

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
MEETING:	Governance & Audit Committee
DATE:	21 st September 2021
TITLE OF REPORT:	Concerns, Complaints and Whistleblowing 2020-2021
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 1st April 2020 – 31st March 2021. 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 Social Service Improvement Panel. These reports are not available to the public but high level statistical information would be provided upon receipt of a formal request.
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 2020 – 31st March 2021, 104 concerns were received and 43 complaints were made. Of the 43 complaints, 42 have received a full response by the 31st March with the remaining complaint requiring significant further investigation prior to providing a final response to the applicant.

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 42 complaints dealt with during the period, 2 were upheld in full, 1 was partly upheld and 39 were not upheld. 9 complaints that had been through the internal process were escalated to the PSOW and all 9 were rejected. Please also refer to paragraph 10.
6. The number of complaints investigated this year fell by 26, down from 69 in 2019/2020 and these are shown in the table below.

7. The Council also publishes [complaints data](https://www.anglesey.gov.uk/en/Get-involved/Official-complaints/Council-complaints-statistics.aspx) monthly
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8. The overall rate of responses to complaints issued within the specified time limit (20 working days) was 90%. 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, Complaints and Compliments by Service for 2020 – 2021

Service	No. of concerns	No. of complaints	No. upheld	No. partly upheld	No. of complaints rejected	No. Late (x days)	Compliments
Council Business							
Legal	-	1	-	-	1	-	20
Highways, Waste & Property							
Highways	8	4	-	-	4	1 (9 days)	43
*Highways /Planning	-	3	-	-	3	-	
Property	-	1	-	-	1	-	
Waste	21	3	-	-	3	-	33
Housing							
Housing	28	7	-	1	6	-	39
*Housing / Benefits	-	1	-	-	1	-	
Lifelong Learning							
Learning (excludes schools)	1	1	-	-	1	-	19
Regulation & Economic							
Economic Develop - ment	6	-	-	-	-	-	33
Leisure	14	-	-	-	-	-	63
Planning	2	10	-	-	10	-	120
*Planning & Public Protection		1	-	-	1	-	
Public Protection	-	1	-	-	1	-	37
Resources							
Resources	24	10	2	-	7 (1 remains unresolved)	3 (37 days/ 8 days & 16 days)	41
Corporate Transformation							
Cyswllt Mon	-	-	-	-	-	-	16
Totals	104	43	2	1	39	4	464

* Relates to more than 1 service

From an analysis of the table above, 9% (up from 8% in 2019/2020) 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. A further 9% (4 of the 43) were sent to the Council by the PSOW who refused to deal with them until the internal Council process has first been exhausted. Complainants may also take their complaints directly to the formal stage of the internal complaints process, and this accounts for the remaining 82% of the complaints received.

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 2020/21, 2 complaints were upheld and 1 complaint was 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 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. 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 2020/21, no code of conduct complaint was received by the PSOW against a County Councillor.

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, one expression of concern were received and recorded. This related to the following issue:-

- A complaint concerning the acknowledgement received when registering on the Council's service app.

The issue was resolved without escalating into a formal complaint.

Any other issues 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.
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 2020/21, 2 whistleblowing concerns were received and are noted below.

Date Raised	Type of Disclosure/ Reported to	Nature of Concern	Investigated	Outcome	Lessons learned	Results fed back to the Whistleblower
December 2020	First level/ Monitoring Officer	Safeguarding issue in a school	Yes	Safeguarding matter referred to the Social Services Department. Enquiries made in line with the All Wales Safeguarding Procedures (2019). The threshold for part 5 allegation against a professional not met. Employer responded within own process.	The interface between the whistle blowing policy and the duty to report under the Social Services & Wellbeing Act reviewed by the Service Manager and practice lead group. If a similar incident was to occur, then the staff member should be informed of the duty to report and be signposted to Teulu Mon.	Yes by the Monitoring Officer
February 2021	First level / Monitoring Officer	Planning matter	Preliminary investigation - insufficient evidence to proceed	Suitable arrangements put in place to ensure fair & transparent outcome to protect relevant staff, the applicant & public confidence in the process	Specific arrangements made regarding this matter but no changes made to procedure	Yes by the Monitoring Officer

* 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. Changes to the Concerns & Complaints Policy

The Public Services Ombudsman (Wales) Act 2019 achieved Royal Assent in July 2019 and one aspect of the new powers was the creation of the “Complaints Standards Authority”. Amended complaint handling guidance was produced with the aim to bring practices across Wales back into broad alignment – providing basic standards, a common language and a set of principles to underpin how complaints are handled throughout public services. Every authority in Wales was asked to review their policy and ensure alignment with the new guidance. The Corporate Concerns & Complaints Policy was reviewed and minor amendments made although this did not result in any change to the process in force since April 2013. Confirmation was received from the Ombudsman on 26th May 2021 that “Isle of Anglesey County Council’s policy is deemed compliant” with the guidance.

16. The Local Government and Elections (Wales) Act 2021

The Local Government and Elections (Wales) Act 2021, in force from 1st April, 2021 also has a relevance for complaints handling. The Governance & Audit Committee now has a duty to review and make reports on complaints handling.

The Council’s Constitution has been amended to reflect this new responsibility within the Committee’s Terms of Reference and Matthew Harris of the Complaints Standards Authority provided training to members of the G&A Committee on 21 July 2021; the first of its kind in Wales on the new responsibilities for audit committees.

17. Decision/Recommendations:

The Committee accepts that this report provides reasonable assurance that the Council handles its complaints effectively and makes no recommendations in relation to the Council’s ability to handle complaints effectively

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 2020/2021				
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
Housing				
F495	Housing	Partly Upheld – Damp issue first mentioned in 2017 but decision made on receipt of this complaint that survey of property required.	Simple Error - apology given for the frustration felt but no record of complaints since 2017. Tenant was re-housed and the property was later surveyed by an external company and refurbishment works completed and new tenant started tenancy in property 09.06.21.	Yes
Resources				
F507	Payroll	A complaint relating to the response received in respect of a payroll query	Training issue - apology given, all staff have been reminded of the standards required when dealing with clients and enquiries have been made about the availability of customer care courses.	May 2021 – staff reminded of standards & HR contacted re courses – most of the Payroll staff have already attended customer care courses, but a refresher is to be given & new staff to attend course when available.
F511	Pensions	Teachers' Pension data not up to date and complete.	One off issue - shortage of staff and a labour intensive procedure to correct, so will take time. If not done by end of August 2021, complainant to be contacted and informed of progress.	Ongoing