

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

Date: ???

REPORT AUTHOR: County Councillor Jake Berriman, Cabinet Member for a Connected Powys.

REPORT TITLE: Corporate Complaints Annual report November 2020 – October 2022

REPORT FOR: Information

1. Purpose

- 1.1 To brief Cabinet on the on the corporate complaints made to the Council from 1st November 2020 to 31st October 2022

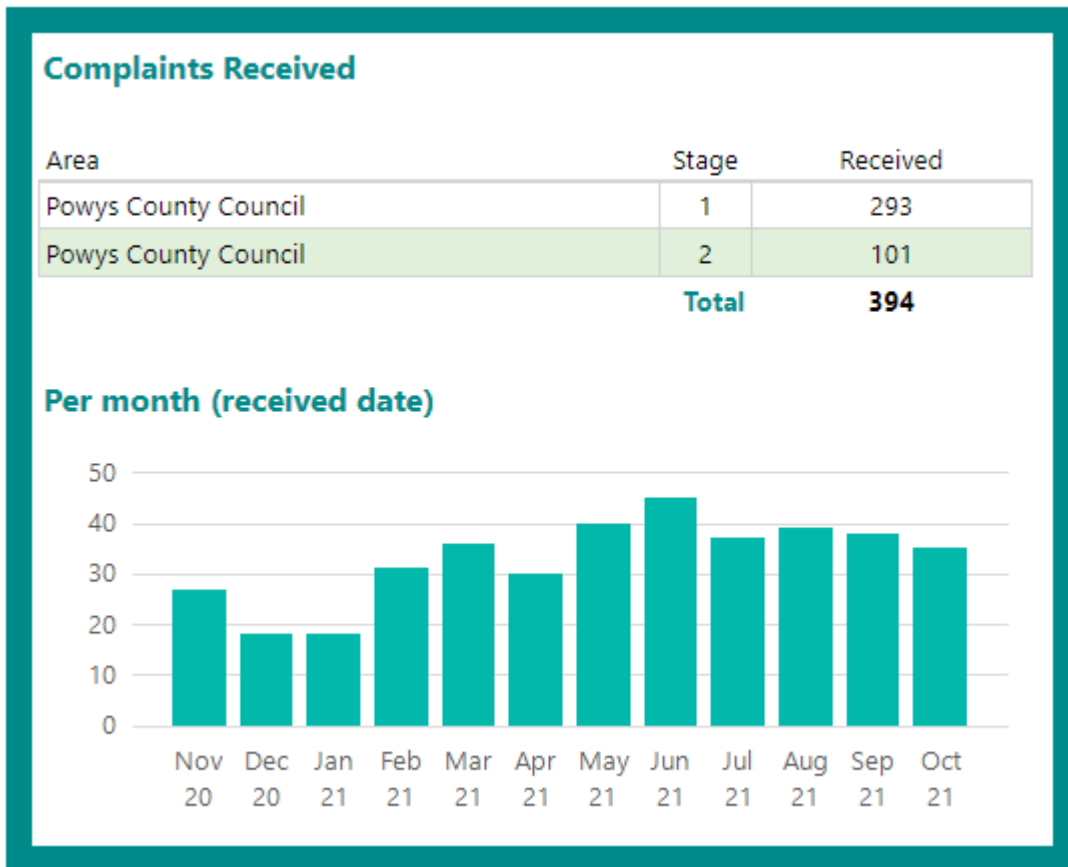
2. Background

- 2.1 The Local Government (Wales) Measure 2011 (Section 81) as amended by Section 115 of the Local Government and Elections (Wales) Act 2021 requires that a local authority's Governance and Audit Committee make reports and recommendations in relation to the authority's ability to handle complaints effectively.
- 2.2 This report covers the two reporting years of
- 1st November 2020 to 31st October 2021
 - 1st November 2021 to 31st October 2022
- 2.3 A two-year reporting period is included as it would seem likely that with the Covid-19 pandemic impacting Council working practices and support to the people of Powys from March 2020, and the departure of the previous Customer Services Manager in December 2021 then these annual reports for review have been delayed.
- 2.4 The information provided refers to corporate complaints and does not include those complaints made in relation to Social Care nor Information rights regimes, as complaints in respect of these issues are handled and reported on outside of the corporate complaints process, due to the different legislative obligations.
- 2.5 Complaints are managed on the basis of being stage 1 or a stage 2 complaint. See Powys County Council Concerns and Complaints policy at appendix 2 for more detailed information
- 2.6 Currently the outcome of a complaint is reported upon as being upheld or not upheld, with any information as to "lessons learnt" being captured within the response, and so not easily reported upon.

3. 1st November 2020 to 31st October 2021

- 3.1 Complaints Received

- 3.1.1 394 complaints were received; these figures are broken down into Stage 1 293 and Stage 2 101.
- 3.1.2 1 concern was later found not to merit investigation
- 3.1.3 The highest number of complaints were made in June 2021 with over 40 being received that month.
- 3.1.4

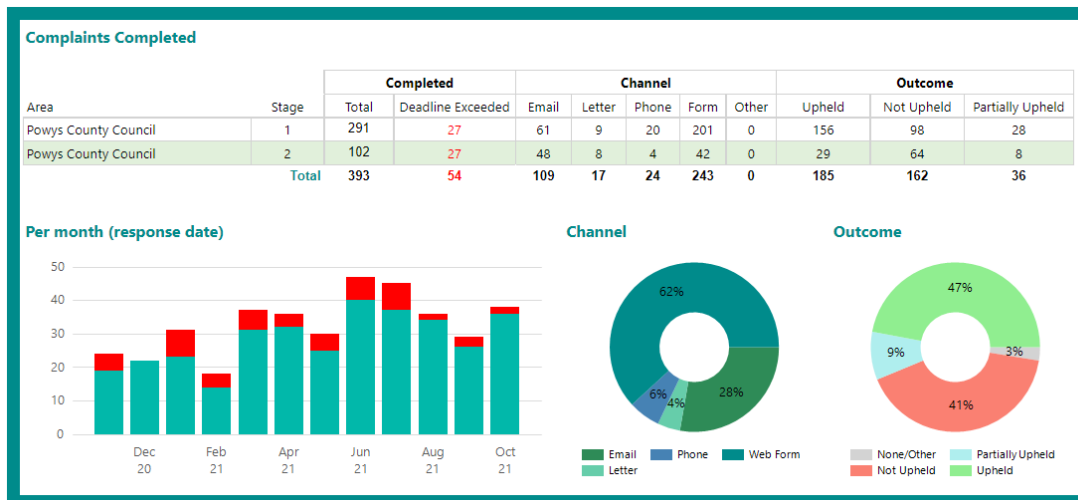


See Appendix 1 for breakdown of complaints received by service area

- 3.2 Completed
 - 3.2.1 The figures below show the complaints marked as completed within the 12-month period and will include complaints received in the previous 12-month period.
 - 3.2.2 Stage 1 291, with 27 of these being completed outside of timescales
Stage 2 102, with 27 of these being completed outside of timescales

3.3 Outcomes

3.3.1



3.3.2 Breakdown of outcome by service area

Service Area	No. of Complaints	Number Upheld	Percentage Upheld	Not Upheld	Percentage not upheld
Legal and Democratic Services	8	3	38%	5	62%
Economy and Digital services	7	7	100%		0%
Finance	32	15	47%	17	53%
Highways, Transport, and Recycling	149	103	69%	46	31%
Housing and Community Development	47	30	64%	17	36%
Property, Planning and Public Protection	78	14	18%	64	82%
Schools Services	10	1	10%	9	90%
Unspecified	16	12	75%	4	25%
Totals	347	185	53%	162	47%

3.3.3 36 were partially upheld with the rest having a different or no outcome recorded

3.4 Outstanding complaints

3.4.1 Records indicate that a number of outstanding requests, however this may be due to

- A stage 1 complaint not being responded to and being moved to stage 2 complaint

- The complaint being withdrawn or reclassified
- More information to enable the complaint to be dealt with requested but not received

3.4.2 Work continues to ensure accurate reporting.

4. 1st November 2021 to 31st October 2022 (as at 16/11/2022)

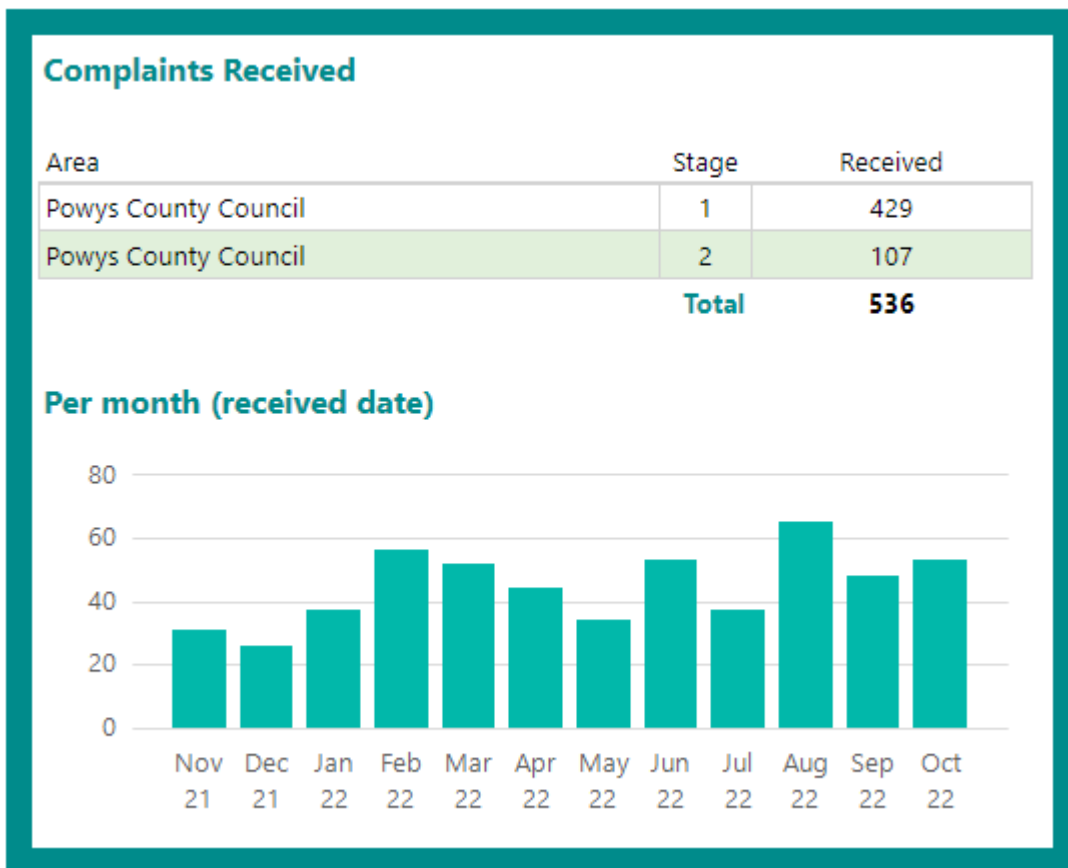
4.1 Complaints Received

4.1.1 536 complaints were received; these figures are broken down into Stage 1 429 and Stage 2 107.

4.1.2 The highest number of complaints were made in August 2022 with over 60 being received that month.

4.1.3 1 concern was later found not to merit investigation

4.1.4



See Appendix 1 for breakdown of complaints received by service area

4.2 Completed

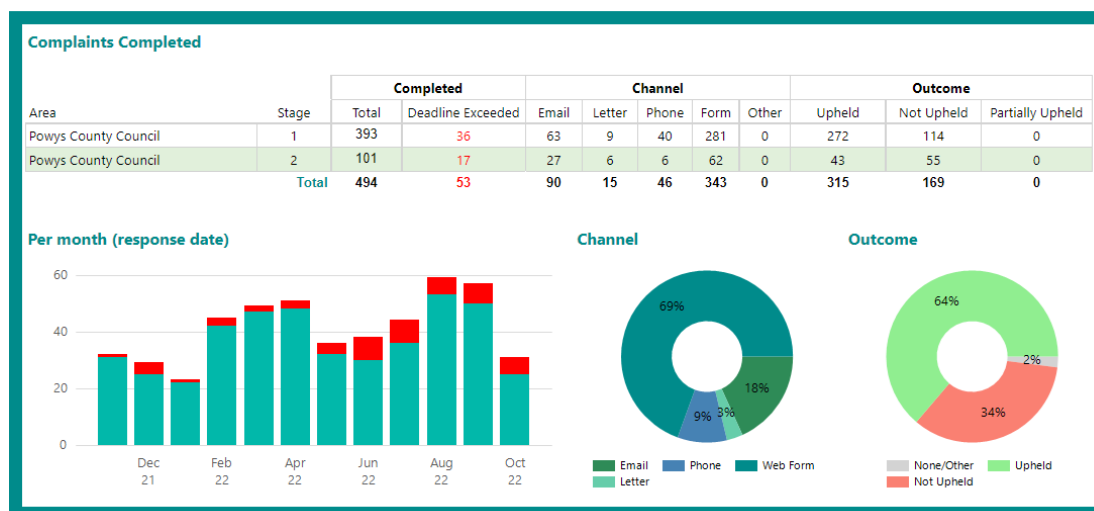
4.2.1 The figures below show the complaints marked as completed within the 12-month period and will include complaints received in the previous 12-month period.

4.2.2 Stage 1 393, with 36 of these being completed outside of timescales

4.2.3 Stage 2 101, with 17 of these being completed outside of timescales

4.3 Outcomes

4.3.1



4.3.2 Breakdown of outcome by service area

Service Area	No. of Complaints	Upheld	Percentage Upheld	Not Upheld	Percentage not upheld
Chief Executive	2		0%	2	100%
Community Services	2	2	100%		0%
Legal and Democratic Services	2	2	100%		0%
Economy and Digital services	12	9	75%	3	25%
Finance	51	29	57%	22	43%
Highways, Transport, and Recycling	257	208	81%	49	19%
Housing Services	80	42	53%	38	48%
Property, Planning and Public Protection	56	19	34%	37	66%
Schools Services & Education	18	3	17%	15	83%
Workforce and Organisation Development	1	1	100%		0%
Unspecified	3		0%	3	100%
Totals	484	315	65%	169	35%

4.3.3 None having been partially upheld, since following the introduction of the new complaints policy in September 2021, there is no longer an option for partially upheld. The complaints are now either upheld or not upheld.

5. Monitoring

- 5.1 In addition to system messages warning of impending due dates, Customer Services staff also undertake limited monitoring of complaints, such as reminding Investigation Officers that their response is due soon, or that they are overdue.
- 5.2 The individual service area is responsible for monitoring the timeliness and quality of their responses.
- 5.3 Corporate Complaints has been subject to a recent SWAP Audit, and the audit report is waited.
- 5.4 Customer Services make the quarterly returns on corporate and social care complaints to the Public Services Ombudsman.

6. Policy

- 6.1 The current Corporate Complaints policy (September 21) is under review
- 6.2 Policy available at Appendix 2

7. Conclusion

- 7.1 There has been a 36% increase in complaints made this year compared to last year.
- 7.2 Complaints in respect of housing maintenance that were previously addressed by HOWPS, are now included within the corporate complaints data. However, these do not account for the increase in isolation.
- 7.3 See Appendix 1 for breakdown of the increase or decrease of complaints received by service area.
- 7.4 In the majority, complaints made to the Council are managed effectively and in line with Council policy

8. Resource Implications

- 8.1 The administration of the Council's corporate complaints is undertaken by several staff within the customer services team, in addition to other customer services duties. The staffing costs of their proportionate duties spent on the administration of corporate complaints is approximately £30,804 per annum. No exact recordings are maintained as to time spend on these duties.
- 8.2 Additional resources are utilised by other teams in support of the corporate complaints system and reporting functionalities, again no exact recordings are maintained as to time spend on these duties.
- 8.3 The cost of managing and responding to complaints is met from existing service budgets and are undertaken as part of officer's general duties. No records are made to enable the reporting of specific costs to handle these complaints.
- 8.4 The Head of Finance (Section 151 Officer) notes the report.

9. Legal implications

- 9.1 Legal: the recommendations can be accepted from a legal point of view
- 9.2 The Head of Legal Services and the Monitoring Officer has commented as follows:
“I note the legal comment and have nothing to add to the report”.

10. Data Protection

- 10.1 The Data Protection Officer is the author of this report and has nothing further to add.

11. Comment from local member(s)

- 11.1 NA

12. Integrated Impact Assessment

- 12.1 NA

13. Recommendation

- 13.1 Whilst currently lessons learnt are problematic to report on, steps have been taken to deliver an updated report in May 2023, as to the lessons learnt developed from service area findings. Additionally, this will allow time to develop systems, processes, and reporting functionality.
- 13.2 Cabinet notes the contents of the report and the increase of corporate complaints from November 2020 – October 2022, and the proposal to update this report with lessons learnt in May 2023.

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Head of Service:	Diane Reynolds

Corporate Director: Emma Palmer

Breakdown of complaints by service area

Service area	1 st November 2020 – 31 st October 2021			1 st November 2020 – 31 st October 2021			Increase or decrease in received
	Number of complaints	Stage 1	Stage 2	Number of complaints	Stage 1	Stage 2	
Chief Executive				2	1	1	NA
Community Services				2	2		NA
Legal and Democratic Services	8		8	2	2		75% decrease
Economy and Digital services	9	7	2	12	9	3	33% decrease
Finance	43	32	10*	65	53	12	33% increase
Highways, Transport, and Recycling	169	139	30	282	240	42	67% increase
Housing and Community Development	56	41	15	92	72	20	64% increase
Property, Planning and Public Protection	82	56	26	54	34	20	34% decrease
Schools Services	8	5	3	23	14	9	187% increase
Workforce and Organisational Development				2	1		NA
Unspecified	19`	12	7				NA

* Unspecified stage x 1



CYNGOR SIR POWYS COUNTY COUNCIL

Corporate Complaints Policy

Date of Issue	April 2021
Amended	September 2021
Date of Previous Issue	June 2019
Agreed by	Chief Executive Officer
Review Date	April 2022

Concerns and Complaints Policy

Powys County Council is committed to dealing effectively with any concerns or complaints you may have about our services. We aim to clarify any issues you may be unsure about. If possible, we will put right any mistakes we may have made. We will provide any service you're entitled to which we have failed to deliver. If we did something wrong, we will apologise and, where possible, try to put things right for you. We aim to learn from our mistakes and use the information we gain from complaints to improve our services.

When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal e.g. against a refusal to grant you planning permission or the decision not to give your child a place in a particular school so, rather than investigate your concern, we will explain to you how you can appeal.

Sometimes, you might be concerned about matters that are not covered by this policy e.g. when a legal framework applies, and we will then advise you about how to make your concerns known.

This policy does not apply to 'Freedom of Information' or data access issues. Please contact:

Information Compliance
Powys County Hall
Spa Road East
Llandrindod Wells
Powys LD1 5LG
Telephone: 01597 827460
Email: information.compliance@powys.gov.uk

This Policy does not apply to complaints relating to Social Services. Please contact:

Social Services Complaints
Powys County Council
County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG
Telephone: 01597 827515
Email: get.sorted@powys.gov.uk

This Policy does not apply to schools, if you have a complaint regarding a school, please approach the School Governors in the first instance.

Complaints about the conduct of Councillors cannot be dealt with through the Councils Complaints process. For information please contact:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ
Telephone: 0300 7900203
Email: ask@ombudsman.wales
Website: www.ombudsman.wales

Or, alternatively, contact the Council's Monitoring Officer:

Monitoring Officer
Powys County Hall
Spa Road East
Llandrindod Wells

Powys
LD1 5LG
Telephone: 01597 826746

Complaints Officers can advise on the type and scope of complaints they can consider.

Welsh Language Standards

Complaints relating to Powys County Council's compliance with the Service Delivery Standards, Policy Making Standards and Operational Standards, which the Council is required to comply with under the Welsh Language (Wales) Measure 2011, are also dealt with in accordance with this policy.

Asking us to provide a service?

If you are approaching us to request a service, e.g. reporting a faulty streetlight, or requesting an appointment, this policy does not apply. If you make a request for a service and then are not happy with our response, you will be able to make your concern known as we describe below.

Sometimes your concern or complaint will not be dealt with via the Corporate Complaints Policy, examples include:

- An initial request for service, such as reporting a faulty streetlight or refuse has not been picked up.
- An appeal against a 'properly made' decision made by the council.
- A means to seek to change to legislation or 'properly made' policy decision.
- Decisions in respect of which there is a separate right of appeal or review, e.g. planning appeals, council tax reviews and via Magistrates court.
- An insurance claim against the council (however a complaint could be made about the process the council followed in administering the claim).
- Comments about the standard of a particular service when the service standard provided is not below the published standard.
- A means of lobbying groups/organisations to promote a cause.
- Allegations of financial impropriety, fraud and/or corruption.
- Items which are a police matter.
- Complaints about things which are not the responsibility of the Council.
- A matter that has already been considered by the Public Ombudsman for Wales, unless there is extensive new evidence.

This list is not definitive

How to express concern or complain

You can express your concern in any of the following ways:

- Ask for your complaint to be logged by the person with whom you are already in contact. Tell them that you want us to deal with your concern
- Get in touch with our Corporate Complaints Team on 01597 827472 if you want to make your complaint over the phone
- Use the form on our website at www.powys.gov.uk
- Write to us at:
 - Complaints, Comments & Compliments
 - Corporate Complaints Team
 - Powys County Council
 - County Hall
 - Spa Road East
 - Llandrindod Wells

Copies of this policy are available in Welsh, audio, large print and braille.

Stage 1 Complaint

If possible, we believe it's best to deal with things straight away. If you have a concern, please raise it with the person you're dealing with. They will try to resolve it for you there and then.

If they're unable to resolve it or it is a complaint about another department or service area, the complaint can be logged by the member of staff or it can be referred to the Corporate Complaints team.

You will be sent a formal acknowledgement email or letter within 3 working days of the complaint being logged. The complaint will be passed to the most relevant officer within the relevant department. Your complaint will be responded to within 10 working days.

If your complaint cannot be responded to within 10 working days, we will let you know as soon as possible and we will escalate to Stage 2.

If the Stage 1 complaint response is not acceptable to you, you can proceed to make a Stage 2 complaint.

Stage 2 Complaint

If we are unable to resolve your complaint within 10 working days, your complaint will be escalated to a Stage 2.

Some complaints can be escalated straight to Stage 2 should they be of a serious nature, the decision is made by the Complaints Team in liaison with the Head of Service.

Stage 2 complaints will be acknowledged within 5 working days and dealt with by a Senior Officer within the council, they may be independent to the service your complaint or concern is regarding.

Your complaint will be responded to within 20 working days or, if more, complex, you will be informed by the officer investigating your complaint how long we expect it to take.

Dealing with your concern or complaint

- We will communicate with you as you have requested, if you have any requirements for communication – for example, if you need documents in large type.
- We will deal with your concern in an open and honest way.
- We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.

Normally, we will only be able to look at your concerns if you tell us about them within 12 months. This is because it's better to investigate your concerns while the issues are still fresh in everyone's mind.

We may exceptionally be able to look at concerns which are brought to our attention later than this. However, you will have to explain why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. In any event, we will not consider any concerns about matters that took place more than three years ago.

If you're expressing a concern on behalf of somebody else, we will need their agreement to you acting on their behalf.

What if there is more than one body involved?

If your complaint covers more than one body e.g. a Housing Association and the Council, we will usually work with them to decide who should take the lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about a body working on our behalf e.g. contractors, you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will investigate this ourselves and respond to you.

Investigation

We will tell you who we have asked to investigate your concern or complaint. If your concern is straightforward, we will usually ask somebody from the relevant service area and respond to you. If it is more serious, we may use someone from elsewhere in the Council or, in certain cases, including complaints against senior officers, especially where there is a perceived conflict of interest, these may be referred to an independent investigator.

We may contact you to ensure we understand your concerns, or to establish the outcome you are hoping for.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.

If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had it, we will offer to provide the service rather than investigate and produce a report.

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will:

- Let you know within this time why we think it may take longer to investigate.
- Tell you how long we expect it to take.
- Let you know where we have reached with the investigation, and
- Give you regular updates, including telling you whether any developments might change our original estimate.

The person who is investigating your concerns will firstly aim to establish the facts. The extent of the investigation will depend upon how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

In some instances, we may ask to meet with you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.

We'll look at relevant evidence. This could include information you have provided, our case files, notes of conversations, letters, emails or whatever may be relevant to your particular concern. If necessary, we will talk to the staff or others involved and look at our policies, any legal entitlement and guidance.

Outcome

If we formally investigate your complaint, we will let you know what we find. If necessary, we will produce a report. We will explain how and why we came to our conclusions.

If we find that we made a mistake, we will tell you what happened and why.

If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again.

If we make a mistake, we will always apologise for it.

Putting Things Right

If we didn't provide you with a service you should have had, we'll aim to provide it now, if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out because of a mistake on our part, we'll try to put you back in the position you would have been in if we'd done things properly. If you had to pay for a service yourself, when we should have provided it for you, or if you were entitled to funding you did not receive, we will try to refund the cost.

The Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can investigate your complaint, if you believe that you personally or the person on whose behalf you are complaining:

- Have been treated unfairly or received a bad service through some failure on the part of the service provider.
- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman normally expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- Phone: 0300 790 0203
- Email: ask@ombudsman.wales
- The website: www.ombudsman.wales
- Writing to: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae,
Pencoed
CF35 5LJ

There are also other organisations that consider complaints. For example, the Welsh Language Commissioner's Office deals with complaints about services in Welsh. We can advise you about such organisations.

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff
CF10 1AT
Telephone: 0845 6033221
Email: post@welshlanguagecommissioner.wales

Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our Senior Leadership Team considers a summary of all complaints quarterly or more often, as applicable, and is made aware of all serious complaints. Our Senior Leadership Team also considers our response to complaints twice a year. We share summary (anonymised) information on complaints received and complaints outcomes with the Ombudsman as part of our commitment to accountability and learning from complaints.

Where there is a need for significant change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it.

What if you need help?

Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact advocacy services e.g. Age Cymru or Shelter, who may be able to assist you.

You can also use this concerns and complaints policy if you are under the age of 18. If you need help, you can speak to someone on the Meic Helpline:

- Phone 0808 802 3456
- Website www.meiccymru.org

or contact the Children's Commissioner for Wales. Contact details are:

- Phone 0808 801 1000
- Email post@childcomwlaes.org.uk
- Website www.childcome.org.uk

What we expect from you

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We therefore expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy to manage situations when we find that someone's actions are unacceptable.