

## CABINET

<b>Date of Meeting</b>	Tuesday, 19 <sup>th</sup> December 2023
<b>Report Subject</b>	Public Services Ombudsman for Wales Annual Letter 2022-23 and complaints made against Flintshire County Council during the first half of 2023-24
<b>Cabinet Member</b>	Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources
<b>Report Author</b>	Chief Officer (Governance)
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

The purpose of this report is to share the Public Services Ombudsman for Wales Annual Letter 2022-23 for Flintshire County Council.

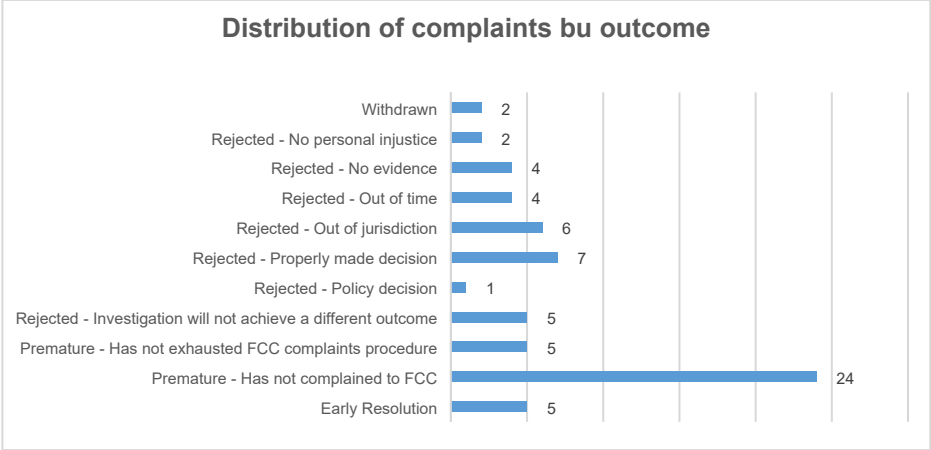
The Ombudsman's Annual Letter provides an overview of the annual performance of the Council in relation to complaints received between 1 April 2022 – 31 March 2023.

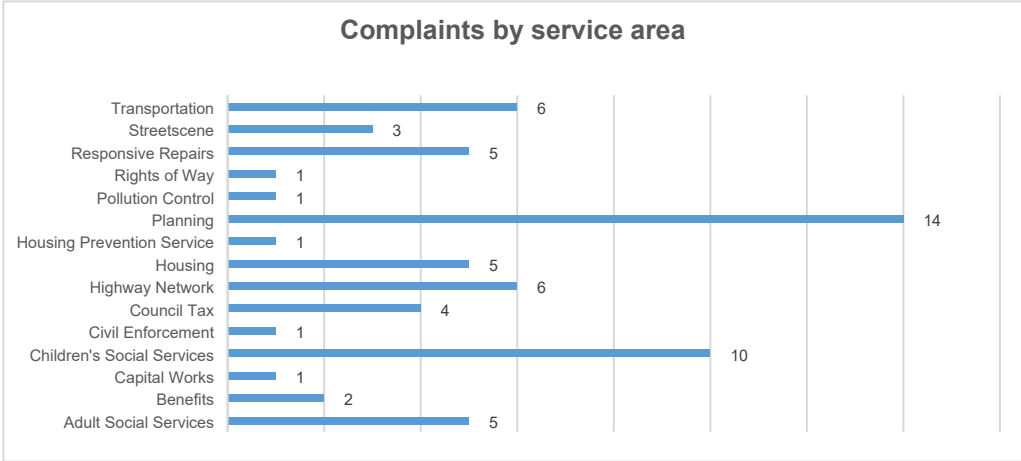
This report also provides an overview of complaints received by each portfolio of the Council between 1 April 2023 – 30 September 2023.

### RECOMMENDATIONS

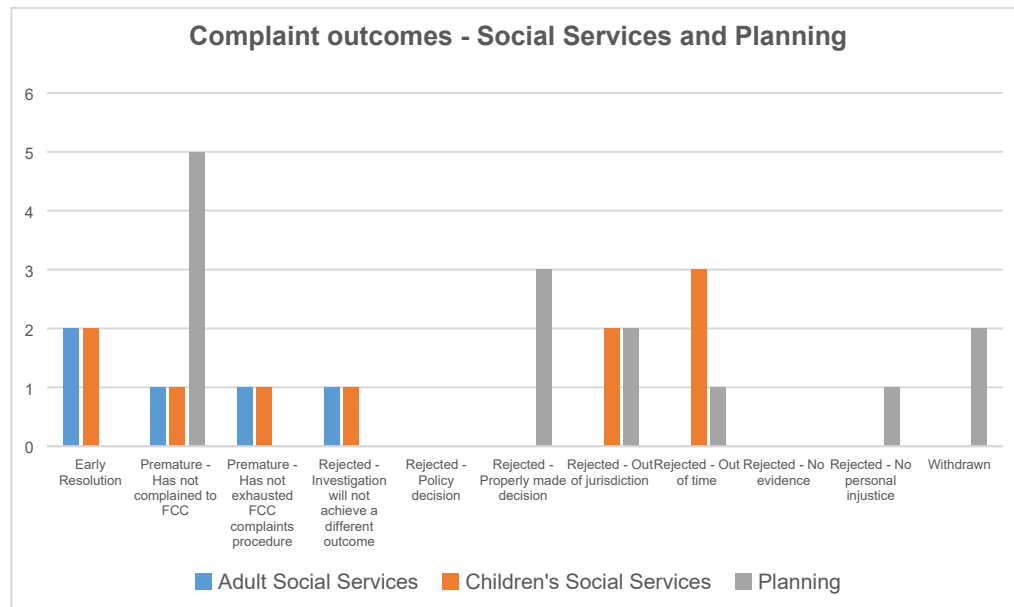
1	That Cabinet notes the annual performance of the Council in respect of complaints made to the Public Services Ombudsman for Wales during 2022-23.
2	That Cabinet notes the half year performance of the Council (2023-24) in respect of complaints made against services in line with the concerns and complaints procedure.
3	That Cabinet supports the priorities outlined in paragraph 1.24.

## REPORT DETAILS

1.00	<b>THE PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2022-23</b>																								
1.01	Michelle Morris, Public Services Ombudsman for Wales (“Ombudsman”) published her Annual Letter 2022-23 in August 2023. The Annual Letter deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Members and the actions being taken to improve public services across Wales.																								
1.02	The Annual Letter coincides with the Ombudsman’s Annual Report which highlights the number of people asking her office for help increased by 3% compared to the previous year. The Ombudsman reports that her office now receives double the number of cases than a decade ago and she acknowledges the current climate continues to provide challenges for public services.																								
1.03	The number of complaints against local authorities across Wales reduced by 11% in 2022-23 compared to the previous year and the Ombudsman intervened (upheld, settled or resolved at an early stage) with 13% of complaints, a reduction from 18% the year before.																								
1.04	Appended to this report is a link to the Annual Letter detailing Flintshire’s performance and comparative data. The following paragraphs provide a summary of performance and additional context in response to the findings.																								
1.05	<p><b>Section A</b> - 65 complaints were made against Flintshire in 2022-23 which is a reduction of 65.65% compared to the previous year (99). Whilst the number of complaints recorded against Flintshire remains higher than the Welsh average (46), it is important to put this in perspective. 92.31% (60) of all complaints against Flintshire were premature, rejected or withdrawn resulting in no action against the Council. Chart 1 illustrates the distribution of complaints by outcome:</p> <p><b>Chart 1</b></p>  <table border="1" data-bbox="375 1585 1310 2033"> <caption>Distribution of complaints by outcome</caption> <thead> <tr> <th>Outcome</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Withdrawn</td> <td>2</td> </tr> <tr> <td>Rejected - No personal injustice</td> <td>2</td> </tr> <tr> <td>Rejected - No evidence</td> <td>4</td> </tr> <tr> <td>Rejected - Out of time</td> <td>4</td> </tr> <tr> <td>Rejected - Out of jurisdiction</td> <td>6</td> </tr> <tr> <td>Rejected - Properly made decision</td> <td>7</td> </tr> <tr> <td>Rejected - Policy decision</td> <td>1</td> </tr> <tr> <td>Rejected - Investigation will not achieve a different outcome</td> <td>5</td> </tr> <tr> <td>Premature - Has not exhausted FCC complaints procedure</td> <td>5</td> </tr> <tr> <td>Premature - Has not complained to FCC</td> <td>24</td> </tr> <tr> <td>Early Resolution</td> <td>5</td> </tr> </tbody> </table>	Outcome	Count	Withdrawn	2	Rejected - No personal injustice	2	Rejected - No evidence	4	Rejected - Out of time	4	Rejected - Out of jurisdiction	6	Rejected - Properly made decision	7	Rejected - Policy decision	1	Rejected - Investigation will not achieve a different outcome	5	Premature - Has not exhausted FCC complaints procedure	5	Premature - Has not complained to FCC	24	Early Resolution	5
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1.06	Chart 1 shows that 36.92% (24) of all complaints were premature because the complainant had not contacted the Council in the first place. This means complainants had not attempted to access the Council's concerns and complaints procedure in the first instance and opted to approach the Ombudsman instead, a decision outside of the Council's control.																																
1.07	44.62% (29) of all complaints were rejected, of those rejected, 10.77% (7) were rejected due to properly made decisions, indicating an improvement in the quality of Step 1 and Step 2 responses issued by the Council. 3.08% (2) of complaints were withdrawn because the complainant failed to provide evidence to the Ombudsman and nine complaints were from the same three people.																																
1.08	Only five complaints (7.69%) against the Council required intervention and, in every case, an "early resolution" was reached. This figure is lower than the Wales average (13%), an indication on the positive steps taken to improve complaints handling across the Council.																																
1.09	In terms of intervention, four of the complaints related to Social Services who agreed to apologise, review information, or clarify points and in Capital Works the service agreed to apologise for a lack of clarity and time and trouble pursuing a complaint.																																
1.10	<b>Section B</b> - the Ombudsman provides a breakdown of complaints by subject. However, these subjects are universal complaint categories for Councils across Wales and do not accurately reflect local records and organisational structures e.g. a complaint about school transport is categorised as "Education" by the Ombudsman but locally it is "Transportation" who manage school transport applications.																																
1.11	<p>An analysis of the Annual Letter against local data illustrates a more accurate record of complaints by subject:</p> <p><b>Chart 2</b></p>  <table border="1" data-bbox="328 1413 1353 1872"> <caption>Complaints by service area</caption> <thead> <tr> <th>Service Area</th> <th>Number of Complaints</th> </tr> </thead> <tbody> <tr><td>Transportation</td><td>6</td></tr> <tr><td>Streetscene</td><td>3</td></tr> <tr><td>Responsive Repairs</td><td>5</td></tr> <tr><td>Rights of Way</td><td>1</td></tr> <tr><td>Pollution Control</td><td>1</td></tr> <tr><td>Planning</td><td>14</td></tr> <tr><td>Housing Prevention Service</td><td>1</td></tr> <tr><td>Housing</td><td>5</td></tr> <tr><td>Highway Network</td><td>6</td></tr> <tr><td>Council Tax</td><td>4</td></tr> <tr><td>Civil Enforcement</td><td>1</td></tr> <tr><td>Children's Social Services</td><td>10</td></tr> <tr><td>Capital Works</td><td>1</td></tr> <tr><td>Benefits</td><td>2</td></tr> <tr><td>Adult Social Services</td><td>5</td></tr> </tbody> </table>	Service Area	Number of Complaints	Transportation	6	Streetscene	3	Responsive Repairs	5	Rights of Way	1	Pollution Control	1	Planning	14	Housing Prevention Service	1	Housing	5	Highway Network	6	Council Tax	4	Civil Enforcement	1	Children's Social Services	10	Capital Works	1	Benefits	2	Adult Social Services	5
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1.12	The data above illustrates that Social Services and Planning received the highest proportion of complaints; the outcome of these cases is illustrated in Chart 3 below:																																

**Chart 3**



1.13 **Section C** – the preceding paragraphs explain the context and outcomes of complaints more precisely in local context.

1.14 **Section D** - five complaints (7%) required intervention by the Ombudsman as described in paragraph 1.09. This is an improvement on the previous year where 13% of complaints required intervention and is also better than the all Wales average intervention rate (13%).

1.15 **Sections E** - this section of the Annual Letter is the remit of the Standards Committee.

1.16 Reflecting on the Annual Letter 2022-23, Flintshire’s achievements include:

- A reduction in the number complaints made to the Ombudsman – down from 99 to 65 (65.65%);
- A lower intervention rate – down from 13% to 7%;
- A lower-than-average intervention rate compared to the rest of Wales (13%);
- 100% improvement on the number of investigations – from 3 to 0.

1.17 Much of the achievements may be attributed to work over the last 12 months including:

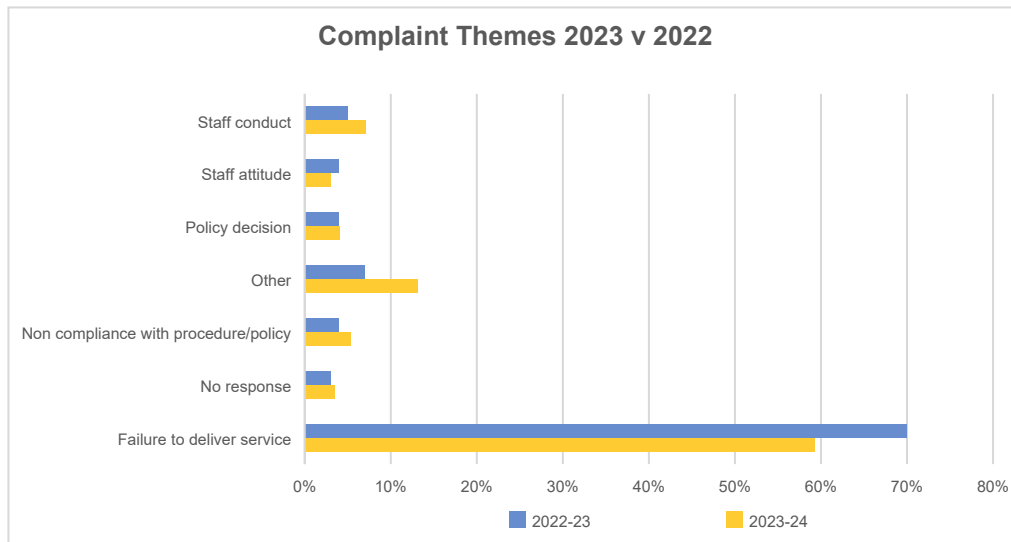
- Positive and productive engagement with the Complaints Standards Authority;
- Collective work with Councils across Wales and the Ombudsman to record complaints performance data to help drive improvement in public services for citizens in Wales;
- Continuing programme of mandatory complaints training for Team Leader+ roles in collaboration with the Ombudsman and Learning & Development;
- Accelerating the programme of mandatory complaints training by “train the trainer” approach;
- Internal Audit to identify opportunities to improve complaints handling.

1.18	<p><b>Own Initiative Investigation</b></p> <p>Moving forward into 2023-24 the Council has been selected to be part of the Ombudsman’s second wider Own Initiative investigation looking into the administration of carer needs assessments (Part 3 of the Social Services and Wellbeing (Wales) Act 2014). Under section 4 of the Public Services Ombudsman (Wales) Act 2019 the Ombudsman can undertake Own Initiative investigations which do not need to be prompted by a complaint or an individual complainant. The investigation will consider:</p> <ul style="list-style-type: none"> <li>a) Whether the Council is meeting its statutory duties under the Social Services and Well-being (Wales) Act 2014 and its Code of Practice and The Care and Support (Assessment) (Wales) Regulations 2015;</li> <li>b) Whether those entitled to a carer’s needs assessment are made aware of and understand their right to request a carer’s needs assessment;</li> <li>c) Where carers’ needs assessments are commissioned, whether those assessment services are being delivered appropriately and whether local authorities appropriately monitor the contracting arrangements;</li> <li>d) Whether carers’ needs assessments, including those completed by commissioned service providers, are undertaken in accordance with the Social Services and Well-being (Wales) Act 2014.</li> </ul> <p>The own initiative investigation has commenced and the findings are expected in early 2024.</p>
1.19	<p><b>Flintshire County Council Complaints 1 April – 30 September 2023</b></p>
1.20	<p>The Council received 448 complaints between 1 April – 30 September 2023 which is slightly higher than the same time last year (421) and 76% were considered within target which is an improvement of 11% compared to 2022. Encouragingly 91% of all complaints were considered within 20 working days which is a further improvement of 5% on the previous year.</p>
1.21	<p><b>Chart 4 – Summary of complaints performance</b></p> <p>Frontline services in Housing &amp; Communities and Streetscene &amp; Transportation received the highest proportion of complaints in the first half of 2023-24 which is a normal trend. It should also be noted that the Social Services and Wellbeing Act (Wales) 2014 and Social Services Complaints Procedure Regulations 2014, requires Local Authorities to maintain a separate representations and complaints procedure for social services functions. Social Services’ complaints report for 2022-23 is reported to the Social and Health Care Overview and Scrutiny Committee.</p> <p><i>*Complainants informed that their complaint will take longer than 10 working days to investigate.</i></p>

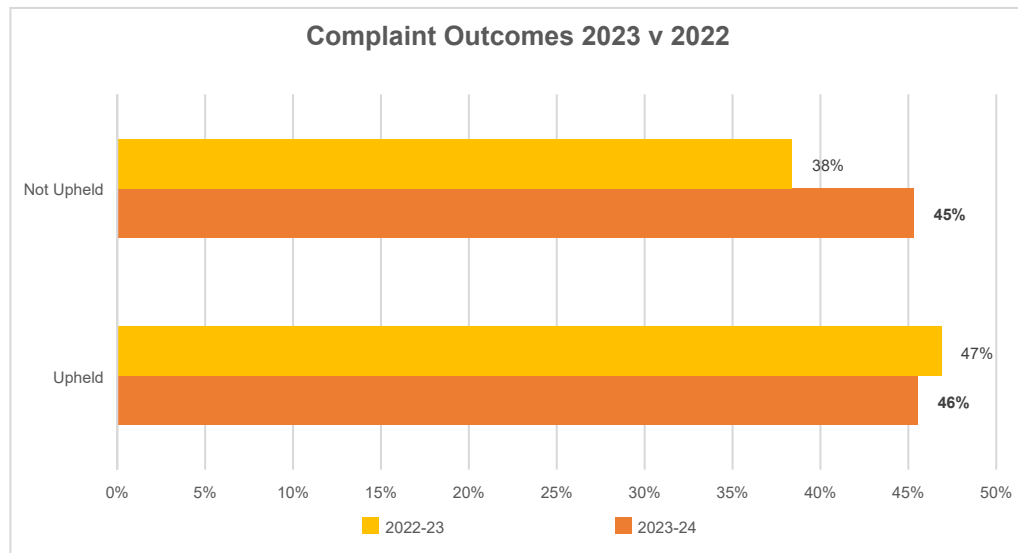
Summary: 1 April – 30 September 2023	Overall	E&Y	Gov	H&C	PE&E	SS	S&T
Total number of complaints received	448	11	33	128	40	14	222
Number of complaints closed within target	339 75.67%	8 72.73%	32 96.97%	94 73.44%	28 70.00%	13 92.86%	164 73.87%
Number of complaints open and pending*	9 2.01%	0 0.00%	0 0.00%	5 3.91%	2 5.00%	0 0.00%	2 0.90%
Number of complaints closed after 10 working days	91 20.31%	3 27.27%	1 3.03%	29 22.66%	8 20.00%	1 7.14%	49 22.07%
Number of complaints open and overdue	9 2.01%	0 0.00%	0 0.00%	0 0.00%	2 5.00%	0 0.00%	7 3.15%

1.22 The following charts provide an overview of complaint themes and outcomes so far in 2023 compared to the previous year. A further breakdown by portfolio is provided in Appendix 1.

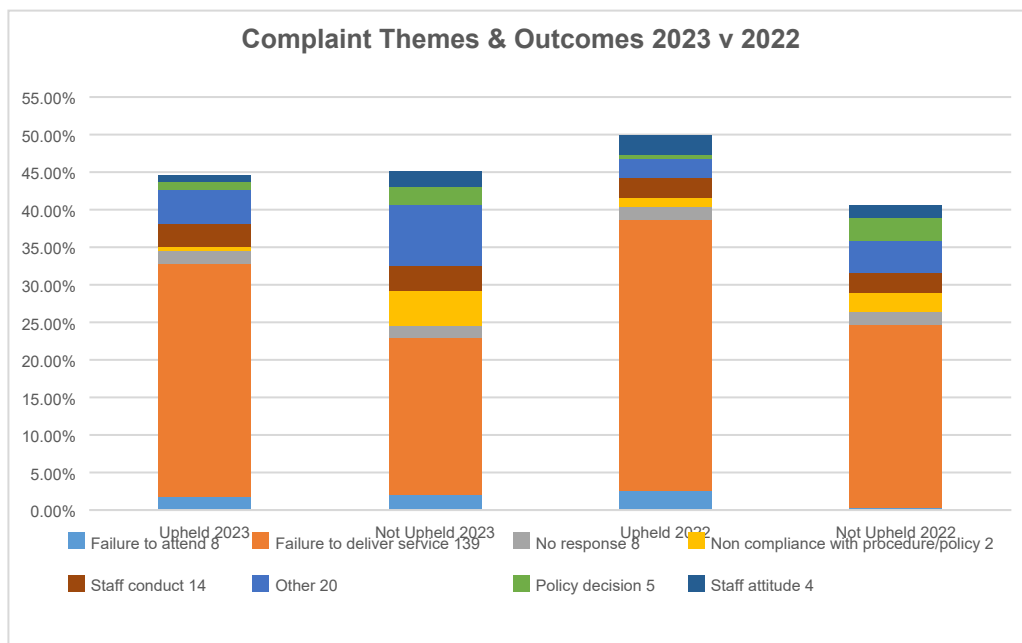
**Chart 5**



**Chart 6**

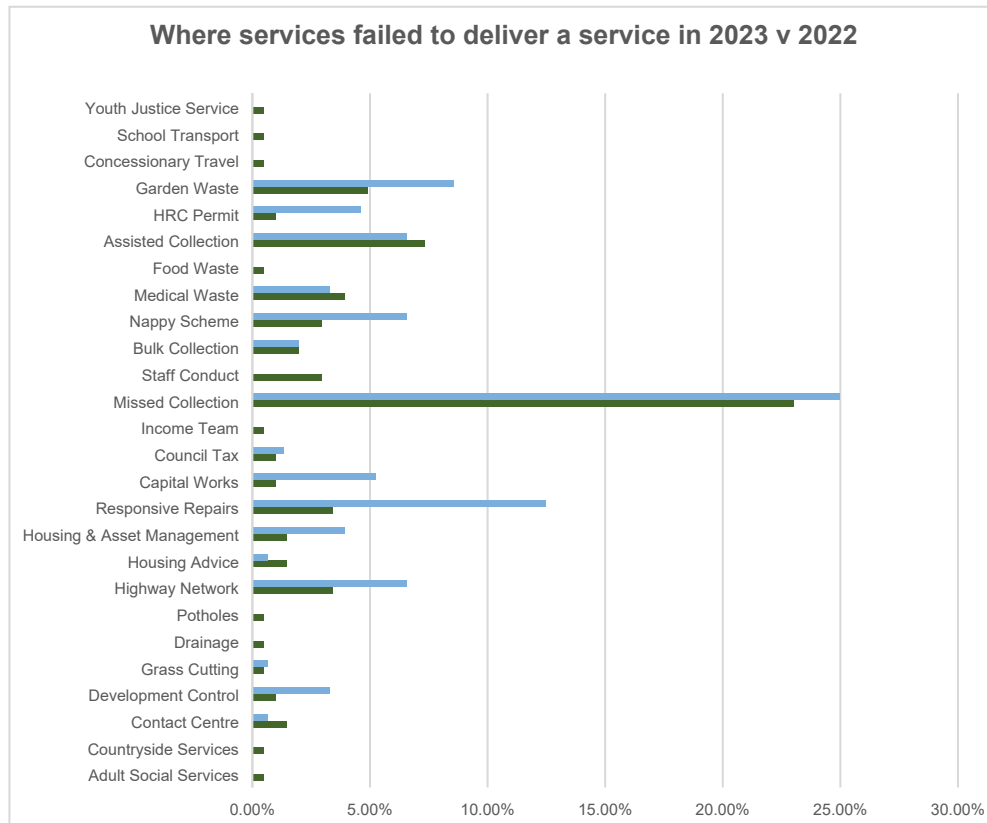


**Chart 7**



1.23 The data in the above charts illustrates that “failing to deliver a service” accounts for most upheld complaints against Council services. This year performance is improving with fewer upheld complaints in areas such as Streetscene where 37.25% of upheld complaints relate to missed waste and recycling collections including assisted collections, bulk collections and garden waste compared to 42% in 2022. Similarly, Responsive Repairs improved with only 3.43% of complaints upheld compared to 12.50% in 2022.

## Chart 8



*\*Data based on upheld complaints*

### 1.24 Conclusion and priorities

Overall, portfolios are making good progress to improve complaints handling as greater awareness is led from the most senior officers of the Council. The following actions will be taken forward to further improve complaints handling across the organisation:

- Maintaining positive and productive engagement with the Complaints Standards Authority;
- Continuing work with Councils across Wales and the Ombudsman to record complaints performance data to help drive improvement in public services for citizens in Wales;
- Continuing programme of mandatory complaints training for Team Leader+ roles:
  - 261 employees trained
  - 68% of target audience trained so far
- Implementation of all recommendations following an internal audit inspection in 2022-23;
- Redesign of the electronic system used to record complaints to ensure it is fit for purpose;
- Develop a toolkit for Schools and elected Members on how to manage unacceptable behaviour on social media;
- Support to all services through regular sharing of performance data to help manage casework and keep complainants informed where targets are not achievable.



<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	This report provides details of the annual performance of the Council in relation to complaints. At this point there are no proposed change or actions and as such no impact or risks have been identified.

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	None.

<b>5.00</b>	<b>APPENDICES</b>
5.01	<b>Appendix 1</b> – Flintshire County Council complaint themes, outcomes and actions by portfolios 2023-24.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	A copy of the Annual Letter is published on the Ombudsman’s website – <a href="https://tinyurl.com/35c6znh9">https://tinyurl.com/35c6znh9</a>

<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact Officer:</b> Rebecca Jones, Customer Contact Service Manager <b>Telephone:</b> 01352 702413 <b>E-mail:</b> <a href="mailto:rebecca.jones@flintshire.gov.uk">rebecca.jones@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<b>Public Services Ombudsman for Wales</b> – investigates complaints against public service providers in Wales where people believe they have suffered an injustice through maladministration on the part of the public service provider e.g. a local authority.  <b>Complaints Standards Authority</b> – a team within the Public Services Ombudsman for Wales’ office focused on ensuring the procedures to complain to public service providers in Wales are complainant focused,

	simple, fair and objective, timely and effective, accountable and committed to continuous improvement.
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