

CABINET

Date of Meeting	Tuesday, 22 nd October 2019
Report Subject	Public Services Ombudsman for Wales Annual Letter 2018/19
Cabinet Member	Cabinet Member for Corporate Management and Assets
Report Author	Chief Officer (Governance)
Type of Report	Operational

EXECUTIVE SUMMARY

The purpose of this report is to share the Public Services Ombudsman for Wales Annual Letter 2018-19 for Flintshire County Council.

The Annual Letter provides details of the annual performance of the Council in relation to complaints against services which were received and investigated by the Public Services Ombudsman for Wales during 2018-19.

RECOMMENDATIONS

1	That Cabinet note the annual performance of the Council and the number of complaints resolved at an early stage.
2	That Cabinet support the actions to reduce the number of complaints to the Ombudsman's office.
3	That Cabinet support a review of the Council's complaints procedure upon receipt of the Complaints Standards Authority (Wales) model concerns and complaints policy for public service providers in Wales.

REPORT DETAILS

1.00	EXPLAINING THE OVERVIEW OF ANNUAL PERFORMANCE 2018-19
1.01	The Public Services Ombudsman for Wales (“Ombudsman”) published his Annual Letter on performance as part of his Annual Report and Accounts in August 2019.
1.02	The number of complaints received by the Ombudsman about local authorities across Wales increased from 794 to 912 in 2018-19. However, the Ombudsman is pleased that local authorities continue to work with his office to resolve many of these complaints at an early stage. This provides complainants with appropriate and timely remedies avoiding the need for the Ombudsman to fully investigate complaints.
1.03	Appended to this report is a full copy of the Annual Letter detailing the Council’s performance and comparative data. The following paragraphs provide a summary of performance and additional context in response to the findings.
1.04	Section A – 50 complaints were made against the Council which remains static compared to 2017-18. 70% were premature or closed after initial consideration by the Ombudsman.
1.05	Section B – Planning received the highest volume of complaints (18) in 2018-19 accounting for 36% of all cases against the Council. Previously, Housing has received the highest volume of complaints but in 2018-19 the number fell from 9 in 2017-18 to 4.
1.06	<p>Section C – of the complaints that were received against the Council:</p> <ul style="list-style-type: none"> • 44% of complaints were premature meaning complainants had not exhausted the Council’s complaints procedure before approaching the Ombudsman; • 26% of complaints were closed after initial consideration; • 20% of complaints were resolved through early resolution which means the Council agreed to take certain steps locally to avoid investigation; • 5 reports were issued with upheld in whole or in part decisions; • 1 public interest report was issued.
1.07	Section D – intervention by the Ombudsman increased slightly from 11 to 16 cases in 2018-19.
1.08	Section E – there were no complaints made to the Ombudsman in respect of Member Code of Conduct.
1.09	Section F – 18 complaints were made against Town and Community Town Councils which is considered to be high compared to other local authorities. However, the Ombudsman does not consider that this is indicative of a fall in standards of conduct as the majority of these

	complaints related to an individual Community Council and a position of conflict between its members.
1.10	The Public Services Ombudsman (Wales) Act 2019
1.11	<p>The Public Services Ombudsman (Wales) Act 2019 has been introduced and the Ombudsman will be implementing his new powers over the coming year. The Welsh Assembly approved this legislation giving the Ombudsman new powers aimed at:</p> <ul style="list-style-type: none"> • Improving access to the Ombudsman's office; • Providing a seamless mechanism for complaint handling when a patient's NHS care is inextricably linked with private healthcare; • Allowing the Ombudsman to undertake own initiative investigations when required in the public interest; • Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales.
1.12	<p>The new Act permits 'Own Initiative' investigations which is currently subject to public consultation. However, the Ombudsman will require sufficient evidence to demonstrate the need to begin a wider own initiative investigation to establish whether an issue is in the public interest, there is reasonable suspicion that there is systemic maladministration that may cause any person to sustain injustice or hardship, whether concerns are such that they would impact upon a wider group of citizens or individuals, the weight of the evidence and persuasiveness of the evidence.</p>
1.13	Reducing the number of complaints to the Ombudsman
1.14	<p>The Council looks forward to the outcome of the Ombudsman's current consultation on the principles and procedures relating to the new powers created by the Public Services Ombudsman (Wales) Act 2019. Specifically, own initiative investigations and the newly established Complaints Standards Authority (Wales).</p> <p>The Council is undertaking work to reduce the number of complaints to the Ombudsman and plans to undertake further action as soon as the outcome of the consultation is known. The Council's actions include:</p> <ul style="list-style-type: none"> • Targeted training sessions with Planning officers to learn lessons from Ombudsman decisions over the last 12 months; • A review of the Council's complaints procedure in response to the Customer Standards Authority (Wales) model concerns and complaints policy for public providers in Wales; • Redesigned workforce training to support officers to effectively resolve complaints first time; • Improving the quality of complaint responses through the introduction of house-style and improved guidance for officers; • Training for Town and Community Councils to promote awareness and the importance of the Code of Conduct where there is evidence of conflict between its members to help reset the boundaries of behaviour for its members;

	<ul style="list-style-type: none"> • Timely performance data for distribution and discussion at senior departmental meetings; • Working with Councils from across Wales and the Ombudsman to collectively record complaints data which may be used to drive improvement in public services for citizens in Wales.
1.15	<p>Additionally, where decisions by the Ombudsman lead to a recommendation to review procedures, officers are co-operating to improve services for the future. An example is the public interest report issued in 2018-19 (Section C) relating to the manner in which the Council had authorised the removal and destruction of a vehicle. The Ombudsman upheld the complaint because there was insufficient evidence that the Council had taken appropriate action to establish that the vehicle had been abandoned and the Council had failed to follow the correct statutory procedure when issuing a statutory notice of its intention to remove and dispose of the vehicle. Streetscene reviewed its procedures, implemented new processes and trained staff accordingly to reduce complaints.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>This report provides details of the annual performance of the Council in relation to complaints against services which were received and investigated by the Public Services Ombudsman for Wales. At this point there are no proposed changes or actions and as such no impact or risks have been identified. Subject to approval by Cabinet of recommendation 3 of this report, as part of the review of the Council's complaints procedure a full integrated impact assessment will be conducted.</p>

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	A copy of the Annual Letter is published on the Ombudsman's website.

5.00	APPENDICES
5.01	Appendix 1 – Annual Letter 2018/19.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	https://www.ombudsman.wales/wp-content/uploads/2019/08/Flintshire.pdf

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Rebecca Jones, Customer Contact Service Manager Telephone: 01352 702413 E-mail: rebecca.jones@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	<p>Public Services Ombudsman for Wales – investigates complaints against public service providers in Wales where people believe they have suffered an injustice through maladministration on the part of the public service provider e.g. a local authority.</p> <p>Own Initiative Investigations – enables the Public Services Ombudsman for Wales to commence an investigation where there is sufficient evidence to demonstrate the need to begin an investigation.</p> <p>Complaints Standards Authority – a newly formed team within the Public Services Ombudsman for Wales’ office focused on ensuring the procedures to complain to public service providers in Wales are complainant focused, simple, fair and objective, timely and effective, accountable and committed to continuous improvement.</p>