



COUNCIL – 16TH NOVEMBER 2021

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER
2020/21**

**REPORT BY: HEAD OF DEMOCRATIC SERVICES AND DEPUTY MONITORING
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To inform Council of the publication of the Annual Letter for 2020/2021 in respect of Caerphilly Council by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise Council of the publication of the Public Services Ombudsman for Wales Annual Letter for 2020/2021.

3. RECOMMENDATIONS

- 3.1 It is recommended that Council considers and notes the content of the Annual Letter.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2019.

5. THE REPORT

- 5.1 The Public Services Ombudsman for Wales (PSOW) issues an Annual Letter to each Local Authority in Wales which sets out a summary of all complaints received and investigated by his office during 2020/2021 relating to that Authority. The Annual Letter issued in respect of Caerphilly is attached at Appendix 1 to this report.
- 5.2 Members will note that this letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. However, information received during this remarkable year will, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

- 5.3 In general during the past financial year, the Ombudsman has intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20. The overall number of new complaints regarding local authorities decreased by 12.5% compared with last year which reflects the reduction in complaints being reported during the Covid-19 pandemic. The Ombudsman's office intervened in a similar proportion of the cases closed as in the previous year (13%).
- 5.4 However, a higher proportion of Code of Conduct complaints were referred to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.
- 5.5 Members will note the Letter refers to Own Initiative Investigations which were progressed with the first relating to Local Authority Homelessness Assessments launched in September 2020. This has since been reported on the Ombudsman's Website <https://www.ombudsman.wales/own-initiative-reports>.
- 5.6 In addition the Ombudsman issued two new publications - 'Our Findings' and the first Equality Report. 'Our Findings' will be accessed via the PSOW website and replaces the quarterly casebooks. The first Equality Report highlights the work done to improve equality and diversity, and to ensure that the service is available to people from all parts of society.
- 5.7 All Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21. The data submitted for 2020/2021 shows: • Nearly 12,000 complaints were recorded by Local Authorities • This equates to 3.77 for every 1000 residents. • Nearly half (44%) of those complaints were upheld. • About 75% were investigated within 20 working days. • About 9% of all complaints closed were referred to PSOW. The CSA has since published the data for the first quarter of 2021/22 on the PSOW website. <https://www.ombudsman.wales/published-statistics/>
- 5.8 In relation to Caerphilly's data, a summary of the complaints of maladministration service failure is included in the Annual Letter. The data is self-explanatory and therefore no further comment is offered other than to ask Council to note the following.
- 5.8.1 The Ombudsman received 46 complaints relating to Caerphilly compared to 49 last year broken down as follows with the previous years' figures in brackets.

Adult Social Services	3	(0)
Benefits Administration	0	
Children's Social Services	9	(8)
Community Facilities, Recreation and Leisure	0	(0)
Complaints Handling	5	(5)
Covid19	0	
Education	1	(2)
Environment and Environmental Health	4	(5)
Finance and Taxation	0	(0)

Housing	13	(19)
Licensing	0	
Planning and Building Control	10	(5)
Roads and Transport	0	(4)
Various Other	1	(1)
Total	46	(49)

5.9 The Complaint Outcomes are set out in section C with 3 referrals requiring early resolution/voluntary settlement. The comparison figures with other authorities in Wales is set out in section D.

5.10 The Letter also includes a summary of the Code of Conduct complaints relating to members of the Council and Town and Community Councils. In relation to Code of Conduct complaints for Caerphilly council, two were discontinued, there was no evidence of a breach in respect of one matter and one was referred to the Adjudication Panel for Wales.

There was one referral in relation to Bedwas, Trethomas and Machen Community Council where there was no evidence of a breach.

5.11 **Conclusion**

5.12 Members will note that the Ombudsman has asked Councils to take the following actions

- Present the Annual Letter to the Cabinet to assist members in their scrutiny of the Council's complaints performance and any actions to be taken as a result.
- Engage with the Ombudsman's Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform the Ombudsman of the outcome of the Council's considerations and proposed actions on the above matters by 15 November.

5.13 Whilst the Ombudsman has asked that the Annual Letter be reported to Cabinet this Council's reporting process is to the Standards Committee and full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales. The Annual Letter was reported to Standards Committee on 28th October 2021.

5.14 In relation to the work with the Complaints Standards Authority, complaints officers within Caerphilly undertook training last year which has also been rolled out to staff across all service areas and four training sessions are being held in October with approximately 80 officers attending.

5.15 The Ombudsman will be advised of the presentation of this report to the Standards committee and Council together with the outcomes.

6. **ASSUMPTIONS**

6.1 No assumptions are necessary within this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This report is for information and so there is no requirement to undertake an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising from this report.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

10.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the Consultees below.

11. STATUTORY POWER

11.1 Public Services Ombudsman (Wales) Act 2019

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Councillor Colin Mann Leader of Plaid Cymru
Councillor Kevin Etheridge Leader of the Independent Group
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Appendix 1 Annual Letter 2020/2021