



AUDIT COMMITTEE – 9TH DECEMBER 2015

SUBJECT: REVIEW OF A) THE CORPORATE COMPLAINTS POLICY & B) THE POLICY AND PROCEDURE FOR DEALING WITH UNACCEPTABLE PERSISTENT AND UNREASONABLE ACTIONS BY COMPLAINANTS

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek the views of the Audit Committee on the changes proposed to the Corporate Complaints Policy as set out in Appendix 1 prior to presenting the policy to Cabinet for approval.
- 1.2 To ask the Audit Committee to recommend that the current Policy and Procedure for Dealing with Unacceptable, Persistent and Unreasonable Actions by Complainants as set out in Appendix 2 be endorsed with no amendments.

2. SUMMARY

- 2.1 To seek views on proposed changes to the Corporate Complaints Policy and to endorse the current Policy and Procedure for Dealing with Unacceptable, Persistent or Unreasonable Actions by Complainants.

3. LINKS TO STRATEGY

- 3.1 The policies support the provision of higher quality and more effective services to the public.
- 3.2 The policies ensure that complaints are dealt with consistently and fairly across all service areas whilst ensuring staff are aware of the process of identifying unreasonably persistent complainants.

4. THE REPORT

Corporate Complaints Policy

- 4.1 By way of background information, on the 12th December 2012 the Audit Committee considered the implementation of the Council's new Corporate Complaints Policy which was subsequently endorsed by Cabinet and implemented on 1st April, 2013.
- 4.2 The policy was developed for adoption by public sector organisations across Wales by a "Complaint Wales Group" set up by Welsh Government. The Group comprised relevant officers from public sector organisations across Wales and chaired by the Public Services Ombudsman for Wales, for adoption by public sector organisations across Wales. The policy was developed with a view to ensuring that complaints were dealt with in a consistent manner

across Wales with the significant change being the number of stages in the process being reduced from three to two. This provision remains prescriptive and cannot under any circumstances be varied.

- 4.3 The Terms of Reference of the Audit Committee provides that it “shall oversee and monitor the outcomes of complaints received by the Authority under the Council’s Corporate Complaints Policy and review the policy on an annual basis and to make comments on the adequacy and effectiveness of the policy”. Members will be aware that this Committee receives six monthly update reports on the complaints received under the Corporate Complaints Policy and has recently received an Annual report reviewing the complaints policy for the period 1st April 2014 to 31st March 2015.
- 4.4 Members advised that the policy is working well and there are no proposals to significantly amend the Policy other than to include the following, which are track changed on the copy of the policy attached at Appendix 1 to the report
- 4.4.1 Additional contact details for Social Services and the Information Unit have been added to page 3 of the policy for clarification.
- 4.4.2 A new paragraph 7 has also been incorporated on page 3 of the Policy to clarify that the Policy does not relate to conduct/discipline issues. This paragraph follows similar wording to that contained in the booklet issued by the Ombudsman which sets out what types of complaints the Ombudsman is able to look at. Whilst a matter of conduct or discipline is not considered under the Corporate Complaints Policy, where such issues are raised they are referred to the relevant service area for separate consideration.
- 4.4.3 At page 5 of the policy, where a formal investigation of a complaint is considered (ie Stage 2), and the Council’s practice is for the Head of Service or a person nominated on his/her behalf to deal with such complaints. Accordingly the policy has been clarified to reflect how this part of the process is dealt with. Where a Stage 2 complaint involves more than one Head of Service, the policy currently provides that it will be dealt with by the Monitoring Officer or his/her deputy. It is proposed that this provision is amended to include the Corporate Solicitor.
- 4.5 Members are asked to consider and endorse the proposed changes prior to referring the Policy to Cabinet for approval.
- 4.6 **Policy and Procedure for Dealing with Unacceptable Persistent and Unreasonable Action by Complainants**
- 4.7 The introduction of the Policy and Procedure for Dealing with Unacceptable Persistent and Unreasonable Action by Complainants was considered by Audit Committee on 6th November 2013 and adopted by Cabinet in November 2013. The Policy is subject to a two yearly review this was due in November 2015.
- 4.8 Members are advised that it remains the case that the majority of complainants pursue their complaints with the Authority in an appropriate manner. However a small number of complainants pursue their cases in a way that can impede investigation of their complaint or have significant resource implications in dealing with the case for example the sheer number or nature of their enquiries may lead to them to be considered as persistent.
- 4.9 However officers are also mindful of the fact that unreasonable complainants may make reasonable complaints. As such all correspondence must be considered to ensure that all issues raised have been addressed.
- 4.10 Whilst there have been no formal referrals under this Policy since its introduction in November 2013, officers have had regard to its provisions when considering the actions of any complainant whose behaviour was becoming unacceptable or persistent in nature. As such it

remains a useful tool to officers when dealing with complainants under the Corporate Complaints Policy.

- 4.11 Members are therefore asked to endorse the current Policy and Procedure for Dealing with Unacceptable Persistent and Unreasonable Actions by Complainants under the Corporate Complaints Policy.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. PERSONNEL IMPLICATIONS

- 6.1 There are no personnel implications arising from this report.

7. EQUALITIES IMPLICATIONS

- 7.1 There are no equalities implications arising from this Report.

8. CONSULTATIONS

- 8.1 The views of the consultees where appropriate have been incorporated into the report.

9. RECOMMENDATIONS

- 9.1 Members are asked to provide their views on the changes proposed to the Corporate Complaints Policy as set out in Appendix 1 prior to presenting the policy to Cabinet for approval.
- 9.2 Members are asked to recommend to Cabinet that the current policy for Policy and Procedure for Dealing with Unacceptable, Persistent and Unreasonable Actions by Complainants is endorsed.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To review the Corporate Complaints Policy and the Policy and Procedure for Dealing with Unacceptable, Persistent and Unreasonable Actions by Complainants.

11. STATUTORY POWER

- 11.1 Local Government Act 1972-2003 Public Services Ombudsman Wales Act 2005.

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Ros Roberts, Performance Manager
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Background Papers:

Report to Audit Committee 12th December, 2012 - Implementation of new Caerphilly County Borough Council Complaints Policy

Report to Audit Committee 6th November, 2013 – the Policy and Procedure for Dealing with Unacceptable Persistent Unreasonable Actions by complaints under the Council's Corporate Complaints Policy

Appendices:

Appendix 1: Corporate Complaints Policy with track changes

Appendix 2: Policy and Procedure for Dealing with Unacceptable, Persistent and Unreasonable Actions by Complainants with no amendments