



## Report of the Director of Corporate Services

Governance & Audit Committee – 27 September 2022

# Public Services Ombudsman of Wales Annual Letter 2021-22

<b>Purpose:</b>	To present the Public Services Ombudsman of Wales Annual Letter 2021-22 for City and County of Swansea.
<b>Policy Framework:</b>	Complaints Policies and Achieving Better Together
<b>Consultation:</b>	Access to Services, Finance, Legal.
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<b>For Information</b>	

### 1. Introduction

- 1.1 This report presents the annual Public Services Ombudsman for Wales (PSOW) letter for 2021-22 and includes complaints performance of both Swansea Council and across the whole of Wales.
- 1.2 The Council recognises that in order to meet the needs and concerns of members of the public, the monitoring of complaints is a valuable resource in its requirement to continually improve services. All complaints are taken very seriously and provide valuable customer insight.
- 1.3 Requests for service are different to complaints (e.g. a request for service could be a request to repair an unlit lamp post, or missed bin collection). A complaint would only arise should the request for service not be properly dealt with.
- 1.4 Despite the continued impact of Covid-19 on business as usual work, the Council still made good progress during the year. Examples to highlight include:

- Learning from Child and Family Services complaints went into the Child and Family Newsletter and monthly well-being report
- A process change was made with the Mental Health Team so that complainants can give their consent to information being shared with family members
- Learning from Adult Services Complaints was discussed with the Head of Service and Team Managers at regular Performance and Quality meetings
- A new IT system is under development for Corporate Complaints in the first instance. This will make the complaints process easier for the public and more efficient for staff with improved reporting functionality.

1.5 The PSOW recognises there are limitations with the Public Services Ombudsman (Wales) Act 2019, making it difficult to reconcile performance locally. Ombudsman cases received and closed are not reported within financial years and so will never match the annual reports of Councils. The annual PSOW letter is therefore a standalone picture of the Ombudsman's work and will not match the Council's Annual Complaints Report.

## **2. Public Services Ombudsman (Wales) Annual Letter**

2.1 This is the first letter from the new Ombudsman, Michelle Morris, who took up post in April 2022.

2.2 The PSOW publishes the annual letters to all Councils on its website and is attached to this report at appendix A. The letter highlights activities undertaken by the Ombudsman's office during the year and the Council's performance and shows:

- The general picture across Wales that overall complaints increased by 47% compared with 2020-21 and are now well above pre-pandemic levels. The Ombudsman speculates that complaints may have been suppressed during the pandemic and a 'rebound' effect is now being experienced. However, although overall complaints increased, the intervention rate (where the Ombudsman investigated) has remained similar to recent years
- The PSOW received 71 complaints relating to Swansea Council compared with 73 the previous year
- The Ombudsman handled and closed a total of 76 cases, this number is greater than complaints received due to some cases being carried over from the previous year. This is an increase on the 67 handled and closed by the Ombudsman the previous year
- Ten complaints received by the Ombudsman required intervention (Six were early resolution / voluntary settlement by the Council and four were upheld)
- The letter also highlights key activities undertaken by the Ombudsman's office during the year.

2.3 Further to the letter, the Ombudsman requests the Council takes the following actions:

- Present the letter to Cabinet and the Governance and Audit Committee, which have subsequently both been scheduled in September. In addition to this requirement, the letter will be presented to the Standards Committee as the letter refers to Code of Conduct complaints which is within the Standards Committee's terms of reference.
- Continue to engage with the Ombudsman's Complaints Standards work. In this regard the Council:
  - Continues to access training. The Ombudsman has already delivered training and the next session is with Social Services in October 2022
  - Has aligned to the model policy. Swansea Council's complaints policies are aligned with the model policy and other legislation. The Council continues to regularly engage with the Ombudsman's office on any points of clarification or advice
  - Submits quarterly complaints data on time
- The Council will write to the Ombudsman by the 30<sup>th</sup> September following the Cabinet and Governance and Audit Committee meetings.

### **3. Integrated Assessment Implications**

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion,

carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 3.2 An IIA Screening Form has been completed with the agreed outcome that a full IIA report was not required.
- 3.3 The impacts have been categorised as medium as there is the potential to positively change and adapt services based on complaints received. The exception is where policies and processes are governed by statutory legislation, therefore the impact remains the same.
- 3.4 With regard to the summary of involvement, complaints from the public are used as a valuable tool to adapt, change and develop services.
- 3.5 Well-being and future generations considerations around this annual letter include:
- Using complaints information to adapt and shape services for the future
  - Using Welsh Language complaints to ensure the Council not only meets the existing standards but also encourages and promotes the Welsh Language
  - Using complaints information to prevent problems occurring or getting worse
  - Viewing complaints in an integrated way, especially where a complaint may involve multiple public sector organisations.
- 3.6 The report adheres to the transformation and future council development well-being objective in the Corporate Plan - so that services are sustainable and fit for the future.
- 3.7 The report provides historic performance information and therefore risks are considered low.
- 3.8 With regard to the cumulative impact, this is an annual performance letter. When a complaint is received by a service opportunities to adapt, review or change ways of working are considered at that point. However, some policies and procedures are related to statutory legislation and cannot be changed locally.

#### **4. Financial Implications**

- 4.1 There are no specific financial implications arising from this report. Any expenditure on complaints investigations or re-dress payments incurred during 2020-21 will be reported in the Council's Annual Complaints Report.

#### **5. Legal Implications**

- 5.1 There are no specific legal implications arising from this report.

**Background Papers:** None

**Appendices:**

- Appendix A Annual letter from the Public Services Ombudsman of Wales  
2021-22
- Appendix B IIA Screening Form