

Committee: **Governance & Audit Committee**

Date of meeting: **21 September 2022**

Report Subject: **The Annual Letter of The Public Services Ombudsman for Wales 2021/2022**

Portfolio Holder: **The Leader/ Executive Member Corporate Services**

Report Submitted by: **Andrea Jones Head of Legal & Corporate Compliance**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
	08/09/2022		21/09/2022					

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 letter 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, the Complaints Standards Authority (CSA) have continued its work with public bodies in Wales. They have introduced a model complaints policy that has been adopted by local authorities and health boards in Wales and delivered 140 training session. Local Authorities have also submitted data regarding complaints to the CSA.
- 2.4 For the first time in the last year, the CSA has published information on complaints handling by Local Authorities which has been a key achievement for this work. The data for 2021/2022 showed:
- Over 15,000 complaints were recorded by Local Authorities
 - 4.88 for every 1000 residents.
 - Nearly half (46%) of these complaints were upheld
 - About 75% were investigated within 20 working days
 - About 8% of all complaints closed ended up being referred to PSOW
- 2.5 The overall number of complaints received by the Ombudsman relating to local authorities across Wales has increased by 47% compared to 2020/21

figures and are now well above pre-pandemic levels. It is likely that complaints to the Ombudsman were suppressed during the pandemic and they are starting to see the expected 'rebound' effect.

- 2.6 During this period, the Ombudsman intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where they investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years.
- 2.7 The Ombudsman also received a high number of Code of Conduct complaints last year, relating to both Principal Councils and Town and Community Council. A record number (20) were referred to either the Adjudication Panel for Wales or Local Standards Committee, due to evidence of a breach of the code.
- 2.8 The number of complaints to the Ombudsman for Blaenau Gwent during 2021/2022 was 13 with no complaints requiring intervention. This is a reduction from 15 complaints with 1 intervention received in 2020/2021.
- 2.9 The number of Code of Conduct Complaints made to the Ombudsman in relation to this Council is 4. This is an increase from 3 in 2020/2021.
- 2.10 The number of Code of Conduct Complaints made to the Ombudsman in relation to Town/Community Council is 6. This is an increase from 5 in 2020/2021.

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 letter.

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 Letter 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 was introduced to give 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

6.9 ***Integrated Impact Assessment***

An Integrated Impact Assessment is not required for the performance monitoring of complaints, however, if a complaint requires consideration of the Equalities Act an EqlA 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