



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

CABINET

REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS

25 September 2019

Matter for Information

Wards Affected: All Wards

Public Service Ombudsman for Wales Annual Report 2017/2018

Purpose of the Report:

1. To advise Members of the receipt of the Public Service Ombudsman of Wales Annual Letter.

Executive Summary:

2. The Public Service Ombudsman for Wales (“the Ombudsman”) has two specific roles:
 - (a) To consider complaints about public service providers in Wales; and
 - (b) To consider complaints that members of local authorities or town and community councils have breached their Code of Conduct.
3. The Ombudsman sends letters on an annual basis to county borough councils and local health boards concerning the

complaints he has received and considered during the previous financial year. The aim of the Annual Letter is to provide the relevant bodies with information to help them improve their complaint handling and the services that they provide.

Background:

4. In recent years the Ombudsman has adopted the practice of sending an annual letter to each local authority which comes within his jurisdiction. A full copy of the letter and Factsheet is reproduced for Members at Appendix 1.
5. Comparatively little commentary is required on the Annual Letter. The number of service complaints received by the Ombudsman is set out in Table A of the Factsheet. As compared with a national local authority average of 40 for an authority with a population similar to Neath Port Talbot, this Council received 38 complaints. Therefore the number of complaints received is in line with what one would expect from the population size of the Council area. The number of complaints has increased by 3 for the 2018/2019 financial year however it should be noted that only 1 complaint was actively investigated by the Ombudsman which was concluded by way of a voluntary settlement with the Council to rectify the issue.
6. It should be noted that we are no longer a direct provider of general housing – a function which generally attracts some complaints.
7. The mix of complaints is dealt with in Table B of the Factsheet. The numbers in the various categories are similar to the Welsh average overall and cover a range of service areas.
8. The comparison of complaint outcomes with average outcomes for Local Authorities (Table C) is again broadly in line with the national average.

9. The percentage of cases requiring intervention from the Ombudsman is comparatively low (see Table D). The intervention provided the opportunity with the Council to look again at the issue and ensure that remedies could be achieved which met the needs of the complainant.
10. The number of national Code of Conduct complaints increased slightly in 2018/2019 both in respect of Local Authority elected members and Town/Community Council members. Many of these complaints have arisen following changes in the membership of councils. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just 4, which were closed after initial consideration (Table E), meaning there was no case to answer. However, there was a slight increase in the number of complaints against community councils (Table F) (going from 7 to 8), but as can be seen no further action was taken in respect of all but two of these matters and they were either closed after initial consideration, discontinued or withdrawn. Two were forwarded to the Standards Committee for consideration which saw a censure being issued to one Community Councillor for non-compliance with the Code of Conduct and one Town Councillor being suspended for a duration of four months for non-compliance with the Code of Conduct.
11. Overall, cuts in public expenditure create an environment in which there can be a mismatch between public expectations and the service which can be provided. This will make it even more important to deal promptly with any complaints which arise and look for practical and achievable solutions. The Council continues to work collaboratively with the Ombudsman to resolve any matter that might be referred to him by a member of the public whether that be via an early settlement or to provide clarification and documentation to assist in any investigation being undertaken.

12. Officers will continue this assistance in 2019/2020 and onwards. However, steps will also be taken to try and reduce the number of cases which require intervention by the Ombudsman. This will include:
- (a) Ensuring officers are aware of their obligations in responding to complaints and how the Council's Complaints Process functions to reduce the prospect of complaints being made to the Ombudsman stemming from process related issues.
 - (b) Developing a working group of officers to consider complaints handling and steps that should be taken in responding to complaints and to consider the Ombudsman response to any complaints so that lessons can be learnt. These officers are also involved in Data Protection and Freedom of Information Act responses so training will also be provided in these areas to ensure compliance in those fields. Taking the opportunity to learn from complaints can contribute to the development of services that meet the needs and expectations of our citizens. In this way, citizens can be involved in improving services and ensuring that they meet long term needs and are sustainable. The ability to identify causes of complaint and service failure can also present an opportunity to design in service features which have a preventative impact.
 - (c) Liaising with the Ombudsman to determine whether resources such as training are available from them to assist in complaint handling process.
 - (d) Undertaking further training with Local Authority Elected Members on Code of Conduct matters and in particular the use of social media, which appears to be the source of numerous complaints to the Ombudsman.
 - (e) The further development of a Standards and Code of Conduct forum with Town and Community Council Clerks to ensure that standards and ethics of decision makers is considered actively within that setting and officers of those organisations are aware of key legal obligations.

(f) A review of the Constitution to ensure appropriate arrangements are in place to meet any obligations in respect of complaints.

13. It should also be noted that the Ombudsman is now in receipt of a number of additional power of investigation, recently granted by the Welsh Government. These include the ability to undertake “own initiative” complaints. These investigations are not instigated by a complaint from a resident but may occur where the Ombudsman suspects potential systemic failures of services or where residents feel unable to complain due to the fact that they are dependent on Council services or because they are vulnerable.

Financial Impacts:

14. No implications. Though it should be noted the Ombudsman has legal powers to require the Council to make payments to complainants where they have suffered financial loss or in compensation for “time and trouble”.

Integrated Impact Assessment:

15. An Integrated Impact Assessment is not requirement for this report.

Valleys Communities Impacts:

16. No implications

Workforce Impacts:

17. No implications

Legal Impacts:

18. No implications

Consultation:

19. There is no requirement for external consultation on this item

Recommendations:

20. That Members note the content of the Public Service Ombudsman Annual Report for Neath Port Talbot County Borough Council for 2018/2019 enclosed at Appendix 1 and the steps that will be taken to reduce the number of referrals to the Ombudsman

Appendices:

21. Appendix 1 – Annual Letter of the Public Service Ombudsman for Wales for Neath Port Talbot County Borough Council (Welsh and English version)

List of Background Papers:

22. None

Officer Contact:

Mr Craig Griffiths
Head of Legal Services
Telephone 01639 763767
Email: c.griffiths2@npt.gov.uk