

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

This response is also available in Welsh.

Response by the Public Services Ombudsman for Wales: Impact of Covid-19 on matters relating to the Equality, Local Government and Communities Committee's remit

We are pleased to respond to the inquiry into the impact of Covid-19 on matters relating to the Equality, Local Government and Communities Committee's remit.

Overview

[Our role](#)

[Our casework](#)

[Possible explanations for our casework trends](#)

[Impact of Covid-19 on Local Authority complaint handling](#)

[Our work with Local Authorities during the lockdown](#)

[Closing remarks](#)

Our role

As Public Services Ombudsman for Wales (PSOW), we investigate complaints made by members of the public who have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

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

We are also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare.

In addition, we consider complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life.

Under the Public Services Ombudsman (Wales) Act 2019, we are also equipped with further powers to drive systemic improvement of public services through investigations on our own initiative and setting complaints standards for public bodies in Wales.

Our casework

We recognise that, as a result of the Covid-19 pandemic, many people are more reliant than ever on public services. Apart from temporarily suspending complaints about GPs and pharmacists, we have continued to provide our service throughout the lockdown – albeit acknowledging that we may take longer than usual to respond and that we may need to adopt a more flexible approach when progressing complaints.

Between January and August this year, we have seen a reduction in complaints about maladministration and service failure as well as complaints about Local Authorities specifically. Yet, the volume of Code of Conduct complaints reaching the office has increased compared to the same period last year:

New complaints received	1 January to 31 August 2019	1 January to 31 August 2020	% change
all complaints about maladministration and service failure	1465	1242	-15%
complaints about Local Authorities	602	490	-19%
Code of Conduct complaints	156	168	+8%

Across these complaints, the percentage that proceeded to investigation has been lower compared to the same period last year:

New complaints received	% that proceeded to investigation	
	1 January to 31 August 2019	1 January to 31 August 2020
all complaints about maladministration and service failure	13%	8%
complaints about Local Authorities	4%	3%
Code of Conduct complaints	12%	8%

Given the unprecedented effect of the pandemic on all aspect of public life in Wales, we have expected to see in our complaints increasing references to Covid-19 – either as the main subject or an important circumstance.

However, analysis of our casework between January and August this year suggests that we have received relatively few such complaints. Since January we have closed 36 such complaints about maladministration and service failure – all at Assessment stage. In many of these cases, we decided that the complaint was premature and signposted the complainant back to the body.

Some themes in these complaints which may be of interest to the Committee include problems with access to financial support for businesses; delays in housing repairs; contestation of council tax being due on unused properties; and issues around virtual appeals panels (e.g. in relation to schools admission and planning decisions). However, the low volume of relevant complaints so far makes it difficult for us to identify more specific trends at this stage.

Possible explanations for our casework trends

The trends signalled above may have several explanations. In view of the current pressures on public services in Wales, we made it clear to the potential

complainants that we are discouraging submission of minor complaints to public bodies or to our office. We also made it clear that if the matter is minor or trivial with limited personal impact, we will not take it forward; and that we will be strictly applying our 'public interest test' to ensure that we investigate only serious allegations of breaches of the Code of Conduct. The reduction in the volume of complaints overall, as well as the proportion that have so far progressed to investigation, could reflect the effect of this advice.

As for the Code of Conduct complaints, the higher volume of complaints can be attributed to clusters of multiple complaints in relation to only two separate incidents.

At the same time, we also have grounds to believe that some Local Authorities have reduced access to their complaint handling processes during the lockdown. We normally expect complainants to pursue their concerns with the relevant body before contacting our office. If these concerns are not considered promptly by the relevant bodies, it may result in a delay before they reach us. We will discuss these issues in more detail below.

Impact of Covid-19 on Local Authority complaint handling

The Committee will be aware that this year we made large steps to start to implement our new Complaints Standards Authority (CSA) role. As soon as our new powers became operational, our new CSA team requested quarterly data on the complaints handled from Local Authorities.

We must underline that we have discovered much divergence in how Local Authorities record complaints and that in many cases the data submitted to the CSA team was incomplete. With these caveats in mind, the complaints data that we received from the Local Authorities for the first quarter of 2020/21 (adjusted for some missing submissions) suggests that compared to the same period last year

- complaints logged by Local Authorities dropped significantly from around 4000 in 2019/20 to around 2200 in 2020/21.
- Local Authorities have upheld roughly the same proportion of their complaints, but the proportion closed within 20 working days has reduced from 83% last year to 78% this year.

Our communication with Local Authorities suggests that these trends are at least in part due to their complaints processes being temporarily suspended and/or complaint handling staff being redeployed. If so, it is possible that the Covid-19 lockdown will result in a storm of delayed complaints to Local Authorities and our office once these services are restarted.

Our work with Local Authorities during the lockdown

From the beginning of the lockdown, we remained in touch with Local Authorities and other bodies in our jurisdiction to determine whether and how we could progress complaints.

We acknowledged from the outset that their ability to supply information to us may be compromised due to reduced capacity and we adopted a more flexible approach to our timescales. We have also been more flexible on the implementation of Early Resolution, allowing bodies in our jurisdiction to lead on timeframes for action. In

another move, we suspended our use of Egress (software used to encrypt messages), as we discovered that it not only facilitated our internal communication but also made it easier for staff of many bodies in our jurisdiction to access our messages when working from home.

We also encouraged the bodies in our jurisdiction to manage the expectations of complainants and set realistic timescales regarding their ability to respond.

We will continue to keep these measures under review and remain flexible and responsive to the needs of public service providers, who face unprecedented pressures at this time. At the same time, we are clear that the pandemic must not erode standards of good administration at the time when individuals may be most reliant on public services and we will continue to communicate this message strongly to the bodies in our jurisdiction.

Closing remarks

I trust that you will find this response useful. We look forward to analysing trends in our casework, as well as in complaint handling practices of Local Authorities, more thoroughly when more data becomes available and we hope to be able to provide an updated response to the Committee at that time.

Should you wish to discuss any of the above points further, please do not hesitate to contact [REDACTED] our Head of Policy [REDACTED]



Nick Bennett

Public Services Ombudsman for Wales

October 2020
