



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23RD OCTOBER 2023

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2022–2023

REPORT OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES 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 2022-2023.

2. RECOMMENDATION

2.1 That Cabinet considers and notes the 2022-2023 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 The number of complaints now being dealt with by the PSOW is double the number of complaints her office received a decade ago.

4. ANNUAL REPORT & LETTER 2022-2023

- 4.1 The PSOW has published her Annual Report for 2022-2023 ('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. Attached at Appendix 2 is the complaints data broken down by sector extracted from the full report. The full Annual Report can be accessed via the PSOW website via the following link:
- [Annual Report 2022-2023 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 2022-2023 AL for this Council is attached as Appendix 3 to this report.
- 4.4 The AR sets out the workload that has been dealt with by the PSOW during 2022-2023. 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 2790. This was an increase of 2% compared to 2021-22. The proportion of interventions – cases where the PSOW finds maladministration or service failure remained consistent at 19% (18% 2021-2022). During 2022-2023 the PSOW closed 2,858 complaints about public bodies – 11% more than 2021-2022. The PSOW intervened in 19% of those complaints - 75% of those interventions were achieved by early resolution of a complaint. The intervention rate for local authorities was 13% - consistent with the previous reporting period.
- 4.6 Of the 2790 complaints received about public bodies 37% related to health 18% to housing, 18% to complaint handling, 15% to 'other', 7% to social services (7%) and 4% to planning and building control. Complaints relating to COVID-19 were categorised into their own category and contributed to 1% of the total number of complaints (form 3% in the previous year).
- 4.7 In the most serious cases there was a decrease in the number of [public interest reports](#) issued (5 as against 7 previously – 4 related to Health Boards

and 1 to [Wrexham CBC](#) who were found not to have adequately supported a vulnerable adult with learning disabilities in supported living accommodation). There was 1 special report issued relating to Bannau Brycheiniog NPA as a result of its failure to twice put right the same complaint previously investigated by the PSOW.

- 4.8 The number of complaints about local authorities (including school appeal panels) across Wales was 1020. This is a decrease of 11% compared to the previous year (1143 in 2021-22). There was a 21% increase in the number of complaints about Health Boards (19% increase in respect of Cwm Taf Morgannwg UHB). There was also a 15% increase in the number of complaints about housing associations – 48% of those complaints related to repair and maintenance issues.
- 4.9 The PSOW issued 1259 recommendations to public service providers in 2022-2023. As in previous years the PSOW most commonly recommended was that the relevant organisation should apologise. On occasions the PSOW does recommend some financial redress for the complainant's time and trouble. About 9% of the PSOW recommendations during 2022-2023 were about steps to make sure that services improve for example through staff training or review of current practice.
- 4.10 During 2022-2022 54 complaints were received by the PSOW relating to this Authority (51 for 2021-2022). 2 of those complaints were received in respect of the South Wales Parking Group, administered by RCT CBC. The total number of complaints equates to 0.23 complaints per 1000 residents. Notably this represents the second lowest total in Wales out of the 22 local authorities. 0.33 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 how it handled complaints (24%), Children's Social Services (20%) followed by Housing (13%):

| SUBJECT | COMPLAINTS 21/22 | COMPLAINTS 22/23 |
|---|-----------------------------|-----------------------------|
| Adult Social Services | 6 | 4 |
| Benefits Administration | 0 | 0 |
| Children's Social Services | 11 | 11 |
| Community Facilities, Recreation and Leisure | 0 | 0 |
| Complaints Handling | 4 | 13 |
| Covid-19 | 0 | 0 |
| Education | 1 | 1 |
| Environment & Environmental Health | 9 | 4 |
| Finance and Taxation | 1 | 1 |
| Housing | 3 | 7 |
| Licensing | 0 | 0 |
| Planning and Building Control | 7 | 5 |
| Roads and Transport | 4 | 2 |
| Various Other | 5 | 4 |
| TOTAL | 51 | 54 |

- 4.12 Of the 54 complaints closed by the PSOW during the period, 22 (41%) were closed after initial consideration, 14 (26%) were considered to be out of jurisdiction and 16 (30%) premature. Those considered to have been premature related to cases where the complainant had not exhausted the Council's complaints policy. 2 (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 Appendix C of Appendix 3.
- 4.13 In total 4% of the Council's cases during the period required PSOW intervention, compared against 7% as reported in the previous period. The average intervention rate for local authorities was 13% so the Council compares favourably against this measure – see Appendix D of Appendix 3
- 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 4 contains the extracts for the 2022-2023 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 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 [2022/2023](#) showed:
- 15,525 complaints recorded by Local Authorities
 - Equated to 5 complaints for every 1000 residents
 - 41.12% of those complaints were upheld
74% were investigated within 20 working days
 - 7% of all complaints closed were then referred onto the PSOW for consideration
 - 4.23% of those complaints were upheld by the PSOW
- 4.17 In respect of this Authority 721 complaints were received during 2022-2023. That equates to 3.08 complaints per 1000 residents. 27.10% of the total number of complaints were upheld. 78.45% were investigated within 20 working days and 8.75% were referred to the PSOW.

Councillor Code of Conduct Complaints

- 4.18 Compared to 2021/22 the Ombudsman received 283 complaints across Wales about the Code of Conduct. This was 4% fewer than 2021-2022. Over half (56%) of those complaints related to members of Town and Community Councils. This does however represent a decrease on previous years. 61% of the total number of complaints were about the promotion of equality and respect (compared to 51% last year). 12 complaints about breaches of the Code of Conduct were referred to Standards Committees or the Adjudication

Panel for Wales. This amounted to 4.3% of total complaints compared to 6.8% the previous year.

4.19 There was 1 Code of Conduct complaint made about a Member in relation to their role as a RCT County Borough Councillor during the period, compared against 8 in 2020-2021. That complaint was discontinued after investigation.

4.20 6 complaints were received in relation to Town and Community Councils within RCT as against 9 in the previous reporting period. All 6 were discontinued after investigation .

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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

23RD OCTOBER 2023

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

Background Papers:

Public Services Ombudsman For Wales – Annual Report & Accounts 2022-2023

Contact: Andy Wilkins – Director of Legal Services & Monitoring Officer –

Report Consultees:

Jayne Thomas - Customer Feedback, Engagement and Complaints Manager