



RHONDDA CYNON TAF

RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

17TH NOVEMBER 2020

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2019–2020

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 2019-2020.

2. RECOMMENDATION

- 2.1 That Cabinet considers and notes the 2019-2020 Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council.

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 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 2019-2020

- 4.1 The PSOW has published his Annual Report for 2019-2020 ('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 Executive Summary to the Annual Report is attached at Appendix 1 and the full report accessed via the PSOW website via the following link:

[Annual Report 2019-2020 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 2019-2020 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 2019-2020. 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 the reporting period the overall number of complaints about public bodies was similar to last year (an increase of only 1.6%). The proportion of interventions – cases where they find maladministration or service failure – was also lower (20%, compared to 24% the previous period). In the most serious cases there was a reduction of 71% in the number of public interest reports issued (4 as against 14 previously). With regards to new complaints about local authorities the overall number has decreased by 2.4% compared to the previous year. There was also a drop of 18% in the number of complaints made concerning alleged breaches of the Code of Conduct and a 3% fall in the number of complaints about Health Boards. There has been a 20% increase in complaints about housing associations.

- 4.6 The number of complaints about local authorities across Wales reduced to 890 from 912.

- 4.7 Of the 2,242 complaints received about public bodies the top 5 categories related to health (41%), housing (15%), complaint handling (9%), social services (8%) and planning and building control (7%).

- 4.8 In terms of local authorities specifically the main subjects were: Social Services (18%) Housing (16.9%) Planning and Building Control (15.4%) Environment and Environmental Health (10.6%) Complaint Handling (9%).

4.9 During 2019-2020 39 complaints (for periods 2018/2019 – 36 and 2017/2018 – 36) were received by the PSOW relating to this Authority which equates to 0.16 complaints per 1000 residents. Encouragingly, this represents the second lowest total in Wales out of the 22 authorities.

4.10 The highest number of complaints for this Council, by subject, related to Environment and Environmental Health followed by Children’s Social Services. Two complaints were received relating to complaints handling (as against 4 in the previous period):

SUBJECT	COMPLAINTS 17/18	COMPLAINTS 18/19	COMPLAINTS 19/20
Adult Social Services	2	5	3
Benefits Administration	1	1	2
Children’s Social Services	10	9	7
Community Facilities, Recreation and Leisure	-	1	-
Complaints Handling	3	4	2
Education	1	2	1
Environment & Environmental Health	5	1	9
Finance and Taxation	2	2	-
Health	-	1	-
Housing	2	4	5
Planning and Building Control	4	3	3
Roads and Transport	3	2	4
Various Other	3	1	3
TOTAL	36	36	39

4.11 Of the 40 complaints closed by the PSOW during the period, 12 were closed after initial consideration, 2 were considered to be out of jurisdiction and 21 premature. Those considered to have been premature related to cases where the complainant had not exhausted the Council’s complaints policy. 5 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 12.5% of the Council’s cases during the period required PSOW intervention, the same as reported in the previous period.

4.13 There were no Code of Conduct complaints made about Members in relation to their role as County Borough Councillors during the period.

4.14 26 complaints were received in relation to Town and Community Councils within RCT, and all save for one, were closed after initial consideration or

were withdrawn. – see Table E and F of Appendix 2. One complaint was investigated but subsequently discontinued.

- 4.15 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](#)

- 4.16 Appendix 3 contains the relevant extracts from the Casebooks for the 2019-2020 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 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 also receives 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 enable Cabinet to further review and assess how the Council is managing, and learning from, the feedback it receives.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers:

Public Services Ombudsman For Wales – Annual Report & Accounts 2019-2020

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