

Committee: **Governance & Audit Committee**
Date of meeting: **2nd November 2021**
Report Subject: **The Annual Report of the Public Services Ombudsman for Wales 2020/2021**
Portfolio Holder: **Cllr N Daniels, Leader/ Executive Member Corporate Services**
Report Submitted by: **Andrea Jones Head of Legal & Corporate Compliance**

Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
			02/11/2021			10/11/2021		

1. Purpose of the Report

- 1.1 The report is to inform Members and Officers of the Council's performance with regard to complaints to the Public Services Ombudsman for Wales.

2. Scope and Background

- 2.1 The Public Services Ombudsman for Wales (PSOW) prepares an annual report which provides the number of service and code of conduct complaints for each Council in Wales, and compares the Council's performance with that of the average council in Wales.
- 2.2 In 2019, the National Assembly for Wales (now Senedd Cymru Welsh Parliament) passed the Public Services Ombudsman (Wales) Act 2019. The Ombudsman in Wales is now the first office in the UK to have full and operational powers to drive systemic improvement of public services through investigations on our 'own initiative' and the Complaints Standards role.
- 2.3 Since April 2019, Local Authorities have submitted data regarding complaints to the Complaints Standards Authority (CSA) and in the coming year they will publish data to the PSOW website.
- 2.4 The overall number of complaints received by the Ombudsman relating to local authorities across Wales has decreased by 12.5% during 2020/21. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic.
- 2.5 The Ombudsman referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

2.6 The number of complaints to the Ombudsman for Blaenau Gwent during 2020/2021 was 15 with only 1 complaint requiring intervention. This is a reduction from 17 complaints received in 2019/2020.

2.7 The number of Code of Conduct Complaints made to the Ombudsman in relation to this Council is 3. This is an increase from 2 in 2019/2020.

2.8 The number of Code of Conduct Complaints made to the Ombudsman in relation to Town/Community Council is 5. This is a reduction from 6 in 2019/2020.

3. **Options for Recommendation**

3.1 **Option 1**

To provide the Governance and Audit Committee with assurance that the process for the monitoring of complaints is robust and the performance information provided reflects these practices.

3.2 **Option 2**

To seek further clarification on any areas within the report and/or to highlight any areas of interest or concern that need to be considered in future monitoring and reporting of complaints.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 There is a legislative requirement to provide information on the number of complaints the Council received in order for the Public Services Ombudsman for Wales to prepare an annual report.

4.2 The monitoring of complaints and compliments is a key performance indicator within the Council's Corporate Plan, under the Well-being Theme, 'Efficient Council'.

4.3 From the Well-being Plan the monitoring of complaints links into 'A resilient Wales' as it provides an opportunity for citizens to take an active and empowered role. The Council is required to present the Annual Report to members.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

The Ombudsman in certain circumstances may award compensation to the complainant. In such circumstances, the compensation will be paid by the relevant department/service area.

5.2 ***Risk including Mitigating Actions***

Complaints are investigated in accordance with the Council's Corporate Complaints Policy.

5.3 ***Legal***

There are no legal implications associated with this report.

5.4 ***Human Resources***

There are no human resource implications associated with this report.

6. **Supporting Evidence**

6.1 ***Performance Information and Data***

See appendix 1:

Section A: Complaints received and investigated with the local authority average adjusted by population

Section B: Complaints received by subject

Section C: Complaint outcomes

Section D: Cases with PSOW intervention

Section E: Code of Conduct complaints.

Section F: Town/Community Council Code of Conduct complaints

6.2 ***Expected outcome for the public***

This report is positive information to share with the public and is evidence that the Council's Corporate Complaints Policy is working effectively to resolve complaints at an early stage, and few complainants are seeking independent redress.

6.3 ***Involvement (consultation, engagement, participation)***

By providing a complaints process, the Council is enabling active participation of the public and partners to identify areas of concern that need to be addressed.

6.4 ***Thinking for the Long term (forward planning)***

The Public Service Ombudsman (Wales) Act 2019 has now been introduced giving the Ombudsman new powers aimed at:

- Improving access to their office
- Allowing the Ombudsman to undertake own initiative investigations when required in the public interest
- Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales

6.5 ***Preventative focus***

The complaints process enables the Council to rectify processes that have been highlighted within a complaint. This in turn supports the Council to prevent similar complaints being provided.

6.6 ***Collaboration / partnership working***

As part of the report prepared by the Public Services Ombudsman for Wales comparisons are made across all Council's across Wales.

6.7 ***Integration (across service areas)***

The Complaints process is undertaken across all sections of the Council in order to provide a full picture across the Council.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

N/A

6.9a ***Socio Economic Duty Impact Assessment***

N/A

6.9b. ***Equality Impact Assessment***

An Equalities Impact Assessment is not required for the performance monitoring of complaints, however, if a complaint requires consideration of the Equalities Act an EqIA would be undertaken for the specific complaint.

7. **Monitoring Arrangements**

7.1 The Public Service Ombudsman for Wales annual reports are presented to the Corporate Leadership Team, Governance and Audit Committee and Executive Committee on an annual basis.

Complaints monitoring is undertaken across the Council and a separate report will be presented to Governance and Audit Committee twice a year providing information on the number of stage 1 and 2 complaints received and their outcomes.

Background Documents /Electronic Links

- Appendix 1