

Governance & Audit Committee
16 July 2021

Complaints Policy

Purpose:

To provide members with an introduction to Carmarthenshire County Council's Complaints Policy and how complaints are handled within the Authority.

Recommendations / key decisions required:

To review and assess the Council's Corporate Complaints Policy in order to consider whether the Authority is able to handle complaints effectively.

Reasons: The Local Government and Elections (Wales) Act 2021 requires Audit Committees to:

- a) review and assess the authority's ability to handle complaints effectively;
- b) make reports and recommendations in relation to the authority's ability to handle complaints effectively

Relevant scrutiny committee to be consulted NO

Exec. Board Decision Required NO

Council Decision NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

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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& Complaints Manager

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EXECUTIVE SUMMARY
GOVERNANCE & AUDIT COMMITTEE
16 JULY 2021

Complaints Policy

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

On 30th 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 were given 6 months from the above date to implement this new Policy/process and submit an updated document to the PSOW. The Council met this deadline and a new Complaints Policy was approved by the Executive Board on 22nd March 2021. Following this, the policy was submitted to the CSA for confirmation of compliance. The Head of the CSA then wrote to the Chief Executive and Leader on 26th May 2021 confirming that the Council's Complaints Policy is deemed compliant.

The new policy does not represent a significant departure from our previous 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.
- An enhanced reporting requirement;
- 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 implement these requirements are being progressed.

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	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

2. Legal

The Local Government and Elections (Wales) Act 2021 requires Audit Committees to:

- a) review and assess the authority's ability to handle complaints effectively;
- b) make reports and recommendations in relation to the authority's ability to handle complaints effectively

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

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Recommendations / Comments:

Not applicable.

2. Local Member(s)

Name(s) of local member(s) and individual comments to be included, if appropriate.

Not applicable.

3. Community / Town Council

Name(s) of Town/Community Councils(s) and individual comments to be included, if appropriate

Not applicable.

4. Relevant Partners

Name(s) and individual comments to be included, if appropriate

Not applicable.

5. Staff Side Representatives and other Organisations

Name(s) and individual comments to be included, if appropriate

Not applicable.

**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
Carmarthenshire County Council Complaints Policy	N/A	https://www.carmarthenshire.gov.wales/media/3515/pdn0396_complaints_policy_english-1.pdf
CSA - Guidance for Public Service Providers on Implementing the Concerns and Complaints Policy	N/A	https://www.ombudsman.wales/complaints-standards-authority/
CSA - Concerns and Complaints Policy for Public Services Providers in Wales	N/A	https://www.ombudsman.wales/complaints-standards-authority/
CSA - Complaint Handling Processes – Statement of Principles	N/A	https://www.ombudsman.wales/complaints-standards-authority/