

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Audit & Governance Committee
DATE:	1 <sup>st</sup> September 2020
TITLE OF REPORT:	Concerns, Complaints and Whistleblowing 2019-2020
PURPOSE OF THE REPORT:	Assurance on Policy Compliance
REPORT BY:	Director 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 2019 – 31<sup>st</sup> March 2020. 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 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020, 136 concerns were received and 69 complaints were made with 2 being withdrawn prior to investigation. Therefore, 67 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 67 complaints dealt with during the period, 13 were upheld in full, 5 were partly upheld and 49 were not upheld. 8 complaints that had been through the internal process were escalated to the PSOW and all 8 were rejected.
6. The number of complaints investigated this year remains at around the same level as 2018/2019 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 94%. 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 2019 – 2020

Service	No. of concerns	No. of complaints	No. upheld	No. partly upheld	No. complaints rejected	No. of late responses (x days late)
<b>Highways, Waste &amp; Property</b>						
Highways	16	7	1	-	06	-
Property	-	1	-	-	1	-
Waste	14	1	-	-	1	-
<b>Housing</b>						
Housing	43	13 ( -1)	1	2	09	1 (10)
*Housing/ Property & Legal	-	1	-	-	1	-
<b>Lifelong Learning</b>						
Learning (excludes schools)	4	1	1	-	-	-
<b>Regulation &amp; Economic</b>						
Leisure	20	1	-	1	-	-
Maritime	1	1	-	-	1	-
Planning	4	12 (-1)	-	-	11	-
*Planning & public Protection	-	1	-	-	1	-
Public Protection	1	5	-	-	5	-
<b>Resources</b>						
Resources	32	25	10	2	13	3 ( 1x 5 / 2 x 4 )
<b>Transformation</b>						
Cyswllt Môn	1	-	-	-	-	-
<b>Totals</b>	<b>136</b>	<b>69 (67)</b>	<b>13</b>	<b>05</b>	<b>49</b>	<b>04</b>

\* Relates to more than 1 service

From an analysis of the table above, 8% (down from 9% in 2018/2019) 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, 86% followed this route whilst the remaining 6 % (4 of the 67) 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 2019/20, 13 complaints were upheld and 5 complaints partly upheld. **Appendix 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 20 complaints relevant to this process, within the timescale of the report, lodged with the PSOW. 8 were escalated following formal responses under the Council's Complaints Procedure and 12 were complaints made direct to the PSOW. None of the complaints were taken into 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 2019/20, one code of conduct complaint was received by the PSOW against a County Councillor but was closed after initial assessment without any investigation.

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, six expressions of concern were received and recorded. These related to the following issues:-

- A complaint concerning a consultation that failed to seek public opinion on any impact assessment published relating to the Welsh language and Equality.
- A complaint regarding a Welsh medium Freedom of Information request submitted via ApMôn. The content of the acknowledgement e-mail was in Welsh but the subject heading was in English.
- A complaint that the Council was not using the correct forms when referring to locations on Anglesey on Visit Anglesey (although Welsh medium forms were used).
- A concern that Welsh names are being changed / in danger of disappearing. Calling for new legislation to protect and respect place names
- A complaint that the Council had used made-up English names for beaches on its website. In addition, it was not possible to send a direct message through the Welsh account, @CroesoMôn although this could be done through the medium of English
- A complaint that exercise sessions were not held through the medium of Welsh

All six 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 30<sup>th</sup> 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.

13. As reported in last year's 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. Compliance data was reported to the Audit and Governance Committee on 3 September 2019, noting a compliance rate of 89% (855 out of 960) as at 16 July 2019. The compliance rate as at 28 July 2020, was 94% (930 out of 988).

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.

15. During 2019/20, 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
24.04.2019	First level / Former Chief Executive	Alleged multiple breaches of Health & Safety, misuse of plant & equipment, alleged theft of inventory, general mismanagement and a culture of bullying & harassment	Yes	2 investigations undertaken 1 preliminary internal investigation and 1 independent external investigation	Following the independent investigation the Service prepared an Action Plan to address the findings of the report. The recommendations from the Action Plan were commenced on 05/06/2020 and progress is reviewed every 2 weeks and reported to the Deputy Chief Executive	Yes 7/5/2020 & 9/6/20/20

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

#### 16. 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 **Appendix 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.

Guidance for Services on how to complete the form		
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)

# Upheld & Partly Upheld Complaints Reporting Form

# Appendix 1

Summary of Lessons Learnt 2019/2020				
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	Action completed
<b>Lifelong Learning</b>				
F465	Learning	Lack of clear communication between services resulting in new prices of bus passes not being communicated to all relevant parties and parents asked to pay higher prices than was noted in the letter.	Change in policy or process - regular meetings arranged with all relevant parties to ensure new pricing is shared with all relevant parties. New online form to request a bus pass ready to be implemented. However this has been delayed due the current Covid-19 situation as it is not clear what the travel arrangements will look like from September 2020	In part
<b>Regulation &amp; Economic</b>				
F454	Leisure	Booking taken by new member of staff which resulted in putting the customers in the class on the wrong week and when the customers turned up there were not enough bikes for them to participate in the class.	Training required for new member of staff.	Yes – December 2019
<b>Highways, Waste &amp; Property</b>				
F425	Highways	The school bus in question did not operate on the morning of Monday 1 <sup>st</sup> July 2019.	Operator reminded of their contractual obligations in a letter dated 12 <sup>th</sup> July 2019.	12 <sup>th</sup> July 2019.
<b>Housing</b>				
F445	Housing	Upheld in part - Maintenance work not to the standard expected.	Maintenance work completed to the satisfaction of the customer. No further action required.	Yes
F450	Housing	Upheld- Poor response time to 'emergency call out' by third party contractor.	Change in policy or process. Complaint discussed with senior managers of third party contractors, assurance that process will be addressed in order to improve service. Training also	Yes

## Upheld & Partly Upheld Complaints Reporting Form

## Appendix 1

			given to internal staff on dealing with any similar future calls.	
F455	Housing	Upheld in part - Rent arrears accrued during period prior to moving into property	Training and supervision required. Officers are being reminded and trained that they should be more proactive in supporting communication on-site between contractors and tenants whilst work is being undertaken on Council properties.	Yes
<b>Resources</b>				
F415	Resources	Upheld – Housing Benefit paid incorrectly into rent account.	<b>Change in process:</b> the following actions agreed – <ul style="list-style-type: none"> <li>Where an enquiry has relevance to other services/sections, there is a clear internal point of coordination &amp; contact;</li> <li>Process of making adjustments or write-offs to be reviewed;</li> <li>Training issue re. complaints received directly to the section, &amp; how to record them;</li> </ul> Compensation payment of £100 made owing to inconvenience & number of errors that had occurred.	Recommendations implemented by 01.05.2019
F421	Resources	Upheld - incorrectly charged 2 <sup>nd</sup> home premium	<b>Simple error:</b> Remind staff of importance of recalculating instalment plans when refunds are processed. Revised bill issued.	Recommendations implemented by 01.01.2020
F452	Resources	Upheld – not dealt with in reasonable timescale owing to lack of capacity.	To create capacity to put necessary systems in place and to respond to queries within reasonable timescales, the Council has created 2 new roles within the Payroll Section which will be dedicated to Pensions and related work.	New structure now in place. Starting training and this issue should be resolved.
F456	Resources	Upheld – incorrect assessment of reduction and no communication of decision.	<b>Customer Care Issue / Change in Process:</b> the following actions agreed - <ul style="list-style-type: none"> <li>Corrected assessment of Housing Benefit/ Council Tax Reduction claim;</li> <li>Reversed cancellation of Housing Benefit/ Council Tax Reduction claim;</li> </ul>	All implemented by 27.11.2019



## Upheld & Partly Upheld Complaints Reporting Form

## Appendix 1

			<ul style="list-style-type: none"> <li>Processes amended for administering Council Tax Reduction claims when Universal Credit (UC) is involved in payment;</li> <li>Identified and corrected system parameters to ensure Council Tax Reduction notices issued in all occasions.</li> </ul>	
F457	Resources	Partly upheld – the debt collector appointed did not receive correct information. The debtor was not liable for part of the invoiced period.	<b>Customer Care Issue:</b> following investigation following established – <ul style="list-style-type: none"> <li>Only part of debt was owed;</li> <li>Certain invoices had been duplicated;</li> <li>Other debts had not been included;</li> <li>Following adjustments owing to the age of debt balances were written off in the value of £82.13.</li> </ul>	Actioned by 12.12.2019
F461	Resources	Upheld – delay in raising suspension on Housing Benefit claim and conflicting information to claimant along with failure to advise claim had been suspended.	<b>Customer Care Issue:</b> investigation established – <ul style="list-style-type: none"> <li>Confusion was caused to claimant due to conflicting information;</li> <li>The same information did not advise claimant of status of claim;</li> <li>Suspension of claim could have been raised earlier as the information had been received;</li> <li>Unnecessary information requested which had already been received leading to unnecessary suspension of claim.</li> </ul> Review to be undertaken of suspension procedures and staff instructed how to verify start of claim dates.	Implemented by 17.02.2020
F464	Resources	Upheld – alternative recovery routes could have been used to secure debt, owing to vulnerability.	<b>Customer Care Issue / Change in Process:</b> investigation established – <ul style="list-style-type: none"> <li>Decision that there had been a deprivation of capital to claim a Council Tax Reduction was incorrect;</li> <li>Failure to keep claimant informed of the progress of reconsideration request;</li> </ul>	Implemented by 23.01.2020

## Upheld & Partly Upheld Complaints Reporting Form

## Appendix 1

			<ul style="list-style-type: none"> <li>• Failure to reply to letter;</li> <li>• This led to an unnecessary debt being raised.</li> </ul> <p>Apology to be provided for anxiety and inconvenience caused. Confirmation to be provided of the revised Council Tax Reduction assessment which would cancel the incorrect overpayment. Training need identified as to establishing whether there had been a deprivation of capital to claim benefit or a reduction in accordance with regulations.</p>	
F466	Resources	<p>Upheld – failure to inform claimant that debt was to be written off. Council Tax did not process the write-off. System error occurred &amp; not identified.</p>	<p><b>Customer Care Issue / Change in process:</b> investigation established –</p> <ul style="list-style-type: none"> <li>• Decision made in July 2017 to write off overpayment and not pursue recovery was not actioned;</li> <li>• Claimant in July 2017 not advised of this decision;</li> <li>• Review in July 2017 erroneously dealt with recoverability of overpayment not why it arose;</li> <li>• Application of non-dependent deductions to the original claim was incorrect which should have been identified at the time of the appeal;</li> <li>• No overpayment had occurred.</li> </ul> <p>Apology provided on how the original appeal was dealt with. To retrospectively reassess the claim back to 2013 to correct the error. To check all other non-dependent deductions in the system as to accuracy and to discuss system parameters with software supplier.</p> <p>Apology given for stress and inconvenience caused. All recovery costs cancelled.</p>	<p>Implemented by 16.02.2020</p>

## Upheld & Partly Upheld Complaints Reporting Form

## Appendix 1

F469	Resources	Upheld – failure to respond in a reasonable time scale following a request to reconsider a decision not to award Housing Benefit / Council Tax Reduction.	<b>Customer Care Issues / Change in process:</b> investigation established - <ul style="list-style-type: none"> <li>• Incorrect assessment of deliberate deprivation of capital to claim benefit;</li> <li>• Considerable delay in dealing with a request to reconsider the original assessment;</li> <li>• No update letter was issued as to progress of reconsideration request.</li> </ul> Apology provided for anxiety and inconvenience caused. Claim reassessed and Council Tax Reduction paid.	Implemented by 31.01.2020
F470	Resources	Upheld – issue of statutory reminder notices for unpaid Council Tax when the debtor was subject to Individual Voluntary Arrangement (IVA).	<b>Customer Care Issues / Change in process:</b> review undertaken which established that an – Additional step required in IVA procedure where a hold for 3 months allows sufficient time for the IVA to be fully processed.	Implemented immediately
F472	Resources	Upheld - delay in processing CTR claim.	<b>Customer Care Issues / Change in process:</b> investigation established – <ul style="list-style-type: none"> <li>• Claimant was advised of the need to claim Universal Credit;</li> <li>• Notification letter not sent to confirm decision that claim had been made ineligible due to non-receipt of information;</li> <li>• Unjustifiable delay in notifying claimant that claim had been made ineligible;</li> <li>• There were also additional delays in administering the claim;</li> <li>• Need to improve information request letters to take into consideration the 5 week delay in processing Universal Credit (UC) claims i.e. not to make a claim ineligible after 4 weeks if information as regards UC not received until after 5 weeks;</li> </ul>	Implemented by 01.03.2020

## Upheld & Partly Upheld Complaints Reporting Form

## Appendix 1

			Apology provided for inconvenience and stress caused, refund payments made and wording on letters requested further information to be amended- particularly for UC claimants.	
F474	Resources	Upheld – incorrect treatment of Council Tax account owing to IVA	<p><b>Change in process / training required:</b></p> <p>Being a specialist field the treatment of accounts subject to IVAs has been addressed by allocating a staff resource where part of the duties relate to IVAs and is the main contact point for bankruptcy / insolvency cases.</p> <p>Staff reminded to refer all IVA cases to additional resource.</p>	Actioned immediately