

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO GOVERNANCE AND AUDIT COMMITTEE

9 SEPTEMBER 2021

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

CORPORATE COMPLAINTS

1. Purpose of report

- 1.1 The purpose of this report is to note the Authority's corporate complaints process and determine whether the Committee wishes to make any recommendations in relation to the Authority's ability to handle complaints effectively.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 The Authority's Concerns and Complaints Policy is designed to deal with corporate complaints. There are separate processes for dealing with social services complaints, Elected Member conduct concerns and school complaints. The Social Services Complaints Procedure (Wales) Regulations 2014 outlines the procedure for handling complaints from persons receiving a service from social services. School based complaints are dealt with separately by the relevant school and Governing Body. Complaints from members of the public about Elected Members are within the remit of the Public Services Ombudsman for Wales (PSOW). In addition, Freedom of Information Act, Environmental Information Regulations appeals and complaints about data protection are within the remit of the Information Commissioner's Office.
- 3.2 In 2019 the PSOW gained new powers under the Public Services Ombudsman (Wales) Act 2019 in relation to complaints handling procedures. The Ombudsman published a Statement of Principles concerning complaints handling procedures and a model complaints handling policy together with associated guidance on the implementation of a new model Concerns and Complaints Policy.
- 3.3 The PSOW wrote to all 22 local authorities in September 2020 explaining how the Ombudsman's Complaints Standards Authority (CSA) created within the PSOW had engaged with representatives from all local authorities to put in place a raft of measures designed to support and enhance complaint handling. These measures included bespoke training and support which has been taken up by officers at Bridgend CBC and a process for all local authorities to report complaints statistics to the PSOW on a quarterly basis. The Ombudsman encouraged all local authorities to

reflect on how their current practices and procedures comply with the Statement of Principles, model complaint handling process and guidance published on the PSOW website.

- 3.4 The Concerns and Complaints Policy attached as **Appendix 1** was reviewed and revised in line with the PSOW model policy and subsequently approved by Cabinet on 17 November 2020. The Policy incorporates the PSOW Statement of Principles namely that the complaints process should be: (1) complainant focussed (2) fair and objective (3) simple (4) timely and effective (5) accountable (6) committed to continuous improvement. There is no change to the current approach (informal and formal stage) which will remain with the right to then escalate a complaint to the PSOW should the complainant be dissatisfied with the Authority's response. The Policy is published on the Council's website and internally on the intranet.
- 3.5 The Authority also has a separate Unreasonable or Vexatious Behaviour Complaints Policy which is rarely utilised but provides officers and Elected Members with support and advice on managing situations when someone's actions are considered unreasonable. Most of the contact that the Authority has with customers is positive. However, there may be occasions when customers act in an unreasonable or unacceptable manner. In some cases the frequency and the nature of their contact with the Authority can hinder the consideration of their own or other people's enquiries. In some instances the sheer number or nature of their inquiries lead them to be considered as 'persistent' or 'vexatious' in their dealings with staff. A copy of the Policy is attached as **Appendix 2** and sits alongside the Concerns and Complaints Policy.

4. Current situation/proposal

- 4.1 The Information Team is responsible for the management of the Authority's corporate complaints process. **Appendix 3** sets out performance data in relation to corporate complaints for the period 1 April 2020 to 31 March 2021.
- 4.2 The PSOW also reports annually on the number of complaints against public bodies received by its office. **Appendix 4** provides the Ombudsman's Annual Factsheet for Bridgend CBC for 2019-2020. The number of complaints against the Authority for the period 2019-2020 was 34 compared with 33 in 2018-19. The figure for 2019-20 represents 0.23 complaints received per 1000 residents. None of the complaints against the Authority proceeded to investigation. The PSOW intervened in 1 of these cases. Children's Services attracted the largest number of complaints at 15 followed by Adult Services with 4. By its nature Children's Services attracts a higher number of complaints than other service areas, and a number of the complaints relate to the decisions made by Children's Social Services under safeguarding legislation.
- 4.3 In terms of complaints handling roles, Section 115 of the Local Government and Elections (Wales) Act 2021 sets out provision that came into force in April 2021 for the Governance and Audit Committee to "*review and assess the authority's ability to handle complaints effectively and to make reports and recommendations in relation to the authority's ability to handle complaints effectively*". It is proposed that the Committee receives an Annual Report on complaints under its Terms of Reference. Cabinet will also consider responses to complaints at least twice a year in addition to its current Corporate Complaints Annual Report, and the Corporate Management Board (CMB) will receive quarterly updates on complaints and outcomes to establish

any wider lessons and to improve processes and procedures. Anonymised data will also be shared quarterly with the PSOW Complaints Standards Authority as part of the Authority's commitment to accountability and learning from complaints.

- 4.4 The Authority takes complaints and concerns seriously and will try to learn from any mistakes made. The Information Team will be developing a process to monitor both the effectiveness of the complaints process and how complaints data is being used to improve services and delivery of care. It is proposed that Services then consider any emerging themes and identify any service improvements required as a result of concerns raised. The information identified will then be used to contribute to service development which could include additional training, changes to internal procedures and increased monitoring etc.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the Policy Framework or the Procedure Rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, socio-economic duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions.

- 6.2 An initial EIA screening has been undertaken in relation to the Concerns and Complaints Policy and a full Equality Impact Assessment is not required. In the preparation of the Policy, the impact the Policy may have on people because of the presence or absence of one or more the nine protected characteristics has been assessed. The Policy is not likely to impact differently on any particular group.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. The monitoring of corporate complaints and the successful resolution of those complaints is consistent with the five ways of working within the Act as it supports the provision of higher quality and more effective services to the public across all service areas. In addition, it enables each service to focus on areas of concern, to improve services and to monitor performance, ensure that any trends are identified and dealt with to be avoided in the future and to ensure that complaints are dealt with consistently and fairly across all service areas.

8. Financial implications

- 8.1 There are no financial implications arising out of this report.
- 8.2 The PSOW has the legal power to require authorities to make payments to complainants where they have suffered financial loss or in compensation for distress and inconvenience.

9. Recommendation

- 9.1 The Committee is recommended to note the report and determine whether it wishes to make any recommendations in relation to the Authority's ability to handle complaints effectively.

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Background documents: None