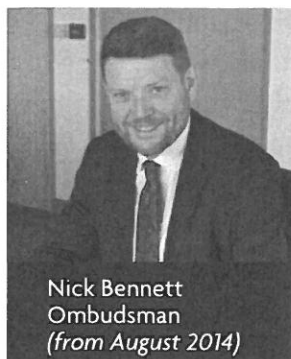


1. Introduction by the Ombudsman



I am delighted to introduce this report for the year 2014/15. It is the ninth Annual Report of the Public Services Ombudsman for Wales (PSOW) since the inception of the office in April 2006. The year 2014/15 was of course a year of transition. I took up my appointment as Ombudsman in August 2014, succeeding Professor Margaret Griffiths who was the Acting Ombudsman to July 2014, having been in that role from December 2013. I wish to pay tribute to Professor Griffiths for so ably taking on the interim role as Ombudsman as well as for her assistance and support to me during the transition phase. I valued this highly.

Innovation

On taking up my role, one of the first things that struck me was the stark reality that the volume of increases in enquiries and complaints made to this office reported in previous Annual Report was continuing into 2014/15. Significant was the fact that during July 2014, the month before I took up my post, the office received both the highest number of enquiries and the highest number of complaints since the office came into existence in April 2006. At the end of the year the picture was that, compared with 2013/14 there had been a 7% increase in all contacts (that is, enquiries, public body complaints, and complaints about the conduct of members of local authorities).

Taking a look back over the past five years, complaints about NHS bodies (which includes health boards, GPs, Dentists) have risen by 126%. Whilst not painting such a dramatic picture, it should not go unremarked that complaints about county/county borough councils are also on the rise. Again comparing the position to five years ago, there has been a 10% increase. Greater detail on the complaints made to my office during 2014/15 can be found at section 3 of this report.

This upward trend in contacts to my office has been a matter of concern to me. Whilst admirable work has been undertaken in recent years to streamline the office's complaints handling processes, I have been eager that we should seek to identify areas for further efficiency gains. I therefore instigated an innovation project, which took place over the space of some three months. This engaged all staff. The work resulted in over 30 agreed action points. The majority of these related to internal changes, with a key focus being on reinforcing and gathering greater momentum in relation to becoming a 'paperless office'. We have taken the view that this approach will enable us to gain further efficiencies in relation

to the practicalities of dealing with casework documents. However, there will also be implications for bodies within jurisdiction too and I was able to announce in February the fact that we would be changing our approach so that we would request records in electronic format only, but that associated with this I would be reducing the timescales allowed for bodies in jurisdiction to provide me with the records requested. It is also intended to increase use of Skype/videoconferencing to conduct interviews across Wales.

Turning the Curve

In addition to the changes emanating from the innovation work, I am firmly of the view that we should engage more directly with county/county borough councils and health boards with the aim of promoting improvements in their approaches to complaint handling. These two sectors account for 83% of the complaints that I receive. Essentially the service I provide is reactive. That is, I have to respond to the enquiries and complaints that arrive at my office. However, I am keen that more people's grievances are properly addressed and resolved at local level, providing earlier resolution for complainants and in turn reducing the level of complaints arriving at my door. The current upward trajectory of complaints to my office cannot be sustained indefinitely without additional resource and I am anxious that we should act proactively to turn the curve.

Furthermore, I am of the view that we also need to do more in relation to having a greater wider impact in relation to improving public service delivery and contributing to public policy in Wales, beyond seeking improvement in the place where the problem occurred. I believe that beyond the 'common good' resulting from this, it will also ultimately lead to fewer complaints coming to the office. As part of this programme, I will be placing greater emphasis on my office's own data gathering in relation to the complaints we receive in the office, so that we can derive more detailed statistical data and hence intelligence in relation to the trends and patterns of these.

I have also given considerable thought as to how my staffing resource should be structured in order to enable me to achieve those things that I see as my priorities. Having arrived at my conclusions, I presented my proposals to my staff during March 2015. I will be seeking to implement those changes in the early part of 2015/16.

Assembly Inquiry into the Powers of the Public Services Ombudsman for Wales

Another aspect that I gave early attention to upon taking up my role as Ombudsman was to consider whether the PSOW Act required review, particularly since it is now ten years old. I took the advantage as part of my 'induction' as Ombudsman to ascertain what best practice looked like amongst colleague ombudsmen, particularly within the UK but also further afield. Having considered what I found, I arrived at the view that whilst the PSOW Act remained well regarded within the ombudsman community, there was a danger that Wales would be left behind as regards developments taking place in other nations and countries. Furthermore, I believe it is important to future proof the Act to enable me, and my successors, to be able to respond to the challenges we know Wales will face with the future ageing society.

Building on the work of the previous Ombudsman, Peter Tyndall, I therefore put forward a number of proposals to the National Assembly for Wales in relation to areas where I believed that the current Act could be extended and strengthened. I was exceptionally pleased that the Assembly's Finance Committee agreed to undertake an inquiry into the possibility of extending the powers of the Public Services Ombudsman for Wales. I was delighted that so many stakeholder organisations took the time and trouble to provide evidence. This ranged from bodies in jurisdiction and their representative organisations, the Commissioners in Wales, as well as colleague Ombudsmen in other parts of the United Kingdom and academic experts in the field. At the time of writing, we await the Finance Committee's decision as to whether to recommend the introduction of a Bill in relation to the PSOW's powers.

Thanks

Finally, I wish to thank the staff of my office. Upheaval is never easy, but their professionalism and dedication is of the highest order.



Nick Bennett
Ombudsman

2. My Role as the Public Services Ombudsman for Wales

As Ombudsman, I have two specific roles. The first is to consider complaints about public service providers in Wales; the second role is to consider complaints that members of local authorities have broken the Code of Conduct. I am independent of all government bodies and the service that I provide is free of charge.

Complaints about public service providers

Under the PSOW Act 2005, I consider complaints about bodies which, generally, are those that provide public services where responsibility for their provision has been devolved to Wales. The types of bodies I can look into include:

- local government (both county and community councils);
- the National Health Service (including GPs and dentists);
- registered social landlords (housing associations);
- and the Welsh Government, together with its sponsored bodies.

Since 1 November 2014, I am also able to consider complaints about privately arranged or funded social care and palliative care services.

When considering complaints, I look to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the service provider. Attention will also be given to whether the service provider has acted in accordance with the law and its own policies. If a complaint is upheld I will recommend appropriate redress. The main approach taken when recommending redress is, where possible, to put the complainant (or the person who has suffered the injustice) back to the position they would have been in if the problem had not occurred. Furthermore, if from the investigation I see evidence of a systemic weakness, then recommendations will be made with the aim of reducing the likelihood of others being similarly affected in future.

Code of Conduct Complaints

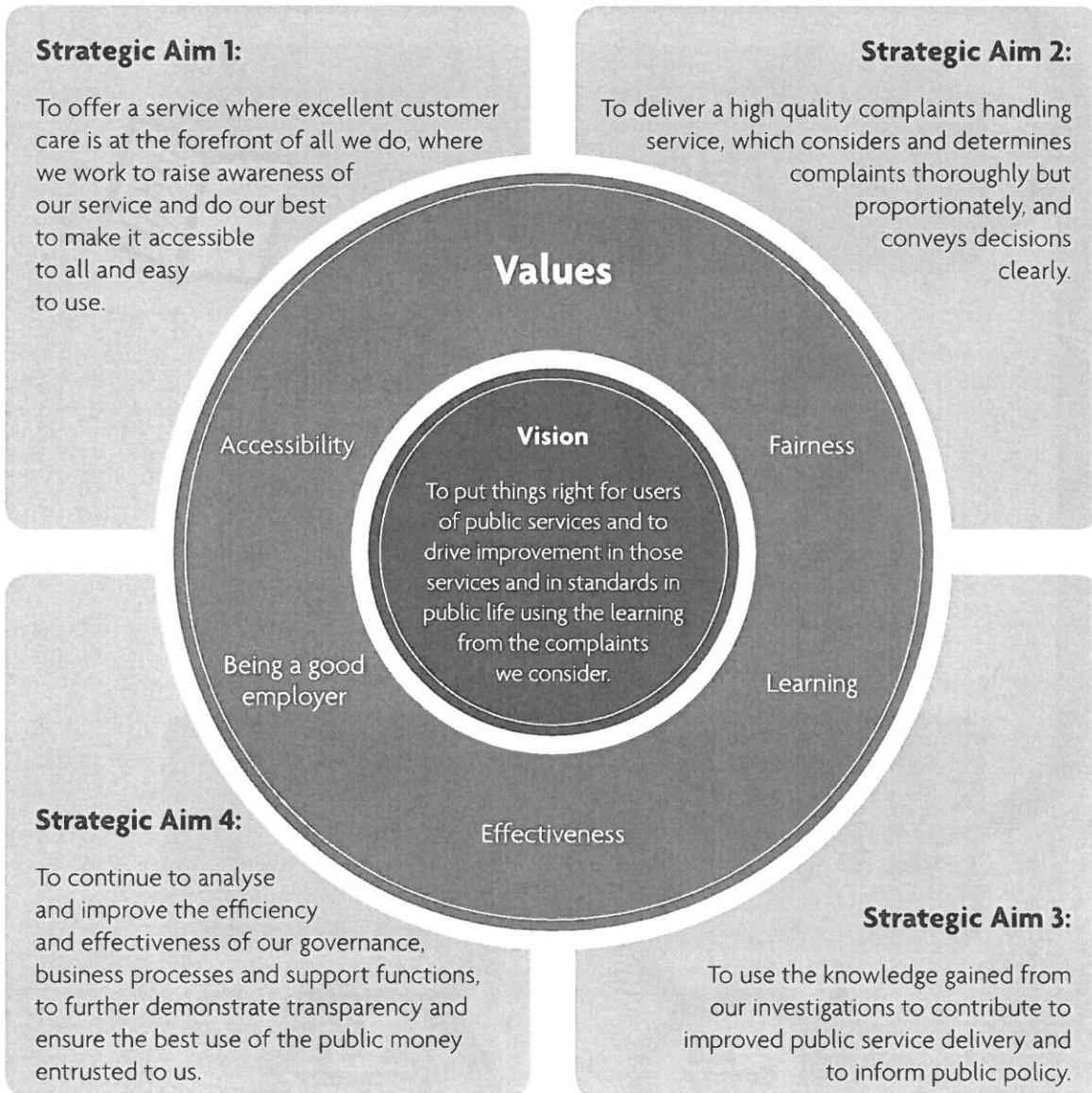
Under the provisions of Part III of the Local Government Act 2000 and also relevant Orders made by the National Assembly for Wales under that Act, I consider complaints that members of local authorities have breached their authority's Code of Conduct. I can consider complaints about the behaviour of members of:

- county and county borough councils
- community councils
- fire authorities
- national park authorities and
- police and crime panels.

All these authorities have a code of conduct which sets out in detail how members must follow recognised principles of behaviour in public life.

If a county councillor wishes to make a complaint about another county councillor within their own authority, then I expect them to first of all make their complaint to that authority's Monitoring Officer, as it may be possible to resolve the matter locally without my involvement.

Vision, Values and Strategic Aims



3. The Complaints Service



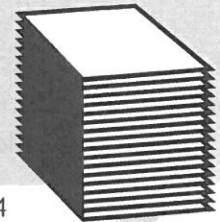
3,470
Enquiries

7% increase on 2013/14

Total Complaints

2,296

6% increase on 2013/14



Complaints about a Public Body

2,065 Complaints

7% increase on 2013/14

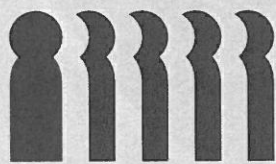


938
County
Council
Complaints
5% increase



769
NHS body
Complaints
1% increase

These account
for **83%** of all
Public Body
complaints



Code of Conduct

231 Complaints

1% increase on 2013/14



125
County
Councillors
Complaints
13% increase

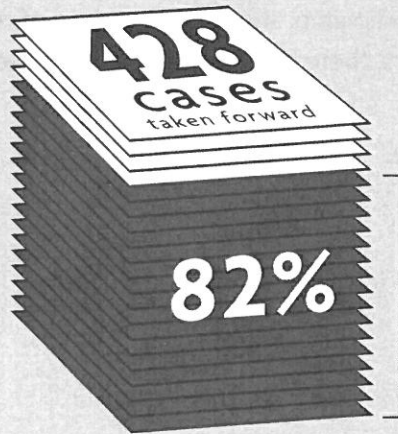


106
Community
Councillors
Complaints
8% decrease

These account
for **100%** of all
Code of Conduct
complaints

Public Body complaints outcomes 2014/15

Total cases closed: **2,015**



349
complaints upheld
/partly upheld

12 of these were
public interest

Code of Conduct complaints outcomes 2014/15

Total Code of Conduct
cases closed: **239**



17 No evidence of a breach
of the Code of Conduct

8 No action
needed

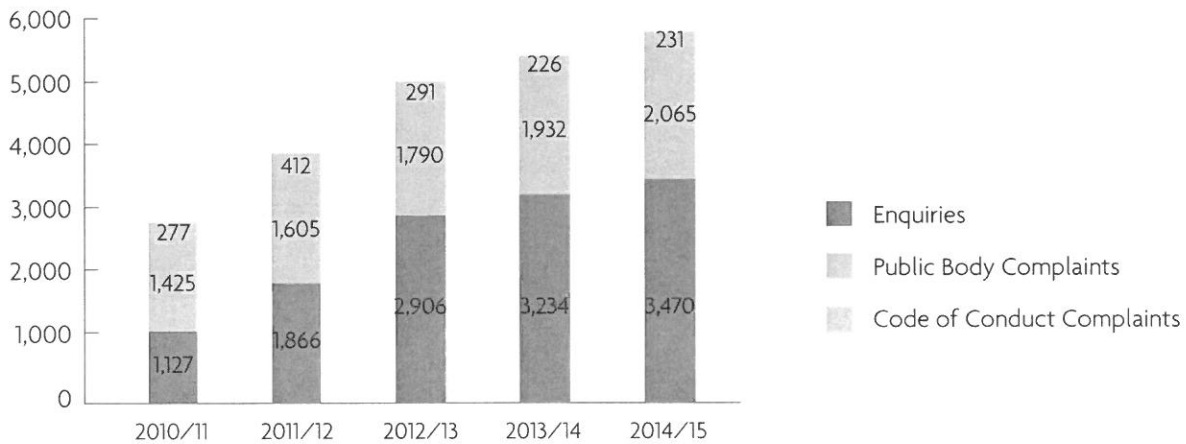
1 Referred to the
Adjudication Panel
for Wales

8 Referred to
a standards
committee

Caseload overview

Annual Reports of previous years have drawn attention to the volume of increases in enquiries and complaints to this office. The year 2014/15 saw that trend continue. There was a 7% increase in all contacts (that is, enquiries, public body complaints, and complaints about the conduct of members of local authorities) and casting an eye over the past five years, there has been a 104% increase.

Total Enquiries and Complaints received by year



Enquiries

The office dealt with 3,470 enquiries during 2014/15, compared with 3,234 the previous year an increase of 7%.

Enquiries are contacts made by potential complainants asking about the service provided, which do not, in the end, result in a formal complaint being made to me. At this point of first contact, we will act in various ways, such as:

- advise people how to make a complaint to me where people have not already complained to the relevant public body, we will advise them appropriately, sending their complaint directly to that body on their behalf if that is their wish
- where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them.
- where appropriate, the Complaints Advice Team also seeks to resolve a problem at enquiry stage without taking the matter forward to the stage of a formal complaint.

We are pleased that despite the continued increase in enquiries to this office we have been able to provide a prompt service at the frontline. We set ourselves the target of answering our main line reception calls within 30 seconds in 95% of cases. There were 6,307 main line calls to the office during 2014/15 and 99% of these were answered within this timescale, which clearly is better than the target we set ourselves.

Public Body Complaints

The number of complaints received about public bodies continues to increase. We received 2,065 such complaints in 2015/16 compared with 1,932 in 2013/14 (a 7% increase).

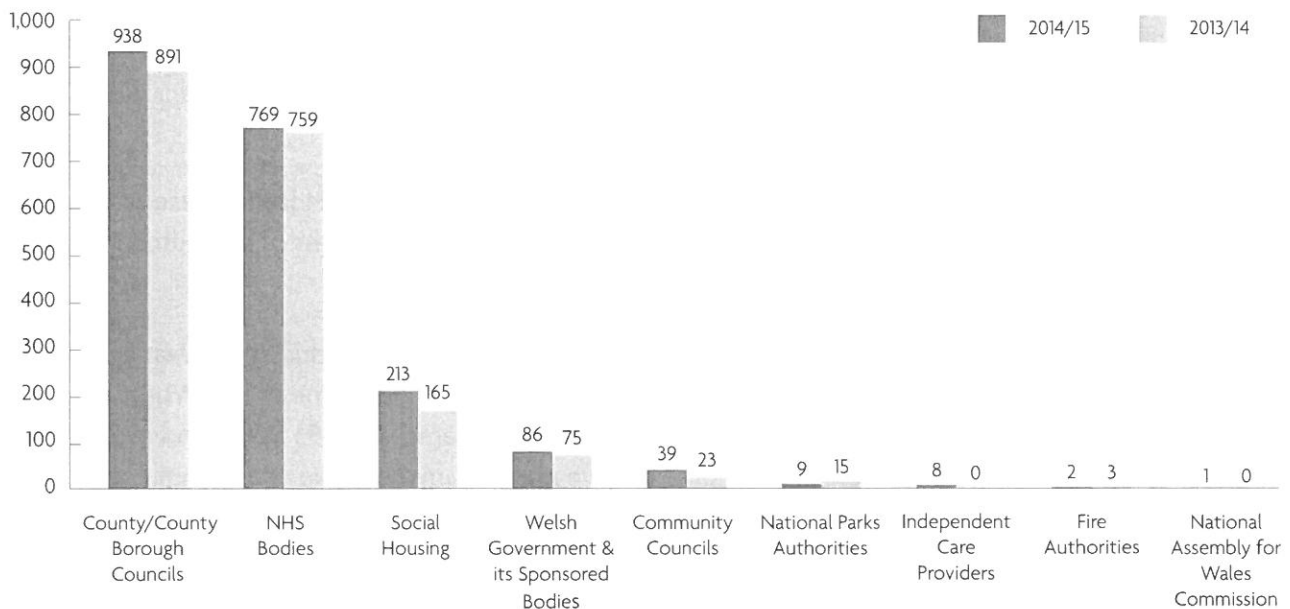
Sectoral breakdown of complaints

County councils have always generated the most complaints to this office. This is not surprising given the wide range of services they provide. For a number of years complaints received about county councils had held at a fairly constant level, the past two years have seen an increase. In particular, there was a notable 5% increase in complaints over the position for 2013/14.

Health body complaints continued the upward trend of recent years. There was a 1% increase over the past year (769 complaints compared with 759 in 2013/14).

The chart below shows the distribution of the complaints received by sector.

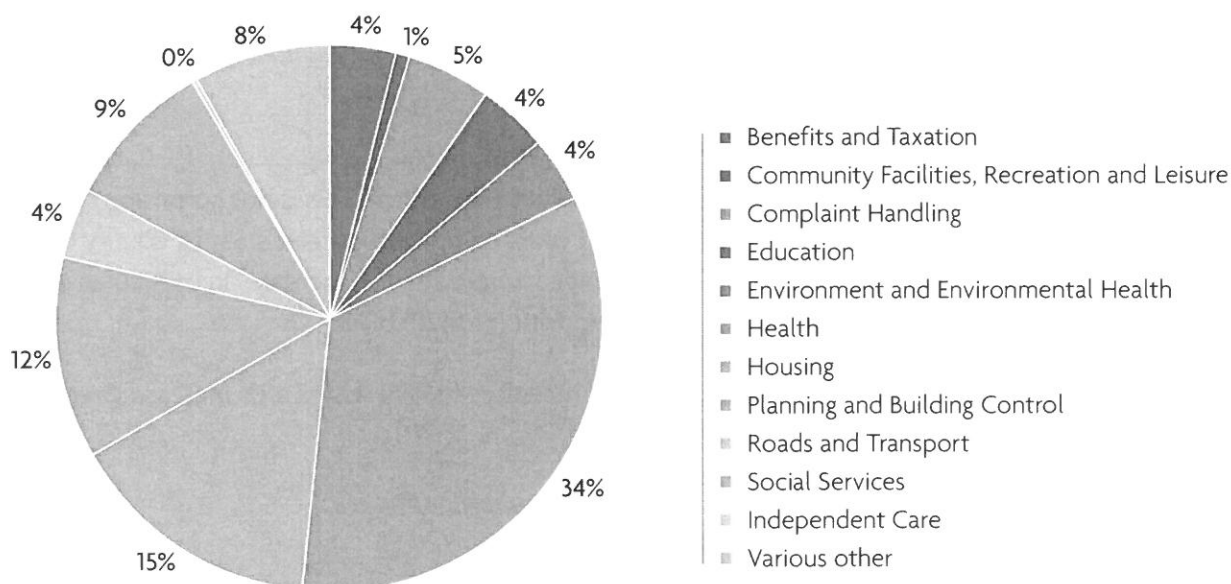
Complaints by public body sector



Complaints about public bodies by subject

As can be seen from the chart below, health complaints account for 34% of the caseload compared with 36% in 2013/14. This small decrease in ratio terms is due to an increase in other types of complaints received rather than a fall in the number of health complaints received (as confirmed by the details above). As has been the case in recent years, housing (15%) and planning (12%) are the service areas which account for the greatest number of complaints received after health complaints.

Complaints by subject 2014/15



[Note: Complaints are categorised by the main subject area of a complaint. However, complaints can also comprise other areas of dissatisfaction - for example, a 'Health' complaint may also contain a grievance about 'Complaint Handling'.]

Outcomes of complaints considered

We closed 2,015 complaints during 2014/15, compared with 1,926 during 2013/14 (an increase of 5%). A summary of the outcomes is set out in the table below and detailed breakdowns of the outcomes by public service provider can be found at Annex B.

I am extremely pleased that we have managed to achieve this level of closure during the year and that we are continuing to keep pace with the increased number of complaints to the office. Whilst the number of cases on hand at the end of 2014/15 stood at 446, compared with 393 at the end of 2013/14, I remain satisfied that this is a reasonable caseload to have open at any one time and do not consider this to be a backlog.

Complaint about a Public Body	2014/15	2013/14
Closed after initial consideration*	1,564	1,402
Complaint withdrawn	23	47
Complaint settled voluntarily (includes "quick fix" of 127 cases)	164	214
Investigation discontinued	8	18
Investigation: complaint not upheld	71	63
Investigation: complaint upheld in whole or in part	173	173
Investigation: complaint upheld in whole or in part – public interest report	12	9
Total Outcomes – Complaints	2,015	1,926

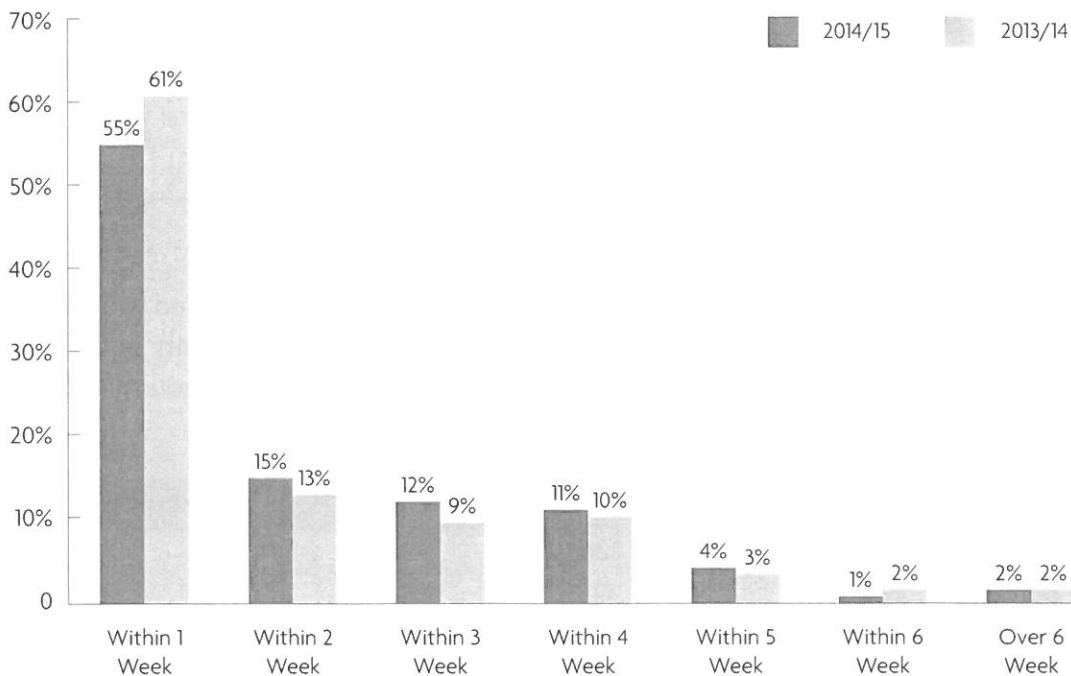
[* Cases closed after initial consideration include complaints that relate to one of the following circumstances:

- outside of my jurisdiction
- premature (that is, the complainant had not first complained to the public service provider, giving them an opportunity to put matters right)
- did not provide any evidence of maladministration or service failure
- did not provide any evidence of hardship or injustice suffered by the complainant
- showed that little further would be achieved by pursuing the matter (for example, a public body may have already acknowledged providing a poor service and apologised).]

Decision times

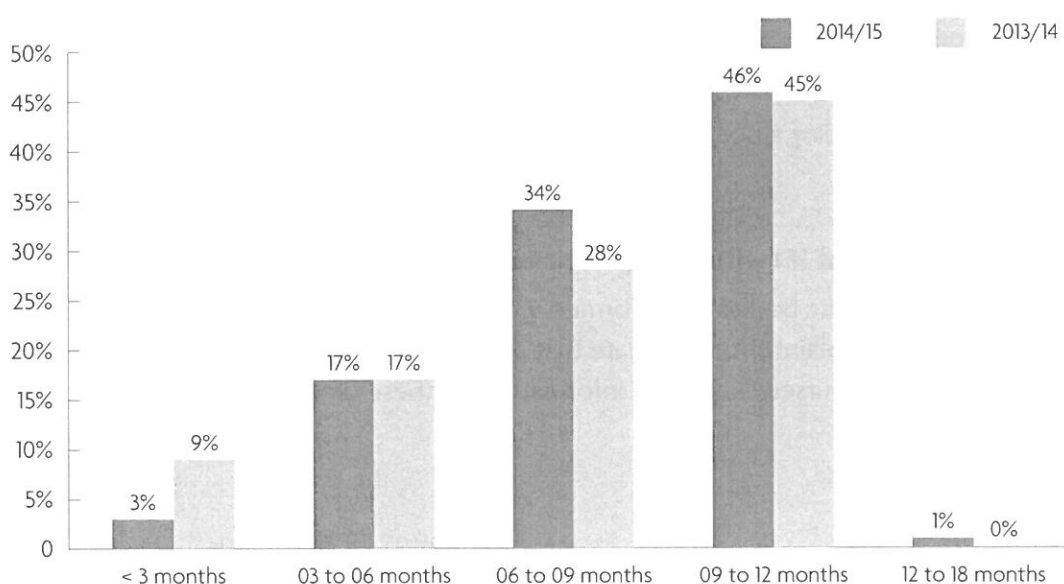
Time taken to tell the complainant if I will take up their complaint

In relation to complaints about public bodies, we informed 93% of complainants within 4 weeks of whether I would take up their complaint (from the date that sufficient information is received). This is better than the 90% target we set ourselves. Further information on these timescales is set out in the chart below.



Investigation Times

We completed 99% of investigations within 12 months, against the 100% target we set ourselves. There were two cases that went over 12 months. Both of these involved strong challenges from parties in the investigation. This led to further clinical advice being sought in the first case, and an internal review of the evidence gathered in the second before the investigation could be concluded. The chart below gives further details on the timescales taken to conclude investigations concerning public bodies.



Code of Conduct Complaints

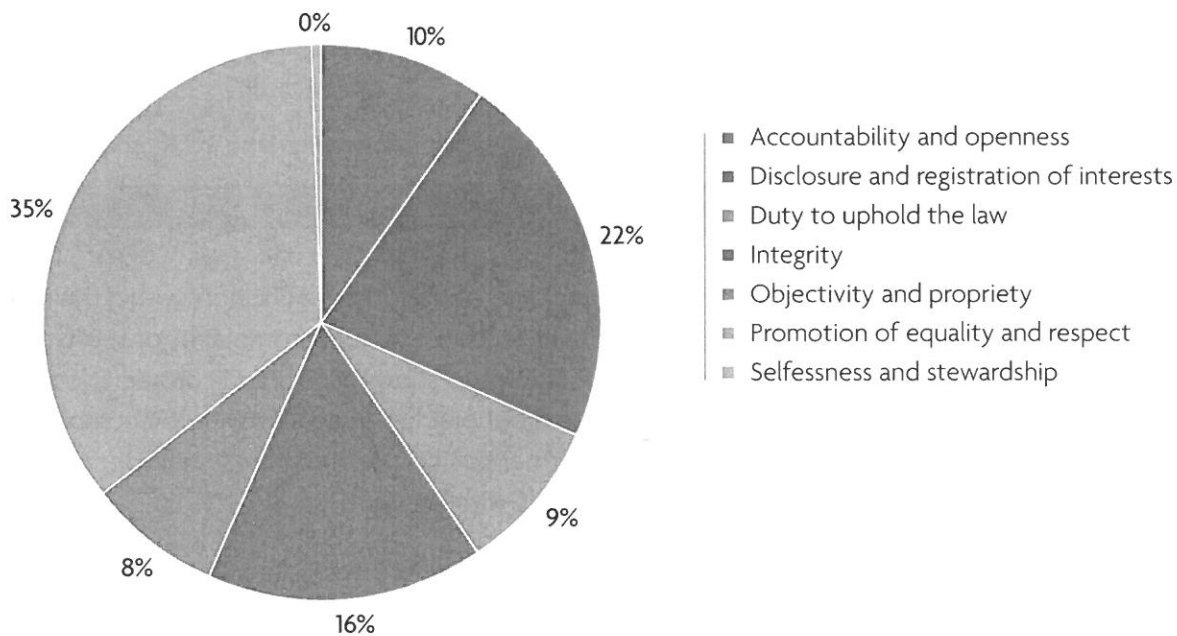
Complaints received

Overall the number of number of complaints received was similar (231 in 2014/15 compared with 228 in 2013/14). However, the past year saw an increase in complaints about members of county or county borough councils, whilst the number of complaints concerning members of community councils fell. This can be seen in the table below.

	2014/15	2013/14
Community Council	106	115
County/County Borough Council	125	111
Fire Authority	0	2
National Park Authority	0	0
Police & Crime Panels	0	0
Total	231	228

Nature of Code of Conduct complaints

As in previous years, the majority of complaints received during 2014/15 related to matters of 'equality and respect'. In 2014/15 this accounted for 35% of the code of conduct complaints received compared with 36% in 2014/15. The next largest areas of complaint related to disclosure and registration of interests (22%), and integrity (16%).



[Note: Although showing as '0%' there was 1 complaint made in relation to 'Selflessness and stewardship']

Code of Conduct complaint outcomes

Of the 239 Code of Conduct complaints closed in 2014/15, the majority (178) 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)
- the incident complained about happened before the member was elected (before they were bound by the Code).

A greater number of investigation reports were referred either to a local authority's standards committee or to the Adjudication Panel of Wales in 2014/15 (9 complaints) compared with 2013/14 (6 complaints). 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 summary breakdown of the outcomes is below:

	2014/15	2013/14
Closed after initial consideration	178	176
Complaint withdrawn	7	12
Investigation discontinued	20	8
Investigation completed: No evidence of breach	17	10
Investigation completed: No action necessary	8	17
Investigation completed: Refer to Standards Committee	8	5
Investigation completed: Refer to Adjudication Panel	1	1
Total Outcomes – Code of Conduct complaints	239	229

County councillors are now expected to make their complaints about other councillors within their authority to their monitoring officer. However, I continue to receive 'low level' complaints of this type at my office. These, for example, could be allegations of failures to show respect and consideration of others under paragraph 4(b) of the code. We have reviewed our practice in dealing with the complaints of this type that come to my office, and will be taking a firmer position in the future in referring these 'low level' complaints back to monitoring officers to be dealt with locally.

A detailed breakdown of the outcome of Code of Conduct complaints investigated, by authority, during 2014/15 is set out at Annex C.

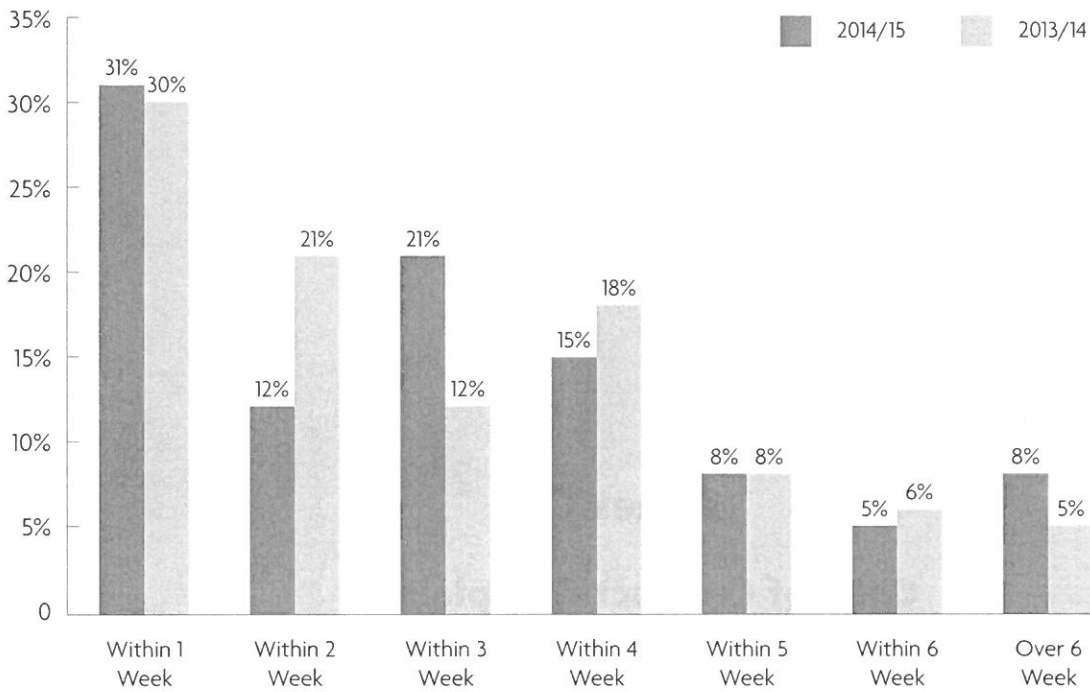
Decision times

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

In respect of Code of Conduct complaints, 79% of complainants were informed within 4 weeks of whether I would take up their complaint (from the date that sufficient information is received). This is lower than the 90% target we set ourselves.

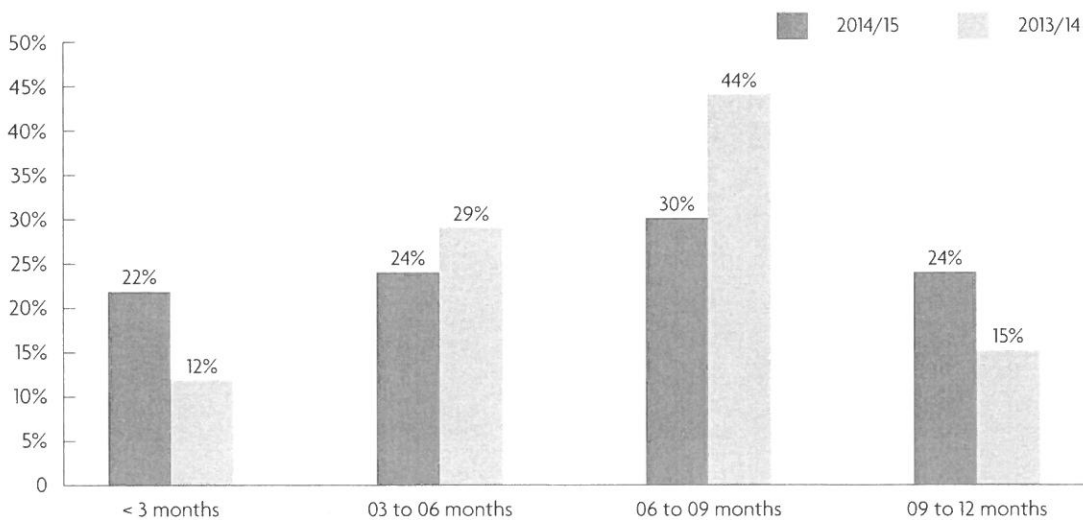
However, different from the position in relation to public body complaints, although not obliged to, members may (and often do) comment on the complaint against them when they have been informed of the complaint. Whilst therefore it can take longer to decide whether to commence an investigation, I consider that it is fairer for us to take into consideration what a member has to say before taking a decision. This is because the commencement of a formal investigation against a member is a stressful and serious matter for the member being complained about. Nevertheless, I will work during the year to ensure that we advise both the complainant and the accused member promptly as to whether we will take the matter into investigation or not.

Further details on these decision timescales are shown overleaf.



Investigation Times

The position for completing code of conduct investigations is a positive one. I am pleased that over the past year we succeeded in meeting our 100% target for completing investigations within 12 months, as can be seen in the chart below.



Annex C

Code of Conduct Complaints:

Statistical Breakdown of Outcomes by Local Authority

COMMUNITY/ TOWN COUNCILS

Community or Town 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
Abertillery & Llanhilleth Community	4		1					5
Aberystwyth Town	4		1					5
Ammanford Town	1							1
Arthog Community		1						1
Bangor City	1							1
Bethesda Community	1							1
Bridgend Town	3							3
Buckley Town	4							4
Caerwent Community	3							3
Caldicot Town	1							1
Coedpoeth Community	1						1	2
Connah's Quay Town	2							2
Dinas Powys Community	2							2
Fishguard & Goodwick Town				1				1
Holyhead Town	1							1
Kidwelly Town	1							1
Llanarmon yn Ial Community	1							1
Llanbadrig Community	1			2				3
Llandulas and Rhyd y Foel Community	1	2				1		4
Llandello Town					1			1
Llandudno Town	2							2
Llanedi Community	1							1
Llanelli Rural	5							5
Llanfihangel ar Arth Community						1		1

COMMUNITY/ TOWN COUNCILS (CONTINUED)

Community or Town 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
Llangatock Vibon Avel Community			1					1
Llangelynnin Community	1							1
Llangennith, Llanmadoc & Cheriton Community	8							8
Llanharan Community	1							1
Llanover Community Council	1							1
Llansanffraid Glan Conwy Community							1	1
Llansannan Community	2							2
Llansantffraed Community				1				1
Llansteffan & Llanybri Community	1							1
Llantwit Major Town	1							1
Llanwnda Community							1	1
Llay Community	3							3
Mumbles Community	3							3
Ogmore Valley Community		1						1
Penmaenmawr Town		3	1					4
Pennard Community	7							7
Prestatyn Town	1							1
Rhyl Town		1						1
Sully Community	1							1
Templeton Community				1				1
Tywyn Town	7		2	1				11
Y Felinheli Community	1							1
TOTAL	78	8	6	7	2	1	3	105

FIRE & RESCUE AUTHORITIES

Fire & Rescue Authority	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Mid and West Wales		1	1					2