



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **CABINET**

### **REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES – MR CRAIG GRIFFITHS**

**15<sup>th</sup> December 2021**

#### **Matter for Information**

**Wards Affected:** All Wards

#### **Public Service Ombudsman for Wales Annual Report 2020/2021**

#### **Purpose of the Report:**

1. To advise Members of the receipt of the Ombudsman's Annual Report for 2020/2021 in respect of Neath Port Talbot County Borough Council.

#### **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 Report 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. Members should note that this letter relates to the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021. The letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.
6. 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. This Council received 19 complaints – a decrease from 22 in the 2019/2020 Financial Year. Therefore, the number of complaints received is in line with what one would expect from the population size of the Council area. However, it should be noted that when considering complaints per 1,000 residents, the Council is the joint lowest in Wales.
7. It should be noted that we are no longer a direct provider of general housing – a function which generally attracts some complaints.
8. 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.
9. The percentage of cases requiring intervention from the Ombudsman is comparatively low (see Table C), with only one being marked as early resolution. 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. The comparison of complaint outcomes with average outcomes is again broadly in line with the national average (as shown in Table D).
10. The number of national Code of Conduct complaints decreased slightly in 2020/201 both in respect of Local Authority elected members and Town/Community Council members. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just 2 (Table E), and in each case the Ombudsman determined there was no case to answer. In addition, there was a decrease in the number of complaints against community councils (Table F) (going from 7 to 2 ), but as can be seen no further action was taken in respect of

these matters and they were either closed after initial consideration, discontinued or withdrawn.

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, and in particular during this period where officers were responding to the Covid-19 pandemic (which continues to this day). 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 2021/2022 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) A review of the Council complaints process has been completed and guidance provided to the public on how complaints can be made – including an easy read guide which is placed on the Council's website.
  - (c) Facilitating 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.
  - (d) Liaising with the Ombudsman to determine whether resources such as training are available from them to assist in complaint handling process.
  - (e) 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.

Training was provided in February 2020 and will continue to form part of Code of Conduct Training in refresher sessions.

- (f) 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.
- (g) A review of the Constitution has recently been concluded (imbedding the Codes of Conduct further into documents) 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. In addition, the Local Government and Elections

**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 2021/2022 enclosed at Appendix 1

**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

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