



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

17 OCTOBER 2022

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2021–2022

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 2021-2022.

2. RECOMMENDATION

- 2.1 That Cabinet considers and notes the 2021-2022 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. Following commencement of the Public Services Ombudsman (Wales) Act 2019 the office has 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 the PSOW office.

- 3.2 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.

- 3.3 It should be noted that Nick Bennett's term of office as PSOW finished in March 2022 when Michelle Morris, former Chief Executive of Blaenau Gwent CBC, took over the role.

4. ANNUAL REPORT & LETTER 2021-2022

- 4.1 The PSOW has published his Annual Report for 2021-2022 ('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 2021-2022 CYMRAEG](#)
- 4.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received that relate specifically to that Local Authority. The 2021-2022 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 2021-2022. 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 totalled 2726. This was an increase of 45% compared to 2020-21 and 22% more than in 2019-20. The Ombudsman believes that complaints to the PSOW, and public services in general, were suppressed during the pandemic, and we are now starting to see the expected 'rebound' effect. The proportion of interventions – cases where the Ombudsman finds maladministration or service failure did decrease however, from 20% in 2020-21 to 18% (459 complaints) in 2021-22.
- 4.6 In the most serious cases there was a decrease in the number of [public interest reports](#) issued (7 as against 8 previously – 5 related to Health Boards and 2 related to local authorities, in respect of [social care](#) and [waste management](#)).
- 4.7 The number of complaints about local authorities (including school appeal panels) across Wales was 1143 in 2021-22. This is an increase of 47% compared to the previous year. There was a 30% increase in the number of complaints about Health Boards. The number of complaints however in respect of health boards represents only a 2% increase on, pre-pandemic, 2019-20 figures. The Ombudsman has noted large increases in new complaints relating to Cwm Taf Morgannwg UHB which has had a 41% increase in the number of complaints compared against 2019-20 figures. There was also a 78% increase in the number of complaints about housing

associations – 46% of those complaints related to repair and maintenance issues.

- 4.8 Of the 2726 complaints received about public bodies the top 5 categories related to health (34%), housing (16%), complaint handling (14%), social services (8%), planning and building control (8%). Complaints relating to COVID-19 were categorised into their own category and contributed to 3% of the total number of complaints.
- 4.9 The Ombudsman issued 1131 recommendations to public service providers. 20% were about an apology; 12% were about the body responding to the initial complaint; 6% were about the body explaining better why it acted the way it did; 12% were about a reviews or changes to processes or a Quality Audit; 11% were about the body letting its staff know about the issues found and 3% were about the body organising training for its staff.
- 4.10 During 2021-2022 51 complaints were received by the PSOW relating to this Authority (for periods 2020-2021– 40 and 2019/20 – 39). This is a 28% increase on 2020-21 levels compared against an all-Wales average of 48% increase. The total number of complaints equates to 0.21 complaints per 1000 residents. Notably this represents the third lowest total in Wales out of the 22 local authorities. 0.36 complaints per 1000 residents was the average across the 22 LA's.
- 4.11 The highest number of complaints for this Council, by subject, related to Children's Social Services (22%) followed by Environment and environmental health (18%) and Planning and Building Control (14%):

SUBJECT	COMPLAINTS 19/20	COMPLAINTS 20/21	COMPLAINTS 21/22
Adult Social Services	3	6	6
Benefits Administration	2	1	0
Children's Social Services	7	8	11
Community Facilities, Recreation and Leisure	0	1	0
Complaints Handling	2	5	4
Covid-19	0	1	0
Education	1	2	1
Environment & Environmental Health	9	1	9
Finance and Taxation	0	1	1
Housing	5	5	3
Licensing	0	1	0
Planning and Building Control	3	4	7
Roads and Transport	4	2	4
Various Other	3	2	5
TOTAL	39	40	51

- 4.12 Of the 45 complaints closed by the PSOW during the period, 17 (38%) were closed after initial consideration, 9 (20%) were considered to be out of jurisdiction and 16 (36%) premature. Those considered to have been premature related to cases where the complainant had not exhausted the Council's complaints policy. 3 (7%) 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.
- 4.13 In total 7% of the Council's cases during the period required PSOW intervention, compared against 5% as reported in the previous period. The average intervention rate for local authorities was 14% so the Council compares favourably against this measure.
- 4.14 The PSOW now publishes summaries of recent investigations' outcomes and reports undertaken on the 'our findings' section of the website, which is updated on a monthly basis:

<https://www.ombudsman.wales/findings/> [CYMRAEG](#)

Appendix 3 contains the extracts for the 2021-2022 period from the 'our findings' listings relating to this Council.

- 4.15 RCT CBC has adopted the PSOW model complaints policy for local authorities. A model complaints policy has also been adopted by health boards in Wales and extended to an initial tranche of Housing Associations and Natural Resources Wales.
- 4.16 Local Authorities continue to submit data to the PSOW about complaints they handle to the Complaints Standards Authority. Data submitted by Local Authorities in 2021/2022 showed:
- Over 15,000 complaints recorded by Local Authorities
 - Equated to 4.88 for every 1000 residents
 - 46% of those complaints were upheld
 - 75% were investigated within 20 working days
 - 8% of all complaints closed were then referred onto the PSOW for consideration

Code of Conduct Complaints

- 4.17 Compared to 2020/21 the Ombudsman received fewer complaints (5% less - 294) about the Code of Conduct. Again, the Ombudsman saw more complaints about members of Town and Community Councils (2% more than last year) and 27% more than 2019/20. 20 complaints about breaches of the Code of Conduct were referred to Standards Committees or the Adjudication Panel for Wales. This amounted to 6.8% of total complaints compared to 3% the previous year.
- 4.18 There were 2 Code of Conduct complaints made about Members in relation to their role as RCT County Borough Councillors during the period, compared against 8 in 2020-2021. 1 complaint found no evidence of breach and another complaint was discontinued after investigation.

- 4.19 9 complaints were received in relation to Town and Community Councils within RCT as against 14 in the previous reporting period. Five were discontinued after investigation, 3 found no evidence of a breach and 1 was withdrawn – see Table F of Appendix 2.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising directly from this report.

6. CONSULTATION

- 6.1 The PSOW requests that the 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 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 2021-2022

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