

CABINET

Date of Meeting	Tuesday, 20 th October 2020
Report Subject	Public Services Ombudsman for Wales
Cabinet Member	Cabinet Member for Corporate Management and Assets
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 Annual Letter 2019-20 for Flintshire County Council.

The Annual Letter provides details of the annual performance of the Council in relation to complaints against services which were received and investigated by the Public Services Ombudsman for Wales during 2019-20.

RECOMMENDATIONS

1	Cabinet note the annual performance of the Council and the percentage of complaints that are premature, out of jurisdiction or closed after initial consideration by the Ombudsman.
2	Cabinet support the actions in paragraph 1.14 to improve complaints handling across the Council.
3	Cabinet support the actions in paragraph 1.15 to review the Council's complaints policy by 31 March, 2021.

REPORT DETAILS

1.00	EXPLAINING THE ANNUAL LETTER 2019-20
1.01	The Public Services Ombudsman for Wales (“Ombudsman”) published his Annual Letter on performance as part of his Annual Report and Accounts in September 2020.
1.02	The number of complaints received by the Ombudsman about Local Authorities across Wales decreased by 2.4% in 2019-20. The Ombudsman had to intervene in (uphold, settle or resolve early) a smaller proportion of the cases closed: 13% compared to 15% in 2018-19. This provides complainants with appropriate and timely remedies avoiding the need for the Ombudsman to fully investigate complaints.
1.03	Appendix 1 is a full copy of the Annual Letter detailing the Council’s performance and comparative data. The following paragraphs provide a summary of performance and additional context in response to the findings.
1.04	Section A - 61 complaints were made against the Council in 2019-20 which is an increase of 11 on the previous year and higher than the Welsh average of 40. However, a high percentage of complaints (80%) were premature, out of jurisdiction or closed after initial consideration by the Ombudsman. The Council actively promote the role of the Ombudsman in accordance with its complaints policy and to provide independent scrutiny when complainants are dissatisfied.
1.05	Section B – Planning received the highest volume of complaints (14) in 2019-20 accounting for 22.95% of all cases against the Council. However, it should be noted that the number of complaints reduced from 18 to 14 compared to 2018-19.
1.06	Section C – of the complaints that were received against the Council: <ul style="list-style-type: none"> • 54% of complaints were premature meaning complainants had not exhausted the Council’s complaints procedure before approaching the Ombudsman or out of jurisdiction; • 26% of complaints were closed after initial consideration; • 8% of complaints were resolved through early resolution which means the Council agreed to take certain steps locally to avoid investigation; • 2 reports were issued with upheld in whole or in part decisions compared to 5 the previous year; • 1 public interest report was issued.
1.07	Section D – the number of complaints that required intervention by the Ombudsman reduced by 50% in 2019-20. The number fell from 16 to 8 compared to 2018-19 and is aligned to the Welsh average.

1.08	Section E – there were two complaints made to the Ombudsman in respect of Member Code of Conduct. One was closed after initial consideration and the other was referred to Adjudication Panel.
1.09	Section F – 14 complaints were made against Town and Community Town Councils which is a reduction on the previous year (18 in 2018-19).
1.10	<p>The Public Services Ombudsman (Wales) Act 2019</p> <p>The Public Services Ombudsman (Wales) Act 2019 achieved Royal Assent in July 2019 which means Wales is the first Ombudsman’s 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.</p>
1.11	<p>During 2019-20, the Council engaged positively with the new Complaints Standards powers by submitting data to the Complaints Standards Authority (CSA) about the complaints handled by the Council. This will help us to learn more about the complaints landscape in Wales and drive improvement in public services for citizens in Wales. The data submitted by Local Authorities in Wales shows:</p> <ul style="list-style-type: none"> • Over 13,000 complaints were recorded by Local Authorities in 2019-20; • Nearly half (42%) of those complaints were upheld in full or in part; • About 80% (79.51%) were investigated within 20 working days; • About 7% (6.91%) of all complaints ended up being referred to PSOW.
1.12	<p>Improving complaints handling</p> <p>The Ombudsman has highlighted that complaints handling remains one of the main subjects of complaints to his office (9% of complaints in 2019-20). The Council completed a number of actions in 2019-20 to improve complaints handling but others were postponed due to the Coronavirus pandemic and reprioritisation of resources.</p>
1.13	<p>The following actions were completed in 2019-20 to improve complaints handling:</p> <ul style="list-style-type: none"> • Introduction of house-style letters and improved guidance for employees; • Targeted training sessions with Planning officers to learn lessons from Ombudsman decisions in 2018-19 including: <ul style="list-style-type: none"> • Validation training • Report writing guidance • Sign off guidance • Delegated or Committee report • Enforcement training for officers and Members • New protocol for allocating and escalating planning complaints

	<ul style="list-style-type: none"> Working with Councils from across Wales and the Ombudsman to collectively record complaints data which may be used to drive improvement in public services for citizens in Wales.
1.14	<p>The following actions will be taken forward in 2020-21 to further improve complaints handling:</p> <ul style="list-style-type: none"> Training of key officers by the Customer Standards Authority in January 2021 to support and enhance complaint handling throughout the Council by considering best practice from multiple sectors from around the world; A programme of workforce training delivered by the Corporate Training Unit to support all officers across the organisation to effectively handle complaints; Training for Town and Community Councils to promote awareness and the importance of the Code of Conduct where there is evidence of conflict between its members to help reset the boundaries of behaviour for its Members.
1.15	<p>Complaints policy</p> <p>The Council's policy for dealing with complaints was introduced in 2012. A review is required in response to the Customer Standards Authority model to provide basic standards, a common language and a set of principles to underpin how complaints are handled throughout public services in Wales. The review will include:</p> <ul style="list-style-type: none"> A review of practices and procedures to ensure they comply with the model for public services in Wales; A review of the system used to record complaints to ensure it is appropriate; Implementation of a new policy by the end of 2020-21 to comply with Section 38 of The Public Services Ombudsman (Wales) Act 2019; Promotion of new the new policy to reduce the number of premature complaints to the Ombudsman.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>This report provides details of the annual performance of the Council in relation to complaints against services which were received and investigated by the Public Services Ombudsman for Wales. At this point there are no proposed changes or actions and as such no impact or risks have been identified. Subject to approval by Cabinet of recommendation 3 of this report, as part of the review of the Council's complaints procedure a full integrated impact assessment will be conducted.</p>

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	A copy of the Annual Letter is published on the Ombudsman's website.

5.00	APPENDICES
5.01	Appendix 1 – Annual Letter 2019-20.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	The Public Services Ombudsman for Wales Annual Report and Accounts 2019-20 https://www.ombudsman.wales/wp-content/uploads/2020/07/PSOW-Annual-Report-and-Accounts-2019-20.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
	<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>Own Initiative Investigations – enables the Public Services Ombudsman for Wales to commence an investigation where there is sufficient evidence to demonstrate the need to begin an investigation.</p> <p>Complaints Standards Authority – a newly formed 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>