

AGENDA

Meeting: Standards Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Thursday 3 October 2024

Time: 10.30 am

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, email committee@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Paul Oatway QPM (Chairman)

Cllr Allison Bucknell (Vice-Chairman)

Cllr Andrew Davis

Cllr Matthew Dean

Cllr Ruth Hopkinson

Cllr Christopher Newbury

Cllr Bill Parks

Cllr Sam Pearce-Kearney

Cllr Mike Sankey

Cllr James Sheppard

Cllr Derek Walters

Substitutes:

Cllr Richard Britton

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Howard Greenman

Cllr Mel Jacob

Cllr Gordon King

Cllr Kathryn Macdermid

Cllr Dr Nick Murry

Cllr Graham Wright

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. For meetings at County Hall there will be two-hour parking. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended. For Monkton Park, please contact reception upon arrival.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

Our privacy policy is found [here](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies and Membership**

To note any apologies or substitutions for the meeting.

To note any updates to Committee Membership.

2 **Minutes of the Previous Meeting** (Pages 5 - 8)

To confirm the minutes of the meeting held on 2 July 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee or Monitoring Officer.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 26 September in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 1 October 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

- 6 **Status Report on Code of Conduct Complaints** (*Pages 9 - 14*)
To note the Status Report on the current position on Code of Conduct Complaints.
- 7 **Complaints Procedure** (*Pages 15 - 44*)
To receive a report from the Monitoring Officer.
- 8 **Whistleblowing Policy** (*Pages 45 - 78*)
To note and provide any comment on the redrafted Wiltshire Council Whistleblowing Policy.
- 9 **Constitutional Changes** (*Pages 79 - 102*)
The Committee considered the recommendations of the Constitution Focus Group.
- 10 **Wiltshire Council Annual Complaints Report 2023-24** (*Pages 103 - 144*)
To receive a report from the Monitoring Officer.
- 11 **Urgent Items**
Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 2 JULY 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice-Chairman),
Cllr Andrew Davis, Cllr Ruth Hopkinson, Cllr Bill Parks, Cllr Sam Pearce-Kearney,
Cllr Mike Sankey, Cllr Derek Walters, Gordon Ball (non-voting) and Julie Phillips
(non-voting)

96 **Apologies for Absence**

Apologies were received from:

- Cllr Pip Ridout

The Committee also noted the following membership changes:

- Cllr Tamara Reay to come off the Committee and Cllr James Sheppard to come on to the Committee as a full member.

97 **Minutes**

The minutes of the previous Standards Committee meeting held on 18 April 2024 and the minutes from the Standards Hearing Sub-Committee meetings held on 11 October 2023, 16 November 2023, 8 February 2024 and 15 May 2024 were presented for consideration.

It was;

Resolved

To approve and sign the minutes as a true and correct record.

98 **Declarations of Interest**

There were no declarations of interest.

99 **Chairman's Announcements**

There were no announcements.

100 **Public Participation**

One public question had been received by the deadline published in the agenda, to which a response had been provided. The question and response had been published as an agenda supplement.

Resolved:

To note the public question.

101 **Status Report on Code of Conduct Complaints**

The Committee received the status report, updating on the number and outcome of Code of Conduct complaints received since the last meeting on 18 April 2023 and providing a summary of the complaints considered by the Assessment Sub-Committee (ASC).

Between 8 April 2024 and 20 June 2024, the Monitoring Officer had received 15 complaints under codes of conduct. Of these, 1 was referred for investigation by the Assessment Sub-Committee, 1 was dismissed by the Assessment Sub-Committee as requiring No Further Action. 2 were dismissed by the Monitoring Officer due to allegations relating to a member acting in their private capacity, 1 was dismissed by the Monitoring Officer due to the complaint being regarding an employment matter between the Complainant and council, 1 was dismissed by the Monitoring Officer following the resignation of the Subject Member, 3 were dismissed by the Monitoring Officer due to insufficient information being provided, 1 was dismissed by the Monitoring Officer under paragraph 4.6 of Protocol 11, 1 resolved informally by the Monitoring and 4 were awaiting assessment.

The chart at para xx in the report showed that 15 complaints for the quarter was about average compared to the previous quarterly periods.

The Committee noted that there were two live Investigations ongoing at present.

A table of current cases had been provided to the Chairman on 11 June 2024 for a dip sample of cases to be undertaken to enable oversight.

The Chairman of the Standards Assessment Sub-Committee, Councillor Ruth Hopkinson noted that it was likely there would be a rise in code of conduct complaints as they moved closer to the local election period next May.

After a discussion, it was,

Resolved:

To note the position on Code of Conduct Complaints.

102 **Changes to Protocol 11 - Arrangements for Dealing with Code of Conduct Complaints**

The Committee received the report which set out the proposed changes to Protocol 11 – Arrangements for dealing with Code of Conduct complaints.

The proposals included the removal of the separate Local Assessment Criteria document, with relevant content being incorporated into the new Protocol 11 and amendments to the Procedure Rules for the Assessment Sub-Committee.

Both of the current documents had been in force since January 2020. Since that time aspects requiring modification had been raised and were now addressed within the proposed changes, as summarised within the report.

It was;

Resolved:

To approve the proposed new version of Protocol 11 – Arrangements for Dealing with Code of Conduct Complaints and recommend its adoption into the council’s Constitution by Full Council.

To recommend the removal of the Local Assessment Criteria document by Full Council, with necessary and updated information from the document now incorporated in the proposed Protocol 11.

To approve the proposed new version of the Assessment Sub-Committee Procedure document.

103 **Constitutional Changes**

The Committee received a report on the proposed changes to:

- Part 10 – Contract and Procurement Rules

All changes had been recommended by the Constitution Focus Group following meetings reviewing the sections.

It was,

Resolved:

To recommend Full Council approve changes to the following sections of the Constitution:

- Part 10 – Contract and Procurement Rules

104 **Appointment of Members to the Sub-Committees and Working Groups**

The Committee received a report requesting the appointment of members to the Standards Assessment Sub-Committee for the forthcoming year and to confirm the terms of reference of the Focus Group, and to select a member or substitute of the Committee to serve as the representative on it.

It was;

Resolved:

The Standards Committee agreed:

- 1. To appoint five members to the Standards Assessment Sub-Committee for the forthcoming 2024/25 year as follows:**

**Cllr Richard Britton
Cllr Ernie Clark
Cllr Ruth Hopkinson
Cllr Gordon King
Cllr Sam Pearce-Kearney**

- 2. The terms of reference for the Constitution Focus Group and to appoint Cllr Richard Britton as the Standards Committee representative for 2024/25.**

105 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30 - 1.50 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

Wiltshire Council

Standards Committee

3 October 2024

Code of Conduct Complaints – Status Report

Purpose

1. To provide an update on the Code of Conduct complaints received by the council since the Committee's last meeting.

Statutory background

2. All local authorities are required, by s.28 Localism Act 2011, to adopt a code of conduct for their members. All such codes are required to cover the following:
 - The principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership
 - The registration and disclosure of pecuniary and other interests.
3. Wiltshire Council, as a principal authority, is required to have in place arrangements for investigating and determining allegations that a member of the Council, or a member of a town or parish council within the council area, has failed to comply with the relevant code of conduct.

Council Code of Conduct procedures

4. Wiltshire Council's arrangements for considering complaints about alleged code of conduct breaches are set out in Protocol 11 to the Constitution, the procedure having changed with effect from 1 January 2020.
5. On receipt of such a complaint the Monitoring Officer will consider the complaint and, if appropriate, prepare a report for the Assessment Sub-Committee (ASC). The Monitoring Officer (MO) may at this point decide not to take any further action on a complaint where, on the available information, it appears to be vexatious, malicious, politically motivated, retaliatory, or where it does not reach the threshold of representing a potential breach of the Code of Conduct and it would not be in the public interest, including particularly the efficient use of resources, to proceed.
6. Where the Monitoring Officer determines that there is sufficient evidence to suggest that a breach may have occurred, code of conduct complaints are determined by the Assessment Sub-Committee, following receipt of the report from the Monitoring Officer. The Assessment Sub-Committee may conclude that no further action should be taken, it may refer the complaint for investigation, or it may recommend that an alternative resolution be explored with the parties.
7. If the Assessment Sub-Committee determines that a formal investigation should be undertaken, an Investigating Officer is appointed by the Monitoring Officer. If the

recommendation of the Investigating Officer is that there has been a substantial breach of the Code of Conduct, and that alternative resolution is not appropriate, then the Monitoring Officer, after consultation with the Independent Person, will refer the matter to a Standards Hearing Sub-Committee.

8. The Standards Hearing Sub-Committee will conduct a hearing into the complaint to determine whether there has been a breach of the Code and, if so, what sanctions, if any, should be applied to the Subject Member (the councillor who is the subject of the complaint). If the Subject Member is a member of a town or parish council, the Hearing Sub-Committee's decision regarding sanctions will be in the form of a recommendation to the relevant council.
9. There is no right of appeal of the decision of the Assessment Sub-Committee or the Hearing Sub-Committee. However, parties are able to ask the Local Government and Social Care Ombudsman to review whether the council has followed its procedures correctly.
10. The Standards Committee has oversight of the operation of the procedures for dealing with Code of Conduct complaints as well as a general responsibility to promote and maintain high standards of conduct by elected and co-opted members and officers.

Summary of committee meetings

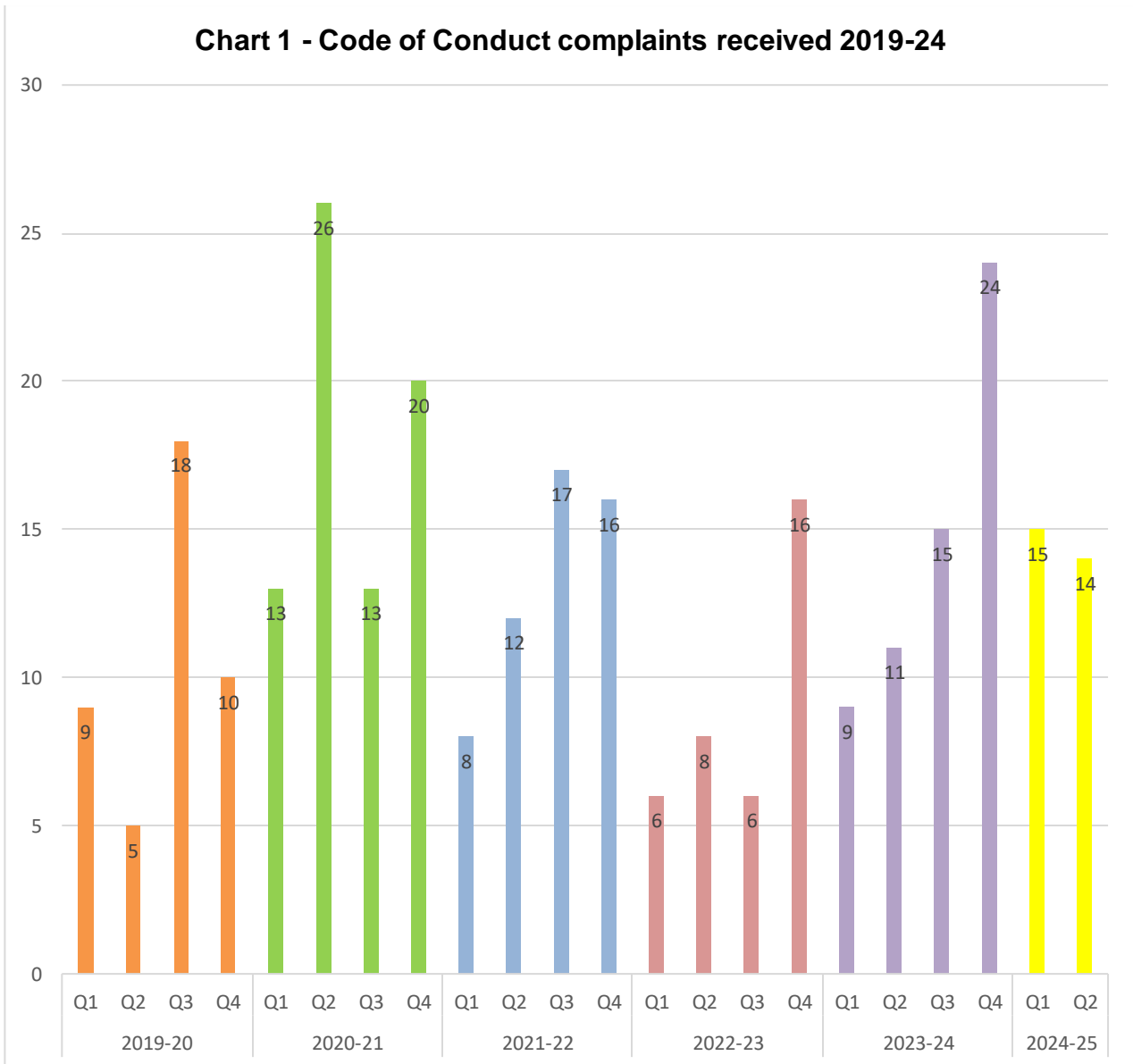
11. The last Standards Committee meeting took place on 2 July 2024. Since that meeting (and at the time of publication) there have been:
 - 1 meeting of the Standards Assessment Sub-Committee.
 - 0 meetings of the Standards Hearing Sub-Committee.
12. The next meeting of the Standards Assessment Sub-Committee is scheduled for 7 November 2024. The next meeting of the Hearing Sub-Committee is scheduled for 2 October 2024.

Summary of complaints received since 24 June 2024 (following publication of the 2 July 2024 meeting agenda)

13. Between 24 June and 24 September 2024, the Monitoring Officer received **14 complaints** under codes of conduct:
 - 4 dismissed by the Monitoring Officer due to the allegations relating to a member acting in their private capacity.
 - 4 dismissed by the Monitoring Officer under paragraph 4.4 of Protocol 11 (see below).
 - 2 dismissed by the Monitoring Officer due to the complaint being regarding an employment matter between the Complainant and council.
 - 1 dismissed by the Monitoring Officer due to the complaint being regarding the actions of the council as a corporate body.
 - 1 dismissed by the Monitoring Officer due to being out of time under paragraph 3.2 of Protocol 11.
 - 1 determined as requiring No Further Action by the Assessment Sub-Committee.
 - 1 awaiting assessment by the Monitoring Officer.

14. The Monitoring Officer can determine No Further Action under paragraph 4.4 of Protocol 11 – Arrangements for dealing with Code of Conduct Complaints. This is applied where the Monitoring Officer determines that, on the information available, the complaint appears to be vexatious, malicious, politically motivated, retaliatory or to not reach the threshold of representing a potential breach of the Code of Conduct and it would not be in the public interest for further action to be taken, including particularly the efficient use of resources.

15. **Chart 1** shows the code of conduct complaints received since 2019:



Quarterly avg: 11 Quarterly avg: 18 Quarterly avg: 13 Quarterly avg: 9 Quarterly avg: 15 Quarterly
 2019-20 total: 42 2020-21 total: 72 2021-22 total: 52 2022-23 total: 36 2023-24 total: 59 avg: 14.5

Types of complaint

14. The 14 code of conduct complaints received during the reported timeframe can be broken down as follows (some containing multiple allegations):

- 10 were against **parish councillors**:
 - 1 x withholding information from the council
 - 2 x behaviour in a meeting
 - 1 x abusive language during a meeting
 - 1 x aggressive/threatening behaviour
 - 1 x rude remarks
 - 2 x bullying via email
 - 1 x disparaging remarks via social media
 - 1 x council being under-insured
- 1 was against a **town councillor**
 - 1 x abuse of elected position
- 0 were against a **city councillor**
- 3 were against **unitary councillors**
 - 1 x untaxed car
 - 1 x inappropriate/discriminatory remarks

Breaches of the Code of Conduct

15. No breaches of the Code of Conduct have been determined by the Monitoring Officer or Hearing Sub-Committee during the period reported.

Complaint resolution speed

16. Under Protocol 11 – Arrangements for Dealing with Code of Conduct Complaints, the council aims to assess all such complaints within **5 working days** of receiving the subject member's response. This is a challenging target as complaints can be complex, require legal input and include a large amount of background information that must be reviewed.

17. During the period reported, **12 complaints** were assessed by or on behalf of the Monitoring Officer and this took an average of **3 working days**.

18. Complaints referred to Assessment Sub-Committee cannot usually meet the 5 working day timescale for assessment due to the need for a scheduled meeting. However, the council endeavours to inform complainants and subject members that the complaint will be assessed in this way, and of the Sub-Committee meeting date, as quickly as possible. During the period reported, **1 complaint** was allocated for assessment by the Assessment Sub-Committee, with the parties informed of the meeting date after **2 working days** from the Subject Member's response being received. The complaint was assessed by Assessment Sub-Committee at its next scheduled meeting (taking into account the required notice period regarding agenda publication).

19. **0 complaints** were referred for investigation by the Assessment Sub-Committee during this period.

20. Under Protocol 11, the council aims to complete Code of Conduct investigations within a total of 45 working days. This comprises 35 working days for the investigation report and a further 10 working days for the parties to submit their comments on it. The table below sets out the time taken for investigations commenced or completed over the past 12 months:

Complaint reference (completion date)	Investigator assigned Target: 5 working days	Investigator's report sent to parties Target: 35 working days	Investigator's report sent to Monitoring Officer Target: 10 further working days	Investigator's report completed – total Target: 45 working days
COC144873 (27 Sep 2023)	6	82	9	91
COC145647 (19 Sep 2023)	6	48	5	53
COC146700 (9 Jan 2024)	3	37	10	47
COC149256 (5 April 2024)	4	42	6	48
COC150777 (29 July 2024)	5	52	15	67*
COC151643 (28 Aug 2024)	5	35	11	46

* Delays due to correspondence with the subject member's legal representative, an interview conducted in writing rather than verbally, and the subject member's legal representative being away when the draft report was circulated.

Dip Sampling

16. A table of current cases was provided to the Chairman of Standards Committee on 25 September 2024, with the next meeting scheduled for 9 October 2024.

Proposal

17. The Committee are asked to note the current position on code of conduct complaints.

Perry Holmes, Director of Legal & Governance and Monitoring Officer

Report Author: Henry Powell, Democracy and Complaints Manager,
complaints@wiltshire.gov.uk

Date of report: 23 September 2024

Appendices

None.

Wiltshire Council

Standards Committee

3 October 2024

Changes to Protocol 6 – Complaints Procedure

Purpose

1. To propose changes to Protocol 6 of the Constitution – Complaints Procedure to ensure compliance with the Complaint Handling Codes of the Local Government and Social Care Ombudsman and Housing Ombudsman. The Ombudsmen’s new Codes and their implications for the council’s complaint handling processes were reported to the Committee on 18 April 2024 ([link](#)).

Background

2. In February 2024, the Local Government and Social Care Ombudsman ([LGSCO](#)) and the Housing Ombudsman ([HO](#)) each published new Complaint Handling Codes (see Further Information).
3. The HO’s 2024 Code became statutory from 1 April 2024, meaning that member landlords such as the council are now obliged to follow its requirements.
4. The LGSCO’s 2024 Code is issued as “advice and guidance” for local councils in England under section 23(12A) of the Local Government Act 1974. This means that councils must consider the Code when developing complaint handling policies and procedures and when responding to complaints. If a council decides not to follow the Code, the LGSCO would expect it to provide a good reason for this.
5. The LGSCO encourages councils to adopt the Code as soon as they are able to, but it will start considering the Code as part of its processes from April 2026 at the earliest. This means that from then, when it investigates a complaint, the LGSCO will expect the relevant council to have adhered to the Code in terms of how the complaint was handled. The delay before the LGSCO begins enforcing its new Code is intended to give councils time to adopt its requirements into their working practices.
6. Examples provided by the LGSCO of when non-compliance will be permissible relate to temporary situations such as industrial action or a cyber-attack. It is therefore not feasible for the council to be non-compliant with the LGSCO’s Code on a long-term basis.
7. The new Codes do **not** apply to complaints handled under the statutory adult social care or statutory children’s complaints procedures, which have their own requirements set out in legislation.

Main Considerations

8. The council already has a single Complaints Procedure (Protocol 6) that covers both complaints about the council's actions as a local authority, which are overseen by the LGSCO, and the council's actions as a landlord, which are overseen by the HO.
9. The council's Complaints Procedure involves two stages, with a response provided by the relevant service at Stage 1, and an independent investigation undertaken by the Complaints team at Stage 2. Following this, the complainant is able to request a review by the relevant Ombudsman if they remain dissatisfied.
10. Most of the changes required for compliance with the Ombudsmen's new Codes involve relatively small adjustments to our existing complaint handling practices. These were reported to Committee in April 2024 ([link](#)). However, some of the changes require amendments to Protocol 6 – Complaints Procedure, and these changes are proposed below for recommendation to Full Council to approve on 15 October 2024.

Complaint response timescales

11. The most significant change is an overall **reduction** in the time permitted for responding to complaints under the LGSCO at Stages 1 and 2. The amended timescales are set out below in [blue](#):

Complaint stage	Wiltshire Council current practice (working days)	New LGSCO Code time limit (working days)
Complaint acknowledgement	2	5
Stage 1 response	20	10
Stage 1 extension	10	10
Stage 2 response	30	20
Stage 2 extension	10	20

12. As the table shows, under the LGSCO Code, services will have 10 fewer working days to provide complaint responses at Stage 1. The Complaints team will have 10 fewer days to provide responses at Stage 2 before using the extension, but due to a longer extension period, will have the same amount of time overall (40 working days).
13. Under the Codes, the timescale for responding to a complaint only commences once the complaint has been **acknowledged**. Complaints must be acknowledged within 5 working days of receipt, compared with the current practice of 2 working days. It should be noted that complaints emailed to the Complaints team receive an immediate auto-response confirming receipt, but

this does not represent the council's formal acknowledgment of the complaint. The subsequent formal acknowledgement indicates how the complaint will be handled, by whom and by what date.

14. To give an indication of performance against the current timescales, in 2023-24:

- 59% of the council's **Stage 1** responses were provided within the **current** timescale of 30 working days (including extension).
- 92% of **Stage 2** responses were provided within the **current** timescale of 40 working days (including extension).

15. Adapting to the reduced timescales therefore represents a significant challenge for teams involved in the complaint handling process – particularly services responding at Stage 1. As reported in April 2024, and following direction from the Corporate Leadership Team (CLT), the council has been preparing to meet the new timescales from 15 October 2024 when it is proposed that they be adopted by Full Council. The Complaints team has been supporting services with more guidance and training on good complaint handling practices.

16. Performance against the new timescales will be closely monitored by the Legal and Governance Performance and Outcomes Board (POB) and will be reported to the Standards Committee in the 2024-25 Annual Complaints Report. In addition, CLT have asked relevant directors to implement and report against action plans to address any service issues identified in the 2023-24 Annual Complaints Report.

17. The table below shows the current complaint response timescales at some other local authorities. This council's current timescales are slightly higher than average, however, anecdotal evidence suggests that many councils are further behind in achieving compliance with the new Codes more generally:

Council	Stage 1	Stage 2
	(not including any extension)	
BANES	15	20
Cornwall	10	20
Devon	20	20
Dorset	20	-
Durham	10	unknown
Gloucester	20	25
Hampshire	20	unknown
Shropshire	6 weeks	16 weeks
Somerset	10	20
Wiltshire	20	30

18. The only change to the timescales for responding to complaints under the Housing Ombudsman is an **additional** 10 working days for complaints at Stage 2. This provides consistency with the timescales required under the LGSCO Code:

Complaint stage	Wiltshire Council current practice (working days)	New HO Code time limit (working days)
Stage 1 response	20	10
Stage 1 extension	10	10
Stage 2 response	20	20
Stage 2 extension	10	20

Service requests and complaints

19. The Ombudsmen's Codes state the following:

1.2 A service request may be defined as: 'a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision'.

1.4 A complaint may be defined as: 'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.'

1.6 Organisations must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly

5.2 ...It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.

20. The current Complaints Procedure does define **complaints** as recommended under 1.4 but does not define **service requests** exactly as recommended under 1.2. It also refers on two occasions to "informal resolution"; a term which the Ombudsmen consider implies an additional stage of the complaints process and causes confusion for customers. Therefore, in the version proposed, the recommended definition of a service request is provided, and references to "informal resolution" are replaced with the term "service requests".

Proposal

21. To recommend that, on 15 October 2024, Full Council adopt the amended Protocol 6 – Complaints Procedure to achieve full compliance with the LGSCO and Housing Ombudsman's Complaint Handling Codes.

22. To note that the council's performance against the proposed new timescales will be monitored by the Legal and Governance Performance and Outcomes Board and will be reported to Committee in the Annual Complaints Report 2024-25.

Perry Holmes, Monitoring Officer and Director for Legal and Governance

Report Author: Henry Powell, Democracy and Complaints Manager,
complaints@wiltshire.gov.uk

Date of report: 25 September 2024

Appendices

- Appendix 1 Current Protocol 6 – Complaints Procedure
- Appendix 2 Proposed Protocol 6 – Complaints Procedure (without track changes)
- Appendix 3 Proposed Protocol 6 – Complaints Procedure (with track changes)

Further information

[Complaint Handling Code - Local Government and Social Care Ombudsman](#)

[Complaint Handling Code | Housing Ombudsman](#)

This page is intentionally left blank

**Wiltshire Council
Constitution
Protocol 6
Complaints Procedure**

Contents

1. Forward	3
2. What is a complaint?	3
3. Who can make a complaint?	4
4. Complaints involving more than one service or organisation	4
5. Handling anonymous complaints	5
6. What if the customer doesn't want to complaint?	5
7. Time limit for making complaints	5
8. Satisfactorily resolved	5
9. Informal resolution	5
10. Complaints Procedure	6
11. Maintaining confidentiality	7
12. Managing unacceptable behaviour	7
13. Supporting the customer	7
14. Publicising the Complaints Procedure	7
15. Ombudsman Details	7
16. Contact Us	8

PROTOCOL 6

COMPLAINTS PROCEDURE

1. Foreword

- 1.1 This Complaints Procedure (“the Procedure”) reflects Wiltshire Council’s commitment to valuing complaints. We welcome hearing our customers’ complaints to better understand how they view our services and to use these opportunities to learn and improve for the future.
- 1.2 We aim to resolve customer dissatisfaction promptly and efficiently and to conduct appropriate and fair investigations so that we can make evidence-based decisions on the facts of the case.
- 1.3 We aim to deliver a complaints function that:
- 1.3.1 Is simple for everyone to use and understand
 - 1.3.2 Is led and supported by the very top of the organisation
 - 1.3.3 Ensures excellent service standards are delivered
 - 1.3.4 Fulfils the needs of our customers
 - 1.3.5 Enables us to learn from customer feedback in order to improve
 - 1.3.6 Complies with the relevant legislation and council policy
 - 1.3.7 Focuses on fair, proportionate resolution at the earliest stage
 - 1.3.8 Works in an open-minded and impartial way
- 1.4 Not all complaints that the Council may receive are covered by the procedure set out in this document. In particular, complaints about adult social care, some aspects of children’s services, the Wiltshire Police and Crime Commissioner and elected members are governed by other, statutory, procedures. Links to those procedures are provided where appropriate.

2. What is a complaint?

- 2.1 Wiltshire Council’s definition of a complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents, and which the public has suffered a personal injustice.
- 2.2 A complaint may relate to:
- 2.2.1 failure to provide a service
 - 2.2.2 inadequate standard of service
 - 2.2.3 dissatisfaction with the application of a Council policy
 - 2.2.4 treatment by, or attitude of, a member of staff
 - 2.2.5 disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
 - 2.2.6 the Council’s failure to follow the appropriate administrative process.

This list does not cover everything.

- 2.3 A complaint does **not** fall within this Complaints Procedure if it:

- 2.3.1 is a routine first-time request for a service
- 2.3.2 relates to legal proceedings involving the complainant, including proceedings brought by or against the Council
- 2.3.3 concerns a disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax, planning or licensing
- 2.3.4 is an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- 2.3.5 is a matter relating to a contract between the Council and an organisation providing services to it, or vice-versa
- 2.3.6 relates to personnel matters, including appointments, dismissals, pay, pensions and discipline
- 2.3.7 it is a challenge to a policy/decision made by the Council
- 2.3.8 concerns school management issues (these are managed by individual schools)
- 2.3.9 falls within the scope of another statutory complaints process, such as those dealing with adult social care, some aspects of children's services, elected members, or the Wiltshire Police and Crime Commissioner (see below)

These issues will not be treated as complaints under this procedure. Customers will instead be directed to any appropriate alternative procedures that may be available.

3. Who can make a complaint?

- 3.1 Anyone who receives, requests or is affected by our services can make a complaint.
- 3.2 We will accept complaints brought by third parties (such as a friend or relative of the person affected) where there is clear evidence that the customer has given their permission. A complaint can also be made through an independent advocacy service and details of those services will be provided to the customer where appropriate.
- 3.3 A complaint can be made in writing, in person, by telephone, by email or online.
- 3.4 We do not accept complaints from corporate bodies under this Procedure, as in such cases there is no "personal injustice" suffered by the complainant.

4. Complaints involving more than one service or organisation

- 4.1 If a complaint relates to the actions of two or more Council services, we will endeavour to provide one response covering all issues raised.
- 4.2 Where a complaint relates to both a Council service and another agency or public service provider, (for example a housing association or a government department), and the Council has a direct interest in the issue, we will handle the complaint about the Council through this Procedure.

5. Handling anonymous complaints

- 5.1 The Council recognises that on occasions some complainants will wish to remain anonymous.
- 5.2 Generally, we will consider anonymous complaints if there is enough information to identify that there is an issue that needs to be considered and to enable further enquiries.
- 5.3 If, however, an anonymous complaint does not provide enough information to enable us to take further action, or is repetitive, we may decide not to pursue it further.
- 5.4 If an anonymous complaint makes serious allegations, we will refer it to an appropriate senior officer immediately for consideration.
- 5.5 If we pursue an anonymous complaint, we will still record the issues raised to allow us to take corrective action where appropriate.

6. What if the customer doesn't want to complaint?

- 6.1 If a customer has expressed dissatisfaction, but does not wish to complain, we will still fully consider the matter and take corrective action where appropriate

7. Time limit for making complaints

- 7.1 In line with guidelines set by the Local Government and Social Care Ombudsman and the Housing Ombudsman, this procedure sets a time limit of 12 months from when the customer first knew, or ought to have known, of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.
- 7.2 We will apply this time limit with discretion.

8. Satisfactorily Resolved

- 8.1 At all stages of the complaints handling process the emphasis will be on resolving the complaint at the earliest opportunity.
- 8.2 On all occasions, an explanation will be provided to the complainant and where a mistake, error or failure (maladministration) is identified then a suitable apology along with a proposal for remedial action (if needed) will be provided. This does not mean that the Complainant's view will always be preferred.
- 8.3 If the complainant is unhappy with the conclusion, they are entitled to refer the matter to the appropriate Ombudsman who can provide an independent assessment of this conclusion. We will advise customers which Ombudsman is appropriate for their complaint.

9. Informal Resolution

- 9.1 Often customers simply want the issue they are raising to be resolved, rather than to pursue a complaint under the council's formal procedure. The council will

therefore often seek to resolve complaints by promptly delivering the service or correcting the error highlighted by the customer, without following the formal complaints procedure.

9.2 Where this approach is not appropriate, and in all cases where the customer requests it, the complaint will proceed to Stage 1.

10. Complaints Procedure

Complaint received

- Received in person, by phone, email, webform or letter
- Acknowledged within **2 working days** and recorded centrally

Informal resolution

- Where appropriate, quickly resolved as a 'service request'
- This can mean promptly delivering a service or correcting an error
- When not appropriate, or when the customer requests it, proceed to **Stage 1**

Learning from complaints

- Complaint details, outcomes, actions taken and Ombudsman findings recorded centrally
- Complaints data reported to senior officers and councillors highlighting areas of concern and improvement actions in place

Stage 1: Service team response

- Response by the relevant service team within **20 working days***
- **10 working day extension** possible, with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Stage 2: Investigation**
- *For complaints about the council as a social housing landlord, response within 10 working days with a 10 working day extension

Stage 2: Investigation

- For issues not resolved at Stage 1, that are complex, serious or 'high risk', or where the customer believes they have faced discrimination due to a protected characteristic
- Complaints Team investigates
- Response provided within **30 working days****
- **10 working day extension**** possible with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Independent external review**
- **For complaints about the council as a social housing landlord, response within 20 working days with a 10 working day extension

Independent external review

- For issues that have not been resolved at **Stages 1 and 2**, customers can contact the appropriate Ombudsman, whose contact details will be provided
- In most cases, they will only investigate if the customer:
 - has completed the council's procedure
 - contacts them within 12 months of becoming aware of the matter
 - has been directly affected by the matter
- Ombudsmen can require the council to take remedial action and make compensatory payments
- **Local Government and Social Care Ombudsman:**
www.lgo.org.uk
 0300 061 0614
- **Housing Ombudsman:**
www.housing-ombudsman.org.uk
 0300 111 3000

11. Maintaining confidentiality

- 11.1 Confidentiality in complaints handling includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We will always bear in mind legal requirements as well as internal policies on confidentiality and the use of customer's information. This includes when we need to make enquiries to an outside agency.

12. Managing unacceptable behaviour

- 12.1 A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them.
- 12.2 However, the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our Unreasonable Complainant Behaviour Procedure, we will communicate that decision, notify the customer of any right of appeal, and review any decision to restrict contact with us.

13. Supporting the customer

- 13.1 Everyone has the right to access to our complaints procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints procedure.
- 13.2 We will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.
- 13.3 Several support and advocacy groups are available to support customers in pursuing a complaint and customers will be signposted to these as appropriate.

14. Publicising the Complaints Procedure

- 14.1 This Complaints Procedure is provided to all complainants and is available on the Council's complaints webpage ([here](#)).

15. Ombudsmen details

- 15.1 Local Government and Social Care Ombudsman (LGSCO):
www.lgo.org.uk, t. 0300 061 0614
- 15.2 LGSCO Complaint Handling Code ([here](#))
- 15.3 Housing Ombudsman:
www.housing-ombudsman.org.uk, t. 0300 111 3000
- 15.4 Housing Ombudsman Complaint Handling Code ([here](#))

16. Contact us

16.1 If you are unsure about making a complaint or want to talk to someone for further advice, information or support, please contact us in the following ways:

Complaints Team
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Telephone: 01225 718400

E-mail: complaints@wiltshire.gov.uk

Wiltshire Council

Complaints Procedure

Foreword

This Complaints Procedure (“the Procedure”) reflects Wiltshire Council’s commitment to valuing complaints. We welcome hearing our customers’ complaints to better understand how they view our services and to use these opportunities to learn and improve for the future.

We aim to resolve customer dissatisfaction promptly and efficiently and to conduct appropriate and fair investigations so that we can make evidence-based decisions on the facts of the case.

We aim to deliver a complaints function that:

- Is simple for everyone to use and understand
- Is led and supported by the very top of the organisation
- Ensures excellent service standards are delivered
- Fulfils the needs of our customers
- Enables us to learn from customer feedback in order to improve
- Complies with the relevant legislation and council policy
- Focuses on fair, proportionate resolution at the earliest stage
- Works in an open-minded and impartial way

Not all complaints that the Council may receive are covered by the procedure set out in this document. In particular, complaints about adult social care, some aspects of children’s services, the Wiltshire Police and Crime Commissioner and elected members are governed by other, statutory, procedures. Links to those procedures are provided where appropriate.

Contents

Foreword	2
What is a complaint?.....	4
Complaint or service request?	4
Who can make a complaint?	5
Complaints involving more than one service or organisation	5
Handling anonymous complaints	5
What if the customer doesn't want to complain?	5
Time limit for making complaints	6
Maintaining confidentiality	8
Managing unacceptable behaviour	8
Supporting the customer	8
Publicising the Complaints Procedure.....	8
Ombudsmen details	8
Contact us	9

What is a complaint?

Wiltshire Council's definition of a complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents, and which the public has suffered a personal injustice.

A complaint may relate to:

- ✓ failure to provide a service
- ✓ inadequate standard of service
- ✓ dissatisfaction with the application of a Council policy
- ✓ treatment by, or attitude of, a member of staff
- ✓ disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- ✓ the Council's failure to follow the appropriate administrative process.

This list does not cover everything.

A complaint does **not** fall within this Complaints Procedure if it:

- × is a routine first-time request for a service
- × relates to legal proceedings involving the complainant, including proceedings brought by or against the Council
- × concerns a disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax, planning or licensing
- × is an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- × is a matter relating to a contract between the Council and an organisation providing services to it, or vice-versa
- × relates to personnel matters, including appointments, dismissals, pay, pensions and discipline
- × it is a challenge to a policy/decision made by the Council
- × concerns school management issues (these are managed by individual schools)
- × falls within the scope of another statutory complaints process, such as those dealing with adult social care, some aspects of children's services, elected members, or the Wiltshire Police and Crime Commissioner (see below)

These issues will not be treated as complaints under this procedure. Customers will instead be directed to any appropriate alternative procedures that may be available.

Complaint or service request?

Often customers simply want the issue they are raising to be resolved, rather than to pursue a complaint under the council's formal procedure. Where, for example, a customer requests that the council provides or improves a service, fixes a problem or reconsiders a decision, we will often seek to address that request promptly as a service request, without following the formal complaints procedure.

Where this approach is not appropriate, and in all cases where the customer requests it, the complaint will be handled as complaint.

Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint.

We will accept complaints brought by third parties (such as a friend or relative of the person affected) where there is clear evidence that the customer has given their permission. A complaint can also be made through an independent advocacy service and details of those services will be provided to the customer where appropriate.

A complaint can be made in writing, in person, by telephone, by email or online.

We do not accept complaints from corporate bodies under this Procedure, as in such cases there is no “personal injustice” suffered by the complainant.

Complaints involving more than one service or organisation

If a complaint relates to the actions of two or more Council services, we will endeavor to provide one response covering all issues raised.

Where a complaint relates to both a Council service and another agency or public service provider, (for example a housing association or a government department), and the Council has a direct interest in the issue, we will handle the complaint about the Council through this Procedure.

Handling anonymous complaints

The Council recognises that on occasions some complainants will wish to remain anonymous.

Generally, we will consider anonymous complaints if there is enough information to identify that there is an issue that needs to be considered and to enable further enquiries.

If, however, an anonymous complaint does not provide enough information to enable us to take further action, or is repetitive, we may decide not to pursue it further.

If an anonymous complaint makes serious allegations, we will refer it to an appropriate senior officer immediately for consideration.

If we pursue an anonymous complaint, we will still record the issues raised to allow us to take corrective action where appropriate.

What if the customer doesn't want to complain?

If a customer has expressed dissatisfaction, but does not wish to complain, we will still fully consider the matter and take corrective action where appropriate.

Time limit for making complaints

In line with guidelines set by the Local Government and Social Care Ombudsman and the Housing Ombudsman, this procedure sets a time limit of **12 months** from when the customer first knew, or ought to have known, of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion.

Satisfactorily resolved

At all stages of the complaints handling process the emphasis will be on resolving the complaint at the earliest opportunity.

On all occasions, an explanation will be provided to the complainant and where a mistake, error or failure (maladministration) is identified then a suitable apology along with a proposal for remedial action (if needed) will be provided. This does not mean that the Complainant's view will always be preferred.

If the complainant is unhappy with the conclusion, they are entitled to refer the matter to the appropriate Ombudsman who can provide an independent assessment of this conclusion. We will advise customers which Ombudsman is appropriate for their complaint.

Complaints Procedure

Contact received

- Received in person, by phone, email, webform or letter
- Acknowledged within **5 working days** and recorded centrally

Service request

- Where appropriate, enquiries can be quickly resolved by promptly delivering a service or correcting an error
- When this is not appropriate, or when the customer requests it, complaints will proceed to **Stage 1**

Learning from complaints

- Complaint details, outcomes, actions taken and Ombudsman findings recorded centrally
- Complaints data reported to senior officers and councillors highlighting areas of concern and improvement actions in place

Complaint Stage 1: Service team response

- Response by the relevant service team within **10 working days**.
- **10 working day extension** possible, with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Stage 2: Complaint Investigation**

Complaint Stage 2: Investigation

- For issues not resolved at Stage 1, that are complex, serious or 'high risk', or where the customer believes they have faced discrimination due to a protected characteristic
- Complaints Team investigates
- Response provided within **20 working days**
- **20 working day extension** possible with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Independent external review**

Independent external review

- For issues that have not been resolved at **Stages 1 and 2**, customers can contact the appropriate Ombudsman, whose contact details will be provided
- In **most** cases, they will only investigate if the customer:
 - has completed the council's procedure
 - contacts them within 12 months of becoming aware of the matter
 - has been directly affected by the matter
- Ombudsmen can require the council to take remedial action and make compensatory payments
- **Local Government and Social Care Ombudsman:**
www.lgo.org.uk
0300 061 0614
- **Housing Ombudsman:**
www.housing-ombudsman.org.uk
0300 111 3000

Maintaining confidentiality

Confidentiality in complaints handling includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We will always bear in mind legal requirements as well as internal policies on confidentiality and the use of customer's information. This includes when we need to make enquiries to an outside agency.

Managing unacceptable behaviour

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them.

However, the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our customer behaviour policies, we will communicate that decision, notify the customer of any right of appeal, and review any decision to restrict contact with us.

Supporting the customer

Everyone has the right to access to our complaints procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints procedure.

We will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers will be signposted to these as appropriate.

Publicising the Complaints Procedure

This Complaints Procedure is provided to all complainants and is available on the Council's complaints webpage ([here](#)).

Ombudsmen details

Local Government and Social Care Ombudsman (LGSCO):

www.lgo.org.uk

t. 0300 061 0614

LGSCO Complaint Handling Code ([here](#))

Housing Ombudsman:

www.housing-ombudsman.org.uk

t. 0300 111 3000

Housing Ombudsman Complaint Handling Code ([here](#))

Contact us

If you are unsure about making a complaint or want to talk to someone for further advice, information or support, please contact us in the following ways:

Complaints Team
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Telephone: 01225 718400

E-mail: complaints@wiltshire.gov.uk

Wiltshire Council

Complaints Procedure

Foreword

This Complaints Procedure (“the Procedure”) reflects Wiltshire Council’s commitment to valuing complaints. We welcome hearing our customers’ complaints to better understand how they view our services and to use these opportunities to learn and improve for the future.

We aim to resolve customer dissatisfaction promptly and efficiently and to conduct appropriate and fair investigations so that we can make evidence-based decisions on the facts of the case.

We aim to deliver a complaints function that:

- Is simple for everyone to use and understand
- Is led and supported by the very top of the organisation
- Ensures excellent service standards are delivered
- Fulfils the needs of our customers
- Enables us to learn from customer feedback in order to improve
- Complies with the relevant legislation and council policy
- Focuses on fair, proportionate resolution at the earliest stage
- Works in an open-minded and impartial way

Not all complaints that the Council may receive are covered by the procedure set out in this document. In particular, complaints about adult social care, some aspects of children’s services, the Wiltshire Police and Crime Commissioner and elected members are governed by other, statutory, procedures. Links to those procedures are provided where appropriate.

Contents

<u>Foreword</u>	2
<u>What is a complaint?</u>	4
<u>Complaint or service request?</u>	4
<u>Who can make a complaint?</u>	5
<u>Complaints involving more than one service or organisation</u>	5
<u>Handling anonymous complaints</u>	5
<u>What if the customer doesn't want to complain?</u>	5
<u>Time limit for making complaints</u>	6
<u>Maintaining confidentiality</u>	8
<u>Managing unacceptable behaviour</u>	8
<u>Supporting the customer</u>	8
<u>Publicising the Complaints Procedure</u>	8
<u>Ombudsmen details</u>	8
<u>Contact us</u>	9
Foreword	2
What is a complaint?	4
Who can make a complaint?	5
Complaints involving more than one service or organisation	5
Handling anonymous complaints	5
What if the customer doesn't want to complain?	5
Time limit for making complaints	6
Informal resolution	6
Maintaining confidentiality	8
Managing unacceptable behaviour	8
Supporting the customer	8
Contact us	8

Formatted: Font: 11 pt

Formatted: TOC 1

What is a complaint?

Wiltshire Council's definition of a complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents, and which the public has suffered a personal injustice.

A complaint may relate to:

- ✓ failure to provide a service
- ✓ inadequate standard of service
- ✓ dissatisfaction with the application of a Council policy
- ✓ treatment by, or attitude of, a member of staff
- ✓ disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- ✓ the Council's failure to follow the appropriate administrative process.

This list does not cover everything.

A complaint does **not** fall within this Complaints Procedure if it:

- x is a routine first-time request for a service
- x relates to legal proceedings involving the complainant, including proceedings brought by or against the Council
- x concerns a disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax, planning or licensing
- x is an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- x is a matter relating to a contract between the Council and an organisation providing services to it, or vice-versa
- x relates to personnel matters, including appointments, dismissals, pay, pensions and discipline
- x it is a challenge to a policy/decision made by the Council
- x concerns school management issues (these are managed by individual schools)
- x falls within the scope of another statutory complaints process, such as those dealing with adult social care, some aspects of children's services, elected members, or the Wiltshire Police and Crime Commissioner (see below)

These issues will not be treated as complaints under this procedure. Customers will instead be directed to any appropriate alternative procedures that may be available.

Complaint or service request?

Often customers simply want the issue they are raising to be resolved, rather than to pursue a complaint under the council's formal procedure. Where, for example, a customer requests that the council provides or improves a service, fixes a problem or reconsiders a decision, we will often seek to address that request promptly as a service request, without following the formal complaints procedure.

Where this approach is not appropriate, and in all cases where the customer requests it, the complaint will be handled as complaint.

Commented [HP1]: This section has been re-titled to remove the reference to "Informal resolution", which the LGSCO considers to imply a third stage of the Complaints Procedure and to be confusing.

Formatted: Font: 18 pt

Formatted: Font: 18 pt

Formatted: Indent: Left: 1.25 cm

Formatted: Font: 12 pt, Not Bold, No underline, Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: Not Bold, Font color: Auto

Commented [HP2]: The body text now includes the LGSCO's suggested definition of a service request, i.e. where a customer requests that the council provides or improves a service, fixes a problem or reconsiders a decision.

Formatted: Font: 12 pt

Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint.

We will accept complaints brought by third parties (such as a friend or relative of the person affected) where there is clear evidence that the customer has given their permission. A complaint can also be made through an independent advocacy service and details of those services will be provided to the customer where appropriate.

A complaint can be made in writing, in person, by telephone, by email or online.

We do not accept complaints from corporate bodies under this Procedure, as in such cases there is no "personal injustice" suffered by the complainant.

Complaints involving more than one service or organisation

If a complaint relates to the actions of two or more Council services, we will endeavor to provide one response covering all issues raised.

Where a complaint relates to both a Council service and another agency or public service provider, (for example a housing association or a government department), and the Council has a direct interest in the issue, we will handle the complaint about the Council through this Procedure.

Handling anonymous complaints

The Council recognises that on occasions some complainants will wish to remain anonymous.

Generally, we will consider anonymous complaints if there is enough information to identify that there is an issue that needs to be considered and to enable further enquiries.

If, however, an anonymous complaint does not provide enough information to enable us to take further action, or is repetitive, we may decide not to pursue it further.

If an anonymous complaint makes serious allegations, we will refer it to an appropriate senior officer immediately for consideration.

If we pursue an anonymous complaint, we will still record the issues raised to allow us to take corrective action where appropriate.

What if the customer doesn't want to complain?

If a customer has expressed dissatisfaction, but does not wish to complain, we will still fully consider the matter and take corrective action where appropriate.

Time limit for making complaints

In line with guidelines set by the Local Government and Social Care Ombudsman and the Housing Ombudsman, this procedure sets a time limit of **12 months** from when the customer first knew, or ought to have known, of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion.

Satisfactorily resolved

At all stages of the complaints handling process the emphasis will be on resolving the complaint at the earliest opportunity.

On all occasions, an explanation will be provided to the complainant and where a mistake, error or failure (maladministration) is identified then a suitable apology along with a proposal for remedial action (if needed) will be provided. This does not mean that the Complainant's view will always be preferred.

If the complainant is unhappy with the conclusion, they are entitled to refer the matter to the appropriate Ombudsman who can provide an independent assessment of this conclusion. We will advise customers which Ombudsman is appropriate for their complaint.

Informal resolution

~~Often customers simply want the issue they are raising to be resolved, rather than to pursue a complaint under the council's formal procedure. The council will therefore often seek to resolve complaints by promptly delivering the service or correcting the error highlighted by the customer, without following the formal complaints procedure.~~

~~Where this approach is not appropriate, and in all cases where the customer requests it, the complaint will proceed to Stage 1.~~

Commented [HP3]: This section has been re-titled to "Complaint or service request?" and moved to the section above for clarity.

Complaints Procedure

Complaint Contact received

- Received in person, by phone, email, webform or letter
- Acknowledged within **2,5 working days** and recorded

Informal Resolution Service Request

- Where appropriate, **enquiries can be** quickly resolved as a 'service request'
- This can mean** promptly delivering a service or correcting an error
- When **this is** not

Learning from complaints

- Complaint details, outcomes, actions taken and Ombudsman findings recorded centrally
- Complaints data reported to senior officers and councillors highlighting areas of concern and improvement actions in place

Complaint Stage 1: Service team response

- Response by the relevant service team within **120 working days***
- 10 working day extension** possible, with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Stage 2: Complaint Investigation**

**For complaints about the council as a social housing landlord, response within 10 working days with a 10 working day extension*

Complaint Stage 2: Investigation

- For issues not resolved at Stage 1, that are complex, serious or 'high risk', or where the customer believes they have faced discrimination due to a protected characteristic
- Complaints Team investigates
- Response provided within **240 working days¹⁵**
- 240 working day extension**** possible with reasons and updated timescale provided to the customer
- Customer informed of the outcome, addressing relevant areas and reasons, and advising how to progress to **Independent external review**

***For complaints about the council as a social housing landlord, response within 20 working days with a 10 working day extension*

Independent external review

- For issues that have not been resolved at **Stages 1 and 2**, customers can contact the appropriate Ombudsman, whose contact details will be provided
- In **most** cases, they will only investigate if the customer:
 - has completed the council's procedure
 - contacts them within 12 months of becoming aware of the matter
 - has been directly affected by the matter
- Ombudsmen can require the council to take remedial action and make compensatory payments
- Local Government and Social Care Ombudsman:**
www.lgo.org.uk
 0300 061 0614
- Housing Ombudsman:**
www.housing-ombudsman.org.uk
 0300 111 3000

Formatted: Not Highlight

Formatted: Font: Bold

Formatted: Indent: Left: -0.25 cm, First line: 0 cm

Formatted: Font: (Default) Segoe UI, Underline

Formatted: No underline

Formatted: Font: (Default) Segoe UI

Formatted: Font: (Default) Segoe UI

Maintaining confidentiality

Confidentiality in complaints handling includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We will always bear in mind legal requirements as well as internal policies on confidentiality and the use of customer's information. This includes when we need to make enquiries to an outside agency.

Managing unacceptable behaviour

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them.

However, the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our [customer behaviour policies](#) ~~Unreasonable Complainant Behaviour Procedure~~, we will communicate that decision, notify the customer of any right of appeal, and review any decision to restrict contact with us.

Commented [HP4]: The council has more than one policy relating to customer behaviour, and the appropriate one will be employed on a case by case basis.

Supporting the customer

Everyone has the right to access to our complaints procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints procedure.

We will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers will be signposted to these as appropriate.

Publicising the Complaints Procedure

This Complaints Procedure is provided to all complainants and is available on the Council's complaints webpage ([here](#)).

Ombudsmen details

Local Government and Social Care Ombudsman (LGSCO):

www.lgo.org.uk

t. 0300 061 0614

LGSCO Complaint Handling Code ([here](#))

Housing Ombudsman:

www.housing-ombudsman.org.uk

t. 0300 111 3000

Housing Ombudsman Complaint Handling Code ([here](#))

Contact us

If you are unsure about making a complaint or want to talk to someone for further advice, information or support, please contact us in the following ways:

Complaints Team
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Telephone: 01225 718400

E-mail: complaints@wiltshire.gov.uk

Wiltshire Council

Standards Committee

October 2024

TO ENDORSE THE DEVELOPMENT OF THE REDRAFTED WHISTLEBLOWING POLICY AND NOTE THE SUBJECT WORK TO BE UNDERTAKEN ONCE ADOPTED.

Purpose of Report

1. To ask the Standards Committee to note and provide any comment on the redrafted Wiltshire Council Whistleblowing Policy (“the Policy”).

Relevance to the Council’s Business Plan

2. The Policy provides an avenue for staff to raise serious concerns and ensures that they should not suffer any prejudice for raising such concerns.
3. The redrafted Whistleblowing Policy contains additional provisions setting out the Council’s commitment to considering disclosures made by members of the public in respect of serious misconduct which are to be handled in the same way as concerns raised by employees (unless it is considered more appropriate for the concerns to be dealt with using an alternative Council procedure, for example the Complaints Procedure).
3. It is reflective of the Council’s aims within its business plan to be open and transparent and ensure that all are working together. It is also consistent with the Council’s aim for prevention and early intervention which would equally apply with internal arrangements. Providing staff (and others) with the ability to raise any serious concerns also assists in ensuring the Council maintains and supports a skilled and committed workforce working for its residents and the communities they live in.

Background

4. The Policy itself states that it must be regularly reviewed in line with future changes and developments and at least every two years. The last review took place in 2022.
5. Attached as **Appendix 1** to this report is the redrafted Whistleblowing Policy. The proposed amendments to the current Whistleblowing Policy are shown in red in **Appendix 2**.
6. It should be noted that the Whistleblowing Bill is being read in the House of Lords. Its aims are to establish an independent Office of the Whistleblower to protect whistleblowers and whistleblowing in accordance with the public interest; to make provision for the Office of the Whistleblower to set, monitor and enforce standards

for the management of whistleblowing cases, to provide disclosure and advice services, to direct whistleblowing investigations and to order redress of detriment suffered by whistleblowers; to create offences relating to the treatment of whistleblowers and the handling of whistleblowing cases; and to repeal the Public Interest Disclosure Act 1998. Should this Bill become law, a further review of the Policy will become necessary to update it from the Public Interest Disclosure Act 1998.

Main Consideration for the Council

7. Whistleblowing is not an investigative process in its own right. It is a mechanism whereby staff and former staff (workers) can be assured that they can raise any serious concerns they may hold and they will have statutory protection from possible reprisals or victimisation for raising those concerns.
8. Under the Public Interest Disclosure Act 1998, when a worker raises a concern with their employer which falls within the definition of a protected disclosure (usually an issue which relates to illegal activity or risk to health or safety) then they have statutory protection for making such a disclosure.
9. However, that investigation is likely to be carried out under other investigative processes. For example, concerns raising allegations of fraud are likely to be carried out under the anti-fraud investigative processes, concerns relating to Health and Safety are likely to be carried out under the Health and Safety investigative processes and issues of unlawful action may be carried out the Police and/or Monitoring Officer investigative processes.
10. The Policy is designed to ensure: -
 - i. That staff (and others) have an avenue to raise any serious concerns.
 - ii. The disclosure can be assessed as to whether it is a protected disclosure.
 - iii. If it is such a protected disclosure for such confirmation to be given to the worker as soon as possible after they have made such a disclosure.
 - iv. That the concerns raised will be investigated by the appropriate process and in a timely fashion.
11. The Policy identifies that there is a difference between a complaint and a protected disclosure. Similarly, it also identifies the difference between a grievance and a protected disclosure.
12. The amendments to the current Whistleblowing Policy are designed to make it clear that the initial assessment of the concern (to firstly, determine the nature of the concern/issue being raised and whether it is a protected disclosure and secondly, which investigative process should be utilised in determining the concern/issue) can be carried out by either the Council or the Council may ask another body (e.g. SWAP) to carry it out. However, there is a requirement that where a decision is made for the initial assessment to be carried out internally by the Council, SWAP will be notified of the initial assessment.
13. The current Whistleblowing Policy has been amended to make it clear that it does not cover schools as every maintained school should have their own whistleblowing policy.

14. The redrafted Whistleblowing Policy contains additional provisions to cover where concerns are raised by members of the public and where these do not fall within the Council's Complaints process or any other applicable policy. The proposed amendments to the policy set out the Council's commitment to handle disclosures made by members of the public in respect of serious misconduct in the same way as concerns raised by employees (although noting that PIDA only offers legal protection for disclosures made by employees). This approach was discussed and agreed with SWAP and is the approach taken by some other local authorities.

Overview and Scrutiny Engagement

15. As this matter was considered by the Audit and Governance Committee in July 2024 and is then being considered by the Standards Committee in October 2024, there has been no engagement with the Overview and Scrutiny Committee.

Safeguarding Implications

16. The Policy is designed to give workers assurance that they have an avenue where they can raise issues where they have serious concerns (including where appropriate safeguarding) and therefore the Policy is consistent with the Council's safeguarding duties.

Public Health Implications

16. The Policy is designed to give workers assurance that they have an avenue where they can raise issues where they have serious concerns (including where appropriate where they consider there is a risk of danger) and therefore the Policy is consistent with the Council's furthering Public Health and well-being.

Procurement Implications

17. There are no procurement implications.

Equalities Impact of the Proposal

18. The Policy is designed to give workers assurance that they have an avenue where they can raise any issues where they have serious concerns and will be applied equally to all staff, and the Policy has considered members of the public - and therefore the Policy is consistent with the Council's public sector equalities duties.

Environmental and Climate Change Considerations

19. As this relates to consideration of adoption of a policy relating to whistleblowing there are no environmental or climate change considerations.

Risks that may arise if the proposed decision and related work is not taken

20. The current Whistleblowing processes would remain with reasonable assurance and the Council could be criticised for not driving forward with continued improvement and not be in accordance with either best practice or the changed governance arrangements.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

21. If the action is taken it will be necessary to:-
 - a. Update the Council's external facing website and internal Council intranet;
 - b. Develop appropriate messaging to ensure that it is rolled out to embed the new Whistleblowing Policy within Council processes.

Financial Implications

22. There are no financial implications to this report.

Legal Implications

23. The proposed Whistleblowing Policy is consistent with the Public Interest Disclosure Act 1998 and provides an appropriate avenue for workers to raise any serious concerns they may have without fear of victimisation or harassment.
24. The proposed Whistleblowing Policy will be in replacement of an existing policy and is modelled on best practices and ensures that there is an appropriate governance checks in place for the Council.
25. Adoption of this redrafted Whistleblowing Policy will ensure that the organisation has appropriate procedures in place for ensuring any serious concerns held by workers are able to be raised and appropriately considered.
26. The proposed Whistleblowing Policy is consistent with the Council's anti-fraud, complaints and the HR policies relating to grievance.
27. It is proposed that the adoption of the redrafted Whistleblowing Policy will be by way of decision by the relevant Cabinet Member who has authority to make decisions pursuant to Part 3 Section C of the Constitution.

This report is being taken to The Standards Committee which has the role and function of overseeing the Council's Whistleblowing Policy (paragraph 2.5.7.8 of Part 3B of the Council's constitution) and asks them to note and provide any comment on the redrafted Whistleblowing Policy and its operation.

By way of background, this report was taken to the Audit & Governance Committee in July 2024 for them to note and provide any comment.

Workforce Implications

28. There are no direct work-place implications. This redrafted Whistleblowing Policy has been developed in consultation with SWAP utilising their knowledge of best practices from a number of local authorities they audit and provides all workers with an appropriate avenue to raise serious concerns without fear of harassment or victimisation.

Options Considered

29. Whilst the existing Whistleblowing Policy did give reasonable assurance it was due for review and needed to be streamlined and redrafted.

Proposal

30. The committee to note the development of the Draft Whistleblowing Policy appended to this report as Appendix 1 and the subject work to be undertaken once adopted.

Director: Perry Holmes; Director of Legal & Governance

Report Author: Joanna Madeley, Head of Legal, Democracy & Governance (and Deputy Monitoring Officer) Jo.Madeley@wiltshire.gov.uk

Date of report October 2024

Appendices

Appendix 1 Redrafted Whistleblowing Policy

Appendix 2 Changes to Current Whistleblowing Policy

Background Papers

The following documents have been relied on in the preparation of this report: None

This page is intentionally left blank

Whistleblowing Policy and Procedure

July 2024

1. INTRODUCTION

Wiltshire Council is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment we wish to encourage employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This process is commonly referred to as "Whistleblowing".

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council upholds the seven principles of public life, it expects all employees (including agency staff) to maintain these standards in everything they do. Employees, and others the Council deal with (including suppliers and those providing services to the Council), are therefore encouraged to report any wrongdoing by the Council or its employees that fall short of these standards.

The Whistleblowing Policy and Procedure is intended to encourage and enable employees (including temporary staff), contractors working for the Council (e.g. agency staff, builders etc.) and members of the public to raise concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination, or disadvantage. The Council is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly. There is also statutory protection from any disclosures made by staff. It is important for potential whistleblowers to understand that their employment will be protected by the Council on the strict assumption that any disclosures or allegations are not malicious in nature. We would rather the matter be raised when it is just a concern, the message we wish to get across is "if in doubt, raise it".

All employees of the Council can raise their concerns under this policy, as well as contractors working for the Council (e.g. agency staff, builders etc.), the voluntary sector and members of the public. This policy also applies to suppliers of goods and services under a contract to the Council and voluntary workers working with the Council. The Council will seek to ensure that as part of its procurement processes this policy is brought to the attention of such external contractors, suppliers, and service providers.

This policy and procedure complies with the Public Interest Disclosure Act 1998 ("PIDA") and the Enterprise and Regulatory Reform Act 2013.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- Provide avenues for employees and others to raise concerns and receive feedback on any action taken.
- Allow employees and others to take the matter further if they are dissatisfied with the Council's response to the concerns expressed; and,
- Reassure employees and others that they will be protected from possible reprisals or victimisation.

2.2 Complaint or blowing the whistle?

When an individual blows the whistle, they are raising a concern about a danger or illegality that affects others (for example customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern, they are simply trying to alert others.

When an individual complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying, and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case.

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of the grievance procedure. Thus, any serious concern that a member of staff has about any aspect of service provision, the conduct of officers, members of the Council or others acting on behalf of the Council can and should be reported under this policy. Your concerns may relate to something which is happening, has already happened or is likely to happen in the future.

For example, concerns raised under this Policy could include:

- Failure to observe health and safety regulations, or actions which involve risks to the public or other employees.
- Financial irregularities - including fraud, corruption, or unauthorised use of public funds.
- Improper or unlawful conduct by an officer or a member.
- Action causing, or is likely to cause, damage to the environment.
- Employees claiming benefits to which they are not entitled.
- Sexual, racial, physical, or other abuse.
- Other causes of malpractice, negligent, unprofessional, or unethical behaviour.
- Concealment of any of the above.

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

The spirit of this policy will also be applied to elected members of the Council, recognising though that they have separate and distinct roles as the elected representatives of their communities who operate within a political environment. Elected members to whom the whistle is blown should in the first place contact the Monitoring Officer. However, where members actions are involved, the Standards Regime under the Localism Act 2011 will be engaged.

The scope of this policy does not cover schools as every maintained school should have their own whistleblowing policy. The governing body of a school is responsible for agreeing and establishing their own whistleblowing policy. Similarly, academy trusts must have appropriate procedures in place for whistleblowing, making it clear all concerns will be responded to properly, consistently, and fairly. Therefore, any concerns relating to a school should be reported to the school via the school's own whistleblowing policy.

Managers and staff should be vigilant in respect of identifying potential whistleblowing concerns. If there are concerns that are raised during or as a result of an internal process or which are raised during the course of usual day to day management and which may be considered to potentially amount to a whistleblowing disclosure, the manager concerned should report the matter and seek advice from the relevant Director and/or SWAP in line with the procedure set out within this policy in order for an assessment to be completed as to whether the concerns amount to a whistleblowing disclosure.

3. SAFEGUARDS

3.1 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the Council as a whole. The Council will not tolerate any harassment or victimisation (including informal pressures). The Council will not tolerate any attempt on the part of any employee, Councillor, Council contractor or supplier to apply any sanction or detriment to any person who has reported to the Council any serious and genuine concern that they may have of any apparent malpractice.

We understand that some individuals may not be comfortable with what is known as 'open whistleblowing', so we will offer the option of keeping your identity confidential unless we are required to disclose it by law, or unless we have your permission. If you wish us to maintain confidentiality, we will always seek to do so.

The Public Interest Disclosure Act (PIDA) 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice. The Act makes it unlawful for the council to dismiss anyone or allow

them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

In order for protection against recriminations, victimisation or harassment to apply, the person making the disclosure should have a reasonable belief that the disclosure they are making is in the “public interest”. Their belief need not be correct for protection to apply.

3.2 Confidentiality

As far as possible, the Council will protect the identity of any employee who raises a concern and does not want his/her name to be disclosed, but this confidentiality cannot be guaranteed. It must be appreciated that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence. Where an employee has requested that their identity not be revealed, the Council will discuss the matter with them before embarking on any course of action whereby their identity will need to be disclosed.

3.3 Anonymity

Concerns expressed anonymously will be considered at the discretion of the Council, although it must be appreciated that it is inherently difficult to investigate concerns expressed this way. It is hoped that the guarantees contained in this policy will provide sufficient reassurance to staff to enable them to raise concerns in person. However, in exercising the discretion, the factors to be taken into account would include:

- The likelihood of obtaining the necessary information.
- The seriousness of the issues raised.
- The specific nature of the complaint.
- The duty to the public.

3.4 False and Malicious Allegations

The Council will protect itself and its employees from false and malicious expressions of concern by taking disciplinary action where appropriate. The Council will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.

4. **HOW TO RAISE A CONCERN**

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you prefer (for whatever reason) or if you believe that management is involved, you could approach one of the individuals in section 4.6.

4.2 Alternatively, you can raise concerns via SWAP Internal Audit Services using

their email address:- confidential@swapaudit.co.uk

4.3 SWAP Internal Audit must be notified of all concerns raised under the Whistleblowing Policy (via 4.1 or 4.6) and their outcome using SWAP's email address:- confidential@swapaudit.co.uk On notification of the concern, Wiltshire Council must inform SWAP as to whether SWAP is required to conduct the initial assessment of the concern or whether Wiltshire Council shall itself conduct the initial assessment.

4.4 Concerns may be raised by a whistleblower orally or in writing. Normally it is preferable to put your concern in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. To assist in the notification process, the Council has set up an arrangement for a confidential answerphone service with SWAP Internal Audit Services (020 8142 5030) or alternatively there is a confidential email address (confidential@swapaudit.co.uk).

4.5 The earlier you express the concern, the easier it is to take action. You should not wait until you have proof. Although you are not expected to prove the truth of the allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

N.B. If an employee has any personal interest in the matter this should be disclosed at the outset.

4.6 If you do have a concern, however small and you don't feel comfortable discussing such a sensitive issue with a close colleague, the following officers can provide advice and guidance:

- Assistant Director SWAP Internal Audit Services – Counter Fraud and Investigations – Jacqui Gooding (jacqui.gooding@swapaudit.co.uk)
- Section 151 Officer (Director for Finance and Procurement) – Lizzie Watkin (Lizzie.Watkin@wiltshire.gov.uk)
- Monitoring Officer (Director of Legal & Governance) – Perry Holmes (Perry.Holmes@wiltshire.gov.uk)
- Deputy Monitoring Officer (Head of Legal Services, Democracy & Governance) – Joanna Madeley (Jo.Madeley@wiltshire.gov.uk)

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect a whistleblower's wishes. However, the Council does not encourage staff to make disclosures anonymously as this can constrain the process of investigation. The information will, normally, need to be passed on to those with a legitimate need to see it in order to investigate the matter and to act upon any findings. However, a concern raised will be logged with SWAP Internal Audit as per 4.3.

4.7 Alternatively, employees may wish to get confidential advice from their trade union or professional association. They can also contact the independent charity Protect (020 3117 2520) or www.protect-advice.org.uk who have lawyers who can give independent advice at any stage about how to raise a concern about serious malpractice at work.

4.8 Employees may invite their trade union or professional association to raise a matter on their behalf.

5. PROCESS

5.1 Initial concerns may be raised orally or in writing, although normally it is preferable to put the concern in writing, and there may be occasions when it will be necessary to go back to the whistleblower to confirm the complaint in writing. The whistleblower is invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why this is of particular concern. There is an example report form in Appendix 3 of this Policy.

5.2 The action taken by the Council will depend on the nature of the concern. where appropriate, the matters raised may:

- Be investigated by senior management, internal audit (SWAP) or through the disciplinary process.
- Be referred to the police.
- Form the subject of an independent inquiry.

5.3 In order to protect the individual and the Council, an initial assessment will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. The initial assessment may be carried out internally or the Council may ask another body (e.g. SWAP) to carry it out. Concerns or allegations, which, fall within the scope of specific procedures (for example fraud, theft and corruption) will normally be referred to SWAP for consideration under those procedures.

5.4 It should be noted that some concerns may be resolved by agreed action without the need for a full investigation. If urgent action is required, this would be taken before any investigation is completed.

5.5 Within ten working days of a concern being raised, and following the initial assessment, one of the officers detailed in section 4.4 will write to the person raising the concern and;

- acknowledge that the concern has been received,
- indicate the initial findings and how he/she proposes to deal with the matter; and
- give an estimate of how long it will take to provide a final response.

If it is impossible for initial assessment to be completed within ten working days, or where urgent action is required, the situation will be explained in the letter of acknowledgement. Where a decision is made that a full investigation will take place, the reasons for this will be provided.

If a full investigation is required, this will be carried out by the Council internally or the Council may ask another body (e.g. SWAP) to carry it out. Following the full investigation, the Council will either resolve by agreed action or take appropriate further action. This further action could be:

- Agreed steps such as disciplinary process.
- Referral to the Police.
- An independent enquiry.

5.6 SWAP Internal Audit must be notified of all initial assessments and full investigations raised under the Whistleblowing Policy and their outcome using SWAP's email address:- confidential@swapaudit.co.uk

5.7 The amount of contact between the officers considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern. Should further information be required, initial findings will be provided to the person raising the concern within four working days of the additional information requested being received by the Council.

5.8 Where any meeting is arranged, employees have the right, if they so wish, to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

5.9 The Council will take appropriate steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the Council will need to inform them and consider what steps are required to provide support.

5.10 The Council accepts that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential allegation you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside the Council, you may wish to take advice from your trade union, your local Citizens Advice Bureau, any of the external agencies listed in section 6.4

below, or your legal advisor on the options that are available to you.

6.2 Another option is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Council who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the Director of Legal & Governance (Monitoring Officer).

6.3 If you do take the matter outside the Council, you need to ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Council (e.g. service users) or where you would commit an offence by making such disclosures. This is something that you would need to check with one of the officers mentioned in Section 4.4.

6.4 External Contacts

If for any reason you do not wish to use the internal arrangements set out above, or require additional support and advice, a list of some of the prescribed people and bodies to whom you can make a disclosure and whose functions have particular relevance to the council's work:

- The Audit Commission for England (www.audit-commission.gov.uk)
- The Certification Officer (www.certoffice.org)
- The Care Quality Commission (www.cqc.org.uk)
- Ofsted
- The Office of the Children's Commissioner (www.childrenscommissioner.gov.uk)
- Her Majesty's Revenue and Customs (HMRC) (www.hmrc.gov.uk)
- Serious Fraud Office Confidential (www.sfo.gov.uk)
- The Environment Agency (www.environment-agency.gov.uk)
- The Food Standards Agency (www.food.gov.uk)
- The Health and Care Professions Council (HCPC) (www.hpc-uk.org)
- The Health & Safety Executive (www.hse.gov.uk)
- The Homes and Communities Agency (HCA) (www.homesandcommunities.co.uk)
- The Information Commissioner (www.ico.org.uk)
- Relevant professional bodies or regulatory organisations
- A solicitor or legal advisor
- The Police
- The Local Government Ombudsman (www.lgo.gov.uk)
- The Council's External Auditors (Deloitte) (www2.deloitte.com/uk)

7. **RESPONSIBILITY FOR IMPLEMENTING**

7.1 The responsibility for ensuring that the Council adheres to this Policy rests with the Corporate Leadership Team.

8. MONITORING AND REPORTING

8.1 The Assistant Director (SWAP) will provide an annual report to the Council's Audit and Governance Committee which has responsibilities for overseeing the effectiveness of the Council's governance arrangements as well as the Standards Committee. All reporting will be anonymised and will only identify common themes, numbers of disclosures year on year and will highlight actions taken to improve systems and policies.

9. REVIEW

9.1 This Policy will be regularly reviewed in line with future changes and developments and at least every two years.

10. RELATED POLICIES AND OTHER STRATEGIES

10.1 The following policies support or are linked to the Whistleblowing Policy and Procedure.

- Anti-Fraud, Theft, and Bribery Strategy and Policy
- Codes of Conduct (employees and councillors)
- Grievance Policy and Procedure
- Disciplinary Procedures

11. WHISTLEBLOWING BY MEMBERS OF THE PUBLIC

- 11.1 Unlike disclosures by employees, PIDA does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they disclose a concern.
- 11.2 The Council considers that any such disclosure made by members of the public in respect of serious misconduct should be handled in the same way as concerns raised by employees.
- 11.3 Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as concerns raised by employees, unless it is considered more appropriate for the concerns to be dealt with using the Council's Complaints Procedure or any other procedure as appropriate.
- 11.4 The Council shall notify SWAP Internal Audit of all concerns, initial investigations and full investigations raised by members of the public under the Whistleblowing Policy and their outcome using SWAP's email address:- confidential@swapaudit.co.uk

APPENDIX 1

INVESTIGATION ARRANGEMENTS

SWAP Internal Audit must be notified of all concerns raised, initial assessments and full investigations undertaken under the Whistleblowing Policy and their outcome using SWAP's email address:- confidential@swapaudit.co.uk

All concerns raised should also be passed to the Section 151 Officer (Director of Finance and Procurement), the Monitoring Officer (Director Legal & Governance), the Deputy Monitoring Officer, and the Head of Internal Audit (SWAP Assistant Director) irrespective of who was contacted in the first instance.

On notification of the concern, Wiltshire Council must inform SWAP as to whether SWAP is required to conduct the initial assessment of the concern or whether Wiltshire Council shall itself conduct the initial assessment.

All initial assessments will be undertaken by Wiltshire Council or SWAP Internal Audit Services.

The Monitoring Officer will advise on the legal implications and will:

- a) Arrange support and counselling for the employee who reported the concern as necessary; and,
- b) Provide advice on any necessary disciplinary action, if required.

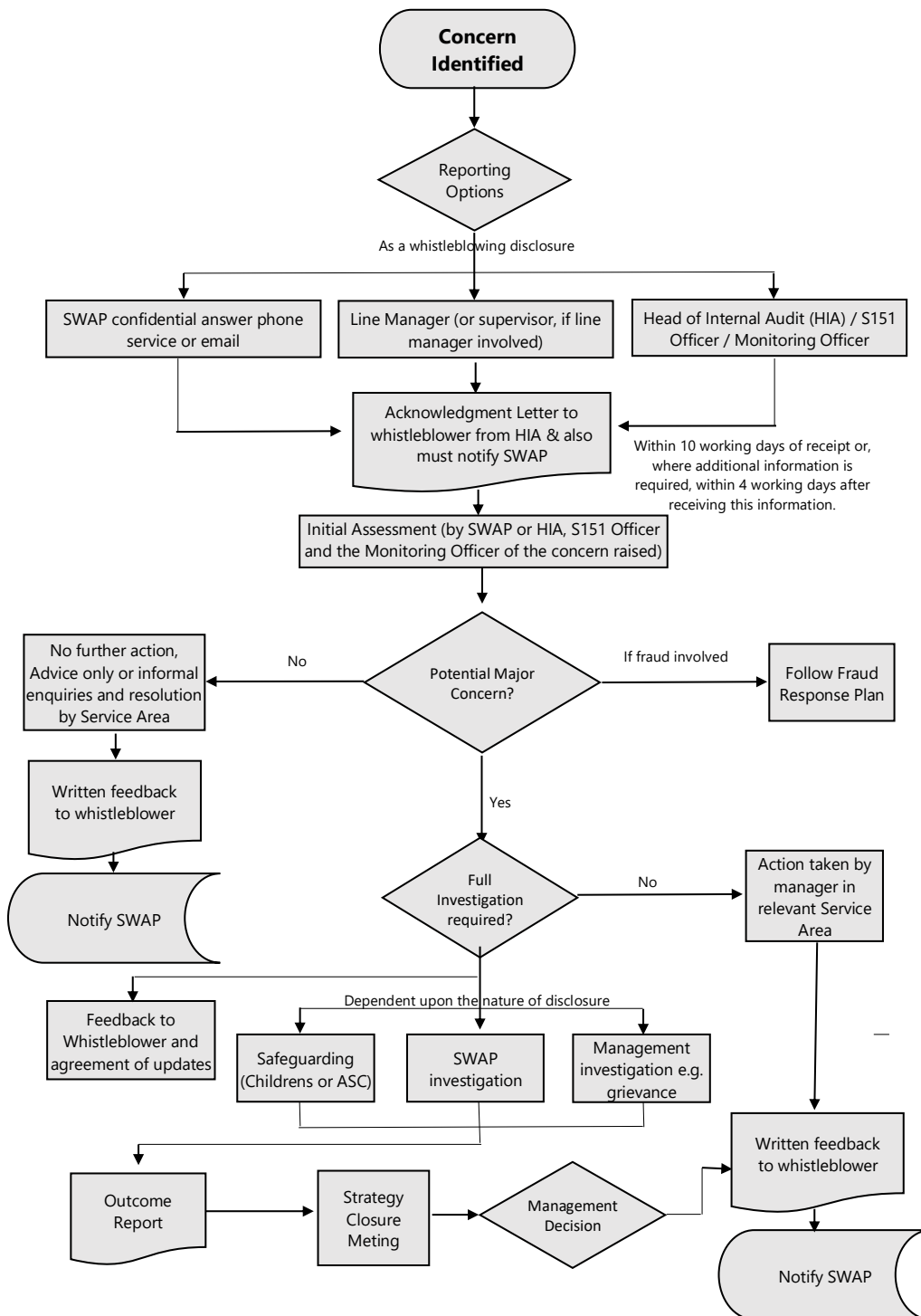
Any initial assessment or full investigation carried out by SWAP Internal Audit Services will adopt the following good practice points:

- Deal promptly with the allegation or concern.
- Contact the Police and other agencies as appropriate at an early stage and keep them and the employee who reported the concern informed of progress.
- Prepare a background or objectives statement and consider the likely outcome, i.e. prosecution and/or internal disciplinary action.
- Record all evidence received, ensure that it is sound, adequately supported and kept secure.
- Notify the Council's insurers where appropriate.
- Notify and liaise with the Monitoring Officer (Director Legal & Governance) and the Section 151 Officer (Director of Finance and Procurement);
- Identify actions required, systems weaknesses and lessons learnt.

Any initial assessment or full investigation carried out by other investigative teams shall adopt similar good practice points where relevant.

APPENDIX 2

Whistleblowing Procedure Flowchart



APPENDIX 3

WHISTLEBLOWING POLICY – Report Form for Whistleblowing Complaints

Wiltshire Council is committed to the highest possible standards of openness, professionalism, and accountability. In line with that commitment we expect employees, partners, members of the public and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

Description of the concern

Where possible include:

- Dates of
- Whether there were any
- Who was involved/other witnesses
- Why this is a concern
- Whether you have tried to raise this with your/a manager
- What the result was

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Monitoring Officer.

Name:		Service (if staff member)	
Address:		Contact Number:	
Date:		Signature:	

This page is intentionally left blank

Whistleblowing Policy and Procedure

July 2024

1. INTRODUCTION

Wiltshire Council is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment we wish to encourage employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This process is commonly referred to as "Whistleblowing".

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council upholds the seven principles of public life, it expects all employees (including agency staff) to maintain these standards in everything they do. Employees, and others the Council deal with (including suppliers and those providing services to the Council), are therefore encouraged to report any wrongdoing by the Council or its employees that fall short of these standards.

The Whistleblowing Policy and Procedure is intended to encourage and enable employees (including temporary staff), contractors working for the Council (e.g. agency staff, builders etc.) and members of the public to raise concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination, or disadvantage. The Council is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly. There is also statutory protection from any disclosures made by staff. It is important for potential whistleblowers to understand that their employment will be protected by the Council on the strict assumption that any disclosures or allegations are not malicious in nature. We would rather the matter be raised when it is just a concern, the message we wish to get across is "if in doubt, raise it".

All employees of the Council can raise their concerns under this policy, as well as contractors working for the Council (e.g. agency staff, builders etc.), the voluntary sector **and members of the public**. This policy also applies to suppliers of goods and services under a contract to the Council and voluntary workers working with the Council. The Council will seek to ensure that as part of its procurement processes this policy is brought to the attention of such external contractors, suppliers, and service providers.

This policy and procedure complies with the Public Interest Disclosure Act 1998 ("PIDA") and the Enterprise and Regulatory Reform Act 2013.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- Provide avenues for employees **and others** to raise concerns and receive feedback on any action taken.
- Allow employees **and others** to take the matter further if they are dissatisfied with the Council's response to the concerns expressed; and,
- Reassure employees **and others** that they will be protected from possible reprisals or victimisation.

2.2 Complaint or blowing the whistle?

When an individual blows the whistle, they are raising a concern about a danger or illegality that affects others (for example customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern, they are simply trying to alert others.

When an individual complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying, and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case.

There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of the grievance procedure. Thus, any serious concern that a member of staff has about any aspect of service provision, the conduct of officers, members of the Council or others acting on behalf of the Council can and should be reported under this policy. Your concerns may relate to something which is happening, has already happened or is likely to happen in the future.

For example, concerns raised under this Policy could include:

- Failure to observe health and safety regulations, or actions which involve risks to the public or other employees.
- Financial irregularities - including fraud, corruption, or unauthorised use of public funds.
- Improper or unlawful conduct by an officer or a member.
- Action causing, or is likely to cause, damage to the environment.
- Employees claiming benefits to which they are not entitled.
- Sexual, racial, physical, or other abuse.
- Other causes of malpractice, negligent, unprofessional, or unethical behaviour.
- Concealment of any of the above.

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

The spirit of this policy will also be applied to elected members of the Council, recognising though that they have separate and distinct roles as the elected representatives of their communities who operate within a political environment. Elected members to whom the whistle is blown should in the first place contact the Monitoring Officer. However, where members actions are involved, the Standards Regime under the Localism Act 2011 will be engaged.

The scope of this policy does not cover schools as every maintained school should have their own whistleblowing policy. The governing body of a school is responsible for agreeing and establishing their own whistleblowing policy. Similarly, academy trusts must have appropriate procedures in place for whistleblowing, making it clear all concerns will be responded to properly, consistently, and fairly. Therefore, any concerns relating to a school should be reported to the school via the school's own whistleblowing policy.

Managers and staff should be vigilant in respect of identifying potential whistleblowing concerns. If there are concerns that are raised during or as a result of an internal process or which are raised during the course of usual day to day management and which may be considered to potentially amount to a whistleblowing disclosure, the manager concerned should report the matter and seek advice from the relevant Director and/or SWAP in line with the procedure set out within this policy in order for an assessment to be completed as to whether the concerns amount to a whistleblowing disclosure.

3. SAFEGUARDS

3.1 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the Council as a whole. The Council will not tolerate any harassment or victimisation (including informal pressures). The Council will not tolerate any attempt on the part of any employee, Councillor, Council contractor or supplier to apply any sanction or detriment to any person who has reported to the Council any serious and genuine concern that they may have of any apparent malpractice.

We understand that some individuals may not be comfortable with what is known as 'open whistleblowing', so we will offer the option of keeping your identity confidential unless we are required to disclose it by law, or unless we have your permission. If you wish us to maintain confidentiality, we will always seek to do so.

The Public Interest Disclosure Act (PIDA) 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice. The Act makes it unlawful for the council to dismiss anyone or allow

them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

In order for protection against recriminations, victimisation or harassment to apply, the person making the disclosure should have a reasonable belief that the disclosure they are making is in the “public interest”. Their belief need not be correct for protection to apply.

3.2 Confidentiality

As far as possible, the Council will protect the identity of any employee who raises a concern and does not want his/her name to be disclosed, but this confidentiality cannot be guaranteed. It must be appreciated that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence. Where an employee has requested that their identity not be revealed, the Council will discuss the matter with them before embarking on any course of action whereby their identity will need to be disclosed.

3.3 Anonymity

Concerns expressed anonymously will be considered at the discretion of the Council, although it must be appreciated that it is inherently difficult to investigate concerns expressed this way. It is hoped that the guarantees contained in this policy will provide sufficient reassurance to staff to enable them to raise concerns in person. However, in exercising the discretion, the factors to be taken into account would include:

- The likelihood of obtaining the necessary information.
- The seriousness of the issues raised.
- The specific nature of the complaint.
- The duty to the public.

3.4 False and Malicious Allegations

The Council will protect itself and its employees from false and malicious expressions of concern by taking disciplinary action where appropriate. The Council will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.

4. HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you prefer (for whatever reason) or if you believe that management is involved, you could approach one of the individuals in section 4.6.

4.2 Alternatively, you can raise concerns via SWAP Internal Audit Services using

their email address:- confidential@swapaudit.co.uk

4.3 SWAP Internal Audit must be notified of all concerns raised under the Whistleblowing Policy (via 4.1 or 4.6) and their outcome using SWAP's email address:- confidential@swapaudit.co.uk On notification of the concern, Wiltshire Council must inform SWAP as to whether SWAP is required to conduct the initial assessment of the concern or whether Wiltshire Council shall itself conduct the initial assessment.

4.4 Concerns may be raised by a whistleblower orally or in writing. Normally it is preferable to put your concern in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. To assist in the notification process, the Council has set up an arrangement for a confidential answerphone service with SWAP Internal Audit Services (020 8142 5030) or alternatively there is a confidential email address (confidential@swapaudit.co.uk).

4.5 The earlier you express the concern, the easier it is to take action. You should not wait until you have proof. Although you are not expected to prove the truth of the allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

N.B. If an employee has any personal interest in the matter this should be disclosed at the outset.

4.6 If you do have a concern, however small and you don't feel comfortable discussing such a sensitive issue with a close colleague, the following officers can provide advice and guidance:

- Assistant Director SWAP Internal Audit Services – Counter Fraud and Investigations – Jacqui Gooding (jacqui.gooding@swapaudit.co.uk)
- Section 151 Officer (Director for Finance and Procurement) – Lizzie Watkin (Lizzie.Watkin@wiltshire.gov.uk)
- Monitoring Officer (Director of Legal & Governance) – Perry Holmes (Perry.Holmes@wiltshire.gov.uk)
- Deputy Monitoring Officer (Head of Legal Services, Democracy & Governance) – Joanna Madeley (Jo.Madeley@wiltshire.gov.uk)

All concerns will be treated sensitively and with due regard to confidentiality and where possible every effort will be made to protect a whistleblower's wishes. However, the Council does not encourage staff to make disclosures anonymously as this can constrain the process of investigation. The information will, normally, need to be passed on to those with a legitimate need to see it in order to investigate the matter and to act upon any findings. However, a concern raised will be logged with SWAP Internal Audit as per 4.3.

Alternatively, employees may wish to get confidential advice from their trade union or professional association. They can also contact the independent charity Protect (020 3117 2520) or www.protect-advice.org.uk who have lawyers who can give independent advice at any stage about how to raise a concern about serious malpractice at work.

4.7 Employees may invite their trade union or professional association to raise a matter on their behalf.

5. **PROCESS**

5.1 Initial concerns may be raised orally or in writing, although normally it is preferable to put the concern in writing, and there may be occasions when it will be necessary to go back to the whistleblower to confirm the complaint in writing. The whistleblower is invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why this is of particular concern. There is an example report form in Appendix 3 of this Policy.

5.2 The action taken by the Council will depend on the nature of the concern. where appropriate, the matters raised may:

- Be investigated by senior management, internal audit (SWAP) or through the disciplinary process.
- Be referred to the police.
- Form the subject of an independent inquiry.

5.3 In order to protect the individual and the Council, an **initial assessment** will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take. The **initial assessment** may be carried out internally or the Council may ask another body (e.g. SWAP) to carry it out. Concerns or allegations, which, fall within the scope of specific procedures (for example fraud, theft and corruption) will normally be referred **to SWAP** for consideration under those procedures.

5.4 It should be noted that some concerns may be resolved by agreed action without the need for a full investigation. If urgent action is required, this would be taken before any investigation is completed.

5.5 Within ten working days of a concern being raised, and following the **initial assessment**, one of the officers detailed in section 4.4 will write to the person raising the concern and;

- acknowledge that the concern has been received,
- indicate the initial findings and how he/she proposes to deal with the matter; and
- give an estimate of how long it will take to provide a final response.

If it is impossible for **initial assessment** to be completed within ten working

days, or where urgent action is required, the situation will be explained in the letter of acknowledgement. Where a decision is made that a full investigation will take place, the reasons for this will be provided.

If a full investigation is required, this will be carried out by the Council internally or the Council may ask another body (e.g. SWAP) to carry it out. Following the full investigation, the Council will either resolve by agreed action or take appropriate further action. This further action could be:

- Agreed steps such as disciplinary process.
- Referral to the Police.
- An independent enquiry.

5.6 **SWAP Internal Audit must be notified of all initial assessments and full investigations raised under the Whistleblowing Policy and their outcome using SWAP's email address:- confidential@swapaudit.co.uk**

5.7 The amount of contact between the officers considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern. Should further information be required, initial findings will be provided to the person raising the concern within four working days of the additional information requested being received by the Council.

5.8 Where any meeting is arranged, employees have the right, if they so wish, to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

5.9 The Council will take appropriate steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the Council will need to inform them and consider what steps are required to provide support.

5.10 The Council accepts that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

6. HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential allegation you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside the Council, you may wish to take advice from your trade union, your local Citizens Advice Bureau, any of the external agencies listed in section 6.4 below, or your legal advisor on the options that are available to you.

6.2 Another option is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Council who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the Director of Legal & Governance (Monitoring Officer).

6.3 If you do take the matter outside the Council, you need to ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Council (e.g. service users) or where you would commit an offence by making such disclosures. This is something that you would need to check with one of the officers mentioned in Section 4.4.

6.4 External Contacts

If for any reason you do not wish to use the internal arrangements set out above, or require additional support and advice, a list of some of the prescribed people and bodies to whom you can make a disclosure and whose functions have particular relevance to the council's work:

- The Audit Commission for England (www.audit-commission.gov.uk)
- The Certification Officer (www.certoffice.org)
- The Care Quality Commission (www.cqc.org.uk)
- Ofsted
- The Office of the Children's Commissioner (www.childrenscommissioner.gov.uk)
- Her Majesty's Revenue and Customs (HMRC) (www.hmrc.gov.uk)
- Serious Fraud Office Confidential (www.sfo.gov.uk)
- The Environment Agency (www.environment-agency.gov.uk)
- The Food Standards Agency (www.food.gov.uk)
- The Health and Care Professions Council (HCPC) (www.hpc-uk.org)
- The Health & Safety Executive (www.hse.gov.uk)
- The Homes and Communities Agency (HCA) (www.homesandcommunities.co.uk)
- The Information Commissioner (www.ico.org.uk)
- Relevant professional bodies or regulatory organisations
- A solicitor or legal advisor
- The Police
- The Local Government Ombudsman (www.lgo.gov.uk)
- The Council's External Auditors (Deloitte) (www2.deloitte.com/uk)

7. **RESPONSIBILITY FOR IMPLEMENTING**

7.1 The responsibility for ensuring that the Council adheres to this Policy rests with the Corporate Leadership Team.

8. **MONITORING AND REPORTING**

8.1 The Assistant Director (SWAP) will provide an annual report to the Council's Audit and Governance Committee which has responsibilities for overseeing the effectiveness of the Council's governance arrangements as well as the Standards Committee. All reporting will be anonymised and will only identify common themes, numbers of disclosures year on year and will highlight actions taken to improve systems and policies.

9. REVIEW

9.1 This Policy will be regularly reviewed in line with future changes and developments and at least every two years.

10. RELATED POLICIES AND OTHER STRATEGIES

10.1 The following policies support or are linked to the Whistleblowing Policy and Procedure.

- Anti-Fraud, Theft, and Bribery Strategy and Policy
- Codes of Conduct (employees and councillors)
- Grievance Policy and Procedure
- Disciplinary Procedures

11. WHISTLEBLOWING BY MEMBERS OF THE PUBLIC

11.1 Unlike disclosures by employees, PIDA does not offer legal protection for disclosures made by members of the public. However, the Council will take reasonable and appropriate action to protect members of the public when they disclose a concern.

11.2 The Council considers that any such disclosure made by members of the public in respect of serious misconduct should be handled in the same way as concerns raised by employees.

11.3 Once a disclosure from a member of the public has been received by the Council, it will be handled in the same way as concerns raised by employees, unless it is considered more appropriate for the concerns to be dealt with using the Council's Complaints Procedure or any other procedure as appropriate.

11.4 The Council shall notify SWAP Internal Audit of all concerns, initial investigations and full investigations raised by members of the public under the Whistleblowing Policy and their outcome using SWAP's email address:- confidential@swapaudit.co.uk

APPENDIX 1

INVESTIGATION ARRANGEMENTS

SWAP Internal Audit must be notified of all concerns raised, initial assessments and full investigations undertaken under the Whistleblowing Policy and their outcome using SWAP's email address:- confidential@swapaudit.co.uk

All concerns raised should also be passed to the Section 151 Officer (Director of Finance and Procurement), the Monitoring Officer (Director Legal & Governance), the Deputy Monitoring Officer, and the Head of Internal Audit (SWAP Assistant Director) irrespective of who was contacted in the first instance.

On notification of the concern, Wiltshire Council must inform SWAP as to whether SWAP is required to conduct the initial assessment of the concern or whether Wiltshire Council shall itself conduct the initial assessment.

All initial assessments will be undertaken by Wiltshire Council or SWAP Internal Audit Services.

The Monitoring Officer will advise on the legal implications and will:

- a) Arrange support and counselling for the employee who reported the concern as necessary; and,
- b) Provide advice on any necessary disciplinary action, if required.

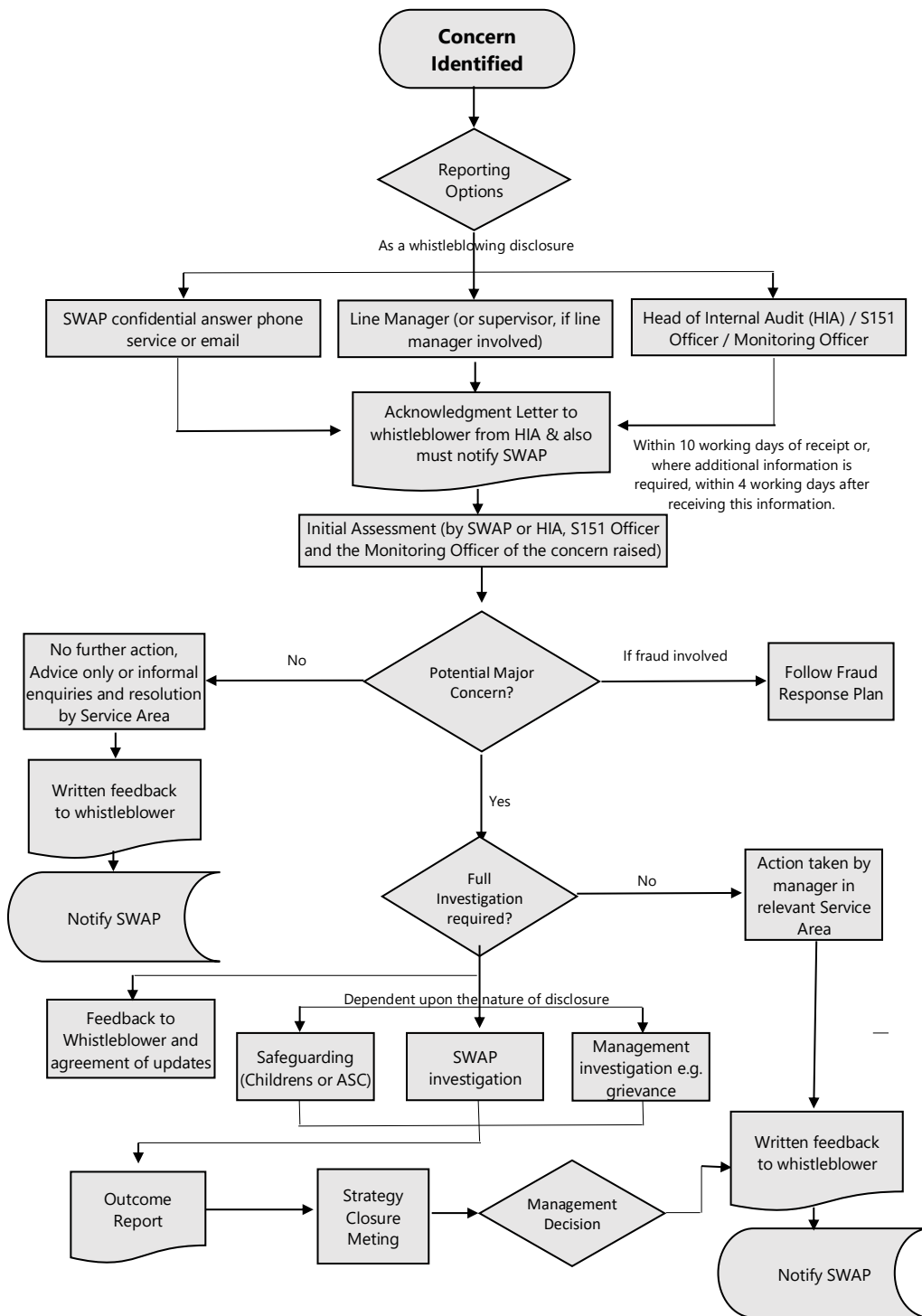
Any initial assessment or full investigation carried out by SWAP Internal Audit Services will adopt the following good practice points:

- Deal promptly with the allegation or concern.
- Contact the Police and other agencies as appropriate at an early stage and keep them and the employee who reported the concern informed of progress.
- Prepare a background or objectives statement and consider the likely outcome, i.e. prosecution and/or internal disciplinary action.
- Record all evidence received, ensure that it is sound, adequately supported and kept secure.
- Notify the Council's insurers where appropriate.
- Notify and liaise with the Monitoring Officer (Director Legal & Governance) and the Section 151 Officer (Director of Finance and Procurement);
- Identify actions required, systems weaknesses and lessons learnt.

Any initial assessment or full investigation carried out by other investigative teams shall adopt similar good practice points where relevant.

APPENDIX 2

Whistleblowing Procedure Flowchart



APPENDIX 3

WHISTLEBLOWING POLICY – Report Form for Whistleblowing Complaints

Wiltshire Council is committed to the highest possible standards of openness, professionalism, and accountability. In line with that commitment we expect employees, partners, members of the public and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

Description of the concern

Where possible include:

- Dates of
- Whether there were any
- Who was involved/other witnesses
- Why this is a concern
- Whether you have tried to raise this with your/a manager
- What the result was

You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate but will be considered at the discretion of the Monitoring Officer.

Name:		Service (if staff member)	
Address:		Contact Number:	
Date:		Signature:	

This page is intentionally left blank

Wiltshire Council

Standards Committee

3 October 2024

Proposed Changes to the Constitution

Purpose of Report

1. This report asks the Standards Committee to consider proposed changes to the following section of the Constitution:
 - Protocol 2 – Terms of Reference of the Wiltshire Pension Fund Committee and Local Pension Board
2. The Standards Committee is asked to make recommendations as it considers appropriate to Full Council, subject to agreement by the Wiltshire Pension Fund Committee.

Background

3. The Standards Committee has responsibility for oversight of the Council's constitution and making recommendations to Council.
4. The Standards Committee has established the Constitution Focus Group to review sections of the Constitution and present it with proposals to consider.
5. The Focus Group electronically considered the above section of the Constitution.
6. The Wiltshire Pension Fund Committee is a joint committee of Wiltshire Council and Swindon Borough Council. Wiltshire Council is the Administering Authority for purposes of the Pension Fund.

Main Considerations

7. The Wiltshire Pension Fund Committee terms of reference (Protocol 2a) was last updated in July 2020, along with the Governance Compliance Statement, introduced under the Local Government Pension Scheme Regulations 2008.
8. Since that time a number of operational practices have changed in the way the Fund is governed. In particular, the Committee resolved to make all substantive decisions at meetings of the whole committee, rather than exercise some functions through its established Investment Sub-Committee. Given the small size of the Committee with seven elected Members it was not considered necessary or appropriate for specific functions to be exercised by a Sub-Committee.
9. As a result, additional meetings of the Committee have been scheduled to accommodate the further business being determined.
10. Changes have been proposed to:
 - a) To remove all references to the Investment sub-Committee:

- b) To ensure that all activities in the former Investment sub-Committee's terms of reference are incorporated into the Committee's terms of reference;
- c) To reflect that the Committee meets more frequently under the new Committee meeting structure; And,
- d) Other minor changes for clarity.

11. A further review of both of the Protocol and the Governance Compliance Statement will take place to consider relevant changes arising from the introduction of the Regulator's new general code of practice and the awaited Scheme Advisory Board's good governance review, when it is published.

12. The Governance Compliance Statement is not a constitutional document, and so responsibility for it being updated lies with the Wiltshire Pension Fund Committee.

13. The Wiltshire Pension Fund Committee was updated on the proposals at its meeting on 19 September 2024 and was content for them to move forward.

Overview and Scrutiny Engagement

14. The Constitution Focus Group includes a representative from Overview and Scrutiny.

Safeguarding Implications

15. There are no safeguarding implications.

Public Health Implications

16. There are no public health implications.

Procurement Implications

17. There are no procurement implications.

Equalities Impact of the Proposal

18. There are no equalities implications.

Environmental and Climate Change Considerations

19. There are no environmental implications.

Workforce Implications

20. There are no workforce implications.

Risks that may arise if the proposed decision is not taken

21. The constitution would become increasingly out of date.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

22. No risks have been identified if the proposed actions are taken.

Financial Implications

23. There are no financial implications.

Legal Implications

24. There are no additional legal implications.

Options Considered

25. Proposed changes could be delayed until further regulatory changes are enacted. However, this would leave the current constitution out of date from the current updated operations of the Committee.

Proposals

26. That the Standards Committee:

Recommend that Full Council approve the proposed changes to Protocol 2 of the Constitution

Perry Holmes - Director, Legal and Governance (and Monitoring Officer)

Jennifer Devine - Head of Wiltshire Pension Fund

Report Authors:

Kieran Elliott, Democracy Manager (Democratic Services)

Richard Bullen, Fund Governance Manager

Appendices:

Appendix 1 – Committee Terms of Reference

Appendix 1b – Proposed Part 10 (tracked changes)

Background Papers

None

This page is intentionally left blank

**Wiltshire Council
Constitution
Protocol 2
Terms of Reference of the
Wiltshire Pension Fund
Committee and Local
Pension Board**

Contents

Protocol 2A: Terms of Reference of the Wiltshire Pension Fund Committee

1. Introduction	3
2. Interpretations	3
3. Statement of Purpose	3
4. Duties of the Committee	4
5. Membership	4
6. Recruitment process and term lengths	4
7. Appointment of Chairman, Vice-Chairman and Substitute Members	5
8. Notification of Appointment	5
9. Duties of the Chair	6
10. Meetings	6
11. Quorum	6
12. Functions of the Committee	6
13. Delegations	7
14. Reporting	7

Protocol 2B: Terms of Reference of the Local Pension Board of Wiltshire Council

1. Introduction	8
2. Interpretations	8
3. Statement of Purpose	9
4. Duties of the Board	9
5. Establishment	9
6. Membership	9
7. Member representatives	9
8. Appointment of Chair	12
9. Duties of the Chair	13
10. Independent governance adviser	13
11. Notification of Appointments	13
12. Terms of Office	13
13. Conflicts of Interest	14
14. Knowledge and understanding (including training)	14
15. Meetings	14
16. Quorum	15
17. Board Administration	15
18. Public Access to Board meetings and information	15
19. Expenses and Allowances	16
20. Budget	17
21. Functions	17
22. Reporting	18
23. Review of Terms of Reference	19

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

2

PROTOCOL 2A: TERMS OF REFERENCE OF THE WILTSHIRE PENSION FUND COMMITTEE

1. Introduction

1.1 This document sets out the terms of reference of the Wiltshire Pension Fund Committee of Wiltshire Council (the “Administering Authority”) being the scheme manager as defined under Section 4 of the Public Service Pensions Act 2013.

1.2 The Committee is constituted as a Committee of the Administering Authority under Section 101 of the Local Government Act 1972 and has been assigned general duties, responsibilities and powers assigned to any sub-committees or officers under Wiltshire Council’s constitution.

2. Interpretations

2.1 The following terms have meanings as outlined below:

2.1.1 **‘the Regulations’** means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time);

2.1.2 **‘Relevant Legislation’** means relevant overriding legislation as well as the Pension Regulator’s Codes of Practice as they apply to the Administering Authority notwithstanding that the Codes of Practice are not legislation;

2.1.3 **‘the Scheme’** means the Local Government Pension Scheme in England and Wales;

2.1.4 **‘Pension Fund Officers’** shall mean the ~~Corporate Director~~ Director, Finance and Procurement (S.151 Officer), Resources, and Head of Wiltshire Pension Fund, ~~and/or Pensions Administrations Lead~~ as appropriate for the context, in line with their general roles and responsibilities;

2.1.5 **‘the Board’** means the Local Pension Board established under Section 5 of the Public Service Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended) and as set out in Protocol 2B of this constitution; and

2.1.6 **‘Treasurer of the Fund’** shall mean the ~~Corporate Director,~~ Resources Director, Finance and Procurement, or nominee where any conflict may arise.

3. Statement of purpose

3.1 The Committee is to act on behalf of the Administering Authority in its role as a scheme manager of the Scheme.

3.2 In particular:

3.2.1 To have full decision-making responsibility on all aspects of the administration and management of the pension fund;

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

3

- 3.2.2 The power to delegate Pension Fund functions to Pension Fund officers, ~~the Investment Sub-Committee~~ and other service areas within the Administering Authority as the Committee may consider appropriate to ensure the smooth administration of the Pension Fund having regard to the Scheme of Delegation to Officers as set out in Part 3D of the Wiltshire Council Constitution;
- 3.2.3 the Committee shall work with the Board considering all their recommendations and determine any appropriate action(s) to be taken, or provide a reason to the Board for not enacting a recommendation made by them; and
- 3.2.4 maintain a business plan and other key Wiltshire Pension Fund documents such as the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement to facilitate the delegation to officers of key strategic functions of the Scheme.

4. Duties of the Committee

4.1 The Committee should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty all Committee members shall make declarations on the register of interests of the Administering Authority in accordance with its Code of Conduct.

5. Membership

5.1 ~~The chair and vice chair will be appointed from one of five of the voting Wiltshire Council Members. The Chairman appointed under Paragraph 7 should be a Member of the Administering Authority.~~

5.2 Committee membership may be terminated prior to the end of the Member's term of office if:

- 5.2.1 there exists a conflict of interest in relation to a Committee member which cannot be managed within the internal procedures of the Committee;
- 5.2.2 a Committee member becomes incapable of acting;
- 5.2.3 a member representative ceases to be a member of the body or scheme on which their appointment relied;
- 5.2.4 an employer representative ceases to hold the office, employment or membership of the body on which their appointment relied; and/or
- 5.2.5 a Member ceases to represent their ~~constituency~~ Division.

6. Recruitment process and term lengths

Elected Member Representatives

~~6.1~~ Members elected from both Administering Authority and Swindon Borough Council will be appointed by Wiltshire Council's Full Council.

~~6.16.2~~ Full Council should consider their appointments in terms of the Member's relevant experience of pension related matters and their willingness to exercise this specific function on behalf of the Administering Authority.

Employer Representatives

~~6.26.3~~ The voting Employer Representatives will serve a four-year fixed term from appointment. On expiry of the four-year term, applications for the position will be sought (from the incumbent and other applicable employer bodies) and an appointment process will be undertaken by the Committee. Should more than one

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

Commented [KE1]: Para 7 on appointment of chairman et al does not restrict who may be appointed - in practice Wiltshire Council has delegated back to committee the ability to elect a vice-chairman, who has been from Swindon. This wording would make explicit the chairman must be from wiltshire council but leaves flexibility to appoint the vice-chair as it wishes

application be received for the role, appointment will be made by interview.

~~6.3~~6.4 All members may be re-appointed following a four-year term ~~and for subsequent terms.~~

Commented [KE2]: For clarity - that they could serve more than 2 terms

Non-voting Employee Representatives

~~6.4~~6.5 Representatives will be sought from the recognised Trade Union bodies and be reviewed by the Unions after the representative has served a four-year fixed term from appointment. On completion of the review the Union may choose whether to put forward the same representative or choose to appoint another representative from one of their number.

~~6.5~~6.6 For non-elected member representatives and employer representatives, appointments shall be made as follows:

~~6.5.1~~6.6.1 Nominations will be initially sought in a manner which seeks to fairly reflect the Scheme employers and membership of the Fund, however where no nominations are initially received, further requests for nominations can be sought from any appropriate representative;

~~6.5.2~~6.6.2 Successful nominations will be invited to interview by a panel of Committee members and Pension Fund officers; and

~~6.5.3~~6.6.3 Successful interviewees will be recommended to Full Council for approval and invited to become a member.

~~6.6~~6.7 All representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

7. Appointment of Chairman, Vice Chairman and Substitute Members

7.1 The Administering Authority will administer the appointment process of the Chairman, Vice Chairman and Substitute Members.

7.2 Full Council will appoint a Chairman and Vice Chairman annually. The appointment of these roles will consider each individual's knowledge and understanding of pensions including any relevant professional qualification that the Members may hold.

7.3 Substitute members – Full Council will appoint substitute members as required in accordance with Part 4 of the Constitution giving consideration to each individual's knowledge and understanding of pensions including any relevant professional qualification that the Members may hold.

8. Notification of appointment

8.1 When appointments to the Committee have been made the Administering Authority shall publish the name of Committee member.

8.2 Appointments are not required under the Public Services Pension Act 2013 (formerly Pension Act 2004 section 248a) to maintain a sufficient level of knowledge and understanding, ~~however~~ However it is expected that good practice will be followed, in so far that appointees will abide by the requirements specified in the Pension Regulator's code of practice 14 and the Pension Act 2004 sections 247 to 249.

8.3 ~~For those appointees who sit on the Fund's investment sub-committee it~~ is expected that ~~their~~ Members' knowledge and understanding will enable them to

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

5

continue to comply with the FCA's MiFID II Regulations (or as amended from time to time) in relation to the Fund's professional investor status.

9. Duties of the Chairman

The Chairman:

9.1 Shall ensure the Committee delivers its purpose as set out in these Terms of Reference and all relevant legislation.

9.2 Shall ensure that meetings are productive and effective, and that opportunity is provided for the views of all members to be expressed and considered. And,

~~9.3 Shall seek to reach consensus and ensure that decisions are properly put to a vote, won by a simple majority and when it cannot be reached that the instances of a failure to reach a consensus position will be recorded and published.~~

10. Meetings

10.1 Meetings of the Committee will be ~~held~~ scheduled at least ~~four~~ eight times a year.

10.2 The Pension committee and any sub-committee will follow those parts of the Council procedure rules set out in Part 4 of Wiltshire Council's constitution ~~as apply to them,~~ except where otherwise set out in this Protocol 2A.

11. Quorum and Access

11.1 A meeting is only quorate when at least 25% of voting members are present, subject to a minimum of 3.

11.2 A meeting that becomes inquorate may continue but any decisions will be non-binding.

Public Access to Committee meetings and information

11.3 For the avoidance of doubt Part 5 of Wiltshire Council's constitution reflects the current statutory requirements set out in Section 100 Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

~~11.4~~ 11.4 These rules apply to the Pensions Committee or any sub-committee except where any particular issue is governed by other specific legislation.

12. Functions of the Committee

12.1 The Committee exercises the functions of the Council as Administering Authority. To fulfil its functions the Wiltshire Pension Fund Committee will operate within a framework of key Governance and Compliance documents which it will ensure are maintained.

12.2 The key documents are:

- 12.2.1 Governance Compliance Statement;
- 12.2.2 Funding Strategy Statement;
- 12.2.3 Investment Strategy Statement;
- 12.2.4 Administering Authority Discretions Policy;
- 12.2.5 Stewardship Code Statement;
- 12.2.6 Communications Strategy;
- 12.2.7 Business Plan;

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

Commented [KE3]: Procedurally this is not a requirement, and is furthermore unnecessary as individual members can request their votes in objection be recorded.

Additionally, the nature of committee decisions is that it does not matter if a vote is unanimous or approved by casting vote of the chairman

Commented [KE4]: In unlikely event there is not sufficient business for a meeting 'scheduled' rather than 'held' would allow for cancellation where there is insufficient business.

- 12.2.8 Administration Strategy;
- 12.2.9 Cessations Policy; and
- 12.2.10 Annual Report and Accounts.

12.3 The Committee shall be responsible for approving:

- 12.3.1 The Fund's budget;
- 12.3.2 The Triennial Valuation's key assumptions and results in relation to the Pension Fund; and
- 12.3.3 For reviewing and approving the Annual Report and Accounts for final approval by the Audit and Governance Committee.

13. Delegations

~~Investment Sub-Committee~~

~~13.1 Authority is delegated to the Investment sub-Committee to review, monitor, implement and provide comment on the Fund's investment strategy, but the Committee shall retain responsibility for the final approval of the Fund's investment strategy.~~

~~13.2 Guidance of the full scope of the Investment Sub-Committee's terms of reference are set out in its own document and can be provided by the Investment Sub-Committee.~~

~~13.3~~13.1 Authority is delegated to the Treasurer of the Fund (or their nominated representative) to conduct urgent business between meetings, in consultation with the Chairman and Vice-Chairman of the Committee. Any business conducted in this manner must be reported to the next ordinary meeting of the Committee. The scope of delegation is laid out in the ~~sub-Schemes and delegations~~Scheme of Sub-Delegations document.

~~13.4~~13.2 Authority is delegated to the Chairman to cast a Shareholder Vote in respect of Special Reserve Matters pertaining to Brunel Pension Partnership, following consultation with Pension Fund Officers and members of the Committee, where there is urgent business to be conducted between meetings.

~~13.5~~13.3 Authority is delegated to the Head of ~~Pensions Administration and Relations and the Head of Pension Fund Investments~~Wiltshire Pension Fund to prepare the Fund's budgets, although approval of the budget shall remain with the Committee.

14. Reporting

14.1 Giving consideration to relevant law and good governance practice the Committee will:

- 14.1.1 Publish a meetings attendance record in the Annual Report and Accounts;
- 14.1.2 Invite the Local Pension Board to input into matters of governance and administration; and
- 14.1.3 Report to the Local Pension Board on action(s) it has taken concerning the Board recommendations.

PROTOCOL 2B: TERMS OF REFERENCE OF THE LOCAL PENSION BOARD OF WILTSHIRE COUNCIL

1. Introduction

- 1.1 This document sets out the Terms of Reference of the Local Pension Board of Wiltshire Council (the “Administering Authority”) being a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (the “Board”) is established under Section 5 of that Act and Regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
- 1.2 The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
- 1.3 The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
- 1.4 Except where approval has been granted under Regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

2. Interpretation

- 2.1 The following terms have the meanings as outlined below:
- 2.1.1 **‘the Act’** The Public Service Pensions Act 2013.
- 2.1.2 **‘the Code’** means the Pension Regulator’s Code of Practice No 14 governance and administration of public service pension schemes and any successor Codes of Practice.
- 2.1.3 **‘the Committee’** means the Wiltshire Pension Fund Committee which has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972.
- 2.1.4 **‘the Fund’** means the Wiltshire Pension Fund managed and administered by the Administering Authority.
- 2.1.5 **‘the Guidance’** means the guidance on the creation and operation of local pension boards issued by the Scheme Advisory Board.
- 2.1.6 **‘the Regulations’** means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).
- 2.1.7 **‘Relevant Legislation’** means relevant overriding legislation as well as the Pension Regulator’s Codes of Practice as they apply to the Administering

Authority and the Board notwithstanding that the Codes of Practice are not legislation.

2.1.8 **'the Scheme'** means the Local Government Pension Scheme in England and Wales.

2.1.9 **'Other Member'** means a person who does not have a pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund and is not a consultant or adviser of the Fund in the last 5 years from the date of the advertisement and they are not a member of the Fund or a Wiltshire Member. Membership is defined as any status holding an existing liability.

3. Statement of purpose

3.1 The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme.

3.2 Such assistance is to:

3.2.1 monitor compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and

3.2.2 (b) to ensure the effective and efficient governance and administration of the Scheme.

4. Duties of the Board

4.1 The Board should always act in a reasonable manner in the conduct of its purpose. In support of this duty all Board members shall make declarations on the register of interests of the Administering Authority in accordance with its Code of Conduct.

5. Establishment

5.1 The Board was established on 1 April 2015 after approval by Full Council at its meeting on 24 February 2015 (minute 22).

6. Membership

6.1 The Board shall consist of 6 voting members, as follows:

6.1.1 3 Member Representatives (as set out in paragraph 7.1 and appointed in accordance with paragraphs 7.6-7.11 below); and

6.1.2 3 Employer Representatives (as set out in paragraph 7.12 and appointed in accordance with paragraphs 7.13-7.22 below).

6.2 There shall be an equal number of Member and Employer Representatives.

6.3 There shall also be an independent chairman who is not entitled to vote.

6.4 The Board will also have access to an independent governance adviser.

7. Member representatives

7.1 Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund. At least one-member representative should be an active member of the Wiltshire Pension Fund.

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

9

- 7.2 Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 7.3 Substitutes shall not be appointed.
- 7.4 The 3-member representatives shall be appointed following a transparent recruitment process. Of these a minimum of 1-member representative and a maximum of 2-member representatives shall be nominated from a recognised trade union.
- 7.5 At least 1-member representative position should be open to all Fund members and be approved by the Administering Authority (rather than the Committee) based on the process outlined below.

For the member representatives:

- 7.6 The Administering Authority (rather than the Committee) will administer the appointment process as follows.
- 7.7 The Administering Authority shall advertise the member representative role, including information on where to access a nomination pack for each of the 3-member groups. The Administering Authority shall also notify all employer organisations and registered trade unions in writing of the vacancies, including information on where to access a nomination pack for each of the member groups. The nomination pack will include these Terms of Reference, details of the member representative role, a nomination form and instructions for application. The Administering Authority anticipates that any nominations it receives for a trade union representative will have also compiled with that trade union's nomination process. The closing date for receipt of nominations by the Administering Authority will initially be four weeks from the date of advertisement or notice, but where subsequent rounds of nomination are sought this period can alter, as legitimate circumstances dictate.
- 7.8 The Administering Authority's Director, Legal and Governance, and the Administering Authority's Corporate Director, Resources (or their nominated representatives) will score all nominations returned by the deadline against criteria relating to each nominee's ability to meet the capacity requirements of the role, to produce a shortlist.
- 7.9 Should there be more applications from candidates able to fulfil all the criteria of the role than the number of vacancies available, an election process will take place during which all active members of the Fund will be asked to cast one vote based on a brief biography published for each candidate for the non-trade union nominated member representative role(s). The candidate with the highest number of votes will be recommended to Full Council. In the event of a tie the candidate with the highest score at the shortlisting stage will be recommended.
- 7.10 Where no nominations are submitted in the initial round of advertising for a role, one subsequent request for nominations will be made to the relevant member group and if there is still no success, an advert to the wider member group will take place regardless of their trade union membership, or if they are an active or non-active scheme member. If suitable nominations are still not received, Pension Fund Officers will be entitled to approach suitable individuals who they believe may be suitable members to serve a term of office on behalf of a member group. Approval of a suitable

Protocol 2

Last Updated ~~21 July 2020~~ [October 2024](#)

10

individual will be required from Administering Authority's Director, Legal and Governance, and the Administering Authority's Corporate Director, Resources (or their nominated representatives). A recommendation will then be made to Full Council for the appointment to the Board.

- 7.11 Full Council/the Standards Committee on behalf of the Council will appoint the member representative(s) of the Board.

For the Employer representatives

- 7.12 Employer representatives shall be suitable office holders of employers within the Fund or have experience of representing scheme employers in a similar capacity. No officer of Wiltshire Council who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.
- 7.13 Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 7.14 Substitutes shall not be appointed.
- 7.15 The employer representative(s) shall be appointed following a transparent recruitment process which should be open to all employer organisations and be approved by the Administering Authority (rather than the Committee) based on the process outlined below.
- 7.16 The Administering Authority (rather than the Committee) will administer the appointment process as follows.
- 7.17 To ensure that the employer representative(s) are truly representative of the employer organisations within the Fund, whilst also being given equal opportunity for nomination, employer organisations within the Fund will be divided into three groups based on organisation size (by number of employees) for nomination purposes:
- 7.17.1 Group 1: Wiltshire Council;
 - 7.17.2 Group 2: Swindon Borough Council and Wiltshire Police; and
 - 7.17.3 Group 3: all other employer organisations within the Fund.
- 7.18 The Administering Authority shall publish information on where to access a nomination pack for each employer group. The nomination pack will include these Terms of Reference, details of the employer representative role, a nomination form and instructions for application. Each employer within the group will be invited to put forward one suitable nominee using the prescribed nomination form, which must be returned to the Administering Authority within four weeks of the date of the invitation. However, where subsequent rounds of nomination are sought this period can be altered, as legitimate circumstances dictate.
- 7.19 The Administering Authority's Director, Legal and Governance, and the Administering Authority's Corporate Director, Resources (or their nominated representatives) will score the nomination(s) returned by the deadline against criteria relating to each nominee's ability to meet the capacity requirements of the role, to produce a shortlist of nominees from an employer group.

- 7.20 Should there be more applications from candidates able to fulfil all the criteria of the role than the number of vacancies available, an election process will take place during which all employer organisations of the Fund will be asked to cast one vote based on a brief biography published for each candidate. The candidate with the highest number of votes will be recommended to Full Council. In the event of a tie the candidate with the highest score at the shortlisting stage will be recommended.
- 7.21 Where no nominations are submitted in the initial round of advertising the role, one subsequent request for nominations will be made to the relevant employer group, following which a third request will be made to the wider employer group. If suitable nominations are still not received Pension Fund Officers will be entitled to approach employer representatives who they believe may be suitable representatives to serve a term of office on behalf of an employer group.
- 7.22 Full Council/the Standards Committee on behalf of the Council will appoint the employer representative(s) of the Board.

Other Members

- 7.23 One other member shall be appointed to the Board to act as independent chair by the agreement of both the Administering Authority and the Board.
- 7.24 Other members do not have voting rights on the Board.

8. Appointment of chair

- 8.1 The Administering Authority (rather than the Committee) will administer the appointment process as follows.
- 8.2 The independent chair shall be appointed by the Administering Authority but shall count as an 'Other' member under paragraphs 7.23-7.24 above.
- 8.3 The Administering Authority shall advertise the role of chair on the Fund website, the Wiltshire Council job vacancy website and such other appropriate media as it thinks fit, including information on where to access a nomination pack. The nomination pack will include these Terms of Reference, details of the role or chair, a nomination form and instructions for application. The closing date for receipt of nominations by the Administering Authority will be four weeks from the date of advertisement. However, where subsequent rounds of nomination are sought this period can be altered, as legitimate circumstances dictate.
- 8.4 The Administering Authority will score all nominations returned by the deadline against criteria relating to each nominee's ability to meet the relevant experience and capacity requirements of the role, to produce a shortlist of nominees.
- 8.5 Shortlisted nominees will be invited to an interview by the Administering Authority's Director, Legal and Governance, and the Administering Authority's Corporate Director, Resources (or their nominated representatives). A recommendation will then be made to Full Council/the Standards Committee on behalf of the Council for the appointment of the chair to the Board based on criteria relating to ability to meet the experience and capacity requirements of the role.

8.6 Full Council will ratify the chair to the Board. However, the appointment of the chair shall be subject to the passing of a motion to confirm by a majority of the employer and member representatives of the Board.

8.7 The Board will appoint the vice chair from amongst its remaining voting members, alternating on an annual basis between an employer representative and a member representative.

9. Duties of chair

9.1 The chair of the Board:

9.1.1 Shall ensure the Board delivers its purpose as set out in these Terms of Reference;

9.1.2 Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered;
and

9.1.3 Shall seek to reach consensus and ensure that decisions are properly put to a vote and won by a simple majority where consensus cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

10. Independent governance adviser

10.1 The Administering Authority will procure the services of the independent governance adviser in accordance with Part 11 of the Administering Authority's constitution, having regard to the best interests of the purpose of the Fund. The role will be re-tendered periodically and be consistent with the wider procurement strategy of the Fund as a whole.

10.2 In this respect the term independent means having no current employment, contractual, financial or other material interest in either Wiltshire Council or any scheme employer in the Fund other than for this role; and not being a member of the LGPS in the Fund.

11. Notification of appointments

11.1 When appointments to the Board have been made the Administering Authority shall publish the name of Board members, the process followed in their appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

12. Terms of Office

12.1 The term of office for Board members is 4 years.

12.2 On completion of a Board member's term the nomination process will be undertaken as outlined above and incumbents may seek re-appointment as part of this process. However, an extension to terms of office may be made by the Administering Authority with the agreement of the Board.

12.3 Board membership may be terminated prior to the end of the term of office if:

12.3.1 there exists a conflict of interest in relation to a Board member which cannot be managed within the internal procedures of the Board;

12.3.2 a Board member becomes incapable of acting;

Protocol 2

Last Updated ~~21 July 2020~~ October 2024

13

- 12.3.3 a Board member becomes responsible for the discharge of any function of the Administering Authority under the Regulations (apart from any function relating to Local Pension Boards or the Scheme Advisory Board), for instance by being appointed to the Committee or accepting employment in relation to the Fund;
- 12.3.4 a Board member resigns;
- 12.3.5 a member representative ceases to be a member of the body or scheme on which their appointment relied;
- 12.3.6 an employer representative ceases to hold the office, employment or membership of the body on which their appointment relied;
- 12.3.7 a Member ceases to represent their constituency; or
- 12.3.8 the Administering Authority (at its sole discretion) determines that a member is no longer able to demonstrate his or her capacity to attend and prepare for meetings or to participate in required training

13. Conflicts of interest

- 13.1 All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising because of their position on the Board.
- 13.2 A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by that person being a member of the Scheme.
- 13.3 On each appointment to the Board and following any subsequent declaration of potential conflict, the Administering Authority shall ensure that any potential conflict is effectively managed in line with the internal procedures of the Administering Authority, the requirements of the Act, the requirements of the Code and the requirements of Relevant Legislation on conflict of interest for Board members.

14. Knowledge and understanding (including Training)

- 14.1 Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority with the requirements outlined in paragraph 3 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act.
- 14.2 Board members shall attend and participate in training arranged to meet and maintain the requirements set out in the Board's Knowledge and Understanding Policy and Framework.
- 14.3 Board members shall participate in such personal training needs analysis or other processes that are put in place to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.
- 14.4 Failure to attend training or participate in the processes referred to above may lead to removal from the Board.

15. Meetings

- 15.1 Meetings of the Board will be held at least four times a year.

15.2 The Board will meet at the Administering Authority's main offices, or another location to be agreed by the chair. Meetings will be held during normal working hours at times to be agreed by the chair.

15.3 The chair of the Board may call additional meetings with the consent of voting members of the Board. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and emails.

16. Quorum

16.1 A meeting is only quorate when at least 50% of voting members are present and with at least one scheme member and employer member representative present.

16.2 A meeting that becomes inquorate may continue but any decisions will be non-binding.

17. Board administration

17.1 The chair shall agree with the Administering Authority's Democratic Services team (the 'Board Secretary') an agenda prior to each Board meeting.

17.2 The agenda and supporting papers will be issued at least 5 working days in advance of the meeting except in the case of matters of urgency.

17.3 Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members within 10 working days after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.

17.4 The minutes may with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 2018.

17.5 The Board Secretary shall ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.

17.6 The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.

17.7 The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

18. Public access to Board meetings and information

18.1 The Board meetings will be open to the public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the public). The Board is subject to the Access to Information Procedure Rules in

Part 5 of the Administering Authority's constitution and the publication requirements of the Act.

18.2 The following will be entitled to attend Board meetings in an observer capacity, and may speak with the permission of the chair:

- 18.2.1 Members of the Board;
- 18.2.2 The Administering Authority's Corporate Director, Resources
- 18.2.3 The Administering Authority's Pensions Administration Lead;
- 18.2.4 The Administering Authority's Head of Wiltshire Pension Fund;
- 18.2.5 The Administering Authority's Fund Governance and Performance Manager;
- 18.2.6 The Administering Authority's Cabinet Member for finance; and
- 18.2.7 Any person requested to attend by the Board.

18.3 In accordance with the Act the Administering Authority shall publish information about the Board to include:

- 18.3.1 The names of Board members.
- 18.3.2 The representation of employers and members on the Board.
- 18.3.3 The role of the Board.
- 18.3.4 These Terms of Reference.

18.4 The Administering Authority shall also publish other information about the Board including:

- 18.4.1 Agendas and minutes
- 18.4.2 Training and attendance logs
- 18.4.3 An annual report on the work of the Board to be included in the Fund's own annual report.

18.5 All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- 18.5.1 On the Fund's website.
- 18.5.2 As part of the Fund's Annual Report.
- 18.5.3 As part of the Governance Compliance Statement.

18.6 Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act and/or they represent data covered by the Data Protection Act 2018.

19. Expenses and allowances

19.1 Any Wiltshire Member appointed to the Board will be entitled to receive expenses in accordance with the Administering Authority's constitution (Members' Allowance Scheme).

19.2 The independent governance adviser will be paid in accordance with the contract concluded with the Administering Authority.

19.3 Allowances and reimbursement of expenses for all non-Wiltshire Member members of the Board will be decided by the Administering Authority.

20. Budget

20.1 The expenses of the Board falls as a cost to the Fund. Therefore, the Committee will, via its delegation from Full Council, approve the allocation of an annual budget for the Board which is adequate to fulfil its role as part of its budget setting process. The budget will be managed by and at the discretion of the Board.

20.2 The budget shall allow for:

20.2.1 accommodation and administrative support to conduct its meetings and other business;

20.2.2 training;

20.2.3 legal, technical and other professional advice; and

20.2.4 other contractual arrangements, as approved by Committee as part of the annual budget.

20.3 The Board may make requests to the Administering Authority's Corporate Director, Resources, to approve any additional expenditure required to fulfil its obligations which will then be charged to the Fund budget.

21. Functions

21.1 The first function of the Board is to assist the Administering Authority in securing compliance with the Regulations, other legislation relating to the governance and administration of the Scheme and requirements imposed by the Pensions Regulator in relation to the Scheme. Within the extent of this function the Board may determine the areas it wishes to consider including but not restricted to:

21.1.1 Regular compliance monitoring of reports which shall include reports to and decisions made by the Committee, under the Regulations;

21.1.2 Management, administrative and governance processes and procedures to ensure that they remain compliant with the Regulations, Relevant Legislation and in particular the Code;

21.1.3 The compliance of scheme employers with their duties under the Regulations and Relevant Legislation;

21.1.4 Reviewing such documentation as is required by the Regulations including the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement;

21.1.5 Reviewing scheme members and employers' communications as required by the Regulations and Relevant Legislation;

21.1.6 Monitoring complaints and performance on the administration and governance of the scheme.

21.1.7 The Internal Dispute Resolution Process;

21.1.8 Pensions Ombudsman cases;

21.1.9 The arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme;

21.1.10 The complete and proper exercise of employer and administering authority discretions.

21.1.11 The outcome of internal and external audit reports;

21.1.12 The draft accounts and Fund annual report.

Protocol 2

Last Updated [21 July 2020](#) [October 2024](#)

17

21.2 The second function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within the extent of this function the Board may determine the areas it wishes to consider including but not restricted to:

- 21.2.1 Monitor performance of administration, governance and investments against key performance targets and indicators.
- 21.2.2 Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
- 21.2.3 Monitor investment costs including custodian and transaction costs.
- 21.2.4 Monitor internal and external audit reports.
- 21.2.5 Review of the risk register as it relates to the scheme manager function of the Administering Authority.
- 21.2.6 Review the outcome of actuarial reporting and valuations.
- 21.2.7 Provide advice and make recommendations when required to the Committee on areas that may improve the effectiveness and efficient operation and governance of the Fund.

21.3 In support of its functions the Board may make a request for information to the Committee regarding any aspect of the Administering Authority's function. Any such request should be complied with where reasonable both in scope and timing.

21.4 The Board may make recommendations to the Committee which should be considered, and a response made to the Board on the outcome within a reasonable period.

22. Reporting

22.1 The Board is accountable solely to the Administering Authority for the operation of its functions.

22.2 The Board will submit reports to the Committee as often as the Board deems necessary, typically through the minutes of its meetings. The Board should also report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.

22.3 The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board (as detailed in paragraph 16.1)

22.4 The Local Pension Board via its annual report will detail its work over the preceding 12 months. Such reports will include:

- 22.4.1 a summary of the work undertaken since the last report;
- 22.4.2 the work plan for last year and the programme for the next 12 months;
- 22.4.3 areas raised to the Board to be investigated since the last report and how they were dealt with;
- 22.4.4 details of training received since the last report and planned;
- 22.4.5 details of all expenses and costs incurred over the past 12 months and projected for the next year; and
- 22.4.6 details of any conflicts of interest identified since the last report and how they were dealt with.

- 22.5 On receipt of a report under paragraph 22.2 and 22.3 above the Committee should, within a reasonable period, consider and respond to the Board.
- 22.6 Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
- 22.7 Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 22.2 and 22.3 and has not been rectified within a reasonable period the Board is under an obligation to escalate the breach.
- 22.8 The appropriate internal route for escalation is to the Administering Authority's Corporate Director, Resources, as the Section 151 Officer.
- 22.9 The Board may report concerns to the LGPS Scheme Advisory Board for consideration after, but not instead of, using the appropriate internal route for escalation.
- 22.10 Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy.
- 23. Review of Terms of Reference**
- 23.1 These Terms of Reference shall be reviewed on each material change to those parts of the Regulations and relevant scheme guidance covering Local Pension Boards and at least every 5 years.
- 23.2 These Terms of Reference were last reviewed on 21 July 2020

This page is intentionally left blank

Wiltshire Council

Overview and Scrutiny Management Committee

12 September 2024

Standards Committee

3 October 2024

Wiltshire Council Annual Complaints Report 2023-24

Purpose

1. To present the Wiltshire Council Annual Complaints Report 2023-24 (**Appendix 1**).

Background

2. The Annual Complaints Report provides a detailed picture of the council's complaints activity between 1 April 2023 and 31 March 2024. The report does not cover complaints about elected members and the Wiltshire Police and Crime Commissioner, which are reported separately to Standards Committee and the Police and Crime Panel respectively.
3. The Annual Complaints Report presents information about:
 - How promptly complaints were responded to and resolved;
 - How many potential complaints were triaged and resolved informally as service requests;
 - How many complaints and service requests were received overall;
 - Which services we received complaints about;
 - The underlying factors behind identified complaint trends and the measures in place to address them;
 - The outcome of complaints;
 - How many complaints were received, investigated and upheld by the Local Government and Social Care Ombudsman (LGSCO);
 - How complainants choose to submit their complaints.
4. The Annual Complaints Report presents data covering the last five years to illustrate any trends across these measures.

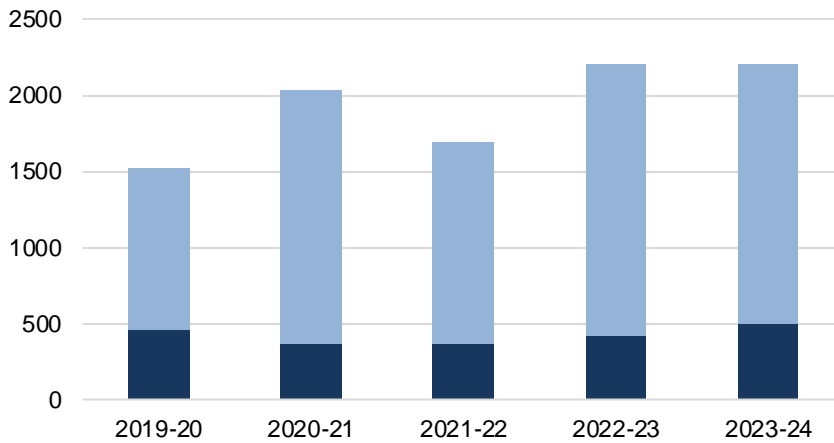
Main Considerations

Annual Complaints Report headlines

5. The key headlines are captured in the Summary of the report at page 3, which is reproduced here:

Annual Report 2023-24 Summary

Complaints and services requests



Since 2022-23...

Service requests received by the Complaints team have **decreased** by 4%.

Complaints to the council have **increased** by 20%.

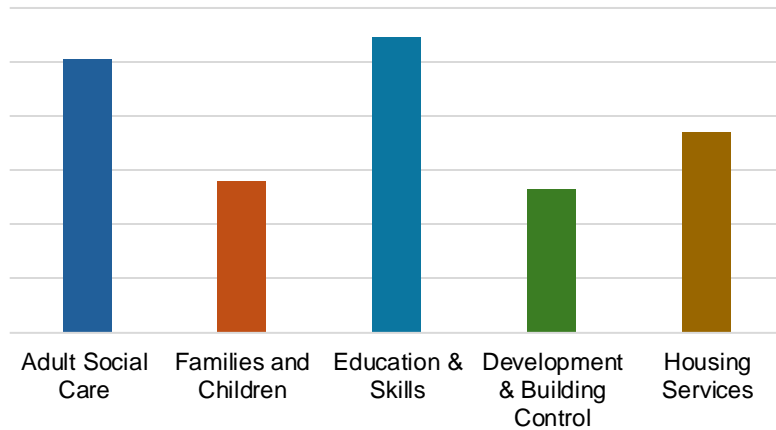
Since 2022-23, complaints about...

Complaints received by service

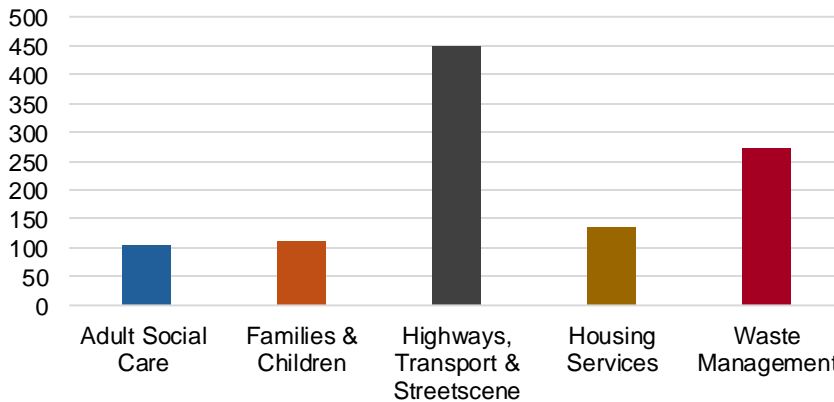
Education & Skills have **increased** by 12%.

Adult Social Care have **increased** by 36%.

Housing Services have **increased** by 106%.



Service requests received by the Complaints team 2023-24



Since 2022-23, service requests to the Complaints team regarding...

Highways, Transport and Streetscene (449) have **increased** by 46%.

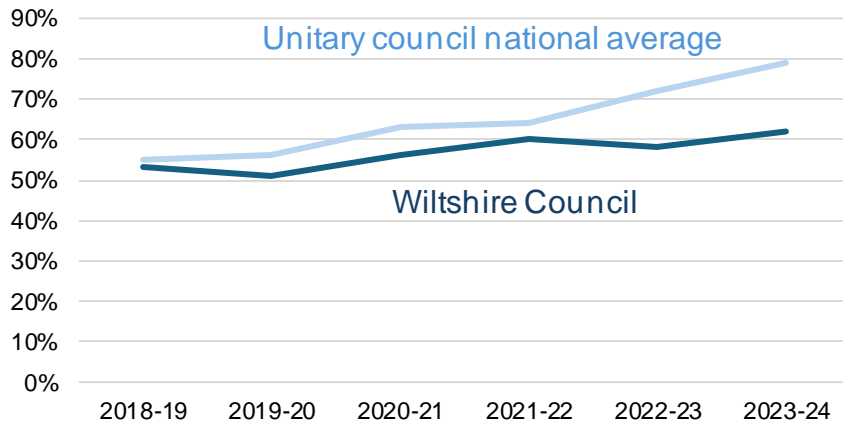
Waste Management have **decreased** by 30%.

Housing Services have **increased** by 40%.

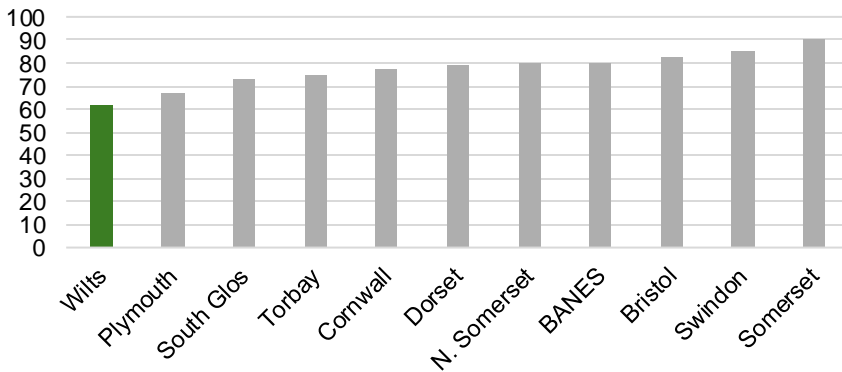
Since 2022-23, the % of complaints about **Wiltshire Council** upheld by the LGSCO **increased** by 2% to 62% (though the actual number **decreased** by 2).

This is significantly **lower** than the 79% average for **unitary councils** nationally.

% Complaints upheld by the LGSCO



% Complaints upheld by the LGSCO South West unitary councils



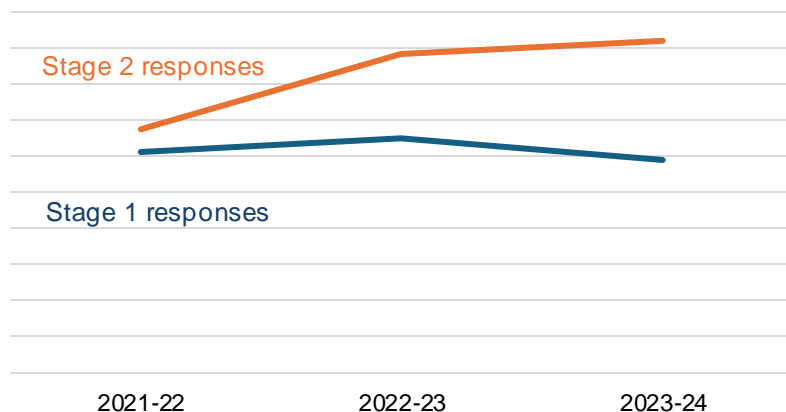
The LGSCO upheld a **lower** percentage of complaints about **Wiltshire Council** than about all other unitary councils in the South West.

Since 2022-23...

The % of **Stage 1** complaint responses provided on time **decreased** from 65% to 59%.

The % of **Stage 2** complaint responses provided on time **increased** from 89% to 92%.

% Complaints responded to within target timescales



Issues identified

6. The analysis and reporting of complaints activity is an important part of a learning culture for the council. Without a detailed picture of complaints activity, elected members and officers are less able to identify and address issues with service delivery.
7. Under the section 'What did we receive complaints about?', the Annual Report breaks down the complaints received regarding key services. It highlights specific issues experienced by some services in 2023-24 including:
 - A high number of complaints relating to requests for statutory Education, Health and Social Care Needs Assessments.
 - A 36% increase in complaints about Adult Social Care, consistent with the increase in demand for those services.
 - A 106% increase in complaints about Housing Services, reflecting activity across the sector and an increase in the promotion, reporting and recording of complaints.
 - A 46% increase in service requests about Highways, Streetscene and Transport, driven by weather conditions of the last two winters and the associated effects on highways condition and incidence of flooding.
 - A 30% decrease in service requests received about Waste Management, reflecting high levels of service reliability, customer-friendly systems for renewing garden waste subscriptions, and effective campaigns promoting changes to waste management services.
8. The Annual Report includes information about the factors behind these trends and the actions in place to address them. Where particular issues have been identified, services will produce actions plans setting out how they will be addressed.

Complaint handling improvement actions

9. Regarding complaints management, a new casework management system will be implemented during October 2024. This will enable more frequent and comprehensive reporting to help officers to identify and resolve issues promptly.
10. The Complaints team continue to deliver training in good complaint handling across the council. Of particular focus is supporting all services to:
 - a) Meet the reduced complaint responses timescales required by the LGSCO, likely to be adopted by the council in October 2024;
 - b) Decrease the percentage of complaints progressing to Stage 2 by providing comprehensive Stage 1 responses that include remedies for fault where appropriate.
11. In Autumn 2024, a facility for the public to submit **complements and comments**, as well as complaints, will be introduced and these will be reflected in next year's annual report. Services will be asked to forward all

complements to the Complaints team so a central log is created and can be reported on.

Proposals

12. To note the Wiltshire Council Annual Complaints Report 2023-24, including any issues identified through complaints data and the actions in place to address these.
13. To note the actions to further improve the council's complaints handling function over the next 12 months.

Perry Holmes, Monitoring Officer and Director for Legal & Governance

Report author: Henry Powell, Democracy and Complaints Manager, 01225 718400
complaints@wiltshire.gov.uk

Date: 4 September 2024

Appendices

- Appendix 1 Wiltshire Council Annual Complaints Report 2023-24
- Appendix 2 Wiltshire Council's Annual Review Letter 2023-24 – Local Government and Social Care Ombudsman

This page is intentionally left blank

Wiltshire Council

Annual Complaints Report

2023-2024

Contents

Summary..... 3

Introduction 5

What is a complaint? 5

How do we handle complaints? 5

Complaints activity 2023-24 7

 Number of complaints received..... 7

 How the council handled complaints..... 8

 How quickly the council resolved complaints 8

 Complaint outcomes 9

 What did we receive complaints about?..... 12

 1. Education and Skills 12

 2. Adult Social Care..... 14

 3. Housing Services..... 15

 4. Development and Building Control 17

 5. Families and Children 18

 6. Highways, Transport and Streetscene..... 20

 7. Revenues and Benefits 22

 8. Housing Allocations and Homelessness..... 23

 9. Waste Management 24

Ombudsmen findings 26

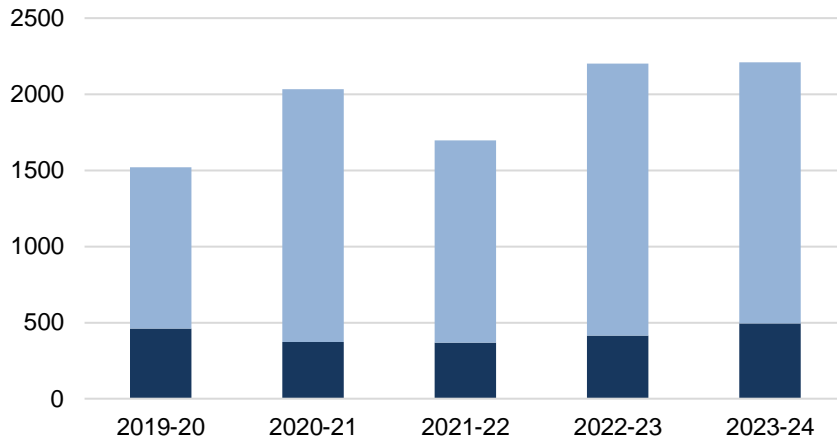
How people complained..... 30

Contact..... 31

Further information 31

Summary

Complaints and services requests



Since 2022-23...

Service requests received by the Complaints team have **decreased** by 4%.

Complaints to the council have **increased** by 20%.

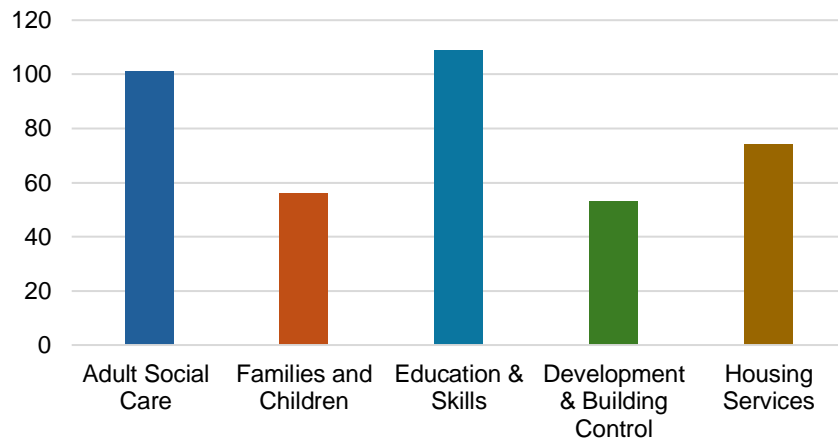
Since 2022-23, complaints about...

Education & Skills have **increased** by 12%. 59% of these were upheld or partially upheld by the council.

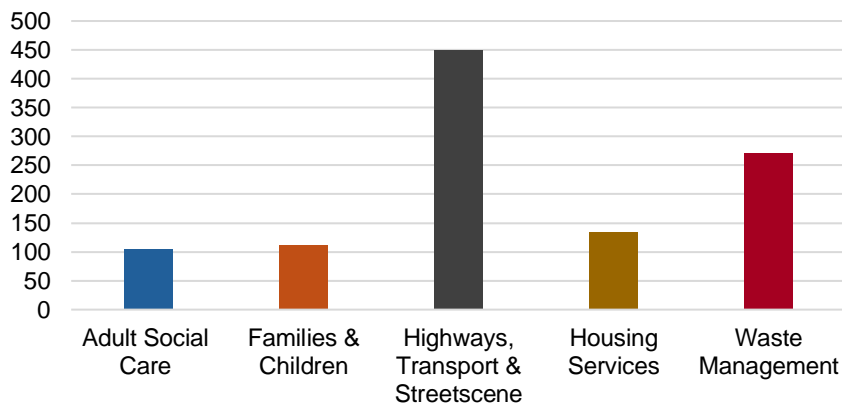
Adult Social Care have **increased** by 36%.

Housing Services have **increased** by 106%.

Complaints received by service



Service requests received by the Complaints team 2023-24



Since 2022-23, service requests to the Complaints team regarding...

Highways, Transport and Streetscene (449) have **increased** by 46%.

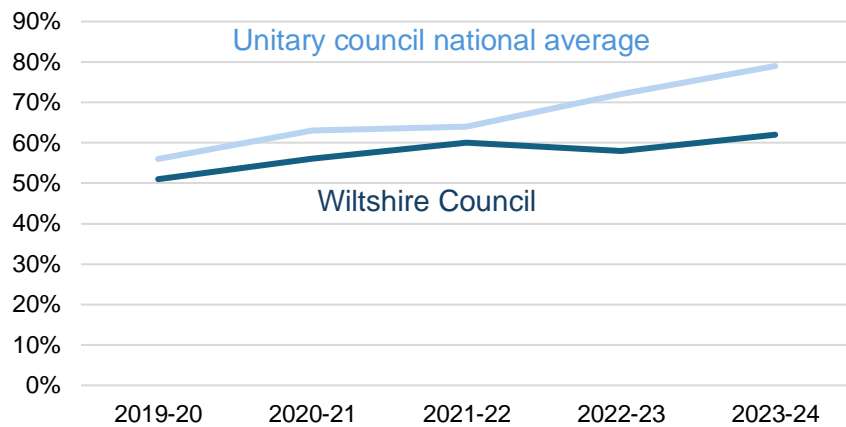
Waste Management have **decreased** by 30%.

Housing Services have **increased** by 40%.

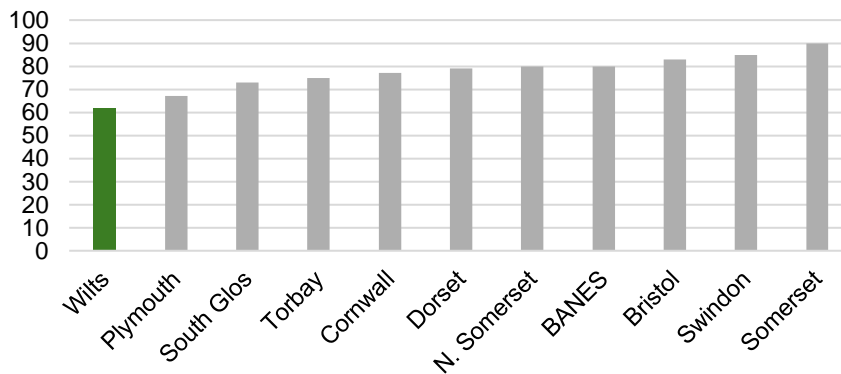
Since 2022-23, the % of complaints about **Wiltshire Council** upheld by the LGSCO **increased** by 2% to 62% (though the actual number upheld **decreased** by 2).

This is significantly **lower** than the 79% average for **unitary councils** nationally.

% Complaints upheld by the LGSCO



% Complaints upheld by the LGSCO South West unitary councils



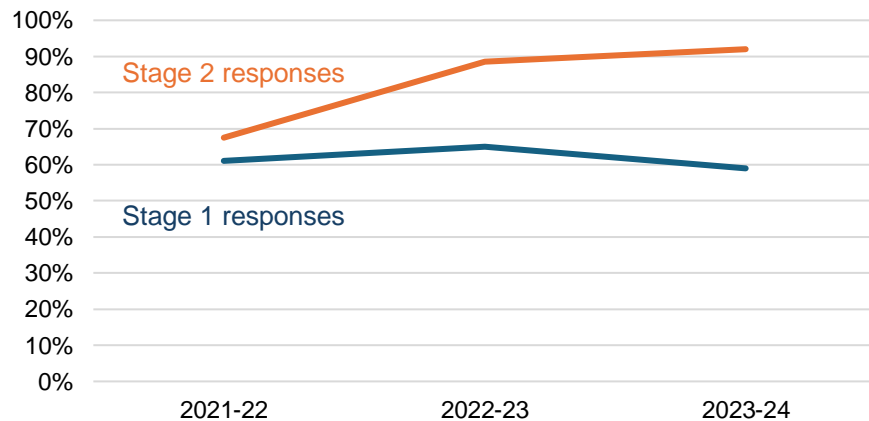
The LGSCO upheld a **lower** percentage of complaints about **Wiltshire Council** than about all **other unitary councils** in the South West.

Since 2022-23...

The % of **Stage 1** complaint responses provided on time **decreased** from 65% to 59%.

The % of **Stage 2** complaint responses provided on time **increased** from 89% to 92%.

% Complaints responded to within target timescales



Introduction

1. This Annual Complaints Report provides an overview of the complaints Wiltshire Council received between 1 April 2023 and 31 March 2024 and how we have dealt with them (though we have not published the details of people who have complained).
2. Wiltshire Council welcomes feedback to help us to identify and address problems for customers, and to improve our services. We aim to deliver a complaints function that:
 - is simple for everyone to use and understand
 - is led and supported by the very top of the organisation
 - ensures excellent service standards are delivered
 - fulfils the needs of our customers
 - enables us to learn from customer feedback in order to improve
 - complies with the relevant legislation and council policy
 - focuses on fair, proportionate resolution at the earliest stage
 - works in an open-minded and impartial way.

What is a complaint?

3. Complaints can be wide-ranging, but can be defined as:
 - a failure to provide a service, or an inadequate standard of service
 - dissatisfaction with the application of a council policy
 - treatment by, or attitude, of a member of staff
 - disagreement with a decision where the customer cannot use another procedure to resolve the matter
 - the council's failure to follow the appropriate administrative process.
4. It should be noted that when an issue is raised with the council for the first time, where appropriate, it is treated as a request for a service, rather than as a formal complaint. This reflects how the customer's priority is usually to have their issue promptly resolved, rather than to make a formal complaint. However, such service requests can escalate to formal complaints if the customer remains dissatisfied.

How do we handle complaints?

5. The council has a dedicated Complaints team sitting the Legal and Governance directorate. The Complaints team works closely with council services to respond to and address issues raised by customers.
6. To meet its statutory obligations, the council has several complaints procedures. Customers are supported to follow the appropriate route when they submit their complaint. The procedures are as follows:

Wiltshire Council – Complaints Procedures			
	Stage 1	Stage 2	Stage 3
<p>1. Complaints Procedure (link)</p> <p>For all complaints, except those falling under the procedures outlined below.</p>	<p>Response from the service team within 20 days* (can be extended by 10 days)</p> <p>*within 10 days for complaints about the council as a housing landlord</p>	<p>Investigation and response from the Complaints team within 30 days* (can be extended by 10 days)</p> <p>*within 10 days for complaints about the council as a housing landlord</p>	<p>Customer referral to the Local Government and Social Care Ombudsman (LGSCO)</p> <p>or</p> <p>Housing Ombudsman (HO) for independent review.</p>
<p>2. Children’s Statutory Complaints Procedure</p> <p>For complaints under the Children Act 1989, which generally includes assessments and services regarding:</p> <ul style="list-style-type: none"> • Children in need • Looked after children • Special Guardianship • Post-adoption support 	<p>Response from the service team within 20 days (can be extended to 30 days)</p>	<p>Investigation and response from the Complaints team, overseen by an independent person, within 25 days</p>	<p>Consideration by Independent Review Panel within 30 days</p>
<p>3. Adult Social Care Statutory Complaints Procedure</p> <p>For complaints regarding the provision of Adult Social Care services.</p>	<p>Response from the service team within 6 months</p> <p>(council target 20 days)</p>	<p>Customer referral to the LGSCO for independent review</p>	<p>N/a</p>
<p>4. Pension complaints</p> <p>For complaints about decisions made by the employer and/or Wiltshire Pension Fund regarding pensions.</p>	<p>Response from the adjudicator¹ within 2 months</p> <p>Extension permitted</p>	<p>Response from the referee² within 2 months</p> <p>Extension permitted</p>	<p>Complainant referral to The Pensions Ombudsman (link) for independent review</p>
<p>The council also considers complaints about:</p> <ul style="list-style-type: none"> • Elected or co-opted members of local councils in Wiltshire 			

¹ A person nominated by the body whom the complaint is against.

² Cannot be the same as the adjudicator.

- **The Wiltshire Police and Crime Commissioner.**

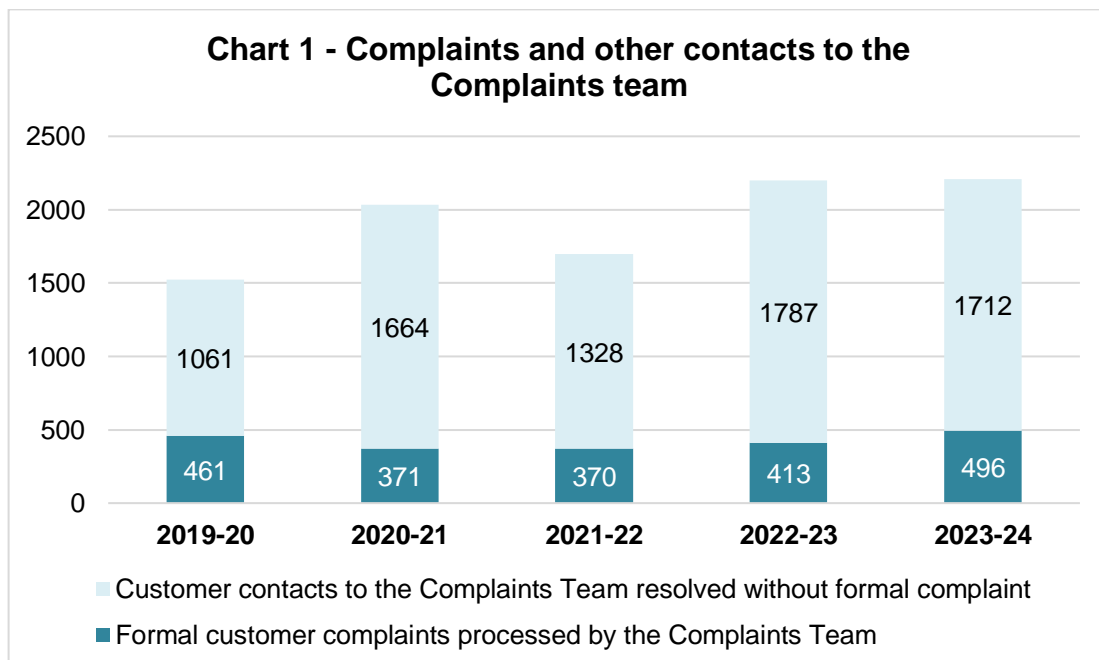
These complaint are dealt with under separate procedures and are not covered within this report. Please see the council's [complaints webpage](#) for further information.

Complaints activity 2023-24

7. This report provides an overview of complaints received by the council during the period **1 April 2023 to 31 March 2024**. The report also outlines other contacts received by the Complaints team that were resolved outside of a formal complaints procedure, i.e. 'service requests', where the Complaints team direct the customer to the appropriate service for resolution of their problem.
8. It should be noted that all council teams may receive 'service requests' directly, which are not captured in this report.

Number of complaints received

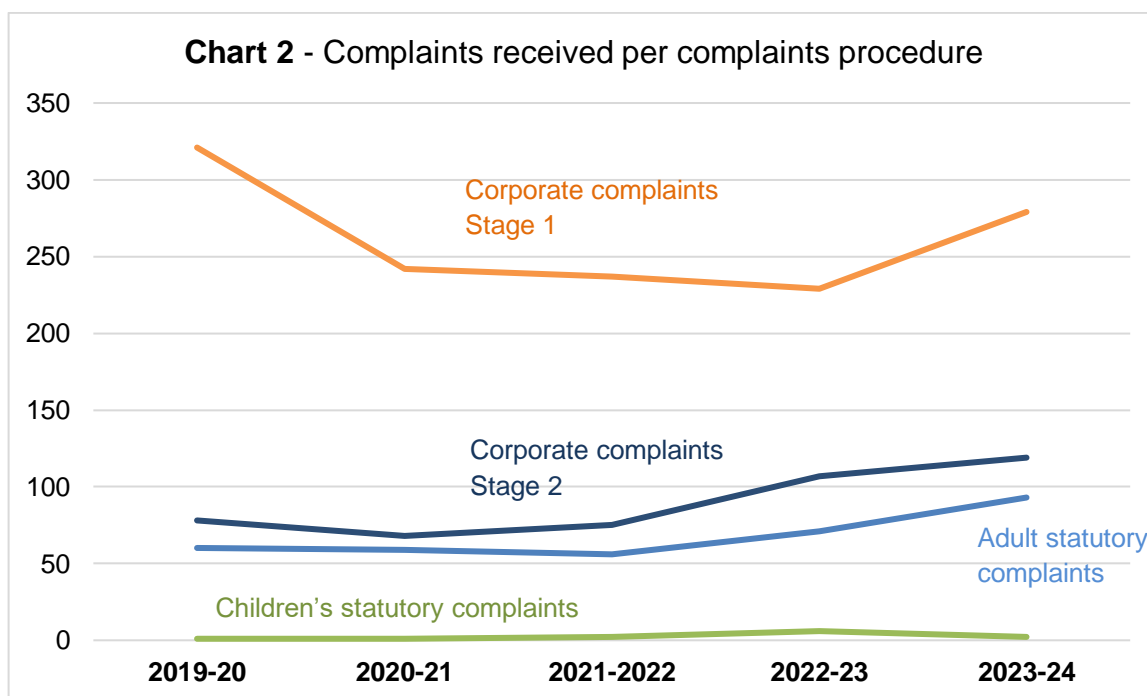
9. As **Chart 1** shows, in 2023-24 the council handled 496 complaints through its formal procedures; an **increase** of 20% on the previous year.³
10. 46% (38) **of this increase** results from complaints about **Housing Services**; 33% (27) from complaints about **Adult Social Care**; and 17% (14) from complaints about Highways, Streetscene and Transport.
11. 1,712 service requests were received by Complaints team; a **decrease** of 4% on the previous year. The percentage of contacts to the Complaints team handled as formal complaints increased from 19% in 2022-23 to 22% in 2023-24.



³ Wiltshire's population increased by 2.2% since 2019-20 and by 0.4% between 2022-23 and 2023-24.

How the council handled complaints

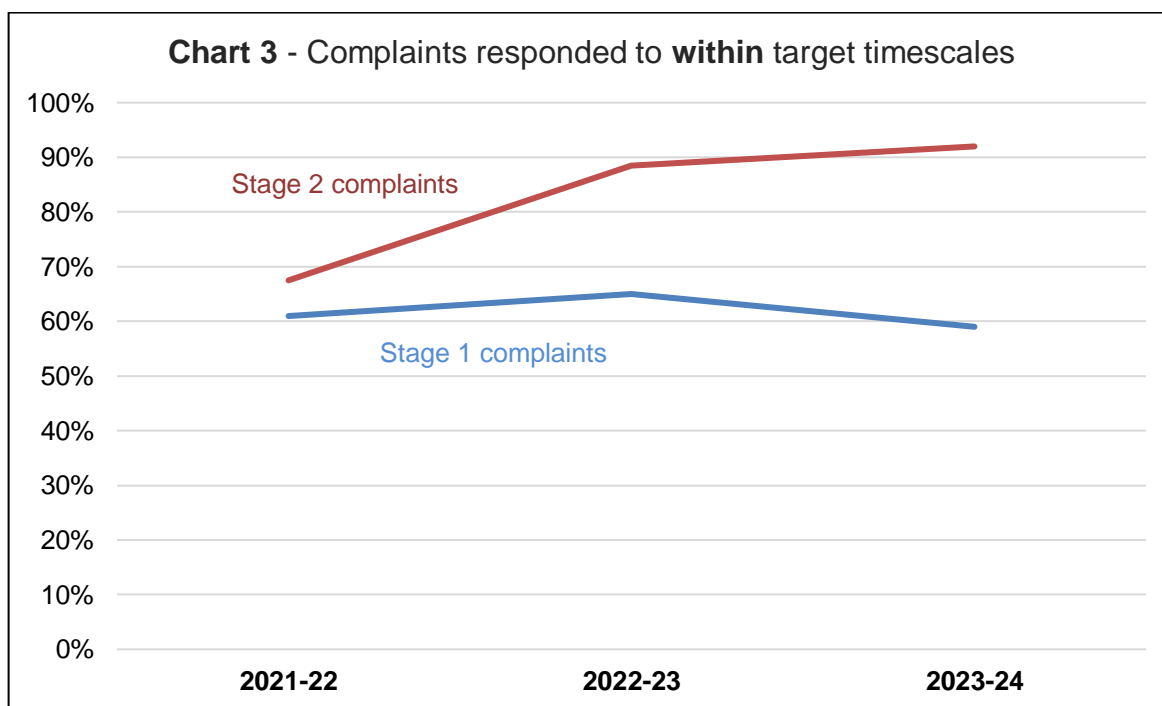
12. **Chart 2** shows how complaints were handled under the council's various complaints procedures over the past four years.
13. The number of complaints resolved at **Stage 1** and **Stage 2** of the corporate Complaints Procedure **increased** by 22% and 11% respectively.
14. The number of complaints handled under the statutory Adult Social Care procedure **increased** by 31%. This reflects the 36% increase in complaints received about Adult Social Care generally.
15. The number of complaints handled under the statutory Children's procedure continues to be very low.



How quickly the council resolved complaints

16. **Chart 3** shows the percentage of corporate and adult social care complaints for which responses were provided within the target timeframes, which are set out under paragraph 6.
17. Stage 1 responses are provided by the appropriate service area. If the complainant remains dissatisfied, a Stage 2 investigation is undertaken by the Complaints team who then provide a further response.
18. Complaints dealt with under the single-stage Adult Social Care statutory procedure are reflected in the chart as Stage 1 complaints. The statutory timeframe for responding to complaints under this procedure is six months, but the council aims to respond within the same timescales as for corporate complaints.

19. Compared with the previous year, in 2023-24, **fewer** responses to Stage 1 complaints were provided on time (65% to 59%), but **more** responses to Stage 2 complaints were provided on time (89% to 92%). The difficulties services have experienced providing responses on time reflect both the increased number of complaints being dealt with, complaints' increasing complexity and the wider resource pressures being faced.
20. To become compliant with the LGSCO's Complaint Handling Code 2024 ([link](#)), it is anticipated that from 15 October 2024 the council will reduce its target Stage 1 and Stage 2 response timescales by 10 working days each. For Stage 1 complaints in particular, providing responses within these shortened timescales represents a significant challenge and the council is putting in place appropriate support, guidance and training for services to meet this requirement.

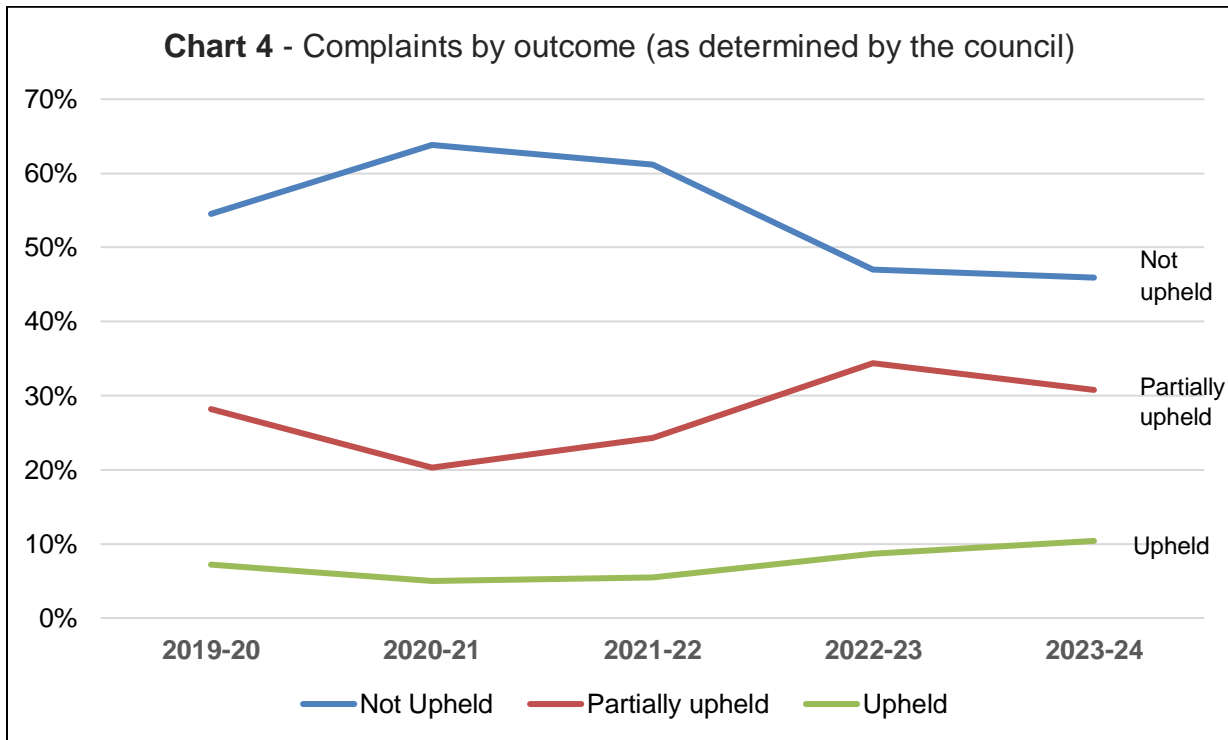


Complaint outcomes

21. Once a complaint is resolved, it is labelled by the council as 'upheld', 'partially upheld' or 'not upheld'. For those complaints that are upheld or partially upheld, some form of remedial action is taken, such as provision of a service and an apology to the complainant.
22. **Chart 4** shows the outcomes of complaints, as determined by the council⁴. In 2023-24:
 - 46% of complaints were **not upheld** by the council
 - 31% were **partially upheld** by the council
 - 10% were **upheld** by the council.

⁴ These figures do not equal 100% because some complaints are withdrawn, are superseded by another investigation or do not fall under a council complaints procedure.

23. This is broadly consistent with complaint determinations by the council in previous years.



24. **Chart 5** shows the outcomes of individual complaints (not *complainants*) broken down by service area. This is described further under the service section below.

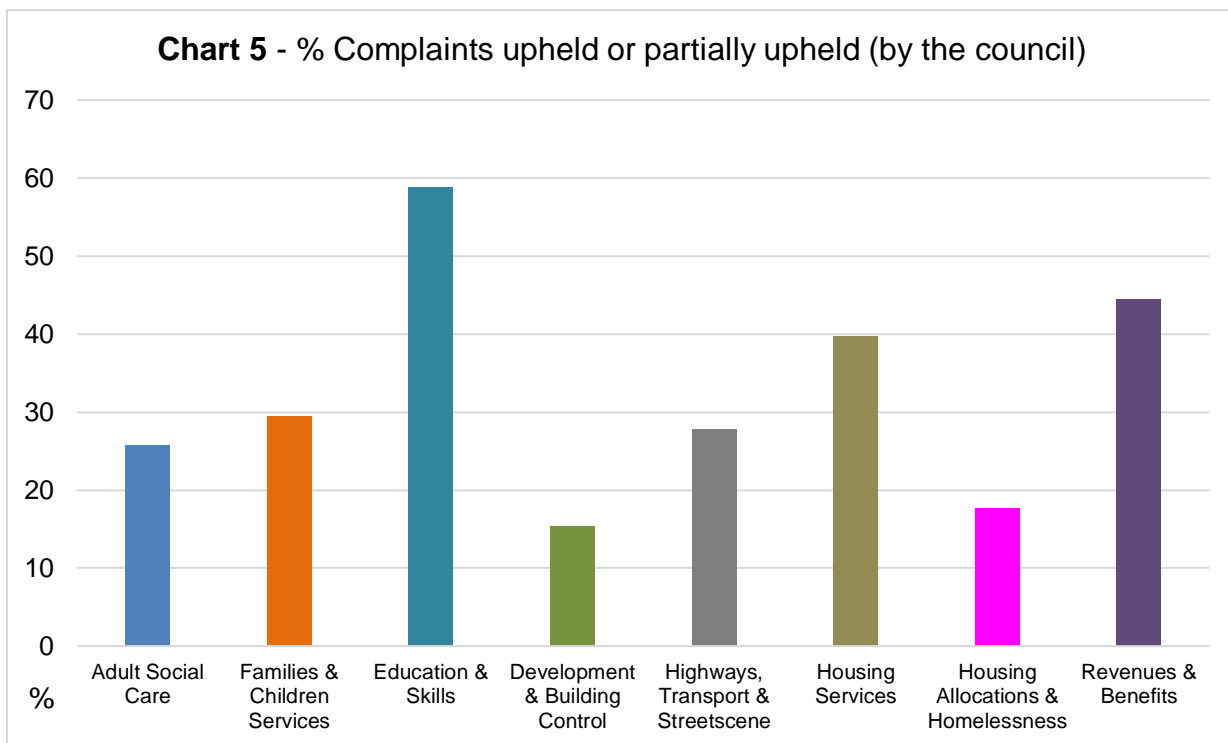
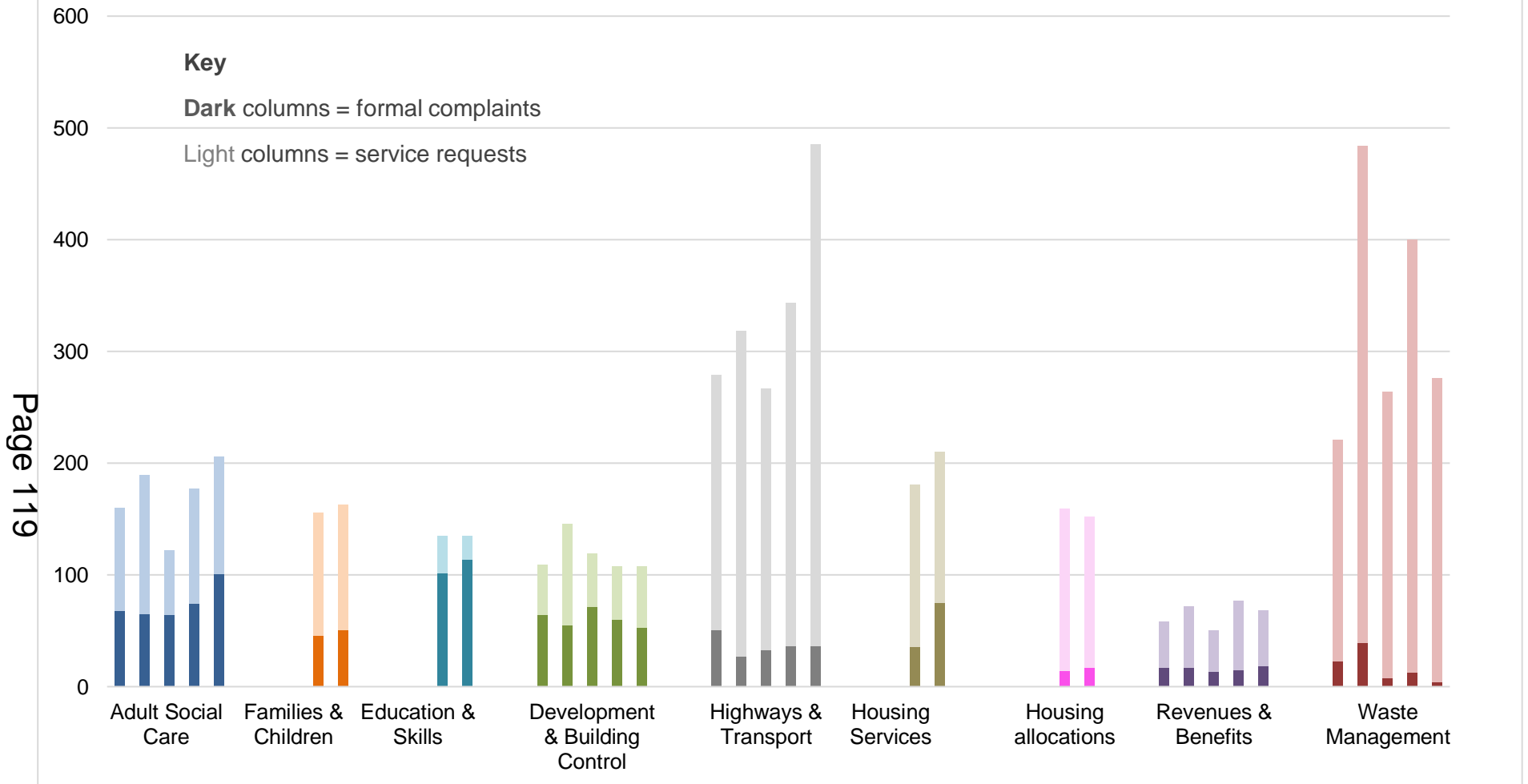


Chart 6 - Complaints and service requests to the Complaints team



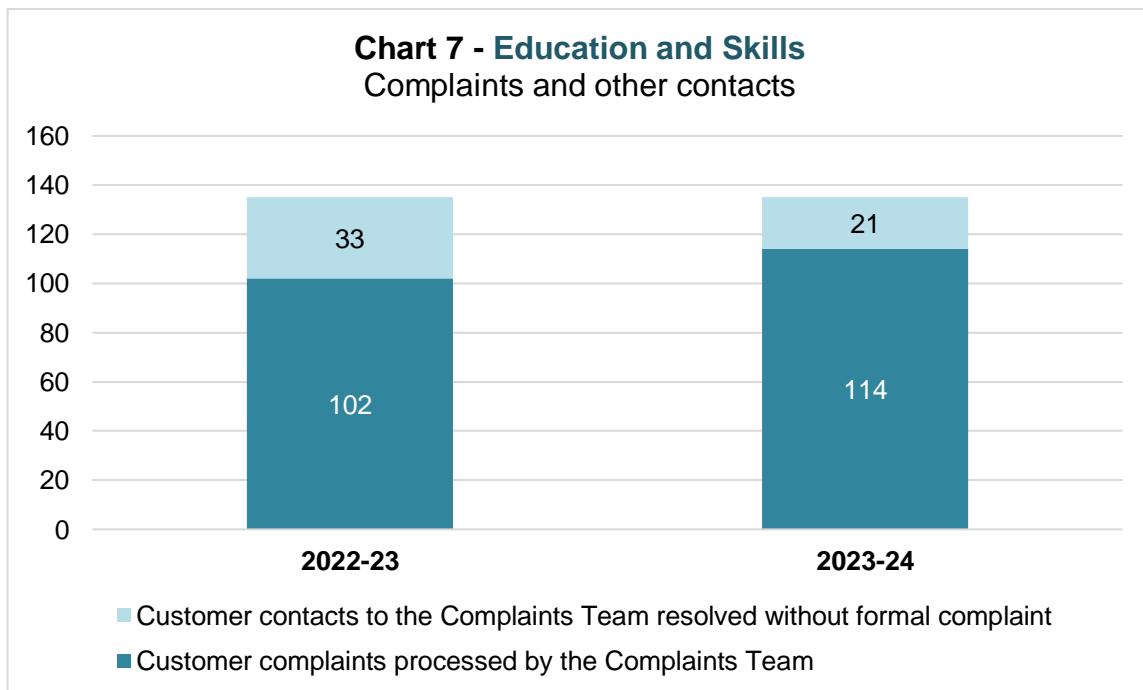
5-year* figures: 2019-20 to 2023-24

(*This year, Families & Children / Education & Skills, and Housing Services / Housing Allocations & Homelessness, have both been separated for the first time for greater transparency. Therefore only **2 years'** data is available.

What did we receive complaints about?

25. **Chart 6** (above) shows how complaints and service requests to the Complaints team were distributed across the **nine** council service areas that attracted the highest number of such contacts over the last five years.
26. It is important to note that the number of complaints received is significantly influenced by the number of residents who access the service, its importance in their lives and the impact of service decisions.
27. For some areas, the number of complaints is low, while the number of service requests is high. This reflects how, for those services, most customers want to resolve their issue (e.g. address a missed bin collection) but not pursue a formal complaint.
28. The nine service areas are presented below in descending order of the most complaints received. Where particular issues have been identified through the complaints received, services will produce actions plans setting out how these will be addressed.

1. Education and Skills



Complaints	
Number of complaints received 2023-24	114 (23% of total / rank 1)
Change since 2022-23	12% increase

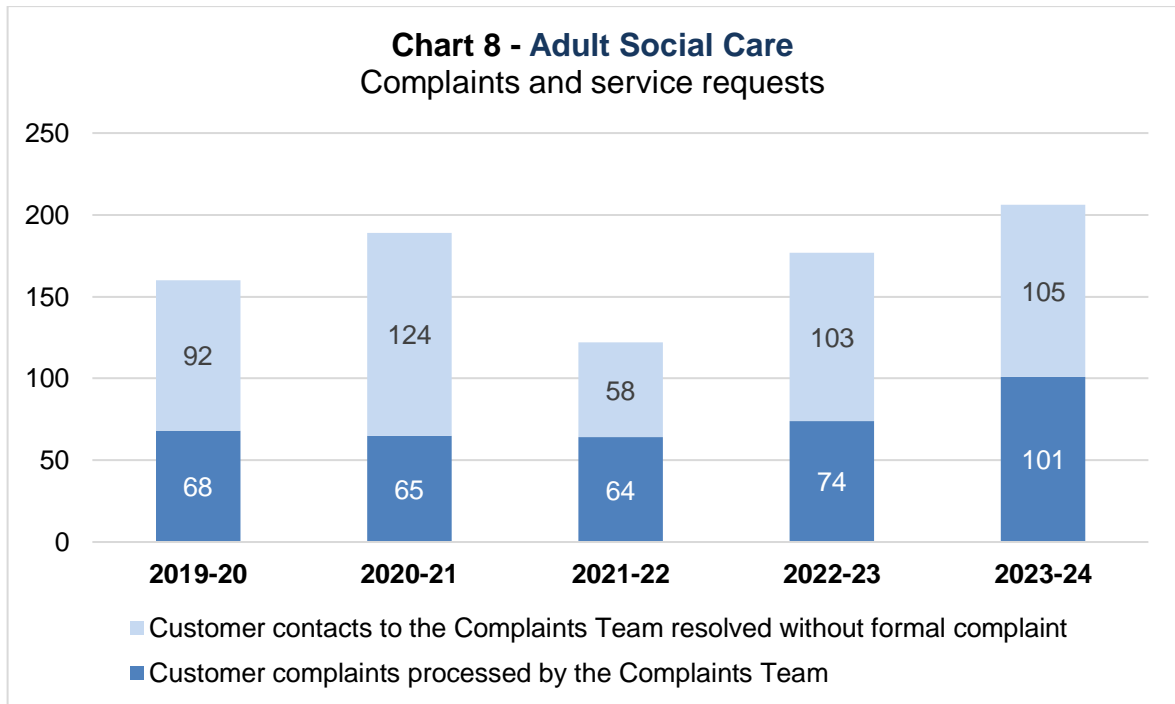
% upheld or partially upheld by the council	59% (rank 1)
Common complaint topics	SEND: 96%
Service requests	
Number of service requests received 2023-24	21 (1%)
Change since 2022-23	36% decrease
LGSCO referrals	
Complaints referred to LGSCO by complainant ⁵	22 (rank 1)
Change since 2022-23	41% decrease
Complaints upheld by LGSCO 2023-24 ⁶	36% (rank 1)
Remedy payments recommended by the LGSCO	2023-24: £9,750 2022-23: £8,200

29. Of the seven complaints upheld by the LSGCO, six were regarding delays in the issuing or implementation of Education, Health and Care Plans (EHCPs). All of the £9,750 financial remedies recommended by the LGSCO also related to this issue.
30. The Special Educational Needs and Disabilities (SEND) Service has continued to experience significant volumes of requests for statutory Education, Health and Social Care Needs Assessments. These Assessments should be completed within a 20-week timeframe and compliance against this measure, though improving, did not start gaining momentum until early 2024. The Service has a clear plan to improve timeliness, which has been fully reported upon to the SEND & Alternative Provision Board and High Needs Block Sustainability Board. The Council has deployed considerable additional financial resource, facilitating recruitment of new Assessment Team staff and Agency Educational Psychologists. Work is also being undertaken to ensure children, young people and their families feel supported in 'waiting well'. Work in this area is ongoing and incremental, but as the backlog of overdue Assessments reduces, it is anticipated that complaints will also reduce.

⁵ Figure includes Families & Children

⁶ As above

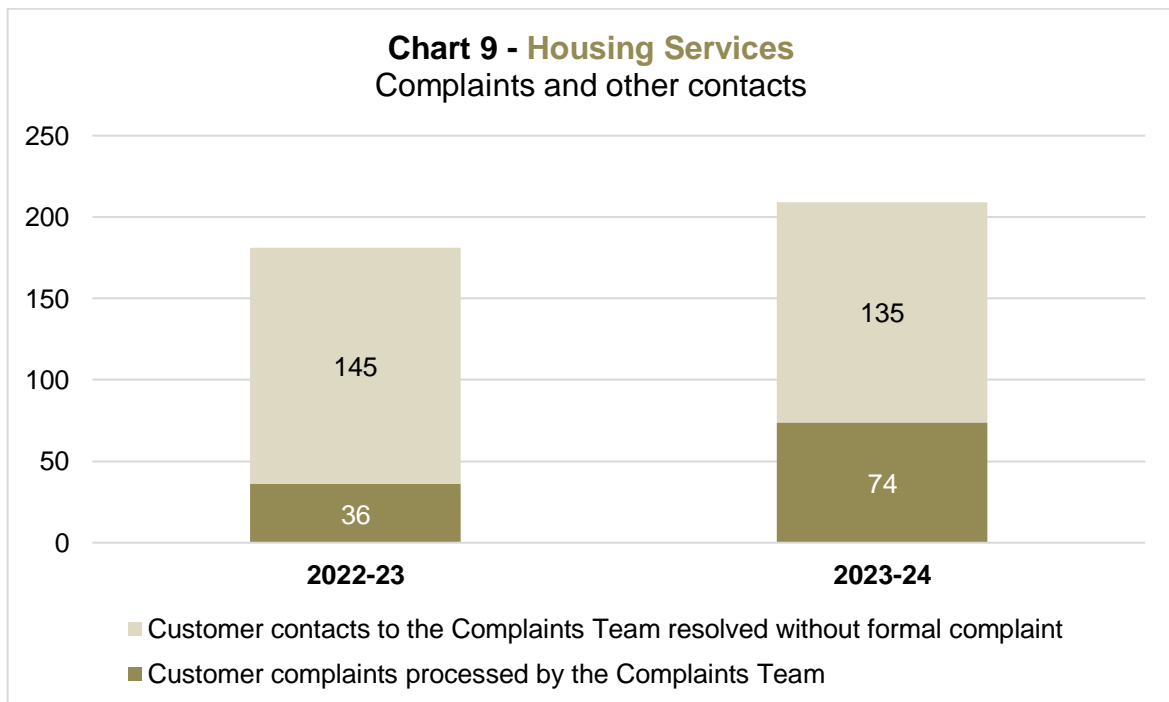
2. Adult Social Care



Complaints	
Number of complaints received	101 (20% of total / rank 2)
Change since previous year	36% increase
% upheld or partially upheld by the council	26% (rank 6)
Common complaint topics	Ongoing Support 42% ASC Finance 33%
Service requests	
Number of service requests received	105 (rank 5)
Change since previous year	2% decrease
Share of service requests received by the council	6%
LGSCO referrals	
Complaints referred to LGSCO by complainant	21 (rank 2)
Change since previous year	38% increase
Complaints upheld by LGSCO 2023-24	10%
Remedy payments recommended by the LGSCO	2023-24: £950 2022-23: £800

31. The increase in complaints is consistent with the increases in demand that Adult Social Care continues to experience. There is also an increase in the complexity of the needs of people requiring these services, which is having additional impact on the department.
32. The process followed for Adult Social Care complaints has been improved, with the Adult Social Care Quality Assurance Team taking on responsibility for the management of complaints from 1 August 2024. The new process enables increased ownership of complaints within the department and will ensure that all complaints are managed in accordance with the timeframes.
33. Complaints are cross-referenced with the revised practice standards to ensure that learning from complaints is thematicised and they are being used to improve practice.
34. A new appeals process was launched in April 2024 to manage concerns raised at a team manager level. The appeals process is effective in ensuring that concerns can be raised and addressed without the requirement for people to raise a formal complaint.

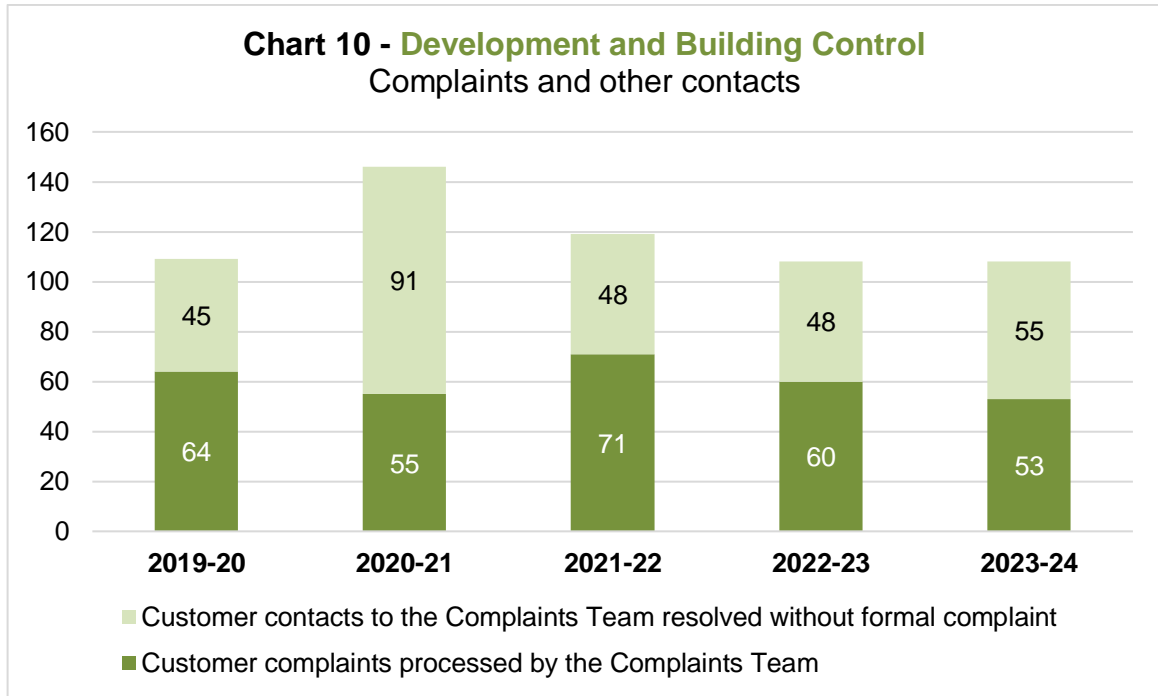
3. Housing Services



Complaints	
Number of complaints received 2023-24	74 (15% of total / rank 3)
Change since 2022-23	106% increase
% upheld or partially upheld by the council	40% (rank 3)
Common complaint topics	Repairs 68% Tenancies 22%
Service requests	
Number of service requests received 2023-24	135 (8% / rank 3)
Change since 2022-23	7% decrease
Housing Ombudsman	
Complaints investigated by the Housing Ombudsman	0

35. The Housing Ombudsman requires member landlords like the council to handle complaints about its landlord functions in compliance with the Complaint Handling Code ([link](#)) and to undertake annual self-assessments that demonstrate how it is doing so. The council's 2024 self-assessment was reported to the Housing Board and can be viewed online ([link](#)).
36. Housing teams use complaints data to develop services, eliminate waste and enhance customers' experience, with service improvements reported to the Housing Board ([link](#)) when appropriate.
37. Across the social housing sector, it is understood that the number of complaints from tenants have increased and the council is considered to be consistent with the overall sector. The increases seen are driven by an increase in complaints reporting across the sector, improved recording of complaints, along with increased promotion of how to report social housing complaints (such as the "Make it Right" campaign).
38. Significant work and training has been recently undertaken by all staff within the Housing department, to address the increased expectations of the Housing Ombudsman and the Regulator of Social Housing.
39. Repairs issues remain the primary complaint topics. This is consistent with other Housing providers across the sector. The Housing service is working to address a number of these areas and conducts a regular complaints review meeting every month to address issues.
40. The service is expanding in key areas, including a "Customer Experience Manager", who will lead on learning from complaints and addressing complaint issues at source. This is likely to be in place by December 2024.

4. Development and Building Control

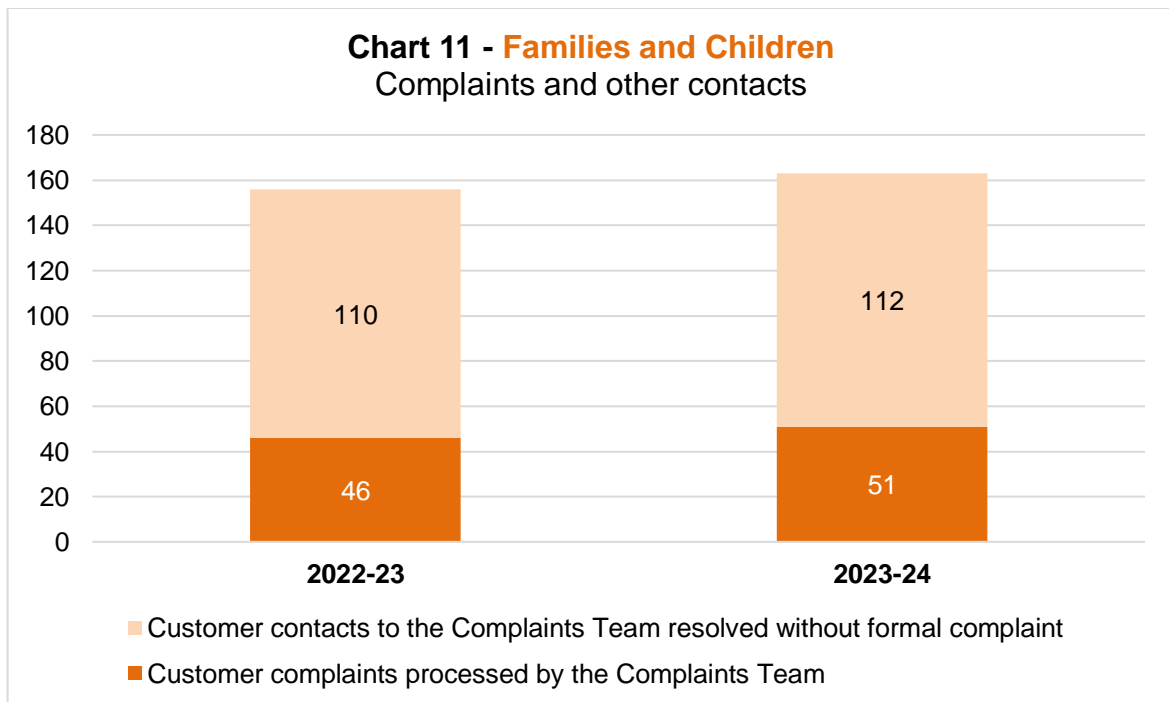


Complaints	
Number of complaints received	53 (11% of total / rank 4)
Change since previous year	12% decrease
% upheld or partially upheld by the council	15% (rank 8)
Common complaint topics	Development Management 38% Planning Enforcement 32% Building Control 17%
Service requests	
Number of service requests received	55 (3%)
Change since previous year	15% increase
LGSCO referrals	
Complaints referred to LGSCO by complainant	16
Change since previous year	15% decrease
Complaints upheld by LGSCO 2023-24	31% (5)

Remedy payments recommended by the LGSCO	2023-24: £10,000 2022-23: £0
--	---------------------------------

41. Planning complaints often relate to situations where there has been disagreement between officers and interested parties on the merits of planned development or the expediency to take enforcement action. When making decisions officers must consider the policies of the development plan and planning case law, as well as the circumstances of the site.
42. In some circumstances, complaints are received about the time it has taken to handle planning or enforcement matters. Often these matters are complex and require input from a range of people both within and external to the council.
43. The service is currently implementing an ambitious Planning Improvement Programme which will be making improvements across all areas of planning, through five projects focusing on workforce, ways of working, governance, customer service, and place-shaping. Part of this work will be looking at complaints and feedback to help shape future ways of working.
44. The remedy payments recommended by the LGSCO relates to for four different planning applications. All decisions have been shared with staff and the appropriate training undertaken with staff.

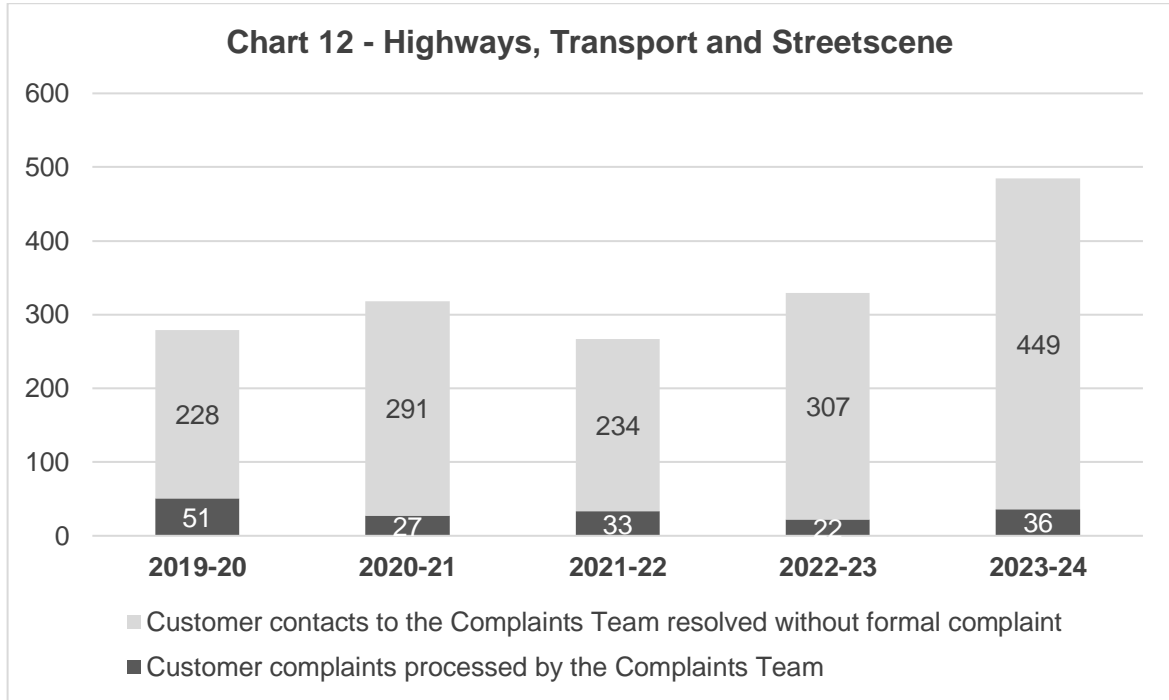
5. Families and Children



Complaints	
Number of complaints received	51 (10% of total / rank 5)
Change since previous year	11% increase
% upheld or partially upheld by the council	29% (rank 4)
Common complaint topics	Safeguarding 58% MASH 22%
Service requests	
Number of service requests received	112 (7%)
Change since previous year	2% increase
LGSCO referrals (figures also include Education & Skills)	
Complaints referred to LGSCO by complainant	22 (rank 1)
Change since 2022-23	41% decrease
Complaints upheld by LGSCO 2023-24	36% (rank 1)

45. An analysis of complaints within the Families and Children evidences strong performance within the service although there has been a 2% increase since 2022-23 in overall volume:
46. Of the 17 complaints considered at Stage 2 of the Procedure, nine were partially upheld and none were fully upheld. Of those nine that were partially upheld, no issues were identified regarding the safeguarding of children or young people or the support provided to families.
47. In terms of overall learning from these complaints, there were a few examples of slight inaccuracies of personal information within several assessments. However these did not impact upon services received, safeguarding of children or the quality of practice for the children and families we support.
48. The service is proactive in responding to concerns that arise and operational managers are skilled and confident in having one-to-one discussions with service users. This prevents a large number of issues from escalating to become formal complaints.

6. Highways, Transport and Streetscene



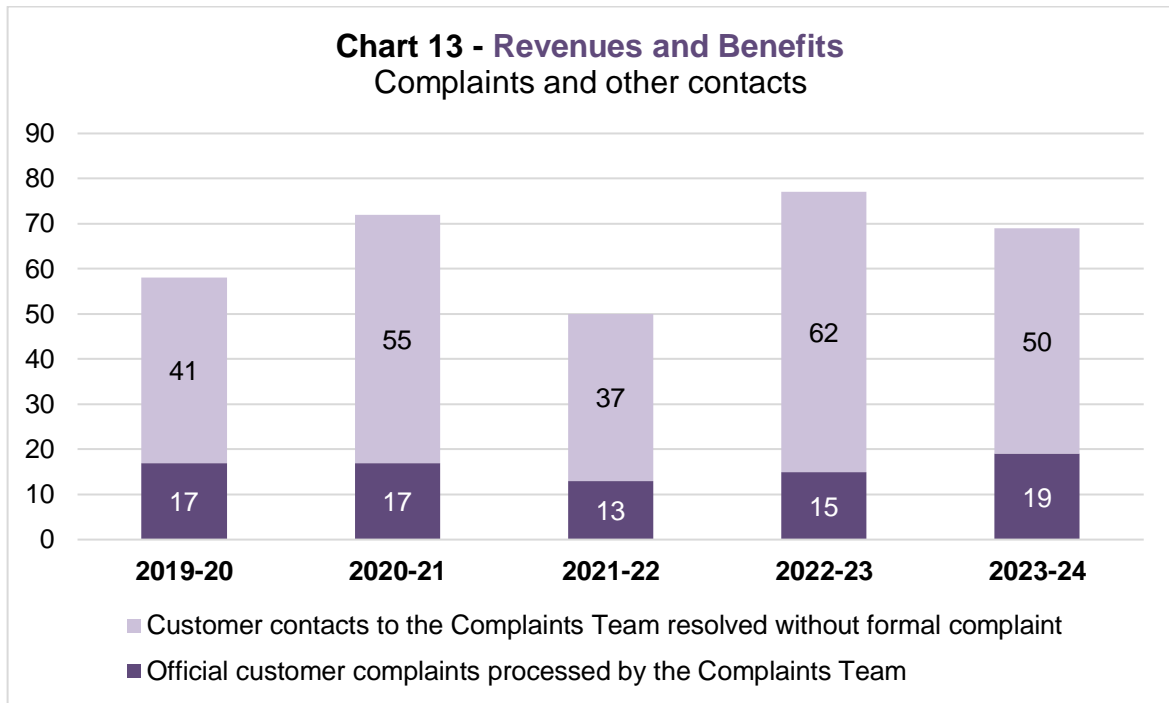
Complaints	
Number of complaints received	36 (7% of total / rank 6)
Change since previous year	No change
% upheld or partially upheld by the council	28% (rank 5)
Common complaint topics	Highways 46% Public transport 33%
Service requests	
Number of service requests received	449 (26% / rank 1)
Change since previous year	46% increase
LGSCO referrals	
Complaints referred to LGSCO by complainant	10
Change since previous year	60% increase
Complaints upheld by LGSCO 2023-24	0%

49. The service maintains over 4,400km of road and related infrastructure, along with 6,000km of public rights of way. Prevailing weather conditions of the last two winters have had an extremely detrimental effect on both highway condition and incidence

of flooding. This has meant that customer reports of defects have increased drastically and this is reflected in the number of service requests received. There has been significant increased investment in highways to address the issues raised.

50. Public transport coverage across Wiltshire remains high when compared with other similar local authorities. Many of the complaints received relate to buses not arriving, or arriving late. Shortages of drivers and the availability of resources can affect delivery of passenger transport functions, which can result in increased complaints and continues to be an issue, particularly in the Salisbury area. Other complaints around the condition of bus shelters and bus stops in general continue to be an issue. Where an immediate risk to safety is identified, these are rectified. A programme of identifying and prioritising bus shelter / bus stop condition is underway.
51. Following customer feedback, Highway Operations has reviewed its services, with the following outcomes:
 - Parking Services the replacement of parking machines is underway providing more a more reliable service, but also allowing all forms of payments to be undertaken;
 - Increased funding has allowed increased cleansing and enforcement of waste offences.
 - All the council's public electric vehicle charging points have been replaced.
 - Increased community support in partnership with its Streetscene contractor idverde.
 - Increased, and award winning, awareness cleansing campaigns.
 - Changes to services to meet the local demands, including more sweeping, weed treatment and grounds maintenance.
 - More local street scene service provision directly through the local town and parish councils to allow a more focused delivery, including the transfer of services in Trowbridge and working with Westbury Town Council for a delegation in 2025.

7. Revenues and Benefits

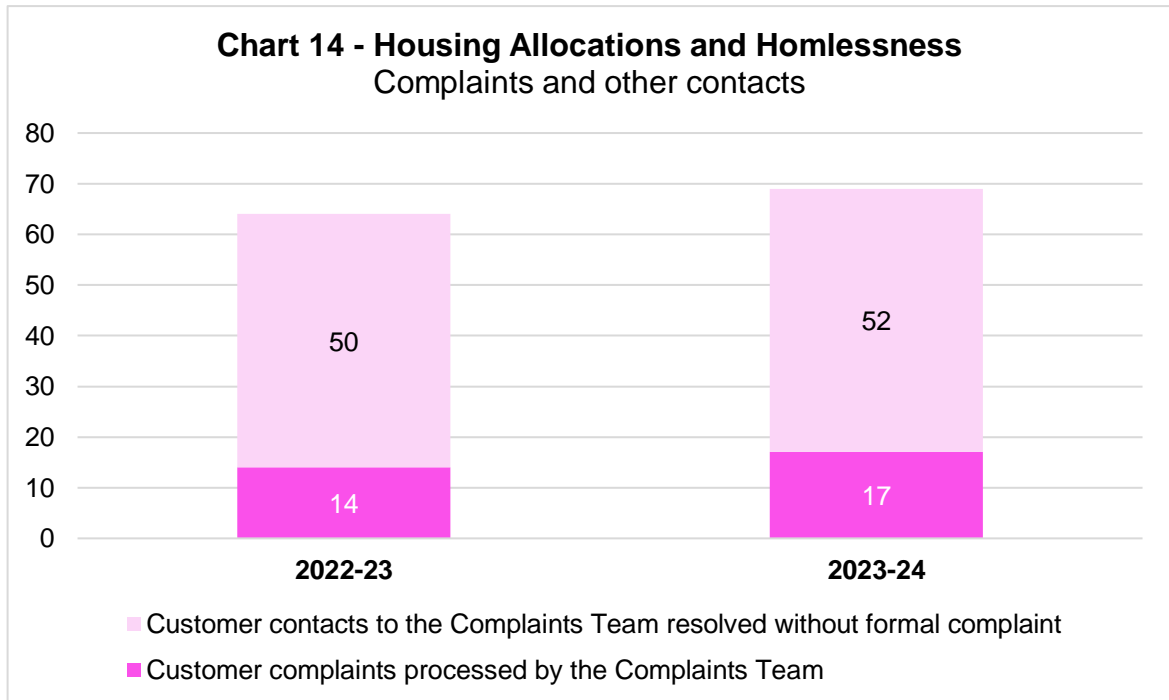


Complaints	
Number of complaints received	19 (4% of total)
Change since previous year	20% increase
% upheld or partially upheld by the council	44% (rank 2)
Common complaint topics	Council tax / NDRs 83%
Service requests	
Number of service requests received	50 (3%)
Change since previous year	19% decrease

52. The increase in complaints is consistent with the additional support schemes that the team had to deliver in response to the Cost of Living crisis; specifically the Energy Bills Support Scheme (EBSS) and Alternative Fuel Payment (AFP) scheme, which were both complex to administer, delivered at short notice and drew resources away from business-as-usual work. Ensuring households received the support they needed was often complicated, leading customers to question and challenge decisions. These schemes ended mid-way through the financial year when the team was able to focus on its core business.

53. The Service continues to receive complaints in respect of payment of council tax and the administration of benefit claims and faces a growing challenge from a small number of customers who persistently dispute their liability to paying council tax. It is hoped that with fewer support schemes to deliver the number of complaints will fall in 2024-25.

8. Housing Allocations and Homelessness

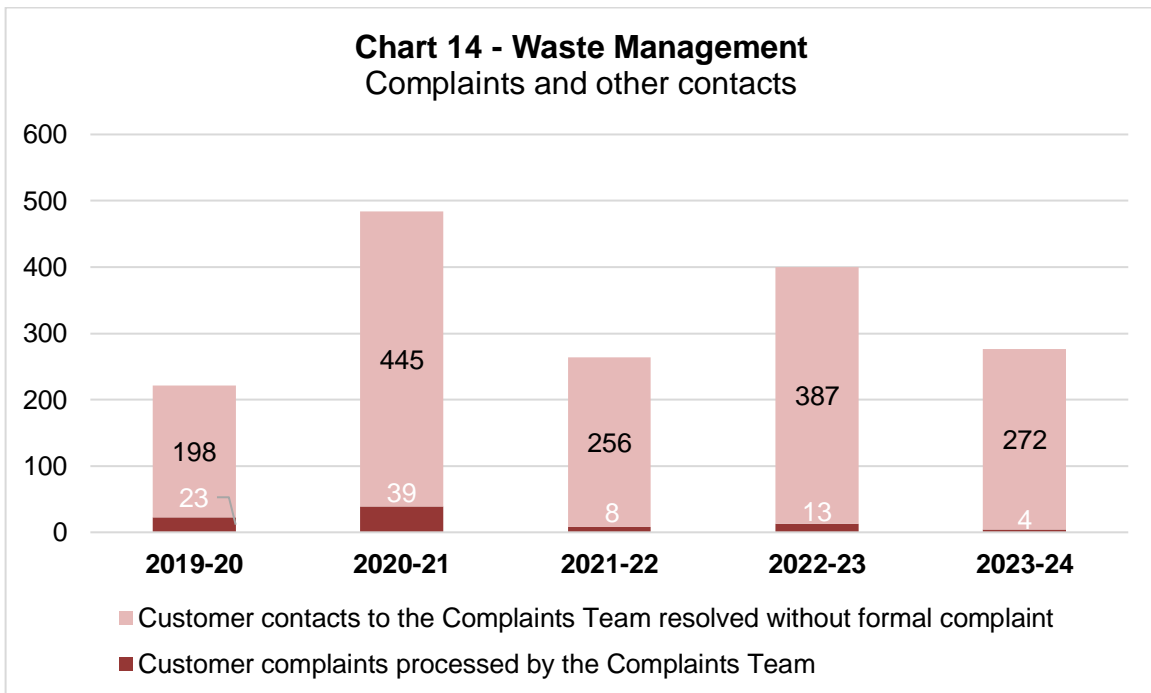


Complaints	
Number of complaints received	17 (3% of total)
Change since previous year	21% increase
% upheld or partially upheld by the council	18% (rank 7)
Common complaint topics	Homelessness 53% Allocations 47%
Service requests	
Number of service requests received	52 (3% of total)
Change since previous year	4% increase
Share of service requests received by the council	3%
LGSCO referrals	
Complaints referred to LGSCO by complainant	10

Change since previous year	25% increase
Complaints upheld by LGSCO 2023-24	10%

54. The small increase in complaints is much lower than the significant increase in demand that Housing Allocations and Homelessness continues to see due to continued issues associated with cost of living, domestic abuse and Section 21 notices asking families to leave their homes. We have also seen an increase in the complexity of the people requiring housing services, which is having additional impact on the department. It is also reassuring that 75% of the contacts with the Complaints team have been handled as service requests without the need to process a formal complaint.

9. Waste Management



Complaints	
Number of complaints received	4 (1% of total)
Change since previous year	69% decrease
% upheld or partially upheld by the council	0%
Service requests	
Number of service requests received	272 (rank 2)

Change since previous year	30% decrease
Share of service requests received by the council	16%
LGSCO referrals	
Complaints referred to LGSCO by complainant ⁷	1
Change since previous year	83% decrease
Complaints upheld by LGSCO 2023-24	0%

55. Waste Services regularly transact with every Wiltshire household, typically providing over 1 million collections of waste, recycling and garden waste every month. Whilst most households receive a regular collection of residual waste and dry recycling, around 35% of Wiltshire households also choose to subscribe to an optional garden waste collection service, which is subject to an annual charge.
56. The service regularly monitors the level of ‘successfully completed scheduled collections’ achieved by our contractors, Hills Municipal Collections Ltd, and for 2023-24 this was 99.89%. The high level of service delivery and reliability will have made a considerable contribution to the reduced number of service requests and the very low number of complaints. In addition, the systems that support the annual renewal of chargeable garden waste subscriptions have worked well, with subscribers now better versed in the need to open a My Wilts account before renewing their garden waste subscription and far fewer service issues arising from this than in the previous year.
57. The service is also responsible for the management and processing of all waste collected, including the operation of ten household recycling centres (HRCs) across the county, which typically generate around 1 million visits per year by Wiltshire residents. The figures shown in the report therefore need to be considered in the context of the scope and scale of all the services provided, plus the significant public and media interest that they attract. It is therefore pleasing to see the decrease in contacts compared with the previous year.
58. During 2023-24, Waste Services also implemented two public-facing initiatives that may have been expected to drive additional contacts, both under the “Recycling - Let's Sort It!” campaign banner. Firstly, from April 2023 a project aimed at improving the quality of materials presented by residents for kerbside recycling was launched, whereby recycling bins are now “rejected” where the contents are seen to be badly contaminated with non-recyclable items. Also from October last year, residents using the HRCs have been encouraged to sort their waste before arrival to ensure more waste is recycled at the sites. Where mixed waste has not been separated, sorting tables are now provided to allow residents to do this necessary material

⁷ Includes all complaints tagged by the LGSCO as regarding ‘Environmental Services & Public Protection & Regulation’

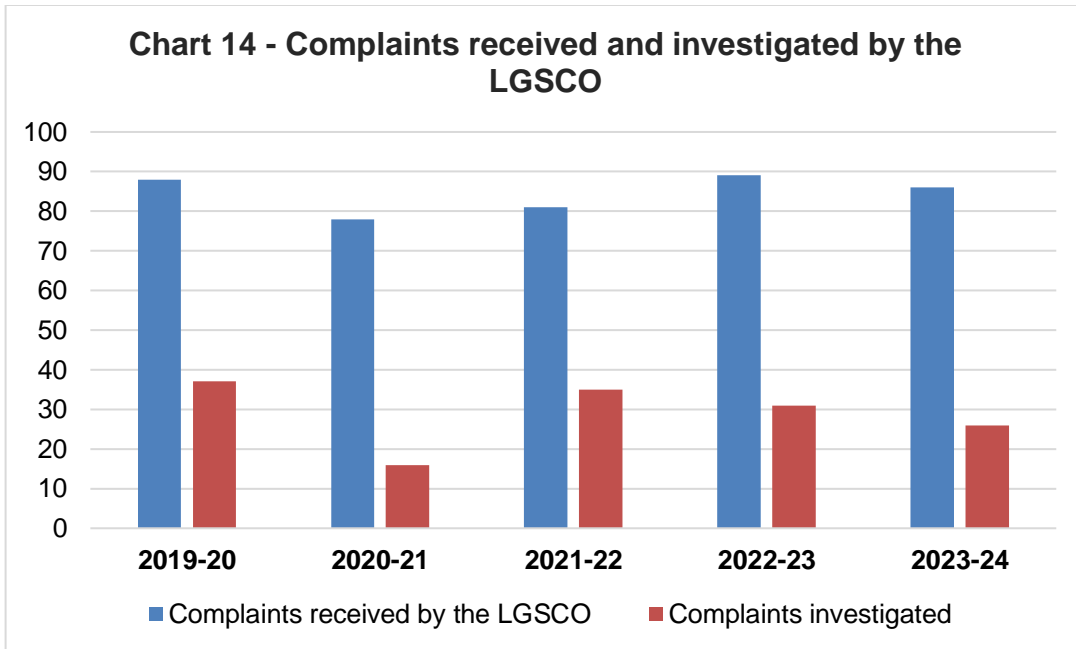
separation on site. Both schemes were actively supported by a targeted educational and promotional campaign, jointly developed by the service and Communications colleagues, and which was later nationally recognised after winning a national Local Authority Recycling Advisory Committee (LARAC) award for “best local authority recycling campaign”. The service credits this education campaign, backed up by resident engagement by the Waste Technical Officers and Engagement Officer, with ensuring that service users were informed of changes and supported with relevant information regarding why these new interventions were necessary, and therefore limiting unnecessary contact in the form of complaints.

Ombudsmen findings

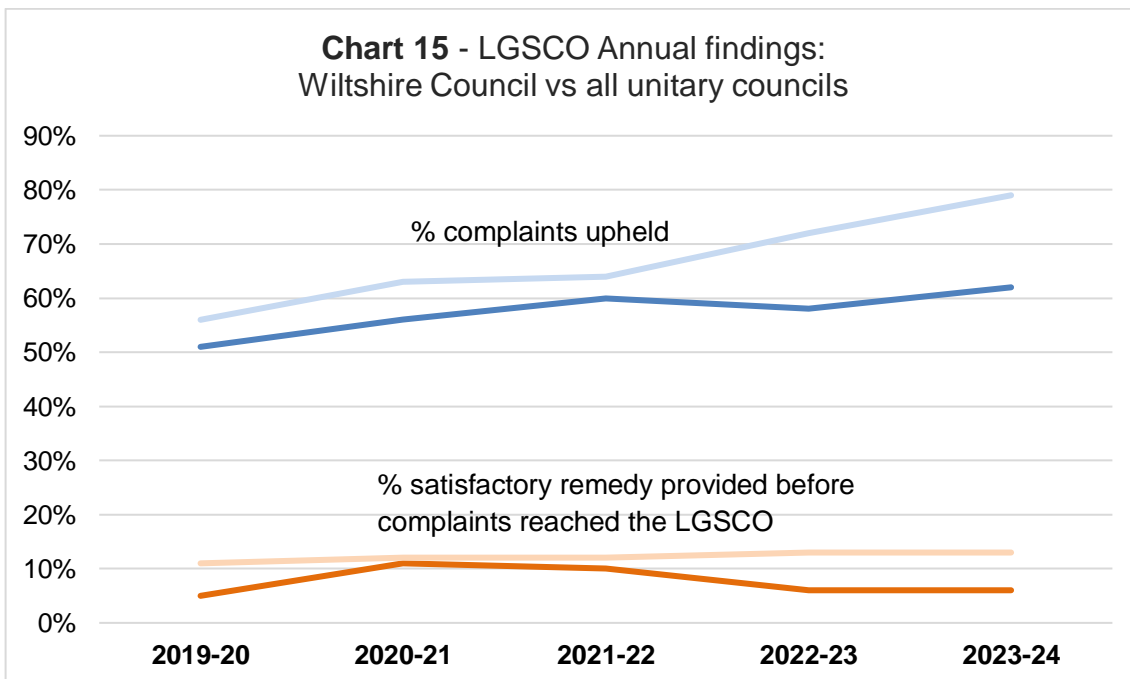
59. When residents are not satisfied with a local authority’s handling of, or response to, a complaint, they can ask the [Local Government and Social Care Ombudsman](#) (LGSCO) to consider the matter. When the complaint relates to the local authority’s responsibilities as a housing landlord, the complaint should be referred to the [Housing Ombudsman](#). When the complaint relates to pensions, it should be referred to the [Pensions Ombudsman](#). Normally, the appropriate Ombudsman will only consider complaints when all stages of the local authority’s complaints procedure have been completed.

Local Government and Social Care Ombudsman (LGSCO)

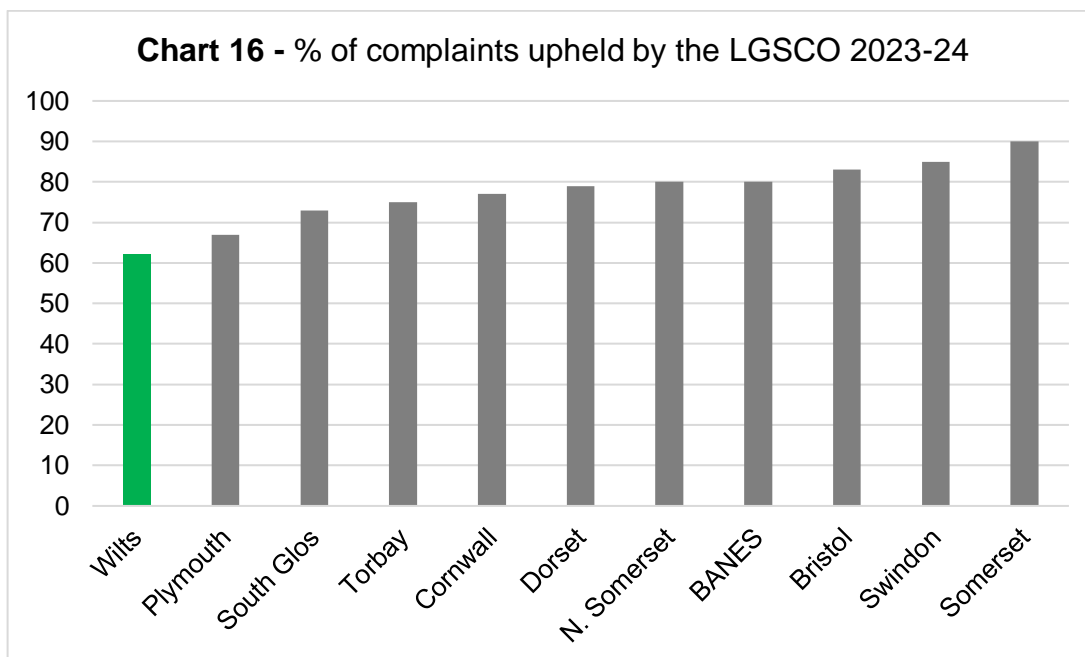
60. The LGSCO produces an review letter each year providing a summary of the complaints made to the LGSCO regarding every council, and the LGSCO’s findings in relation to those complaints that they investigated. The council’s 2023-24 letter and all previous letters are available on the LGSCO website ([link](#)).
61. In 2023-24, the LGSCO received 86 complaints regarding the council a slight **decrease** on the total received in 2022-23 (89) (see **Chart 14**).
62. Of the 86 complaints received, the LGSCO decided to investigate 26, a **decrease** on the number investigated in 2022-23 (31).



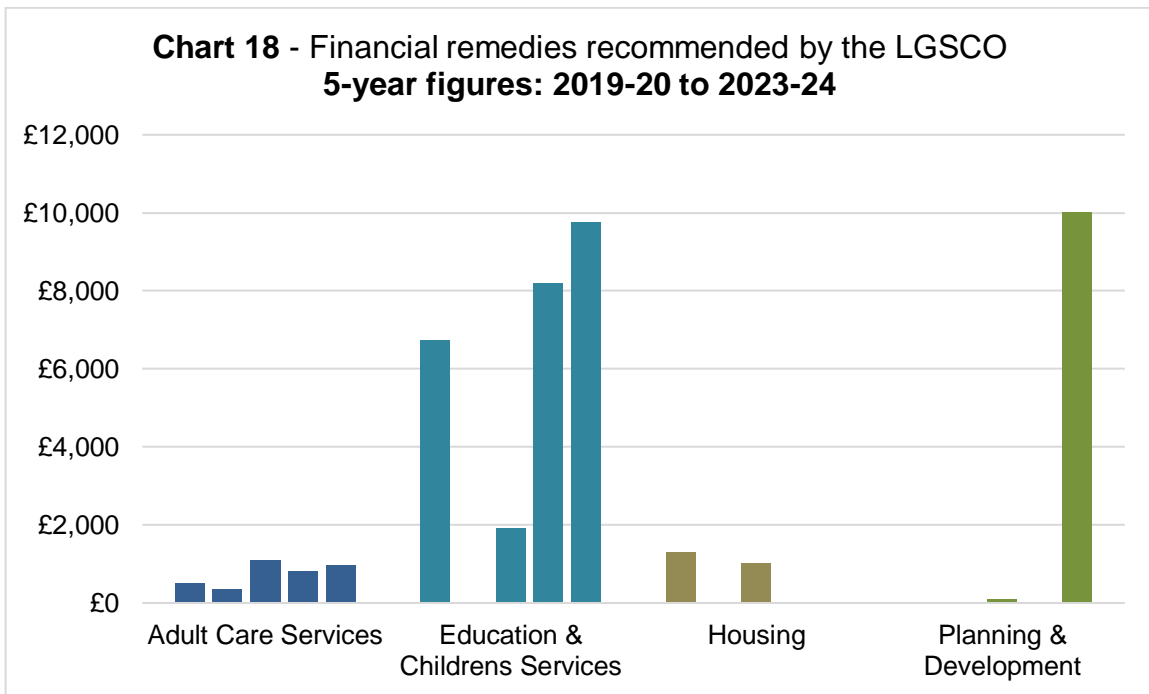
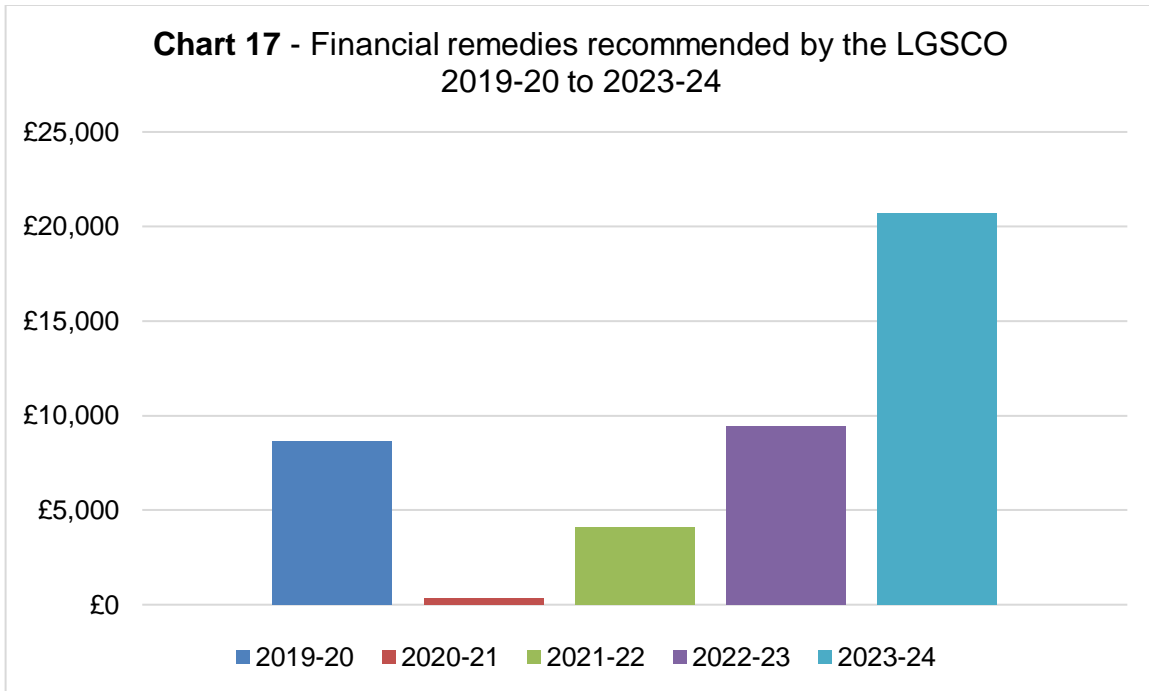
63. 62% of investigated complaints about the council were upheld by the LGSCO (16 of 26 investigations) (see **Chart 15**). This is:
- A small **increase** on the **percentage** upheld in 2022-23 (58%).
 - A **decrease** on the actual **number** upheld in 2022-23 (18).
 - **Better** than the average of 79% upheld against **unitary councils** nationally.
 - The **lowest** percentage of all unitary councils within the South West region (see **Chart 16**).



Light lines = unitary council average



64. In 100% of the complaints about the council that the LGSCO upheld and made recommendations about (16), the council complied with all LGSCO recommendations.
- This maintains the 100% shown for the past five years.
 - This matches the 100% shown for all unitary councils.
65. In 6% of complaints the LGSCO upheld (1 of 18), the council had already provided a satisfactory remedy **before** the complaint reached the Ombudsman.
- This is the **same** as in 2022-23 (6%).
 - This is **lower** than the 13% figure for all unitary councils nationally.
 - Due to the low numbers involved, 13% compared with 6% represents only **one** additional satisfactory remedy.
66. Of the 16 complaints upheld by the LGSCO, 7 were regarding delays in the issuing or implementation of Education, Health and Care Plans (requiring £9,750 of remedial payments to complainants). 5 were regarding 'Planning and Development' (requiring 4 payments totalling £10,000 – see paragraph 44).
67. The total remedial payments required by the LGSCO was £20,700, an increase of 119% on the previous year (see **Charts 16 and 17**). National data on the remedy payments made by local authorities is not produced by the LGSCO so comparisons are difficult. However, it is reported that in 2023-24, Surrey County Council (which serves a population roughly double that of Wiltshire), paid £540,000 in remedial payments.



Housing Ombudsman

68. The Housing Ombudsman publishes annual landlord performance reports only for landlords with **five or more cases**. For 2023-24, the Housing Ombudsman did not investigate any complaints about the council ([link to published decision](#)). In this case, it was found that there were failures in the council's response to the leaseholder's report of a broken roof tile, including failures in communication and

some delays in complaint handling. The council was therefore required to pay the leaseholder £150 in recognition of the distress and inconvenience caused.

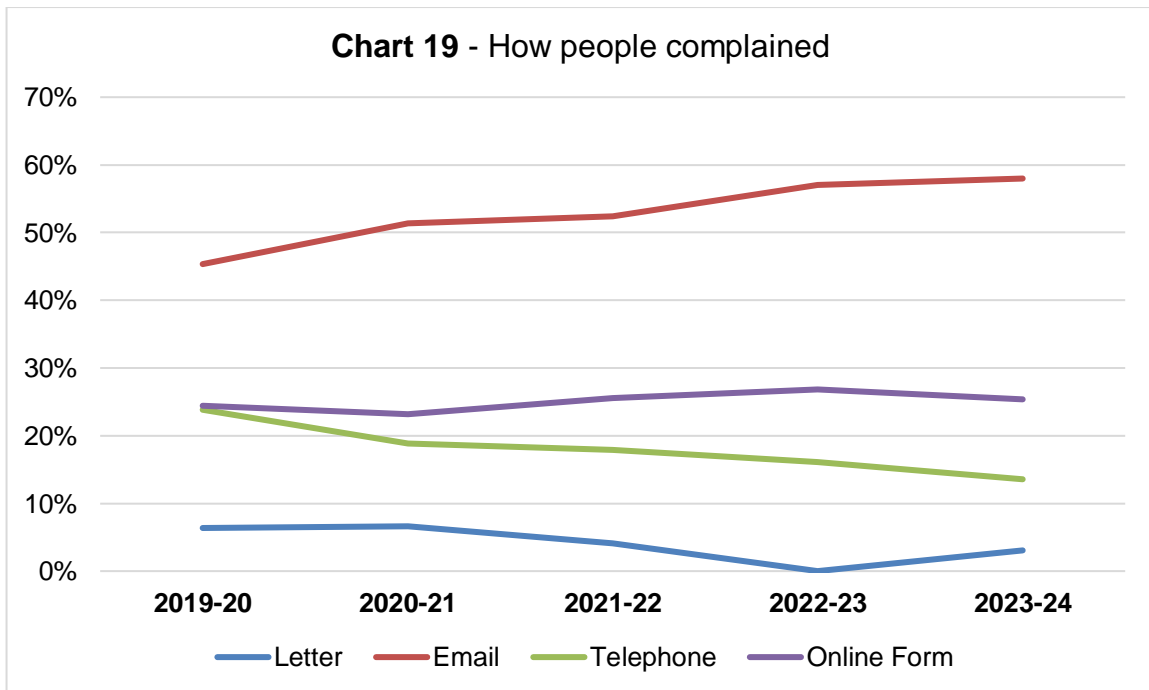
69. The Housing Ombudsman requires member landlords like the council to comply with its Complaint Handling Code ([link](#)), to promote its Scheme ([link](#)) and to conduct an annual self-assessment against the Code.

Pensions Ombudsman

70. In 2023-24, no complaints about the council in regard to pensions were considered by the Pensions Ombudsman.

How people complained

71. **Chart 19** shows that email continues to be the most popular method of submitting a complaint. No complaints were made in person.



Contact

If you would like further information, please contact Wiltshire Council's Complaints team:

Email: complaints@wiltshire.gov.uk Tel: 01225 718400

Further information

- Wiltshire Council Complaints webpage ([link](#))
- Wiltshire Council's corporate Complaints Procedure ([link](#))
- Making a complaint about Adult Social Care ([link](#))
- Children's social care: getting the best from complaints ([link](#)) (guide to the statutory Children's complaint procedure)
- LGSCO Annual Review Letters for Wiltshire Council ([link](#))
- Housing Ombudsman ([link](#)), its Complaint Handling Code ([link](#)) and Scheme ([link](#))
- Pensions Ombudsman ([link](#))

This page is intentionally left blank

17 July 2024

By email

Mr Herbert
Chief Executive
Wiltshire Council

Dear Mr Herbert

Annual Review letter 2023-24

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic. This year, we also provide the number of upheld complaints per 100,000 population.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and give credit to organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 24 July 2024. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

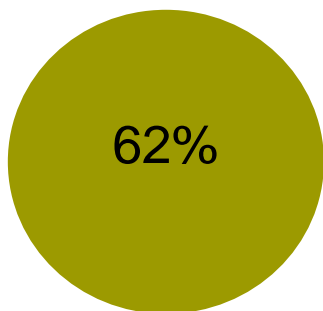
Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



62% of complaints we investigated were upheld.

This compares to an average of **79%** in similar organisations.

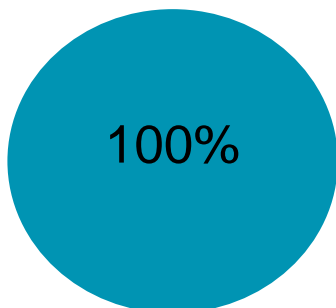
16
upheld decisions

This is 3.1 upheld decisions per 100,000 residents.

The average for authorities of this type is 4.6 upheld decisions per 100,000 residents.

Statistics are based on a total of **26** investigations for the period between 1 April 2023 to 31 March 2024

Compliance with Ombudsman recommendations



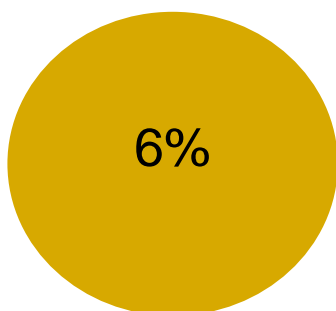
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **13** compliance outcomes for the period between 1 April 2023 to 31 March 2024

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **6%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **13%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **16** upheld decisions for the period between 1 April 2023 to 31 March 2024

This page is intentionally left blank