



Complaints Policy

Annual Complaints & Commendations Report 2014/2015

Introduction

1. This is the second annual report published by Natural Resources Wales (NRW) on our performance in respect of our handling of complaints from our customers.
2. A new Complaints Policy (<http://naturalresources.wales/about-us/contact-us/how-to-make-a-complaint/?lang=en>) was launched in-year on 1st May 2014.
3. Complaint handling was identified as a priority area for organisational development last year. The new proposed process was implemented in-year. We expect performance for 2015/16 onwards to continue improving.
4. Based on the experiences over the last two years we prioritised the development of new complaint handling arrangements, which was specifically designed to reflect the structure and accountabilities of Natural Resources Wales. We have now fully adopted the Public Services Ombudsman for Wales' best practice model policy with two clear and distinct stages supported by guidance on Principles of Good Administration and Principles for Remedy.
5. This report sets out our performance, the key lessons we have learnt and the development work we have undertaken during the year designed to improve our performance.

Customer Care and Complaint Handling

6. How an organisation deals with the complaints received in respect of its services, is a key component of its overall customer care culture and ambition for continuous improvement. Our overarching aim is to avoid complaints by; firstly providing excellent services and secondly by recognising that initial enquiries from customers and stakeholders, if dealt with quickly and responsively, can avoid formal complaints being received. However if complaints are formalised, we aim to develop a culture that is committed to viewing complaints as potentially valuable feedback on our service delivery.
7. We are committed to treating complainants with respect as part of our overall customer care culture but also to help us achieve our ambition to 'learn' from feedback.

Our process for complaints management

8. Natural Resources Wales is committed to dealing effectively with any concerns or complaints that we receive about our service. We aim to clarify any issues our customer(s) are not clear on. Where possible we have put right any mistakes we may have made and we have reviewed learning from mistakes where this was possible.

The two stages of the Policy consist of:

- stage 1 – 'Point of Service' Resolution or in-Directorate response (issued by Directorate Complaints Coordinators)

- stage 2 – Formal investigation overseen and issued by the Director of Governance (The Investigating Officer is nominated by the Director of Governance either from a parallel Directorate or we carry out an in-Governance independent investigation).
9. The Directorate Complaint Co-ordinator is responsible for logging, acknowledging and co-ordinating a response for all stage 1 complainats with support from the Complaints Partner if required.
 10. The Complaints Partner prepares weekly reports in order to monitor the timescales for complaint cases and in order to update the staff involved on the progress of handling the case. These reports are shared with the Directorate Complaint Co-ordinators who use the reports to brief their own Executive Director.

Total complaints received 2014/2015

11. In total 109 complaints were received by Natural Resources Wales from 1 April 2014 and 31 March 2015 (compared to a total of 130 last year). This does not include cases that were dealt with as 'routine enquiries' rather than complaints and handled in the business, 92 were complaints that were addressed at point of service delivery (Stage 1) with support from the Governance Directorate, and 13 were considered formal Stage 2 complaints and addressed accordingly.

12. During the time considered in this report, Stage 2 involved:

Adopting the principle of 'Investigating once, investigating well' by placing the emphasis on one investigation to deal thoroughly with the concerns raised.

The intention is that few complaints should be progressed to this stage (and the following statistics are reflective of this). However some will via:

- The initial assessment indicating that the complaint is serious and potentially complex
- Non-resolution of complaints handled at Stage 1 where the 'quick fix' or clear route to resolution was not achieved

Performance in responding to complaints

Stage 1 complaints

13. Between 1 April 2014 and 31 March 2015, 92 complaints were handled at Stage 1 and during this period 100 (some logged in the previous financial year) were responded to within timescale, equivalent to 90.91% (within Policy targets). 10 complaints required a more comprehensive response that took longer than 20 working days but were still resolved without further escalation. On these occasions it was felt that that the quality of the response should be prioritised rather than complying with the timescale for responding. The interim Natural Resources Wales Complaints Policy for 2013/2014 (inherited from previous legacy bodies) advocated issuing responses to Stage 1 complaints within 10 days. The comparative percentage for timeliness for Stage 1

responses was 52.2% (this reflects an improvement of 38.7% in clearance timescales).

Stage 2 complaints

14. These complaints are considered more serious or complex in nature and warranted further consideration. Between 1 April 2014 and 31 March 2015 13 complaints were dealt with at Stage 2. They also included complaints that have been escalated from Stage 1 based on the complainant remaining dissatisfied with the response they received and confirming they wished to take matters further. 85.7% of Stage 2 complaints and 100% of agreed extended timescale Stage 2 complaints were completed within Policy targets. The Complaints Policy in place for the last reporting year differentiated between Stage 2a, Stage 2b (with a 20 day timescale). The timeliness for responding to Stage 2 responses within the Policy requirements for the last reporting year was 50%. This reflects an improvement in performance of 36.7% for Stage 2 and 50% for Stage 2 extensions (formerly Stage 2b).

Complaints – Annual Performance (a single database was used to log complaints during the year)

Stage 1 -

Period: to 31 March 2015	1 April 2014 to 31 March 2015
Total number of Stage 1 complaints received ⁱ	92
*Total number cleared within Policy requirements	100
% cleared within Policy requirements (20 working days)	90.9
Total number cleared outside of Policy requirements	10
Total number of outstanding cases which are outside of Policy requirements	0

Stage 2 –

Period: to 31 March 2015	1 April 2014 to 31 March 2015 (20 working days)	1 April 2014 to 31 March 2015 (40 working days – extension agreed)
Total number of Stage 2 complaints received	10	3
*Total number cleared within Policy requirements	6	4
% cleared within Policy requirements	85.7	100
Total number cleared outside of Policy requirements	1	0

Total number of outstanding cases which are outside of Policy requirements	0	1 (extended investigation – mutually agreed and regular updates provided)
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*logged in previous financial year

Breakdown of complaints by Directorate:

Communications	0
Finance	2
Governance	2
Knowledge, Strategy and Planning	8
National Services	20
ODPM	1
Operations North and Mid	43
Operations South	32
Transition	1

As expected, the majority of complaints arise through our direct service delivery which is primarily undertaken by Operations and National Services Directorates although we recognise that it may not always be clear cut that the ownership sits with one single directorate, in these cases a lead directorate will seek technical and procedural input from relevant colleagues, demonstrating cross working across the organisation. In summary, this is a baseline year making it difficult to comment on the breakdown between Directorates. However the increase in chicken farming in north Powys (Operations North and Mid), driven by a production plant in Herefordshire requiring production within a specified distance, has led to a number of complaints regarding our role in permitting some aspects of this industry.

During the year we also developed guidance on categorising complaints:

Breakdown of complaint by Category:

Customer Care	6
Equality and Diversity	1
Financial Loss	8
Other	33
Planning Applications	24
Service Provision	36
Welsh Language	1

- Our performance at Stage 1 in 2014/15 fell below our 95% clearance Dashboard target with some complaints taking longer than 20 working days for a response to be issued. Performance has improved during the year - some of the initial poor performance can be explained as a result of gradual awareness of following the new Policy and a desire for NRW to respond with an appropriate level of detail rather than compromise customer care and the quality of the response. We have asked

investigating officers to complete Exception Reports for cases that exceeded the required timescales.

16. Performance at Stage 2 has improved since the last financial year, the ongoing work on rolling out the new Complaints Policy and the continuous work led by the Complaints Partner and the Secretariat and Information Governance teamleader in respect of alerting staff to timescale requirements early on has provided some clarity with regard to the two stages. Additional support in collating materials (chronologies of background to cases and related correspondence) and offering support from Governance with coordinating meetings or teleconferences is one area that has been developed.

Cases involving the Ombudsman

17. We proactively support complainants referring their complaints to the Public Services Ombudsman if they remain dissatisfied after they have exhausted our complaint handling process. This information is set out within the right of appeal post script on acknowledgement and response letters. However we also recognise a Complainants right to refer their complaint to the Ombudsman at any stage, although these cases are rarely investigated by the Ombudsman whose advice is that the relevant service provider should pursue all possible actions to resolve the complaint. The interim Complaint Policy for 2013/2014 referred to such complaints as Stage 3 (with 75% of cases responded to in a timely manner).

Complaints from the Ombudsman

Ombudsman – 20 working days

Period:	1 st April 2014 to 31 March 2015
Total number of Stage 2 complaints received	2
*Total number cleared within Policy requirements	1
% cleared within Policy requirements (40 working days)	50
Total number cleared outside of Policy requirements	1*
Total number of outstanding cases which are outside of Policy requirements	0

*logged in previous financial year

Ombudsman extension – 40 working days

Period:	1 st April 2014 to 31 March 2015
Total number of Stage 2 complaints received	2
*Total number cleared within Policy requirements	2

% cleared within Policy requirements (40 working days)	100
Total number cleared outside of Policy requirements	0
Total number of outstanding cases which are outside of Policy requirements	0

In addition, some of the Stage 1 and 2 complaints were brought to our attention via the Ombudsman's office. Below is a summary of responses from the Ombudsman:

Total number of queries or complaints involving the Ombudsman Officer	7
Outcome:	
Complaint not upheld	6
Complaint partially upheld	1
Recommended for further action	0
Case remains open pending a request for further information	1
Complaint fully upheld	0
Complaint forwarded as not exhausted NRW Policy	2

During the year, the Ombudsman's Office were involved with 7 complaints (even if not responding directly to them) and in 6 cases the outcome was favourable to Natural Resources Wales. The Ombudsman either ruled that NRW had not had a full opportunity to resolve the complaint or that NRW had behaved reasonably and that our decisions had been 'properly made'. In one instance the Ombudsman report is not yet complete.

18. The most frequent reasons why complaints are referred to the Ombudsman fall into two clear categories:

- Complaints that a decision by NRW was incorrect or not 'properly made'
- Complaints that NRW had not pursued an action that the Complainant believed we should have

19. Despite the favourable outcomes in-year, it is still possible to derive some lessons from the complaints where we were involved with the Ombudsman's Office. These include:

- A recommendation that NRW reminds relevant staff of the need to ensure that a written record is kept of decisions not to take enforcement action and the reasons why relevant options were not pursued.

When a complaint is upheld fully or in part, the Ombudsman is only able to issue a report under s21 of the Act where the public authority agrees to implement any recommendations made in the report. If the public authority is unable to agree to the recommendations made

in the report, the Ombudsman will be obliged to consider issuing a report under s16 of the Act to which publicity has to be given at the listed authority's expense. However, NRW promptly agreed to implement the recommendation on this occasion.

Learning from complaints

20. As well as the learning developed from the Ombudsman cases, we believe that even low level complaints that are quickly resolved can provide us with a valuable source of feedback on our service delivery.
21. Staff are encouraged to report all wider learning points to their line managers. Where appropriate these are recorded with the intention that internal policies and procedures are reviewed to improve Customer Service across the organisation.
22. For complex and long-running complaints, the Governance Directorate have requested further detail in the investigator report to include:
 - a summary of the case
 - the scope of the investigation
 - a conclusion detailing if the complaint was upheld
 - recommendations/lessons learned

The Director of Governance has recently encouraged proactively releasing the Investigator Report alongside Stage 2 responses in order to increase transparency and provide further detail.

23. Considering lessons learned avoids the practice of viewing complaints in an entirely negative light. We see complaints as a valuable means of feedback in order to improve our organisation's service delivery and effectiveness.
24. Governance requested staff to report wider learning points to their Directorate Complaint Co-ordinator in order to review internal policies and procedures and to improve Customer Service across the organisation. This sort of evaluation is valuable regardless of whether or not the complaint was resolved on the spot. It is also useful to have a record of the approach taken in resolving the complaint should the issue be raised again.
25. Please see annex 1 for a summary of the feedback received from staff.

Commendations

26. As well as complaints, commendations have also been received in respect of the organisation's services and these have been logged on the same database as well as being fed-back to the relevant teams.
27. We have also recorded instances where stakeholders have commented on very good or exceptional customer service. For the 2014/15 reporting year we have recorded 49 instances when the service from NRW was communicated to us as "above and beyond". In these cases the customer felt that drawing attention to the level of service

received was merited and justified the time spent providing the feedback. 26 Commendations were formally logged for 2013/2014 – this is a significant increase in recognising the positive aspects of our work.

28. Commendations were received for staff in several Directorates, with the most frequent commendations received by those again providing direct services, namely National Services, Operations North and Mid Wales (mentioning flood defence works) and Operations South.
29. We have formalised the process of recording Commendations (as well as keeping records of related correspondence on the Document Management System) as well as acknowledging positive feedback on behalf of Governance when appropriate (should the team leader concerned not have responded directly).

Breakdown of Commendations by Directorate:

Communications	0
Finance	0
Governance	1
Knowledge, Strategy and Planning	3
National Services	17
ODPM	0
Operations North and Mid	15
Operations South	13

Moving forward 2015-2016

30. We will be undertaking a **Review of the Policy** based on the lessons we have learnt and from listening to our colleagues in Directorates. This information will inform the procedural guidance in order to develop the policy further. We are keen to ensure that the Policy promotes excellent customer care and that we put right what went wrong in those instances where this doesn't happen. We will also review the handling of complaints and develop a 20 day step-by-step process in order to achieve the corporate dashboard target.
31. Complaint handling will shortly be reviewed by our colleagues in the **Internal Audit** team. The report will be considered by the Audit and Risk Assurance Committee and we will be looking to incorporate any recommendations into the review of the policy and procedures for Complaint Handling.
32. We will work with colleagues in the Communications team to continue embedding and promote the Policy.
33. We have successfully appointed a Complaints Partner in March 2015. The successful applicant will be supported by continuous mentoring.
34. We recognise a need to further highlight and develop procedures around the recoding and sharing of positive feedback or commendations. We aim to work with the Communications team in order to embed this practice within the organisation.

35. The Public Services Ombudsman for Wales is currently seeking consultation responses regarding The Principles for Good Administration which were originally published in 2008. Natural Resources Wales aim to respond ahead of the closing date in April 2015 to provide feedback to the Public Services Ombudsman for Wales and the Information Commissioner reflecting the evolution of the Principles over the past 7 years.
36. In order for us to continue embedding and streamlining the new NRW Complaints Policy, we have requested feedback relating to the role Governance played in aiding the investigation. We invited comments on the suite of templates and internal guidance issued. When requesting feedback from responding staff within the Directorate we also sought to capture lessons learned and details of any remedial action taken as a result of the matters detailed within the complaint. Clarification was also sought on whether the complaint was upheld in each case. We requested details of any operational or organisational changes that resulted from the matters raised by the complainant. We encourage an assessment as to whether these are limited to the department or team in question or if the complaint has an organisation-wide implication.

Annex A – Lessons Learnt – Summary of select feedback:

- (ATI-04166) The Operations South Directorate remarked on the need for a more joined-up approach between the Marine Licensing Team and area Flood Risk team, to increase awareness of requirements of legislation, and potential overlaps, so applicants have clarity of the requirements of licensing process and the role of the respective functions, with this new NRW duty. As a result of responding to this case, the local area team met the Marine Licensing Team and had a presentation and constructive discussion of their respective roles. The communication resulting from this case significantly improved ensuring both teams discuss any future applications and make a jointly agreed decision on consenting requirements.
- (ATI-04364a) The Customer Contact Centre (CCC) within the National Services Directorate have obtained more comprehensive information from the species team to help with initial enquiries as a result of dealing with this case. The CCC also received refresher training on this subject area. This was needed as species officers are often on site, so difficult to contact immediately. It was remarked that it is difficult, at times, to give a full response from the business due to availability of lead officers, but the CCC have improved the quality and quantity of information they have to resolve more enquiries at first point of contact.
- (ATI-04593a) This was an example of the Operations Northand Mid Wales directorate not upholding the complaint. This was deemed justified as staff acted professionally and within NRW guidelines and no response has been received since.
- (ATI-05136a) The Operations South looked into this case regarding availability of NRW signmaker temporary signs (these were still in development), therefore signs produced at the time were not as clear as they could have been. Following the complaint the legacy signage is being used attached to plywood, until new signs are available.
- (ATI-05251a) An Environment Manager from the South East Wales Operations Team (Operations South Directorate) detailed approaches taken which have been developed over the years. This included point of service immediate contact via telephone to the complainant explaining their role and offering a face to face meeting to ensure the complaint is fully understood. The resulting site meeting ensures that we listen fully as well as explaining our policy, the steps the investigation will take as well as providing clarity with regard to timescales for replying . This is also an opportunity to make it clear that regulatory positions may be a separate matter but that we would be happy to discuss such matters once the compliant investigation is completed. The lessons learnt from this case involved further clarity about opinions as to risk to public health and ensuring that operators understand this. It was suggested that certain team members remain unclear as to when to use powers to stop activities which threaten public health (and the need for Legal input). It was suggested that team members insist on speaking to site operators in private about matters which may result in enforcement action being taken.
- (ATI-5390a) The Operations South Directorate investigated a case involving notice being served on landowner for NRW to carry out flood prevention works. NRW officers did everything to satisfy the landowner and demonstrate the need for the works, but there was a reluctance to consider our position until the notice was served.

- (ATI-05843a) The Operations South Directorate remarked on delays to the communications occurring due to the two officers responsible for regulating the site concerned being away from work due to ill health or maternity leave. A recommendation resulting from this administrative failure was to remind Team Leaders that it is their responsibility to oversee outstanding workload when officers are off work.
- (ATI-05935b) The Area Flood Risk Manager for Flood Risk & Water Resource Manager (Operations North and Mid) carried out an investigation into claims for alleged damages as a result of NRW operations. The result of the investigation was inconclusive in determining whether or not the damage was the result of work carried out by NRW, however, as a gesture of good will and without prejudice (having sought Legal advice) we offered a contribution of 50% of the repair costs. The investigation concluded that the cause cannot be proved either way, therefore it was felt that an offer of half of the costs was appropriate. This payment was an ex gratia payment made without any admission as to liability and as full and final settlement of the matter.

We have also requested feedback with regard to Governance's role in supporting the smooth handling of complaint correspondence. Please find below select examples of feedback relating to this area:

- (ATI-04364a) The Customer Contact Centre within the National Services Directorate confirmed that they were given sufficient support and guidance from Governance to help with their response.
- (ATI-04593a) The Team Leader for Environment Management – North East Wales (Operations North and Mid Wales Directorate) remarked that the Complaints Policy was unclear at the time of receiving the complaint on 4 June 2014. This was most likely due to the new Policy only being in place for a month. This issue was raised with the complaints team directly via email and further clarity was gained regarding internally forwarding complaints with more background information rather than anonymising as with Access to Information Request which should be applicant blind.
- (ATI-05136a) The Operations South Directorate remarked that the policy was clear and that the Stage 1 response letter draft was considered very quickly and was sent out promptly to the complainant, who thanked the local area team.
- (ATI-05251a) The Operations South Directorate commented that the guidance provided was clear but that a flow chart would be helpful in order to understand links between the stages. It was suggested that Governance considering a shorter version of the response template for Stage 1 complaints to provide focus on collecting lessons learnt (the templates were streamlined during summer 2014).
- (ATI-05390a) A member of the Operations South team noted that they wished to declare an interest in the landowner concerned. The background to this case involved protracted correspondence over 2 years with the complainant's land agent in an attempt to reach agreement to carry out works. In this instance, it was felt that serving notice was the only way to bring things to a conclusion. A site meeting then took place, which was amicable and a compromise scheme was agreed. In hindsight the area team remarked that notice could have been served earlier, the face to face meeting scheduled as a result of handling the complaint was deemed beneficial.

- (ATI-05843a) A member of the Operations Management Team remarked that the procedures were clear and aid in underlining a culture of accountability in communicating to the complainant that NRW take complaints seriously and view them as a valuable source of learning.
- (ATI-05916a) A Permitting Officer from the Water Resources team within the Permitting Centre (National Services Directorate) provided positive feedback for Governance. The officer commented that they always found the Governance team dealing with complaint to be easy to speak to and very flexible. They mentioned that there is always a deadline, and that they did not recall a time when this was not met and that the Officers they have worked with are always very accommodating if you have other work commitments or time out of the office. They remarked on a very good level of communication, with a relevant mixture of email and phone contact. It was highlighted that most of the responses from Water Resources required input .

ⁱ A single database is used for logging all Complaint cases