

Committee: **Audit Committee**

Date of meeting: **17<sup>th</sup> November 2020**

Report Subject: **The Annual Report of The Public Services Ombudsman for Wales 2019/2020**

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) |
| 28/10/20                    | 05/11/20                  |                          | 17/11/20        |                               |                    | 09/12/20            |         |                      |

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 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 During 2019/20 the Ombudsman has engaged with Local Authorities on the new Complaints Standards powers and for the first time in 2019/20 Local Authorities submitted data about complaints to the Complaints Standards Authority (CSA)
  - 2.4 The CSA will provide training to staff who deal with complaints. This training was originally planned for March 2020 but was cancelled due to Covid and it is hoped training will re-commence shortly.
  - 2.5 The number of complaints to the Ombudsman for Blaenau Gwent during 2019/2020 was 17 which resulted in 1 intervention.
  - 2.6 The overall number of complaints received by the Ombudsman relating to local authorities across Wales has decreased by 2.4% during 2019/20.

2.7 The number of Code of Conduct Complaints made to the Ombudsman in relation to this Council is 1.

2.8 The number of Code of Conduct Complaints made to the Ombudsman in relation to Town/Community Council is 6.

### 3. **Options for Recommendation**

#### 3.1 **Option 1**

To provide the 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 and 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 complements 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 Councils 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: Comparison of complaint outcome with average outcome for Local authorities, adjusted for population distribution

Section D: Provides the numbers and percentages of cases received by the Ombudsman in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E: Provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2018/19.

Section F: Provides a breakdown of all Code of Conduct complaint Outcomes against town or community councils

#### 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 ***EqlA(screening and identifying if full impact assessment is needed)***

An Equalities 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 annual reports are presented to the Corporate Leadership Team and Audit Committee on an annual basis.

Complaints monitoring is undertaken across the Council and, as mentioned above, a review of this process is to be undertaken in due course.

**Background Documents /Electronic Links**

- Appendix 1