

# Policy & Resources Scrutiny Committee

2 March 2021

## CARMARTHENSHIRE COUNTY COUNCIL CORPORATE COMPLAINTS POLICY

### Purpose:

The implementation of a new Complaints Policy in accordance with the requirements of the Complaints Standards Agency/Public Services Ombudsman for Wales.

### To consider and comment on the following issues:

1. To consider the new Complaints Policy (which will replace the previous Complaints & Compliments Procedure).

### Reasons:

The Council is required to adopt a new policy in line with a model and guidance issued by the Complaints Standards Agency under powers contained within Section 36 of the Public Services Ombudsman (Wales) Act 2019. They apply to all public service providers in Wales.

**To formulate views for submission to the Executive Board for consideration**

**To be referred to the Executive Board for decision: YES**

**EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-  
Leader**

**Cllr Mair Stephens, Deputy**

**Directorate:** Chief Executive's

**Name of Head of Service:**

Noelwyn Daniel

**Report Author:**

John Tillman

**Designations:**

Head of ICT & Corporate Policy

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**Executive Summary**  
**Policy & Resources Scrutiny Committee**  
**2 March 2021**

**Carmarthenshire County Council Corporate Complaints Policy**

On 30<sup>th</sup> September 2020, the Public Services Ombudsman (PSOW) for Wales and its Complaints Standards Authority (CSA) formally launched a new Model Concerns & Complaints Policy (along with accompanying guidance):

<https://www.ombudsman.wales/complaints-standards-authority/>

Local authorities have been given 6 months from the above date to implement this new Policy/process and submit an updated document to the PSOW.

The model policy does not represent a significant departure from our existing Complaints & Compliments Procedure and complaints handling processes. Nonetheless, key changes include:

- A commitment to providing a refund/reimbursement to complainants in certain circumstances – specifically, where a person had to pay for a service that the Council should have provided. This may have financial implications in cases where this may arise, which are difficult to quantify.
- A requirement to provide bi-annual reports to (Scrutiny) Committees as well as quarterly reports to senior management;
- A commitment to reporting all ‘serious’ complaints to senior management;
- It is stated in the guidance document that complaints that cannot be resolved at Stage 1 (informal response) within 10 working days *should* be escalated to Stage 2. However, it is unclear at the present time whether the Ombudsman would strictly enforce this, given the wording of the guidance. This will be kept under review.

Arrangements to address these requirements are being progressed and it is suggested that complaints reporting are included in quarterly performance management reports from April 2021 onwards.

**DETAILED REPORT ATTACHED ?**

**YES**

**IMPLICATIONS**

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: Noelwyn Daniel, Head of ICT & Corporate Policy**

|   |                     |                       |                    |                                       |                                      |                                |
|---|---------------------|-----------------------|--------------------|---------------------------------------|--------------------------------------|--------------------------------|
| Policy, Crime & Disorder and Equalities<br><b>YES</b> | Legal<br><b>YES</b> | Finance<br><b>YES</b> | ICT<br><b>NONE</b> | Risk Management Issues<br><b>NONE</b> | Staffing Implications<br><b>NONE</b> | Physical Assets<br><b>NONE</b> |
|---|---------------------|-----------------------|--------------------|---------------------------------------|--------------------------------------|--------------------------------|

### 1. Policy, Crime & Disorder and Equalities

The recommendation is that a new corporate Complaints Policy be endorsed for approval and implementation.

### 2. Legal

This new Policy has a statutory basis as it has been issued under Section 36 of the Public Services Ombudsman (Wales) Act 2019.

### Finance

The model policy contains a commitment to reimbursing complainants which may have an unquantifiable financial implication when implemented.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Noelwyn Daniel, Head of ICT & Corporate Policy

1. Local Member(s) N/A

2. Community / Town Council N/A

3. Relevant Partners The Complaints Standards Authority has been consulted on changes to the text of the model policy.

4. Staff Side Representatives and other Organisations N/A

EXECUTIVE BOARD PORTFOLIO  
HOLDER(S) AWARE/CONSULTED  
YES

Include any observations here

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

#### THESE ARE DETAILED BELOW

| Title of Document  | File Ref No. | Locations that the papers are available for public inspection   |
|--|--------------|---|
| CSA - Guidance for Public Service Providers on Implementing the Concerns and Complaints Policy | N/A          | <a href="https://www.ombudsman.wales/complaints-standards-authority/">https://www.ombudsman.wales/complaints-standards-authority/</a> |
| CSA - Concerns and Complaints Policy for Public Services Providers in Wales                    | N/A          | <a href="https://www.ombudsman.wales/complaints-standards-authority/">https://www.ombudsman.wales/complaints-standards-authority/</a> |
| CSA - Complaint Handling Processes – Statement of Principles                                   | N/A          | <a href="https://www.ombudsman.wales/complaints-standards-authority/">https://www.ombudsman.wales/complaints-standards-authority/</a> |

