

Meeting of:	Cabinet
Date of Meeting:	Monday, 18 March 2019
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Public Service Ombudsman For Wales Annual Letter 2017/18
Purpose of Report:	To advise Cabinet of the Councils performance in relation to complaints made to Public Service Ombudsman during 2017/18
Report Owner:	Executive Leader
Responsible Officer:	Managing Director
Elected Member and Officer Consultation:	There are no matters in this report which relate to an individual ward
Policy Framework:	This is a matter for Executive decision
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Where residents have exhausted the Councils complaints procedures and remain unhappy they are entitled to escalate their complaints to the Public Service Ombudsman for Wales' (PSOW) for consideration. • The PSOW publishes an annual letter to "assist Members in their review of the Councils performance" (see Appendix A) • This report highlights key information contained within the PSOW annual letter for 2017/18 ("the letter"). • The letter summarises activity undertaken by the PSOW during the reporting period. • Contact made by residents of the Vale of Glamorgan with the PSOW is described and comparison drawn with expected performance adjusted by population distribution. • The PSOW notes that complaints received concerning Vale of Glamorgan decreased from 41 to 30 (compared to the previous year) • No public interest reports were published during the year relating to Vale of Glamorgan (4 published in total) 	

Recommendations

1. That Cabinet notes the Council's performance.

Reasons for Recommendations

1. To ensure effective monitoring of PSOW complaints is undertaken

1. Background

- 1.1 The Public Service Ombudsman for Wales (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.
- 1.2 The Council adopted the Welsh Government's Model Corporate Concerns and Complaints Policy in July 2013. This is a two-stage process with Stage 1 complaints being seen as informal. Stage 2 complaints are seen as formal complaints. The complainant is entitled to escalate the matter to the PSOW, if they remain unhappy.
- 1.3 The Operational Manager for Customer Relations is the Contact Officer for the PSOW
- 1.4 The Monitoring Officer is responsible for liaising with the PSOW regarding Member Code of Conduct complaints.

2. Key Issues for Consideration

- 2.1 The PSOW is seeking additional powers of investigation from the Welsh Government, including the ability to undertake "own initiative" complaints. These investigations are not instigated by a complaint from a resident but may occur where the PSOW suspects potential systemic failures of services, or where residents feel unable to complain due to the fact that they are dependent on council services or because they are vulnerable.
- 2.2 The PSOW is also seeking to remove the statutory bar to allow consideration of cases that involve the possibility of recourse to a court, tribunal or some other review mechanism.
- 2.3 The Council has previously expressed concern regarding these proposals, in particular regarding the potential cross over with the work of the Welsh Audit Office
- 2.4 The PSOW letter states that a Bill has been introduced to the National Assembly for Wales which is at the second stage in the legislative process, meaning that Members have agreed the general principles. Should the Bill be enacted it is anticipated PSOW related work will increase.

- 2.5 Overall complaints against local authorities in Wales decreased by 10%, while NHS related complaints increased by 7%.
- 2.6 Housing contributes 11% of all complaints to the PSOW across Wales, 9% relate to Social Services and 8% to Planning and Building Control.
- 2.7 Based on population size the PSOW would expect to receive 32 complaints from Vale of Glamorgan residents, however, during the reporting period only 30 complaints were received, of which 4 were investigated. (see Appendix A, Table A)
- 2.8 10 Welsh councils received more PSOW complaints than would be expected based on population size.
- 2.9 The highest number of PSOW complaints for the Vale of Glamorgan related to Roads and Transport totalling 6. 5 complaints were received regarding complaint handling although none of these were investigated. (see Appendix A, Table B)
- 2.10 Of the 32 Vale of Glamorgan complaints closed by the PSOW during the period, 12 were closed after initial consideration, 9 were considered to be Out of Jurisdiction and 7 premature. Those considered to have been premature related to cases where the complainant had not exhausted the council's complaints policy. (see Appendix A, Table C)
- 2.11 Only one complaint investigation was completed during the reporting period and the outcome was that the complaint was NOT UPHOLD. 3 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.
- 2.12 In total 9% of Vale of Glamorgan cases closed during the period required PSOW intervention. 11 authorities required a higher level of intervention, with the highest level being 30%. (see Appendix A, Table D)
- 2.13 Of the 2 Code of Conduct complaints received during the period, 1 was closed after initial consideration and 1 closed with no evidence of a breach of the authority's Code of conduct.
- 2.14 4 complaints were received by the PSOW relating to Town and Community Councils in the Vale of Glamorgan. 3 related to Barry Town Council, 1 to Dinas Powys and 1 for Sully and Lavernock Community Council. None were progressed to full investigation after initial consideration.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 Taking the opportunity to learn from complaints can contribute to the development of services that meet the needs and expectations of our citizens. In this way, citizens can be involved in improving services and ensuring that they meet long-term needs and are sustainable. The ability to identify causes of complaint and service failure also presents an opportunity to design in service

features which have a preventative impact. This is particularly true of services which are involved wellbeing issues.

4. Resources and Legal Considerations

Financial

- 4.1** The PSOW has legal powers to require the council to make payments to complainants where they have suffered financial loss or in compensation for "time and trouble".

Employment

- 4.2** There are no employment considerations relating to the subject of this report

Legal (Including Equalities)

- 4.3** None as a direct result of this report.

5. Background Papers

Public Services Ombudsman for Wales Annual Letter 2017/18

Our Ref: NB/CW/MA



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15 October 2018

Councillor John Thomas

Sent by email: leader@valeofglamorgan.gov.uk

Annual Letter 2017/18

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Vale of Glamorgan Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill is enacted I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

Overview of complaints

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Vale of Glamorgan have decreased in the past year from 41 to 30.

You will find below a factsheet giving a breakdown of complaints data relating to your Local Authority. This year we have included a new set of statistics regarding Ombudsman interventions. These include all cases upheld by my office as well as early resolutions and voluntary settlements.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation. I would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett

Public Services Ombudsman for Wales

CC: John M. Evans, Chief Executive

Tony Curliss, Contact Officer

Factsheet

A. Complaints Received and Investigated with Local Authority average adjusted by population

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Blaenau Gwent County Borough Council	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

B. Complaints Received by Subject

Vale of Glamorgan Council	Complaints Received
Adult Social Services	2
Benefits Administration	1
Children s Social Services	3
Community Facilities. Recreation and Leisure	1
Complaints Handling	5
Education	1
Environment and Environmental Health	2
Finance and Taxation	2
Health	1
Housing	1
Planning and Building Control	3
Roads and Transport	6
Various Other	2

C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report Upheld - in whole or in part	Public Interest Report	Total Cases closed
Vale of Glamorgan	9	7	12	3		1			32
Vale of Glamorgan (adjusted)	6	9	11	4	0	0	1	0	31

D. Number of cases with PSOW intervention

Local Authority	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

E. Code of Conduct Complaints Closed

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of Breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Vale of Glamorgan	1		1					2

F. Town / Community council Code of Conduct Complaints

Town/ Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Barry TC	3							3
Dinas Powys	1							1
Sully & Lavernock CC	1							1

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to catrin.wallace@ombudsman-wales.org.uk or matthew.aplin@ombudsman-wales.org.uk