

Delivering Justice

The Public Services Ombudsman for Wales

Annual Report and Accounts

2020/21

Executive Summary



Message from the Ombudsman.

The coronavirus pandemic has presented all public bodies with new challenges, not least the massive challenges to health and care services. My thoughts are with all those servants of the public, the key workers who have not had the option of home working through this crisis.



We have maintained our service throughout, with staff enabled to work remotely. I am very grateful for our teams in facilitating and accepting change so effectively.

We saw the first substantial reduction in cases but in contrast code of conduct complaints about local elected members have increased. We have revised our Code of Conduct Guidance and were involved in training for some town councils about the Code. Complaints standards for local authorities and health boards are now in place, with training being provided to organisations that generate 95% of our complaints.

Despite all the challenges of the past year, I genuinely feel that this annual report reflects well on the office and our people, and I hope that the following year brings greater 'normality' to all our lives.

Nick Bennett

Public Services Ombudsman for Wales



About us

We have three main roles:

- handling complaints about public service providers.
- considering complaints about breaches of the Code of Conduct by elected members.
- driving systemic improvement of public services.

We are independent of all government bodies and the service we provide is free of charge.

Contact us

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0300 790 0203

ask@ombudsman.wales
<https://www.ombudsman.wales/>

We have continued to deliver for those who have suffered injustice during the pandemic.



61%

of people contacting us were provided with advice or directed to other sources of help.



3,774
enquiries



2,409
complaints

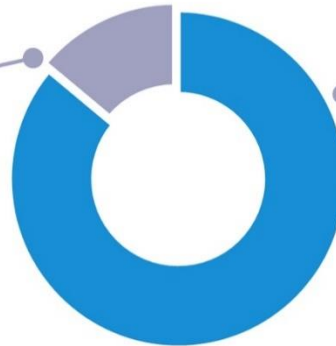
47%

more Code of Conduct complaints compared to last year.

Complaints about

14%

Code of Conduct breaches.



86%

public bodies.

We strive to be a fair independent, inclusive and responsive complaints service. We continued to deliver justice to the people of Wales by handling complaints about maladministration by public bodies and allegations of breaches the Code of Conduct by elected members.

The Covid-19 pandemic had an impact on the number of enquiries and complaints we have received and closed in 2020/21.

14%

We had 14% fewer contacts in 2020/21

16%

We received 16% less complaints about public bodies

21%

We received 21% less complaints about the NHS

11%

We received 11% less complaints about local authorities

12%

We closed 12% fewer cases in 2020/21

New complaints about public bodies

2020/21



2019/20



We developed a constructive dialogue with the public bodies we investigate to understand their position during the pandemic. This was to make sure it would work for everyone and to make sure we were maintaining a service for complainants. This dialogue has continued over the year, and we have adapted as public bodies have too.

Health	39%		41%
Housing	13%		15%
Complaint handling	9%		9%
Social services	9%		8%
Planning and building control	7%		7%
Covid-19	3%		0%
Other	20%		18%

Complaints about public bodies closed

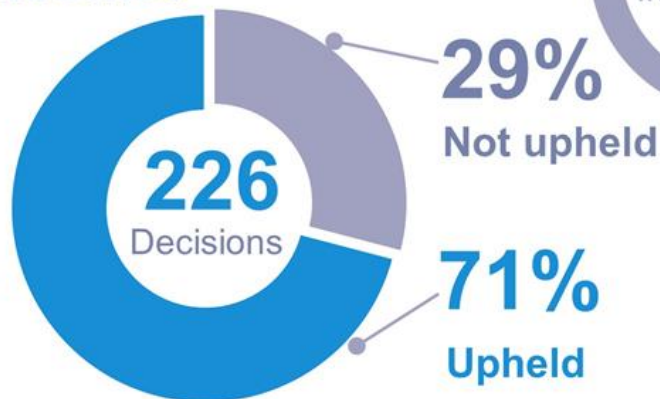


- 212** resolved early with the public body
- 346** out of our jurisdiction
- 658** unable to investigate*
- 471** were made to us prematurely



Investigation outcomes

- 11** complaints were settled voluntarily.
- 11** investigations were discontinued.



*Reasons 'Unable to investigate': more than 12 months since awareness of hardship or injustice; the complainant has access to alternative legal remedy; there is no evidence of maladministration; unable to achieve the outcome sought; not proportionate; no direct hardship or injustice suffered.

New complaints about Code of Conduct breaches

2020/21



2019/20



Town and Community Council

complaints have increased by 23.7% and County and County Borough Councils complaints by 43.8%. We received 35 complaints about 1 County Council member. Several investigations are ongoing in respect of those complaints.

Promotion of equality and respect	55%		49%
Disclosure and registration of interests	14%		17%
Accountability and openness	4%		11%
Integrity	12%		10%
Duty to uphold the law	8%		7%
Selflessness and stewardship	2%		3%
Objectivity and propriety	5%		2%

Closed complaints about Code of Conduct breaches

10 were withdrawn.

255 closed after initial consideration.

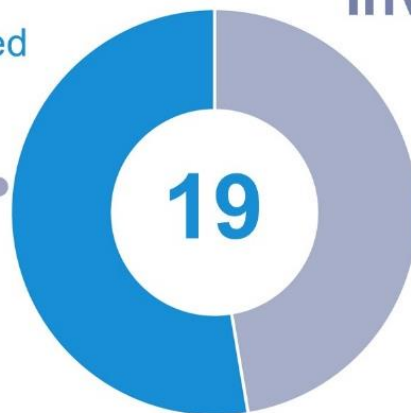


Assessments

5 investigations were discontinued

Investigations

53%
Referred



47%
No action necessary



We intervened in (upheld, settled or resolved early) 20% of complaints about public bodies, the same as last year.

We referred 3% of our code of conduct complaints to local standards committee or the Adjudication Panel for Wales, up from 2% in the previous year.

1045

recommendations issued to public bodies.

£62k

of financial redress recommended.

2

special reports issued.

20%

of our recommendations highlighted retraining or process reviews. This can lead to significant improvement in public services.

85%

compliance with recommendations due during the year.

Here is an example from our casework of the types of recommendations we make to help deliver justice:

The Ombudsman found shortcomings in Betsi Cadwaladr University Health Board's assessment, investigation and diagnosis of Mr D's brainstem stroke, until it was too late for treatment options to be considered. The investigation found that the loss of the opportunity to have potential treatment options discussed was a significant injustice.

The Ombudsman recommended that the Health Board should:

- Apologise to Mr D and Mrs D.
- Make a financial redress payment of £1,500.
- Share the report with the doctors involved in the interests of improving their clinical practice.
- Develop an action plan to address the failings identified in the report within 3 months

We also continued to share our findings through public interest reports, casebooks, thematic reports and annual letters to the bodies in our jurisdiction.

We issued:

8 public interest and special reports

Health



6

Planning



1

Social care



1

1 thematic report

"At Your Service: A Good Practice Guide"



We published our second Equality and Human Rights Casebook



Each year, we send letters on to health boards and local authorities concerning the complaints we have received and considered during. They provide these bodies with information to help them improve both their complaint handling and the services that they provide.



We are proactive, helping the public sector improve during challenging times.

We made large strides in launching our new proactive powers to drive systemic improvement



We issued our Model Complaints Handling Policy and guidance to Local Authorities and Health Boards



We continued the development of standardised data reporting for Public Bodies in Wales.



We provided 90 virtual training sessions to public bodies across Wales



We started four extended own initiative investigations, one of which has been concluded



We re-launched our first own initiative investigation at the Chartered Institute of Housing TAI Cymru conference



We embrace learning and welcome feedback

205 review cases were closed

9%

of the reviews identified we could do more, often as a result of new evidence provided by complainant

32 complaints about us were closed.

22%

of these were upheld or partially upheld.

51% of all complainants questioned were satisfied with our customer service...

...rising to **99%** amongst those satisfied with the outcome of their complaint.



We strive to ensure and promote accessibility, equality and diversity

87% of our customers questioned found it easy to contact us.

3

Sounding boards were run to understand the needs of our stakeholders.



We now comply with most of the Welsh Language Standards



We adopted a Race and Ethnicity at Work Charter



We appointed an Autistic Champion to raise awareness of neurodiverse issues.



We maintained the silver FairPlay Employer level for gender equality.



We pull together and support each other



We provided a range of wellbeing activities to support staff during the pandemic

77%

of staff completed 28 or more hours of continuing professional development.

We saw the average percentage of working days lost through staff sickness drop to

1.1%



We reduced our median Gender Pay Gap from 21% in 2019 to 5% in 2021.



We are accountable and transparent about our performance and use of resources

Our budget of **£5.1m** comprised of...

£4.1m from the Senedd

£974k from a Pension Fund surplus repayment

Our unit cost per case was **£674**

91% of our budgeted funding for new powers (£330k) was spent on implementation



We attended two scrutiny sessions with the Senedd.



We reduced our energy usage by 31%.



We maintained close links with colleagues in the UK, Europe and around the world.



We reduced our office waste by 85%.

182kg of CO₂ emissions were avoided.