

<b>SUBJECT:</b>	<b>COMPLAINTS PROCESS</b>
<b>MEETING:</b>	<b>Governance &amp; Audit Committee</b>
<b>DATE:</b>	<b>28 NOVEMBER 2024</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All</b>

**1. PURPOSE:**

- 1.1 To provide information which enables the committee to form a view on the effectiveness of the authority's complaints processes.

**2. RECOMMENDATIONS:**

- 2.1 That the committee use the report, which covers the 12 month period up to 31 March 2024, to seek assurance about the effectiveness of the authority's processes for dealing with complaints and compliments and makes recommendations where it identifies any shortcomings.

**3. KEY ISSUES:**

- 3.1 Councils provide services and make decisions which affect the lives of local people. It is inevitable that sometimes people will feel the authority has made a wrong decision, or has not fulfilled its duty in the services it provides and will access our complaints process to seek redress. The Governance and Audit Committee has a legal duty to assess the authority's ability to handle complaints effectively and make recommendations in relation to this. While there is no specific role for the committee in the approval of the complaints policy itself, the committee may make recommendations to ensure its effective application. The following section provides an overview of the different components of the complaints process including the procedure and accountability to assist the committee in this role.

Accountability

- 3.2 Overall accountability for ensuring that the complaints procedure is followed falls to the Chief Officer People, Performance and Partnerships and the Cabinet Member for Equalities and Engagement. The Customer Relations Manager is responsible for the day-to-day operation of the work including recording, allocating, monitoring, advising on and reporting on complaints.

Policy and Procedure: Whole Authority

- 3.3 Our whole authority complaints and compliments policy and procedure follows the model that the Public Services Ombudsman for Wales (PSOW) asked each local authority to adopt in 2011. The initial scheme was approved by Council with subsequently updates

being completed by officers under delegated powers. The policy was last updated in 2020. It was then reviewed by the PSOW in 2021 who confirmed that policy is compliant.

- 3.4 The whole authority procedure has two stages; the informal resolution stage and the formal investigation stage. The informal resolution stage aims to resolve the complaint locally wherever possible by means of discussion and problem solving. If it is not possible to resolve the concern, the matter is escalated to the formal investigation stage.
- 3.5 Where initial discussions have not achieved a resolution, complainants have the right to make a formal complaint. Investigations are undertaken and the complainant receives a full response detailing findings, conclusions and any recommendations made. This is the end of the internal process. Most investigations are carried out by local authority officers in addition to their core roles, there is no additional remuneration for conducting investigations.
- 3.6 Complainants can contact the Public Services Ombudsman if they still remain dissatisfied. The Ombudsman provides an external independent service to consider complaints about all local authority services. The Ombudsman is concerned with maladministration causing injustice and will normally require complainants to have used their local council's procedures before accepting a complaint for investigation.

#### Policy and Procedure: Social Services

- 3.7 Social Services complaints are dealt with separately under the Social Services complaints procedure. It is a statutory requirement for the authority to operate a complaints procedure that follows the Social Services Complaints Procedure (Wales) Regulations 2014 and The Representations Procedure (Wales) Regulations 2014.
- 3.8 The guidance on handling complaints and representations by local authority social services state that we must publish an annual report on the handling and statistical information relating to the complaints and representations we've dealt with. The guidance also states that the Annual report should be discussed at the appropriate committee.
- 3.9 There are two stages to the Social Services complaints procedure: Stage One Local Resolution and Stage Two Formal Consideration. The emphasis at stage one is to resolve the complaint by means of discussion and problem solving, whilst adhering to the 17 working days response time that has been imposed under the Regulations.
- 3.10 Stage Two the formal consideration stage is where the complainant remains dissatisfied after completion of stage one, and they may request that the complaint proceeds to stage two of the process. This involves a formal investigation of the complaint with a report being produced by the external investigating officer appointed to the case. The timescale for dealing with Stage Two is 25 working days.
- 3.11 If the complainant remains dissatisfied with the outcome of the stage two investigation, they may progress their complaint to the Public Services Ombudsman for Wales.

#### Promotion and Awareness

3.12 General advice about the procedure for the public can be found in our complaints leaflets “Tell us What You Think” and “How to be heard”. Alternatively, people can contact the Customer Relations team for help and advice about how to make a complaint.

### Number of Complaints

3.13 Appendix one provides details of the number and details of the complaints received from 1 April 2023 – 31 March 2024 along with figures for previous years.

### Timeliness

3.14 Stage 1 complaints under the Whole Authority policy should be dealt with within 10 working days. For stage 2 formal complaints we are allowed 20 working days for the investigation plus a further 10 working days for Heads of Service to respond to the report’s findings. The following table shows the number of complaints responded to within timescales:

Whole Authority Timescales	2021-22		2022-23		2023-24	
	Stage 1	Stage2	Stage 1	Stage 2	Stage 1	Stage 2
Up to 10 working days	96 (62%)	2 (17%)	84 (61%)	0 (0%)	93 (68%)	0 (0%)
11 – 30 working days	48 (31%)	3 (25%)	32 (23%)	0 (0%)	28 (21%)	1 (50%)
30+ working days	12 (8%)	7 (58%)	21 (15%)	10 (100%)	15 (11%)	1 (50%)
<b>Total</b>	<b>156</b>	<b>12</b>	<b>137</b>	<b>10</b>	<b>136</b>	<b>2</b>

3.15 68% of stage 1 complaints were responded to within the ten day timescale in 2023-24. There was one stage 2 complaint responded to within the combined 30 day timescale during 2023-24 and one that took longer.

3.16 The number of Stage 2 complaints decreased significantly for this period.

Social Services Timescales	2021-22		2022-23		2023-24	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
Up to 17 working days	20 (57%)	1 (11%)	14 (42%)	1 (14%)	23 (52%)	1 (10%)
18 - 25 working days	5 (14%)	0 (0%)	6 (18%)	1 (14%)	5 (11%)	0 (0%)
26+ working days	10 (29%)	8 (89%)	13 (39%)	5 (71%)	16 (36%)	9 (90%)
<b>Total</b>	<b>35</b>	<b>9</b>	<b>33</b>	<b>7</b>	<b>44</b>	<b>10</b>

Social Services complaints continue to exceed the time limits at both stage 1 and stage 2. This is due to the capacity of staff to respond to complaints while having to prioritise their incoming workloads. Independent investigators are also taking longer to investigate the complaints and anecdotally, this can be due to their own workloads, availability of complainant / staff for interviews and cross-referencing file records of cases.

### Effectiveness of our process

- 3.17 In addition to this report. The Governance and Audit Committee receives a separate report containing the PSOW's findings in relation to complaints about Monmouthshire County Council. This is also reported separately to Cabinet. The [latest report](#), presented to the committee on 28 November 2024, shows that Monmouthshire is in the lower quartile for of complaints reported to the Ombudsman at 0.31 per 1,000 residents. The range of from 0.15 to 0.58 with an average of 0.36. The Ombudsman's report highlighted that they intervened in three cases (9%) compared to a Wales average of 14%. This indicates that for the most part our thresholds and responses were considered appropriate and proportionate.
- 3.18 The Ombudsman's annual letter now includes the number of recommendations made to individual local authorities and the timeliness of our response. They made four recommendations compared to a Wales average of 19. Three of the four were not responded to on time. Two of these were one day late and one was eleven days late.
- 3.19 We have a number of guidance documents on the MCC Hub to assist staff on resolving complaints for customers in a timely manner. The Public Services Ombudsman for Wales (PSOW) have provided free training on handling complaints, investigation and communication skills. This is ongoing with more staff scheduled to receive training in the coming year.
- 3.20 The committee previously indicated that some issues could be resolved more quickly if residents went directly to the department. An addition has now been made to the complaints and compliments webpage taking people to a form where they can report an issue via the My Monmouthshire app.

#### Learning and Evaluation

- 3.21 Not only is it important to deal with complaints effectively, investigating and putting things right for the complainant where necessary, it is also vital to learn from them to minimise the changes of the same problem occurring again. Complaints are generally resolved on an individual basis. Most formal investigation reports make recommendations for improvements to processes with teams responsible for putting in action plans. These are followed up to ensure the recommendations are addressed. However, there are a number of recurring issues. These are frequently down to human error and the pressure of workloads rather than the design of systems.
- 3.22 The PSOW's Complaints Standards Authority (CSA) was created under the PSOW (Wales) 2019 Act. The aim of the CSA is to drive improvement in public services. The CSA's task is to work with public bodies within their jurisdiction to support effective complaints handling; collate and publish data; deliver bespoke training packages. This ensures that our staff are trained to deal with complaints in line with the authority's policy and best practice identified nationally.
- 3.23 All local authorities provide the CSA with quarterly complaints statistics submissions. This information is published on their website alongside information from other bodies and the cases their office handles.

3.24 The CSA has provided Monmouthshire County Council staff with 6 sessions on handling complaints, investigation skills and communication skills. In total 33 staff have attended these sessions in 2023/24. More sessions are scheduled for 2024/25.

3.25 The authority's new Learning Management System was rolled-out in September 2024. This will improve our ability to target training for specific groups of staff, such as those conducting complaints. A training needs analysis will help identify where additional development is required to ensure colleagues are able to perform their roles effectively. The Chief Officer for People, Performance and Partnerships has also begun undertaking sample checks of responses to complainants to provide an additional level of quality assurance.

#### **4. OPTIONS APPRAISAL:**

4.1 There are no alternative options associated with the recommendations in this report.

#### **5. EVALUATION CRITERIA:**

5.1 The effectiveness of a complaints process is not always easy to assess. A low number of complaints may mean that an organisation has made it too difficult to complain or that customers see little point in doing so. A very high number of complaints could be a sign of real problems. For this reason, it is important to look at trends over time rather than any one year in isolation. One of the key metrics which does give a good indication of effectiveness is the number of complaints that cannot be resolved by the authority and which require determination by the Public Service Ombudsman for Wales.

5.2 The related issue of service quality sits alongside this and is inter-linked since, if we are learning from complaints, our systems and processes should improve and we should receive better feedback and see less issues being logged. Again, this needs to be balanced against improvements in technology which have made it easier to report issues via app and chatbot as well as the traditional method of phone and e-mail.

#### **6. REASONS:**

To ensure that the committee is able to fulfil its role to oversee the effectiveness of the authorities process for dealing with complaints, comments and compliments.

#### **7. RESOURCE IMPLICATIONS:**

Whole Authority Complaints and Compliments. There are no extra resource implications associated with the recommendations of the report. The management of the complaints process is done within existing budgets. Where officers from other departments are used to conduct investigations it will take them away from their regular roles but there is not a direct salary cost.

Social Services. The legislation requires that external independent investigating officers must be appointed for formal Stage 2 investigations. There is an existing budget for this

work and we will endeavour to keep within the budget expenditure. However, we cannot forecast how many complaints will be made.

**8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING and CORPORATE PARENTING):**

There are no specific implications that have been identified in respect of this proposal.

**9. CONSULTEES:**

Strategic Leadership Team

**10. AUTHOR:**

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**11. CONTACT DETAILS**

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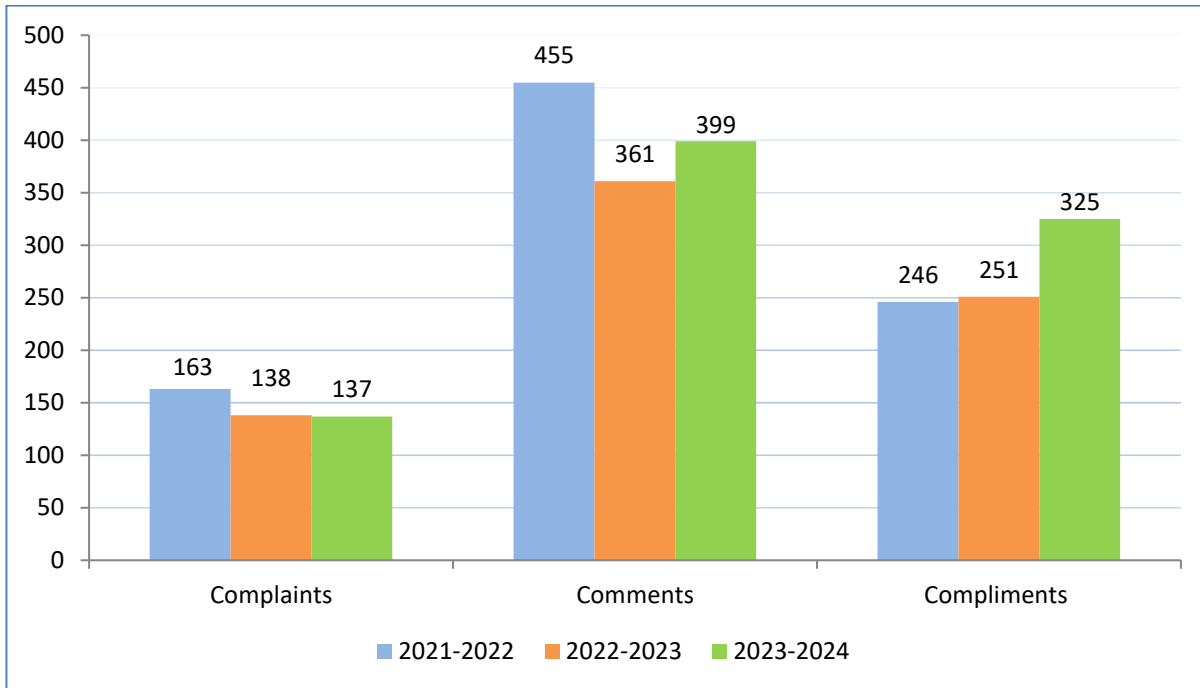
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## APPENDIX 1

### Additional Details of Complaints, Comments and Compliments

#### Whole Authority Policy

The following table shows the number of complaints, comments and compliments received for each of the three years to March 2024.



137 Complaints were received in the year ending 31 March 2024. This is 16% lower than 2021-2022 with the highest number being in the second quarter and the number declining each subsequent quarter.

Services most commonly complained about were Waste & Street services, Animal Health & Trading Standards, Passenger Transport Unit, Highways & Flood Management / Operations / SWTRA, Development Management & Planning Policy, Revenue, Systems and Exchequer, Housing and Homelessness.

The Directorate receiving the largest number of complaints is Communities and Place. This is understandable as it delivers the largest number of universal services that will be received by all households and in many cases these will have multiple contact points over the course of a year.

2 complaints were investigated at the formal stage and they were not upheld.

## Social Services Policy

Social Services complaints are dealt with separately under the Social Services complaints procedure. 51 complaints were received, 74 comments and 96 compliments were made about the service during April 2023 – March 2024.

### Comments

399 comments were received in the year ending 31 March 2024, 11% more than last year. These issues are important as they help the authority understand where problems may be arising that customers do not wish to formally complain, however want appropriate action taken to prevent issues arising in future.

Compared to complaints, the numbers are more evenly distributed over the year.

Most comments were received in relation to Waste and Street services, Highways / Flood Management / Operations & SWTRA.

### Compliments

325 Compliments were received in the year to 31st March 2024 which is 24% more than we received in 2020-2021

A range of compliments about the whole of the Council was received – staff thanked for their professionalism, their quick responses, their efficiency and helpful service.

### Social Services Representations and Complaints

The number of Social Care and Health complaints have risen this year, mainly Children's Services complaints. 10 complaints were dealt with at the formal stage of the complaints procedure. The trend running through the complaints relates to staffing, quality of service and communication issues which features in most of the complaints.