**Report No.** **04/11**

 **Standards Committee**

**REPORT OF THE MONITORING OFFICER**

**SUBJECT: REPORT INTO CHANGES TO THE COMPLAINTS HANDLING SYSTEM**

Background

At present the Authority operates a complaints procedure under its “Service Standards” procedure. It was last revised in 2007. Members will be familiar with the guidance the Authority publishes in Service Standards booklet <http://www.pembrokeshirecoast.org.uk/Files/files/Corporate%20Docs/Service%20Standards.pdf>.

This document was created after consultation and discussion culminating in a recommendation for its approval in 2007. Since that time there have been changes in how the Public Service Ombudsman for Wales operates and the approach of the Welsh Government (WG) to complaint handling.

Current proposal by WG

The Welsh Government have launched and led an initiative for substantial changes to the way in which public bodies /organisations across a whole range of service providers e.g. health authorities, housing associations and local authorities deal with complaints.

I have attended one conference on this subject in 2009 and have participated in the consultation process through an “all-parks” response, which was made last July to the WG .

* The proposed definition of “complaint” is too wide and could have major financial, administrative and legal consequences, if adopted in its current form. Complaints need to be based on a written form so that there will be a clear trail to follow about how the complaint is dealt with and little or no scope for ambiguity or misunderstanding. There is an additional risk that the current definition becomes a hostage to fortune, providing a tool for serial complainants and single campaign pressure groups to overwhelm any system. It is fundamental to a uniform procedure that there is a simple uniform definition of what is a “complaint.”
* A three stage process involving local resolution, a formal internal process and a single external investigation makes sense and reflects the process adopted by the Brecon Beacons National Park Authority (BBNPA) in April 2008, but we collectively take the view that the Ombudsman should not be prescriptive in such matters. An alternative would be for the Ombudsman to provide guidance/best practice for complaint investigators to ensure a standard approach to complainants. A model form for common complaints handling that Authorities are free to amend to suit their internal mechanism/size whilst adhering to the three stage process outlined above is preferable, and enable responses to be judged fairly and proportionately, thereby avoiding potential figure massaging and inaccurate performance comparisons.
* During times of hardship in the public sector we were concerned to note that additional public finance would be needed for this project. Whilst effective complaints handling is of course always a priority for any organisation we consider that the Ombudsman should set up and deliver an efficient and effective signposting service utilising existing budgets by realising savings from internal efficiencies.
* We potentially take issue with the statement that the lack of uniformity serves no-one’s purpose. As complaints arrangements have built up over long periods these can, and often do, match the organisation’s size, structure and nature. For that very reason a one size fits all complaints handling system could be overly bureaucratic and inefficient.
* We agree that simplicity and a non bureaucratic approach is the key to successful complaint handling with staff being suitably empowered to resolve complaints. By adopting a common complaints handling system for all public service providers we do question however how this will empower staff at a local level and be non bureaucratic.
* A common complaints handling system will not necessarily lead to a more streamlined process. This very much depends on the existing model currently in place within an organisation and the new model that is to be adopted. Were the system standardised, thought should be given to a standard IT package for complaints handlers to use. This has significant budgetary consequences. Pembrokeshire Coast National Park Authority (PCNPA) have undertaken research and could not be persuaded that there was a cost effective package appropriate for us available to provide not already provided by the existing system.
* Whilst a standardised complaints form sounds good in theory the reality may be somewhat different. There is a real danger that it could be overly complicated with numerous sections that are not relevant to the complaint thus putting people off complaining, or too simplistic not allowing people the opportunity of expressing their real complaint. Such a form would have to take into account a plethora of services including planning, social services, housing, housing repairs, education etc and we question whether this is in fact achievable in practice.
* The process needs to be taken much further before the Parks are in a position to support the proposal with much more detail needed as to the contents of the proposed model code of practice and in this context more work is needed on what constitutes the definition of a complaint.
* To conclude, whilst the theory is undoubtedly sound and a three stage process undoubtedly makes sense we do have reservations primarily concerning the attempt to have one system for all and the limited potential for local variation.

After a lengthy period of reconsideration the WG has now issued its guidance which can be found on <http://wales.gov.uk/topics/improvingservices/publications/complaintspol/;jsessionid=hvvyTBqS97hYxBW6WTxgv1GJWQhvbjQvB4J7yglmn4hg1B4KLF2X!-1206084875?lang=en>

It has been developed by the Complaints Wales Group, chaired by the Public Services Ombudsman for Wales. The Group was brought together to draw on experience and expertise from across the Public Sector in Wales, and the attached Model Policy should be viewed as having been developed for those involved in dealing with public service complaints by their peers.

The Model Policy derives its crucial importance from The Welsh Government’s commitment to improving public services from a citizen’s perspective, and also from the perspective that complaints, and how they are handled and resolved, should be able to support the provision of higher quality and more effective public services.

The Model Policy is in two parts; the first part is aimed at the public and is designed to be adopted by all public service providers in Wales. To ensure the consistency of approach that is desirable in a pan-public service Complaints Policy it is relatively prescriptive. The second part is guidance designed for service providers and is more flexible, recognising that different organisations will be required to deal with complaints in a way commensurate with their responsibilities and resources.

The adoption of the Model Policy will be a decision for individual organisations. It is the view of the Welsh Government that there are profound advantages to the adoption of the Scheme; it will be easier to deal with multi-agency complaints and will provide the service user with a single contact point and a single investigation process; it places a premium on the importance of early resolution of complaints, where possible avoiding the need to engage the formal complaints process by tackling problems at source; it minimises the number of complaints stages, thus reducing both cost and frustration; and it will facilitate the delivery of joint staff training in partner organisations which can both reduce costs and facilitate more effective joint working.

The Model Policy has been endorsed by Welsh Ministers, who recognise and applaud the ambition of the Complaints Wales Group in developing this Scheme. It is hoped that a suitable platform can be found for a formal Ministerial endorsement of the Policy in the future, but in the meantime it is commended as the basis for a Complaints Procedure that is open and accessible to service users; is designed to deal with complaints in the most efficient and effective way; and uses the outcomes of, and learning from, complaints resolution to inform the delivery of high-quality, citizen-centred public services.

Effect on NPA

The adoption of a Model Policy by would require this Authority to modify its own complaint handling procedures. At the moment we actually have a process which works well in my view, but this idea that a single All-Wales standard procedure, encompassing health, housing and local government complaints requires careful consideration. The guidance does acknowledge that there are problems with the “one size fits all“ approach, as I have highlighted.

As the majority of complaints that I have been asked to look into arise from planning matters, both procedural and decision making, I recommend any response carefully consider the views of the Authority’s senior officer in planning matters. Variation of the existing scheme will involve resource implications in an era of austerity in local government finances and this will have to be factored in.

Recommendation

**I recommend that there be a detailed response with precise recommendations prepared by officers and members, led by the Monitoring Officer for further detailed consideration by this committee within three months.**

*(For further information, please contact John Parsons, Monitoring Office on Ext. 4904)*