



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

15th NOVEMBER 2021

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2020–2021

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 2020-2021.

2. RECOMMENDATION

- 2.1 That Cabinet considers and notes the 2020-2021 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 2020-2021

- 4.1 The PSOW has published his Annual Report for 2020-2021 ('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 2020-2021 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 2020-2021 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 2020-2021. 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 reduced by 16% to a total of 1874 new complaints, albeit there was an increase in the number of complaints about how complaints were handled by public bodies. The proportion of interventions – cases where they find maladministration or service failure – was the same as last year at 20%. Notably the Ombudsman received a 47% increase in the number of complaints concerning allegations of breaches of the Code of Conduct by Members across Wales (although 35 out of the 167 complaints received concerned 1 County Council Member). 3% of complaints about breaches of the Code of Conduct were referred to Standards Committees or the Adjudication Panel for Wales. In the most serious cases there was an increase in the number of public interest reports issued (8 as against 4 previously – 6 out which related to Health Boards). With regards to new complaints about local authorities the overall number has decreased by 11% compared to the previous year. There was a 22% fall in the number of complaints about Health Boards (seen as a likely consequence and impact of the pandemic on health services). Cwm Taf Morgannwg UHB was the only health board to record an increase in complaints of 8%. There was also a 15% drop in the number of complaints about housing associations follow a 20% increase in the year prior.

- 4.6 The number of complaints about local authorities (including school appeal panels) across Wales was 793 in 2020-2021 compared to 890 in 2019-2020.

- 4.7 Of the 1,874 complaints received about public bodies the top 5 categories related to health (39%), housing (13%), complaint handling (12% against 9% previously), social services (9% against 8% previously), planning and building control (7%). Complaints relating to COVID-19 were categorised into their own category and contributed to 3% of the total number of complaints.
- 4.8 In terms of local authorities specifically the main subjects were: Social Services (21%) Planning and Building Control (16%) Housing (15%) Complaints Handling (14%) and Environment and Environmental Health (8%). 5% of complaints made about local authorities were categorised as COVID-19 related.
- 4.9 During 2020-2021 40 complaints were received by the PSOW relating to this Authority (for periods 2019/20 – 39 and 2018/2019 – 36) which equates to 0.17 complaints per 1000 residents. This represents the fourth lowest total in Wales out of the 22 local authorities and RCT has consistently been in the lowest quartile for complaints received for several years. 0.25 complaints per 1000 residents was the average across the 22 LA's.
- 4.10 The highest number of complaints for this Council, by subject, related to Children's Social Services (20%) followed by Adult Social Services (15%). Five complaints were received relating to complaints handling (as against two in the previous period):

SUBJECT	COMPLAINTS 18/19	COMPLAINTS 19/20	COMPLAINTS 20/21
Adult Social Services	5	3	6
Benefits Administration	1	2	1
Children's Social Services	9	7	8
Community Facilities, Recreation and Leisure	1	-	1
Complaints Handling	4	2	5
Covid-19	-	-	1
Education	2	1	2
Environment & Environmental Health	1	9	1
Finance and Taxation	2	-	1
Housing	4	5	5
Licensing	-	-	1
Planning and Building Control	3	3	4
Roads and Transport	2	4	2
Various Other	1	3	2
TOTAL	36	39	40

- 4.11 Of the 43 complaints closed by the PSOW during the period (3 carried over from last reporting period), 16 were closed after initial consideration, 12 were considered to be out of jurisdiction and 11 premature. Those considered to

have been premature related to cases where the complainant had not exhausted the Council's complaints policy. 2 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. 1 investigation was discontinued during the period and the remaining complaint following an investigation was not upheld.

4.12 In total 5% of the Council's cases during the period required PSOW intervention, compared against 12% as reported in the previous period, so a significant drop. The average intervention rate for local authorities was 13%.

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 2020-2021 period that related to this Council.

4.15 There were 8 Code of Conduct complaints made about Members in relation to their role as County Borough Councillors during the period. 6 complaints were found to have no evidence of a breach. 1 complaint was withdrawn and another complaint discontinued after investigation.

4.16 14 complaints were received in relation to Town and Community Councils within RCT as against 26 in the previous reporting period. All save for one, were closed after initial consideration or were discontinued. – see Table F of Appendix 2. One complaint was referred to the Adjudication Panel for Wales with a hearing now listed for early 2022.

4.17 The PSOW also progressed his work as regards Complaints Standards and Own Initiative Investigations during the period. The first Own Initiative Investigation into Local Authority Homelessness Assessments was launched in September 2020 and [the report was recently published on 6th October 2021](#). His report found that despite “beacons of good practice”, too many people at risk of homelessness are victims of “injustice” due to unacceptable delays, inadequate processes, poor communication and placement in unsuitable accommodation. The Ombudsman therefore recommends a new Housing Regulator role be created to assist local authorities in fulfilling their statutory duties consistently.

4.18 A Model Complaints Handling Policy was issued to Local Authorities in September 2020, which has been reviewed and the Council's own complaints handling policy updated where necessary.

4.19 Local Authorities continue to submit data to the PSOW about complaints they handle to the Complaints Standards Authority. Data submitted by Local Authorities in 2020/2021 showed

- Nearly 12,000 complaints were recorded
- Equated to 3.77 for every 1000 residents
- 44% of those complaints were upheld

- 75% were investigated within 20 working days
- 9% of all complaints closed were then referred onto the PSOW for consideration

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising directly 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. The Annual Letter will also be considered by the Governance & Audit Committee as part of its new responsibilities under the Local Government and Elections (Wales) Act 2021, namely to have oversight of the Council's complaints handling processes and procedures.

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 2020-2021

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