

## CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Thursday, 14 November 2024
<b>Report Subject</b>	Public Services Ombudsman for Wales Annual Letter 2023-24 and half-year complaints performance 2024-25
<b>Cabinet Member</b>	Cabinet Member for Corporate Services
<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 2023-24 for Flintshire County Council. The Annual Letter provides an overview of the performance of the Council in relation to complaints of maladministration received between 1 April 2023 – 31 March 2024.

This report also provides an overview of complaints received by each portfolio of Flintshire County Council in the first half 2024-25 (1 April 2024 – 30 September 2024).

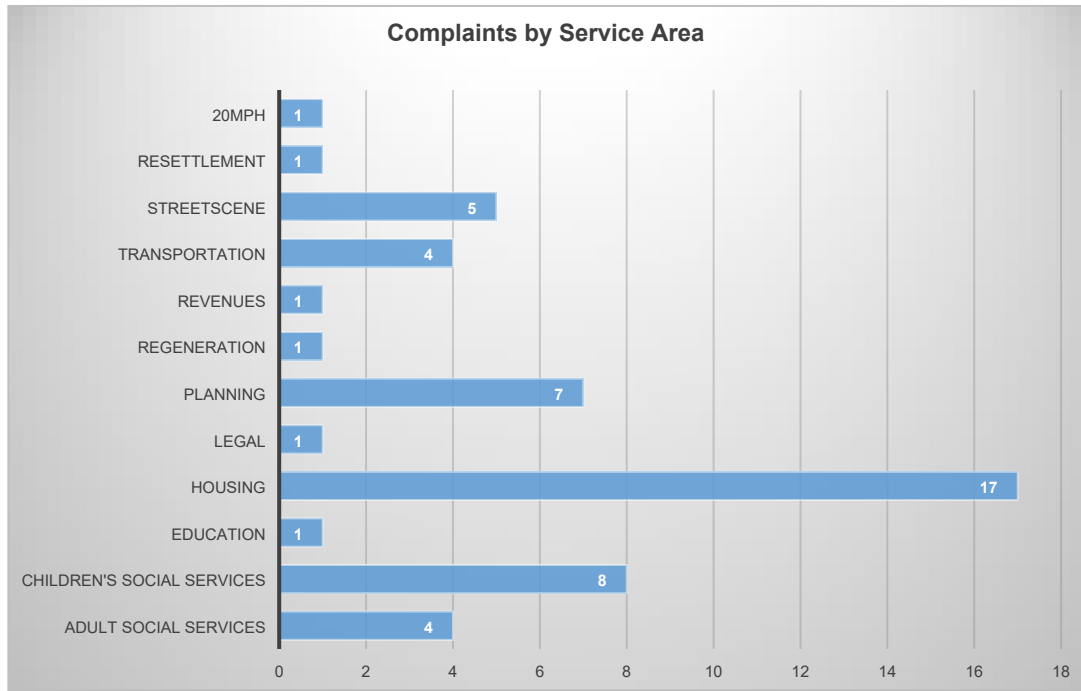
### RECOMMENDATIONS

1	That scrutiny notes the positive annual performance of the Council in respect of complaints made to the Public Services Ombudsman for Wales during 2023-24.
2	That scrutiny notes the half year performance of the Council (2024-25) in respect of complaints received in line with the Council's Concerns and Complaints policy.
3	That scrutiny supports the priorities outlined in paragraph 1.25.

## REPORT DETAILS

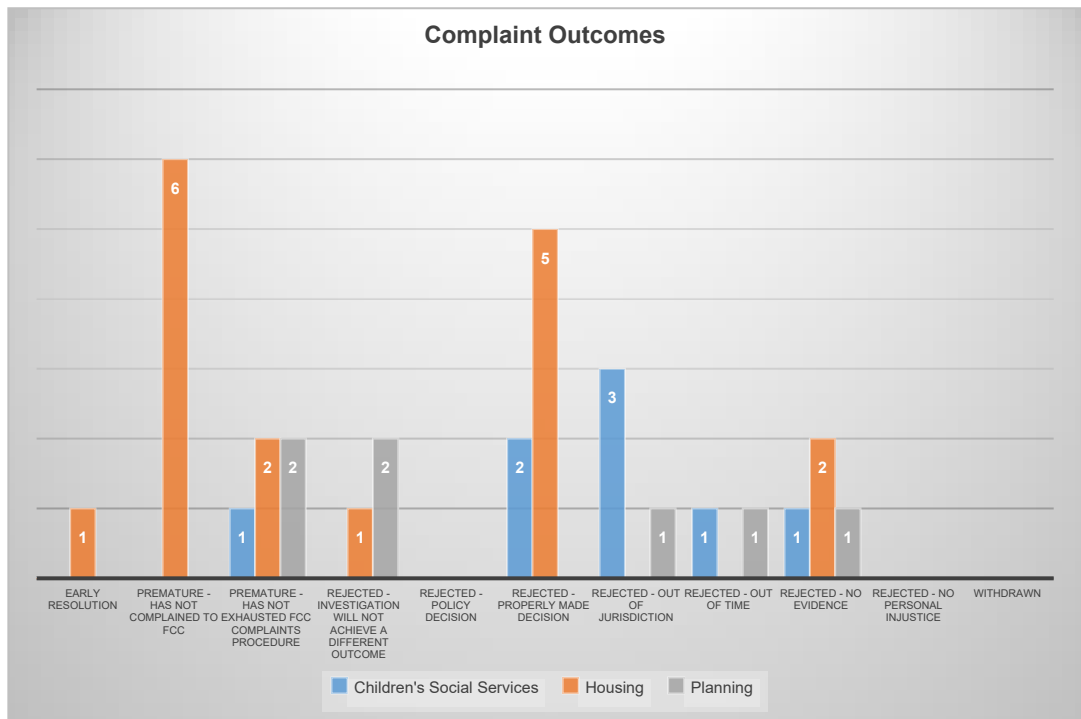
<b>1.00</b>	<b>EXPLAINING THE PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2023-24</b>
1.01	The Public Services Ombudsman for Wales (“Ombudsman”), Michelle Morris, published her Annual Letter 2023-24 in September 2024. The Annual Letter considers complaints about public services, complaints relating to alleged breaches of the Code of Conduct for Members and standards for complaints handling by public bodies in Wales.
1.02	The Annual Letter coincides with the Ombudsman’s Annual Report – “A New Chapter Unfolds” which highlights during 2023-24 the Ombudsman’s office considered and closed more enquiries and complaints than ever before. The number of people asking the Ombudsman’s office for help increased by 17% overall compared to 2022-23. The Ombudsman reports that her office has seen an increase in caseload of 37% since 2019 and acknowledges the considerable pressures on public services which have led to that rise.
1.03	The Ombudsman received broadly the same number of complaints about local authority services in 2023-24 (1,108 complaints) and the Ombudsman intervened (upheld, settled or resolved at an early stage) with a similar proportion of complaints 14% compared to 13% the previous year.
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	<b>Section A – Complaints Received</b>  Whilst the Ombudsman has reported broadly the same number of complaints about local authorities in 2023-24, Flintshire’s complaints reduced by 22% from 65 to 51. This is an indication that Flintshire’s commitment to delivering better outcomes for customers is coming to fruition. Interestingly, over the last three years complaints to the Ombudsman have reduced by 48% (99 in 2021-22 and 65 last year), bringing the number of complaints against Flintshire in line with the Welsh average (50), a positive step considering Flintshire has been higher than the Welsh average for the past few years.
1.06	<b>Section B – Received by Subject</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 referred to “Transportation” who manage school transport.
1.07	An analysis of the Annual Letter against local data illustrates a more accurate record of complaints by subject:

### Chart 1



1.08 The data in Chart 1 illustrates that Housing, Children’s Services and Planning received the highest proportion of complaints; the outcome of these cases is illustrated in Chart 2 below:

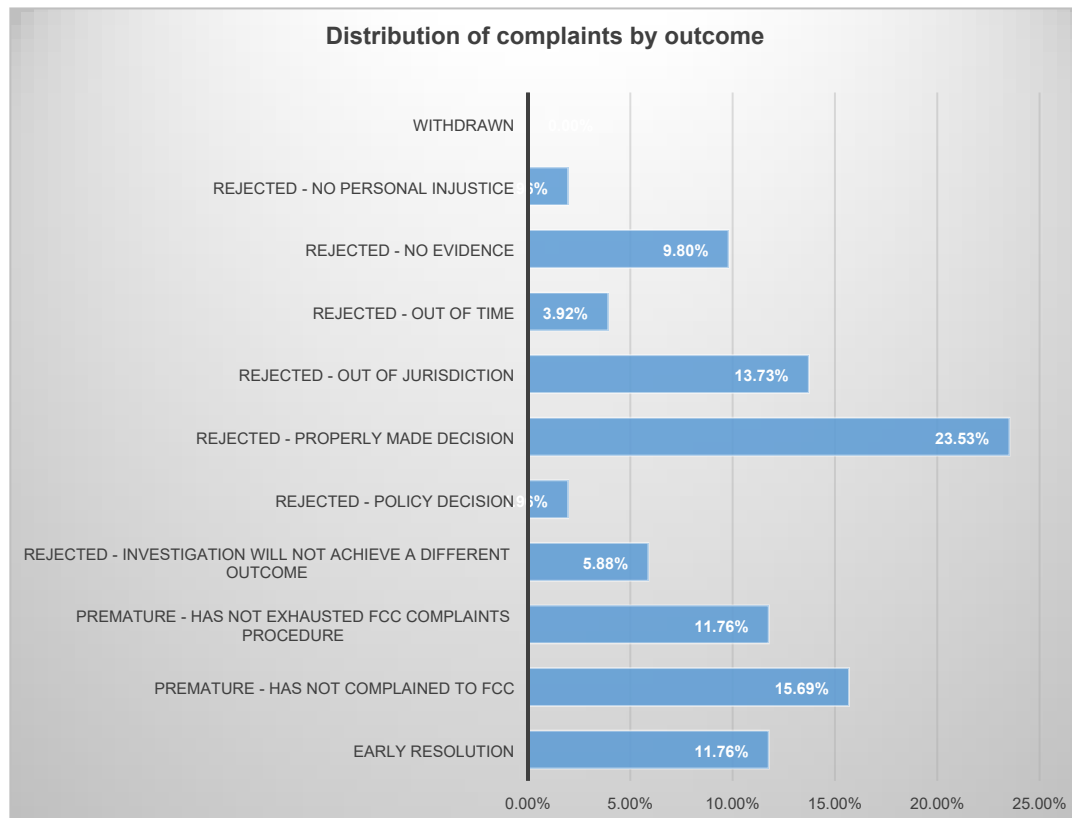
### Chart 2



1.09 **Section C – Complaint Outcomes**

Flintshire has a higher-than-average number of complaints closed after initial consideration (45 or 10%) which is higher than last year and demonstrates an improvement in the quality of responses thus removing the need for the Ombudsman to intervene, and more cases closed without action. Chart 3 below illustrates the distribution of complaints by outcome:

**Chart 3**



1.10 Chart 3 highlights the main reason for rejecting complaints is due to a properly made decision i.e. despite a complainant raising their dissatisfaction, the Council acted in accordance with policy in reaching a decision. The second reason is complaints being brought to the Ombudsman prematurely. In 2023-24 the number of premature complaints fell by 21% which is testament to work undertaken by Customer Service to promote information and improve advice to complainants, therefore reducing these premature cases.

1.11 **Section D – Cases with PSOW Intervention**

86% (49) of all complaints against Flintshire were rejected by the Ombudsman. Eight complaints required some action through “early resolution”, examples include:

- Failure to advise the complainant of their right to escalate to Step 2 – resolved to escalate to Step 2.
- Failure to provide information requested – resolved to apologise and provide the information.

	The Ombudsman did not instigate any investigation in 2023-24 and therefore no reports were issued against the Council.
1.12	<p><b>Section E – Compliance Performance Comparison</b></p> <p>This section is new and is designed to ensure compliance with recommendations agreed by the Council. In 2023-24 a total of 17 recommendations were due, the importance of this criteria is that recommendations have been implemented and the Ombudsman has been notified. The latter point can lead to the idea that recommendations have not been implemented. The Ombudsman prepared the data in early April 2024 and since publishing the Annual Letter, all recommendations are now closed.</p>
1.13	<p><b>Section F – Code of Conduct Complaints</b></p> <p>This section of the Annual Letter is the remit of the Standards Committee.</p>
1.14	<p><b>Section G – Town/Community Council Code of Conduct Complaints</b></p> <p>This section of the Annual Letter is the remit of the Standards Committee.</p>
1.15	<p>Reflecting on the Annual Letter 2023-24, Flintshire’s achievements include:</p> <ul style="list-style-type: none"> <li>• A reduction in the number complaints made to the Ombudsman – down from 65 to 51 (22%);</li> <li>• A reduction in complaints over the last three years – from 99 to 65 then to 51 (48%);</li> <li>• A reduction in the number of premature complaints to the Ombudsman – down from 36.92% to 15.69%;</li> <li>• An increase and higher-than-average number of complaints closed after initial consideration – 45 i.e. 10%;</li> <li>• No investigations for the second year in a run.</li> </ul>
<b>1.16</b>	<b>Flintshire County Council Complaints 1 April – 30 September 2024</b>
1.17	The Council received 363 complaints between 1 April – 30 September 2024 which is lower than the same time last year (448) and 74% were considered within target which is broadly the same as last year (76%). Encouragingly 92.28% of all complaints were considered within 20 working days which is a slight improvement on the previous year (91%).

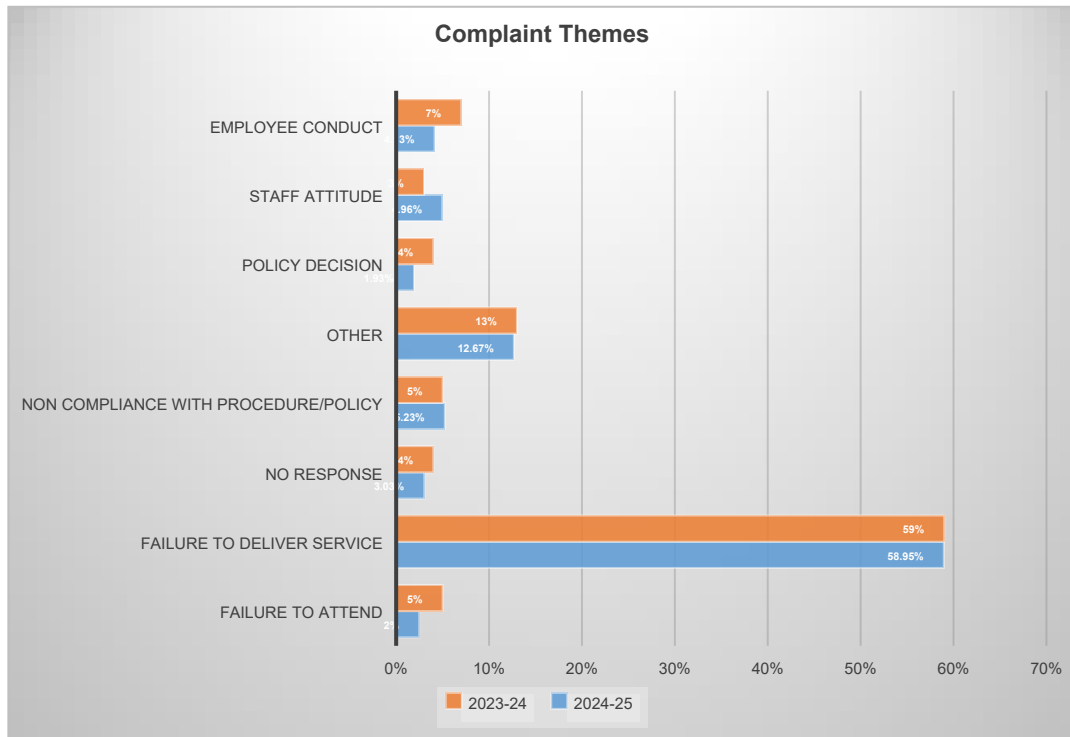
**1.18 Chart 4 – Summary of complaints performance**

1 April - 30 September 2024	Overall	CEO	E&Y	Gov	H&C	PE&E	SS	S&T
<b>No. of complaints received</b>	<b>363</b>	<b>5</b>	<b>9</b>	<b>19</b>	<b>90</b>	<b>24</b>	<b>18</b>	<b>198</b>
					69			
Number of complaints open and overdue	7 1.93%	0 0.00%	0 0.00%	0 0.00%	1 1.11%	0 0.00%	1 5.56%	5 2.53%
					0			
Number of complaints open and nearing target date	7 1.93%	1 0.00%	0 0.00%	0 0.00%	2 2.22%	1 4.17%	0 0.00%	3 1.52%
Number of complaints closed late (over 10 working days)	81 22.31%	1 20.00%	1 11.11%	0 0.00%	20 22.22%	10 41.67%	3 16.67%	46 23.23%
Number of complaints within target (10 working days)	268 73.83%	3 60.00%	8 88.89%	19 100.00%	67 74.44%	13 54.17%	14 77.78%	144 72.73%

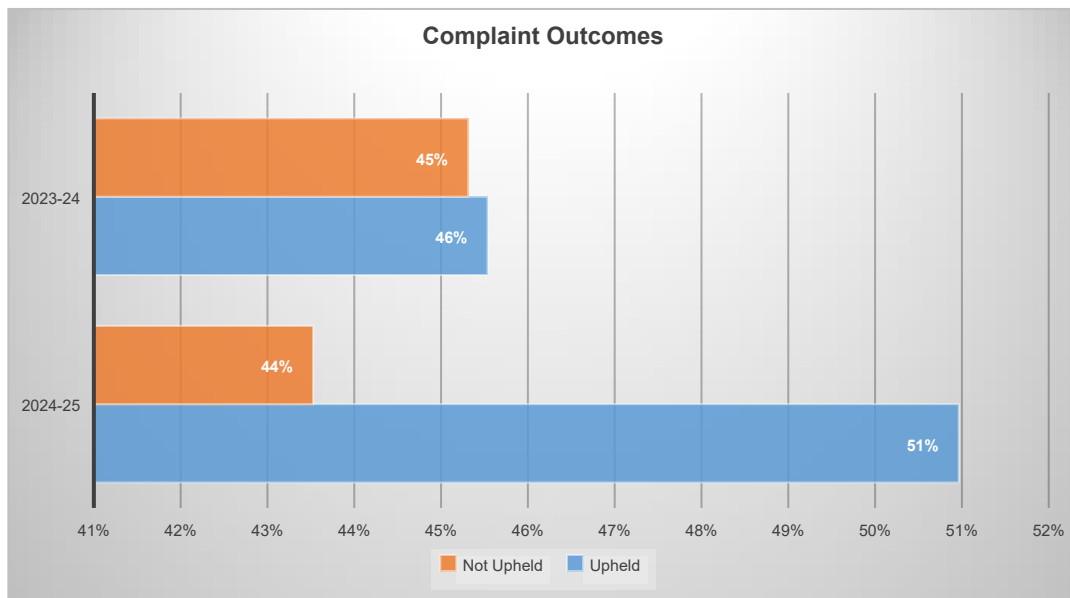
1.19 Frontline services in Streetscene & Transportation and Housing & Communities received the highest proportion of complaints in the first half of 2024-25 which is a normal trend. It should also be noted that the Social Services and Wellbeing Act (Wales) 2014 and Social Services Complaints Procedure Regulations 2014, requires Local Authorities to maintain a separate representations and complaints procedure for social services functions. Social Services' complaints are reported to the Social and Health Care Overview and Scrutiny Committee.

1.20 The following charts provide an overview of complaint themes and outcomes in 2024 compared to the previous year. A breakdown of complains data by portfolio is provided in Appendix 1.

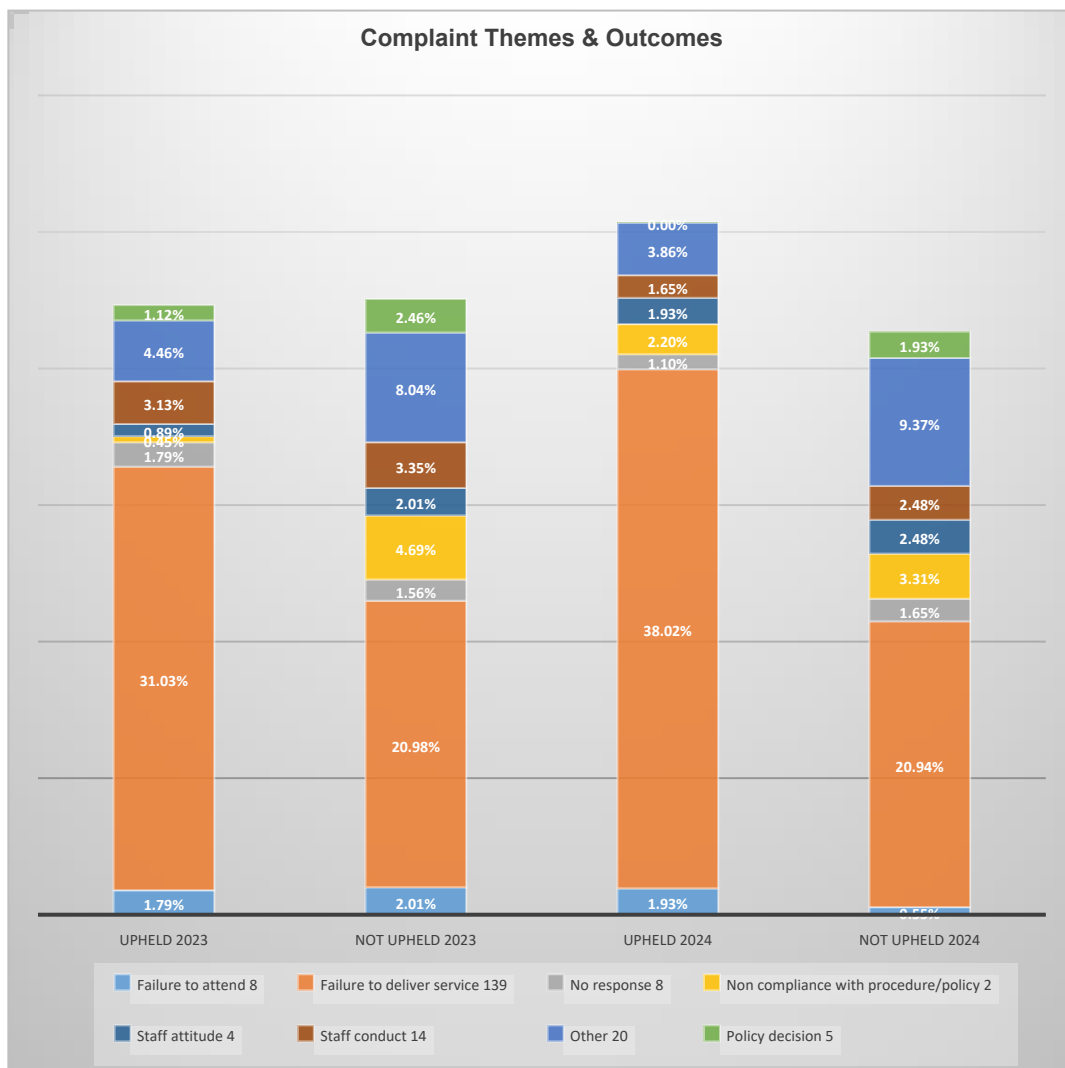
### Chart 5 – Complaint Themes



### Chart 6 – Complaint Outcomes



**Chart 7 – Complaints Themes & Outcomes**



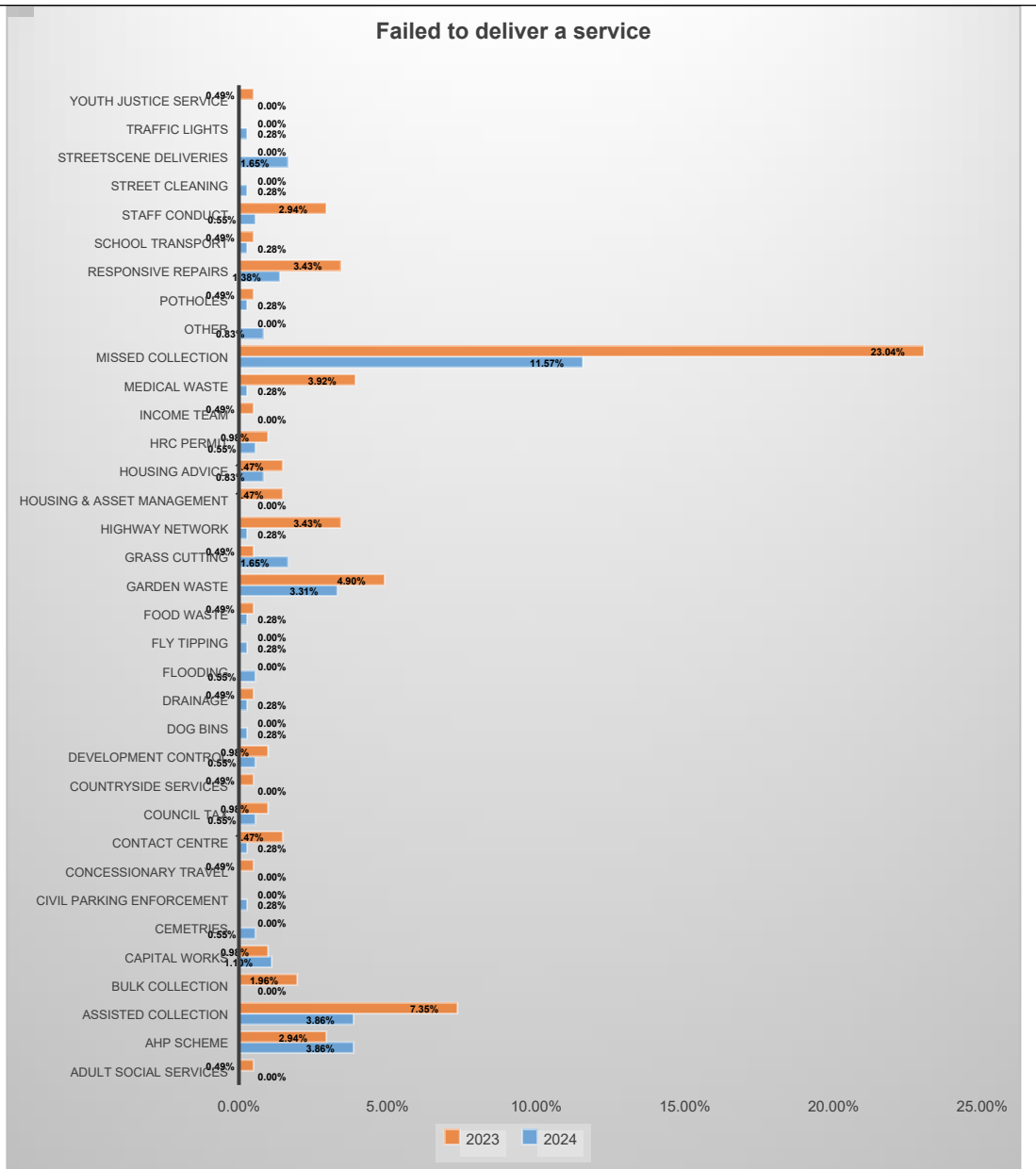
The data in the above chart illustrates that “failing to deliver a service” accounts for most upheld complaints against Council services.

1.21 Most upheld complaints about service failure relate to frontline services and Chart 8 provides an illustration of which services upheld complaints. There are several examples where the number of upheld complaints about service failure have fallen this year:

- A reduction in upheld missed collection complaints – from 23.04% to 11.57%;
- A reduction in upheld garden waste collection complaints – from 4.90% to 3.31%;
- A reduction in assisted collection complaints – from 7.35% to 3.86%;
- A reduction in responsive repair complaints – from 3.43% to 1.38%;
- A reduction in employee conduct complaints – from 2.94% to 0.55%.

**Chart 8 – Failure to deliver a service**



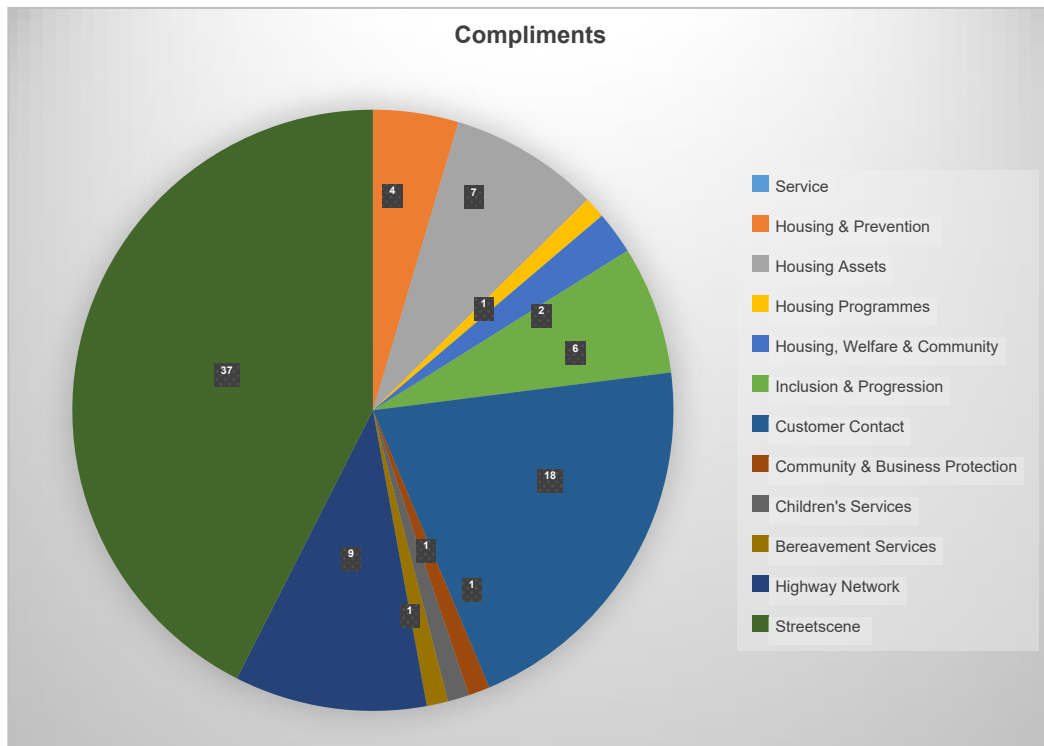


Conversely, there are examples where a higher number of complaints have been upheld e.g. Absorbent Hygiene Products (AHP) Scheme up from 2.94% to 3.86% and Streetscene are taking action to review their processes and procedures, and grass cutting has also risen from 0.49% to 1.65% because of reduced resources.

1.22 The Complaints Officer Group continue to meet regularly to review performance and share lessons learned from complaints. This group of officers, which represent each portfolio of the Council, have been the catalyst in driving improvements. This year the group has reflected on lessons learned from complaints and examples of how complaint data has been used to shape services is attached in Appendix 2.

1.23 The Council complies with an all-Wales model for complaint handling in public services and accurately records complaints. However, more work needs to be undertaken on capturing the good work that happens across the Council and capturing compliments. However, the data recorded so far this year illustrates:

**Chart 9 - Compliments**



**1.24 Conclusion and priorities**

Much of the positive achievements in the Ombudsman’s Annual Letter and the half year reporting on local complaints can be attributed to work over the last 12 months including:

- Continued positive and productive engagement with the Complaints Standards Authority;
- Continued 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;
- Creation of the Complaints Officer Group to manage performance and drive improvements;
- Improved advice and guidance for complainants e.g. website and complaint responses;
- Completed Internal Audit actions which identified opportunities to improve complaints handling.

1.25 Overall, portfolios are making good progress to improve complaints handling as greater awareness is promoted by 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;

	<ul style="list-style-type: none"> <li>• Ensuring compliance with recommendations by the Ombudsman are communicated in a timely manner;</li> <li>• Implement recommendations (as appropriate) following the publication of the Ombudsman’s Own Initiative Investigation into Carer’s Needs Assessment when the report is published in 2024;</li> <li>• Promote the need to record compliments received by services across the Council;</li> <li>• Review the programme of mandatory complaints training for Team Leader+ roles – 331 employees trained to date (over 70% of original target audience);</li> <li>• Complete the redesign of the electronic system used to record complaints to ensure it is fit for purpose;</li> <li>• Complete work relating to a toolkit for Schools and elected Members on how to manage unacceptable behaviour on social media;</li> <li>• Support to all services through regular sharing of performance data to help manage casework and keep complainants informed where targets are not achievable.</li> </ul>
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<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 data 1 April 2024 – 30 September 2024.
5.02	<b>Appendix 2</b> Learning from complaints 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://www.ombudsman.wales/app/uploads/2024/10/Flintshire-County-Council.pdf">https://www.ombudsman.wales/app/uploads/2024/10/Flintshire-County-Council.pdf</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	<p><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.</p> <p><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.</p>