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Ask for: Michelle Morris

Our ref: MAM/CV



[Redacted]

Date: 26 January 2024



[Redacted]

Peredur Owen Griffiths
Chair, Finance Committee
Welsh Parliament
Cardiff Bay
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By email only
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Dear Peredur

Thank you for your scrutiny report which was laid on 22 November. In your report you refer to the Committee wishing to have my formal response to the recommendations made. I have the following responses and observations to make:

Recommendation 1. The Committee recommends that the Ombudsman provides further information on the resource implications of dealing with complex cases and how the Ombudsman is ensuring timely resolution of those cases.

As the Committee is aware, we have continued to see further increases in the number of complaints we receive. We are continuing to resolve cases at an early stage whenever possible and to take a proportionate approach when we decide which cases are suitable for detailed investigation. This ensures that we focus our resources on the most serious cases, where our intervention may identify systemic failings and drive improvement in public services.

Our complex cases are those which require detailed investigation. Over 80% of our complaints about public bodies are health cases which require independent clinical advice to inform our decisions on whether service failure may have occurred in the care and treatment provided to the patients. They require significant resource both in terms of staff time investigating detailed clinical records and the cost of securing clinical advice. Also, a large proportion of the code of conduct cases we investigate are complex when, for example, evidence has to be gathered from a number of witnesses or when cases are contested at hearings at the Adjudication Panel for Wales or local standards committees.

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Therefore, not only is staff resource required to investigate these cases, but further significant input is required, after we have closed our investigation, to present cases at tribunal and committee hearings.

Throughout this year we have focussed our resources on reducing the number of our older investigation cases. For public body complaints, our decisions to start detailed investigation have, in the main, continued to have been taken by two members of staff dedicated to this task. This has ensured consistency in the application of our proportionality test, focusing the heads of complaint on key issues which are taken forward and reducing the number of independent clinical advisers required per case. This practice has continued to have the effect of reducing our individual Investigator Officer caseloads in our investigation teams, allowing them to progress and close our older cases. During periods when investigator posts have been unfilled, pending successful applicants taking up their posts, we have continued to use bank workers to progress cases and reduce the pressure on our staff, for example by drafting a clinical advice request or a draft report, to assist the case owner.

To progress our older code of conduct cases, we have deployed greater staff resources to our code of conduct team to work collaboratively, providing assistance on the older cases with a focus on progressing and closing cases. This focussed assistance has also meant that the number of detailed investigations which each investigator holds has reduced, providing them with the space to make progress on their cases.

As at 31 March 2023, 88 of our investigation cases were over 12 months old. Our target by 31 March 2024 is to have reduced our over 12 months cases by 50%. Whilst progress on cases can sometimes be hampered as a result of unexpected issues arising, we are currently on track to meet this target.

Recommendation 2. The Committee recommends the Ombudsman provides further information on the use of bank caseworkers, including to what extent they have been used during the year and the costs of doing so.

Bank workers are employed within our staff budget and within our overall staff establishment for the year. We make limited use of bank workers to cover short-term gaps as a result of staff turnover and delays in new staff being able to take up their new posts (e.g. as a result of notice periods). We recruit promptly to caseworker vacancies, and we work to recruit and appoint to maintain a full complement of casework staff.

For the year 2022/23 we engaged 6 bank workers who worked (in total) 0.3 of a post – around 0.4% of our workforce. For the year 2023/24 to date, we have engaged 7 bank workers who have worked (in total) 0.6 of a post – around 0.8% of our workforce.

Bank workers are engaged at rates comparable with our staff at equivalent levels, with adjustments to reflect the fact that they receive holiday pay rather than an entitlement to days off.

The total pay costs of bank workers in 2022/23 were £17k (0.6% of our pay budget) and in 2023/24 the total cost to date is £29k (1.2% of our pay budget).

Bank workers account for a small proportion of our staff costs and numbers, but nonetheless help mitigate the pressures of increasing numbers of complaints and staff turnover.

Recommendation 3. The Committee recommends that the Ombudsman provides an update on planned staff engagement initiatives, particularly in terms of how these support the impact of workload pressures on staff's wellbeing.

Staff wellbeing issues are included in our risk register, with actions to reduce and mitigate risks discussed by Management Team, and the Audit & Risk Assurance Committee, as part of consideration of the risk register.

We will continue staff engagement through one-to-one meetings and team meetings. Our confidential counselling service and our mental health first aiders remain available to staff, and we will continue to offer stress risk assessments to staff.

We have run workshops with managers following all-staff engagement meetings and we have a series of wellbeing events. We will be running staff health-checks during February/March.

The greatest single impact on staff wellbeing has been high individual case holdings, where individual investigators have had an average of 21 ongoing investigations. We have focussed considerable effort on reducing the numbers of investigation cases held by each member of staff, reducing the average number of cases per investigator to 14 (for public service complaints). This progress is positive for staff wellbeing, as well as for the service we are able to provide.

Workload pressures can be compounded by the behaviours of some complainants, particularly through aggressive and abusive telephone calls. We encourage staff to take time away from the 'phones after challenging calls, to report behaviour that does not meet the standards we expect and to debrief with a colleague or their manager after these calls. We provide training on handling difficult conversations and regularly remind staff of the additional support available through Mental Health First Aiders and the counselling service.

We recognise, however, that the pressures on staff are significant and we expect wellbeing concerns to remain a feature of responses to our staff survey towards the end of this (financial) year.

Recommendation 4. The Committee recommends that the Ombudsman clarifies how the case load estimates for future years will be calculated.

Predicting caseloads is challenging, and recent history shows how variable the changes can be year to year. Our estimates and projections have been broadly accurate, though there is variability from year to year.

We will monitor new enquiries and complaints received each month and compare with numbers for the same period in previous years. We will use these figures to project each year, as part of the estimate preparation, the number of enquiries and complaints likely to be received in the remaining months of the year and the following year. Rather than present a single figure, we will present a range within which we expect the numbers of new cases to be.

Recommendation 5. The Committee recommends that the Ombudsman provides an update on the pay award once agreed and its budgetary impact.

The pay award has been settled and staff were paid the pay award in November. The average increase as a result of the April 2023 local government pay award is around 5.4%.

Recommendation 6. Should there be an underspend from the amount budgeted for pay awards, the Committee expects the Ombudsman to:

- return any unused funding to the Welsh Consolidated Fund through the next available supplementary budget motion; and
- remove this underspend from the baseline for the Estimate 2024-25.

Since the April 2023 pay award is significantly lower than anticipated in the supplementary budget submission earlier in the year, the balance is being returned (January 2024) through a supplementary budget submission for 2023/24.

For the 2024/25 financial year, we will return the appropriate amount in a supplementary budget submission in the first quarter of the financial year.

Recommendation 7. The Committee recommends that the Ombudsman provides the final cost details for the re-tendering contract of the case management system.

The costs relating to 2024/25, under the new contract for our case management system, will be £165k. This is in line with the costs included in our Estimate submission.

Recommendation 8. The Committee recommends that the Ombudsman continues to provide updates on its use of accommodation and the budgetary impact of any changes it plans to make to its office space.

We have vacated the first and second floors of our accommodation and are actively seeking new tenants to take these areas on. Whilst there have been a small number of viewings, none has yet become a firm interest. We will keep the Committee informed.

Vacating parts of our accommodation is also likely to result in the payment of dilapidations. Whilst we have made provision for this in our accounts, and we will work to minimise the required payment, a supplementary budget submission would be needed to allow this provision to be used.

We hope to achieve savings, from the reduction in office space, that we can invest to help us meet the demand for our services and in service improvement, particularly investment in information technology which supports our current operating model.

Recommendation 9. The Committee recommends that the Ombudsman provides further information about the outcomes expected from an increase in its data analysis capacity, including how such analysis will inform approaches to case loads.

Subject to formal approval of our 2024/25 budget, we propose to advertise for and appoint a data analyst. We will learn from the experiences of other Ombudsman organisations and from Audit Wales in developing our approach. We expect our initial work to involve:

- reviewing the data we collect and identifying any gaps;
- improving data quality by identifying and addressing inconsistencies; and
- identifying external data sets that could inform our work.

These actions will facilitate valuable data analysis. The specific decisions we will take using our data analysis will depend on the data, of course, but we anticipate that the data will help us to:

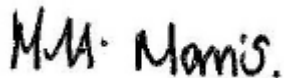
- identify patterns in complaints we receive, particularly in complaints that do not progress to investigation;
- guide our decisions on the subjects of thematic reports on cases we have investigated;
- inform our improvement work with public bodies, identifying common themes across public services and organisation-specific areas for improvement in complaints handling;
- determine appropriate topics for Own Initiative investigations; and

- identify and reach groups who may not know about or be confident that they can approach the Ombudsman with their concerns about public services.

This information will help us to prioritise cases and identify additional areas that we should investigate. It could help us investigate some areas thematically, by grouping cases to investigate together rather than individually. Whilst the data analysis is likely to identify additional areas of work (additional subjects and additional complaints from currently under-represented groups), we expect that the data will help us prioritise cases to maximise the positive impact of our work.

We will report on our data analysis, and on our related work, in future annual reports.

Yours sincerely

A handwritten signature in black ink that reads "M.M. Morris".

Michelle Morris
Public Services Ombudsman