

Meeting of:	GOVERNANCE AND AUDIT COMMITTEE
Date of Meeting:	9 NOVEMBER 2023
Report Title:	MONITORING REPORT – CORPORATE COMPLAINTS
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY, HR AND CORPORATE POLICY
Responsible Officer:	CHARLOTTE BRANFORD INFORMATION AND DATA PROTECTION OFFICER
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules.
Executive Summary:	<p>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.</p> <p>The report also provides the Public Services Ombudsman for Wales Annual Letter for the Authority for 2022/23 which must be presented to the Committee.</p>

1. Purpose of Report

- 1.1 The purpose of this report is to note the Authority’s corporate complaints process and the Public Services Ombudsman for Wales Annual Letter and determine whether the Committee wishes to make any recommendations in relation to the Authority’s ability to handle corporate complaints effectively.

2. Background

- 2.1 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 based 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 (ICO).

- 2.2 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.
- 2.3 The PSOW wrote to all 22 local authorities in September 2020 explaining how the Ombudsman's Complaints Standards Authority 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.
- 2.4 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.
- 2.5 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** for information and sits alongside the Concerns and Complaints Policy. There are currently 2 individuals classed as vexatious.

3. Current situation / proposal

- 3.1 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 2023 to 30 September 2023.
- 3.2 The PSOW also reports annually on the number of complaints against public bodies received by its office. The Ombudsman's Annual Letter for BCBC for 2022/23 is attached at **Appendix 4** and must be presented to the Governance and Audit Committee and Cabinet for noting.

- 3.3 As outlined in the Annual Letter, the number of complaints against the Authority for the period 2022–2023 was 55 compared with 55 in 2021-2022 and 31 in 2020-2021. The figure for 2022-23 represents 0.38 complaints received per 1000 residents. Childrens Social Services and Planning / Building Control attracted the largest number of complaints. 10 cases were out of jurisdiction, 17 were premature, 25 were closed after initial consideration, 4 were settled by working with the Ombudsman for early resolution. One complaint proceeded to investigation and was upheld. In this period the Ombudsman closed a total of 57 complaints against the Authority some of which will have been opened in the previous reporting period.
- 3.4 6 Code of Conduct complaints against the Authority’s Councillors were received by the Ombudsman’s Office in this period, 5 of which was discontinued, one was referred to the Standards Committee. 25 Code of Conduct complaints were received against Town and Community Councils in Bridgend County none of which were referred to the Standards Committee, 23 of which a decision was taken not to investigate, and in 2 cases no action was necessary.
- 3.5 The Complaints Standards Authority publishes datasets on complaints handled by local authorities. These datasets are published on the Ombudsman’s website and on the Council’s website. This data shows that last year, 21% of the Council’s complaints were referred to PSOW.
- 3.6 In terms of complaints handling roles, Section 115 of the Local Government and Elections (Wales) Act 2021 sets out a 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.
- 3.7 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, increased monitoring etc.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 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. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no climate change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding or corporate parent implications arising from this report.

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. The PSOW has not required the Authority to make any payments within this reporting period.

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.

Background documents

None.