



## **COUNCIL – 24<sup>TH</sup> NOVEMBER 2022**

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER 2021/22**

**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 2021/2022 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 2021/2022.

### **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 her office during 2021/2022 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 last year the number of complaints referred to the Ombudsman about local authorities in general increased by 47% (compared to 20/21 figures) and are now well above pre pandemic levels. The letter notes it is likely that complaints to Ombudsman's office, and public services in general, were suppressed

during the pandemic, and that the expected 'rebound' effect is being seen. During this period, the Ombudsman intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where they have investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years

- 5.3 The Ombudsman also received a high number of complaints relating to the Code of Conduct for Councillors last year, relating to both Principal Councils and Town and Community Councils with 20 referred to either the Adjudication Panel for Wales or local standards committees, due to evidence of a breach of the Code
- 5.4 In terms of the use of the proactive powers in the Public Services Ombudsman (Wales) Act 2019, this has resulted in the publication of the first Own Initiative Investigation report entitled Homelessness Reviewed. The report published in October last year made specific recommendations to the three investigated authorities, as well as suggestions to all other Local Authorities in Wales and Welsh Government. Some of these recommendations will bring about immediate change – updating factsheets and letter and assessment templates to ensure that key equality and human rights considerations are routinely embedded into processes for example – all the recommendations were designed to bring about tangible change to people using homelessness services in Wales.
- 5.5 The Complaints Standards Authority (CSA) has also continued its work with public bodies in Wales last year with the adoption of the model complaints policy being extended to an initial tranche of Housing Associations and Natural Resources Wales; the aim being to implement this work across the Welsh public sector.
- 5.6 In addition to this, the CSA published information on complaints handled by local authorities for the first time. The data for 21/22 showed: - Over 15,000 complaints were recorded by Local Authorities - 4.88 for every 1000 residents. - Nearly half (46%) of those complaints were upheld. - About 75% were investigated within 20 working days. - About 8% of all complaints closed ended up being referred to PSOW. The CSA has also delivered 140 training sessions, completely free of charge, during the last financial year. The letter notes that the feedback has been excellent, and the training has been very popular and encourages Caerphilly County Borough Council to engage as fully as possible.
- 5.7 The letter also notes the new duties on political leaders and standards committees to promote and maintain high standards of conduct of their members and highlights the sharing of the learning from complaints between the Ombudsman's office, the Standards Committee and local authority officers.
- 5.8 Specifically in relation to the complaints for Caerphilly, the Ombudsman received 60 complaints compared to 46 last year broken down as follows with the previous years' figures in brackets.

Adult Social Services	6	(3)
Benefits Administration	1	(0)
Children's Social Services	8	(9)
Community Facilities, Recreation and Leisure	1	(0)
Complaints Handling	10	(5)

Covid19	3	(0)
Education	1	(1)
Environment and Environmental Health	6	(4)
Finance and Taxation	0	(0)
Housing	8	(13)
Licensing	0	(0)
Planning and Building Control	11	(10)
Roads and Transport	3	(0)
Various Other	2	(1)
Total	60	(46)

5.9 The Complaint Outcomes are set out in section C with 7 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 there was no evidence of a breach in respect of 1 matter and 1 matter was referred to the Council's Standards Committee. There were 3 outcomes in relation to Town and Community Councils specifically Bedwas Trethomas and Machen Community Council, Blackwood Town Council and Rhymney Community Council all of which found no evidence of a breach.

### **Conclusion**

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

- Present the Annual Letter to the Cabinet and to the Governance & Audit Committee to assist members in their scrutiny of the Council's performance and share any feedback from the Cabinet and the Governance & Audit Committee with my office.
- Continue to engage with the Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing complaints data.
- Inform the Ombudsman of the outcome of the Council's considerations and proposed actions on the above matters by 30 September.

5.12 Whilst the Ombudsman has asked that the Annual Letter be reported to Cabinet and the Governance and Audit Committee, 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.

5.13 In relation to the work with the Complaints Standards Authority, officers from a cross section of service areas have undertaken training and further training has been sourced for April next year which is the earliest available date.

5.14 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

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

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Richard (Ed) Edmunds Corporate Director Education and Corporate Services  
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Stephen Harris Head of Financial Services and Section 151 Officer  
Councillor Sean Morgan Leader  
Councillor Lindsay Whittle Leader of Plaid Cymru  
Councillor Kevin Etheridge Leader of the Independent Group  
Councillor Nigel George Cabinet Member for Corporate Services and Property