

## CABINET

<b>Date of Meeting</b>	Tuesday 16 <sup>th</sup> February 2021
<b>Report Subject</b>	Review of the Corporate Complaints Policy
<b>Cabinet Member</b>	Cabinet Member for Corporate Management and Assets
<b>Report Author</b>	Chief Officer (Governance)
<b>Type of Report</b>	Operational

### **EXECUTIVE SUMMARY**

The purpose of this report is to share a new Concerns and Complaints Policy for Flintshire County Council, based on a model complaints handling procedure for public service providers in Wales.

The report also includes a new Managing Customer Contact Policy which provides guidance to employees on how to manage unacceptable behaviour from customers.

### **RECOMMENDATIONS**

1	Cabinet approve the Concerns and Complaints Policy for implementation on 1 April, 2021.
2	Cabinet approve the Managing Customer Contact Policy for implementation on 1 April, 2021.
3	Cabinet support the performance reporting timetable as outlined in paragraph 1.15.

## **REPORT DETAILS**

<b>1.00</b>	<b>CONCERNS AND COMPLAINTS POLICY 2021</b>
1.01	<b>Background</b>
1.02	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.
1.03	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 Flintshire County Council on 30 September, 2020.
1.04	The Model is designed for public service providers and represents a minimum 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.
1.05	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 Policy 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.
1.06	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:
1.07	<b>Statement of Principles</b>
1.08	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.
1.09	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 Flintshire i.e.  <ol style="list-style-type: none"><li>1) Complainant Focused</li><li>2) Simple</li><li>3) Fair &amp; Objective</li><li>4) Timely &amp; Effective</li><li>5) Accountable</li><li>6) Committed to Continuous Improvement</li></ol>

- 1.10 **Concerns and Complaints Policy 2021**
- 1.11 The Council's current policy has been in place since it was issued by Welsh Government in 2011 and since that time 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.
- 1.12 The proposed Concerns and Complaints Policy complies with the statement of principles as set out in paragraph 1.09. The Policy has been slightly modified to the extent that it is relevant to the culture and behaviour we want to promote in Flintshire i.e. an emphasis on treating people fairly and with respect, and listening to our conscience and acting with integrity.
- 1.13 The Policy has been shared with key officers from across the organisation including Chief Officers, and it complies with the guidance issued by the Ombudsman. Following consultation and engagement with the Complaints Standards Authority, consent has also been given for the minor changes referred to in 1.12.
- 1.14 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:
- a) Complainants will be asked to tell us about their concern within six months - because it is best to look into concerns while the issues are fresh.
  - b) A greater emphasis on learning from complaints to improve processes and procedures – Chief Officers to receive quarterly performance reports.
  - c) Where there is a need for change (based on trend analysis) the relevant senior manager will be asked to develop an action plan setting out what will be done, who will do it and when.
  - d) Sharing of anonymised complaint information.
- 1.15 The use of complaints as a form of formally documented/reported feedback to drive continuous improvement will be a significant change for the Council and will require a culture amongst employees. The performance timetable set-out below is intended to help manage the process of reporting:

Meeting	Frequency	Format
Chief Officer Team (Business COT)	Quarterly Half Yearly	Electronic Report / Verbal
Cabinet	Half Yearly	Report / Verbal
Audit Committee	Half Yearly	Report / Verbal
Corporate Resources Overview And Scrutiny Committee	Annually*	Report / Verbal

1.16	<i>*To coincide with PSOW annual letter.</i>
	<b>Managing Customer Contact Policy</b>
1.17	A new Managing Customer Contact Policy is attached and provides clear guidance to employees on how to manage the very small number of cases where the actions or behaviour of a customer challenges our ability to deliver an effective service to all.
1.18	The new policy applies to all customers who have requested a service or made a complaint, or any other person acting on their behalf. The policy seeks to protect employees from aggressive, abusive or offensive behaviour, and unreasonable demands and persistence.
1.19	The guidance provides a clear process for considering implementation of a restriction and a formal process to manage contact where necessary. It is expected that the Council will issue an updated version of the policy later in 2021 to deal with an increasing number of cases of unacceptable behaviour on social media.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Public Services Ombudsman for Wales undertook extensive consultation prior to issuing the model complaints handling procedure for listed authorities in Wales. Subsequently, the three 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.
3.02	The Complaints Standards Authority has been consulted to seek approval for the minor changes to reflect local priorities.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Statement of Principles Appendix 2 – Concerns and Complaints Policy 2021 Appendix 3 – Managing Customer Contact Policy

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<b>Contact Officer:</b> Rebecca Jones, Customer Contact Service Manager <b>Telephone:</b> 01352 702413 <b>E-mail:</b> <a href="mailto:rebecca.jones@flintshire.gov.uk">rebecca.jones@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Public Services Ombudsman (Wales) Act 2019</b> - an Act of the National Assembly for Wales to make provision about the functions of the Public Services Ombudsman for Wales.