

# Pecyn Dogfennau Cyhoeddus

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Emma Sullivan  
(Rhif Ffôn: 01443 864420 Ebst: [sullie@caerphilly.gov.uk](mailto:sullie@caerphilly.gov.uk))

**Dyddiad: Dydd Gwener, 12 Mawrth 2021**

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Awdit** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Gwener, 19eg Mawrth, 2021 am 10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Mae pob cyfarfod Pwyllgor yn agored i'r Wasg a'r Cyhoedd. Gofynnir i arsylwyr a chyfranogwyr ymddwyn gyda pharch ac ystyriaeth at eraill. Sylwer y bydd methu â gwneud hynny yn golygu y gofynnir i chi adael y cyfarfodydd ac efallai y cewch eich hebrwng o'r safle.

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR

## AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

- |   |   |         |
|---|---|---------|
| 3 | Adolygiad o'r Polisi Cwynion Corfforaethol a Pholisi Ymddygiad Annerbyniol. | 1 - 64  |
| 4 | Diweddariad O Gylch Gorchwyl Y Pwyllgor Archwilio A Llywodraethu            | 65 - 72 |

### **Cylchrediad:**

Cyngorwyr M.A. Adams, Mrs E.M. Aldworth, J. Bevan, C.J. Cuss, Ms J. Gale, D.T. Hardacre, C.P. Mann, B. Miles, Mrs T. Parry, Mrs M.E. Sargent (Cadeirydd), G. Simmonds a J. Simmonds

Aelod Lleyg – Mr N.D. Yates (Is Gadeirydd)

A Swyddogion Priodol.

### **SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk). ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein [gwefan](http://www.caerffili.gov.uk) neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## **SPECIAL AUDIT COMMITTEE - 19<sup>TH</sup> MARCH 2021**

**SUBJECT: REVIEW OF CORPORATE COMPLAINTS POLICY AND UNACCEPTABLE BEHAVIOUR POLICY**

**REPORT BY: HEAD OF DEMOCRATIC SERVICES AND DEPUTY MONITORING OFFICER**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to seek the views of the Audit Committee on the revised Concerns and Complaints Policy attached at Appendix 1 which has been updated in line with the guidance issued by the Public Services Ombudsman for Wales. To note the Statement of Principles attached at Appendix 2 to be adopted alongside the complaints handling process and to review and endorse the Policy for dealing with Unacceptable Persistent or Unreasonable actions by complainants attached and Appendix 3.

### **2. SUMMARY**

2.1 The purpose of this report is to ask the Committee to review and endorse the new Concerns and Complaints Policy attached at Appendix 1 which is based on the model document issued by the Ombudsman, together with the associated Statement of Principles attached at Appendix 2. These principles underpin the complaints handling process.

2.2 In light of the introduction of the new Model policy it is also timely to ask members to review and endorse the provisions of the existing Policy for dealing with Unacceptable, Persistent or Unreasonable actions by Complainants.

2.3 The views of the Committee will be presented to Cabinet.

### **3. RECOMMENDATIONS**

3.1 The Committee is asked to review and endorse the model Concerns and Complaints Policy at Appendix 1, the Statement of Principles at Appendix 2 and the Unreasonable Persistent or Unreasonable actions by Complainants Policy at Appendix 3 prior to their presentation to Cabinet for approval.

3.2 The Committee support the proposal that reporting to the Audit Committee will be on a twice-yearly basis and to note that Cabinet will be asked to endorse a proposal that

it also receives reports twice yearly

#### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 Under its terms of reference the Audit Committee has responsibility for overseeing and monitoring the outcome of complaints and for reviewing the policy including the adequacy and effectiveness of the policy.

#### **5. THE REPORT**

- 5.1 By way of background, members will be aware that the Council's current Complaints Policy was adopted by Cabinet in February 2013 following Welsh Government guidance issued in 2011. Save for minor changes the current Policy has been in place since that date. However overtime the Ombudsman has recognised that a diverse range of complaints practices has emerged and so the aim of the new guidance and policy outlined below is 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.
- 5.2 In 2019 the Ombudsman gained new powers under the Public Services Ombudsman for Wales Act 2019 which received Royal Assent in May 2019. Part 4 of the 2019 Act sets out complaints handling procedures and in accordance with this part of the Act the Ombudsman published a Statement of Principles concerning complaints handling procedures, and a model complaints handling policy together with associated guidance on the implementation of the new model Concerns and Complaints Policy.
- 5.3 The Complaints Standards Authority (CSA) was also created within the Ombudsman's office which has been developing standards for complaints handling across the bodies within the Ombudsman's jurisdiction. It is also gathering data to identify trends and patterns in public service delivery and has been providing training and support to complaints handlers in public bodies to support learning from complaints which has been taken up by officers at Caerphilly.
- 5.4 Against this backdrop, on 30<sup>th</sup> September 2020, the Ombudsman wrote to all Local Authorities to confirm that the Statement of Principles, Model Complaint Handling Process, and Guidance were in full effect and in compliance with Section 38 of the new Act requested all public bodies to reflect on how their own practices and procedures comply with the stated guidance and how they will ensure that all complaints are captured appropriately. All Councils have been asked to provide a copy of its updated complaints handling procedure by 31<sup>st</sup> March 2021.
- 5.5 The updated guidance recognises that organisations will need to interpret it in a way which is appropriate to their own circumstances. However, it is explicit that the arrangements for managing complaints behind the scenes must not detract from the service user's perception of a common approach, so elements such as the form, the timescales and the number of stages should be consistent for all.
- 5.6 Members are therefore asked to consider the Model Concerns and Complaints Policy attached at Appendix 1, the Statement of Principles at Appendix 2 and the Council's existing Policy relating to Unacceptable, Persistent and Unreasonable Complainants at Appendix 3. For completeness a copy of the Ombudsman's guidance is attached at Appendix 4.

## **The draft Model Concerns and Complaints Policy**

- 5.7 Members will be aware that the policy is designed to deal with corporate complaints and that there are separate complaints processes for dealing with school-based complaints and social services complaints. The Social Services Complaints Procedure Wales Regulations 2014 outlines the procedure for handling complaints from persons receiving a service from social services and school-based complaints are dealt with by the School and Governing Body. In addition, Freedom of Information complaints and complaints about Data Protection matters are within the remit of the Information Commissioner. As such the policy directs complainants to the appropriate contacts.
- 5.8 The new Model Concerns and Complaints Policy and guidance has been shared with complaints officers and the Council's Corporate Management Team. Overall there is no change to the two-stage approach which will remain with the right to escalate a complaint to the Ombudsman should a complainant be dissatisfied with the response. That said, while the actions we take will remain the same in terms of dealing and responding to contacts and concerns, there will be a greater emphasis on the way in which we record contacts and complaints under the Policy. The stage 1 informal resolution process will become more part and parcel of front-line service delivery and not viewed as separate from it. Staff will be empowered and trained to recognise a complaint and to deal with them as they arise with the aim of resolving issues on the spot. As a result, members are likely to see an increase in the number of complaints recorded and reported.
- 5.9 To support this change, senior officers within Customer Services are undertaking a scoping exercise with a service provider to streamline the process both internally and customer facing to provide the customer with a more efficient and focussed service. The Ombudsman's office has offered to provide further training to all authorities in the coming year as required.
- 5.10 The Committee will be aware from regular reports on the existing complaints process that officers have established a Learning from Complaints Group which comprises Complaints Officers across the authority, the Corporate Complaints Officer ( who is responsible for maintaining the central complaints record), the Council's Senior Policy Officer (Equalities Welsh Language and Consultation), a representative from the Council's Performance Management Unit and a representative from the Council's Internal Audit Section. These meetings are chaired by the deputy Monitoring Officer. This Group will continue to meet in order to review and implement any changes to current practice as set out in the guidance to compliment the Model Concerns and Complaints Policy. This will include a review of the way in which we collect data, the methods for learning from concerns and complaints and a common means to identify and disseminate good practice and to put in place action plans where required.
- 5.11 In terms of complaints handling roles, the guidance sets out a requirement for Cabinet to receive reports on the number and type of complaints, their outcomes and any remedial action taken as a consequence. It is a matter for Cabinet to determine how frequently it should receive such reports, however it should be at least twice a year. It is proposed that Cabinet receive reports twice yearly (including an Annual Report).
- 5.12 In addition to the Ombudsman's guidance, the Local Government and Elections (Wales) Act 2021 sets out provisions for the Audit Committee (to be renamed the

Governance and Audit Committee) to “review and assess the authority's ability to handle complaints effectively and to make reports and recommendations in relation to the authority's ability to handle complaints effectively”. It is therefore proposed that Audit committee also receive reports twice yearly under their terms of reference.

- 5.13 In addition to the above reporting lines, Corporate Management Team will receive quarterly updates on complaints outcomes to establish any wider lessons and to improve processes and procedures. Data will also be shared on a quarterly basis with the CSA.

### **Statement of Principles**

- 5.14 In addition to the new Model policy the Ombudsman has published a Statement of Principles which are set out in Appendix 2. It is these principles which form the basis of the new Complaints Policy and is intended to provide customers with an overview of what an effective complaints handling process should be, namely

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

It is intended to promote these principles on the Council's Website alongside the Concerns and Complaints Policy.

### **Council's existing Policy relating to Unacceptable, Persistent and Unreasonable Complainants.**

- 5.15 Members will be aware that the Council has adopted a policy for dealing with Unacceptable, Persistent and Unreasonable Complainants. The policy is rarely utilised but provides officers with support and advice on managing situations when we find that someone's actions are unacceptable. It is therefore recommended that this policy is endorsed and is published alongside the Concerns and Complaints Policy and Statement of Principles.

### **5.16 Conclusion**

In light of the information contained above members are asked to consider the recommendations set out in paragraph 3.

## **6. ASSUMPTIONS**

- 6.1 The provisions of the Model Complaints and Concerns Policy follows the draft issued by the Public Services Ombudsman for Wales.

## **7. LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 Monitoring of the Council's corporate complaints and successful resolution of those complaints contribute to the following Well-Being goals within the Well-being of Future Generations Act (Wales) 2015 as it supports the provision of higher quality and more effective services to the public across all service areas. In addition, monitoring provides information on the level of satisfaction of the services provided

corporately by the Council. The result of the monitoring enables each department to focus on areas of concern, to improve services and to monitor performance, ensure that any trends or issues raised are identified and dealt with to be avoided in the future and to ensure that corporate complaints are dealt with consistently and fairly across all service areas.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities and thriving Welsh language
- A globally responsible Wales

## **8. WELL-BEING OF FUTURE GENERATIONS**

- 8.1 This report contributes to the Well-being Goals as set out in Links to policies above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the monitoring of the Council's corporate complaints handling across all service areas enables departments to focus on areas of concern, to improve services and to monitor performance to ensure that any issues raised are identified and dealt with to be avoided in future.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 Monitoring of complaints via the Corporate Complaints policy addresses the Council's statutory duties under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Welsh Language Measure (Wales) 2011 in two ways. It addresses specific complaints to the Council around alleged discrimination by service areas and addresses the monitoring of complaints from people who fall under the categories protected by these statutory duties.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no direct financial implications arising from this report.

## **11. PERSONNEL IMPLICATIONS**

- 11.1 There are no direct personnel implications arising from this report.

## **12. CONSULTATIONS**

- 12.1 The report has been circulated to the consultees listed below and any responses have been incorporated within the report.

## **13. STATUTORY POWER**

- 13.1 Public Services Ombudsman for Wales Act 2019

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Corporate Management Team

Robert Tranter, Head of Legal Services and Monitoring officer  
Gemma Hoare, Senior Housing Officer (Customer Services)  
Karen Williams, Customer Services Digital Hub Manager  
Rob Waggett, Customer Services Development Officer  
Liam Miles, Customer Services/Complaints Officer  
Nicola Broom, Complaints and Information Manager Social Services  
Michelle Moore, Social Services Complaints and Information Officer  
Ros Roberts, Business Improvement Manager  
Andrea Jones, Corporate Complaints Officer  
Anwen Cullinane, Senior Policy Officer (Equalities, Welsh Language and Consultation)  
Deborah Gronow, Audit Group Manager  
Karen Williams, PA to Chief Executive  
Leigh Brook, PA to the Director of Social Services and Housing  
Lianne Fry, PA to Corporate Management Team  
Sian Wilkes, PA to the Interim Corporate Director of Communities

Appendices:

- Appendix 1 Revised Concerns and Complaints Policy
- Appendix 2 Statement of Principles relating to the Complaints Handling process
- Appendix 3 The Policy for dealing with Unacceptable Persistent or Unreasonable actions by complainants
- Appendix 4 Guidance for Public Service Providers on Implementing the Concerns and Complaints Policy





## CAERPHILLY COUNTY BOROUGH COUNCIL

### CONCERNS AND COMPLAINTS POLICY

Caerphilly County Borough Council is committed to dealing effectively with any concerns or complaints you may have about our services.

We aim to clarify any issues you may be unsure about. If possible, we'll put right any mistakes we may have made. We will provide any service you're entitled to which we have failed to deliver. If we did something wrong, we'll apologise and, where possible, try to put things right for you. We aim to learn from our mistakes and use the information we gain from complaints to improve our services.

#### **When to use this policy**

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal for example against a refusal to grant you planning permission or the decision not to give your child a place in a particular school so, rather than investigate your concern, we will explain to you how you can appeal. Sometimes, you might be concerned about matters that are not covered by this policy for example where a legal framework applies, and we will then advise you about how to make your concerns known.

This policy does not apply to Freedom of Information or data access issues. Please contact the Council's Information Unit, Penallta House, Ystrad Mynach, Hengoed CF82 7PG; telephone 01443 864320; email [foi@caerphilly.gov.uk](mailto:foi@caerphilly.gov.uk)

This Policy does not apply to complaints about schools. Should you wish to raise a complaint about a school contact the school direct who can provide you with a copy of their complaints policy.

Complaints Officers can advise on the type and scope of complaints they can consider.

#### **Asking us to provide a service?**

If you are approaching us to request a service, for example, reporting a missed bin collection or a faulty streetlight or requesting an appointment this policy doesn't apply. If you make a request for a service and then are not happy with our response, you will be able to make your concern known as we describe below.

## **Dealing with Your Complaint**

We have a two-stage approach for dealing with your complaint.

### **Stage 1 Informal resolution**

If possible, we believe it's best to deal with things straight away. If you have a concern, please raise it with the person you're dealing with. They will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern, the member of staff will draw them to our attention. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

We aim to complete the informal stage as quickly as possible and no longer than 10 days. If it is not possible to resolve the concern within this timescale then the matter may be escalated to the formal investigation stage as outlined below. You will be advised how you can escalate your complaint.

### **How to express concern or complain formally**

#### **You can express your concern in any of the following ways:**

- Ask for a copy of our form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally.
- Get in touch with our central complaint contact point on 01443 864221 if you want to make your complaint over the phone.
- Use the form on our website at [www.complaints@caerphilly.gov.uk](http://www.complaints@caerphilly.gov.uk)
- Email us at [complaints@caerphilly.gov.uk](mailto:complaints@caerphilly.gov.uk)
- Write to us at: Caerphilly County Borough Council FAO Corporate Complaints Officer c/o Legal Services Penallta House Ystrad Mynach Hengoed CF82 7 PG

We aim to have concern and complaint forms available at all of our service outlets and public areas and also at appropriate locations in the Contact Centres, Libraries, Area Housing Offices and Leisure Centres.

Copies of this policy and the complaint form are available in Welsh and can be made available in other formats including audio or braille on request.

### **Dealing with your concern**

- We will formally acknowledge your concern within **5** working days and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you need documents in large type.
- We will deal with your concern in an open and honest way.

- We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.

Normally, we will only be able to look at your concerns if you tell us about them within **six** months. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind.

We may exceptionally be able to look at concerns which are brought to our attention later than this. However, you will have to explain why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. In any event, we will not consider any concerns about matters that took place more than three years ago.

If you're expressing a concern on behalf of somebody else, we'll need their agreement to you acting on their behalf.

### **What if there is more than one body involved?**

If your complaint covers more than one body e.g. a Housing Association and the Council, we will usually work with them to decide who should take the lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about a body working on our behalf for example a repair contractor, you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will look into this ourselves and respond to you unless we have agreed that those organisations will comply with a similar complaints handling process as set out in this document which includes those organisations informing complainants of the right to complain to the Public Services Ombudsman for Wales. If a contractual complaints process is in place, we will still monitor complaints received and how the contractor deals with them.

### **Stage 2 Formal Investigation**

We will tell you who we have asked to look into your concern or complaint. Usually this will be the relevant Head of Service or a person nominated on his/her behalf. If the complaint involves more than one Head of Service's area of responsibility the nominated Head of Service will co-ordinate the response to you or it may be dealt with by the Council's Monitoring Officer, or his/her deputy. In certain cases, for example where a statutory procedure applies, we may appoint an independent investigator.

We will set out our understanding of your concerns and ask you to confirm that we are right. We'll also ask you to tell us what outcome you're hoping for.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.

If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had it, we will offer to provide the service rather than investigate and produce a report.

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will:

- Let you know within this time why we think it may take longer to investigate.
- Tell you how long we expect it to take.
- Let you know where we have reached with the investigation, and
- Give you regular updates, including telling you whether any developments might change our original estimate.

The person who is investigating your concerns will firstly aim to establish the facts. The extent of the investigation will depend upon how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

In some instances, we may ask to meet with you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.

We'll look at relevant evidence. This could include information you have provided, our case files, notes of conversations, letters, emails or whatever may be relevant to your particular concern. If necessary, we'll talk to the staff or others involved and look at our policies, any legal entitlement and guidance.

## **Outcome**

If we formally investigate your complaint, we will let you know what we find. If necessary, we will produce a report. We'll explain how and why we came to our conclusions.

If we find that we made a mistake, we'll tell you what happened and why.

If we find there is a fault in our systems or the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again.

If we make a mistake, we will always apologise for it.

## **Putting Things Right**

If we didn't provide you with a service you should have had, we'll aim to provide it now, if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out as a result of a mistake on our part, we'll try to put you back in the position you would have been in if we'd done things properly.

If you had to pay for a service yourself, when we should have provided it for you, or if you were entitled to funding you did not receive we will try to refund the cost.

## **The Ombudsman**

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- Have been treated unfairly or received a bad service through some failure on the part of the service provider.
- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman normally expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- Phone: 0300 790 0203
- Email: [ask@ombudsman.wales](mailto:ask@ombudsman.wales)
- The website: [www.ombudsman.wales](http://www.ombudsman.wales)
- Writing to: Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

There are also other organisations that consider complaints. For example, the Welsh Language Commissioner's Office deals with complaints about services in Welsh. We can advise you about such organisations.

### **Learning lessons**

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our senior management team considers a summary of all complaints quarterly and is made aware of all serious complaints. Our Cabinet also considers our response to complaints at least twice a year. We may also make reports to other committees within the Council including Audit committee. We share summary (anonymised) information on complaints received and complaints outcomes with the Ombudsman as part of our commitment to accountability and learning from complaints.

Where there is a need for significant change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it. We will let you know when changes we've promised have been made.

### **What if you need help?**

Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact any of the following services who may be able to assist you.

Citizens Advice Bureau – [admin1@cacbg.org.uk](mailto:admin1@cacbg.org.uk) telephone number 03444 772020 and or 01443 835363

Tai Pawb – [info@taipawb.org](mailto:info@taipawb.org) telephone number 02920 537630

[sheltercymru.org.uk](http://sheltercymru.org.uk) telephone number 08000 495495

You can also use this concerns and complaints policy if you are under the age of 18. If you need help, you can speak to someone on the Meic Helpline.

- Phone 0808 802 3456
- Website [www.meiccymru.org](http://www.meiccymru.org)

or contact the Children's Commissioner for Wales. Contact details are:

- Phone 0808 801 1000
- Email [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)
- Website [www.childcom.org.uk](http://www.childcom.org.uk)

**What we expect from you**

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We therefore expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy to manage situations when we find that someone's actions are unacceptable.

## **Appendix A**

### **Concern/Complaint form**

Please Note: The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in Section B.

#### **A. Your details**

Surname:

Forename:

Title: Mr/Mrs/Miss/Ms/if other please state

Address & Postcode:

Your Email address:

Daytime Contact Telephone Number:

Please state how you would prefer us to contact you:

Your requirements: if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

#### **B: Making a complaint on behalf of someone else: Their details:**

Please note: We have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

**Their Full Name:**

**Address and Postcode:**

**What is your relationship to them?**

**Why are you making a complaint on their behalf?**

**C. About your concern/complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)**

- 1 Name of the department/section/service you are complaining about:
- 2 What do you think they did wrong, or failed to do?
- 3 Describe how you personally have suffered or have been affected:
- 4 What do you think should be done to put things right?
- 5 When did you first become aware of the problem?
- 6 Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so:
- 7 If it is more than six months since you first became aware of the problem, please say why you have not complained before now:

If you have any documents to support your concern/complaint please attach them with this form.

Signature:

Date:

When you have completed this form, please send it to:

Corporate Complaints Officer  
Caerphilly County Borough Council  
C/o Legal Services  
Penallta House  
Ystrad Mynach  
Hengoed CF82 7PG

How to contact us: email us [complaints@caerphilly.gov.uk](mailto:complaints@caerphilly.gov.uk), telephone: 01443 864221,  
website: [www.complaints@caerphilly.gov.uk](http://www.complaints@caerphilly.gov.uk), write to us at the above address.



## **Complaints Standards Authority – Wales**

Complaint Handling Processes  
– Statement of Principles



# Complaint Handling Processes

## – Statement of Principles

### **Effective complaints handling processes should be:**

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

#### **1) Complainant Focused**

- The complainant should always be at the centre of the complaints process.
- Service providers need to be flexible when responding to complainants' differing needs.

#### **2) Simple**

- Complaints processes should be well-publicised, have easy-to-follow instructions and have no more than two stages.
- Information on advocacy services and support should be available.
- Complaints responses should set out clearly the next stage and the right to approach the Ombudsman.

### **3) Fair & Objective**

- Complainants should receive a complete and appropriate response to their concerns.
- Complainants and staff complained about should be treated equally and with dignity.

### **4) Timely & Effective**

- Complaints should be resolved promptly, when possible
- Investigations should be thorough, yet prompt.
- Complainants should be kept informed throughout of the progress of a lengthy investigation.

### **5) Accountable**

- Complainants should receive an honest and clear explanation of the findings of an investigation.
- Service providers should explain to complainants what changes will be made if their complaint is upheld, whenever possible.

### **6) Committed to Continuous Improvement**

- Information from complaints should be collated and analysed.
- Data should be shared with the organisation's senior leaders and the Ombudsman to support improvement in complaint handling and in service delivery.
- Decision makers should regularly review the information gathered from complaints when planning service delivery.



## **How to contact us**

Phone 0300 790 0203

E-mail [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

Visit the website [www.ombudsman.wales](http://www.ombudsman.wales)

Write to: Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

You can also follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

## CAERPHILLY COUNTY BOROUGH COUNCIL

### **POLICY AND PROCEDURE FOR DEALING WITH UNACCEPTABLE, PERSISTENT OR UNREASONABLE ACTIONS BY COMPLAINANTS UNDER THE COUNCIL'S CORPORATE COMPLAINTS POLICY**

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Policy Review

## **1. Introduction**

This policy document sets out the approach by Caerphilly County Borough Council (“the Council”) to the rare instances where persons who complain under the Council’s Corporate Complaints Policy do so in such circumstances that their actions or behaviour do not justify expending further resources.

Such instances are very rare but typically involve persons who refuse to accept ‘closure’ and constantly write in or verbally reiterating the same complaint and thus waste time and effort and consequentially public monies on unnecessary and/or disproportionate investigation. The term complainant includes anyone acting on behalf of a complainant or who contacts the Council in connection with a complaint.

## **2. Policy Aims**

To deal and respond fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. The Council believes that all complainants have the right to be heard, understood and respected and receive an appropriate response in line with the Council’s Complaints policy and to comply with Article 10 of the European Convention on Human Rights (ECHR) – freedom of expression. To advise all complainants, both at initial contact and throughout their dealings, what we can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet or would not be a proportionate outcome. We also aim to ensure that other complainants and Council officers do not suffer any disadvantage from those complainants who act in an unacceptable manner. To have a stated position, policy and procedure that explains how and why the Council will disengage with complainants who act in an unreasonable or unacceptable manner.

## **3. Defining Unacceptable Actions by Complainants**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint received. There may also be occasions where medical, mental health or disability-related issues are involved whereby people appear aggressive through no fault of their own, leading to misunderstandings that can escalate complaints seemingly out of nowhere.

It is accepted that being persistent can be a positive advantage when pursuing a complaint, however, the actions of complainants who are ‘unreasonable’ and/or have unrealistic expectations places unnecessary demands on the Council and its officers. It is only those actions that we

consider to be unreasonable or unacceptable that we aim to manage under this policy. \*\* Officers are reminded that where the actions of a complainant are not covered in this policy they must refer to the Health and Safety policies and seek appropriate guidance from their Head of Service in conjunction with the Corporate Health and Safety Division. Contact the Equalities and Welsh Language team for any equalities related issues (including relevant training).

For ease of reference the unreasonable actions covered by this policy are grouped under three broad headings: -

### **3.1 Abusive Correspondence**

- (a) This includes correspondence that may cause staff to feel afraid, abused or adversely affects their dignity in the workplace. On occasions such correspondence may amount to harassment and may require a referral to the Health and Safety Division. Officers should first seek guidance from their Head of Service if such circumstances arise.

### **3.2 Unreasonable Demands**

- (a) A Complainant may make what we consider unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the gravity of the issues raised by the complainant.
- (b) Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly calling at offices seeking personal contact, repeatedly changing the substance of the complaint or raising unrelated concerns with the intention of prolonging the outcome or diverting enquiries.
- (c) We consider these demands as unacceptable and unreasonable if they: -
- Take up an excessive and disproportionate amount of staff time and resource implications;
  - Disadvantage other complainants or departmental functions
  - Are judged as intended to disrupt;
  - Deliberately exaggerate the impact of the issue complained of

It is acknowledged that some complaints will require substantial investigation and resources, which are entirely necessary and proportionate.

### **3.3 Unreasonable Persistence**

- (a) We recognise that some complainants will not or cannot accept that the Council is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the service/organisation persistently about these issues. The final letter to a complainant will include a signpost to the Public Services Ombudsman For Wales (the Ombudsman). It is recognised that some complainants may have already sought a complaint handling review from the Ombudsman and received a response but continue to pursue the matter with the Council.
- (b) Examples of actions grouped under this heading include: -
- Persistent refusal to accept a decision made in relation to a complaint;
  - Persistent refusal to accept explanations relating to what the Council can or cannot do;
  - Continuing to pursue a complaint without presenting any new or relevant information;
  - Providing fictitious or manufactured evidence to pursue what may have been a true complaint;
  - Manufacturing complaints against members of staff when the complainant disagrees with an outcome;
  - Endeavouring to pursue a complaint by multiple approaches to different service areas of the Council. The way in which the complainant approaches the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- (c) We consider the actions of persistent complainers to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

## **4. Managing Unacceptable Conduct by Complainants**

There are relatively few complainants whose conduct we may consider unacceptable. How we aim to manage this conduct depends on its nature and extent. Where Officers have concerns about or difficulties with their



dealings with any complainant, in addition to the provisions below they are also advised to complete a chronology of contacts utilising the form attached at Appendix 1.

If it adversely affects the ability of an officer to do his/her work and provide a service to others, the Council may need to restrict complainant contact in order to manage the unacceptable conduct. We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through the established corporate complaints process.

We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these, examples of which are set out below. We will try to maintain at least one form of contact. In extreme cases and where it is appropriate, we will advise the complainant in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the organisation in relation to any complaint matter to either written communication or through a third party.

These steps should only be taken after careful consideration of the situation by the relevant Head of Service.

It is acknowledged that unreasonable people may make reasonable complaints and it is important that Officers take note of the matters being referred to ensure that they do not overlook a genuine concern. The threat or use of physical violence, verbal abuse or harassment towards any member of staff is likely to result in the ending of all direct contact with the complainant and must be dealt with under the Council's Health and Safety Policies. We do not accept correspondence (letter, fax or electronic) that is abusive to staff. When this happens we will tell the complainant that we will not respond to their correspondence.

If they do not stop, the complainant will be advised that we may require future contact to be through a third party. Staff may end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Officers are advised to report this type of behaviour to the relevant Head of Service.

Where a complainant repeatedly phones, visits any of the Council offices sends irrelevant documents or continually raises the same issues, we may decide to: -

- Only take telephone calls from the complainant at set times on set days and/or appoint a single point of contact to deal with calls or correspondence from the complainant in the future

- Require the complainant to make an appointment before visiting the Council offices or restrict contact to written correspondence only
- Return 'irrelevant' documents to the complainant
- Take other action that we consider appropriate

We will, however, always tell the complainant what action we are taking and why.

Where a complainant continues to correspond on a wider angle of issues, and this conduct is considered unreasonably excessive, then the complainant may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly. The Council's response will be proportionate to the nature of the given allegations.

Complainant action may be considered unreasonably persistent if the Council's corporate complaints policy has been exhausted and the complainant continues to persistently dispute the decision relating to their complaint. The complainant may be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence may be read and filed, but only subject to further enquiry or review if the complainant provides significant new information relating to the same complaint.

The complainant will receive a written acknowledgement that their correspondence has been read, assessed and placed in their file. Officers who propose this course of action should first consult with the Head of Service.

## **5. Restricted Contact**

Wherever possible, we will give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants will be told in writing why a decision has been made to restrict future contact and what the restricted contact arrangements are.

## **6. Dissatisfaction about a Decision to Restrict Contact –**

If a complainant is dissatisfied with the decision to restrict then the complainant may refer the matter to the Council's Monitoring Officer to review the decision.

Once restriction of contact has been notified, subsequent correspondence from complainants should be carefully considered to ensure that no new circumstances are being reported which should otherwise be subject to

separate complaint or significantly affect any decision on the matter complained of.

## **7. Recording and Reviewing a Decision to Restrict Contact**

- 7.1 We will record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry will be made in the relevant Complaints file, setting out the decision and the revised contact arrangements. A decision to restrict complainant contact may be reconsidered if the complainant is prepared to appropriately engage with the Council's procedure and protocols as set out in this document. The relevant Head of Service will review the status of all complainants with restricted contact arrangements on a regular basis should that person continue to correspond with the service.

## **8. Notification to Local Members**

- 8.1 In addition the Council's Monitoring Officer will notify the relevant Ward Member (on a confidential basis) that a constituent has been designated as a complainant with restricted contact under this Policy.

## **9. Policy Review**

This policy will be reviewed every 2 years.

Reviewed November 2015

Next date for review is November 2017.

Appendix 1

Chronology of Contact

DATE / TIME	INCIDENT/OBSERVATION/CHANGE OF CIRCUMSTANCES	ACTIONS/OUTCOMES	SOURCE OF INFORMATION

## **Complaints Standards Authority – Wales**

Guidance for Public Service Providers on  
Implementing the Concerns and Complaints Policy



## Preface

This Guidance is designed to help public service providers to implement the Concerns and Complaints Policy ('the Policy'), via their own complaints processes.

Public service providers should have regard to this guidance when developing arrangements for the delivery of the concerns and complaints handling service within their organisation. Variations can be introduced to take account of the size or operational requirements of organisations, but must not impact on people's experience of a common approach in complaint handling by public service providers.

[Please note that NHS bodies in Wales must adhere to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011, known as 'Putting Things Right'.

Also, the Social Services Complaints Regulations (Wales) 2014 outline the procedure for handling complaints about Social Care issues in Wales.]


How complaints are managed internally is a matter for each organisation to determine, subject to statutory guidance e.g. in social care complaints. However, the requirements of the Policy, relating to timescales, number of stages and information gathered on complaint forms, for example, should not be altered, unless the organisation chooses to work to **shorter** timescales.

## Section 1 – Introduction

### Purpose of the Model Concerns and Complaints Policy

- 1.1 Complaints systems can make an important contribution to the improvement of public services.
- 1.2 The purpose of this Policy for handling concerns and complaints is to establish across the spectrum of public service providers:
  - Common principles for the effective handling of concerns and complaints.
  - A common model for dealing with concerns and complaints.
- 1.3 In addition, it is intended that this guidance will also enable:
  - Common data collection procedures.
  - Common methods for learning from concerns and complaints.
  - A common means to identify and disseminate good practice.

**Note:** Whenever reference is made to a “concern” or “complaint”, it refers to both “concern and complaint”.



This guidance recognises that organisations will need to interpret it in a way which is appropriate to their own circumstances. However, the arrangements for managing complaints behind the scenes must not detract from the service user's perception of a common approach, so elements such as the form, the timescales and the number of stages should be consistent for all.

## **Statutory Basis and Scope of the Policy and Guidance**

- 1.4** The Policy and this Guidance are issued under the powers contained within Section 36 of the Public Services Ombudsman (Wales) Act 2019 which created the Complaints Standards Authority for Wales. They apply to public service providers in Wales.
- 1.5** They are compatible with the health service statutory procedure set out in the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011. The Regulations apply to complaints about NHS services and guidance on implementing the regulations is provided by the NHS in Wales.
- 1.6** The Social Services Complaints Regulations (Wales) 2014 outline the two stage procedure for handling complaints about Social Services issues.
- 1.7** Public service providers will need to ensure that their



complaints processes comply fully with their Welsh language duties and that complainants should not be disadvantaged when they complain through the medium of Welsh.

- 1.8** All bodies subject to the Policy and this Guidance will be notified and advised when the final versions of each have been agreed.

## Section 2 - Definition and Principles

### What is a complaint?

2.1 A complaint is:

- An expression of dissatisfaction or concern.
- Written or spoken or made by any other communication method.
- Made by one or more members of the public (someone or a group in receipt of or denied a service to which they are entitled by the service provider).
- About a public service provider's action or lack of action or the standard of service provided.
- Something which requires a response.

It can be about the public service provider itself, a person, body or trader acting on its behalf, or a partnership of public service providers.

2.2 A complaint is not:

- An initial request for a service, such as reporting a faulty street light.
- An appeal against a 'properly made' decision by a public body.
- A means to seek change to legislation or a 'properly made' decision (when laws or policies have been correctly applied, e.g. the setting of rent payments).

- A means for lobbying groups/organisations to seek to promote a cause.

## Six principles for dealing with complaints

2.3 The following principles always apply when handling complaints. The process should be:

- a) Complainant Focused
- b) Simple
- c) Fair & Objective
- d) Timely & Effective
- e) Accountable
- f) Committed to Continuous Improvement

### a) Complainant Focused

- The complainant should always be at the centre of the complaints process.
- Service providers need to be flexible when responding to complainants' differing needs.

### b) Simple

- Complaints processes should be well-publicised, have easy-to-follow instructions and have no more than two stages.
- Information on advocacy services and support should be available.
- Complaints responses should set out clearly the next stage and the right to approach the Ombudsman.



### **c) Fair & Objective**

- Complainants should receive a complete and appropriate response to their concerns.
- Complainants and staff complained about should be treated equally and with dignity.

### **d) Timely & Effective**

- Complaints should be resolved promptly, when possible.
- Investigations should be thorough, yet prompt.
- Complainants should be kept informed throughout of the progress of a lengthy investigation.

### **e) Accountable**

- Complainants should receive an honest and clear explanation of the findings of an investigation.
- Service providers should explain to complainants what changes will be made if their complaint is upheld, whenever possible.

### **f) Committed to Continuous Improvement**


- Information from complaints should be collated and analysed.
- Data should be shared with the organisation's senior leaders and the Ombudsman to support improvement in complaint handling and in service delivery.
- Decision makers should regularly review the information gathered from complaints when planning service delivery.

## Section 3 – Complaint Handling Arrangements

- 3.1 Complaints processes should be simple, flexible and focus on achieving the most appropriate outcomes for individuals and services. Public service providers should take a proactive approach to dealing with concerns, by focusing on individuals' needs and not the complaints process itself.
- 3.2 If all public services use the same complaints process, it will be easier to deal with concerns that relate to more than one service provider.
- 3.3 References in this section to 'complaints processes' do not apply to Social Services complaints, which should be considered in accordance with the statutory Social Services Complaints Regulations.

### Who may put forward a concern

- 3.4 Any member of the public, including a child, who has received, or was entitled to receive, a service from the public service provider may make a complaint. The same applies if they have suffered due to the inappropriate action or lack of action by the public service provider.
- 3.5 Where a concern is notified by a young person or child, the responsible body must provide them with such assistance that they may reasonably require in order to



pursue the concern. This should include making the young person or child aware of the help that could be provided by the Children’s Commissioner for Wales.

**3.6** A concern can also be put forward by someone on behalf of another person, as follows:

- Someone who is unwell or has died
- A child
- Those who lack the capacity (as defined by the Mental Capacity Act 2005)
- They have been asked to do so by the person affected

Public service providers must satisfy themselves, as far as the circumstances of the person affected allow for it, that the representative is acting with the authority of that person and, if possible, obtain their signature to confirm this.

**3.7** This Policy does not apply to members of staff raising employment issues. There are other internal mechanisms for these types of concerns, for example, whistleblowing, bullying, or grievance procedures.

## **Complaint handling roles**

**3.8** **The Board/Cabinet** of the public service provider should ensure that the Policy is adopted and in place. It is not appropriate for the Board/Cabinet to be involved in the

investigation of individual complaints. However, it should receive reports on the number and type of complaints received, their outcomes and any remedial action taken as a consequence. It is for the Board/Cabinet to determine how frequently it should receive such reports, however, this should be at least twice a year. Organisations with such arrangements in place may, in addition, want to include the consideration of complaints reports to be included within the remit of a scrutiny or similar type committee.

**3.9 Responsible Officer** – Each organisation should appoint an officer (e.g. chief executive, director, clerk) with responsibility for ensuring the Policy is adopted and the guidance is followed.

**3.10 The Person/Team co-ordinating complaints** – The public service provider should have an individual or team responsible for co-ordinating responses to all complaints which are not resolved at the informal stage. For example, in a small organisation such as a community council, this is likely to be the clerk, whereas some large organisations may have a central complaints team for this purpose. For ease of reference throughout this document, this role is described as the “central complaints handler”. Organisations may also use this individual or team to help ensure consistent, high quality responses are given to complainants.



## Resources

- 3.11 The public service provider should ensure that the necessary resources are made available to enable delivery of the Policy, including:
- Staffing (including administrative support, if necessary)
  - Training
  - Complaint handling administration systems.

## Accessibility and publicising complaints processes

- 3.12 Complaints processes must be accessible to all and publicity is key in ensuring awareness of them.
- 3.13 Complaints processes should be widely publicised by:
- Promoting the existence of the process, together with appropriate contact details, on a regular basis in any newsletters or other publications for service users.
  - Producing a bilingual complaints information leaflet.
  - Ensuring the leaflet is available at all public reception areas and common areas where service users may frequent and made widely available to the organisation's staff.
  - Circulating the leaflets to local offices of relevant advice and advocacy organisations operating in the service provider's area.



- Publishing the complaints process at a prominent and easily accessed area of the organisation's website (ideally via a link on the home page).

**To ensure accessibility:**

- Make complaints information available in alternative formats such as on CD, in large print, Braille, etc.
- Make complaints information available in other languages commonly used in the organisation's area and publicise its existence.
- Accept oral complaints.
- Be able to call upon translation/interpretation services (including British Sign Language).

**3.14** Public service providers should keep a comprehensive list of relevant advice and advocacy organisations in their locality. Advice should be provided to complainants who require/request such support as to which organisation is likely to be the most suitable to help them, in relation to their circumstances.

**3.15** Smaller service providers should go as far as they can to ensure there is equality of access for all service users.



## The complaints information leaflet/complaint form


- 3.16 Use the words from the complaints process when drafting forms and leaflets.
- 3.17 You can encourage complainants to complete a complaint form (on paper or on the website). However, people may prefer to present their complaint by telephone, email, or in person (or other method). In doing so, staff dealing with the complaint should ensure that they have gathered the same information as that being sought on the complaint form and ensure it is recorded appropriately.

## The complaints process

### Stage 1 - Informal Resolution

- 3.18 This stage offers the opportunity for informal engagement at the point of service delivery to seek to resolve complaints either at the time the concern arises or very shortly thereafter. This stage should be part and parcel of front line service delivery and not viewed as separate from it. This first step will normally aim to be an explanation or other appropriate remedial action by frontline staff to remedy the complaint.
- Staff should be empowered and trained to deal with complaints as they arise with the aim of resolving issues on the spot. This training can be provided during their induction period, with ongoing development.

- Staff should be trained to recognise the seriousness of a complaint and understand when it should be referred to more senior staff.
- Staff may receive complaints that do not involve their own service, but that of another department. It may be difficult for those in large organisations to know to whom the complainant should be referred but, at the very least, all staff should be able to direct the complainant to the organisation's central complaints team, who will then be able to advise the complainant appropriately.
- Staff may receive a complaint that not only involves their own service, but also another section/ department. It is recommended that, in such instances – since it is unlikely that the staff member will have the necessary authority to resolve a complaint on behalf of another service area – the complainant should be referred directly to the central complaints team.
- Staff must advise complainants how to progress their complaint to the formal investigation stage, if they are not satisfied with the outcome of the end of the informal stage.
- Complainants may wish their complaint to be 'fast tracked' straight through to the next stage (Stage 2). This should be discouraged, wherever possible. If the request stems from a breakdown in the relationship



between the complainant and the service area staff, however, it may be wise to proceed directly to Stage 2. If approved by senior staff, this should be facilitated.

- Frontline staff should be trained and encouraged to provide appropriate information on advice and advocacy support at Stage 1 of the complaints process. It is recognised that they may not be aware of all the types of help available, particularly when operating in a specialist field themselves. Nevertheless, they should certainly have knowledge of support that relates to their service area. For example, a housing officer should be able to advise a complainant with a housing complaint about the services of Shelter Cymru.
- The central complaints team should be a source of support for frontline staff in respect of informal resolution.

**3.19** The informal resolution stage should be completed as quickly as possible and certainly take no longer than ten working days. If it is not possible to resolve the concern within the relevant timescale, then the matter should be escalated to the formal investigation stage.

**3.20** Examples of the type of concern that can be resolved at the local resolution stage are:

- An appointment was made for a boiler to be fixed and the tenant complains that no-one turned up on the appointed day.

- Someone complains that their bin hasn't been emptied by the refuse collection service, when the missed collection has already been reported three times.

**3.21** An example of the type of complaint that would not be resolved at the informal stage is:

- A complaint involving a series of different errors in the calculation of allowances applicable to Council Tax payments.

## **Stage 2 - Formal Internal Investigation**

**3.22** “Investigate once, investigate well” is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations at different levels in the organisation which can be protracted. However, the Stage 2 element of the complaints process is intended to be flexible to respond appropriately to the complaint. “Investigating well” also means investigating in a manner that is proportionate to the nature and degree of complexity of the complaint. This means that, for more straightforward complaints, the investigation may not need to be so detailed.

**3.23** The following sets out how a complaint should be dealt with at Stage 2.

- Stage 2 complaints should be sent by the complainant



to the central complaints handler of the organisation.


- Having formally received a complaint at Stage 2, an acknowledgement should be sent by the central complaints handler as soon as is possible, but within a maximum of five working days.
- If the complaint is “out of time” – i.e. the issue being complained about is older than six months (from the time that the complainant first became aware of the problem), consideration should be given as to whether there are good reasons as to why it should nevertheless be accepted. For health complaints, there is an absolute cut off time of three years and other bodies may wish to adopt this.
- The central complaints handler should offer to discuss the complaint with the complainant, including:
  - Helping the complainant to understand the process
  - Confirming their preferred method of communication
  - Confirming what they want as an outcome to their complaint
  - Providing advice of relevant advocacy and support services if they need help to make their complaint
- Depending on the nature of the complaint it may be necessary to obtain the complainant’s permission to access their personal file. If the complainant refuses to give permission, it should be explained to them that

this will have an effect on the ability to conduct a thorough investigation.

- If the complainant is complaining on behalf of someone else, their consent will usually be needed before an investigation can begin.

**3.24** When the central complaints handler is satisfied that they understand the complaint, they should:

- If applicable to their organisation, grade the seriousness of the complaint to decide on the appropriate level of investigation.
- Identify an officer within the organisation with sufficient seniority, credibility and independence from the source of the complaint to undertake the investigation:
  - Depending on the nature of the complaint, this may still be someone within the service section/department, but it may require someone independent from the section/department, including possibly the complaint handler themselves.
  - In the case of community/town councils, who may only have one member of staff (the clerk), it is accepted that the clerk will often undertake the role of “frontline, informal resolution” and that the chair/mayor or sub- committee of the council could, where necessary, take on the role of “investigator”.

- 
- When deciding on an “investigator”, consider whether the investigation will need to span across more than one service and the level of seniority required to investigate across all those areas.
  - Having recorded the complaint on the complaints handling system on receipt, the central complaints handler should keep track of (and record) progress and take responsibility for monitoring the smooth running of the investigation, ensuring that timescales are met. The stage 2 complaints process should normally be concluded within 20 working days (or such shorter timescale as determined by the public service provider). When this is not possible, complainants must be informed of the reasons and be agreeable to any extension. In any event, there should be regular contact with the complainant, updating them on the progress on the case.
  - A complainant may withdraw their concern at any time, however, the public service provider may continue to investigate if it feels that it is necessary to do so.
  - It is recommended that the central complaints handler produces a portfolio of specimen documents/ templates to assist those involved in the complaints process. These could include:
    - A form for frontline staff for logging relevant complaints at the informal stage



- An acknowledgement letter
- A framework for 'update' letters to the complainant
- Interview request letters (e.g. for the investigator when requiring meetings with staff involved)
- A template for investigation reports

## Complaints investigations


**3.25** A complaint investigation should be a fact finding exercise which is impartial, open, transparent and proportionate to the seriousness of the complaint. For serious complaints, a plan needs to be drawn up enabling the complaint to be investigated systematically.

**3.26** However, even when the complaint reaches the Stage 2, there may still be potential for resolving the concern to the complainant's satisfaction through an early resolution and without having to undertake a full and lengthy investigation. Consideration should be given to the possibility of this. The Ombudsman welcomes attempts to resolve matters at all stages of a complaint.

**3.27** Consideration should also be given to whether face to face meetings and/or mediation could be a means to resolving the complaint.

**3.28** Evidence gathering can include:

- Correspondence (letters and emails)
- Notes of telephone conversations

- 
- Organisational policies and procedures
  - Good practice guidance
  - Records (including those specifically relating to the complaint under consideration and training records of staff involved in the complaint)
  - Legislation
  - Interviews (including detailed notetaking)
  - Site plans and visits
  - Photographic evidence
  - Recordings in various formats (e.g. phone, CCTV)
  - Obtaining professional/expert advice

**3.29** A draft report should be shared with the complainant and those complained about, before a final report is published.


**3.30** Recommendations arising from investigations should be ‘Specific, Measurable, Achievable, Realistic and Timed’ (“SMART”).

**3.31** At the end of an investigation, a written outcome, such as letter or email, should be produced and, in more serious cases, a report.

Where a report is produced, it should include, where appropriate:

- The scope of the investigation
- A summary of the investigation:

- Details of key issues, setting out a brief chronology of events leading to the complaint)
- Those who were interviewed (including setting out to what degree the complainant, and if appropriate, any affected relatives, advocates, etc. were involved in the investigation)
- Conclusion
  - If the complaint is found to be justified/upheld
  - How it happened - i.e. what went wrong
  - Why it happened – i.e. the root cause of the problem (e.g. human error, a systemic failure)
  - What impact did it have on the complainant?
  - If a systemic failing has been identified, an explanation of actions taken to put things right, with a view to ensuring the same problem does not occur again
  - If appropriate, an apology
  - If appropriate, an offer of redress
  - If the complaint has not been upheld, there should be an explanation of why this conclusion has been reached, demonstrating that it has been arrived at, based on the evidence gathered.
- Overall the report should demonstrate throughout that the complaint has been taken seriously, that



the investigation undertaken has been fair and, in accordance with the seriousness of the complaint, proportionately thorough.

- Even in cases where an investigation upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied for some reason. Therefore, in all cases, the report should inform the complainant that, if they remain dissatisfied, they have the right to seek independent external consideration of their complaint. Information about making a complaint to the Public Services Ombudsman for Wales and other appropriate complaint handlers, should be provided.

**3.32** Consideration should be given to offering a meeting to a complainant at the time of closing a complaint investigation. Such a meeting may help the complainant to understand how the outcome was reached.

## The final steps

**3.33** The fact that complaints will vary in their degree of seriousness has already been referred to. The organisation should decide at what level decisions on recommendations in the report can be taken and who should sign to conclude the complaint (i.e. who should sign any report or letter). There will be times when it would be appropriate for the central complaints handler to do so, other times the senior manager or director

responsible (larger organisations), and other times the head of the organisation. The public service provider should establish the level of delegation in this regard. Further, the head of the organisation should ideally see a copy of all final correspondence sent out in respect of Stage 2 complaints.

**3.34** When a complaint has been upheld and there is a clear systemic issue, the appropriate Director or Manager should ensure that an action plan is devised, setting out how the recommendations will be implemented and identify who will be responsible for ensuring their implementation. When it affects them, frontline staff should be involved in this process. The plan should also include arrangements for confirming to the complainant that changes have been implemented and make provision for the monitoring and evaluation of new arrangements introduced to assess their impact.

**3.35** On closing a complaint, the central complaints handler should ensure that working documents used during the course of the investigation are retained in an orderly fashion and stored securely and in accordance with the organisation's data retention policy. If the complaint becomes the subject of further external investigation, such as by the Public Services Ombudsman for Wales, these working documents may be needed as the public service provider's evidence.



## An independent person


**3.36** It may be that, for some investigations, it is considered appropriate to include the involvement of an independent person in the Stage 2 investigation. It will be the responsibility of the central complaints handler to ensure that the organisation has a pool of suitable people to call upon where necessary.

## Complaints involving other legal or disciplinary proceedings

**3.37** Occasionally, complaints received will involve legal or disciplinary proceedings. It may from time to time be necessary to put the investigation of a complaint “on hold” until the conclusion of those other proceedings. However, it should not automatically be assumed that this is necessary in every case. An assessment should be made (with legal advice sought, if appropriate) to identify whether it is possible to address the subject of the complaint, without impacting unfairly on the other proceedings underway. It is important that, if a complainant is in a continued state of disadvantage as a result of likely poor service delivery, every step is taken to conclude this part of their complaint. This will mean that, if the complaint is upheld, it has been demonstrated that the organisation is doing everything it can to return them as soon as possible to the position they would have been in if that failure had not occurred.

## Complaints involving more than one service provider

- 3.38** There are occasions when a complaint received will involve more than one organisation. In this case, the role of the central complaints handler will be slightly different. Having established the elements of the complaint and which organisations are involved, they should contact their counterpart(s) in the other organisation(s) involved. The complaints officers should then decide which of them should lead on co-ordinating the response to the complainant. It would seem sensible that this should be the organisation with the greatest involvement in the complaint. However, it may be appropriate for the organisation with the largest complaints handling resource to undertake this role.
- 3.39** The role of the complaints officer allocated to the complaint in question is to co-ordinate the investigations in each of the service areas involved. The ultimate aim, therefore, is to provide the complainant with a single, comprehensive, joint response on behalf of all of the organisations involved.
- 3.40** There will be complaints where each element is sufficiently distinct and separate so that all that will be required is to set out the details and outcome of each investigation strand and then add an overall conclusion to the response.



**3.41** However, it is recognised that there will be some cases where the resolution and remedy of a complaint will involve agreement by all involved and that this could lead to tensions and disagreement. Where such disagreements lead to an impasse, it may be necessary to refer the matter to senior management within each of these organisations (depending on the seriousness, possibly the Chief Executives) in order to try to resolve the situation.

**3.42** Where the impasse still cannot be resolved, it may be prudent to refer the matter at this point to a relevant external independent complaint handler (e.g. the Public Services Ombudsman for Wales). However, the complainant should be told of this intention, together with the reason for it, and their agreement should be sought before such a referral takes place.

## **Partnership services**

**3.43** [Note: Whilst not forming part of an individual organisation's complaints handling process, public service providers will need to have regard to the following when forming partnerships with similar and other types of organisations.]

**3.44** The situation in relation to complaints about partnership services is again different, particularly given that not all partners may be subject to this model Policy. Nevertheless, it is good governance practice for every partnership to have in place at the outset a protocol for



dealing with complaints. That protocol should make clear where accountability lies within the partnership for any services delivered – i.e. does responsibility rest with the partnership as an entity, or is each partner accountable for specific aspects of the service delivery?

**3.45** Given that, in most public service provider partnerships, many members will be subject to this Policy, it is recommended that those providers endeavour to agree a protocol with their partners for dealing with complaints in a way that corresponds with this Policy.

**3.46** In particular, it is recommended that:

- Partnerships establish a complaints handling process for services that they as a partnership deliver.
- They identify and publicise a single point of contact for complaints in respect of their activities/services.
- The person/team identified co-ordinates the investigation of the complaint on behalf of the partnership. Depending on the nature of the complaint, if the complaint concerns dissatisfaction with the service delivered by one particular partner, it may be more appropriate to refer the investigation to that particular partner to deal with.
- The partnership ensures that lessons are learned from complaints received and considers whether there are any that should be shared more widely.




## Complaints concerning services that have been contracted out

**3.47** Even though public service providers may contract out the provision of services to private/voluntary organisations, this does not absolve the public service provider of their responsibility for those functions. Central complaints handlers should therefore ensure that those responsible for drafting contracts are aware of the need to include a provision for complaints handling. This should include the requirement for organisations contracted to provide services to comply with similar complaint handling arrangements (i.e. the two stages), with the outcome report/letter being copied to the public service provider. Such organisations should also inform complainants of their right to complain to the Public Services Ombudsman for Wales. Alternatively, the central complaints handler may choose to co-ordinate the response to the complainant, on behalf of the contractor.

## Section 4 – Learning Lessons

### Learning from complaints/continual improvement

- 4.1 Complaints information should be used to improve an organisation's service delivery and increase its effectiveness.
- 4.2 To support this, organisations should:
- Ensure that the central complaints handler periodically reviews all complaint outcomes and their recommendations to identify whether there are any patterns to complaints/wider lessons to be learned that may not be apparent from individual complaints. When considering the lessons that can be learned from a complaint, an assessment should be made as to whether:
    - These are limited to the section/department in question
    - They have an organisation-wide implication
    - They are ones that should be shared across the sector of the public service or even more widely.
  - Ensure that complaints reports are considered on a regular basis by senior management, including an analysis of the data gathered and information on recommendations that have been made for improving service delivery.

- 
- Ensure that complaints data is shared with the Ombudsman to support improvement in complaint handling and in service delivery.
  - Ensure that the information received by senior management is used to target any problem areas and consider if there is potential to improve policies, procedures and services.
  - Ensure that the cabinet/executive board receives reports giving an overview of complaints received, setting out what changes have been made as a result of complaints information and, following monitoring of their implementation, what results have been received.
  - Ensure that an annual report on complaints is produced, drawing out lessons learned over this period and demonstrating how they have contributed to improved service delivery.

## **Recording & monitoring complaints**

- 4.3** Effective complaints management includes collecting specific data and identifying recurring or system-wide problems. All feedback and complaints received should be recorded to ensure that a comprehensive evaluation of data can be made.
- 4.4** To support this, organisations should:
- Have a system to collect organisation-wide complaints data.

- Use the system to help track complaints and compliance with timescales..
- Enable the numbers, types, outcomes and trends of complaints to be captured, to facilitate comparisons with previous periods and identify system wide or recurring complaints.
- Enable key points from lessons learned to be captured.
- Write to the complainant detailing the findings of the investigation, providing an apology for any shortfalls and describing what action will be taken to prevent recurrence.
- Inform the Complaints Standards Authority – Wales of the data collated on a quarterly basis.

**4.5** [Note: Frontline staff should report all serious complaints, or those with wider learning points, that they have dealt with informally to the central complaints service, so that these can be recorded on the central complaints handling database. This should be regardless of whether or not the complaint has been resolved on the spot. For those serious complaints not resolved, such action will mean that there will be a record of the incident should the complaint progress to Stage 2 of the complaints process.]

**4.6** Public service providers should not have to implement a new IT system for these recording purposes. Furthermore, for small organisations like community councils, manual



recording may suffice.

**4.7** In order to also identify outcome trends of complaints, the following high level complaints outcome definitions should be used:

- Complaint about service not provided by this body
- Referred to front line staff and resolved
- Investigation not merited
- Quick Fix/Voluntary Settlement
- Investigation Discontinued
- Upheld – Non-systemic issue
- Upheld – Systemic. Action plan required
- Not Upheld
- Withdrawn


## **Section 5 - Staff and Training**

### **Staff Involved in Complaints**

**5.1** Whilst it is not uncommon for people to look for someone to blame when things go wrong, staff should be assured that this is not the aim of an investigation. It should be made clear that any interview that may take place is to establish facts as part of the investigation of a complaint, and that it does not form part of a disciplinary

procedure. (However, a separate disciplinary process could take place, if appropriate.)

- 5.2 When requiring staff to attend for interview, they should be told the purpose of the interview, what to expect and what preparation they need to do. They should be advised that they can bring someone (such as a colleague) for support although the position of confidentiality and their role should be made clear. They should also be advised as to what will happen after the interview.
- 5.3 Being the subject of a complaint is in any event a stressful situation and, depending on the circumstances of the complaint and the issues involved, it may be prudent to inform the interviewee of any staff support/ counselling available.
- 5.4 In the same way that it is important to keep complainants informed on progress in the investigation and its outcome, the same is true in respect of staff.
- 5.5 As well as informing staff involved of the outcomes of complaints and any recommendations that arise, there should also be a means (staff newsletters, making the annual report available on the intranet) of disseminating to staff how the way they deal with complaints can contribute to better public services. Organisational culture should see that reporting a complaint and taking action is positive, as it assists organisational learning. If many individuals (perhaps based in many different locations) deal with a similar type of problem



without this information being shared, then what may be a deep-rooted systemic problem within the organisation may not emerge to the surface. If frontline staff inform the complainant of (intended) action, it is likely to have a positive effect in terms of good customer relations.

## Training

- 5.6 The complaints function needs to be adequately resourced by appropriately trained staff.
- 5.7 The central complaints handler should undertake an assessment of the skills and competencies required by all those involved in the complaints process and ensure that there is an appropriate training strategy in place.
- 5.8 The central complaints handler should continually keep under review the number of skilled and trained officers within the organisation to conduct and prepare reports on investigations.
- 5.9 Those likely to be involved in conducting “sensitive” investigations will in all probability need additional “specialist” training.
- 5.10 Ultimately staff training is a matter for individual public service providers to determine.
- 5.11 General training on complaint handling should be included in the induction programme for all staff in the organisation (this includes staff and Board/Cabinet members).



## Unacceptable Actions by complainants

5.12 The model Policy recognises that some people may act out of character in times of trouble or distress. It should be borne in mind that there may have been upsetting or distressing circumstances leading up to a complaint. A complainant's behaviour should not be regarded as unacceptable just because they are forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on an organisation or unacceptable behaviour towards staff. It is these actions that are considered unacceptable. Organisations should therefore have in place an 'unacceptable actions by complainants' policy and ensure that staff receive appropriate associated training. Organisations currently without such a policy, are welcome to use the Public Services Ombudsman for Wales' policy, 'Managing Customer Contact' (available at [www.ombudsman.wales](http://www.ombudsman.wales)) as a basis to develop their own procedure.



## **How to contact us**

Phone 0300 790 0203

E-mail [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

Visit the website [www.ombudsman.wales](http://www.ombudsman.wales)

Write to: Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

You can also follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)



## SPECIAL AUDIT COMMITTEE – 19<sup>TH</sup> MARCH 2021

**SUBJECT: UPDATE OF TERMS OF REFERENCE FOR THE GOVERNANCE AND AUDIT COMMITTEE**

**REPORT BY: ACTING INTERNAL AUDIT MANAGER**

**1. PURPOSE OF REPORT TO INFORM MEMBERS OF THE UPDATED TERMS OF REFERENCE OF THE GOVERNANCE AND AUDIT COMMITTEE**

1.1 To inform the members of the newly named Governance and Audit Committee of the revised Terms of Reference of the Governance and Audit Committee that come into effect from April 2021.

**2. SUMMARY**

2.1 The Local Government and Elections (Wales) Act 2021 prescribes reforms to the Council's current Audit Committee some of which will take effect from April 2021, while others come into effect later .

2.2 The reforms arising from Local Government and Elections (Wales) Act 2021 requires changes to be made to the Governance and Audit Committee Terms of Reference and the revised document is attached at **APPENDIX 1**

**3. RECOMMENDATIONS**

3.1 It is recommended that the Audit Committee notes the report and the revised Terms of Reference.

**4. REASONS FOR THE RECOMMENDATIONS**

4.1 To ensure that the Terms of Reference are compliant with the new legislation, and that the members Governance and Audit Committee are aware of the updated document. A report will be presented to the annual meeting of Council for the terms of reference and re-naming of the committee to be approved.

**5. THE REPORT**

- 5.1 The Local Government and Elections (Wales) Act 2021 prescribes reforms to the Council's Governance and Audit Committee which will take effect from April 2021.
- 5.2 These changes were reported to the Audit Committee in January; however the Committee Terms and Reference is now required to be updated.
- 5.3 As members will be aware the changes relate to the requirement to change the name of the Committee and to add new functions to the remit of the Committee in relation to the Council's performance assessment, panel review and how the Council makes reports and recommendations in relation to the authority's ability to handle complaints effectively.
- 5.4 The updated Terms of Reference is set out in the attached **APPENDIX 1** and for ease of reference the new functions introduced arising from the legislation are highlighted in bold text.
- 5.5 A number of other changes relating to the Committee will come into force at future dates. Officers and members are working with bodies such as WLGA and these issues are still under development so a further update to the Terms of Reference will be required when these are fully developed. Further reports will be presented to this committee and council when further changes become necessary.

### **Conclusion**

- 5.6 There are a number of changes arising from the new legislation which require the Committee's Terms of Reference to be updated.

## **6. LINKS TO RELEVANT COUNCIL POLICIES**

- 6.1 The council's Performance Framework and Constitution

## **7. WELL-BEING OF FUTURE GENERATIONS**

- 7.1 Strong corporate governance arrangements are a key element in ensuring that the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 are met.

## **8. EQUALITIES IMPLICATIONS**

- 8.1 No equalities implications have been identified.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 No financial implications have been identified.

## **10. PERSONNEL IMPLICATIONS**

- 10.1 No personnel implications have been identified

## **11. CONSULTATIONS**

11.1 Any comments received from consultees have been included within the report

## **12. STATUTORY POWER**

12.1 Local Government and Elections Act 2021

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Consultees: R Tranter, Head of Legal Services & Monitoring Officer  
S Harris, Head of Financial Services & S151 Officer  
R Edmunds, Corporate Director of Education and Corporate Services  
R Roberts, Business Improvement Manager

Appendix 1: Terms of Reference

Gadewir y dudalen hon yn wag yn fwriadol

## CAERPHILLY COUNTY BOROUGH COUNCIL GOVERNANCE AND AUDIT COMMITTEE TERMS OF REFERENCE

### 1. MEMBERSHIP

- 1.1 The **Governance and Audit Committee** will have a membership of thirteen individuals, twelve shall be elected members being representative of all parties and independents and one lay co-opted member to be appointed by the Committee. Members of the executive will not be eligible to be members of this Committee.
- 1.2 The co-opted member, not being a member of the Council, to be recruited for skills appropriate to the **Governance and Audit Committee's** work and shall be appointed by the Councillor members of the Audit Committee for a fixed term to be determined by them when the appointment is made.
- 1.3 As and when necessary the appointment of a lay member to the Committee shall be undertaken by an appointment panel consisting of 3 **Governance and Audit Committee** members, to include the Chairperson. The Panel will be responsible for considering all applications for the vacancy, short listing and interviewing prospective candidates. The panel will report their recommendations to the **Governance and Audit Committee** for confirmation / agreement prior to approval by the Council.
- 1.4 The **Governance and Audit Committee** will appoint its chairperson who will not be a member of any of the groups represented on the Executive except when all groups are represented on the Executive (and could be a co-opted member)
- 1.5 All members of the **Governance and Audit Committee** shall have a vote.

### 2. MEETINGS

- 2.1 The Committee will meet at least **5 times** a year. Additional meetings may be convened as the chair deems necessary or when the Authority resolves that it should.
- 2.2 A quorum for the meeting will be one quarter of the whole membership.
- 2.3 The Committee shall be advised by the Corporate Director of Education and Corporate Services the Head of Financial Services & Section 151 Officer, The Head of Performance and both the external and internal auditors. They may additionally, within an approved budget, seek independent advice from outside the authority.
- 2.4 The Committee shall meet with the Council's external auditor on an informal basis as deemed necessary by the Committee to discuss and exchange information.
- 2.5 The Section 151 Officer, the Manager of Internal Audit and the representative of the External Auditor will have free and confidential access to the Chair of the Committee.
- 2.6 The external and internal auditors of the council shall have the right to request the chair of the **Governance and Audit Committee** to consider any matter which the auditors believe should be brought to the attention of the council.
- 2.7 The Committee may ask any other officers to attend to assist it with its discussions of any matter.

### 3. TERMS OF REFERENCE

- 3.1 To review and scrutinise the Authority's financial affairs, to make reports and recommendations in relation to the Authority's financial affairs and to review and consider the financial statements prepared by the Authority or its external auditors.

- 3.1.1 To review the authority's accounting policies and procedures with a view to appropriateness and compliance
- 3.1.2 To provide direction concerning accounting records and control systems as may be required by the Accounts and Audit Regulations (Wales) 2005
- 3.1.3 To consider the external auditors report to those charged with governance on issues arising from the audit of the financial statements and make recommendations as appropriate.
- 3.1.4 To consider specific reports as agreed with the external auditor and to make recommendations as appropriate
- 3.1.5 To review and consider the effectiveness on the Council's policy for the prevention of fraud and corruption
- 3.1.6 **To consider the Council's draft Annual Performance Self - Assessment report and if deemed necessary may make recommendations for changes to the Council**
- 3.1.7 **To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year**
- 3.1.8 **At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements**
- 3.1.9 **To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.**
- 3.2 Review and assess the risk management, internal control and corporate governance arrangements and to report and make recommendations on the adequacy and effectiveness of those arrangements and can refer the risk to scrutiny committee.
  - 3.2.1 To ensure that the authority has a sound system of internal control which facilitates the effective exercise of functions and which includes arrangements for the management of risk and adequate and effective financial management. To review the effectiveness of internal control at least once a year and to approve an annual governance statement for inclusion with the authority's statement of accounts.
  - 3.2.2 In reviewing corporate governance, risk management or internal control issues any member or officer of the authority may be required to attend before the committee to explain in relation to matters within their remit e.g. compliance or otherwise with established corporate governance standards and the degrees to which risk has been considered and addressed.
  - 3.2.3 To oversee and monitor the compliance and assurance requirements and to satisfy itself as to the adequacy of the structures, processes and responsibilities for identifying and managing key risks facing the organisation.
  - 3.2.4 To review the council's corporate governance framework and suggest changes.
  - 3.2.5 To receive, review and approve the annual governance statement and the resultant action plans
  - 3.2.6 To develop and keep under review a risk management strategy for the council including methodology for assessing risks in all functions of the council
  - 3.2.7 To oversee and monitor Council activities that are subject to RIPA regulations.



- 3.2.8 **To review and assess the Council's ability to deal with complaints effectively**
- 3.2.9 **To make reports and recommendations in relation to the Council's ability to deal with complaints effectively**
  
- 3.3 **Oversee the internal and external audit arrangements of the Council**
  - 3.3.1 To liaise with Audit Wales over the appointment of the external auditors
  - 3.3.2 To consider the external auditor's proposed audit plan
  - 3.3.3 To consider the external auditor's letter
  - 3.3.4 To approve on behalf of the Council, a statement of aims and objectives of the internal audit function and the Internal Audit Charter
  - 3.3.5 To consider the annual audit plan as to the allocation of internal audit resources against different categories of work
  - 3.3.6 To ensure that the internal audit function is adequately resourced and has appropriate standing within the organisation
  - 3.3.7 To consider and contribute to as necessary to the external quality assessment of Internal Audit that takes place at least every 5 years.
  - 3.3.8 To consider reports from internal audit, and to receive reports on agreed recommendations, including those not implemented within a reasonable timescale.
  - 3.3.9 To consider the Internal Audit Manager's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's internal control environment.

Gadewir y dudalen hon yn wag yn fwriadol