

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Thursday 10 February 2022
Report Subject	Public Services Ombudsman for Wales Annual Letter 2020-21 and complaints made against Flintshire County Council during the first half of 2021-22
Cabinet Member	Deputy Leader of the Council (Governance) and Cabinet Member for Corporate Management and Assets
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The purpose of this report is to share the Public Services Ombudsman for Wales Annual Letter 2020-21 for Flintshire County Council.

The Ombudsman's Annual Letter provides an overview of the annual performance of the Council in relation to complaints investigated in 2020-21.

This report also provides an overview of complaints received by each portfolio of the Council between the period 1 April – 30 September 2021.

RECOMMENDATIONS

1	That the Committee notes the annual performance of the Council in respect of complaints made to the Public Services Ombudsman for Wales during 2020-21.
2	That the Committee notes the 2021-22 half year performance of the Council in respect of complaints made to services in line with its complaints procedure.
3	That the Committee supports the actions outlined in paragraph 1.28 to improve complaints handling across the Council.

REPORT DETAILS

1.00	EXPLAINING THE PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2020-21
1.01	The Public Services Ombudsman for Wales (“Ombudsman”) published his Annual Letter on performance as part of his Annual Report and Accounts in September 2021. The letter shares information from an extremely challenging year for local authorities and it provides an insight on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.
1.02	The number of new complaints received by the Ombudsman about local authorities across Wales decreased by 12.5% in 2020-21. This reflects the reduction in complaints being reported by local authorities during the Covid-19 pandemic.
1.03	The Ombudsman intervened (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019-20.
1.04	Appended to this report is a full copy of the Annual Letter detailing Flintshire’s performance and comparative data. The following paragraphs provide a summary of performance and additional context in response to the findings.
1.05	Section A - 59 complaints were made against Flintshire in 2020-21 which is a small reduction on the previous year (61) and higher than the Welsh average of 35. Whilst a higher than average figure, this should not be viewed unfavourably because 85% of complaints were closed because they were out of jurisdiction, premature or closed after initial consideration.
1.06	When comparing data across neighbouring Councils in North Wales, Flintshire has a lower than average number of complaints out of jurisdiction (4 v 7 on average) and it is average for the number of complaints closed after initial consideration (11). However, it is important to highlight that Flintshire has the highest number of premature complaints across all of Wales.
1.07	35 of Flintshire’s complaints were premature and this accounts for 59% of our complaints. Across North Wales the average number of premature complaints is 11 – and across Wales the percentage of premature complaints is 31% on average (59% in Flintshire). This analysis helps explain that whilst the overall number of complaints made against Flintshire is high, this is attributed to a higher than average number of premature complaints.
1.08	It is difficult to control how and when complainants access the Ombudsman but it is reassuring that 59% of all Flintshire’s complaints are rejected at the start because they are premature. If the number of premature complaints were disregarded, the overall number of complaints against Flintshire would reduce to 24 which is below the all Wales average

	of 34 (disregarding premature complaints). The removal of premature complaints also brings Flintshire broadly in line with North Wales - the highest being Wrexham (32) and Conwy (25).
1.09	This analysis does however prompt the need to review how Flintshire promotes its own complaints procedure and the importance of keeping complainants informed about the progress of their complaint to reduce the number of premature referrals to the Ombudsman.
1.10	Flintshire takes a proactive approach to referring complainants to the Ombudsman when they are dissatisfied. Flintshire actively promotes the role of the Ombudsman because it recognises the important role that the Ombudsman provides in giving independent scrutiny when people believe they have been treated unfairly or received a bad service.
1.11	Section B - Planning received the highest volume of complaints, 15, in 2020-21 accounting for 25% of all cases against Flintshire. This figure is up by 1 compared to the previous year and is not unexpected given a year unlike any other when frontline services such as Planning reacted in the face of unprecedented demand and the most difficult of circumstances.
1.12	Flintshire's performance reflects the trend across Wales with Planning being the most common complaint to the Ombudsman in relation to local authorities (10.46%).
1.13	Section C - of the complaints that were received against Flintshire: <ul style="list-style-type: none"> • 66% of complaints were premature or out of jurisdiction; • 18% of complaints were closed after initial consideration; • 15% of complaints were resolved through early resolution; • 1 report was issued which was not upheld; • 1 public interest report was issued.
1.14	Section D - 18% of Flintshire's complaints required intervention by the Ombudsman which means they were dealt with through early resolution or a voluntary settlement. Additionally, one complaint was upheld and one public interest report was issued. Across North Wales the percentage of complaints requiring intervention varies e.g. 19% (Gwynedd), 16% (Conwy), 13% (Wrexham).
1.15	Section E - this part of the Annual Letter is the remit of the Standards Committee.
1.16	Section F - this part of the Annual Letter is the remit of the Standards Committee.
1.17	During 2020-21 and despite challenges caused by the pandemic, Flintshire achieved: <ul style="list-style-type: none"> • New Concerns and Complaints Policy based on a model for local authorities in Wales; • New Managing Customer Behaviour Policy;

	<ul style="list-style-type: none"> • Virtual training events delivered by the Customer Standards Authority to support and enhance complaint handling – over 60 attendees; • Collective work with Councils across Wales and the Ombudsman to record complaints performance data to drive improvement in public services for citizens in Wales; • 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.
1.18	<p>The following actions will be taken forward in 2021-22 to improve complaints handling:</p> <ul style="list-style-type: none"> • Review public information about Flintshire's complaints procedure to reduce the number of premature complaints to the Ombudsman including definition of a complaint verses service request; • Continue a programme of complaints training to support and enhance complaint handling by considering best practice from multiple sectors from around the world – training will be mandatory for all roles at Team Leader level and above; • Refresh the Managing Customer Behaviour Policy to take in to consideration unacceptable behaviour on social media; • New toolkit for employees and elected Members on how to manage unacceptable behaviour on social media; • A review of the electronic system used to record complaints to ensure it is fit for purpose.
1.19	Flintshire County Council Complaints 2021-22
1.20	<p>The Council received 399 complaints in the first half of 2021, of which, 57% were considered within 10 working days which is a reduction of 17% compared to 2020. However, it is noted that there has been an increase of 24% in complaints and consequently the percentage of complaints considered within 10 working days has fallen which shows the challenges facing Council services to respond to complainants within target. Encouragingly 80% of all complaints were considered within 20 working days which is higher than the Welsh average of 75%.</p>
1.21	<p>The charts below illustrate the overall number of complaints received in the first half of 2021 and the distribution of complaints by portfolio:</p>

Chart 1 – Half Year Statistics 2021

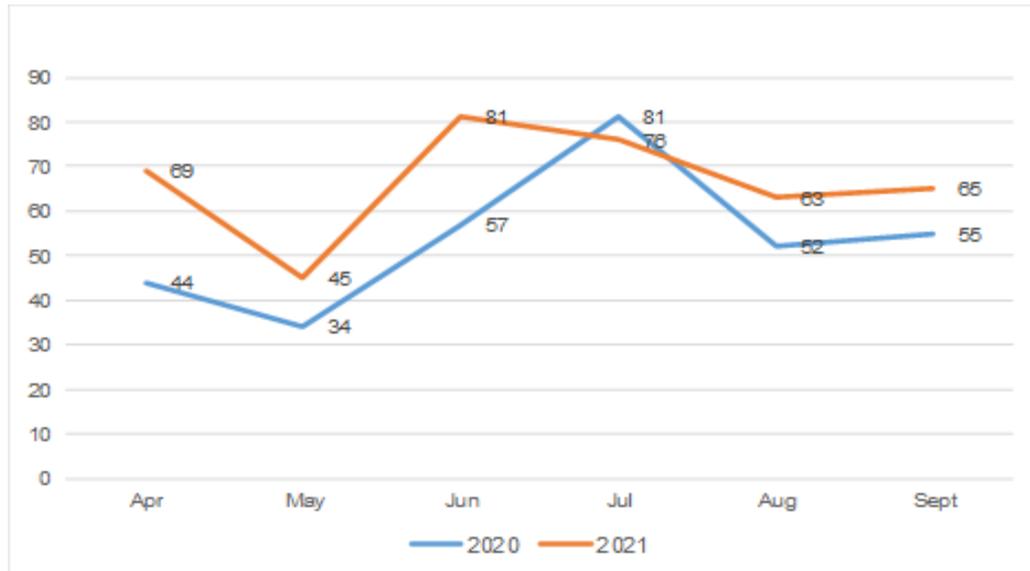
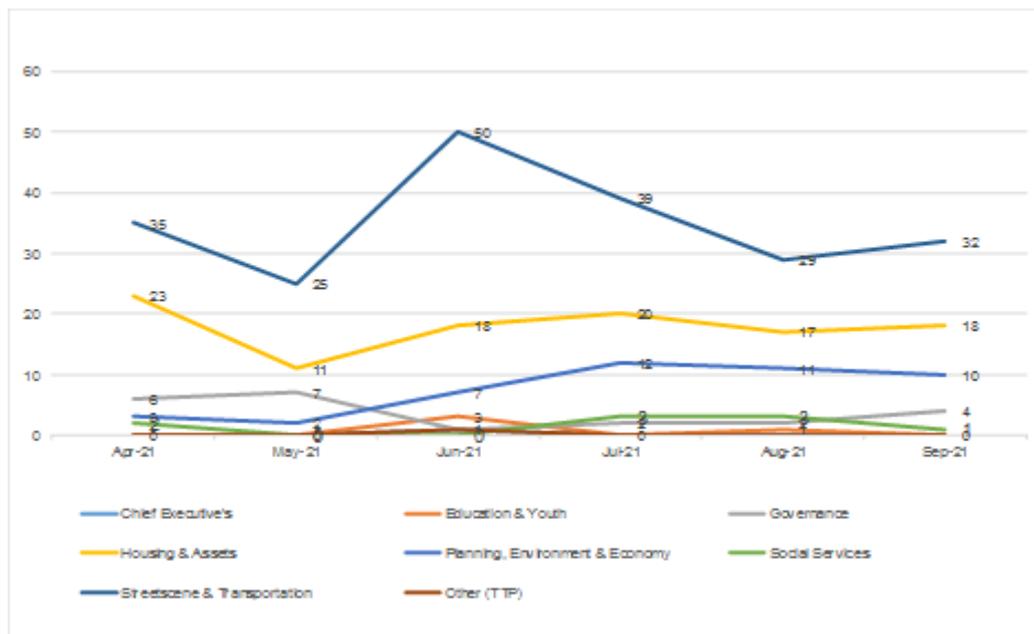


Chart 2 – Complaints by Portfolio 2021



1.22 The highest volume of complaints were made in June, those areas providing frontline services such as Streetscene and Housing received the most complaints which is the trend across Wales.

1.23 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 2021 and the timeliness of responses:

Chart 3

Portfolio	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21
Chief Executive's	0	0	1	0	0	0
Education & Youth	0	0	3	0	1	0
Governance	6	7	1	2	2	4
Housing & Assets	23	11	18	20	17	18
Planning, Environment & Economy	3	2	7	12	11	10
Social Services	2	0	0	3	3	1
Streetscene & Transportation	35	25	50	39	29	32
Other (TTP)	0	0	1	0	0	0
Total Number of Complaints	69	45	81	76	63	65
% Closed Within 10 Working Days	68%	71%	62%	53%	48%	40%
% Closed Within 20 Working Days	84%	89%	85%	82%	67%	72%

Chart 4

Portfolio	Number of Complaints	% of Complaints	% Within Target
Chief Executive's	1	0.25%	0%
Education & Youth	4	1.00%	75%
Governance	22	5.51%	55%
Housing & Assets	107	26.82%	57%
Planning, Environment & Economy	45	11.28%	36%
Social Services	9	2.26%	78%
Streetscene & Transportation	210	52.63%	60%
Other (TTP)	1	0.25%	100%

The timeliness of complaint responses vary across portfolios with frontline services most impacted by the 10 working day target given the pressures these services have faced during the coronavirus pandemic. Performance reports are now routinely shared with Chief Officers on a monthly basis to drive improvements in the timeliness of complaint responses. Whilst at times complaints are not dealt with within 10 working days, customers will be kept informed and a high percentage are resolved shortly after the 10 day timescale unless they are complex cases.

1.24 The chart below illustrates the average time taken to respond to complaints in the first half year of 2021:

Chart 5 – Timeliness of complaint responses

	<table border="1"> <caption>Complaint Resolution Status Data</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Within Target</td> <td>56%</td> </tr> <tr> <td>Open</td> <td>10%</td> </tr> <tr> <td>Over 20 days</td> <td>11%</td> </tr> <tr> <td>Up to 20 days over</td> <td>3%</td> </tr> <tr> <td>Up to 15 days over</td> <td>4%</td> </tr> <tr> <td>Up to 10 days over</td> <td>8%</td> </tr> <tr> <td>Up to 5 days over</td> <td>8%</td> </tr> </tbody> </table>	Category	Percentage	Within Target	56%	Open	10%	Over 20 days	11%	Up to 20 days over	3%	Up to 15 days over	4%	Up to 10 days over	8%	Up to 5 days over	8%
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1.25	<p>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 about none response; Education & Youth received four complaints that were not upheld.</p>																
1.26	<p>The Social Services and Wellbeing Act (Wales) 2014 and Social Services Complaints Procedure Regulations 2014, requires Local Authorities to maintain a representations and complaints procedure for social services functions. Social Services’ complaints report for 2020-21 to the Social and Health Care Overview and Scrutiny Committee shows good performance with 89% of their 45 complaints dealt with within 10 working days.</p>																
1.27	<p>Performance across portfolios remains under regular review:</p> <ul style="list-style-type: none"> • Designated points of contact across portfolios for escalating issues; • Sharing monthly performance data with Chief Officers and business leads; • High volume portfolio management teams regularly reviewing their performance; • Staff guidance defining requests for service and complaints; • Guide to Good Complaints Handling available on InfoNet. 																
1.28	<p>Conclusion and priorities</p> <p>The Council will continue to engage positively with the Ombudsman and the new Complaints Standards Authority to learn more about the complaints landscape in Wales to help us drive improvement in services. For the year ahead we are committed to:</p> <ul style="list-style-type: none"> • Review public information about Flintshire’s complaints procedure to reduce the number of premature complaints to the Ombudsman; • Continue a programme of complaints training to support and enhance complaint handling by considering best practice from 																

	<p>multiple sectors from around the world – this will be mandatory for roles at Team Leader level and above;</p> <ul style="list-style-type: none"> • Refreshed Managing Customer Behaviour Policy to take in to consideration unacceptable behaviour on social media; • New toolkit for employees and elected Members on how to manage unacceptable behaviour on social media; • A review of the electronic system used to record complaints to ensure it is fit for purpose; • Ongoing support to all services through regular sharing of performance data to help manage casework and keep complainants informed where targets are not achievable.
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2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	This report provides details of the annual performance of the Council in relation to complaints. At this point there are no proposed change or actions and as such no impact or risks have been identified.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	None.

5.00	APPENDICES
5.01	Appendix 1 - PSOW Annual Letter Appendix 2 - Flintshire County Council complaint categories by portfolio.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	A copy of the Annual Letter is published on the Ombudsman's website - https://www.ombudsman.wales/wp-content/uploads/2021/10/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
8.01	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.
8.02	Complaints Standards Authority – a 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.