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GOVERNANCE AND AUDIT COMMITTEE

Minutes of a Hybrid Meeting held on 27th September, 2022.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: G. Chapman (Chair and Lay Member); N. Ireland (Vice-Chair and Lay Member); Councillors: E. Goodjohn, M.J. Hooper, J.M. Norman and N.J. Wood; and M. Evans (Lay Member)

Also present: Councillor L. Burnett (Leader and Cabinet Member for Performance and Resources).

264 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

265 APOLOGIES FOR ABSENCE –

These were received from Councillors P. Drake and J. Protheroe.

266 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 11th July, 2022 be approved as a correct record.

267 DECLARATIONS OF INTEREST –

No declarations were received.

268 VALE OF GLAMORGAN ANNUAL PERFORMANCE CALENDAR 2022/23 (REF) –

The reference from Cabinet of 7th July, 2022 was presented as contained within the agenda.

The report presented the Vale of Glamorgan’s Annual Performance Calendar for 2022/23 which outlined the key plans and reports that would be subject to consideration by Members throughout the year. The report also outlined how the

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Council proposed to engage with the new cohort of elected Members in shaping the processes, key plans and reports aligned to the Annual Performance Calendar to enable the Council to meet the new performance requirements of the Local Government and Elections (Wales) Act 2021 (LG&E Act) and contribute to the national goals of the Well-being of Future Generations (Wales) Act 2015 (WCFG).

Councillor M. Hooper commented that staff engagement appeared to take place late on during the process, post decision, and it wasn't entirely clear when consultation with staff would occur or if this would take place through the trade unions. In reply, the Director of Corporate Resources advised that the contributions of staff and the trade unions could be made more clearer within the Calendar. The report mainly indicated the statutory consultation phases and there was a duty to consult with staff and trade unions, but it was implicit that there would be ongoing engagement with both staff and Vale citizens. For example, the Annual Staff Survey reflected on the work undertaken by the Council.

Having considered the reference, report and discussions at the meeting, Committee

RESOLVED – T H A T the Vale of Glamorgan Annual Performance Calendar 2022/23 and the proposed approach to engaging with Members in-year to shape and refine the Annual Performance Calendar and associated processes, plans and reports to enable the Council to meet the new performance requirements be endorsed.

Reason for decision

Having regard to the contents of the report and discussions at the meeting.

269 DRAFT VALE OF GLAMORGAN ANNUAL SELF ASSESSMENT 2021/22 (REF) –

The Director of Corporate Resources presented the reference from Cabinet of 8th September, 2022 as contained within the report.

The Draft Vale of Glamorgan Annual Self-Assessment report (Appendix A) drew on a wide range of information sources to assess the progress made by the Council in meeting its Annual Delivery Plan commitments for 2021/22 as aligned to the Corporate Plan Wellbeing Objectives. The findings would enable the Council to identify how to further enhance internal processes and use of resources to improve and support achievement of the Annual Delivery Plan commitments and Corporate Plan Well-being Objectives.

The Annual Self-Assessment report was a new requirement for Welsh Local Authorities under the Local Government and Elections (Wales) Act 2021, which required the Council to keep performance under review, consult on and then publish a report setting out the conclusions of its self-assessment once in respect of every financial year.

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Overall, based on the review of last year's performance, it was believed that on balance the Annual Delivery Plan commitments for 2021/22 had been met, in what continued to be a challenging year for the Council. The conclusion would be reviewed to reflect the findings from consultation work with citizens, partners, Council staff and other key statutory consultees following conclusion of engagement activities at the end of September.

Councillor M. Hooper referred to page 20 and the success of the bid for the Marina, and he asked whether this related to an expectation or an accurate representation. In reply, the Director of Corporate Resources clarified that a decision by the U.K. Government had yet to be made, but it was imminent.

The Chair, Mr. G. Chapman, commented on the consultation that was ongoing with staff, key businesses, trade unions, etc., which was not yet completed, but would be essential for the Governance and Audit Committee to assess before passing further views on to Cabinet for its consideration. The Chair queried whether there were any services or functions that had been identified as a red status which required more attention, particularly in relation to the more complex service actions, and how would these be monitored by senior management. In response, the Director advised that the Committee would receive the full response from the consultation process that would help inform the Committee's reflections on the judgements made in the report. Cabinet would then have responsibility to consider any specific views raised by the Governance and Audit Committee before final approval by Full Council. He added that in terms of identification of any specific areas of improvements within Directorates, these would be considered through the Scrutiny process and the quarterly monitoring reports that would include slippage against any action or Council measure and highlighted with a red status. This allowed Elected Members opportunity to challenge the remedial actions processed by service managers. Within the Annual Self-Assessment report and the appendices, there was detail relating to those areas which required improvement, one of which was around more engagement and insight that would lead to an ongoing conversation on performance with staff and trade unions.

Mr. M. Evans (Lay Member) referred to the direction of travel boxes and stated that he expected more of an assessment of where the Council was against where the Council thought it would be 12 months ago, as opposed to the position for the previous quarter. He therefore asked for the rationale behind that approach. Mr. Evans also queried whether there were numeric thresholds (such as a percentage achievement rate) which determined the red, amber or green statuses. The Director in reply, advised that in terms of the directions of travel, they did represent the position at the end of that quarter. In terms of the data to show if the Council had achieved what it had set out to achieve, this was best illustrated with the data at the bottom of page 16 of the Self-Assessment document. This was a breakdown of performance at the end of the year. The assessment was based on a numeric value, and this would be shared with the Committee members via email. The Director went on to advise that performance exceptions were reported on a quarterly basis to each of the Council's 5 Scrutiny Committees.

Councillor M. Hooper commented that it was important to ensure the narrative associated with the cost-of-living crisis was up to date as there was a danger of

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underplaying the seriousness of the issues being faced to support the basic needs of vulnerable groups. Councillor Hooper, also commented that there was reference to the purchase of the site of the former Aberthaw power station to deliver green projects, and he stated that more detail around that proposal should be included. In reply, the Director stated that the report related to the position as at the end 2021/22, but he would take on board the views relating to the cost-of-living crisis and the Aberthaw site. The narrative for the next Annual Delivery Plan would be very different reflecting on the economic and social events taking place very quickly and response work being undertaken by the Council.

The Director agreed that if Members had further comments then he would be happy to receive them via email.

Having considered the reference, report and discussions at the meeting, Committee

RESOLVED –

(1) T H A T the Draft Vale of Glamorgan Annual Self-Assessment report 2021/22 (Appendix A) as the basis for consultation as described in the report be endorsed.

(2) T H A T the views of the Governance and Audit Committee be referred to Cabinet for its consideration; these being:

- More narrative related to the actions in supporting the basic needs of vulnerable groups as a result of the cost of living crisis;
- Greater reference to the proposals for the redevelopment of the former Aberthaw Power Station site.

Reasons for decisions

(1) Having regard to the contents of the report and discussions at the meeting.

(2) To inform Cabinet of the views of the Governance and Audit Committee.

270 Q1 UPDATE: AUDIT WALES WORK PROGRAMME TIMETABLE 2022/23 - VALE OF GLAMORGAN COUNCIL (DCR) –

As the officer from Audit Wales had technical issues joining the meeting, it was agreed for this item to be deferred to the next meeting.

RESOLVED – T H A T the Update Report be deferred to the next meeting of the Governance and Audit Committee.

Reason for decision

Following technical issues which prevented the relevant officer from presenting the report to the Committee.

271 CORPORATE COMPLAINTS ANNUAL REPORT 2021/22 (DCR) –

The Director of Corporate Resources presented the report, which outlined that the Council had adopted the Welsh Government's Model Corporate Concerns and Complaints Policy in July 2013. Complainants who remained unsatisfied after Stages 1 and 2 of the Policy were able to refer their complaint to the Public Service Ombudsman for Wales (PSOW).

In May 2021 the PSOW confirmed that the Council's policy conformed with its model policy.

All Corporate Complaints and Compliments during the reporting period were recorded on Oracle CRM and feed into the Complaints and Compliments Dashboards. These excluded Social Services complaints which were resolved via a different procedure and were reported separately.

The Local Government and Elections (Wales) Act (2021) required 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. These provisions were included in Part 6 of the legislation relating to the Performance and Governance of Principal Councils and Duty of Principal Council to keep its performance under review.

The purpose of the policy was to ensure that complainants experienced a consistent and fair response. Recording and monitoring of complaints allowed the Council to:

- Gain insight into citizens' satisfaction with services provided;
- Understand how satisfied customers were with how the Council investigated complaints;
- Monitor responsiveness to statutory guidance and customer expectations regarding how quickly the Council completed complaints investigations.
- Identify potential for improving service by analysing what had been learned from complaints.

Analysis of complaints information for 2022/23 indicated that the number of complaints received (358) were in line with the long-term trend, averaging 377. Overall:

- Complainants were satisfied with how complaints were investigated;
- Responsiveness, in terms of adherence to deadlines, continued to decline;
- Complaint handling was meeting the requirements of statutory bodies;
- An increased focus on learning from complaints was required.

The Public Services Ombudsman for Wales (PSOW) received 61 complaints relating to the Council during the period. This represented a significant increase compared to the 38 received in 2020/21 and was above the longer-term average. 2 complaints were taken into investigation, 1 of which was upheld 1 partially upheld. 7 (4) complaints were resolved through Early Resolution and 25 (10) were considered to be Premature. 8 (9) were out of jurisdiction and 19 (14) were other cases closed after initial consideration.

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The annual report detailed complaint performance for Directorates for 2021/222 and included performance trends since 2014/15.

In April 2022 the Council implemented the Unacceptable Actions by Citizens and Social Media Policies. The new Policy on Unacceptable Actions by Citizens had not been applied to any citizen since its adoption. The previous Unreasonable Complainants Policy was applied on 4 occasions between October 2013 and April 2021.

Since its adoption only 3 people had been blocked or muted on a social media channel under the Social Media Policy.

Councillor M. Hooper stated that there was a new complaints management system being introduced, so were there any risks that the Committee should be aware of. The Director advised that a new system had been procured from a company called Granicus, which was being rolled out for use in the Contact Centre. The Complaints and Compliments element of that system was near the back end of the implementation process, so that roll out appeared to be somewhat seamless as the referral process was straightforward. The new system would offer opportunity to improve how referrals would be handled, provide better and more timely reporting and provided better functionality for the user.

Mr. M. Evans commented that it was good that the report captured actions to be taken following complaints, but he would have liked to have seen more context in relation to the likelihood of those actions being achieved. In reply, the Director stated that a number of actions that were being progressed, including increasing the visibility of the report to ensure that the knowledge would be shared on a wider and more regular basis. This also included quarterly reports to the Council's Strategic Leadership Team, so that there could be challenge of whether the causes of those complaints were being accurately recorded, and effectively building that into the new system whilst also removing the option of no learning.

The Chair, Mr. G. Chapman, then raised a series of points:

- What did it actually mean when complainants indicated that they were completely satisfied with how complaints were investigated.
- Whether complaints made to Councillors were registered or captured anywhere.
- Did every complainant receive feedback as to how their complaint had been dealt with as well as the actions that the Council take as a result of the complaint.
- Would Directorates learn lessons particularly if they were receiving a high number of complaints relating to the same issue.
- Who would monitor the lessons learnt process to ensure that the issues raised were taken forward.
- Social Services and Schools, both had separate complaint procedures, so could these be looked at in overall view as to how these were being handled, to ensure there were appropriate processes in place.

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- Did the PSOW produce an annual report which would be considered by the Committee.

In reply to the above, the Director advised:

- In terms of satisfaction of complaints, this would be measured by the resolution rate at Stage 1 of the process. 90% of complaints were resolved at Stage 1 and did not progress to Stage 2.
- If a Councillor raised a formal complaint on behalf of a resident through the Contact Centre, then that would be captured and registered as a complaint through the complaint's process. It was important to recognise that there was a differentiation between the types of issues raised, for example, the missing of a refuse bin collection would not be regarded as a formal complaint, but the persistent missing of a collection would be.
- With regard to feedback, yes, both Stage 1 and Stage 2 of the process required the Council to write to the complainant explaining the conclusions made and setting out the reasons why those conclusions had been reached. Complainants would also be advised of any further course of action open to them under the complaints policy. This also included information about making a complaint to the PSOW.
- In relation to how the complaints and compliments data was used, there were quarterly reports produced for each Directorate's Management Team. These were in conjunction with the quarterly performance reports, which provided greater context and better understanding of the overall position. This enabled the management teams to reflect on issues. There was a need to better record outcomes which had been identified in the Annual report.
- The report did include some headline figures relating to Social Services, which came under a separate process, but it was considered useful to include in the Annual report for context purposes.
- With regard to schools, each would have a complaints procedure that would be overseen by the governing body.
- In terms of the PSOW, they no longer produced an annual report, and moved to producing an annual letter for each local authority, as shown in Appendix B. There was an onus on the Council to indicate how it would have taken forward the learning, with that to be fed back to the PSOW via the Committee and Cabinet.

The Chair queried whether complaints would be totally satisfied if their complaint was resolved at Stage 1 and was there any further assessment of satisfaction carried out. In reply, the Director commented that if a person had made a complaint which was not upheld at Stage 1, then if they were not satisfied then there would be a likelihood that they would progress the complaint to Stage 2. As 9 in 10 complaints were resolved at Stage 1, then that was a fair reflection on satisfaction. The Director added that there was an opportunity to carry out more feedback work in regard to the process and handling.

There being no further comments or queries, the Committee

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RESOLVED –

- (1) T H A T the contents of the report and Appendix A (Annual Complaints and Compliments Report) be noted.
- (2) T H A T the Governance and Audit Committee continues to receive an annual update in relation to Corporate Complaints and Compliments.
- (3) T H A T the Annual Letter from the Public Services Ombudsman for Wales (Appendix B) in the context of the Annual Complaints and Compliments Report, be noted.
- (4) T H A T the report and the comments of the Governance and Audit Committee be referred to Cabinet for their consideration.

Reasons for decisions

- (1-3) Having regard to the contents of the report and discussions at the meeting.
- (4) To allow Cabinet to consider the report and the comments of the Governance and Audit Committee.

272 PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW):
HOMELESSNESS REVIEWED, AN OPEN DOOR TO POSITIVE CHANGE:
ACTION ON SUGGESTED RECOMMENDATIONS TO NON-INVESTIGATED
AUTHORITIES (DCR) –

The Director of Corporate Resources presented the report and was joined by the Head of Housing and Building Services.

It was outlined, that in accordance with the Public Services Ombudsman (Wales) Act 2019, the Public Services Ombudsman for Wales (PSOW) published their first own initiative investigation, Homelessness Reviewed: An Open Door to Positive Change in October 2021. This investigation was in response to evidence of systemic maladministration and undertaken in accordance with the PSOW's Criteria for Own Initiative investigations.

In addition to the six specific recommendations made to the three investigated Local Authorities (Cardiff, Carmarthenshire and Wrexham), the report also invited the remaining 19 Local Authorities to comply with four recommendations. These related to: Making arrangements at an all-Wales level to discuss and improve consistency of the Review Process; Creating working relationships with stakeholder / partner agencies, such as 'Take Notice', to help improve services; Formulating a framework, in conjunction with advocacy groups, which would empower officers to make decisions / take action, particularly in relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review; Considering the recommendations made to the three Investigated Authorities and to take forward any learning points that would improve their service provision.

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Appendix A to the report detailed a recent request from the PSOW to the Council to provide a progress update on the actions taken to address the four recommendations.

Appendix B to the report outlined the Council's progress to date in addressing these recommendations. Overall, good progress had been made with the majority of actions (10) now embedded as standard practice within the Council's services. Out of 12 related actions in the insight tracker, work was progressing on the remaining two actions. These related to: progressing arrangements at an all-Wales level to discuss and improve consistency of the Review Process and reviewing the Council's use of alternative communication methods, such as 'WhatsApp' and text, to convey decisions which could then be followed up with a letter.

The Governance and Audit Committee were being asked to consider the recommendations of the Homelessness Reviewed: An Open Door to Positive Change Report, the PSOW's letter to the Council (appended at Appendix A to the report) and to note the Council's progress update (appended at Appendix B to the report) with any recommendations / comments being referred to Cabinet for their consideration and endorsement of progress.

The Committee was also being asked to recommend to Cabinet, that following its consideration, that the Council's progress update be forwarded to the PSOW as per the request.

Councillor M. Hooper referred to the action relating to the use of alternative communication methods such as text messaging, which had been highlighted as completed. Councillor Hooper stated that he was in the process of assisting an individual who was currently homeless but was finding it a challenge to engage and communicate with the Council as they did not have full access to a mobile phone or electronic device, so he wanted to highlight that there were electronic communication platforms that did not require the use to pay for mobile phone data. In reply, the Head of Housing and Building Services advised that social media and technology were not the only way that the department dealt with issues, drop-in services were available at the Council offices as well as a range of advice services throughout the Vale of Glamorgan. For example, the Council had recently opened a Housing Advice service on Holton Road in Barry. A lot of communication was carried out face to face, and the department would recognise that many of the individuals presented before them were vulnerable. Independent advocates and mentors were provided, as meeting housing needs could be a very legalistic and complicated process. The Council ensured that the process was open and transparent, with the ability for decisions to be challenged.

Mr. M. Evans (Lay Member) asked whether the processes that had previously been developed continued to be robust. The Head of Housing and Building Services advised that a Shelter Cymru advocate was embedded within the Council's Housing Options/Solutions Team on a part-time basis. Decisions that had been appealed or challenged for review would be automatically referred to the advocate for consideration. Shelter Cymru were able to take legal action against Council decisions, and it was reassuring to note that Shelter Cymru had never taken any

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legal action or threatened litigation against the Vale of Glamorgan. The report did highlight that the PSOW had found that most reviews were satisfied by negotiation. The Head of Service confirmed that all necessary controls were in place and external and independent auditors had reviewed the Council's processes, and he was not aware of any adverse comments raised by regulators over the past 3 or 4 years.

The Chair, Mr. G. Chapman, suggested that instead of dates to indicate when actions were completed, more up to date information on the latest status of each action should be included to highlight that issues were addressed in previous years, and the processes reviewed in 2021, which were found to be safe and robust. This would provide more reassurance. The Head of Service agreed that the response could be updated.

Subsequently it was

RESOLVED –

(1) T H A T the recommendations of the Homelessness Reviewed: An Open Door to Positive Change Report, the Public Services Ombudsman for Wales' letter to the Council (appended at Appendix A) and the Council's progress update (appended at Appendix B) be noted and referred to Cabinet for their consideration and endorsement of progress.

(2) T H A T following Cabinet's consideration of the report, the Council's progress update (appended at Appendix B) be forwarded to the Public Services Ombudsman for Wales as requested.

Reasons for decisions

(1) Having regard to the contents of the report and discussions at the meeting.

(2) To ensure the Council responds appropriately to the Public Services Ombudsman for Wales with a progress update against the report's recommendations.

273 UPDATED FORWARD WORK PROGRAMME (HRIAS) –

In order to assist the Governance and Audit Committee in ensuring that due consideration had been given by the Committee to all aspects of their core functions, the Forward Work Programme (appended to the report at Appendix A) had been produced and was aligned to the Committee's Terms of Reference.

The Forward Work Programme had been updated to reflect changes required to the Committee's Terms of Reference under the new Local Government and Elections Act and included items previously requested by Members of the Committee.

Due to the concerns raised that the agenda for the October 2022 meeting was very full, the Whistleblowing Policy and Performance Update had been rescheduled to

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December whilst the Corporate Complaints 2021/22 Annual Report had been brought forward to this meeting.

The Committee was asked to note the Forward Work Programme and indicate whether any additional information was required.

Mr. M. Evans (Lay Member) raised that it had been highlighted in a previous meeting, for a recommendation tracking report to be provided at every meeting of the Committee. The Head of Finance stated that as that was a live document, more regular updates were a possibility.

It was suggested that the October meeting should start at an earlier time due to the size of the agenda.

It was

RESOLVED –

- (1) T H A T the Forward Work Programme be noted.
- (2) T H A T the schedule of items for the next meeting, 24th October, 2022, be endorsed and to also include the deferred report – Q1 Update: Audit Wales Work Programme Timetable 2022/23 – Vale of Glamorgan Council.
- (3) T H A T the Governance and Audit Committee receives an Audit recommendation tracking report at each Committee meeting.

Reason for decisions

(1&2) To ensure the Governance and Audit Committee is aware and informed of progress on the proposed work programme.

(3) To allow the Governance and Audit Committee to track the implementation of recommendations made by the Internal Audit Service.