

GWYNEDD COUNCIL CABINET

Date of Meeting:	30 March 2021
Cabinet Member:	Councillors Nia Jeffreys, Dilwyn Morgan, Dafydd Meurig
Contact Officer:	Iwan Evans, Monitoring Officer Geraint Owen, Head of Corporate Support Morwena Edwards, Director of Social Services
Contact telephone Number:	
Title of Item:	The Council's Complaints and Service Improvements Procedure

Decision sought

1. To adopt a new complaints procedure for the Council in accordance with Appendix 1
2. To designate the Head of Corporate Support as the Responsible Officer
3. To receive the annual reports and the Ombudsman's Annual Letter

Background

1. The Council adopted its current corporate complaints policy in 2014, in accordance with a model policy issued by the Ombudsman.
2. The Public Services Ombudsman for Wales Act 2019 has established a statutory basis for the complaints arrangements of public service providers in Wales. It enables the Ombudsman to publish a model complaints procedure and places a duty on authorities to ensure that they have compliant arrangements.
3. It should be noted that the procedure for dealing with complaints about Social Care matters in Wales continues to be set by the Social Services Complaints Procedure (Wales) Regulations 2014.
4. The Ombudsman has now issued a model process under his new powers and has sent it to public service providers. Authorities must submit their complaints handling procedures to the Ombudsman, having considered the model procedure, and do so by 31 March 2021. In introducing the arrangements, he has encouraged authorities

to reflect on how their practices and procedures comply with the guidelines, and to consider how they ensure that all complaints are properly recorded.

5. There are new requirements for the collection and reporting of statistics in the policy as the 2019 Act places a duty on the Ombudsman to monitor practices and identify any trends in the way that listed authorities deal with complaints. The authority has a statutory duty to co-operate with the Ombudsman in the exercise of this function.

6. To this end the Ombudsman has established a Complaints Standards Authority (CSA) within his office, with the aim of driving public service improvement, by working with public bodies within his jurisdiction to:

- Support the effective handling of complaints
- Collect and publish data
- Introduce bespoke training packages

7. The Council is already taking advantage of the training offered, and statistics are provided quarterly to the CSA by the Service Improvement Officer.

Concerns and Complaints Policy

8. In terms of dealing with complaints the new procedure is very similar to the Council's current procedure and it is not anticipated that it will lead to any change in the way complaints are handled by the Council on a day-to-day basis.

9. Alongside the Model Policy the Ombudsman has published '*Guidance for Public Service Providers on the Implementation of the Concerns and Complaints Policy*'. This document is intended to help public service providers implement the Policy through their own complaints processes, and the Council will therefore use these Guidelines when implementing the procedure.

10. The Policy and Guidelines are in turn based on the Ombudsman's *Statement of Principles*, which states that complaints handling processes should be:

- Complainant Focused
- Simple
- Fair and Objective
- Timely and Effective
- Accountable
- Committed to Continuous Improvement

It can be seen therefore that the arrangements are based on principles that are also consistent with the culture and principles of Ffordd Gwynedd.

These documents can be found on the Ombudsman's website

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

Responsibilities and Functions within the Authority

11. The experience of operating the current complaints procedure since 2014 has shown that the emphasis in terms of central support is on promoting good customer care practice and on using complaints to improve Council services. As a result it is felt timely to review the responsibilities under the policy to ensure that they now reflect the operation of the procedure.

12. The Ombudsman's Guidelines identify the following functions:

Cabinet –

- *ensuring that the Policy is adopted and established.*
- *receiving reports on the number and type of complaints received, their outcomes and any corrective action taken as a result. It is for the Cabinet to decide how often it should receive such reports, but this should be at least twice a year.*

Responsible Officer - *officer (eg chief executive, director, with responsibility for ensuring the Policy is adopted and guidelines followed.*

Complaints Co-ordinator - *Individual or team responsible for co-ordinating responses to all outstanding complaints not resolved at the informal stage. This person or team can also be used to help ensure consistent and high quality responses are provided to complainants.*

13. Under the current system the responsibilities within Gwynedd are as follows:

The Monitoring Officer is the Responsible Officer.

The Complaints Co-ordination Team includes:

Service Improvement Officer (Corporate Support Department), who co-ordinates the response to all complaints that are not resolved at the informal stage, and provides assistance to complainants. Also acts as contact officer with the Ombudsman's Office and ensures that responses are provided to the Ombudsman by the relevant departments in a timely manner.

Senior Solicitor (Legal Unit, Leadership Team) - responsible for determining investigations in the most complex cases and also providing advice on how to deal with individual complaints and on how to respond to the Ombudsman, as required.

In addition to the above, the Corporate Management Team and the relevant Cabinet member also receive regular reports on the type of complaints received and any lessons to be learned from them.

14. It is recommended that the Head of Corporate Support be designated as the Responsible Officer. The system now has a specific focus on customer care and service improvement and it is logical to place this responsibility within the Corporate Support Department.

15. The Monitoring Officer and his staff will continue to provide advice on specific complaints when necessary, and consider and advise on cases where the Ombudsman has found possible maladministration. These arrangements will ensure that communication arrangements are in place to support the Monitoring Officer in discharging his responsibilities under the provisions of Section 5 of the Local Government and Housing Act 1989.

16. The proposed Concerns and Complaints Policy for Gwynedd Council, based on the new model policy, is attached as **Appendix 1**

Annual Complaints Reports

17. Reports are presented annually to Cabinet to offer members a picture of the situation across the Council on how complaints are handled and how lessons are learned from them in order to improve services. To do this, three documents are presented to the Cabinet:

- Annual Report on the Corporate Complaints Procedure
- Director of Social Services Annual Report
- The Ombudsman's Annual Letter

18. The above documents relating to the year 2019/20 are presented to the Cabinet as **Appendices 2, 3 and 4**. It is acknowledged that these reports are presented later later than usual due to a number of circumstances. It can be confirmed that the requirements of the Ombudsman's Annual Letter have been addressed and this report completes this work.

Views of the local member

Not a local issue.

The views of the statutory officers

The Monitoring Officer:

A report by Legal Services

Head of Finance:

Nothing to add to the report from a financial propriety perspective.

Appendices

Appendix 1 - Gwynedd Council's Concerns and Complaints Policy

Appendix 2 - Complaints and Service Improvement Annual Report 2019/20

Appendix 3 - Annual Report on dealing with complaints and information requests by the Children and Family Support Department for 2018/2019

Appendix 4 – Annual Report on dealing with complaints by the Adults, Health and Well-being Department for 2019-20

Appendix 5 - The Ombudsman's Annual Letter 2019/20