



## **CABINET REPORT**

Date Written	4 <sup>th</sup> May 2021
Report Author	Gavin McPherson
Service Area	Legal
Committee Division	Strategic
Exempt/Non Exempt	Non exempt
Committee Date	19 <sup>th</sup> May 2021

*To: Chair, Ladies and Gentlemen*

## **Review of the Corporate Complaints Policy**

### **1.0 SUMMARY OF THE REPORT**

- 1.1 The purpose of this report is to share a new Concerns & Complaints Policy for Merthyr Tydfil County Borough Council, based on a model complaints handling procedure for public service providers in Wales published by the Public Service Ombudsman for Wales.
- 1.2 Under s.38 of The Public Services Ombudsman (Wales) Act 2019 the Public Services Ombudsman may specify a model complaints policy. Adoption of this new policy will bring the Authority into full compliance with the model policy set by The Public Services Ombudsman for Wales.

### **2.0 RECOMMENDATION(S) that**

- 2.1 The Implementation of the Concerns & Complaints Policy be approved.

### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 The Public Services Ombudsman (Wales) Act 2019 (the "Act") was passed by the Senedd (formerly National Assembly for Wales) and received Royal Assent on 22 May, 2019. The Act makes provision about the functions of the Public Services Ombudsman for Wales.
- 3.2 Under Section 38 of the Act the Ombudsman may specify a model complaints handling procedure for listed authorities in Wales. The Ombudsman shared a model

complaints handling procedure (the “Model”) with Merthyr Tydfil County Borough Council on 30 September, 2020.

3.3 The Model is designed for public service providers and represents a model standard of complaint handling in Wales. The Council was asked to ensure its local procedures comply with the Model and submit its complaints policy to the Ombudsman’s office by 31 March, 2021.

3.4 Our current policy was already very similar to the Model Policy suggested by the Public Service Ombudsman for Wales. However to comply with Section 38 of the Act, the Council’s complaints policy (the “Policy”) has been reviewed to ensure compliance with the stated Model. The new Policy (Appendix 1) is designed to deal with complaints against Council services with the exception of complaints against Social Services and Schools. The Social Services Complaints Procedure (Wales) Regulations 2014 outline the procedure for handling complaints about Social Services and the School Governing Bodies deal with school complaints.

3.5 It is important to note that the Policy is fully compatible with the Welsh Language Standards Regulations 2018. Three specific documents have been prepared for consideration and approval:

3.6 Statement of Principles

3.7 Under Section 36 of the Act, the Ombudsman is required to publish a statement of principles concerning complaints handling procedures of listed authorities and it is this statement of principles that form the basis of the Council’s new policy.

3.8 The statement of principles will be promoted on the Council’s website to complement the complaints policy. The document is intended to provide customers with an overview of what effective complaints handling looks like in Merthyr Tydfil i.e.

- 1) Complainant Focused
- 2) Simple
- 3) Fair & Objective
- 4) Timely & Effective
- 5) Accountable
- 6) Committed to Continuous Improvement

3.9 Concerns and Complaints Policy 2021

3.10 The Council’s current policy has been in place since 2014, the Ombudsman has noted that a diverse range of complaints practices has emerged across Wales. The Ombudsman’s new guidance aims to bring practices back into broad alignment – providing basic standards, a common language and a set of principles to underpin how complaints are handled throughout public services.

3.11 The proposed Concerns and Complaints Policy complies with the statement of principles as set out in paragraph 3.8. The Policy has been slightly modified to the extent that it reflects the local advocacy services, which more ably meet the needs of young people in our local area.

- 3.12 The Policy has been drafted with the help and support of the complaints department who fully support the small changes that the new policy will reflect.
- 3.13 Overall, there is no significant change to the process for how to make a complaint; the two-step approach will remain as will the right to escalate a complaint to the Ombudsman. The main changes are:
- 3.14 The clear setting out of the principles that underpin how we deal with complaints.
- 3.15 The clarification of the two stage complaint process.
- 3.16 The policy sets out a structure for the senior management team to review complaint data on six monthly basis and for Council, Cabinet and the Scrutiny Committee to review the data on an annual basis.

## 4.0 CONSULTATIONS

- 4.1 The Public Services Ombudsman for Wales undertook extensive consultation prior to issuing the model complaints handling procedure for listed authorities in Wales. Subsequently, the documents attached to this report have been developed based on an all Wales model and key officers from the Council have had the opportunity to comment on them. The Complaints department of the Authority has been consulted to seek approval for the minor changes to reflect local priorities.

## 5.0 FINANCIAL IMPLICATIONS

- 5.1 None.

## 6.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Neutral/Not Applicable
<b>1. Merthyr Tydfil Well-being Objectives</b>	1 of 4	0 of 4	3 of 4
<b>2. Sustainable Development Principles - How have you considered the five ways of working?</b>			
<ul style="list-style-type: none"> <li>• Long term</li> <li>• Prevention</li> <li>• Integration</li> <li>• Collaboration</li> </ul>	5 of 5	0 of 5	0 of 5

• Involvement				
<b>3. Protected Characteristics</b> (including Welsh Language)	3 of 10	0 of 10	0 of 10	
<b>4. Socio-economic Disadvantage</b>	5 of 6	0 of 6	1 of 6	
<b>5. Consultation and Engagement</b>	<b>Undertaken</b>	<b>Due to be Undertaken</b>	<b>Not Required</b>	
	1 of 1	0 of 1	0 of 1	
<b>6. Data and Evidence to inform the proposal</b>	<b>Yes</b>		<b>No</b>	
	1 of 1		0 of 1	
<b>7. Biodiversity and the resilience of Ecosystems</b>	<b>Maintained</b>	<b>Enhanced</b>	<b>Reduced</b>	<b>Neutral/Not Applicable</b>
	0 of 1	0 of 1	0 of 1	1 of 1
<b>Summary</b>				
<b>The main positive impacts are:</b>	The greater access to the process and the organizational learning built into the process			
<b>The main negative impacts are:</b>	None			

**ELLIS COOPER  
CHIEF EXECUTIVE**

**COUNCILLOR ANDREW BARRY  
CABINET MEMBER FOR GOVERNANCE  
AND CORPORATE SERVICES**

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
Draft New Contact & Complaint Policy	4 <sup>th</sup> May 2021	
Current Corporate Complaints Policy	September 2014	
Ombudsman's Letter	30 <sup>th</sup> September 2020	
<b>Does the report contain any issue that may impact the Council's Constitution?</b>		No

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***