

## Ombudsman's Review of the Year

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It is with great pleasure that I present the first combined annual report and accounts for the Public Services Ombudsman for Wales (PSOW) for the year ended 31 March 2017, which was my second full year in office. In accordance with paragraph 18 of Schedule 1 to the Act, I have personal responsibility for the overall organisation, management and staffing of the office and for its procedures in relation to financial and other matters.

### **Progress in Innovation, Improvement and Influence: A Review of 2016/17**

I am delighted to be able to report substantial progress in the activities of the office over the past year, with specific reference to our three year strategic themes of *innovation*, *improvement* and *influence*, which have led to substantial increases in outcomes for complainants and, I hope, positive impacts on public services.

In terms of *innovation* the office made further progress on compliance, ensuring that recommendations for improvement are implemented and that we ensure that the learning from complaints is acted upon. We also continued to make progress with changes emerging from our paperless project.

This year I established Sounding Boards for the first time, holding meetings with voluntary sector representatives and the health sector, providing a “safe space” where bodies in jurisdiction, or key representative bodies, can challenge me about what we do and how we do it.

One area of particular improvement was the improvement on timescales – with a move towards *complainant centred timescales* and I am pleased that the Complaints Advice Team succeeded in ensuring that targets are met from when we receive complaints, rather than

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when we have gathered sufficient information in order to investigate. The establishment of the Code Advisory Group has meant the proactive oversight of code of conduct complaints, and a seven per cent reduction in cases taking longer than six months. I was delighted that the introduction of the Public Interest Test has reduced the number of low-level complaints being considered by my office and that in the very rare occasions where we do refer more serious matters to the Adjudication Panel for Wales, it has found breaches of the code.

A new Quality Assurance Framework was developed with staff so that as well as coping with ever increasing quantities of work, the qualitative aspects of what we do are also supported. There have also been a range of good practice seminars for staff and a Staff Risk Workshop to

help support a new approach to Risk Management. We also appointed ICRS in order to undertake independent review of complaints about our services and also undertook a review of our information security.

The *improvement* function has started well. All Improvement Officers have developed specific action plans for the relevant bodies in jurisdiction this has led to a number of specific improvements in their complaint handling cultures:

Ceredigion County Council accounted for 28 per cent of upheld local government closed complaints in 2014/15; in 2016/17 this figure was 17 per cent.

Abertawe Bro Morgannwg University Health Board saw a substantial reduction of more than 25 per cent of their complaints received.

There was a small reduction in overall complaints closed against Aneurin Bevan University Health Board, which included a 14 per cent reduction in upheld complaints.

Whilst both Hywel Dda and Cwm Taf University Health Boards saw a significant increase in their complaint volumes, I am pleased to see that there was no corresponding increase in upheld complaints for Hywel Dda. In fact, there was a 50 per cent reduction. However, Cwm Taf saw a slight increase in upheld reports.

Unfortunately complaint volumes, upheld complaints, and public interest reports all increased for Betsi Cadwaladr University Health Board in 2016/17.

Given the variance in Health Board performance in complaint handling my office will be organising a special seminar for health complaints and best practice.

I was delighted that my first thematic report on Out of Hours services led to a peer review by the Welsh Government to be implemented throughout 2017. I produced a further thematic report *Ending Groundhog Day, Lessons from Poor Complaint Handling* in March 2017.

In 2016/17 there was a further increase in the use of Voluntary Settlement , an increase of some 26% per cent on the previous year. However, whilst this can lead to speedier resolution for complainants and cheaper processes for public services, it is important that Early Resolution is not seen as some form of easy escape for bodies in my jurisdiction. In May 2016 I issued a Section 22 report against Hywel Dda University Health Board when it failed to comply with an Early Resolution agreement. I expect the same level of compliance to an Early Resolution as with a recommendation emanating from an investigation.

I published six public interest reports in the course of the year, three of which were in relation to Betsi Cadwaladr University Health Board, a number of health reports also related to Out of Hours services.

In order to meet the needs of the people of Wales, my office can only function effectively through getting the best out of the talented people in its employ. During 2016/17 further developments were made to a new performance review and development planning system with further investment in training including HR support, Management Training and Coaching. We conducted a Staff Survey which led to an action plan which is being implemented. We have also looked at the structure of the organisation with further changes in relation to policy, communications, data, HR, information and ICT to ensure that we are fit for the future. In terms of staffing costs of particular note was the confirmation by the Cardiff and Vale of Glamorgan Pension Fund that the long standing pension deficit has been eradicated with the office intending to return £292,000 of the cash allocated in the 2017/18 Estimates. No further deficit payments are required.

In terms of our *influence* and collaboration with other bodies inside and outside Wales 2016/17 was a busy year. We implemented joint Internal Audit arrangements with the Older People and the Children's Commissioners and also implemented payroll arrangements for the Future Generations Commissioner. I was also delighted to participate in Wales Audit Office events on complaints in both North and South Wales. Memoranda of Understanding were signed with a number of Commissioners and Healthcare Inspectorate Wales.

I also met with NHS Chief Executives, Medical Directors and the NHS Confederation ensuring robust but constructive engagement and discussion.

During the course of the year I had positive appearances at the Equality, Local Government and Communities Committee and the Finance Committee of the National Assembly for Wales (NAW).

I was delighted to be elected to both the European and World Boards of the International Ombudsman Institute (IOI) and to continue as vice Chair of the Ombudsman Association (OA). PSOW staff have also played a key part in broader networks, with Chris Vinestock, the Chief Operating Officer, contributing to work on Service Standards across the sector, Katrin Shaw, Assistant Director of Investigations, chairing the Ombudsman Association Legal Interest Group and Marilyn Morgan providing PA services on a part time basis to the OA. One Investigation Manager, Claire Beynon, provided direct training to the new Northern Ireland Public Service Ombudsman and Jenny Strinati and Susan Hudson collaborated with other jurisdictions on Equality and Human Rights issues.

In October 2016 the IOI and OA held a seminar at Aberystwyth University which looked at the differing jurisdictions emerging in Scotland, Ireland and Northern Ireland in the context of draft PSOW legislation and the event was addressed by Rafael Ribó, Catalan Ombudsman and President of the European IOI, as well as Simon Thomas AM Chair of the NAW Finance Committee.

During 2016/17 we submitted a Regulatory Impact Assessment to the Finance Committee and I am very hopeful that the legislation will now be taken forward in 2017/18.

Finally, 2016/17 was a year of not just positive activity, but of positive outcomes. Despite the challenge of increasing workloads the number of complainants who received a positive outcome from my office, either through voluntary settlement or an upheld complaint, increased by 16 per cent!



Nick Bennett  
Ombudsman

Complaint about a Public Body	2016/17	2015/16
Closed after initial consideration	1570	1488
Complaint withdrawn	0	41
Complaint settled voluntarily	287	227
Investigation discontinued	16	19
Investigation: complaint not upheld	66	105
Investigation: complaint upheld in whole or in part	168	163
Investigation: complaint upheld in whole or in part – public interest report	6	7
Investigation: complaint upheld in whole or in part – public interest report (S22)	1	0
<b>Total Outcomes – Complaints</b>	<b>2114</b>	<b>2050</b>

## Decision times

### Time taken to tell the complainant if I will take up their complaint

We set ourselves a target to tell complainants whether or not I will take up their complaint. This year we introduced new key performance indicators. Previously there was a blanket four week target for all complaints, regardless of complexity. This has been changed to ensure the focus is on measuring against the service user's experience rather than the previous internal focus.

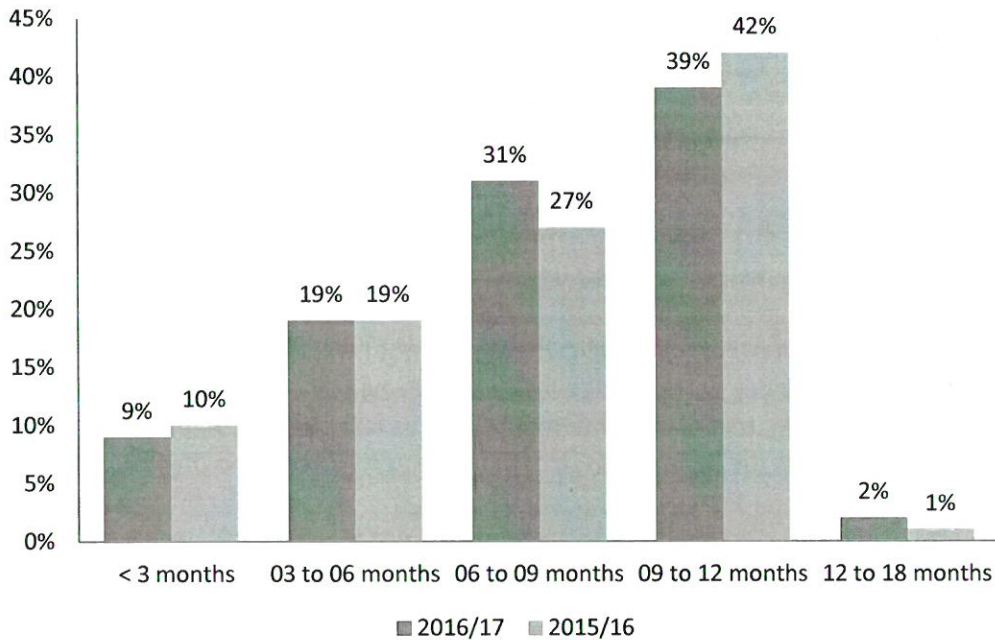
The new decision times are as follows:

- Decision on whether complaint within jurisdiction/premature - within 3 weeks.
- Decision on whether to investigate, following detailed assessment - within 6 weeks.
- Where decision to seek early resolution without need to investigate, resolution achieved - within 9 weeks.
- Date sufficient information received (DSIR) from complainant to investigation start date – within six weeks

	Percentage 2016/17
Decision on whether complaint within jurisdiction/premature – within three weeks	95%
Decision on whether or not to investigate, following detailed assessment - within six weeks.	92%
Where decision to seek early resolution without need to investigate, resolution achieved – within nine weeks	95%
DSIR to Investigation start date – within six weeks	80%

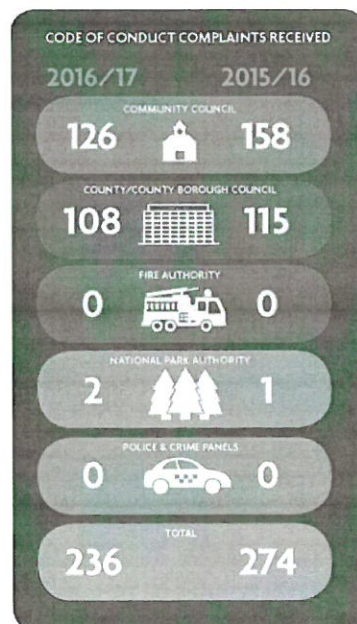
### Investigation Decision Times

In 2016/17 we completed 98% of investigations within 12 months, against the 100% target we set ourselves. There were seven investigations that went over 12 months. These cases were complex and required further investigatory work, or where there were significant challenges to draft findings by the complainant or public body. The chart below gives further details on investigation timescales.



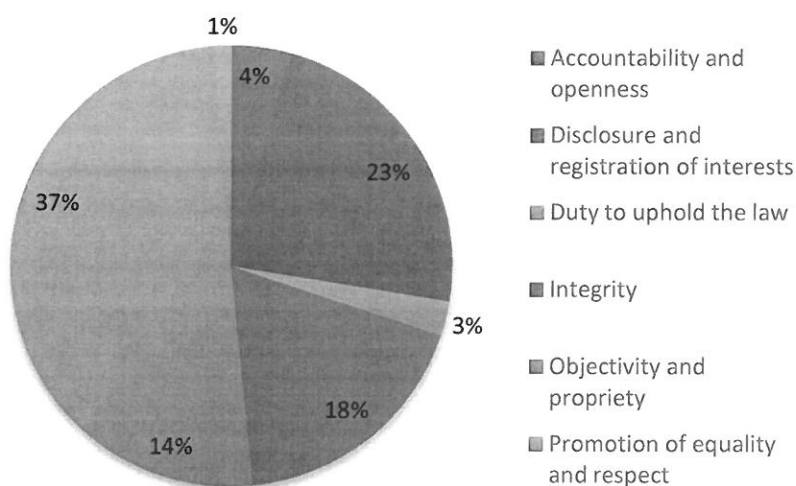
### Code of Conduct Complaints

The number of code of conduct complaints decreased by 14% compared with 2015/16 (236 in 2016/17 against 274). This is encouraging considering historically, code of conduct complaints increase in the period before local elections.



### Nature of Code of Conduct complaints received

The majority of complaints received during 2016/17 related to matters of ‘promotion of equality and respect’ accounting for 37% of the complaints made to me. (this was 41% in 2015/16). Disclosure and registration of interests (23%) and Integrity (18%) were the next largest areas of complaint which is consistent with the previous year.



### Summary of Code of Conduct complaint outcomes

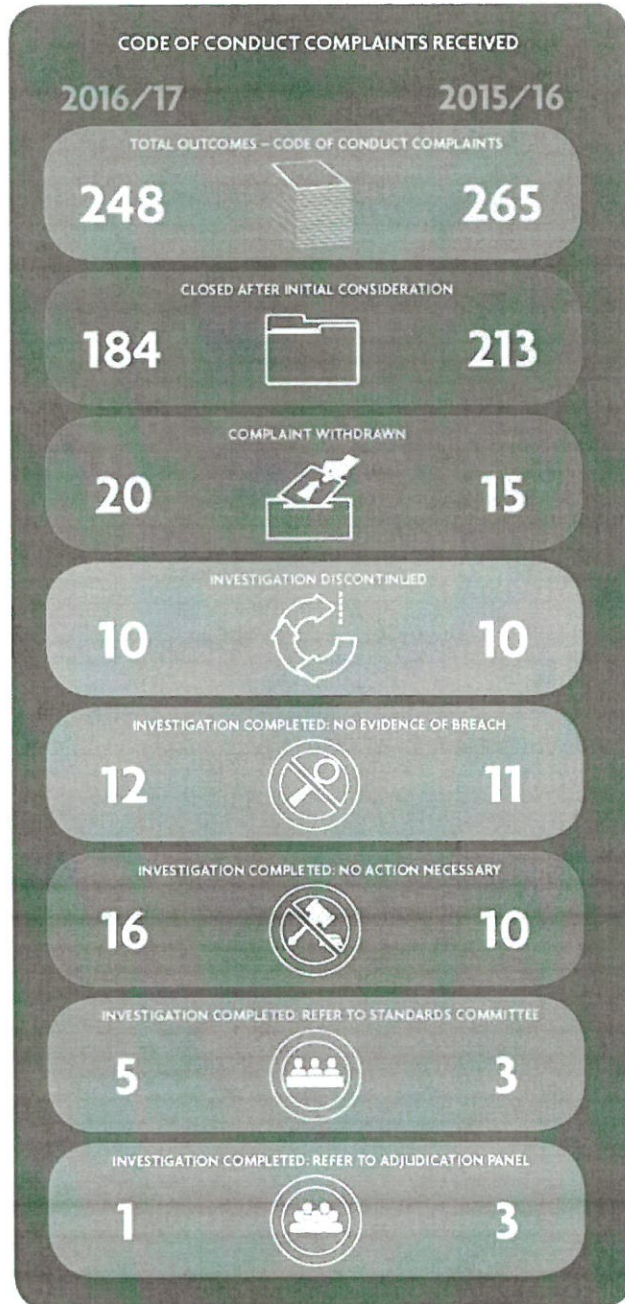
Of the 248 Code of Conduct complaints closed in 2016/17, the majority (184) were closed under the category ‘Closed after initial consideration.’

This includes decisions such as

- there was no ‘prima facie’ evidence of a breach of the Code
- the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction)

With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority’s standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year. In these circumstances it is for these bodies to consider the evidence found, together with any defence put forward by the member concerned. It is then for them to determine whether a breach has occurred and, if so, what penalty, if any, should be imposed.

A breakdown of the outcomes is below:



A detailed breakdown of the outcome of Code of Conduct complaints investigated, by authority, during 2016/17 is set out in the Annex.



**Decision times**

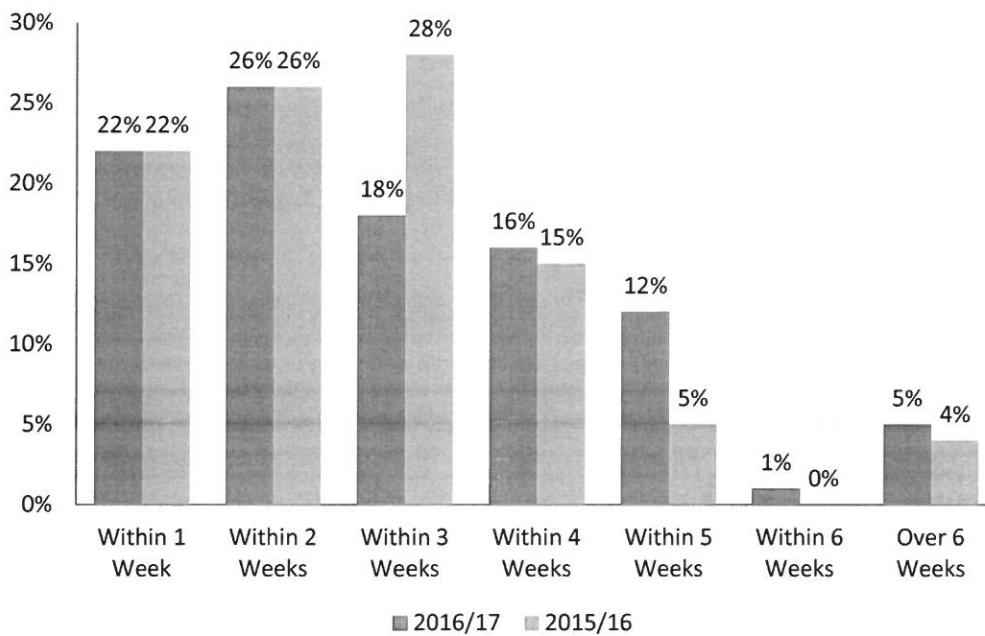
**Time taken to tell the complainant if I will take up their complaint**

In respect of Code of Conduct complaints, 82% of complainants were informed within four weeks of whether I would take up their complaint (from the date that sufficient information is received). This is considerably lower than during 2015/16 where 91% were informed within four weeks.

However, this is partially explained by the fact that a greater number of complaints this year reached investigation. I consider that it is fairer for us to take into consideration what a member has to say before taking a decision and this process can take some time. This is because the commencement of a formal investigation against a member is a stressful and serious matter for the member being complained about.

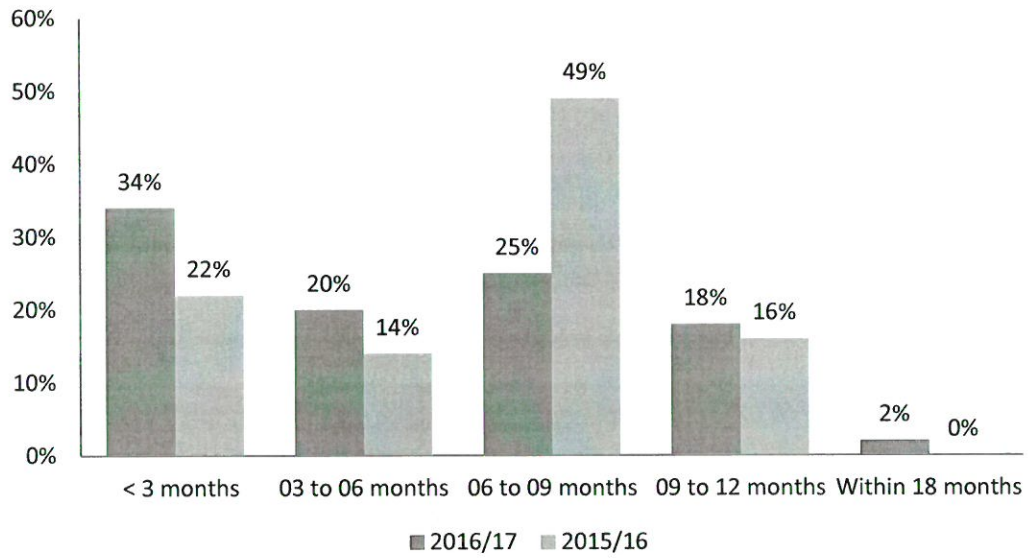
Further details on these decision timescales are shown below.

**Code of Conduct time taken to tell the complainant if I will take up their complaint**



Decision times for concluding Code of Conduct investigations

Comparing performance against 2015/16, a greater percentage of investigations were closed within three months (34% compared to 22% in 2015/16.)



## Annex B: Code of Conduct Complaints closed – Statistical Breakdown by outcomes by local authority

### County/County Borough Councils

County/County Borough Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	1	0	0	0	0	0	0	1
Bridgend	3	0	0	1	0	0	0	4
Caerphilly	6	0	1	0	0	0	0	7
Cardiff	4	0	0	0	0	1	0	5
Carmarthenshire	1	0	0	0	0	0	0	1
Ceredigion	5	0	0	0	0	0	0	5
Conwy	1	0	0	1	0	0	0	2
Denbighshire	6	0	0	0	0	0	0	6
Flintshire	3	0	1	0	0	0	0	4
Gwynedd	3	0	0	0	0	0	0	3
Isle of Anglesey	2	0	0	1	0	0	0	3
Merthyr	0	1	0	0	0	0	0	1
Monmouthshire	7	0	1	0	0	0	0	8
Neath Port Talbot	1	0	0	0	1	0	0	2
Newport	1	0	0	0	0	0	0	1
Pembrokeshire	2	0	0	0	0	0	0	2
Powys	16	0	1	0	3	0	2	22
Rhondda Cynon Taf	6	0	1	0	0	0	0	7
Swansea	12	1	0	0	0	0	0	13
Torfaen	3	0	0	0	1	0	0	4



INNOVATION, IMPROVEMENT, INFLUENCE

Llandrindod Wells Town Council	2	0	0	0	0	0	0	0	0	0	2
Llandudno Town Council	3	0	0	0	0	0	0	0	0	0	3
Llandwrog Community Council	1	0	0	0	0	0	0	0	0	0	1
Llanelli Rural Council	4	0	0	0	0	2	0	0	0	0	6
Llanelli Town Council	1	0	0	0	0	0	0	0	0	0	1
Llanelli Community Council	1	0	0	0	0	0	0	0	0	0	1
Llanfihangel Glyn Myfyr Community Council	1	1	0	0	0	0	0	0	0	0	2
Llangefni Town Council	9	0	1	0	0	0	0	0	0	0	10
Llangennech Community Council	2	0	0	0	0	0	0	0	0	0	2
Langynog Community Council	1	1	0	0	0	0	0	0	0	0	2
Llantrisant Community Council	1	0	0	0	0	0	0	0	0	0	1
Llantwit Major Town Council	1	0	0	0	0	1	0	0	0	0	2
Magor with Undy Community Council	2	0	0	1	0	0	0	0	0	0	3
Manorbier Community Council	1	0	0	0	0	0	0	0	0	0	1
Milford Haven Town Council	2	0	0	0	0	0	0	0	0	0	2
Mold Town Council	1	0	0	0	0	0	0	0	0	0	1
Mumbles Community Council	2	3	0	0	0	3	0	0	0	18	26
Northop Hall Community Council	2	0	0	0	0	0	0	0	0	0	2
Ogmore Valley Community Council	1	0	0	0	0	0	0	0	0	0	1
Pen-Y-Cae Community Council	1	0	0	0	0	0	0	0	0	0	1
Pontyclun Community Council	2	0	0	0	0	0	0	0	0	0	2
Pontypridd Town Council	4	0	0	0	0	0	0	0	0	0	4
Prestatyn Town Council	5	2	0	0	0	1	0	0	0	0	8
Queensferry Community Council	1	0	0	0	0	0	0	0	0	0	1
Radyr and Morganstown Community Council	0	0	0	3	0	0	0	0	0	0	3
Saltney Town Council	1	0	0	0	0	0	0	0	0	0	1

ANNUAL REPORT AND ACCOUNTS 2016/17

Sully and Lavernock Community Council	1	0	0	0	0	0	0	0	0	1
Trefriw Community Council	1	0	0	0	0	0	0	0	0	1
Tywyn Town Council	0	0	0	0	2	0	0	0	0	2
<b>TOTAL</b>	<b>112</b>	<b>8</b>	<b>7</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>140</b>

National Park Authorities

National Park Authorities	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Brecon Beacons	2	0	0	0	0	0	0	2
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>