

Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with;

- The Equalities Act 2010
- Welsh language promotion (The Welsh Language (Wales) Measure 2011)
- sustainable development (Wellbeing of Future Generations (Wales) Act 2015),

and;

- the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

Completed by: Sarah Livingstone, in collaboration with Heather Powell and Leanne Rowlands

Role: Complaints Resolution Manager

Head of Service: Paul Jones **Date:** 20/01/2020

I confirm that the above Head of Service has agreed the content of this assessment

Yes / No

When you complete this FEIA, it is your responsibility to submit it to
impact.assessments@newport.gov.uk

1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.

This impact assessment relates to the impending review of the Newport City Council Customer Feedback Policy: Comments, Compliments and Complaints.

The purpose of the policy is to effectively deal with any compliments, concerns or complaints customers may have about the services we provide. To adhere to and follow the Principles of Good Administration and Good Records Management (as set out by the Public Services Ombudsman for Wales) when handling Comments, Compliments and Complaints. To ensure that a consistent and transparent process is adhered to, to also ensure a positive customer experience, whilst maintaining compliance.

The Corporate Complaints Policy was implemented in practice in 2019, however, since this time the Public Service Ombudsman for Wales has passed a new piece of legislation (Public Service Ombudsman Act 2019). This legislation includes complaints standards and guidance for all public bodies under Section 38 of the Act, which were re-published by the Ombudsman in September 2020. The Ombudsman expects Local Authorities to review and re-publish their policies to reflect these new standards by 1st April 2021. It is for this reason that the complaints policy requires a review.

As part of the review we have also identified some changes within Fostering Service when handling complaints, following the implementation of revised statutory guidance. This relates to Parts 2 to 16 of The Regulated Fostering Services (Services Providers and Responsible Individuals) (Wales) Regulations 2019, regulation 42. Implementing additions to the Council's Compliments, Comments and Complaints Policy will meet this requirement.

In addition, there have been changes to complaint handling standards within the social care sector. Care Inspectorate Wales Inspection have specified that provider services delivered by the Council require a specific policy in place, that is referenced as part of their Statement of Purpose. RISCA (Regulation and Inspections of Social Care (Wales) Act 2016) requires a specific process that staff can follow and that is reflected in a complaints policy for services users to raise their concerns. The current policy with some amendments can meet this requirement, where we reference specific details of the regulation.

The review will also consider the following:

- Strategic Equalities Plan 2020-2024
- Welsh Government- Rights, Respect and Equality Statutory Guidance
- Newport City Council's Anti Bullying Guidance and Model Policy 2020
- CIW inspection feedback – Social Services
- Analysis of complaints data and the lessons learnt
- Appeals and review processes for regulated services or those who have a statutory duty
- Welsh Language Standards complaints process
- Complaints relating to discrimination
- Reporting requirements- Ombudsman and Social Service regulations
- Continuous improvement monitoring
- Commission of services procedures- to adhere to 2 stage process

2. Outline how you have/will consult with stakeholders who will be affected by the policy/proposal. Please refer specifically to FEIA guidance in relation to relevant Welsh language duties.

The Public Service Ombudsman has received Royal Assent for the Public Services Ombudsman for Wales Act 2019, which had been consulted on formally prior. This consultation invited the public and local authorities to have their say during the consultation period that took place during 2019. This policy review is a direct result of this Act being passed and places a statutory requirement on the authority to ensure we are compliant. Further information of the democratic process can be sought from the Public Service Ombudsman.

Prior to and following the implementation of the Act the complaints team have worked closely with the Ombudsman's office to inform practice, improve customer experience and ensure compliance. Developments have been shared within monitoring reports.

Please see below links to the Public Service Ombudsman for Wales Guidance and any related documents:

[..\POLICIES REGS AND GUIDANCE\PSOW\1-CSA-Principles.pdf](#)

[..\POLICIES REGS AND GUIDANCE\PSOW\2-CSA-Model-Concerns-and-Complaints-Policy.pdf](#)

[..\POLICIES REGS AND GUIDANCE\PSOW\3-CSA-Guidance.pdf](#)

Council Officers and the public were invited to take part in a survey on complaints handling in 2019. The results indicated that Staff were focused on having clear and useful resources to help manage and record complaints, which would be supported by the policy review.

The results from the public indicated that they wanted to know what to expect when they made a complaint, that their complaint was acknowledged and that they could raise a complaint in a way that they chose. These requirements are already satisfied by the existing policy, and this will not be affected by the proposed review.

The survey also provides data for equality monitoring purposes.

Please see below the survey results from 2019:

[..\QUALITY ASSURANCE AND REPORTING\COPY of Bus Wi-Fi - Public Complaints Results \(Aug 19\).xlsx](#)

[..\QUALITY ASSURANCE AND REPORTING\results from survey - percentage 2019 .pdf](#)

A cabinet report was shared with the Cabinet and Senior Leadership Teams and was discussed by Cabinet in November 2020. The report shared the requirements to review our policy in line with the newly passed Ombudsman Act. This was received by the Cabinet and no concerns raised as a result. The report was endorsed and unanimously agreed. Please see link below for the minutes

<https://democracy.newport.gov.uk/mgAi.aspx?ID=8016&LLL=0>

This process allowed for Cabinet members and the Senior Leadership Team to reflect on the proposed amendments taking into account the views and feedback of their constituents.

Feedback from complaints received over the last 12 months from the public indicate that communication and complaint handling are key areas to be improved.

A draft of the proposed policy will be shared with the Ombudsman for comments before the policy is finalised.

In partnership with the Youth Council, the Council have implemented a new Anti- Bullying Policy following Welsh Government’s statutory guidance. This will be reflected in the revised Compliments, Comments and Complaints policy.

As part of the development of the council’s Strategic Equality Plan 2020-24, communities were consulted on proposed equality priorities for the council, which included their views on our customer service delivery. A number of specific actions in the plan were subsequently developed. These reflect the need to better monitor the demographics of people who make a complaint to the council, as well as develop more accessible ways of contacting the authority. A specific delivery group has been set up to take this work forward.

<http://www.newport.gov.uk/documents/Council-and-Democracy/Equalities-and-Welsh-language-/Strategic-Equality-Plan-2020-2024.pdf>

Further consultation around how the policy can be effectively implemented and promoted across the diverse communities of Newport will be undertaken as part of associated work/next steps.

Collaboration with the Welsh Language Officer and Connected Communities Manager has identified some gaps in the recording of Welsh Language complaints, and the handling of complaints that refer to discrimination. These will be addressed as part of the review.

Engaging with other Local Authorities at the AWCOG meeting will help ensure clear processes for commissioned providers, to ensure a transparent process for all customers.

3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.

Below you will find the Cabinet report for 2019-2020

<..\QUALITY ASSURANCE AND REPORTING\REPORTING\Annual Complaints Report 2019.2020 Cabinet November 2020.docx>

This report provides an overview of compliments, comments and complaints received for the period April 2019- March 2020. This contains information about complaints made by residents accessing this service. Quarterly data is also provided to the Ombudsman.

Feedback and monitoring of the service has been discussed as part of the Strategic Equality Plan and will be considered for further development to ensure we are able to identify specific equality data.

4. Equalities and Welsh language impact

Protected characteristic	Impact:	Provide further details about the nature of the impact in the section below. Does it: <ol style="list-style-type: none"> 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/
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	Positive	Negative	Neither	harassment/ victimisation?
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The policy will have a positive impact for all ages as it will be easily accessible and transparent for all. The policy review will ensure clear signposting to other agencies or organisation who can support and advise, such as the Children’s Commissioner.</p> <p>The main body of the process will remain the same, but there is further work required to ensure easy read versions are available for all customers.</p> <p>School age children and parents/carers will be provided clear information on the responsibilities of all stakeholders concerning any bullying complaints.</p>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All customers making contact with the Council for their feedback will be treated equitably, taking into account any identified needs at point of contact.</p> <p>Options for making a complaint remain the same but with added information to ensure support is provided as necessary.</p> <p>Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.</p>
Gender reassignment/ transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.</p>
Marriage or civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a</p>

				complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.
Pregnancy or maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need. The need for information in additional languages that represent the demographics in Newport will also be considered as part of the review.
Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clarity on discrimination complaints will be reviewed and made clear to ensure that people making a complaint linked to discrimination are appropriately

				supported and signposted. Improvements around demographic monitoring alongside the implementation of this policy will also allow the council to better respond to specific need.
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Welsh language complaints are treated no less favourably than English language complaints, and the Complaints Team work closely with the council's Welsh Language Officer to ensure appropriate response and action should a complaint be made in, or about, the Welsh language</p> <p>The review will provide further clarity around the Council's internal process for ensuring Welsh language complaints are addressed appropriately, and the relationship between corporate and Welsh Language Commissioner instigated reports.</p>

5 How has your proposal embedded and prioritised the sustainable development principle in its development? WELLBEING FUTURE REGENERATION

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p>The Ombudsman has set clear guidance to ensure that all Welsh LA's comply with standards when handling and monitoring complaints, whilst recognising continuous improvements. This review is a statutory requirement that has been passed following legislation.</p> <p>The policy as it stands is satisfactory but needs to be reviewed to remain compliant with the latest versions of legislation.</p> <p>A formal consultation was held prior to the Act being passed for compliance.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>The proposed review of the policy is a direct result of working collaboratively with others, including the Ombudsman.</p> <p>Feedback from the public have been instrumental in understanding the needs of the public. The policy directly supports residents to share and improve public services. This contributes to the wellbeing objectives in many ways, including resilience, improving services, building cohesive and sustainable communities, promoting economic growth, and regeneration whilst protecting the environment.</p> <p>Learning lessons has helped inform our service and plan for continuous improvement</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The feedback process promotes the views and feedback of residents.</p> <p>Compliments, comments and complaints from residents across may represent a wide range of individuals, of all ages, groups and different backgrounds.</p> <p>Surveys have been conducted to gather both staff and public feedback.</p> <p>The Public Service Ombudsman has passed legislation that influences the scope of the review, which was subject to public consultation.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="233 456 333 477">Prevention</p> <p data-bbox="145 490 421 629">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 304 1374 488">The policy review will ensure compliance and standards are met in line with the Public Service Ombudsman for Wales Act 2019. The policy will improve consistent practice across the Council in handling complaints and assisting customers. The policy will support a culture of continuous improvement.</p> <p data-bbox="459 490 1302 595">The policy will ensure that the Council are maintaining their statutory duties within specific services and support staff in handling complaints.</p>
 <p data-bbox="245 804 336 824">Integration</p> <p data-bbox="145 837 421 976">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 636 1398 853">This proposal supports the “A resilient Wales” and “A more equal Wales” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition, the review proposal indirectly contributes towards Newport City Council’s objectives by listening and taking action following customer comments, compliments and complaints.</p>

6. Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

This is a policy that will apply city-wide, so there is no specific impact on any geographical areas of Newport.

7. How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission

Equal treatment whilst recognising difference: The proposed review aims to ensure equality of access and service for all communities across Newport, whilst recognising that people also have individual needs that should be responded to.

Mutual obligations between citizens and LA: The council’s complaints policy sets out legal and ethical obligations that the authority has in delivering a fair process to citizens of Newport. In turn, the public are expected to engage appropriately with the process, as set out in the Unacceptable Actions by Complainant’s Policy

Reciprocity and interdependency within relationships- The policy review is a direct result of legislation that has set standards for the Council to meet. These standards improve customer experience, whilst ensuring consistency of practice. Customers will be treated fairly and equitably, in line with policy and procedures, regardless of protected characteristics or background.

Transparency and accountability – The review will ensure clarity around the complaints process, and outlines how the council is accountable to both the public and relevant monitoring/enforcement bodies.

8. Equality Impacts and Actions

Please complete the below action plan which sets out steps that will/will not be taken in order to mitigate any negative impacts that your assessment has identified.

Impact identified	Who does it affect?	What will you do to mitigate the impact? If you plan to take no action, please justify your rationale	Who is responsible?
Need for Easy Read versions of the policy	Different age groups, visually impaired, children, disabled people	Create further resources if changes are agreed	Complaints team
Need for a range of resources for sharing with the public	Those who may not have access to internet (eg hard copied)	As above	Complaints team
Need for information in community languages	Citizens whom do not speak Welsh or English	Identify most used languages in Newport	Complaints team in collaboration with Equalities team
Need for improved monitoring of equalities data.	All protected characteristics	Feedback forms at completion of complaints process	Complaints team in partnership with Equalities team

9. Monitoring, evaluating and reviewing

How and when will the impact of the proposal/ policy be monitored and reported on?

At six monthly intervals

10. Involvement

How will people be advised of the changes and of the FEIA?

The FEIA and revised policy will be published and promoted.