



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2024/25

GOVERNANCE AND AUDIT COMMITTEE 4th NOVEMBER 2024	AGENDA ITEM NO. 7
REPORT OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES	PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2023–2024

1. PURPOSE OF THE REPORT

To advise the Committee of the publication of the Public Services Ombudsman for Wales' ('PSOW') Annual Report and Annual Letter to this Council for 2023-2024.

2. RECOMMENDATION

- 2.1 That the Committee considers and notes the 2023-2024 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 across Wales by the PSOW has increased substantially in recent years – by 37% - since 2019. During 2023-2024 the PSOW received 17% more enquiries and complaints compared to 2022-2023.

4. ANNUAL REPORT & LETTER 2023-2024

4.1 The PSOW has published her Annual Report for 2023-2024 ('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 2023-2024 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 2023-2024 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 2023-2024. 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 Annual Report Key Findings

- Despite making up most of the PSOW complaints, the PSOW has seen a reduction in the numbers received about Health Boards;
- There has been an increase in complaints about adult and children's mental health services and appointment procedures, primarily in Health Boards;
- The PSOW has worked with Housing Associations in improving the ways they signpost to the PSOW in their role as Complaints Standards Authority for Wales. As a result housing complaints have increased rapidly over the past five years although the rate has slowed in the last year;

- Complaints about adult social services in Wales have seen a decline over a five-year period. However, complaints about children’s social services have started increasing over the past three years;
 - The PSOW has received fewer complaints about complaint handling in 2023-2024 following several years on the rise.
- 4.6 During the reporting period the overall number of complaints about public bodies totalled 2905. This was an increase of 4% compared to 2022-23 (2790). During 2023-2024 the PSOW closed 3,020 complaints about public bodies – 6% more than 2022-2023. The proportion of interventions – cases where the PSOW finds maladministration or service failure remained consistent at 20% (19% 2022-2023). The intervention rate for local authorities was 15% - consistent with the previous reporting period at 14%.
- 4.7 Of the 2905 complaints received about public bodies - 44% (1279) related to health bodies, 13% (380) related to the social housing sector, 39% (1127) to Principal Councils, 3% (76) related to Welsh Government and its sponsored bodies, <1% (19) related to Community Councils and <1% (24) to ‘other’.
- 4.8 In the most serious cases there was a small increase in the number of [public interest reports](#) issued (8 as against 7 previously – All related to Health Boards save for 1 related to Welsh Government in that it had failed to use its powers to ensure that Conwy County Borough Council and Denbighshire County Council were taking action to meet the need for accommodation for Gypsies and Travellers as required by the Housing (Wales) Act 2014.
- 4.9 The number of complaints about local authorities (including school appeal panels) across Wales was 1127. This is an increase of 9% compared to the previous year (1020 in 2022-23).
- 4.10 The PSOW issued 1679 recommendations to public service providers in 2023-2024. 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 20% of the PSOW recommendations during 2023-2024 were about steps to make sure that services improve for example through staff training or review of current practice. 97% of recommendations were complied with (67% within the target date agreed).
- 4.11 During 2023-2024 64 complaints were received by the PSOW relating to this Authority (54 for 2022-2023). The total number of complaints equates to 0.27 complaints per 1000 residents. This puts the Council in the top quartile for lowest number of complaints per 1000 residents out of the 22 local authorities. 0.36 complaints per 1000 residents was the average across the 22 LA’s.
- 4.12 The highest number of complaints for this Council, by subject, related to how it handled complaints (22%), Children’s Social Services (17%) and Planning and Building control (17%):

SUBJECT	COMPLAINTS 21/22	COMPLAINTS 22/23	COMPLAINTS 23/24
Adult Social Services	6	4	7
Benefits Administration	0	0	1
Children’s Social Services	11	11	11

Community Facilities, Recreation and Leisure	0	0	1
Complaints Handling	4	13	14
Education	1	1	1
SUBJECT	COMPLAINTS 21/22	COMPLAINTS 22/23	COMPLAINTS 23/24
Environment & Environmental Health	9	4	2
Finance and Taxation	1	1	2
Housing	3	7	3
Licensing	0	0	0
Planning and Building Control	7	5	11
Roads and Transport	4	2	8
Various Other	5	4	3
TOTAL	51	54	64

- 4.13 Of the 63 complaints closed by the PSOW during the period, 26 (41%) were closed after initial consideration, 8 (13%) were considered to be out of jurisdiction and 17 (27%) premature. Those considered to have been premature related to cases where the complainant had not exhausted the Council's complaints policy. 11 (17%) 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.
- 4.14 In total 17% (11) of the Council's cases during the period required PSOW intervention, compared against 4% (2) as reported in the previous period. The average intervention rate for local authorities was 13% – see Appendix D of Appendix 3. The Authority complied with 77% of the PSOW recommendations within the target timescales agreed.
- 4.15 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 2023-2024 period from the 'our findings' listings relating to this Council.
- 4.16 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.
- 4.17 Local Authorities continue to submit data about complaints they handle to the [Complaints Standards Authority](#). Data submitted by Local Authorities for the first half of [2023/2024](#) showed:
- 9,334 complaints recorded by Local Authorities;
 - Equated to 6.02 complaints for every 1000 residents (adjusted for full years figures) (RCT – 4.49) ;

- 47.51% of those complaints were upheld (RCT -23.9%); 74.13% were investigated within 20 working days (RCT – 86.31%);
- 6.25% of all complaints closed were then referred onto the PSOW for consideration (RCT- 8.35%); and
- 16.17% were concluded via early resolution (RCT 18.18%) and 0.56% of the referrals were upheld by the PSOW (RCT – 0%).

5. LEGAL IMPLICATIONS

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

5.2 The terms of reference of the Governance & Audit Committee include:

(i) To review and assess the Council's ability to deal with complaints effectively; and

(ii) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively.

6. CONSULTATION

6.1 The PSOW requests that the Annual Letter to the Council is presented to Governance & Audit Committee to assist Members in their scrutiny of the Council's performance. The Annual Letter will also be considered by the Council's Cabinet.

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 Governance & Audit Committee for consideration the details of which have been set out in this report.

10.2 Both the Cabinet and Governance & Audit Committee 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 enable the Committee 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

GOVERNANCE & AUDIT COMMITTEE

4TH NOVEMBER 2024

**REPORT OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES
(MONITORING OFFICER)**

Background Papers:

Public Services Ombudsman For Wales – Annual Report & Accounts 2023-2024

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