

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	AUDIT & GOVERNANCE COMMITTEE
DATE:	3rd September 2019
TITLE OF REPORT:	CONCERNS, COMPLAINTS AND WHISTLEBLOWING 2018-2019
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 1st April 2018 – 31st March 2019. The report is also intended to include any whistleblowing disclosures made 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 1st April 2018 – 31st March 2019, 62 concerns were received and 76 complaints were made. Of the 76 complaints, one (Housing) remains open as the required works have not been completed and another (Planning) is on hold as the Council is waiting to hear from the Public Services Ombudsman for Wales (PSOW). Therefore, 74 complaints have been investigated and responded to during this period.

The 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 74 complaints dealt with during the period, 16 were upheld in full, 7 were partly upheld and 51 were not upheld. 9 complaints were escalated to the PSOW, 5 were rejected by the PSOW and 4 complaints (Resources) were resolved by early resolution. Each of the 9 complaints escalated to the PSOW had been through the internal process.

6. The number of complaints investigated this year remains at around the same level as 2017/2018 and these are shown in the table below.
7. The Council also publishes [complaints data](https://www.anglesey.gov.uk/en/Council/Council-complaints-statistics.aspx) monthly
<https://www.anglesey.gov.uk/en/Council/Council-complaints-statistics.aspx>
8. The overall rate of responses to complaints issued within the specified time limit (20 working days) was 92.6%. 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 2018 – 2019

Service	No. of concerns	No. of complaints	No. upheld	No. partly upheld	No. rejected	No. of late responses
Corporate Transformation	-	1	-	-	1	-
Cyswllt Môn	-	1	-	-	1	-
*Cyswllt Môn / Resources	-	1	-	1	-	-
Democratic Services	-	1	-	-	1	-
Economic Development	3	1	1	-	-	-
Resources	16	18	4	2	12	5
Highways	6	9	4	-	5	-
Housing	6	12	4	-	8	2
Housing/ Planning	-	1	-	-	1	-
Human Resources	-	2	1	-	1	-
Legal	-	2	-	-	2	-
*Legal/Planning	-	1	-	-	1	-
Leisure	8	1	-	-	1	-
Learning (excludes schools)	8	5	2	1	2	-
* Learning/ Highways	-	1	-	-	1	-
Planning	4	14	-	1	13	-
*Planning/Highways / Economic Development	-	1	-	1	-	-
Property	-	1	-	-	1	-
Public Protection	2	-	-	-	-	-
Waste Management	9	3	-	1	2	-
Totals	62	76 (2 not responded to)	16	7	51	07

* Relates to more than 1 service

From an analysis of the table above, 9% (up from 5% in 2017/2018) of the complaints received resulted from escalated concerns but this continues to indicate that Services are dealing effectively with concerns and thereby limiting formal complaints. Complainants may take their complaints directly to the formal, internal complaints process and, of the complaints received, 77.5% followed this route whilst the remaining 13.5 % (10 of the 74) 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. Previous recommendations endorsed by this Committee have now become embedded as part of business as usual when dealing with complaints.

As mentioned above, during 2018/19, 16 complaints were upheld and 7 complaints partly upheld. **Enclosure 1** explains what lessons have been learnt and any practice which has evolved as a consequence of these findings.

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 18 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 9 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 2018/19, one code of conduct complaint was received by the PSOW against a County Councillor but was closed after initial assessment. There were no investigations against County Councillors.

Limited information about such complaints is 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, four expressions of concern were received and recorded. These related to the following issues:-

- The first related to the inability to report a pothole in Welsh
- The second related to an English only automatic acknowledgement received from the Electoral Service.
- The third related to a Social Services assessment conducted by a learner
- The final concern related to the Welsh Croesomon website treating Welsh beach names less favourably than the English version.

All four issues were resolved without escalating into formal complaints.

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. Any such complaints are noted in the Welsh Language Standards Annual Report which is published on the Council's Website by the 30th June every year:- <https://www.anglesey.gov.uk/en/Council/Welsh-language-standards/Language.aspx>

WHISTLEBLOWING

12. The Council's [Whistleblowing Policy](#) and local Guidance document was 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. Although outside the timeline for this report, the Policy and Guidance document were revised during May 2019. The revised Policy was published in June and became the Porth Policy Click to Accept policy for Council staff during that month. Further details will be provided in the 2019/2020 Annual Report

13. 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.

14. During 2018/19, 1 whistleblowing concern was received and is noted below.

Date Raised	Type of Disclosure/ Reported to	Nature of Concern	Investigated	Outcome	Lessons learned	Results fed back to the Whistleblower
27.04.18	First level / Chief Executive	Alleged conflict of interest	Yes	Not upheld but other findings made	Recommendations made and monitored	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).

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.

Upheld & Partly Upheld Complaints Reporting Form

Appendix 1

The Concerns and Complaints Policy places emphasis on learning from mistakes and putting measures in place so that the same mistakes are not repeated. An Annual Complaints Report is provided to the Council's Audit & Governance Committee in September each year. The lessons learned from upheld or partly upheld complaints are reported in a table as an attachment to that report. The table states the name of the service, the error identified and any remedial steps taken.

It is therefore essential that the information you provide at the end of each complaints investigation process clearly notes your findings and what action you have taken / intend to take, and by when, to ensure that there is no repetition of the identified error. The Committee has indicated that it may call Heads of Service to confirm that remedial actions have been taken within identified timescales.

In order to facilitate the writing of future reports you will be sent this form for completion every time you uphold or partly uphold a complaint. The information you provide will be shared with the Committee, in a public meeting.

Category description	Details / examples	Examples of action taken
Simple Error / no further action required	Genuine oversight / one off error that's been rectified/ issues experienced whilst a new system is embedded / times of high demand	Staff member spoken to and reminded of need to take care / data kept of times when demand is high
Customer Care Issue	Lack of response to correspondence / not phoning people back as promised	Clear instructions provided / customer care issues discussed at every Team meeting (minutes taken) / Services introduce and monitor some key performance indicators
Training or Supervision required	Behaviour issues or errors in interpreting instructions	Member of staff sent on training course/ supervision by more experienced member of staff
Change in policy or process	Errors in process / policy found as a result of a complaint investigation leading to changes being introduced	New forms introduced / different evidence required/ changes to routes (i.e. bin collections)

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Ref No	Service	Error(s) identified	Remedial Action – please note category of fault (see above) and specify the action taken or intended to be taken and by when
347	Resources – benefit claim not assessed in a timely manner	Upheld – delay in assessing claim prior to recovery action	Change in policy or process. Amend instructions to staff on when a claim can be amended or suspended.
353	Resources - error identified still not written off	Upheld – incorrect treatment of joint owner on benefits claim and delay in correcting the error which led to recovery action and costs incurred by the claimant	Change in policy or process. Benefits staff to check recovery status of Council Tax debt when writing off records for overpaid benefits. Submit overpaid write offs in accordance with quarterly timetable. Assign “recovery on-hold” markers to pertinent tax year. Remind all staff of the importance of appropriate system notes and to check status of “tracked correspondence” in document management. Also staff to check Council Tax records and benefit records as to treatment of liability.
354	Resources - failure to update details on system	Upheld – failure to instruct enforcement agents not to visit property as debtor was no longer the occupier.	Simple error. Enforcement agent advised debtor no longer at property and to undertake trace for debtor.
407	Resources – invoices not received then a demand for payment sent	Upheld – failure to raise invoices promptly	Customer care issue. Failure to render bills promptly led to accumulation of debt owed and concern to a potentially vulnerable person. Review of bills that required issuing undertaken and target now set to authorise new debtors and issue bills within 3 working days. This to be monitored
372	Resources – clerical errors	Partly Upheld – the issuing of a summons could have been avoided if no errors had been made.	Customer care issue - Payments were being received for multiple years and this led to errors in allocating the payments. However, payments were being allocated in accordance with case law and when the matter went to the PSOW, no further action was deemed necessary.

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			However, the account was allocated to one member of staff to review on a monthly basis from 6.11.18 and the problem has since been resolved.
390	Resources - Issue with council tax reduction and not being given correct advice	Partly Upheld – failure to send benefit notification letters.	Simple error – reports to be run to identify suppressed notifications.
387	Resources / Cyswllt Môn - impact of name change when submitting a claim	Partly Upheld – delay in implementing a change of circumstances and submitting on-line application form.	Simple error – continue to monitor performance on implementing changes to circumstances.
F374	Transformation /Human Resources - failure to send timesheet to payroll in timely manner	<p>Partly upheld. Historically timesheets for school based support staff were processed by the Education Personnel Department. When Education HR staff were amalgamated with the corporate HR service duties were reviewed and as such the responsibility for processing timesheets transferred to the Payroll Section (early 2017). Following transfer of the work to the Payroll Section, occasionally timesheets continued to be sent to the Transformation (HR) service. On receipt these were date stamped and hand delivered to Payroll.</p> <p>Following receipt of this complaint the need to re-affirm with schools that all timesheets should be sent to Payroll was identified. Additionally, as some schools continued to use old copies of the timesheet document, further copy of the revised template (indicating the need to submit to Payroll) was re-circulated to all schools (16/11/18).</p>	Simple error - A reminder was circulated to all schools via e-mail on the 16/11/18 together with a further copy of the correct timesheet template which stipulates that the document should be sent to the Payroll Section by the 10 th of each month (as opposed HR service).

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405	Regulation & Economic Development – non-payment for work carried out	Upheld – payment delayed due to non-completion of a task split between two consultants.	No further action required - Apology provided and payment made. Staff member spoken to and Complainant responded to thank the Service for resolving the matter
341	Highways - delay in installing yellow lines	Upheld – issue dealt with and date given for the work to be completed.	Simple error - Apology given. Staff member spoken to and advised regarding future performance.
358	Highways - delay in undertaking white access protection strips at the junction in Beaumaris	Upheld - Instructions given to the Authority's term service contractors to carry out the works as soon as possible	Training / Supervision issue - Apologised for the delay and confirmed that a review of the performance and processes would be made to ensure that such a situation did not occur again
383	Highways - deep pooling of pavement following resurfacing in Llangefni	Upheld – issues raised found to be justified	Simple error - Simple error. Instructions to the Authority's term service contractors to carry out the works as soon as possible.
388	Transport - school bus failed to take child to school.	Upheld – miscommunication issue	Simple error - Officer apologised and explained the situation over the phone and this was accepted by the complainant.
382	Planning - Misinterpretation of e-mail received by both Highways and Tourism which was then forwarded to Planning	Upheld - E-mail interpreted as an objection to a planning application. Subsequently, the e-mail was made available to view on a public planning file. No response received from Highways and only an acknowledgement received from Tourism with no response to follow up e-mail.	Customer Care Issue - apology sent from Highways and Tourism with regards to lack of replies. This was included within the response to the official complaint compiled by the Planning Function. The misinterpreted e-mail correspondence has been removed from the public planning file once notification for the error was received. Staff to be reminded to be mindful of Corporate Customer Charter requirements to respond to correspondence.
385b	Planning	Partly upheld. Customer Care Issue – Planning Service allowing 'unauthorised developments' to continue without proper and thorough investigation.	Simple error - In view of a response to the complaint an apology was sent with regards to the length of time taken by the Enforcement Team to investigate the perceived 'unauthorised developments' which proved to be lengthy owing to the complexities of the site's Planning history. Confirmed that processes are in place and that the Local Planning Authority does not condone the wilful disregard of

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			<p>the need for planning permission but are open to considering retrospective applications for which this should not be taken as an indication that permission will necessarily be granted.</p> <p>Steps have been put in place to strengthen the resilience and capacity of the Enforcement Team.</p>
376	Learning – damage to sports pitch.	Upheld – Contractors cut pitch when grass was wet – leaving ruts so that pitch was not fit for purpose.	Simple error / no further action required. Contractors rectified the situation and no further cutting will take place unless assessment made by supervisor. Apology given
392	Learning - handling of changes to school transport provider	Upheld – administrative errors and miscommunication identified leading to complainant believing that child’s needs were being ignored	Change in policy / process – new contract and ensuing teething troubles. Correct procedures put in place.
394	Learning - refusal to acknowledge son’s needs re: taxi to school	Partly Upheld – administrative errors / leading to the complainant believing that money more important than service provision	Change in policy / process – new contract and ensuing teething troubles. Escort provision confirmed.
343	Housing – homelessness meeting	Upheld – issues raised during the meeting	Simple error – apology given and matter discussed with relevant officer.
366	Housing – issues with heating system	<p>Upheld - Discussions were held with the tenant but following these discussions communications were not completed and it wasn’t made clear to the tenant that there had been a delay in obtaining the new heaters through our suppliers.</p> <p>During this period the staff member who had been discussing the issue with the tenant left his role, and developments were not updated to a relevant officer</p>	Customer Care issue plus problems with suppliers - Apologies provided to the tenant and a new date was set to fit the new heating system – fitted on the 13 th May 2019.

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370	Housing – LPE 1 form and lack of response	<p>Upheld - Lack of response to correspondence / not phoning people back as promised.</p> <p>When the LPE 1 form was sent to the individual's representatives, there were elements that were incomplete or errors in the form. Then upon receiving the form back within the Council, there was a lack of co-ordination in who was going to complete relevant sections and re-send the form back to the representatives</p>	<p>Change in policy / process - The IOACC will be improving our internal procedures in dealing with LPE1 forms by ensuring that an individual officer within a Service will have the responsibility to co-ordinate the response to the LPE1 forms submitted in the future. Having a person to co-ordinate the completion of the forms will eliminate incomplete forms being sent back to individuals or their representatives, and that delays such as the one this individuals had to deal with do not happen again in the future.</p> <p>In addition there will also be a review of the current process of raising invoices for Service Charges to see what improvements could be made to the procedure following the experience noted in this complaint.</p>
414	Housing – left without kitchen & bathroom for 2 weeks	Upheld - Contracted Company went into administration, with a delay then in internal workers coming in to complete the works.	Sincerest apologies were given to the tenant and as discussed during a telephone conversation, arrangements made for a rent free 1 week period as a gesture of goodwill.
344	Waste – issues with emptying the recycling bins	Partly Upheld – issues possibly due to a change in personnel	Simple error – crew given clear instructions and no further issues reported