



RHONDDA CYNON TAF

RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

11th SEPTEMBER 2019

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2018–2019

REPORT OF THE MONITORING OFFICER IN DISCUSSIONS WITH CLLR M. WEBBER, DEPUTY LEADER AND CABINET MEMBER FOR COUNCIL BUSINESS

1. PURPOSE OF THE REPORT

To advise Cabinet of the publication of the Public Services Ombudsman for Wales' ('PSOW') Annual Report and Annual Letter to this Council for 2018-2019.

2. RECOMMENDATION

- 2.1 That Cabinet considers and notes the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2018-2019.

3. BACKGROUND

- 3.1 The PSOW is independent of all government bodies and has legal powers to investigate complaints about public services and independent care providers in Wales. They also investigate complaints that Members of local government bodies have breached their authority's Code of Conduct.
- 3.2 Following commencement of the Public Services Ombudsman (Wales) Act 2019 the office also has new powers aimed at:
- Providing a seamless mechanism for complaint handling when a patient's NHS care is inextricably linked with private healthcare;
 - Allowing the PSOW to undertake own initiative investigations when required in the public interest (e.g. where PSOW suspects potential systemic failures of services or where residents feel unable to complain due to the fact that they are dependent on health/council services or because they are vulnerable);
 - Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales; and
 - Improving access to his office.
- 3.3 The Council has adopted the Welsh Government's Model Corporate Concerns and Complaints Policy. This is a two-stage process with Stage 1 complaints

being seen as informal. Stage 2 complaints are seen as formal complaints. A complainant is entitled to escalate any matter to the PSOW if they remain unhappy following receipt of a Stage 2 response.

4. ANNUAL REPORT & LETTER 2018-2019

- 4.1 The PSOW has published his Annual Report for 2018-2019 ('AR') pursuant to the Public Services Ombudsman (Wales) Act 2005. The AR has been combined with the annual accounts for the PSOW as it was last year. The purpose of the AR is to report on the performance of the PSOW's office over the year, provide an update on developments and to deliver any key messages arising from their work carried out during the year.
- 4.2 The AR is attached at Appendix 1 to the report and can also be accessed via the PSOW website via the following link:
- [Annual Report 2018-2019 CYMRAEG](#)
- 4.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. The 2018-2019 AL for this Council is attached as Appendix 2 to this report.
- 4.4 The AR sets out the workload that has been dealt with by the PSOW during 2018-2019. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those received in relation to Member Code of Conduct Complaints.
- 4.5 During this year the overall number of complaints about public bodies increased by 11%. Complaints about Health Boards increased by 4% compared with the previous year, though the rate of increase has slowed.
- 4.6 The Ombudsman has noted that whilst complaints received relating to local authorities across Wales increased from 742 to 912 he was pleased that they continue to work with his office to resolve many of the complaints at an early stage and this is certainly true of this Authority's approach when liaising with the Ombudsman's office. Early resolution provides complainants with appropriate and timely remedies avoiding the need for his office to fully investigate complaints.
- 4.7 Of the 2,207 complaints received about public bodies the top 5 categories related to health (41%), housing (12%), complaint handling (11%), planning and building control (9%) and social services (9%).
- 4.8 During 2018-2019 36 complaints (for periods 2017/2018 – 36 and 2016/2017 – 47) were received by the PSOW relating to this Authority. Adjusted for population the average expected to be received by the PSOW for a local authority the size of Rhondda Cynon Taf would be 68, so this total compares favourably. Zero complaints were investigated by the PSOW against an average (adjusted for population size) of 2 Wales wide – see Table A of Appendix 2.
- 4.9 6 Welsh councils had more PSOW complaints investigated than would be expected based on their population size.

4.10 The highest number of complaints for this Council, by subject, related to Children’s Social Services (as per the previous period) followed by Adult Social Services. Four complaints were received relating to complaints handling (as against 3 in the previous period) and housing (as against 2 in the previous period). There is a marked reduction in the number of complaints under the ‘environment and environmental health’ subject compared to the previous period – from 5 to 1:

SUBJECT	COMPLAINTS 16/17	COMPLAINTS 17/18	COMPLAINTS 18/19
Adult Social Services	3	2	5
Benefits Administration	2	1	1
Children’s Social Services	10	10	9
Community Facilities, Recreation and Leisure	-	-	1
Complaints Handling	2	3	4
Education	2	1	2
Environment & Environmental Health	5	5	1
Finance and Taxation	6	2	2
Health	1	-	1
Housing	3	2	4
Planning and Building Control	1	4	3
Roads and Transport	3	3	2
Various Other	9	3	1
TOTAL	47	36	36

4.11 Of the 34 complaints closed by the PSOW during the period, 15 were closed after initial consideration, 7 were considered to be out of jurisdiction and 8 premature. Those considered to have been premature related to cases where the complainant had not exhausted the Council’s complaints policy. 4 complaints were resolved through the PSOW ‘early resolution’ process, meaning that the Council agreed to undertake actions to resolve matters without the need for a formal PSOW investigation – see Table C of Appendix 2.

4.12 In total 12% of the Council’s cases during the period required PSOW intervention, a reduction from 17% in the previous period. The PSOW found no evidence of breach in relation to the single Code of Conduct complaint received during the period. 4 complaints were received in relation to Town and Community Councils within RCT but all were closed after initial consideration. – see Table D and E of Appendix 2.

4.13 The PSOW also publishes a quarterly casebook which contains the summaries of all reports issued during the quarter, as well as a selection of summaries relating to quick fixes and voluntary settlements. These can be accessed via the following link:
<https://www.ombudsman.wales/case-books/> [CYMRAEG](#)

4.14 Appendix 3 contains the relevant extracts from the Casebooks for the 2018-2019 period that related to this Council.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications arising from this report.

6. CONSULTATION

6.1 The PSOW requests that his Annual Letter to the Council is presented to Cabinet.

6.2 The Annual Report and Letter will be also be presented to the Overview & Scrutiny Committee to assist Members in their scrutiny of the Council's performance.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no equality and diversity implications arising from this report.

8. FINANCIAL AND RESOURCE IMPLICATIONS

8.1 There are no financial implications arising from this report however it should be noted that the PSOW has legal powers to require the Council to make payments to complainants where they have suffered financial loss or compensation as a consequence of maladministration.

9. WELL-BEING OF FUTURE GENERATIONS (WALES) ACT

9.1 Learning from complaints, and customer feedback, can contribute to the development of services that meet the needs and expectations of the Council's residents and service users. In this way residents and service users can be involved in improving services and ensuring that they meet long-term needs in a sustainable way. The ability to identify the causes of complaint and service failure presents an opportunity to have a preventative impact – particularly where services manage wellbeing issues.

10. CONCLUSION

10.1 The PSOW has requested that the Annual Letter for this Council be presented to Cabinet for consideration the details of which have been set out in this report.

10.2 Cabinet will also receive an Annual Report in respect of complaints, compliments and comments received during the relevant period in respect of both the Statutory Social Services complaints process and those handled through the Council's corporate Customer Feedback Scheme. These reports will enable Cabinet to further review and assess how the Council is managing, and learning from, the feedback it receives.

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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BUSINESS**

Background Papers:

Public Services Ombudsman For Wales – Annual Report & Accounts 2018-2019

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