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**THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND**

24th June 2021

Dear Sir/Madam

### **GOVERNANCE & AUDIT COMMITTEE**

A meeting of the Governance & Audit Committee will be held in virtually via Microsoft Teams - if you would like to attend this meeting live via Microsoft Teams please contact [committee.services@blaenau-gwent.gov.uk](mailto:committee.services@blaenau-gwent.gov.uk) on Tuesday, 29th June, 2021 at 9.30 am.

Yours faithfully

Michelle Morris  
Managing Director

### **AGENDA**

### **Pages**

#### **1. SIMULTANEOUS TRANSLATION**

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation service will be provided if requested.

#### **2. APOLOGIES**

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

To receive.

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**

To receive.

4. **APPOINTMENT OF CHAIR 2021/22**

To receive nominations for the appointment of Chair of the Audit Committee for the year 2021/22.

5. **TIME OF FUTURE MEETINGS**

To consider.

6. **AUDIT COMMITTEE**

5 - 10

To receive the minutes of the Audit Committee held on 27<sup>th</sup> April, 2021.

*(Please note the minutes are submitted for points of accuracy only).*

7. **ACTION SHEET - 27TH APRIL, 2021**

There were no actions arising from the meeting of the Audit Committee held on 27<sup>th</sup> April, 2021.

8. **GOVERNANCE AND AUDIT COMMITTEE FORWARD WORK PROGRAMME 2021-22**

11 - 14

To consider the report.

9. **CODE OF GOVERNANCE**

15 - 38

To consider the report of the Audit and Risk Manager.

10. **UPDATED CONCERNS AND COMPLAINTS POLICY**

39 - 52

To consider the report of the Head of Legal and Corporate Compliance.

11. **AUDIT WALES REPORTS AND RECOMMENDATIONS**

53 - 56

To consider the report.

To: Councillor S. Healy (Vice-Chair)  
Councillor P. Baldwin  
Councillor D. Davies  
Councillor D. Hancock  
Councillor J. Hill  
Councillor W. Hodgins  
Councillor J. Holt  
Councillor J. Millard  
Councillor M. Moore  
Councillor J. C. Morgan  
Councillor K. Rowson  
Councillor B. Summers  
Councillor S. Thomas  
Councillor H. Trollope  
Councillor L. Winnett  
T. Edwards  
M. Veale

All other Members (for information)  
Manager Director  
Chief Officers

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**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE CHAIR AND MEMBERS OF THE AUDIT COMMITTEE**

**SUBJECT: AUDIT COMMITTEE – 27<sup>TH</sup> APRIL, 2021**

**REPORT OF: DEMOCRATIC SUPPORT OFFICER**

**PRESENT: MR. T. EDWARDS (CHAIR)**

- Councillors S. Healy
- P. Baldwin
- D. Davies
- D. Hancock
- J. Hill
- W. Hodgins
- J. Holt
- M. Moore
- J.C. Morgan
- K. Rowson
- B. Summers
- H. Trollope
- L. Winnett

Mr. M. Veale

**WITH:** Chief Officer Resources  
 Audit & Risk Manager  
 Professional Lead – Internal Audit  
 Data Protection & Governance Officer

**DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
No. 1	<p><b><u>SIMULTANEOUS TRANSLATION</u></b></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	

<p><b>No. 2</b></p>	<p><b><u>APOLOGIES</u></b></p> <p>An apology for absence was received from Councillor S. Thomas.</p>	
<p><b>No. 3</b></p>	<p><b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b></p> <p>No declarations of interest or dispensations were reported.</p>	
<p><b>No. 4</b></p>	<p><b><u>AUDIT COMMITTEE</u></b></p> <p>The minutes of the special Audit Committee held on 2<sup>nd</sup> March, 2021 were submitted.</p> <p>RESOLVED that the minutes be accepted as a true record of proceedings.</p>	
<p><b>No. 5</b></p>	<p><b><u>ACTION SHEET</u></b></p> <p>There were no actions arising from the meeting held on 2<sup>nd</sup> March, 2021.</p>	
<p><b>No. 6</b></p>	<p><b><u>AUDIT PLAN OUTTURN 2021/21</u></b></p> <p>Consideration was given to report of the Professional Lead Internal Audit.</p> <p>The Professional Lead Internal Audit presented the report which provided an update on the overall outturn position of the Audit Plan for the financial year 2020-21 and highlighted the work undertaken by the Internal Audit Service.</p> <p>Appendix A to the report detailed audits undertaken during the financial year and their status as at 31st March 2021, including their actual or provisional grading. A provisional grading has been issued if the report has not been cleared by the service area and could be subject to change. Appendix B provided the performance data for the section for the period to 31st March, 2021.</p> <p>The Officer reported that the results of the audits undertaken</p>	

during the year have showed an improvement, with an increase in Full Assurance gradings and a reduction in Limited Assurance gradings. There were 33 audits issued for 2020/21, and in addition 9 audits currently ongoing or deferred during the year as a result of the Covid pandemic, with only critical services operating for a period during the year and audit staff redeployed to assist with the pandemic response.

The Officer said the pandemic had impacted on the Audit Section's capacity to complete audit work, and therefore the Audit Plan for 2020/21 was based on 9 months from July 2020 to March 2021.

A Member referred to Appendix A and asked why a number of the Frontline Integrated Services audits had been deferred, particularly the street lighting audit.

In response the Officer explained that this particular audit was commenced prior to the Covid pandemic, and as a result of the change in priority of services it was agreed that this work would be deferred. However, this work had recently continued and would be reported as part of the progress report to a future Committee.

Another Member also referred to Appendix A, and asked whether the audits marked 'limited assurance' would be reported to Committee.

The Officer confirmed that an Internal Audit Summary for all 'limited assurance' audits would be reported to Committee as part of the progress report, and all the 'limited assurance' audits highlighted within the report had been reported to Committee previously.

In response a further question raised by a Member regarding non-graded audits highlighted on the charts at Section 6.1.1. of the report, the Officer explained that for 2020/21 it was decided to highlight non-graded audits, i.e. routine audits and follow-up audits. It was felt important to highlight as the Section had commenced this work, but it was then deferred due to the Covid pandemic. The Section had also undertaken additional 'extra assurance' work in reacting to the pandemic

	<p>as a result of the number of grants administered by the Authority.</p> <p>RESOLVED that the report be accepted and the Audit Committee note the level of audit coverage in each service area, the plan outturn for the financial year and the performance of the Internal Audit Service for the financial year 2020/21.</p>	
<p><b>No. 7</b></p>	<p><b><u>ANNUAL REPORT OF THE AUDIT &amp; RISK MANAGER 2020/21</u></b></p> <p>Consideration was given to the report of the Audit &amp; Risk Manager.</p> <p>The Audit &amp; Risk Manager presented her objective review of the Authority's system of internal control operating during the financial year 2020/21 and her annual opinion.</p> <p>The Audit &amp; Risk Manager reported that, in her opinion, Blaenau Gwent County Borough Council's system of internal control during the financial year 2020/21 operated to a level which gave Reasonable Assurance on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control based on the reduced level of coverage that has been achieved during the year.</p> <p>A discussion ensued when a Member expressed concern regarding the number of experienced Officers leaving the Authority and asked whether 'exit interviews' were being routinely undertaken prior to staff leaving.</p> <p>In response the Audit &amp; Risk Manager confirmed that OD had a process in place.</p> <p>A Member referred to Section 2.2.19 of the report and asked whether the Authority had retained any internal IT function.</p> <p>The Officer said the Council had retained some IT functions, albeit very limited. The audit of SRS was undertaken by Torfaen, and the Officer said the results could be reported to</p>	



	<p>Committee if Members wanted. She also pointed out that the lack of an IT Audit was not unique to Blaenau Gwent and that other Authorities were in a similar position</p> <p>A Member commended the work of the Section, and asked the Audit &amp; Risk Manager whether she was confident with the level of resources within the Section moving forward.</p> <p>In response the Officer said the Section was currently progressing as normal with development of the Audit Plan. However, a Senior Audit would be leaving for another Authority and this would impact on the Section in terms of the recruitment and transition process, so it was likely that there would be some disruption for the Service during the year.</p> <p>A discussion ensued when Members asked that the number of Officers leaving the Authority be looked at.</p> <p>In response the Audit &amp; Risk Manager said it could be looked at as part of an audit, but it would have to be considered in line with the risk assessment of other audits.</p> <p>RESOLVED that the report be accepted and the annual opinion of the Audit &amp; Risk Manager be noted as follows:-</p> <p>‘Based on the findings of the audit work undertaken during 2020/21, in my opinion, Blaenau Gwent County Borough Council’s system of internal control during the financial year 2020/21 operates to a level which gives Reasonable Assurance on the overall adequacy and effectiveness of the organisation’s framework of governance, risk management and control, based on the reduced level of coverage that has been achieved during the year.’</p>	
<p><b>No. 8</b></p>	<p><b><u>LOCAL GOVERNMENT ACT 2021 CHANGES</u></b></p> <p>Consideration was given to the report of the Head of Legal Compliance/Monitoring Officer.</p> <p>The Data Protection &amp; Governance Officer presented the report which informed the Committee of changes brought in as part of the Local Government &amp; Elections (Wales) Act that</p>	

come into force on 1<sup>st</sup> April, 2021.

As part of the legislation there would be some changes impacting on the Committee. Firstly, the name of the Committee would change, and would now be called the Governance & Audit Committee. There would also be additional functions for the Committee as the scope would widen to include statutory powers to review and assess the Authority's ability to handle complaints effectively, and make reports and recommendations in relation to the Authority's ability to handle complaints effectively. While the Act would be brought in on a phased approach, the changes referred to would be brought in immediately.

Future changes for the Committee by May 2022 were highlighted at Section 2.7 of the report, the majority of which the Council were already adhering to. However, the Officer pointed out that the Council were not currently compliant with a third of all Members being lay Members so moving forward the Council would need to bring in a recruitment programme to ensure compliance by May 2022. Further reports would be submitted to Committee in relation to this.

A brief discussion ensued when the Officer confirmed that both new Members on the Committee this year had received an induction programme, and this would be in place for any future new Members moving forward. The Committee's terms of reference would also need further consideration to take into account the changes. In relation to the requirement for a third of the Committee membership to be lay Members, the Officer said no decisions had been taken but discussions would need to commence shortly to ensure compliance May 2022.

RESOLVED that the report be accepted and the information on the mandatory changes brought about from a change in the legislation be noted.

# Agenda Item 8

*Executive Committee and Council only*

Date signed off by the Monitoring Officer: N/A

Date signed off by the Section 151 Officer: N/A

Committee: **Governance and Audit Committee**

Date of meeting: **29<sup>th</sup> June 2021**

Report Subject: **Governance and Audit Committee Forward Work Programme 2021-22**

Portfolio Holder: **Councillor Nigel Daniels, Leader / Executive Member Corporate Services**

Report Submitted by: **Louise Rosser – Audit and Risk Manager**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
	27.5.21		29.06.21					

## 1. Purpose of the Report

- 1.1 To present the Governance and Audit Committee Forward Work Programme for 2021-22 (Appendix 1).

## 2. Scope and Background

- 2.1 The appendix provides a list of topics expected to be considered by the Governance and Audit Committee during 2021-22.
- 2.2 The Governance and Audit Forward Work Programme is aligned to the Scrutiny, Executive and Council Forward Work Programmes.
- 2.3 The Work Programme is a fluid document and there is flexibility to allow for regular review.

## 3. Options for Recommendation

### 3.1 Option 1

To agree the Forward Work Programme for the Governance and Audit Committee.

### Option 2

To suggest any amendments prior to agreeing the Forward Work Programme.

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## Draft Governance and Audit Forward Work Programme

Topic	Purpose	Lead Officer
<b>Meeting Date: 29<sup>th</sup> June 2021</b>	<b>Deadline: 17<sup>th</sup> June 2021</b>	
Code of Governance	To present the revised Code of Governance for the Council.	Louise Rosser
Complaints Policy	To present the Complaints Policy as a requirement of the ombudsman.	Audra Williams
Audit Wales Reports and Recommendations	To receive the Audit Wales Reports and Recommendations Letter.	Gemma Wasley

Special Meeting Date: July 2021 TBC	Deadline:	
Strategic Internal Audit Plan 2021-2026	To provide Members with the strategic five-year Audit Plan for the period 2021-2026.	Louise Rosser
Draft Statement of Accounts 2020/21	To present for consideration the 2020/21 Draft Statement of Accounts and to consider the Authority's financial standing as at 31 March 2021.	Rhian Hayden
Draft Annual Governance Statement	To present the draft Annual Governance Statement (AGS).	Louise Rosser
Internal Audit Charter	To provide an updated copy of the Internal Audit Charter.	Louise Rosser
BGCBC – Annual Audit Summary	To present the Audit Wales Annual Audit Summary.	Gemma Wasley

Meeting Date: 28 <sup>th</sup> September 2021	Deadline: 16 <sup>th</sup> September 2021	
Statement of Accounts 2020/21	To present for approval the 2016/17 Statement of Accounts and to consider the Authority's financial standing as at 31 <sup>st</sup> March 2021.	Rhian Hayden
Audit of Financial Statements	To consider the report from the Council's External Auditors Wales Audit Office.	Rhian Hayden
Annual Governance Statement	To present the final Annual Governance Statement (AGS).	Louise Rosser
Annual Audit Review	To present the Audit Wales Annual Audit Review for Blaenau Gwent.	Michelle Morris / Gemma Wasley
Audit Plan Progress Report (Qtr 1)	To update Members on the progress against the Internal Audit Plan.	Louise Rosser
Certificate of Compliance 2021/22	To present the Audit Wales Certificate of Compliance.	Gemma Wasley

## Draft Governance and Audit Forward Work Programme

Topic	Purpose	Lead Officer
<b>Meeting Date: 2<sup>nd</sup> November 2021</b>	<b>Deadline: 21<sup>st</sup> October 2021</b>	
Audit Plan Progress Report (Qtr 2)	To update Members on the progress against the Internal Audit Plan.	Louise Rosser
RIPA Activity	To report on authorised RIPA activity as per the Council's policy.	Andrea Jones

<b>Meeting Date: 7<sup>th</sup> December 2021</b>	<b>Deadline: 24<sup>th</sup> November 2021</b>	
Annual Report of the Public Services Ombudsman for Wales 2020/21	To inform Members of the Council's performance with regard to complaints to the Public Services Ombudsman for Wales.	Andrea Jones
Corporate Risk Register / Risk Update		Louise Rosser

<b>Meeting Date: 25<sup>th</sup> January 2021</b>	<b>Deadline: 13<sup>th</sup> January 2021</b>	
Audit Plan Progress report (Qtr 3)	To update Members on the progress against the Internal Audit Plan.	Louise Rosser
Audit Wales– Audit of Blaenau Gwent Assessment of Performance 2020-21	To receive the Audit Wales audit of the Council's Assessment of Performance	Gemma Wasley

<b>Meeting Date: 22<sup>nd</sup> March 2022</b>	<b>Deadline: 10<sup>th</sup> March 2022</b>	
Code of Governance	To present the revised Code of Governance for the Council.	Louise Rosser

<b>Meeting Date: 28<sup>th</sup> April 2022</b>	<b>Deadline: 18<sup>th</sup> April 2022</b>	
Internal Audit Outturn 2021/2022	To present the Internal Audit Outturn for 2021/22	Louise Rosser

# Agenda Item 9

*Executive Committee and Council only*

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Governance & Audit Committee**

Date of meeting: **29<sup>th</sup> June 2021**

Report Subject: **Code of Governance**

Portfolio Holder: **Cllr Nigel Daniels, Leader / Executive Member  
Corporate Services**

Report Submitted by: **Rhian Hayden – Chief Officer - Resources**

Report Written by: **Louise Rosser – Audit and Risk Manager**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
05.06.21	10.06.21		29..06.21					

1. **Purpose of the Report**
  - 1.1 To present to the Governance & Audit Committee the revised Code of Governance (attached at Appendix A) for approval.
2. **Scope and Background**
  - 2.1 The report presents the revised Code of Governance to the Governance & Audit Committee for consideration and approval.
  - 2.2 The Authority has had a Code of Governance in place since November 2010. The code sets out the governance framework for the Authority and is produced in line with the CIPFA /SOLACE document “Delivering Good Governance in Local Government (revised 2016)”.
  - 2.3 The code is reviewed on at least an annual basis to ensure it reflects the current governance arrangements of the Authority. The Code forms the basis against which the Annual Governance Statement is produced. The Governance & Audit Committee will receive the draft Annual Governance Statement at a later Committee this year.
  - 2.4 Responsibility for reviewing and approving the Code has been delegated to the Governance & Audit Committee. The revised code is also agreed by the Corporate Leadership Team (CLT).  
In line with best practice, the code incorporates the seven core principles of good governance against which the Authority measures its governance arrangements.

### 3. **Options for Recommendation**

3.1 That the Governance & Audit Committee review the Code of Governance and consider whether it:

(1) Accurately reflects the current governance framework of the Authority, and

(2) It is fit for purpose as a basis against which to gather evidence for the production of the Annual Governance Statement

3.2 The Governance & Audit Committee may then choose to:

Option 1

Approve and adopt the revised Code of Governance.

Option 2

Propose amendments / alterations to the revised Code of Governance.

Option 3

Not endorse the revised Code of Governance and retain the previous version of the Code.

Option 4

Seek to develop an alternative Code of Governance.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The Code of Governance sets out the Authority's Governance Framework as prescribed by the CIPFA / Solace Delivering Good Governance in Local Government Framework (2016).

4.2 Clearly setting out how the governance arrangements of the Council are structured and operate assists the Authority in achieving its Corporate Plan Priority of being an ambitious and innovative council delivering the quality services we know matter to our communities.

### 5. **Implications Against Each Option**

5.1 There are no direct financial implications arising from the production of the Code of Governance under Options 1- 3. Option 4 could incur a cost if development of a code was procured from another source. Option 4 would also result in the delay of adopting an updated Code of Governance for the Authority.

5.2 Failure to review / approve the Code of Governance would result in it being out of date and not reflecting the current governance framework of the Authority. This is mitigated by an annual review and update.

5.3 The review of the Code of Governance involves the investment of senior management time. The commitment is met from existing resources.



## 6. **Supporting Evidence**

- 6.1 The Code has been amended / updated to reflect the changes to the governance framework of the Authority over the last year. The changes to the Code this year are minimal, mainly concerning updates to the Corporate Plan Outcome Statements.  
Input was requested from officers in all directorates to ensure the Code articulates the cross council arrangements.
- 6.2 The Code of Governance sets out how the council's governance framework is shaped to ensure engagement with stakeholders and to inform the citizens of Blaenau Gwent as to how the governance arrangements of the Authority operate.
- 6.3 The production of the Code of Governance has a neutral impact against people or groups from the protected characteristics.

## 7. **Monitoring Arrangements**

- 7.1 An assessment of the Council's performance against the code is undertaken and reported in the Annual Governance Statement which identifies gaps and areas for improvement. This will be considered by Governance & Audit Committee later this year.

### **Background Documents /Electronic Links**

- Appendix A – Code of Governance

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**CODE OF GOVERNANCE**

**BLAENAU GWENT COUNTY**

**BOROUGH COUNCIL**

**Last Revised: May 2021**  
**Version 11**

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## **LOCAL CODE OF GOVERNANCE**

### **1.0 INTRODUCTION**

Welcome to the 11th edition of the Council's Local Code of Governance.

The Local Code of Governance has been developed using the framework created by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), but the content is very much the Council's own. The framework sets out seven core principles of good governance designed to guide local authorities in ensuring their governance arrangements ultimately facilitate the transparent, efficient and accountable use of resources for their citizens. The Council illustrates how it complies with these principles in its Code of Governance. The seven core principles of good governance laid down are as follows: -

- Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- Ensuring openness and comprehensive stakeholder engagement.
- Defining outcomes in terms of sustainable economic, social, and environmental benefits.
- Determining the interventions necessary to optimise the achievement of the intended outcomes.
- Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- Managing risks and performance through robust internal control and strong public financial management.
- Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

These principles are not to be considered in isolation as they are all interconnected and overlap or merge with each other.

Blaenau Gwent County Borough Council operates through a Governance Framework which brings together an underlying set of legislative requirements, governance principles and management processes. This document aims to codify this framework and enable the Council to transparently demonstrate how it operates against the best standards of Governance and judge and measure any necessary improvements.

The Leader and Members of the Council along with the Managing Director and Corporate Leadership Team have endorsed and commended this Local Code as a framework to conduct business to deliver improvements for the people of Blaenau Gwent.

The Council has delegated the monitoring of compliance with the Code and monitoring its effectiveness to its Governance and Audit Committee. Following a review of the Code of Governance and how well or otherwise it is working, the resultant report – its Annual Governance Statement will be considered by the Governance and Audit Committee to test the level of assurance received

concerning the application of the Code.

The Code will be reviewed annually, the results of which will be included in future Annual Governance Statements.

Local Authorities continue to be monitored by inspectors and regulators. Progress has been made against the recommendations of Regulators' reports which are helping to shape the Governance Framework of the Authority. Work has been undertaken to review the number of 'open' proposals for improvement throughout the Council. An update has been provided against all proposals in order to establish what has been completed and where further work is required. The work has enabled the streamlining of activity and more focused monitoring as part of the Joint Finance and Performance Report.

In May 2020 Audit Wales published their Annual Audit Summary. This included a synopsis of each review undertaken by Audit Wales over the year.

## **2.0 ELEMENTS OF CORPORATE GOVERNANCE**

To achieve the principles of good Corporate Governance, the Council supports and will apply the seven Core Principles, and their related supporting principles, as follows:-

### **2.1 Core Principle A**

#### **Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**

The Council recognises that openness, integrity and accountability of individuals within an organisation form the cornerstone of effective corporate governance. The Council's credibility and reputation depends upon high standards of behaviour from its staff, Members and representatives and aims to have shared values across all these groups. The Council's Corporate Plan 2018/22 contains a set of shared values, namely:

- Proud and Ambitious;
- Trust and Integrity;
- Working Together;
- Raising Aspirations; and
- Fair and Equal.

Therefore, the Council aims to operate within a culture of behaviour based on shared values, ethical principles and good conduct and expects its senior members and management to exercise leadership in promoting these principles.

The Council undertook a review of its Corporate Plan during 2020, and as part of the response and learning to date from Covid-19 to analyse what the Council is aiming to achieve by the end of the Plan in 2022. This resulted in some amendments being made to the Outcome

Statements in order to better demonstrate the contribution different areas across the Council will contribute to achieving the priorities, enhancing our one Council approach. The overall emphasis of each Outcome Statement (Well-being Objective) has not changed.

The Corporate Plan 2020/22 Outcome Statements are:

- **Protect and enhance our environment and infrastructure to benefit our communities**
- **Support a fairer sustainable economy and community**
- **To enable people to maximise their independence, develop solutions and take an active role in their communities**
- **An ambitious and innovative council delivering the quality services we know matter to our communities**

The Council will achieve this by holding, communicating and keeping under review: -

- A Member Code of Conduct
- An Officer Code of Conduct
- Council Constitution
- Frameworks for Scrutiny and Executive
- Informal protocols re: Complaints – Members and Officers
- Registers of Interest for Members and Officers
- Procedural rules for Members and Officers to declare an interest in the business under consideration at all Committees and Council
- Each Committee has an advisory officer to promote the appropriate conduct of meetings
- Contract Procedure Rules
- An Anti-Fraud, Anti-Corruption and Anti-Bribery Policy including a fraud hotline
- Defined Competency Framework for staff
- A Whistleblowing Policy
- The operation of a Standards Committee including independent external membership with defined terms of reference
- A delegated responsibility for key officers regarding fraud, codes of conduct, standards and whistleblowing
- An Internal Audit Service and a Governance and Audit Committee as part of the Council's assurance framework
- The maintenance of an Annual Schedule of Member Remuneration, the holding of a register to record payments and annual publication in the local press
- Induction training for Officers and Members including standards of behaviour expected and ongoing Member Development Programme
- Member Competency Framework and Personal Development Reviews to inform individual Member development as well as the Member Development Strategy and Training Programme
- A formal opportunity for all Members at the beginning of a meeting to declare their interests

The Council has set out minimum standards of behaviour and has provided guidelines to help maintain and improve standards. These include a Dignity at Work Policy in addition to its Codes of Conduct and Whistleblowing Policy. In 2020/21 no complaints against Members were made to the ombudsman. For 2019/20 17 complaints of maladministration were made of which two were out of jurisdiction, five were closed after initial consideration, nine were considered to be submitted prematurely, and one was settled early.

The Council has adopted a Constitution which:

- Clearly defines those functions which will be reserved to the full Council for decision, those decisions which will be taken by the Executive or its individual members, and those which are delegated to senior officers. The full Council sets the strategic direction through the adoption of major policies and the budget, the Executive takes major decisions within the overall policy and budget framework, helping to develop new policies. Officers take day to day decisions within the policy and budget framework.
- Sets out the responsibilities and procedures for decision making. Decisions which can be taken by the Executive, the regulatory Committees and full Council are shown in sections 4-7 of the Constitution. In addition, the Council's policies and protocols set out the processes that must be followed in decision making e.g. Organisation Development Policies, Licensing and Planning Applications, Appeals, tabling motions at Committees.
- Establishes through the Overview and Scrutiny Committees a robust overview and scrutiny role. These Committees between them have powers to review and scrutinise decisions relating to any of the Council's activities, including considering policy issues referred to them by the Council or the Executive.
- Sets out clearly the role of the Leader and Executive and in particular makes it clear that they are responsible for providing effective strategic leadership to ensure the Council successfully discharges its overall responsibilities for the activities of the organisation as a whole.
- Operates two Regulatory Committees – Planning, Regulatory and General Licensing and Statutory Licensing which have specific powers delegated to them by the Council.
- Makes clear the roles of all Councillors both in their formal decision making/policy development role and as local members.

The Constitution sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are efficient, transparent and accountable to local people.



The Constitution contains comprehensive Financial Procedure Rules and Contract Procedure Rules in sections 16 and 17, governing the process to be adopted in conducting the Council's business.

The Constitution and other formal documents set out clear protocols and codes of conduct to ensure that the requirements and boundaries of decision making are clear to Members:

- Members' Code of Conduct
- Standards Procedures
- Code of Conduct on Planning Matters
- Roles and responsibilities of Overview and Scrutiny Committees
- Local Member / Officer Protocol

In addition, there are a set of Employment Policies which clearly inform officers on expectations in the decision making process.

The Council actively recognises the limits of lawful activity placed upon them whilst also striving to utilise powers to the full benefit of their communities through: -

- Legal and Financial advice in the preparation of Council, Committee and Executive reports
- The availability of the legal advice at the meetings of the Council, the Executive and Statutory Committees
- Professional development and training (including multi-agency training for Adult and Children's Services' Social Care staff in particular)
- The Council's policies and protocols setting out the processes
- Impact Assessment processes

## **2.2** Core Principle B

### **Ensuring openness and comprehensive stakeholder engagement.**

The Council recognises its primary purpose in delivering services for the people of Blaenau Gwent and the specific need to engage with them and other stakeholders in planning services to be delivered and to be accountable to them for those services.

The Council aims to achieve this by: -

- Clear lines of communication with people and organisations to which the Council is accountable.
- Clear statements of the role of its members in their various offices.
- Clear statements of the roles and accountabilities of staff in their

job descriptions.

- Terms of reference for the Council's committees and holding them open to the public.
- A clear statement of strategic priorities, activity and performance indicators as included within the Corporate Plan 2020/22. The Plan's priorities act as both Well-being and Improvement Objectives thus fulfilling the corporate duty under the Well-being of Future Generations Act (2015) and Local Government (Wales) Measure.
- Operation of an effective complaints procedure.
- Staff consultation and engagement in decision making.
- Ensuring staff are clearly accessible to the public through meetings, telephone availability, email and where appropriate home visits.
- Ensuring partner arrangements and procurement arrangements are similarly clear about accountabilities.

The Public Service Board's Well-being Plan outlines the objectives for improving well-being in Blaenau Gwent and meeting the collective duties under the Well-being of Future Generations (Wales) Act (2015). It is the result of an extensive process of ongoing conversations and analysis of the evidence to build up a picture of what well-being looks like here and what we can do to improve it.

The Plan sets out five objectives which are considered to have real power to bring about changes, that are the most urgent and that the evidence tells us need to combined forces of the Public Services Board partners to deliver and improve well-being. These are:

- Safe and friendly communities
- To look after and protect the environment
- To encourage and enable people to make healthy lifestyle choices in places that they live, learn, work and play
- To forge new pathways to prosperity
- The best start in life for everyone

A new Corporate Communications Strategy 2020-25 linked to the Council's Commercial Strategy 2020-24 has been approved by Council. The strategy has six key drivers with the aim of delivering excellent, innovative and cost effective two way communications with key target audiences. Its overall aim is to build a positive reputation for the Council to create trust and confidence in Council services.

The Council's Commercial Strategy has been approved by Council and brings together themes that will contribute to Blaenau Gwent County Borough Council being commercially minded. The overall objective of the strategy is to deliver the following themes:

- A focus on the residents' experience of existing and new services;
- An understanding of our investments including return on investment (benefits), profits and losses;
- Developing our brand, trusted to deliver quality services,
- Spend control;
- Using data, technology and insights wisely;
- Having an agile workforce aligned to opportunities
- 

The Council continues to develop the way in which it engages with the community. We have refreshed the Citizens Panel's membership and integrated it with other engagement activity.

Engagement activities during 2020/21 include

- Youth Forum and Older Peoples network supporting Community Impact Assessments aligned to Covid-19
- Budget Setting Engagement for 2021/22; and
- Blaenau Gwent Climate Assembly;

The Council has also looked at developing a number of digital projects which will continue into 2021. This has included involvement from officers within the Council and also service users and the public. The projects are:

- Adult Social Care Front Door
- Easy Council to Pay
- Tech Valleys Digital Squad
- Digital Democracy

By adopting a set of customer care standards supported by a complaints procedure the Council aims to: -

- Have a robust community planning process with its Public Service Board (PSB) partners.
- Understand the priorities of the local area through engagement mechanisms, consultation on specific projects and other public engagement mechanisms (as detailed above).
- Publish an Annual Scrutiny Report incorporating progress against the year's work programme.
- Set out the priorities for the Council in the Corporate Plan, and provide a balanced view of performance against them on an annual basis.

The Council continues to develop its use of social media such as Twitter and Facebook and to support the development of digital channels for future service delivery.

The Council will ensure its users have the opportunity to influence, and receive high quality of service and make the best use of resources to deliver excellent value for money.

### **2.3** Core Principle C

#### **Defining outcomes in terms of sustainable economic, social, and environmental benefits.**

The Well-being of Future Generations (Wales) Act 2015 established statutory Public Service Boards (PSBs). The purpose of the PSBs is to improve the economic, social, environmental and cultural well-being in its area by strengthening joint working across all public services in Wales.

Each PSB must prepare and publish a plan setting out its objectives and the steps it will take to meet them. This is called a Local Well-being Plan. It must say:

- Why the PSB feels their objectives will contribute within their local area to achieving the well-being goals
- How it has had regard to the assessment of Local Well-being in setting the objectives and steps to take.

Each PSB will carry out an annual review of their plan showing their progress. When producing their assessments of local well-being and Local Well-being Plan, PSBs must consult widely.

The Statutory Members of each PSB are:

- The Local Authority
- The Local Health Authority
- The Local Health Board
- The Fire and Rescue Authority
- Natural Resources Wales

In addition to the statutory members each PSB will invite the following people to participate:

- Welsh Ministers
- Chief Constables
- The Police and Crime Commissioner
- Certain Probation Services
- At least one body representing relevant voluntary organisations

PSBs will also be able to invite other public service organisations to participate.

The Well-being of Future Generations (Wales) Act 2015 places a duty on each public body to carry out sustainable development. Sustainable Development is defined as a process of improving the economic, social, environmental and cultural wellbeing of Wales. This needs to be done by taking action in accordance with the sustainable development principles so that the well-being goals are achieved.

The application of the five ways of working identified in the act is how public bodies are able to maximise their contribution to the National Well-being Goals.

In addition to the Codes of Conduct and protocols referred to under Core Principle A, the Council seeks to maintain high standards in the conduct of its business and avoid prejudice, bias and conflicts of interest. This is to be achieved through the development of a Strategic Equality Plan, a Welsh Language Promotion strategy, in line with the requirements of the Welsh Language Standards, and various engagement forums such as; Youth Forum, 50+ Forum and Access for All Forum.

The Equality Act 2010 (the Act from here on in) came into operation on the 6<sup>th</sup> April 2011. The Act replaced the existing 116 different pieces of law relating to equality, and put them all together in one piece of legislation. The Act strengthens the law in important ways, and in some respects extends current law to help tackle discrimination and inequality.

The Council's Strategic Equality Plan (2020-2024) contains Our Equality Objectives which are:

- We will be an organisation who ensures fairness and equality is in everything that we do;
- We will be an equal opportunity employer with a workforce that values equality and diversity;
- We will support children and young people, particularly those with protected characteristics, to achieve their learning ambitions;
- We will promote and support safe, friendly and cohesive communities;
- We will ensure there is meaningful involvement with the people who have protected characteristics and key stakeholders that represent their interests; and
- We will strive to tackle inequality caused by poverty for people who have protected characteristics

## **2.4** Core Principle D

**Determining the interventions necessary to optimise the achievement of the intended outcomes.**

Leadership is exercised by clearly communicating the Council's purpose and vision for Blaenau Gwent and its intended outcomes for its citizens and service users.

The Council exerts a wider influence within the community and also delivers services through a mixture of procurement, in-house provision and partnerships to help achieve these outcomes.

The Council's business planning is more robust and has enhanced its self-evaluation processes, by further developing the guidance documentation and forms. Following the introduction of the Local Government Act in 2021, the Council's self-evaluation process will be reviewed in line with this legislation. The business planning process has also become more streamlined with the incorporation of Performance Indicators, Risk, Business Continuity, EQIA, the Environment Act and proposals for improvement from auditors into one monitoring form on a central system. The self-evaluation process directly links to the business planning process.

The Council prepares an Annual Budget to resource its service priorities. A Medium Term Financial Strategy is reviewed and updated at least annually with the most recent version, endorsed by Council in December 2020, and includes projections up to 2025/26 to aid improved service planning. The MTFS is next due for review in Summer 2021.

## **2.5** Core Principle E

### **Developing the entity's capacity, including the capability of its leadership and the individuals within it.**

The Council strives to ensure continuous improvement in the delivery of its services through its improvement planning process and its Performance Management Framework, and has strengthened these arrangements to align them with risk management as well as identifying levels of accountability.

The remit of the Wider Corporate Leadership Team (WCLT) has been reviewed. Its broad purpose is to effectively support the Corporate Leadership Team in its role in providing strategic direction to the organisation. The WCLT is also a forum that takes a distributed leadership approach to disseminate information and communication messages, network with colleagues and peers and provide personal development opportunities.

Ensuring that Members and Officers have the necessary skills to operate a multi-million-pound business that provides a range of different services is one of the most important aspects of Governance. The training needs of Members is undertaken as part of the development of

the Committee Forward Work Programmes as well as through the Member Competency Framework and Personal Development Reviews. The Council holds the Wales Charter for Member Support and Development (Level 1).

The Council will ensure those responsible for Governance of the Council will have the necessary skills, knowledge and experience they need to perform well.

The Council will achieve this by:

- Continuing with its Member Training Programme and mandatory training programme including the Member Development Strategy.
- Member briefings on issues of importance to the Council.
- Induction training and professional advice for Members.
- Introduction of skills and experience requirements for special responsibility posts.
- Continuing to develop Information Communication Technology (ICT) support for Members to give a better understanding of modern administration and to improve communication.
- Operating a competence framework for Officers and Members.
- Mentoring programme for Elected Members.
- Arrangements for Members sitting on Outside Bodies to report their progress to Council.
- A Recruitment Charter ensuring the Council employ staff with necessary qualifications and experience to carry out the role expected of them.
- Performance coaching in place for all staff and departmental monitoring.
- The Head of Paid Service is responsible for ensuring that the Council's officer establishment is appropriately staffed to deliver the service priorities of the Council. In practice much of this responsibility is delegated to Directors, Chief Officers and Heads of Service.
- The Section 151 Officer and Monitoring Officer and Head of Democratic Services will determine the requirements to discharge their statutory roles.
- This aspect of Governance (resourcing the staff requirements of

the Council) is expected to be particularly challenging over the medium term because of ongoing financial challenges.

- The MTFS looks forward over the next five years (2021/22 to 2025/26) to assess the spending pressures the Council is likely to face and the level of savings that will need to be made.
- The Council benefits from its membership of the Welsh Local Government Association which provides support and assistance over a range of Council functions and responsibilities. Similar support is available to members of different professional bodies across the Council.
- The Council remains committed to promoting health and well-being to its employees through periodic staff surveys and staff engagement.
- The Council will expect similar values of staff development and empowerment of its partners and agents in service delivery.

The Council recognises the need to have effective political and management structures and processes to govern decision making and the exercise of authority within the organisation. It believes it is important that all those involved in planning and delivering a service understand each other's roles and responsibilities and how together they can deliver the best possible outcomes.

To help achieve this, the Council's constitution clearly lays out its service portfolios and the role of and responsibility of all Members, along with those decisions retained by Council.

It specifically lays out, via job descriptions, the roles and responsibilities of the Executive Committee and its Executive Members, Scrutiny Committees and their Chairs, Scrutiny Members and Regulatory Committee Chairs and Members.

It identifies the Leader and Deputy Leader as having a specific role in providing leadership and also in undertaking an ambassadorial role.

Membership of all political posts is determined each year at the Council's Annual General Meeting (including representational roles). The Democratic Services Committee keeps the roles and responsibilities under review. Additionally, the Council provides induction training for all new Members along with professional advice and a training programme available for all Members' participation.

Minutes are kept for all formal Committee meetings recording decisions made.

Briefing sessions are provided to Chairs and Vice Chairs of Committees in advance of Committee meetings and wider briefings are organised on specific issues. Pre meetings are held with the whole committee before



the formal committee takes place to discuss lines of enquiry.

Similarly, on the Officer side, the Constitution lays out the Scheme of Delegation to Directors, Chief Officers and Senior Officers.

In particular, four statutory appointments of Head of Paid Service (Managing Director), Monitoring Officer (Head of Legal and Corporate Compliance) Section 151 Officer (Chief Officer - Resources) and Head of Democratic Services (Head of Governance and Partnerships) are included along with their specific roles and responsibilities. This helps ensure Members receive appropriate professional financial, legal and other advice.

Similarly, the Council has the statutory roles of the Corporate Director of Education and Corporate Director of Social Services.

The Managing Director is responsible for all aspects of operational management and in practice operates this through a scheme of delegation.

The Chief Officer – Resources is responsible to the Council for ensuring that appropriate advice is given on all financial matters for keeping proper financial records and accounts, and for maintaining an effective system of internal control.

The Head of Legal and Corporate Compliance (Monitoring Officer) is responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.

To help clarify their respective roles the Council follows a Member/Officer protocol which is included in the Constitution.

The Council ensures effective management arrangements are in place and operates a Corporate Leadership Team of Managing Director, Corporate Directors and Chief Officers, supported by a Wider Leadership Team ; together these ensure effective communication across all of the services of the Council.

## **2.6 Core Principle F**

### **Managing risks and performance through robust internal control and strong public financial management.**

The Council will consider regularly its performance in achieving its key objectives through: -

- Development of Business Plans at all levels.
- The setting of performance targets against all measures both national and local.
- The understanding and analysis of comparative and trend data to

develop targets.

- Development, at all service and directorate levels, of both national and local data of priorities linked to the strategic outcomes.
- Keeping value for money under review.
- Reviews of service provision and priorities.
- Preparation of externally audited accounts.
- Annual approval of budgets and regular consideration of budget reports.
- An effective member scrutiny function for all services to include performance and finance as part of their terms of reference.
- Arrangements to deal with service failure.
- Monitoring of partnership arrangements.
- Testing customer satisfaction.
- Operating effective internal controls.
- Monitoring complaints.
- Ensuring competition in relevant service provision and proper contract management.
- Service and Directorate Risk Registers which will be effective and proactively used and reported.
- External audit scrutiny by Audit Wales and other regulators, through their regulatory plan.
- Maintaining an effective Internal Audit Service and Audit Committee.

The Council has a Governance and Audit Committee which is politically balanced. It meets on a regular basis and is advised by the Council's Audit and Risk Manager, and is normally attended by representatives of the Council's External Auditors. Members receive training on the special role of the Governance and Audit Committee.

Under the requirements of the Local Government Measure 2011 the role and purpose of Governance and Audit Committee and its membership have been reviewed to ensure that it is set up to improve strategic planning and facilitate both scrutiny and challenge within the structures of the Council. The Governance and Audit Committee has the following functions:

- Review, scrutinise and issue reports and recommendations in relation to the Authority's financial affairs.
- Review, scrutinise and issue reports and recommendations on the appropriateness of the Authority's risk management, internal control and corporate governance arrangements.
- Oversee the Authority's risk management, internal control and corporate governance arrangements.
- Oversee the Authority's audit arrangements and review its financial statements.

Further to this, the Local Government and Elections (Wales) Act 2021 came in to force on 1st April 2021, changing the name of the

committee from Audit Committee to Governance and Audit Committee. The Act widened the terms of reference to include complaints and a new performance governance regime. The Act also specified a number of changes that are to be effective from May 2022, namely

- Recruitment and selection exercise for all lay members.
- One third of the committee members must be lay persons
- Chairperson must be a lay member
- Deputy Chair must not be a member of the Executive

The Council has adopted a Risk Management Strategy with the ultimate aim of embedding a consistent and effective approach to Risk Management throughout the whole Council. The strategy is supported by a Risk Management Handbook (guidance)

The Risk Management Framework identifies the roles and responsibilities of Members and Officers, guidance on how to describe risk, and guidance on how to evaluate and assess risk. The framework requires that risk registers be maintained at Service / Department / Project levels and that these will support and feed the Corporate Risk Register which holds the most significant risks faced by the Council.

Regulatory Committees will take decisions based upon detailed reports with any late information being referred to in the minutes. Overview and Scrutiny Committees when undertaking work requested by Council or the Executive, or when undertaking their own investigations, will agree reports containing the evidence which was considered to be material.

Education services are inspected in Wales by Estyn. The Estyn framework for inspecting local authority education services has been revised and is known as Local Government Education Services(LGES) framework. The inspection of local authority education services covers the statutory and corporate functions of the local authority, including the local authority youth service. In addition, it includes inspection of the partnership arrangements for Youth Support Services(YSS).

## **2.7** Core Principle G

### **Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.**

The Council has an effective Internal Audit Service that works to an approved, risk assessed audit plan. The results of the audit work undertaken inform the annual opinion of the Audit and Risk Manager with regard to level of assurance provided by the Council's internal control environment.

The Executive and Council reports will contain all the information, evidence and comments needed to take decisions. The decisions of the Committees are formally recorded in minutes and within the decision sheet for Executive Committee decisions.

The Corporate Report Template has been reviewed so that it captures the required information in order to support discussion and decision making.

The Monitoring Officer is available to give advice to Members and staff on conflicts of interest and determine the public interest on Council agendas.

The performance management function works under the Head of Governance and Partnerships in the Corporate Services Directorate. The Council's Corporate Performance Framework includes the quarterly reporting of the Joint Report to Corporate Overview Scrutiny Committee and Executive Committee. Reporting includes progress updates against strategic priorities, the Councils most significant risks, regulatory update, financial position and core performance indicators. Service area reporting is also reported to each Scrutiny Committee.

The Council recognises the importance of partnership working and takes a lead role in the development of governance arrangements of the key strategic partnerships. When working in partnership the Council aims to have clear governance arrangements in place providing clarity about legal status, roles and responsibilities of partners.

### **3.0 MONITORING AND REVIEW**

The Council has recognised that it needs to clearly evidence its governance arrangements.

This is the latest version of a formal Code of Governance for Blaenau Gwent and the Council is committed to keeping the Code under review and importantly to learn from its adoption to improve Governance arrangements "on the ground" for the benefit of the people of Blaenau Gwent.

The product of this review and other work will be included in the publication of the Annual Governance Statement.

It is intended that the review will provide an evidence base for the conclusions reached and importantly an action plan to be followed to ensure continuous improvement in the Council's Governance arrangements.

The Annual Governance Statement is to be considered by the Council's Governance and Audit Committee, to whom Council will delegate the role of seeking assurance of the effectiveness of the various arrangements described in this Code.

This will include a review of the evidence framework prepared to support the Governance Statement including the policy documents, standard operating procedures and guidance used along with consideration of their effectiveness.

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# Agenda Item 10

*Executive Committee and Council only*

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Governance and Audit Committee**  
Date of meeting: **29<sup>th</sup> June 2021**  
Report Subject: **Updated Concerns and Complaints Policy**  
Portfolio Holder: **The Leader/ Executive Member Corporate Services**  
Report Submitted by: **Andrea Jones**  
**Head of Legal & Corporate Compliance**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
16/06/2021	17/06/2021		29/06/2021				29/07/2021	

## 1. Purpose of the Report

- 1.1 The report is to present and seek views from the Governance and Audit Committee in respect of the updated Concerns and Complaints Policy and to outline the new reporting structure for complaints.

## 2. Scope and Background

- 2.1 The Public Services Ombudsman (Wales) Act 2019 created the Complaints Standards Authority. Policy and Guidance were issued under the powers contained within Section 36 of the Act and they apply to public service providers in Wales.
- 2.2 The Complaints Standards Authority (CSA) has produced a model Concerns and Complaints Policy and there is an expectation that public authorities will adopt the model policy to ensure constituency of complaints handling throughout Wales.
- 2.3 The Council is required to provide the CSA with complaints data on a quarterly basis and report to the Governance and Audit Committee the number and types of complaints received, their outcomes and any remedial action taken as a consequence. It is for the Council to determine how frequently it should receive such reports, however this should be at least twice a year.
- 2.4 It has been reported previously that by virtue of section 115 of the Local Government and Elections (Wales) Act 2021, the Governance and Audit Committee now has additional functions to include a role in oversight for complaints.

The Committee now has new statutory powers to:

- Review and assess the authority's ability to handle complaints effectively

- Make reports and recommendations in relation to the authority's ability to handle complaints effectively.

### 3. **Options for Recommendation**

#### 3.1 **Option 1**

To recommend that the Governance and Audit Committee agrees to the information contained within the Concerns and Complaints Policy before adoption by Council and that a complaints report is presented to the Governance and Audit Committee on a bi-annual basis in October and April each year.

#### **Option 2**

To recommend amendments and/or suggest a more frequent reporting arrangement before approval by Council.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 There is a legislative requirement to provide the Complaints Standards Authority information on the number of complaints the Council receives on a quarterly basis.

4.2 Linking to the Well-being of Future Generations (Wales) Act the monitoring of complaints links into 'A resilient Wales' as it provides an opportunity for citizens to take an active and empowered role. The Council is required to present the Annual Report to members.

### 5. **Implications Against Each Option**

#### 5.1 ***Impact on Budget (short and long term impact)***

The outcome of complaints in certain circumstances may result in compensation being made to the complainant. In such circumstances, the compensation will be paid by the relevant department/service area.

#### 5.2 ***Risk including Mitigating Actions***

Complaints are investigated in accordance with the Councils Corporate Complaints Policy. The Council has a good record in dealing with complaints and will continue to strengthen its resolution process.

#### 5.3 ***Legal***

There are no legal implications associated with this report.

#### 5.4 ***Human Resources***

There are no human resource implications associated with this report.



## 6. Supporting Evidence

### 6.1 **Performance Information and Data**

See appendix 1: Concern and Complaints Policy

### 6.2 **Expected outcome for the public**

This policy replaces the existing Corporate Complaints Policy V3.

### 6.3 **Involvement (consultation, engagement, participation)**

By providing a complaints process, the Council is enabling active participation of the public and partners to identify areas of concern that need to be addressed.

### 6.4 **Thinking for the Long term (forward planning)**

The Public Service Ombudsman (Wales) Act 2019 has now been introduced giving the Ombudsman new powers aimed at:

- Improving access to their office
- Allowing the Ombudsman to undertake own initiative investigations when required in the public interest
- Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales

### 6.5 **Preventative focus**

The complaints process enables the Council to rectify processes that have been highlighted within a complaint. This in turn supports the Council to prevent similar complaints being provided.

### 6.6 **Collaboration / partnership working**

The Complaints Standards Authority has introduced a model complaints Policy that will provide consistency across all Council's in Wales.

### 6.7 **Integration(across service areas)**

The Complaints process is undertaken across all sections of the Council in order to provide a full picture across the Council.

### 6.8 **EqIA(screening and identifying if full impact assessment is needed)**

An Equalities Impact Assessment is not required for the performance monitoring of complaints, however, if a complaint requires consideration of the Equalities Act an EqIA would be undertaken for the specific complaint.

## 7. Monitoring Arrangements

7.1 The annual reports from the Ombudsman are presented to the Corporate Leadership Team and the Governance and Audit Committee on an annual basis.

### **Background Documents /Electronic Links**

- New Concerns and Complaint Policy

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# Blaenau Gwent County Borough Council

## Concerns and Complaints Policy

Version 4 – April 2021

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**REVISION HISTORY**

<b>ISSUE DATE</b>	<b>VERSION</b>	<b>REASON FOR CHANGE</b>
March 2010	1	New Policy
July 2015	2	Reviewed and Updated
March 2018	3	Reviewed and Updated
April 2021	4	Reviewed and Updated at request of Public Services Ombudsman for Wales

## 1. Introduction

Blaenau Gwent County Borough 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'll 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'll 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.

## 2. 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 how to make your concerns known.

**This policy does not apply to 'Freedom of Information' or Data Protection /access issues.** For Freedom of Information, please contact the Freedom Information Officer, Blaenau Gwent County Borough Council, General Offices, Ebbw Vale, NP23 6DN, tel: 01495 311556 or email [foi@blaenau-gwent.gov.uk](mailto:foi@blaenau-gwent.gov.uk)

**This Policy does not cover schools.** Each individual school has their own complaints procedure and full details of school's complaints procedures can be obtained directly from each of the Blaenau Gwent schools, contact details of which can be found at <https://www.blaenau-gwent.gov.uk/en/resident/schools-learning/school-contact-details/> Non-school related complaints need to be made to the Director of Education. Further advice and guidance on the Council's procedures can be obtained by contacting the Education Directorate via the following email address: [education.department@blaenau-gwent.gov.uk](mailto:education.department@blaenau-gwent.gov.uk) Also via the Council's complaints page <https://www.blaenau-gwent.gov.uk/en/council/compliments-complaints/>

Any complaints regarding Social Services will be addressed via the Social Services Compliments, Comments & Complaints Procedure. For further information visit <https://www.blaenau-gwent.gov.uk/en/council/compliments-complaints/social-services-complaints->

The Corporate Complaints process is not able to address concerns and complaints regarding Councillors. Complaints should be directed to the Monitoring Officer, [andrea.jones@blaenau-gwent.gov.uk](mailto:andrea.jones@blaenau-gwent.gov.uk)

### 3. Asking us to provide a service?

If you are approaching us to request a service, e.g. reporting a faulty street light, or requesting an appointment, this policy doesn't 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.

### 4. Informal Resolution

If possible, we believe it is best to deal with things straight away. If you have a concern, please raise it with the person you are dealing with. They will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern, the member of staff will draw them to our attention. If the member of staff cannot help, they will explain why and you can then ask for a formal investigation.

### 5. How to express concern or complain formally

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

- Use the form on our website at <https://www.blaenau-gwent.gov.uk/en/council/compliments-complaints/corporate-compliments-complaints/>
- Ask for a copy of the form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally.
- Get in touch with our customer contact centre on 01495 311556 if you want to make your complaint over the phone.
- Email us at [info@blaenau-gwent.gov.uk](mailto:info@blaenau-gwent.gov.uk)
- Write to us at Corporate Complaints, Blaenau Gwent County Borough Council, Civic Centre, Ebbw Vale NP23 6XB.

We aim to have concern and complaint forms available at our Community Hubs.

Copies of this policy and the complaint form are available in English and Welsh.

### 6. What is a complaint?

**A complaint is:**

- An expression of dissatisfaction or concern.
- Written or spoken or made by any other communication method.
- Made by one or more members of the public.
- About a public service provider's action or lack of action, or the standard of service provided.
- Something which requires a response.

It can be about the public service provider itself, a person acting on its behalf, or a public service provider partnership.

**A complaint is not:**

- An initial request for a service, such as reporting a faulty street light.
- Reporting a fault or a service failure.
- An appeal against a 'properly made' decision by a public body.
- A means to seek change to legislation or to challenge a 'properly made' decision.
- A means for lobbying groups/organisations to seek to promote a cause.

**7. Dealing with your concern****Stage 1**

- We will acknowledge your concern within 5 working days and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – 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 9 months. This is because it's better to look into 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 are 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. Housing Association, 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 to us, we will look into this ourselves and respond to you.

## Investigation

We will establish details of your concern and make enquiries with the appropriate department. The complaints officer for the department will set out their understanding of your concerns and ask you to confirm that they are right. They will also ask you to tell us what outcome you're hoping to reach.

The person looking at your concern will usually need to see the files we hold relevant to your concern. 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 aim to provide a response and outcome within 10 working days. We will keep you informed if it is going to take longer. If there are any lessons to learn from addressing your concern, we will share these with you.

## Stage 2

If you feel that the stage 1 outcome has not addressed the details of your concern, then you may ask for us to escalate to the second stage of the process. You can ask the person dealing with your concern or contact Customer Services. Please contact us within 28 days of receiving your stage 1 response.

The stage 2 investigation will be carried out by the Corporate Complaints Officer and they will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days. If your concern 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'll 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'll explain how and why we came to our conclusions.

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

If we find there is a fault in our systems or the way we do things, we'll 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 as a result 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 look into 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](mailto:ask@ombudsman.wales)
- The website: [www.ombudsman.wales](http://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.

## 8. Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. We share information and reports with senior management and Members via the most appropriate forum. 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. We will let you know when changes we've promised have been made.

## 9. 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 organisations such as Citizens Advice Bureau, Advocacy Support Cymru, Older People's Commissioner for Wales, Children's Commissioner for Wales, Age Cymru, 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](http://www.meiccymru.org)

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

- Phone 0808 801 1000
- Email [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)
- Website [www.childcom.org.uk](http://www.childcom.org.uk)

## 10. 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.

## 11. Concern/Complaint form

**Please note:** The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B.

### A: YOUR DETAILS

<b>Surname:</b>	
<b>Forename(s):</b>	
<b>Title:</b>	
<b>Address and Postcode:</b>	
<b>Email Address</b>	
<b>Daytime Phone Number:</b>	
<b>Please state how you would prefer us to contact you:</b>	

**Your requirements:** If our usual way of dealing with complaints makes it difficult for you to sue our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

### B: MAKING A COMPLAINT ON BEHALF OF SOMEONE ELSE.

#### THEIR DETAILS:

**Please note:** We have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

<b>Their full name:</b>	
<b>Address and Postcode:</b>	
<b>What is your relationship to them?</b>	
<b>Why are you making a complaint on their behalf?</b>	

**C: ABOUT YOUR CONCERN/COMPLAINT**

*(please continue your answers to the following questions on a separate sheet(s) if necessary)*

<b>C.1</b> Name of the Department/section/service you are complaining about:
<b>C.2</b> What do you think they did wrong, or failed to do?
<b>C.3</b> Describe how you personally have suffered or have been affected.
<b>C.4</b> What do you think should be done to put things right?
<b>C.5</b> When did you first become aware of the problem?
<b>C.6</b> Have you already put your concerns to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so.
<b>C.7</b> If it is more than 9 months since you first become aware of the problem, please say why you have not complained before now:
<b>If you have any documents to support your concern/complaint, please attach them with this form.</b>
<b>Signature</b> ..... <b>Date</b> .....

# Agenda Item 11

*Executive Committee and Council only*

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: **Governance and Audit Committee**  
Date of meeting: **29<sup>th</sup> June 2021**  
Report Subject: **Audit Wales Reports and Recommendations**  
Portfolio Holder: **Leader / Executive Member Corporate Services**  
Report Submitted by: **Audit Wales**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
			29.06.21					

1. **Purpose of the Report**
- 1.1 To note the attached letter from Audit Wales.

## **Background Documents /Electronic Links**

Audit Wales Letter – Reports and Reports and Recommendations

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Governance and Audit Committee Chair  
Blaenau Gwent County Borough Council  
Municipal Offices  
Civic Centre  
Ebbw Vale  
NP23 6XB

24 Cathedral Road / 24 Heol y Gadeirlan  
Cardiff / Caerdydd  
CF11 9LJ  
Tel / Ffôn: 029 2032 0500  
Fax / Ffacs: 029 2032 0600  
Textphone / Ffôn testun: 029 2032 0660  
[info@audit.wales](mailto:info@audit.wales) / [post@archwilio.cymru](mailto:post@archwilio.cymru)  
[www.audit.wales](http://www.audit.wales) / [www.archwilio.cymru](http://www.archwilio.cymru)

**Reference:** HR21-03

**Date issued:** 3 June 2021

Dear Governance and Audit Committee Chair

## Audit Wales Reports and Recommendations

I hope you are well.

You may recall that at the end of November 2020, some Audit Wales staff came along to a meeting of the Audit Committee Wales chairs' network to talk about the implications for audit committees as a result of the then Local Government and Elections (Wales) Bill. As part of this session, we also briefly mentioned our expectation that audit committees actively consider our reports. The purpose of this letter is to clarify and expand upon this.

As you will be aware, our performance audit work comprises national studies, local government studies (such as our recent report about discretionary services), thematic work (such as our financial sustainability assessments) and more locally risk-based work. We consult audited bodies about potential topics for our national and local government studies, and our local risk-based work is determined through our assurance and risk assessment process. Our programme of work for each council is set out in our annual audit plans.

We have found that councils' approaches to dealing with our performance audit reports, proposals for improvement and Local Government studies' recommendations are variable. Councils' approaches vary from regular reviews, audit trackers and action plans to reports and recommendations only being seen when we present our annual audit summary. We are, therefore, not assured that all councils are consistently actively considering the findings of our reports.

Given the role of the Governance and Audit Committee is to review and assess the risk management, internal control, performance management and corporate governance arrangements of the Council, we would expect that all councils' Governance and Audit Committee formally consider all reports of external review bodies – principally; Audit Wales, Estyn and the Care Inspectorate Wales (CIW).

As well as actively considering reports we would expect committees to assure themselves that there are arrangements in place to monitor and evaluate progress against any recommendations contained in them. The focus here should be on holding executives and officers to account to ensure that reports and recommendations have been acted upon. Some of our reports may be relevant for consideration by scrutiny committees also.

To help councils to do this, we will have a more targeted approach of distributing final reports upon publishing, set out our expectations of how councils should deal with our recommendations and find out whether these expectations have been met. In addition, under the Local Government and Elections (Wales) Act, the Auditor General for Wales must produce a timetable which sets out the dates or periods when Audit Wales, Estyn and Care Inspectorate Wales will be undertaking their work. We intend to issue this timetable to councils and cc to Governance and Audit Committee chairs every quarter. We don't intend to formally present this to Governance and Audit Committees each quarter but will liaise with councils to discuss our local approach.

Audit Wales staff will continue to work flexibly to deliver our programme of work. In response to any government advice and subsequent restrictions, we will continue to work remotely, building on the arrangements made in 2020, until such time that it is safe to resume on-site activities. I remain committed to ensuring that the work of Audit Wales staff will not impede the vital activities that public bodies need to do to respond to ongoing challenges presented by the COVID-19 pandemic.

I hope you find this letter helpful. Please liaise with our local team if you have any specific needs or concerns.

Yours sincerely



Huw Rees

Audit Director