

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

GOVERNANCE & AUDIT COMMITTEE

18th FEBRUARY 2022

JOINT REPORT OF

**HEAD OF HUMAN AND ORGANISATIONAL DEVELOPMENT – S
REES**

and

HEAD OF LEGAL & DEMOCRATIC SERVICES – C GRIFFITHS

Matter for Information

Wards Affected – All wards

Complaints Handling

Purpose of the Report

To provide the Governance & Audit Committee with information regarding complaints performance to enable the Committee to review and assess the authority's ability to handle complaints effectively.

Background

The Local Government and Elections (Wales) Act 2021 gives the Governance and Audit Committee a new defined assurance role around complaints. The Committee is therefore asked to review and assess the authority's ability to handle complaints effectively.

Complaints received by the authority are dealt with via one of two complaints processes:

- Social Care complaints follow the statutory Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations 2014.

- All other complaints relating to council service areas are dealt with via the Comments, Compliments and Complaints Policy (copy attached at Appendix 1).

Complaints and compliments provide valuable information about how we are performing and what our customers think about our services. Most people who complain tell us what we have done wrong and how we can do better. We use this feedback to improve our services. An annual report is published which demonstrates the council's commitment to transparency and a positive approach to acknowledging, investigating, responding to and learning from complaints. The latest annual report for the financial year 2020/2021 is available here:

<http://modgov.npt.gov.uk/documents/s74242/Comments%20Compliments%20and%20Complaints%20Annual%20Report%202020-2021.pdf>

In March 2021, the Council's Cabinet approved a revised Comments, Compliments and Complaints Policy for Neath Port Talbot Council, based on a model complaints handling procedure for public service providers in Wales (issued by the Public Services Ombudsman for Wales (PSOW)). A copy of the revised Policy was shared with the PSOW who confirmed the Policy was deemed compliant with the PSOW's principles and model handling complaints policy.

Findings

Stage 1 Complaints

There was a significant reduction in both the number of Stage 1 complaints received across the Council and the number upheld/partially upheld during 2020/2021. 24 upheld/partially upheld of 99 Stage 1 complaints received during 2020/21 compared to 47 upheld/partially upheld of 148 Stage 1 complaints received during 2019/2020. A summary per directorate is provided in Appendix 2.

During the first six months of 2021/2022 (April – Sept) there has been a small increase in the number of complaints received but a small reduction in the number upheld (44 Stage 1 complaints received with 7 upheld / partially upheld compared to 38 received and 9 upheld/ partially upheld for the same period in 2020/2021). Overall number of complaints received still remains low.

Complaints that fall into this category are requests for a service that have not been actioned or properly dealt with. These complaints are handled by the staff and/or manager directly responsible for delivering the service with a response to be provided within 10 working days.

Where the complaint was upheld/partially upheld the lessons learned from the investigation are applied by the relevant service areas to improve service delivery and customer satisfaction going forward. Considering the breadth of dealings across the council, it should be noted that the number of investigated complaints upheld/partially upheld is relatively low with the majority being resolved or not upheld.

Stage 2 Complaints

There were also fewer Stage 2 complaints received across the Council during 2020/21. 14 were received in 2020/2021 compared to 25 in 2019/2020. There was a significant reduction in the number of Stage 2 complaints upheld / partially upheld with just one in 2020/2021 compared to 11 in 2019/2020. A summary per directorate is provided in Appendix 2.

During the first six months of 2021/2022 (April – Sept) 9 Stage 2 complaints have been received with 1 upheld / partially upheld compared to 3 received and zero upheld for the same period in 2020/2021. Whilst the increase is significant in year on year comparable terms, numbers received at stage 2 remain very low.

Complaints that fall within this category is when a complainant is dissatisfied with the outcome of a Stage 1 complaint. The complaint is then formally investigated by the designated complaints officer within the relevant directorate and a response provided within 20 working days. This includes a review of all relevant correspondence and often incorporates discussions with both the complainant and relevant officers from the service department concerned to enable a fuller response to be provided.

At the conclusion of Stage 2, the complainant is made aware of the ability to refer their complaint to another organisation for external consideration e.g. the Public Services Ombudsman for Wales (PSOW). Before agreeing to investigate further, the Ombudsman should normally be satisfied that the matter has already been raised with the Council and

that the Council has had a reasonable opportunity to investigate and respond in accordance with the two stage policy. Where this has not been done, the Ombudsman will usually refer the complaint back to the Council to provide an opportunity to attempt to resolve the complainant's concerns through the Council's own complaints processes first.

Reporting Processes

Designated complaints officers collate and submit quarterly information provided to them from service areas into the corporate performance management system (CPMS). Quarterly complaints performance reports are produced from the CPMS and reported to Cabinet and Cabinet Boards relating to services within their purview. Due to the COVID-19 pandemic, during 2020/2021, quarterly compliments and complaints performance reports were not reported to Cabinet and Cabinet Boards.

Public Services Ombudsman for Wales

During 2020/2021, there were 19 complaints made to the Ombudsman for the following service areas.

Service Area	No of Complaints
Adult Social Services	2
Children's' Social Services	4
Complaints Handling	1
Covid-19	1
Education	1
Environment and Environmental Health	1
Finance and Taxation	1
Housing	1
Planning and Building Control	4
Roads and Transport	3
Total	19

There was a decrease from 22 in 2019/2020 and the numbers in the various categories above are similar to the Welsh average overall. When considering complaints per 1,000 residents, the Council is joint lowest in Wales.

A report has now been provided to the Council's Standards Committee to report the same figures and to identify Member Code of Conduct complaints given their remit in overseeing the same. In summary, the number of Code of Conduct complaints decreased slightly in 2020/2021 both in respect of Local Authority elected members and Town/Community Council members. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just 2 and in each case the Ombudsman determined there was no case to answer. In addition, there was a decrease in the number of complaints against community councils (going from 7 to 2), but no further action was taken in respect of these matters and they were either closed after initial consideration, discontinued or withdrawn.

Welsh Language Complaints

The Council's Welsh Language Scheme was superseded by the imposition of the Welsh Language Standards in March 2016. The complaint process for Welsh Language matters operates differently to the way other complaints are handled – the legislative provision stemming from the 2011 Welsh Language Measure. This includes the need to keep a record in relation to each financial year of the number of complaints received relating to our compliance with the standards. Three complaints were received during 2020/2021 (compared to eight during 2019/2020); two via the Welsh Language Commissioner and one direct to the Council. These complaints are detailed in the Welsh Language Standards Annual Report which published in June 2021.

Comparing with other local authorities

It has previously not been possible to quantify the level of complaints received by the Council compared to other local authorities and public bodies as no nationally defined measures were published to benchmark performance. The Public Services Ombudsman for Wales have started collecting information with the introduction of the Public Services Ombudsman (Wales) Act 2019 which gives the Ombudsman new powers which included the launch of a Complaints Standards Authority for Wales. Quarterly complaints data is now collected from all local

authorities in Wales by the PSOW and can be accessed via the link below:

<https://www.ombudsman.wales/published-statistics/>

Governance

The profile of complaints made during the 2020/2021 financial year, their resolution and lessons learned was taken into account when the Council's Annual Governance Statement for 2020/2021 was prepared. No systemic failings were identified by service areas or the designated complaints officers for complaints that were recorded, investigated and concluded in 2020/2021.

Improving how we deal with complaints

Whilst the Governance and Audit Committee can be assured that the complaints process is robust and the Council is responding appropriately to complaints received, there is an ongoing opportunity to improve by:

- Considering and acting upon the valuable information complaints provide the Council about how we are performing and what our customers think about our services. Most people who complain tell us what we have done wrong and how we can do better.
- Ensuring staff are sufficiently trained and aware of procedures. Training has recently been provided (January/February 2022) to staff by the PSOW on the following subject areas:
 - i. **Complaints Training** - These sessions included reference to /awareness raising of the revised Comments, Compliments and Complaints Policy and detailed support on how to maximise the recording of complaints at Stage 1
 - ii. **Complaints Training** – These sessions were bespoke for Social Services staff
 - iii. **Resilience and Managing Difficult Behaviour**
- The Strategic Manager – Policy & Executive Support facilitates a quarterly meeting of the designated complaints officers from across the service directorates to discuss any key issues, share

good practice and to capture any lessons that can be learned to inform service improvement and further reduce the number of complaints received by the authority.

- The designated complaints officers in each service directorate provide advice to their colleagues to ensure appropriate and timely complaint responses for the relevant service area in which they arise.

Financial Impact

There are no financial impacts in respect of this item.

Integrated Impact Assessment

There is no requirement for an integrated impact assessment in respect of this item.

Valleys Communities Impacts

There are no impacts in respect of this item.

Workforce impacts

There are no workforce impacts in respect of this item.

Legal Impacts

To enable the Governance & Audit Committee to discharge the assurance role afforded to the Committee within in the Local Government & Elections (Wales) Act 2021 with regard to the authority's ability to handle complaints effectively.

Risk Management

There are no risk management issues in respect of this item.

Consultation

There is no requirement under the Constitution for external consultation on this item.

Recommendation

It is recommended the Governance & Audit Committee:

1. Note the information presented in this report
2. Review and assess the authority's ability to handle complaints effectively.

3. Make comments / recommendations in relation to the authority's ability to handle complaints effectively

Appendices

- Appendix 1 - Comments, Compliments and Complaints Policy (March 2021)
- Appendix 2 – Complaints Data – Full Year 2020/2021

Background Papers

None

Officer Contact

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