

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Thursday 14 November 2019
Report Subject	Public Services Ombudsman for Wales Annual Letter 2018-19 and Complaints against Flintshire County Council 2019-20
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. The report provides an overview of the annual performance of the Council in relation to complaints investigated by the Ombudsman including the high number of cases closed as a consequence of the Council supporting the Ombudsman's office with their initial enquiries and, the low number of reports issued.

The report also provides an overview of complaints received by each portfolio of the Council between 1 April – 30 September 2019 and the positive improvement in complaint resolution times. The report demonstrates portfolios are managing complaints more effectively as a result of actions undertaken this year to improve guidance, awareness and management of cases within services.

RECOMMENDATIONS

1	Note the annual performance of the Council in respect of complaints made to the Public Services Ombudsman for Wales (2018-19) and local complaints made against services in the first half of 2019-20.
2	Support the Council's review of its complaints procedure upon receipt of the Ombudsman's model concerns and complaints policy for public service providers in Wales.
3	Support the actions outlined in 1.18 to improve local complaints handling.

REPORT DETAILS

1.00	The Public Services Ombudsman for Wales Annual Letter 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	<p>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.</p> <p>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.</p> <p>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.</p> <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. <p>Section D – intervention by the Ombudsman increased slightly from 11 to 16 cases in 2018-19.</p> <p>Section E – there were no complaints made to the Ombudsman in respect of Member Code of Conduct.</p> <p>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.</p>

1.04	<p>The Public Services Ombudsman (Wales) Act 2019</p> <p>The Public Services Ombudsman (Wales) Act 2019 has been introduced and it is expected that the Ombudsman will be implementing his new powers at the beginning of 2020. 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.
1.05	<p>The new Act permits ‘Own Initiative’ investigations which 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. The Ombudsman will need to be convinced 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>
1.06	<p>The Ombudsman consulted on the principles and procedures relating to the new powers created by the Public Services Ombudsman (Wales) Act 2019 during the summer. The Council awaits the outcome of that consultation with a specific interest in own initiative investigations and the newly established Complaints Standards Authority (Wales).</p>
1.07	<p>Flintshire County Council Complaints 2019-20</p>
1.08	<p>Over the last six months, the Council has been working to improve case work performance. The introduction of nominated officers within Portfolios has helped to raise awareness of standards and share performance data effectively to drive improvements. The Council received 371 complaints in the first half of the year, of which, 78% were considered within 10 working days representing a 17% improvement on performance compared to the same period in 2018.</p>
1.09	<p>The charts below illustrate the overall number of complaints received in the first half of the year and the distribution of complaints by Portfolio:</p>

Chart 1

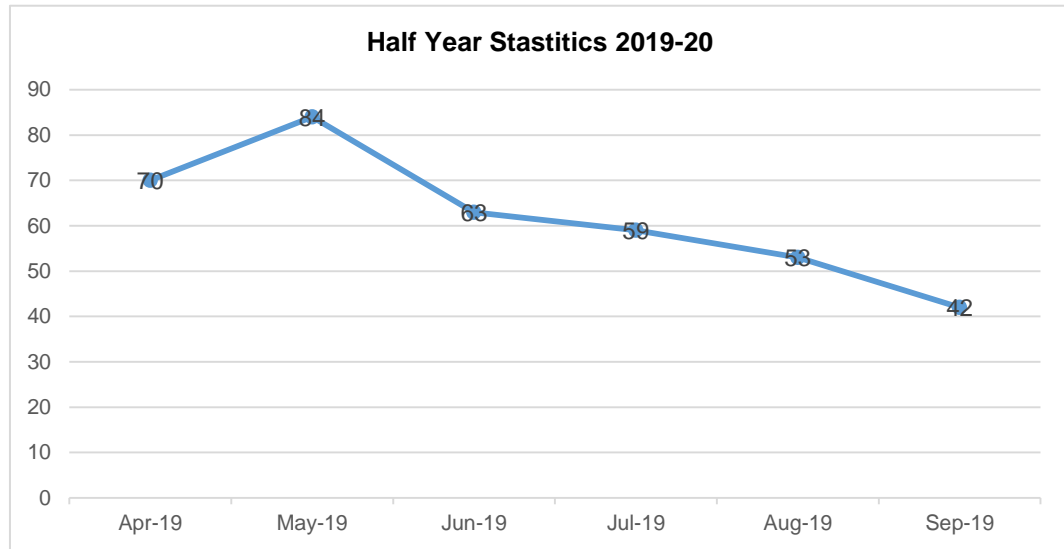
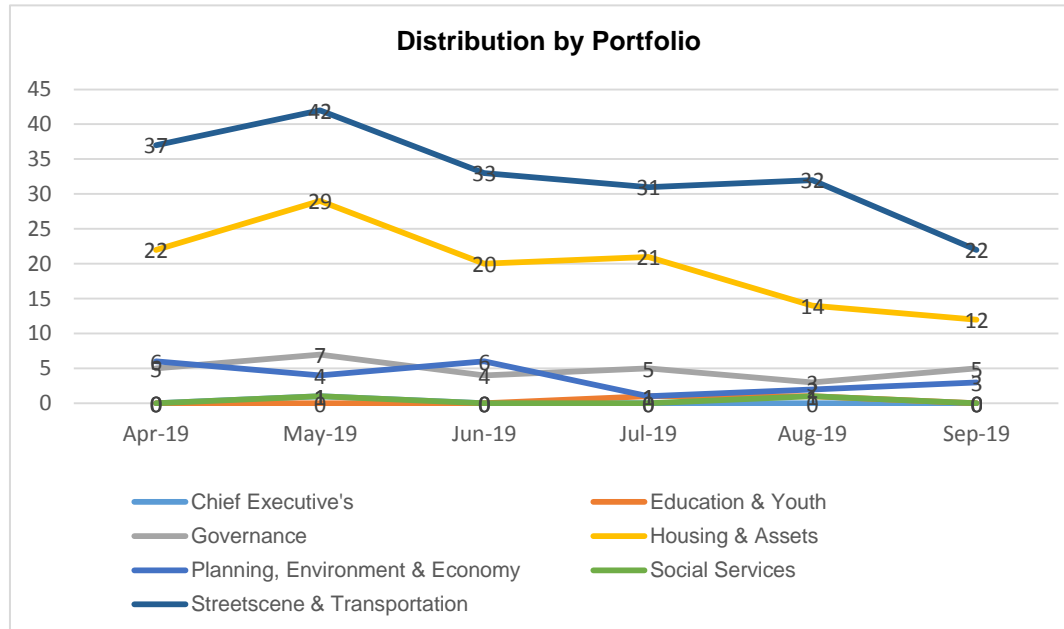


Chart 2



1.10

The highest volume of complaints were received in April and May, those areas providing frontline services such as housing and waste services received the most complaints. This corresponds with other local authorities in Wales when considering complaints received and investigated by the Ombudsman.

1.11

In April, 53% of the overall complaints to the Council were against Streetscene & Transportation with 92% of those relating to waste and recycling. Similarly, Streetscene & Transportation accounted for 50% of the complaints in May and 74% of which were waste and recycling issues. A contributing factor was the introduction of garden waste charges and issues with a third partner organisation responsible for printing and distributing permits. A high proportion of customers complained about delays receiving their permits. The service has learned from complaints and is working in a new way in preparation for the 2020/21 garden waste subscription service by reverting to in-house design and print services.

1.12

The Council aims to respond to complaints within 10 working days. The table below provides data on the number of complaints received between 1 April – 30 September 2019 and the overall percentage answered within target:

Chart 3

Portfolio	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19
Chief Executive's	0	1	0	0	0	0
Education & Youth	0	0	0	1	1	0
Governance	5	7	4	5	3	5
Housing & Assets	22	29	20	21	14	12
Planning, Environment & Economy	6	4	6	1	2	3
Social Services	0	1	0	0	1	0
Streetscene & Transportation	37	42	33	31	32	22
Total Number of Complaints	70	84	63	59	53	42
% Within Target	80%	89%	84%	75%	75%	79%

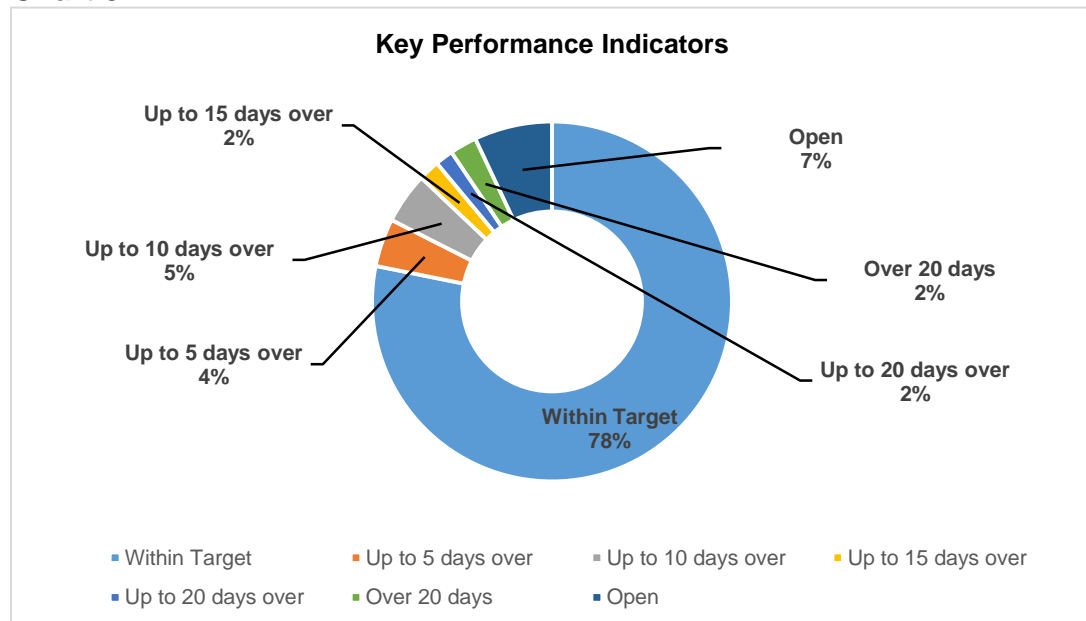
Chart 4

Portfolio	Number of Complaints	% of Complaints	% Within Target
Chief Executive's	1	0.27%	100%
Education & Youth	2	0.54%	50%
Governance	29	7.82%	79.31%
Housing & Assets	118	31.81%	82.20%
Planning, Environment & Economy	22	5.93%	59.09%
Social Services	2	0.54%	100%
Streetscene & Transportation	197	53.10%	83.25%

1.13

The chart below illustrates the average time taken to respond to complaints in the last six months:

Chart 5



1.14	Whilst Streetscene & Transportation has made good progress recording complaints effectively, other services need to improve recording complaints to ensure category and outcome data is stored. This will help the Council to identify trends and patterns and improve services in the future.
1.15	Appendix 2 provides an illustration of what people complained about, and the outcome reached by Portfolio. Additionally, the Chief Executive's office received one complaint that was upheld (Other); Education & Youth received two complaints, 1 upheld in part and 1 not upheld (Non-compliance with procedure/policy); Social Services have a statutory procedure for managing complaints.
1.16	<p>The improvement in responses times can be attributed to a number of actions supported by Elected Members earlier this year:</p> <ul style="list-style-type: none"> • Guide to Good Complaint Handling launched on InfoNet to accompany policy documents; • Staff guidance issued on the definition of a request, report and complaint; • Managers raising awareness of expectations at team meetings; • Expectations raised with Chief Officers both collectively and in appraisals; • High volume Portfolio management teams reviewing their practices and performance; • Single point of contact across Portfolios for escalating issues and receipt of monthly performance data.
1.17	<p>Conclusion and priorities</p> <p>The Council awaits the outcome of the Ombudsman's consultation on the principles and procedures relating to the new powers created by the Public Services Ombudsman (Wales) Act 2019. Specifically, own initiative investigations allowing the Ombudsman to undertake investigations when required in the public interest and the newly established Complaints Standards Authority (Wales) which will ensure complaints data from across Wales may be used to drive improvement in public services for citizens in Wales.</p>
1.18	<p>In response to a drive across Wales to reduce the number of complaints to the Ombudsman and, the Council's commitment to improving complaints handling, the following actions will be undertaken:</p> <ul style="list-style-type: none"> • 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; • Workforce training to support officers to effectively resolve complaints first time; • Targeted training sessions for Planning officers to learn lessons from complaints following an increase in Ombudsman decisions over the last 12 months; • Specific guidance to officers on recommended house-style for letters and emails;

	<ul style="list-style-type: none"> • Ongoing distribution of performance data for discussion at senior departmental meetings; • Improving the quality of data recorded on the complaints database; • 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; • 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.
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2.00	RESOURCE IMPLICATIONS
2.01	None

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

4.00	RISK MANAGEMENT
4.01	This report provides details of the annual performance of the Council in relation to complaints. At this point there are no proposed changes or actions and as such no impact or risks have been identified.

5.00	APPENDICES
5.01	<p>Appendix 1 – Annual Letter 2018/19.</p> <p>Appendix 2 – Flintshire County Council complaint categories by Portfolio.</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Rebecca Jones, Customer Contact Service Manager Telephone: 01352 702413 E-mail: rebecca.jones@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	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>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>
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	<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>
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