain direct 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/download/67313>

## **WHISTLEBLOWING**

12. 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.

13. A local [Guidance](#) document on Whistleblowing has also been issued to support staff in raising any Whistleblowing concerns.

14. The level of information usually 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. However, no such disclosures were received during 2017/18 and there were no outstanding matters from 2016/17.

#### 15. **Decision/Recommendations of this Committee**

1. 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**.
2. That the Committee reviews the Lessons Learnt table at **Enclosure 1**, which consists of information provided by the services to the Corporate Information and Complaints Officer, and the Committee provides feedback to the services on the level of detail captured and to make recommendations for any remedial actions required e.g. particular training etc.

**Corporate Report to the Audit & Governance Committee on 19.9.2018 re: Corporate Complaints April 2017 – March 2018**

<b>No.</b>	<b>Service Area and Issue Raised</b>	<b>Upheld / Partly Upheld</b>	<b>Lesson Learnt / Changes Implemented (confirmation from the service that changes implemented)</b>
1.	<b>Cyswllt Môn</b> – failure to respond to request for information re: blue badge	Upheld and apology	No further action required as new system embedded
2	<b>Finance</b> – failure of customer service re: council tax on derelict property	Partly Upheld – apology for level of service & refund.	No further action possible as substantive issue was that the appeal to the Valuation Office had to be received before the Authority could take action.
3	<b>Finance</b> – error in assessing claim	Upheld – apology and rectification	Change in process – enquires re: “permitted work” to be more thorough and clearer notes to be kept on accounts. “Empathy” to be discussed at Team Meetings ( <b>additional weekly supervision meetings held with staff in Benefits</b> )
4.	<b>Finance</b> – issue re: non - payment of maternity pay	Upheld – apology and rectification	Change in Process – to look at the process for dealing with MATB1’s and amend as necessary ( <b>process looked at and changes made</b> )
5	<b>Finance</b> – costs for court summons as defendant attempted to pay.	Upheld – legal costs of £40 written off	No further action as issues with new telephone system now resolved.
6	<b>Finance</b> – delay in responding to request for refund	Upheld – apology and refunded	No further action possible owing to unusually high level of demand
7	<b>Finance</b> – failure of customer service re: council tax demand	Partly upheld – apology for level of service and options explained.	No further action possible until complainant makes a decision on the available options
8	<b>Finance</b> – delays in dealing with council tax and benefits caused the complainant stress	Upheld and apology	Change to process – way claims are administered has been changed

9	<b>Finance</b> – failure to refund payment made for school bus	Upheld – apology and refunded.	No further action possible owing to unusually high level of demand
10	<b>Highways</b> – lack of response to complaint relating to signage	Upheld – apology and remediated	Training issue – performance improvement measures instigated with the employee concerned ( <b>confirmed as completed</b> )
11	<b>Housing</b> – failure in dealing with neighbour issue	Partly upheld – action has been taken but not communicated to the complainant - issue now resolved	No further action possible as issue now resolved but keeping the complainant informed of actions taken could have avoided the complaint
12	<b>Housing</b> – failure to remove bollard	Partly upheld – bollard could not be removed owing to legal issues but decision could have been better communicated to the complainant	No further action possible better communication and clear explanation could have avoided the complaint
13	<b>Housing</b> – issue of records not being changed re: similar address and complainant receiving letter meant for others	Upheld – apology and rectification	Training issue – error should have been rectified as soon as at the point of notification.
14	<b>Housing Maintenance</b> – Housing van blocking pavement	Upheld and apology	No further action required – advice issued to driver.
15	<b>Housing</b> – delays in dealing with application for an adapted property	Partly Upheld – inadequate communication with the complainant.	Communication issue as better communication and a full explanation could have avoided the complaint
16	<b>Planning/Highways</b> – No progress re: alleged breach of planning condition	Partly upheld – explanation of the delay provided.	No action on the substantive issue in the complaint possible until build fully completed but Services now in discussion with the developer in order to ensure safety on the existing road.
17	<b>Public Protection</b> – officer unhelpful and discourteous	Upheld and apology	Training issue identified and further training to be provided ( <b>– this has not yet been completed</b> )

18	<b>Social Services</b> (complaint from a non - user of the service) concerns about the handling of a safeguarding case	Upheld – issues identified and plan in place to deal.	Training issue – matter to be re-opened and further training to be provided <b>(joint training has been arranged – due to be held in the Autumn 2018)</b>
19	<b>Waste Management</b> – issues with assisted collection	Upheld and apology	No further action as improved general local monitoring for a limited period
20	<b>Waste Management</b> – bin lid broken by bin men and delays re: getting through to service by phone	Upheld and new bin provided	Customer Care issue by contractor resolved by the Council on behalf of the service user. Of no general application
21	<b>Waste Management</b> – issues with collection	Upheld - now resolved	Change in practice following additional training.
22	<b>Waste Management</b> – failure to deliver new recycling boxes	Upheld – boxes were delivered the day after the complaint and apology.	No further action possible as met reasonable service standards but not the expectations of the complainant.
23	<b>Waste Management</b> –not taking recycling away despite being in clear plastic bags	Upheld – visited by officer from Waste and apology	No further action as improved general local monitoring for a limited period

#### Main Messages –

1. Reminder from the Audit & Governance Committee to be sent to all Heads of Service that the Customer Care Charter must be followed when dealing with the public at all times and ensure regular training and refresher training as required.
2. From now on a new corporate system to be implemented whereby services will be required to complete a formal lessons learned log at the end of the complaint process for any complaint upheld or partly upheld.