


Board Meeting: 27 January 2012

AGENDA ITEM: 4

Title of paper:	Complaints and Learning
Purpose of paper:	To propose a regular series of reports to the Board (or to Operations Group) on levels of recorded complaints and some of the learning issues identified from complaints and other sources
Action required by the Board:	The Board is invited to note the report and to agree to receive reports either itself or to Operations Group on a six-monthly basis
Official presenting the paper:	Permanent Secretary and Sanjiv Vedi (Head of Complaints Unit)
Paper prepared by:	Sanjiv Vedi (Head of Complaints Unit)

1. Background

- 1.1 The Complaints Unit of the Welsh Government oversees the operation of our code of practice on complaints and is responsible for recording and monitoring progress with individual complaints. At the moment we have a three-stage process for handling complaints but we will soon be moving over to the simplified two-stage process which the Public Services Ombudsman for Wales has been promoting as a standard approach for the public service in Wales.
- 1.2 The Board has not received information on complaints on a regular basis in the past, although the Boards of many other organisations do receive regular reports on the numbers and nature of complaints received. This information can help us get early warning of hot spots in the office which may need to be addressed; can allow for corporate learning at the highest level of issues emerging and lessons which can be learnt; and sends out a powerful message to the organisation about the need for maintaining high standards of administration and customer service. While the Complaints Unit tracks and oversees all the complaints of which it is notified there are some instances around the office where we receive a complaint but do not recognise it as such or treat it in accordance with our code of practice and we need to be vigilant to remind staff of how the code should operate and reminded of their responsibilities
- 1.3 In addition, to the Complaints Unit, there are other functions that also receive and handle similar issues of administration and customer service, such as procurement, HR or security investigations. In the past we probably have not been sufficiently rigorous in catching the learning and common themes which emerge from our complaints and other similar work and playing this learning back into the organisation and this paper is, at least, a start at a more systematic approach to catching that information and reporting it to the Board.

2. Complaints – last six months report

- 2.1 The Complaints Unit collects data relating to complaints considered under the Welsh Government's Code of Practice on Complaints (the Code). The data collected relate to complaints about the Welsh Government's administrative actions in relation to:
 - a) maladministration
 - b) failing to disclose information
 - c) failing to provide a service
 - d) failing to comply with the Welsh Language Scheme.
- 2.2 Table 1 below sets out the complaints handled by the unit since April 2008.

Table 1

Period	Total number of complaints
1 April 2008 – 31 March 2009	137 (75 maladministration)
1 April 2009 – 31 March 2010	164 (92 maladministration)
1 April 2010 – 31 March 2011	193 (118 maladministration)

- 2.3 From March 2011 to September 2011 (the last 6 months period) a total of 125 complaints were reported. These were classified in Code terms as per Table 2.

Table 2

Complaints	Numbers	%age
Maladministration	81	64.80
Failure to disclose information	24	19.20
Failure to comply with Welsh Language Scheme	11	8.80
Failure to provide a service	9	7.20

- 2.4 Of these 125 complaints,:
- 51 were dismissed or not upheld;
 - 51 were upheld or upheld in part;
 - 23 are on going.

A breakdown of complaints by DG area can be found at the end of this document (**Annex 1**)

- 2.5 Figures for the last three years show a gradual increase in the number of complaints each year. For this current period (1 April 2011 to 30 September 2011) cases reported to the Complaints Unit have increased from 74 (from the previous period 1 October 2010 to 31 March 2011) to 125 with the number of maladministration cases increasing by 38 to 81.
- 2.6 As has been the case in previous periods, the majority of complaints reported were categorised as maladministration. Maladministration is generally defined as poor administration or poor customer service.
- 2.7 Some examples include avoidable delay, failing to follow correct procedures, discourtesy and giving advice which is misleading or inadequate.

3 Issues for consideration

- 3.1 One aspect the Ombudsman will be considering in future years is how well an organisation learns from its complaint handling. The data above indicates in the last six months there have been 125 complaints whilst this is an increase on the previous year, the Complaint Unit is aware that there are many other complaints received by departments that go unrecorded or of which it has no knowledge. The handling of

some of these cases does give rise to concerns and we are vulnerable if our Code has not been properly applied.

- 3.2 To address the lessons learnt aspect effectively WG needs to ensure that it is capturing complaint data from across all departments, that each department is recording complaints and sharing it with a central complaints point. This will enable the board to assess for itself trends and patterns highlighting whether complaints are issues of policy management, service delivery, customer relations, or another category and how it should respond.
- 3.3 It should be noted that whilst **Annex 1** identifies BETS as a department with the most complaints, it should not be singled out as the great majority are in respect of grant payment to farmers. However, across the Government there are some common emerging themes:
- Record keeping: Inadequate and inappropriate records of meetings and telephone conversations. Keeping an accurate record of notes taken at the time of the meeting not only makes complaint management easier to investigate but makes the organisation more professional and competent.
 - E-mails; Staff still failing to adhere to guidance on use of IT. Recent confirmation that e-mail, even personal e-mail accounts, are subject to FOI rules needs to be addressed. Language used about third parties in e-mail between officials is a matter of concern.
 - Attitudes and response to complaints: There are instances where colleagues can be over-defensive / protective on receiving and handling a complaint. The culture needs to be positive and helpful, especially within the new complaints procedures recommended by the Ombudsman which we are in the process of implementing. Consideration should be given to how we get staff to apply the reasonable person test.
- 3.4 Addressing some of the above issues will improve complaint handling. Changing staff attitude or the organisational culture will need a little more time and a concerted and planned attempt at appraising staff values.
- 3.5 We have also started to collect information on some of the main lessons which come out of other related activities and an initial list of these is at **Annex 2**.
- 3.6 This work on identifying and promulgating lessons learned is being fed into the wider work on learning lessons which Internal Communications are leading on at the request of the Operations Group.

4. Resource implications

- 4.1 There are no financial implications.

- 4.2 There are no direct costs implications for staffing. The issues highlighted are all part of being an employee of Welsh government and are for reinforcing rather than a commitment to new expenditure.

5. Risks

- 5.1 If we do not pay sufficient attention to the levels and nature of our complaints and the lessons which come out of those and other related activities we are likely to be a poorer performing organisation. Failure to adequately address some of the issues raised may also lead to public criticism from the Ombudsman.

6. Communication

- 6.1 We are looking at ways in which these messages can be better communicated, via the work of the Internal Communications Group and other means.

7. General Compliance Issues

- 7.1 The issues in this paper are those for employees of Welsh Government and there are no compliance issues to consider.

8. Recommendation(s)

- 8.1 The Board is invited to note the contents of the paper and to agree that either the Board itself, or Operations Group, should receive similar reports on a six-monthly basis.**

Publication

This paper should be published in full as none of the exemptions in the Code of Practice on Public Access to Information apply

Date submitted to Secretariat

17 January 2012

Annex 1

Complaints received by DG Area	Maladministration	Failure to disclose information	Failure to comply with Welsh Language Scheme	Failure to provide a service	TOTAL
Office of the Permanent Secretary's Division	0	0	0	0	0
Sustainable Futures	3	2	3	1	9
Department for Education and Skills	6	3	1	0	10
Department for Business, Enterprise Technology and Science	53	6	2	0	61
Local Government and Communities	11	7	0	5	23
Legal Services	3	0	0	0	3
Department for Health Social Services and Children	1	6	3	1	11
Strategic Planning Finance and performance	2	0	2	1	5
People Places and Corporate Services	1	0	0	1	2

Annex 2

Lesson Learnt – examples from HR, procurement Security and Complaint unit of the lessons being learnt that have led to improvements in service.

Remit of the Ombudsman.

A tragic incident of a young person in the care of a hospice was brought to the fore when the 'treatment' she was receiving was challenged. Using the complaint procedures, the family complaint about their daughters treatment. This followed an ombudsman's investigation where it was highlighted that hospices did not fall under the remit of the ombudsman's investigation remit.

This led to the proposal to change in the law that in future the ombudsman would be able to investigate hospices.

Treatment of RESTRICTED electronic mail

There is a continuing issue around staff sending RESTRICTED emails out of the network, often to their own email addresses to view on home computers or ipad devices. This is not permitted under the Security Policy as such devices do not have the appropriate firewalls and malware for this level of protective marking. These incidents are mainly found during other disciplinary investigations.

New technology that is now available allows us to let personally owned devices connect to the network in a secure way. The security is enforced by encrypting the network traffic and displaying the network session in a 'bubble'. The 'bubble' stops any information being written to the device itself thus avoiding a situation where records are lost to us if the individual leaves WG and does not copy the information back to the network. It also avoids a situation where staff sell a device/pass it on to others while it still contains Welsh Government information. If trials prove successful then the system will be accredited and rolled out to staff.

Treatment of RESTRICTED hard copy items

A number of incidents came to light involving restricted information being sent inappropriately, with out the appropriate security policy being followed and with the wrong addressee. This allows unauthorised personnel to view the information. The risk to information including to submissions and briefings is apparent.

Staff have been reminded of the need to envelope RESTRICTED material through a recent news page item and security bulletin news item. Additionally, a trial will take place where only electronic material will be sent to some private offices. If this proves successful it will be rolled out eliminating the need for hard copies of SF and MBs to be sent to Cardiff Bay.

Procurement matters.

There have been instances where officials have failed to identify a range of issues that including

- Conflict of interest between their personal life and their contracting activity;

Failing to identify a possible conflict can lead to providing an unfair advantage to a business competitor;

- Insufficient planning or failure to plan ahead;

Failing to plan ahead can mean that tender processes require departure requests or that professional help in complex matters is hurried leading to mistakes; tendering is put out with short timescales leading to sub-optimal outcomes.

- Other issues include unclear specifications, poor contract management and poor communication.

To address these issues and to improve procurement practice more generally across Welsh Government, Value Wales is leading the Procurement Excellence Project (PEP) which is focusing on developing the skills and capability of those undertaking procurement activity on a regular basis across the organisation. The Passport to Procurement will identify those in key roles and provide support and additional training.

The introduction of a Community of Practice of Passport to Procurement holders will help to strengthen ongoing skills development and the dissemination of good practice.

Expert Services

Concerns about failure to deliver quality translation services resulting in failure to comply with the Welsh Language Scheme; Mainly connected with failure of interpretation equipment; failure of interpreter or contractor to attend meeting; due to failure of translator to complete written work to deadline; resulting in reputational damage and or ICO decision notice.

Human Resources

Top Complaints are related to SCS pensions, pay and severance; incorrect processing of letters and advice.

Grievances; key concerns are performance management and 9 box grid; Recruitment as a whole is generating 'grumbles' from both internal candidates and line managers as a result of systems and controls in place;

Case studies

The information provided is a synopsis of the report provided by the investigators and only provides a flavour of the issues actually considered

Learning Review Case 1 : Contract Management and Customer Service

In this case concerns were raised by a member of the public in relation to how a Welsh Government competition was conducted and whether these concerns were investigated properly by Officials.

This case has emphasised the need to have in place contractual provisions that set out responsibilities and expectations should the service requirements not be met; KPI's should be used to effect management controls; file management must be robust, recording changes, financial expenditure and logging agreements; ensure a communication plan, keeping all parties informed is in place especially how a complaint will be dealt with. Maintain early face to face meetings to manage difficult situation later;

Case study two

Learning Review Case 2 : Conflicts of Interest

In this case concerns were raised where there was a family connection between a WG official and the company awarded a grant to deliver a project for the WG.

This case has emphasised the need for robust file management and accurate record keeping; involve specialist units and internal advisers, such as complaints unit, corporate governance unit, Value Wales etc; Perceptions of conflict are equally as important as the actual potential for conflict; apply the reasonable person test; conflict of interest registers should be updated regularly and viewed by Deputy Directors and Departmental Directors;