

CABINET

Date of Meeting	Tuesday, 22 nd November 2022
Report Subject	Public Services Ombudsman for Wales Annual Letter 2021-22 and complaints made against Flintshire County Council during the first half of 2022-23
Cabinet Member	Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources
Report Author	Chief Officer (Governance)
Type of Report	Operational

EXECUTIVE SUMMARY

The purpose of this report is to share the Public Services Ombudsman for Wales (PSOW) Annual Letter 2021-22 for Flintshire County Council.

The Ombudsman's Annual Letter provides an overview of the annual performance of the Council in relation to complaints investigated in 2021-22.

Matthew Harris, Head of the Complaints Standards Authority will join Cabinet to provide an overview of the Ombudsman's role and Annual Letters.

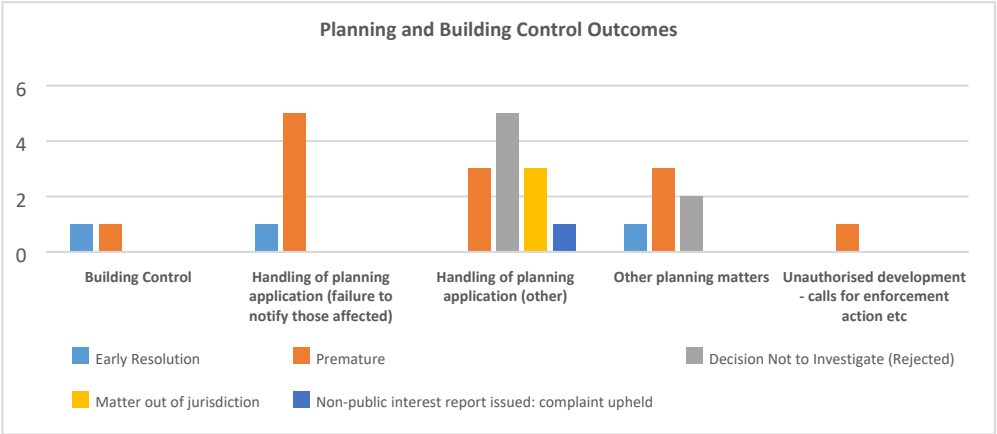
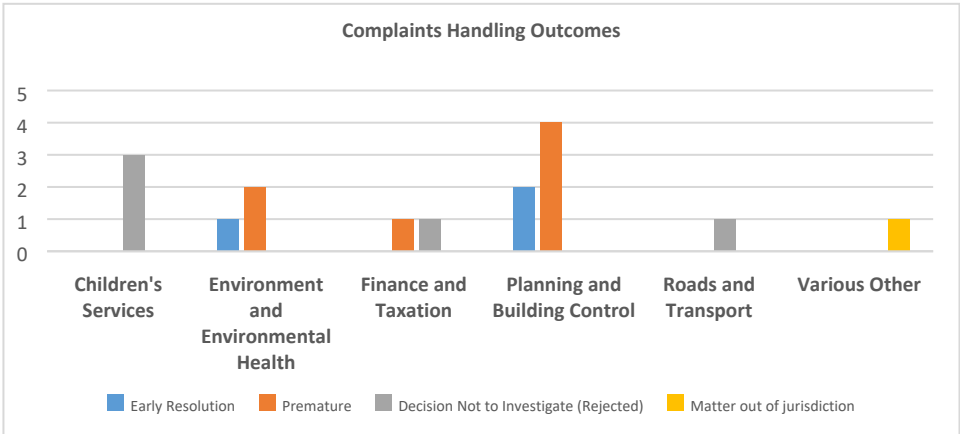
This report also provides an overview of complaints received by each portfolio of the Council between 1 April – 30 September 2022.

RECOMMENDATIONS

1	That Cabinet notes the annual performance of the Council in respect of complaints made to the Public Services Ombudsman for Wales during 2021-22.
2	That Cabinet notes the 2022-23 half year performance of the Council in respect of complaints made to services in line with its complaints procedure.
3	That Cabinet supports the actions outlined in paragraph 1.15 to further improve complaints handling across the Council.

REPORT DETAILS

1.00	EXPLAINING THE PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2021-22																								
1.01	Michelle Morris, the new Public Services Ombudsman for Wales (“Ombudsman”) published her first Annual Letter on performance as part of her Annual Report and Accounts in August 2022. The letter shares information from the past year where public bodies in Wales and the Ombudsman are still dealing with the effects of the pandemic.																								
1.02	The number of new complaints against local authorities in Wales increased by 47% in 2021-22 compared to the previous year. This is a record number of cases to the Ombudsman over the last two years and well above pre pandemic levels. It is likely that complaints to the Ombudsman, and public services in general, were suppressed during the pandemic, and we are now starting to see a ‘rebound’ effect.																								
1.03	The Ombudsman intervened (upheld, settled or resolved at an early stage) in a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where the Ombudsman has investigated complaints) for local authorities also remained at a similar level – 14% compared to 13% in recent years.																								
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	Section A – 99 complaints were made against Flintshire in 2021-22, an increase on the previous year (59). This figure reflects the Ombudsman’s findings that complaints against local authorities increased by 47%.																								
1.06	<p>Whilst a higher than average figure, this should not be viewed unfavourably because 80% of complaints to the Ombudsman were closed because they were out of jurisdiction, premature or closed after initial consideration. The table below illustrates the higher than average figures compared to North Wales and Wales as a whole:</p> <table border="1" data-bbox="306 1592 1345 1883"> <thead> <tr> <th></th> <th>Wales Average</th> <th>North Wales Average</th> <th>Flintshire Actual</th> </tr> </thead> <tbody> <tr> <td>Number of complaints</td> <td>52</td> <td>50</td> <td>99</td> </tr> <tr> <td>Out of jurisdiction complaints</td> <td>9</td> <td>10</td> <td>14</td> </tr> <tr> <td>Premature complaints</td> <td>15</td> <td>15</td> <td>37</td> </tr> <tr> <td>Closed after initial consideration</td> <td>19</td> <td>18</td> <td>28</td> </tr> <tr> <td>Total complaints after "no further action cases"</td> <td>10</td> <td>8</td> <td>20</td> </tr> </tbody> </table>		Wales Average	North Wales Average	Flintshire Actual	Number of complaints	52	50	99	Out of jurisdiction complaints	9	10	14	Premature complaints	15	15	37	Closed after initial consideration	19	18	28	Total complaints after "no further action cases"	10	8	20
	Wales Average	North Wales Average	Flintshire Actual																						
Number of complaints	52	50	99																						
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Closed after initial consideration	19	18	28																						
Total complaints after "no further action cases"	10	8	20																						
1.07	It should also be noted that a number of complaints made against Flintshire from a person who repeats their complaint to the Ombudsman despite not exhausting Flintshire’s process, or not accepting decisions. For example, Ms. X complained to the Ombudsman on six occasions in 2021-22 and all																								

	complaints were rejected. This is one case to Flintshire, but the Ombudsman records six complaints.
1.08	It is difficult to control how and when complainants access the Ombudsman service, but it is reassuring that the percentage of premature complaints fell from 59.32% in 2020-21 to 37.37% which may be attributed to improvements in promoting Flintshire’s complaints procedure and keeping complainants informed.
1.09	<p>Section B – Planning and Building Control received the highest volume of complaints in 2021-22 (31) accounting for 31% of all cases against Flintshire. The table below provides a breakdown about the nature of these complaints and it also illustrates that a high percentage were premature or rejected.</p>  <p>Flintshire’s performance reflects the trend across Wales with Planning and Building Control being the most common complaint to the Ombudsman in relation to local authorities.</p>
1.10	<p>In terms of volume, “complaints handling” was the next highest number of complaints to the Ombudsman (17). The cases relate to various services and the table below illustrates that the majority of these cases were premature or rejected.</p> 
1.11	Section C - of the complaints that were made against Flintshire there were improvements compared to the previous year:

- 54% of complaints were out of jurisdiction or premature (66% the previous year) ↗
- 30% of complaints were closed after initial consideration (18% the previous year) ↗
- 13% of complaints were resolved through early resolution (15% the previous year) ↗

97% of Flintshire's complaints to the Ombudsman were closed at their "assessment" stage. Three complaints went to investigation and resulted in a non-public interest report because the complaint was upheld:

Planning and Building Control	Handling of planning application (other)	Redress - other action by listed authority (excluding financial redress)
Children's Social Services	Safeguarding	Redress - apology
Adult Social Services	Other	Financial redress alone or financial redress plus apology

1.12 Section D – 16% of Flintshire's complaints required intervention by the Ombudsman, which is slightly higher than the Welsh average (14%), which means they were dealt with through early resolution or a voluntary settlement. This is a reduction on the previous year (18%).

1.13 Sections E and F of the Annual Letter are the remit of the Standards Committee.

1.14 During 2021-22 Flintshire achieved:

- Reviewed public information about Flintshire's complaints procedure to help reduce the number of premature complaints to the Ombudsman;
- Refreshed [website for making a complaint](#);
- Scheduled a programme of mandatory complaints training for Team Leader+ roles in collaboration with the Ombudsman;
 - 386 employees to attend
 - 70 (18%) attended in 2021
 - 61 (16%) attending in 2022
- Introduced a refreshed Managing Customer Contact Policy to take in to consideration unacceptable behaviour on social media;
- New toolkit for employees on how to manage unacceptable behaviour on social media;
- Introduced [Social Media House Rules](#) to explain how we expect everyone to behave when contacting us through social media channels;
- Continued collective work with Councils across Wales and the Ombudsman to record complaints performance data to drive improvement in public services for citizens in Wales.

1.15 The following actions will be taken forward in 2022-23 to further improve complaints handling:

- Continue a programme of complaints training to support and enhance complaint handling by considering best practice from multiple sectors from around the world;
- Explore the option to deliver complaints training in house to accelerate the programme of mandatory training for Team Leader+ roles – so far 131 out of 386 have been booked on to complaints handling courses;
- Develop a toolkit for Schools and elected Members on how to manage unacceptable behaviour on social media;
- A review of the electronic system used to record complaints to ensure it is fit for purpose;
- Implementation any recommendations following an internal audit inspection in quarter 3 of 2022-23.

1.16 Flintshire County Council Complaints 1 April – 30 September 2022

1.17 The Council received 421 complaints in the first half of 2022, up by 22 compared to the same period in 2021. 65% of complaints were considered within 10 working days which is an improvement of 8% compared to 2021. Encouragingly 86% of all complaints were considered within 20 working days which is another improvement of 6% on the previous year.

1.18 The charts below illustrate the overall number of complaints received in the first half of 2022 and the distribution of complaints by portfolio:

Chart 1 – Half Year Statistics 2022

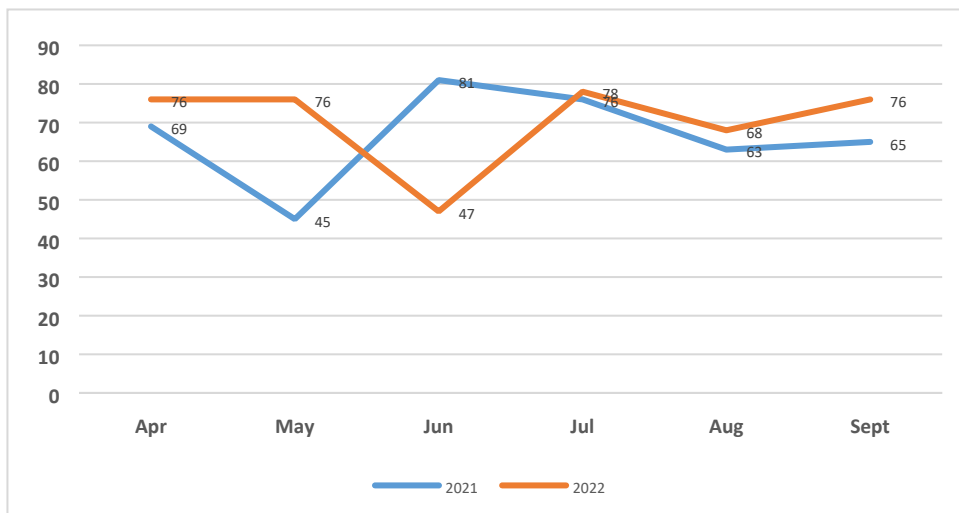
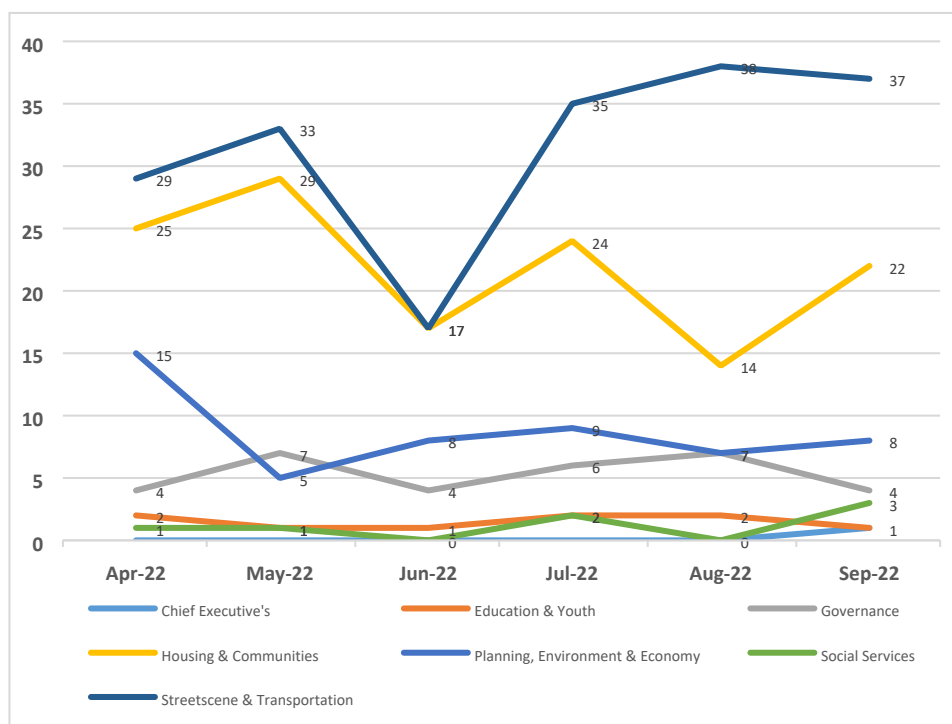


Chart 2 – Complaints by Portfolio 2022



1.19 Complaints were quite evenly spread throughout the first half of 2022, and those areas providing frontline services such as Streetscene and Housing received the most complaints which is a trend across local authorities in Wales.

1.20 The Council aims to respond to complaints within 10 working days. The table below provides data on the number of complaints received between 1 April – 30 September 2022 and the timeliness of responses:

Chart 3

Portfolio	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22
Chief Executive's	0	0	0	0	0	1
Education & Youth	2	1	1	2	2	1
Governance	4	7	4	6	7	4
Housing & Communities	25	29	17	24	14	22
Planning, Environment & Economy	15	5	8	9	7	8
Social Services	1	1	0	2	0	3
Streetscene & Transportation	29	33	17	35	38	37
Total Number of Complaints	76	76	47	78	68	76
% Closed Within 10 Working Days	74%	80%	62%	59%	66%	78%
% Closed Within 20 Working Days	18%	11%	30%	28%	19%	16%

Chart 4

Portfolio	Number of Complaints	% of Complaints	% Within Target	% Within 20 Working Days
Chief Executive's	1	0.24%	0%	100%
Education & Youth	9	2.14%	89%	11%

Governance	32	7.60%	88%	12%
Housing & Communities	131	31.12%	66%	24%
Planning, Environment & Economy	52	12.35%	44%	23%
Social Services	7	1.66%	86%	0%
Streetscene & Transportation	189	44.89%	73%	21%

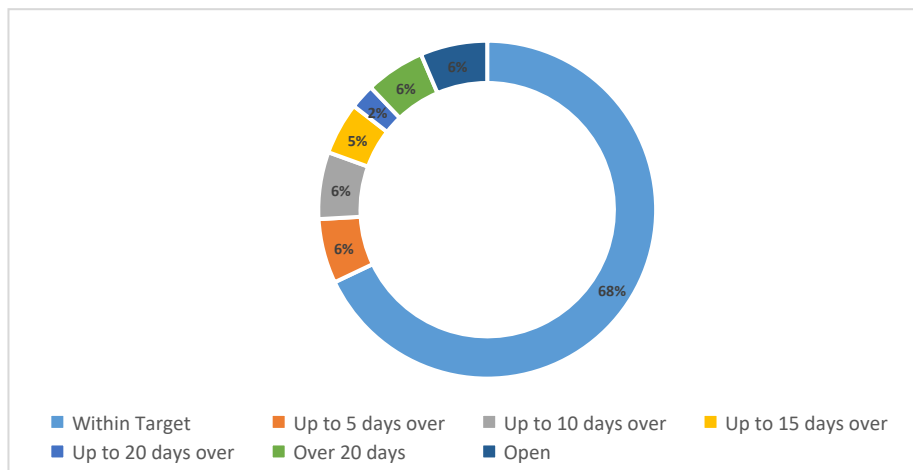
Chart 5

Portfolio	% Within Target 2021	% Within Target 2022	Improved	
Chief Executive's	N/A	N/A	N/A	N/A
Education & Youth	75%	89%	14%	↗
Governance	55%	88%	33%	↗
Housing & Communities	57%	66%	9%	↗
Planning, Environment & Economy	36%	44%	8%	↗
Social Services	78%	86%	8%	↗
Streetscene & Transportation	60%	73%	13%	↗

The timeliness of complaint responses vary across portfolios but it is encouraging to note an improvement in complaint performance across all portfolios (see Chart 5). Performance reports are now routinely shared with Chief Officers on a monthly basis to drive improvements in the timeliness of complaint responses. Whilst there will be occasions where complaints cannot be dealt with within 10 working days, customers will be kept informed and a high percentage are resolved shortly after the 10 day timescale unless they are complex cases (see Chart 4).

1.21 The chart below illustrates the average time taken to respond to complaints in the first half year of 2022:

Chart 6 – Timeliness of complaint responses



1.22 Appendix 2 provides an illustration of what people complained about, and the outcome reached by portfolios.

1.23 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 2021-22 is reported to the Social and Health Care Overview and Scrutiny Committee.
1.24	<p>Performance across portfolios remains under regular review:</p> <ul style="list-style-type: none"> • Designated portfolio leads for escalating issues; • Sharing monthly performance data with Chief Officers and portfolios leads; • Portfolio management teams regularly reviewing their performance; • Staff guidance defining requests for service and complaints; • Guide to Good Complaints Handling available on InfoNet.
1.25	<p>Conclusion and priorities</p> <p>The Council will continue to engage positively with the Ombudsman and the Complaints Standards Authority to learn more about the complaints landscape in Wales to help us drive improvement in services. For the year ahead we are committed to:</p> <ul style="list-style-type: none"> • Monitor public information about Flintshire's complaints procedure to ensure complainants follow the correct procedure thus reducing the number of premature complaints to the Ombudsman; • Continue a programme of complaints training to support and enhance complaint handling –mandatory for roles at Team Leader level and above; • New toolkit for Schools and elected Members on how to manage unacceptable behaviour on social media; • A review of the electronic system used to record complaints to ensure it is fit for purpose; • Ongoing support to all services through regular sharing of performance data to help manage casework and keep complainants informed where targets are not achievable; • Implement the recommendations of an internal audit report as necessary.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
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.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	None.

5.00	APPENDICES
5.01	Appendix 1 – Public Services Ombudsman for Wales Annual Letter.
5.02	Appendix 2 - Flintshire County Council complaint categories by portfolio.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	A copy of the Annual Letter is published on the Ombudsman's website - https://www.ombudsman.wales/wp-content/uploads/2022/08/Flintshire-Eng.pdf

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Rebecca Jones, Customer Contact Service Manager Telephone: 01352 702413 E-mail: rebecca.jones@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	<p>Public Services Ombudsman for Wales – 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.</p> <p>Complaints Standards Authority – 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.</p>