

Committee: **Council**

Date of Meeting: **29th July, 2021**

Report Subject: **Updated Concerns and Complaints Policy**

Portfolio Holder: **Councillor N. Daniels - Leader/
Executive Member Corporate Services**

Report Submitted by: **Andrea Jones
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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)
16/06/2021	17/06/2021		29/06/2021				29/07/2021	

1. Purpose of the Report

- 1.1 The report is to present to Council 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.

- 2.5 The updated Concern and Complaints Policy was presented to the Governance and Audit Committee on the 29th June 2021. Following discussions, an amendment to the Policy was recommended and the Policy has been updated to reflect this.

Following the meeting, a draft copy of the Policy was forwarded to the Ombudsman and with one minor amendment they confirmed that Blaenau Gwent's policy would be deemed compliant.

The Governance and Audit Committee also agreed for a complaints report to be presented to the Governance and Audit Committee on a bi-annual basis in October and April each year and this report will also contain complaint data relating to Education and Social Services.

3. **Options for Recommendation**

3.1 **Option 1**

That Council agrees to adopt the Concerns and Complaints Policy and a complaints report is presented to the Governance and Audit Committee on a bi-annual basis in October and April each year.

Option 2

That Council suggest amendments to the Concerns and Complaints Policy prior to adoption.

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