

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	AUDIT & GOVERNANCE COMMITTEE
DATE:	25 July 2016
TITLE OF REPORT:	CONCERNS, COMPLAINTS AND WHISTLEBLOWING 2015-2016
PURPOSE OF THE REPORT:	Assurance on Policy Compliance
REPORT BY:	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 1st April 2015 – 31st March 2016. For the first time this 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 our drive for improvement.
4. During the said period, 261 concerns were recorded and 59 formal complaints were received. The Public Services Ombudsman for Wales (Ombudsman) 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. The number of complaints received has fallen to 59, from 65 in 2014-15 and from 66 in 2013-14. The highest recorded number of complaints since statistics have been collected was in 2011-12 when 89 complaints were recorded under the Policy.
6. The Council also publishes [complaints information](#) monthly.
7. The overall rate of responses to complaints, issued within the specified time limit (20 working days) is 70%. 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.

8. Of the 59 complaints received during the period, 10 were upheld in full, 6 were partially upheld and 43 were not upheld. 5 complaints were referred to the Ombudsman but none was accepted for investigation.

Summary of Concerns and Complaints by Service for 2015-2016

Service	Number of concerns	Number of complaints	Number of complaints upheld/ partially upheld	Number of late responses
Chief Executive's Section	0	1	0	0
Involving more than one service	0	2	0	1
Finance	11	16	2 upheld & 3 partially upheld	8
Highways	1	4	1 partially upheld	1
Housing	12	9	4 upheld & 2 partially upheld	3
Leisure	5	1	1	0
Legal	0	1	0	0
Lifelong Learning*	10	2	1	0
Planning	15	8	0	1
Public Protection	0	4	0	0
Waste Management	207	11	2	4
Totals	261	59	16	18

* Excluding schools

9. The Council also records compliments received, and 561 were recorded during the relevant period. Additionally, 2059 positive comments were received at the Oriel and 513 at the Breakwater Country Park.

Summary of Compliments by Service for 2015-2016

Service	Compliments
Economic Development	3
Education	46
Finance	2
Highways	48
Housing	18
Leisure	4
Planning	145
Public Protection	264
Waste Management	31
Internal Services	
Human Resources	49
ICT	137
Totals	747

10. Lessons Learnt

The Concerns and Complaints Policy places an emphasis on learning lessons from complaints and thereby improving services. The issues noted below were identified as lessons learnt, but none required any formal action plans to be put in place:-

- Quicker response times to initial enquiries & letters (Finance)
- Staff reminded about customer service standards and the need to ensure that cases continue to be dealt with in the event of staff absence (Housing)
- Need for training and bilingual scripts for Heritage Centres

Other minor system and training issues were also identified and these have been addressed at service level.

11. Complaints to the Ombudsman.

The Concerns and Complaints Policy has, as its third stage, the option to escalate a complaint to the Ombudsman where the complainant remains dissatisfied with the Council's response.

During 2015/16, 5 complaints were made to the Ombudsman but, having looked at the complaints and the Council's responses, the Ombudsman decided not to investigate the complaints. These complaints related to the Planning and Public Protection Services.

12. Complaints Against Elected Members

Any complaint against an elected member will be based on an alleged breach, or breaches, of the Members' Code of Conduct with the Ombudsman exercising 'first sift' jurisdiction (i.e. assessing merit).

During 2015/16, 2 such complaints were received. One complaint was not investigated and the other complaint is currently under investigation.

Additionally, there were 4 complaints carried forward from 2014/15:-

- one was an appeal against a decision of a Case Tribunal of the Adjudication Panel for Wales and resulted in a sanction;
- two complaints were investigated but the Ombudsman concluded that no further action was required;
- one investigation was initiated but subsequently discontinued.

13. Language Related Complaints

One complaint was received during the year. This is recorded above under the Lifelong Learning Service. It is also recorded in paragraph 10 above under "Lessons Learnt".

The complaint related to a member of staff at a heritage site speaking English to a group of visitors whose language of preference was Welsh. This has been addressed. A bilingual script has been produced and staff have now been trained and are confident to present information in their audience's preferred language.

WHISTLEBLOWING

14. 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.
15. A local [Guidance](#) document on Whistleblowing has also been issued to support staff in raising any Whistleblowing concerns.
16. This is the first time that Whistleblowing has been reported corporately, and the level of information being provided has been agreed by the Senior Leadership Team. It is acknowledged that this process may evolve over time (especially its collection and reporting) but, owing to the inevitably sensitive nature of such matters, and the Council's legal obligation to protect Whistleblowers, only limited information will ever be disclosed.

Summary of Whistleblowing Complaints Reported by Services for 2015-16

Date Raised	Type of Disclosure / Reported to	Nature of Concern	Investigated	Outcome	Lessons learnt/any new arrangements	Results fed back to the Whistleblower
7.7.15	First level* - reported to the Head of Service (Adults)	Working practices at a Council Care Home	Yes	Substantive issue was upheld whilst secondary issues were considered but left for local resolution	Steps taken to ensure that policies in relation to relief workers are adhered to at all times	Yes
21.9.15	First level* – reported to the Monitoring Officer	Failure to follow due process in the disposal of an asset	Yes	Disposal discontinued. Reported to Members as a “Part 2” item	Internal Audit Report awaited but Guidance on the Officers’ Code of Conduct amended	Yes
1.12.15	First level* – reported to the Monitoring Officer	Compliance and standards issues in proceedings	Yes	Reported to SLT. Action Plan to respond to concerns. Reported to Members.	Additional funding allocated and Action Plan progressing and reported to Members	Yes
24.03.16	First level* – reported to	Alleged abuse of	Under investigation	Not yet Known	Not yet Known	Not Yet

	the Monitoring Officer	process				
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* 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

- The Committee accepts that this report provides reasonable assurance that the Council is compliant with its Concern and Complaints Policy and Whistleblowing Policy.
- The Committee agrees that officers undertake further work with a view to ensuring that the process shall include more emphasis on:-
 - capturing lessons learnt, and changes arising therefrom, and implemented by Services;
 - analysing the overall corporate data and using the information to best effect;
 - assessing whether there is parallel role and complementary role for the Corporate Scrutiny Committee to consider any emerging patterns.

LB
6/7/2016