



SPECIAL AUDIT COMMITTEE

MINUTES OF THE SPECIAL MEETING HELD VIA MICROSOFT TEAMS ON FRIDAY 19TH MARCH 2021 AT 10.00 A.M.

PRESENT:

Councillor M.E. Sargent – Chair
N. Yates – Vice Chair

Councillors:

M. Adams, E. Aldworth, J. Gale, C. Mann, B. Miles, T. Parry, G. Simmonds, J. Simmonds

Together with:

S. Harris (Head of Financial Services and S151 Officer), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), D. Gronow (Acting Internal Audit Manager), R. Roberts (Business Improvement Manager) and R. Barrett (Committee Services Officer)

RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being recorded and would be made available to view following the meeting via the Council's website, except for discussions involving confidential or exempt items - [Click Here to View](#). Members were advised that voting on decisions would take place via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, C. Cuss and D. Hardacre, together with Cabinet Member Mrs E. Stenner (Finance, Performance and Customer Service).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

3. REVIEW OF CORPORATE COMPLAINTS POLICY AND UNACCEPTABLE BEHAVIOUR POLICY

Lisa Lane (Head of Democratic Services and Deputy Monitoring Officer) presented the report, which asked the Audit 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 (Appendix 2), which underpin the complaints handling process. In light of the introduction of the new Policy, Members were also asked to review and endorse the provisions of the existing Policy for dealing with Unacceptable, Persistent or Unreasonable Actions by Complainants (Appendix 3). It was noted that the report and the views of the Audit Committee would be presented to Cabinet for consideration at its meeting on 24th March 2021

Members were referred to Section 5 of the report which set out the background to the existing Complaints Policy, the new powers of the Ombudsman under the Public Services Ombudsman for Wales Act 2019 and subsequent actions required by local authorities in relation to their complaints handling processes. In light of new guidance issued by the Ombudsman, the Council has therefore produced a new Model Concerns and Complaints Policy which was set out at Appendix 1 to the report.

To support these changes, Customer Services are undertaking a scoping exercise to streamline the complaints process for customers, and the Ombudsman has also offered to provide further training to all authorities in the coming year as required. The Council's Learning from Complaints Group will continue 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 the Council collects data, methods for learning from concerns and complaints and a common means to identify and disseminate good practice.

In terms of complaints handling roles, in line with the guidance's requirement for Cabinet to receive reports on the number and type of complaints, their outcomes and any remedial action taken as a consequence, it was therefore proposed for these reports to be presented to Cabinet on a twice-yearly basis and that the Audit Committee also receive reports twice yearly under their terms of reference.

The Audit Committee were referred to the Ombudsman's Statement of Principles at Appendix 2, which will be promoted on the Council's Website alongside the Concerns and Complaints Policy, and the Committee were also asked to endorse the Council's existing Policy relating to Unacceptable, Persistent and Unreasonable Complainants at Appendix 3, with it intended for this to be published alongside the new Complaints Policy and Statement of Principles.

The Audit Committee discussed the report and asked if they would benefit from the training being offered by the Ombudsman. Officers explained that this training focuses more around the handling and investigation of complaints and is subsequently geared towards Officers.

A Member made three suggestions in relation to accuracy, namely to update Page 5 of the Concerns and Complaints Policy to the new Governance and Audit Committee, and that in regards to the policy for Unacceptable, Persistent and Unreasonable Complainants, Section 4 referring to "*a wider **angle** of issues*" be updated with a more suitable word for "angle", and that dates at Section 9 relating to Policy Review be updated. Mrs Lane confirmed that the name of the Committee would be updated and that she would review the remaining points following the meeting and report the suggestions to Cabinet.

A Member asked whether Section 8 of the Unacceptable, Persistent and Unreasonable Complainants policy regarding Notification to Local Members should be strengthened to include advice to the local members on their contact with restricted complainants. Mrs Lane advised the Committee that the policy related to restricting contact with Officers under the corporate complaints policy and that in relation to ward members contact, advice could be given on a case by case basis by either herself or the Monitoring Officer. A Member also queried if the Council could challenge the Ombudsman on the length of time they take to investigate matters when the Authority is bound by strict timescales. Mrs Lane explained that this issue was not within her remit under this report.

Clarification was sought on how complaints data is reported to Cabinet and concerns were expressed as to whether constituent complaints on matters such as street lighting are accurately reflected in the reports to Cabinet. It was explained that the new process has not yet commenced, and complaints data is currently reported to Audit Committee under the existing process. The Committee discussed the new process in detail and raised concerns on the mechanisms in place for flagging complaints to decision makers and how change may be brought about on policies which have gone through a decision-making process.

Officers explained to the Audit Committee that even if there were large numbers of complaints about a decision, that would not necessarily mean that the decision was not properly made. Officers also explained that moving forward, the new process will improve the value of the data so that the Council can learn from the complaints received and that under the new Performance Management framework, improved recording will be put in place to capture more accurate trend data. The Committee's attention was also drawn to the work being undertaken with Customer Services on the scoping exercise to improve the way the Council collates and reports on data and learns lessons from this data.

In relation to discussion around street lighting complaints, Members requested that they be provided with the total number of complaints received since part-night lighting was introduced. Officers confirmed that they would take this request back to the appropriate Director so that this information could be circulated to Members. Assurances were also given that the key issues raised by the Audit Committee in regards to the Concerns and Complaints Policy and the other matters in the report would be captured and reflected in the update to Cabinet at their meeting the following week.

During the course of debate, one Member also suggested that the policy does provide a mechanism for making sure complaints are brought to Cabinet and reported to the Audit Committee, and that it might not be the case that a complainant has issues with a policy itself, but rather that they have concerns about any unintended consequences, and therefore there should be opportunities for the Council to learn from complaints received and to revisit and adjust a policy to ensure it is working in the way that it is intended.

Following consideration of the report it was moved and seconded that subject to the provision of their views to Cabinet, the recommendations in the Officer's report be endorsed. By way of Microsoft Forms this was unanimously agreed.

RESOLVED that :-

- (i) 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 be endorsed, prior to their presentation to Cabinet for approval;
- (ii) the proposal for reporting to the Audit Committee on a twice-yearly basis be supported, with it noted that Cabinet will be asked to endorse a proposal that it also receives reports twice yearly.

4. UPDATE OF TERMS OF REFERENCE FOR THE GOVERNANCE AND AUDIT COMMITTEE

Deborah Gronow (Acting Internal Audit Manager) presented the report, which informed 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. Members were reminded that 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. The reforms therefore require changes to

be made to the Committee's name and terms of reference to ensure that these are compliant with the new legislation and so that that the Committee are aware of the new responsibilities placed upon them from 1st April 2021. The revised terms of reference were appended to the report for Members' information, which will be presented to the annual meeting of Council for the terms of reference and re-naming of the committee to be approved.

It was noted that further changes are in progress and will become effective in 2022, which will require the Committee's terms of reference to be further updated, and in line with these, a further report will be presented to Committee in due course.

The Audit Committee discussed the report and a Member commented on the lack of changes to the Terms of Reference at Appendix 1. Officers explained that there are only minor changes to the document at this stage, as the main changes regarding the new composition of the Committee are not due to be introduced and adopted until 2022. Therefore the appended changes related 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.

Members were pleased to have the opportunity to view the changes and to examine these at an early stage, given the significant impact on the structure and role of the Committee moving forward. Officers explained that further guidance will be issued by the WLGA regarding the new Act and there is also the intention for local authorities to set up a working party to look at the more detailed changes that are required due to the wide-ranging remit of the new Act. It was emphasised that the appended terms of reference merely concentrate on the changes that come into effect on 1st April 2021 to ensure that the Committee is working under the right terms and conditions, and then more detailed changes will need to be discussed in more detail as advice comes forward in due course from various organisations.

One Member asked when the changes would need to be in place and if the new performance duties would overlap with the role of scrutiny committees. It was explained that further information and guidance in this regard is being produced which will set the building blocks and preparation in place for how the Audit Committee will operate in its new role from next year, and Members will continue to be informed as these future changes progress.

Following consideration of the report, the Audit Committee noted its contents and the revised Terms of Reference as set out at Appendix 1.

The Chair thanked Members and Officers for their attendance and contributions and the meeting closed at 10.55 a.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 20th April 2021, they were signed by the Chair.

CHAIR