

Meeting of:	Governance and Audit Committee
Date of Meeting:	Tuesday, 27 September 2022
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Public Services Ombudsman For Wales (PSOW): Homelessness Reviewed, An Open Door to Positive Change: Action on Suggested Recommendations to Non-Investigated Authorities
Purpose of Report:	To advise Members of the PSOW's wider investigation into homelessness and the progress made by the Council in response to the report's recommendations to non-investigated local authorities.
Report Owner:	Tom Bowring, Director of Corporate Resources
Responsible Officer:	Tom Bowring, Director of Corporate Resources
Elected Member and Officer Consultation:	Progress in relation to recommendations arising from both local and national external regulatory reviews is reported to relevant Scrutiny Committees, Governance & Audit Committee and Cabinet for final oversight. The Council's Insight Tracker monitors progress on external regulatory recommendations and reports regularly to the Strategic Leadership Team. Due to the timing of this report, the Chair of the Homes & Safe Communities Scrutiny Committee has been consulted directly.
Policy Framework:	This is a matter for Executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • In accordance with the Public Services Ombudsman (Wales) Act 2019, the Public Services Ombudsman for Wales published their first own initiative investigation, Homelessness Reviewed: An Open Door to Positive Change in October 2021. This investigation was in response to evidence of systemic maladministration and undertaken in accordance with the PSOW's Criteria for Own Initiative investigations. • In addition to the six specific recommendations made to the three investigated local authorities (Cardiff, Carmarthenshire and Wrexham), the report also invited the remaining 19 local authorities to comply with four recommendations. These related to: Making arrangements at an all-Wales level to discuss and improve consistency of the Review Process; Creating working relationships with stakeholder/partner agencies, such as 'Take Notice', to help improve services; Formulating a framework, in conjunction with advocacy groups, which will empower officers to make decisions/take action, particularly in relation to human rights and equality and reduce 	

unnecessary reviews, without impacting upon the client's statutory right to a review; Considering the recommendations made to the three Investigated Authorities and to take forward any learning points that would improve their service provision.

- [Appendix A](#) details a recent request from the Public Services Ombudsman for Wales to the Council to provide a progress update on the actions taken to address the four recommendations by 30th September 2022.
- [Appendix B](#) outlines the Council's progress to date in addressing these recommendations. Overall, good progress has been made with the majority of actions (10) now embedded as standard practice within our services. Out of 12 related actions in the insight tracker, work is progressing on the remaining two actions. These relate to: progressing arrangements at an all-Wales level to discuss and improve consistency of the Review Process and reviewing our use of alternative communication methods, such as 'WhatsApp' and text, to convey decisions which can then be followed up with a letter.
- The Governance & Audit Committee are being asked to consider the recommendations of the [Homelessness Reviewed: An Open Door to Positive Change](#) Report, the Public Services Ombudsman for Wales' letter to the Council (**appended at [Appendix A](#)**) and to note the Council's progress update (**appended at [Appendix B](#)**) with any recommendations /comments being referred to Cabinet for their consideration and endorsement of progress.
- The Committee are also being asked to recommend to Cabinet that following its consideration that the Council's progress update is forwarded to the Public Services Ombudsman for Wales by no later than 30th September 2022 as per the request.

Recommendations

1. That the Governance & Audit considers the recommendations of the [Homelessness Reviewed: An Open Door to Positive Change](#) Report, the Public Services Ombudsman for Wales' letter to the Council (**appended at [Appendix A](#)**) and notes the Council's progress update (**appended at [Appendix B](#)**) with any recommendations /comments being referred to Cabinet for their consideration and endorsement of progress.
2. That subject to recommendation one, the Governance & Audit Committee recommend to Cabinet that following its consideration that the Council's progress update (**appended at [Appendix B](#)**) is forwarded to the Public Services Ombudsman for Wales by no later than 30th September 2022 as per request.

Reasons for Recommendations

1. To provide for scrutiny and review of the Council's progress to date in response to the [Homelessness Reviewed: An Open Door to Positive Change](#) Report recommendations.
2. To ensure the Council responds appropriately to the Public Services Ombudsman for Wales with a progress update against the report's recommendations.

1. Background

- 1.1 The Public Services Ombudsman (Wales) Act 2019 empowers the Public Services Ombudsman for Wales (PSOW) to undertake an investigation on their own initiative. That means that the PSOW can investigate a matter beyond its impact on an individual and without having to wait for a complaint.
- 1.2 The [Homelessness Reviewed: An Open Door to Positive Change](#) Report published in October 2021 focussed on three local authorities (Cardiff, Carmarthenshire and Wrexham councils) and considered whether:
 - Homelessness assessments were being carried out appropriately;
 - Those told that the local authority's homelessness duty to them had ended were also told that they could request a review of that decision;
 - The reasons for overturning assessment decisions were understood and whether any lessons were being learned and shared;
 - Those whose reviews were unsuccessful were told of the remaining remedies available to them;
 - The actions taken during the COVID-19 pandemic to assess, address and review the needs of homeless people could provide opportunities for longer term or wider improvements.
- 1.3 The investigation concluded that, in general, the Investigated Authorities met their statutory duties under the Housing (Wales) Act and the associated guidance, to ensure that homelessness assessments are carried out properly. It

found that, whilst those entitled to challenge the outcome of an assessment, or the decision that a local authority's duty has ended, were being informed in letters and by the use of factsheets, it was not evident that they were always aware and understood their right to request a review.

- 1.4 Six recommendations were made to the investigated authorities with a further four applicable to the remaining 19 local authorities.

2. Key Issues for Consideration

- 2.1 In accordance with the Public Services Ombudsman (Wales) Act 2019, the Public Services Ombudsman for Wales published their first own initiative investigation, [Homelessness Reviewed: An Open Door to Positive Change](#) in October 2021. This investigation was in response to evidence of systemic maladministration and undertaken in accordance with the PSOW's Criteria for Own Initiative Investigations.
- 2.2 In addition to the six specific recommendations made to the three investigated local authorities (Cardiff, Carmarthenshire and Wrexham), the report also invited the remaining 19 local authorities to comply with four recommendations. These related to: Making arrangements at an all-Wales level to discuss and improve consistency of the Review Process; Creating working relationships with stakeholder/partner agencies, such as 'Take Notice', to help improve services; Formulating a framework, in conjunction with advocacy groups, which will empower officers to make decisions/take action, particularly in relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review; Considering the recommendations made to the three Investigated Authorities and to take forward any learning points that would improve their service provision.
- 2.3 [Appendix A](#) details a recent request from the Public Services Ombudsman for Wales to the Council to provide a progress update on the actions taken to address the four recommendations by 30th September 2022.
- 2.4 [Appendix B](#) outlines the Council's progress to date in addressing these recommendations. Overall, good progress has been made with the majority of actions now embedded as standard practice within our services. Out of 12 related actions in the insight tracker, work is progressing on the remaining two actions. These relate to: progressing arrangements at an all-Wales level to discuss and improve consistency of the Review Process and reviewing our use of alternative communication methods, such as 'WhatsApp' and text, to convey decisions which can then be followed up with a letter.
- 2.5 In line with the Council's performance monitoring arrangements, progress against external regulatory recommendations arising from local and national reviews will be monitored via the Insight Tracker and the Strategic Leadership Team (SLT). Members of Scrutiny Committees will continue to be informed of progress against our regulatory improvement areas through quarterly performance monitoring arrangements. This will be supplemented with a 6 monthly and annual review of regulatory progress, which will be reported to the Governance & Audit Committee and Cabinet for final oversight. Progress will also

be monitored by Audit Wales as part of the Council's annual audit work programme.

- 2.6 The Governance & Audit Committee are being asked to consider the recommendations of the [Homelessness Reviewed: An Open Door to Positive Change](#) Report, the Public Services Ombudsman for Wales' letter to the Council (**appended at [Appendix A](#)**) and note the Council's progress update (**appended at [Appendix B](#)**) with any recommendations /comments being referred to Cabinet for their consideration and endorsement of progress.
- 2.7 The Committee are also being asked to recommend to Cabinet that following its consideration that the Council's progress update is forwarded to the Public Services Ombudsman for Wales by no later than 30th September 2022 as per the request from the PSOW.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 Performance Management is an intrinsic part of corporate governance and integrated business planning which underpins the delivery of the Council's Corporate Plan and its Well-being Outcomes. Our Corporate Plan has been structured around the Well-being of Future Generations (Wales) Act 2015, through the development of four Well-being Outcomes and eight Well-being Objectives. By aligning our Well-being Outcomes in the Corporate Plan with the Well-being Goals of the Act, this will enable us to better evidence our contribution to the Goals.
- 3.2 External Regulation is an important vehicle for driving continuous improvement across our services. Progressing the improvement areas identified by our regulators not only enables us to demonstrate our commitment to continuous service improvement, but also contributes to further strengthening our impact on the national well-being goals through the achievement of our well-being objectives.
- 3.3 The recommendations/areas for improvement identified by our external regulators and associated action plans produced by officers have been developed with the five ways of working in mind. The focus of these is on developing innovative ways of working that better integrate services, whilst enabling us to work more collaboratively with our partners and citizens to involve them in improving service delivery. These improvement actions also focus on preventative actions that will enable us to sustain and future proof our services into the longer term.

4. Climate Change and Nature Implications

- 4.1 There are no implications directly arising from this report, although failure to progress regulatory recommendations could have a negative impact on any future external regulatory assessments and could result in a special inspection by the Auditor General for Wales if deemed that the Council is not meeting the performance requirements.

- 4.2** The climate change and nature implications in respect of our regulatory recommendations have been considered as part of the development of our response (action plan) and will identify mitigating actions required to minimise adverse consequences.

5. Resources and Legal Considerations

Financial

- 5.1** There are no additional budgetary implications directly arising from this report, although failure to progress the improvement areas outlined in the report could have a negative impact on any future external regulatory assessments of the Council which could in turn put funding opportunities at risk.

Employment

- 5.2** There are no direct workforce related implications associated with this report.

Legal (Including Equalities)

- 5.3** In line with the Public Services Ombudsman (Wales) Act 2019, the Public Services Ombudsman for Wales (PSOW) has legal powers to look into complaints about public services and independent care providers in Wales. The PSOW also have powers to undertake 'own initiative' investigations where evidence suggests that there may be systemic service failure or maladministration.

6. Background Papers

None

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Dyddiad: 9 Awst 2022

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Rob Thomas
Cyngor Bro Morgannwg

Trwy Ebst yn unig: DRThomas@valeofglamorgan.gov.uk

Adolygiad Digartrefedd: Gweithredu ar argymhellion awgrymedig i awdurdodau na fu'n destun ymchwiliad

Annwyl Rob

Cyhoeddwyd ein hymchwiliad ar ein liwt ein hunain cyntaf, [Adolygiad Digartrefedd: Drws agored i newid cadarnhaol](#) ym mis Hydref 2021, a chafodd ein canfyddiadau o gamweinyddu a'n hargymhellion ar gyfer gwella gwasanaethau sylw eang, gan gynnwys cael eu trafod gan aelodau o Bwyllgor Llywodraeth Leol a Thai'r Senedd. Roedd y dewis o bwnc ar gyfer yr ymchwiliad ar ei liwt ei hun cychwynnol yn seiliedig ar dystiolaeth o gamweinyddu systematig ac yn unol â'n [Meini Prawf ar gyfer Ymchwiliadau ar ei Liwt ei Hun](#).

Gwnaeth ein hadroddiad argymhellion uniongyrchol i'r tri awdurdod yr ymchwiliwyd iddynt - Caerdydd, Sir Gaerfyrddin a Wrecsam - ac rydym wedi olrhain eu cynnydd ers yr hydref diwethaf. Roedd yr adroddiad hefyd yn gwahodd pob awdurdod lleol arall yng Nghymru, gan gynnwys eich Awdurdod, i gydymffurfio â'r argymhellion canlynol:

- Gwneud trefniadau ar lefel Cymru gyfan i drafod a gwella cysondeb y Broses Adolygu.
- Creu perthnasoedd gwaith ag asiantaethau rhanddeiliaid/partner megis Daliwch Sylw, i helpu i wella gwasanaethau.
- Llunio fframwaith, ar y cyd â grwpiau eirioli, a fydd yn grymuso swyddogion i wneud penderfyniadau/gweithredu, yn enwedig mewn perthynas â hawliau dynol a chydardoldeb a lleihau adolygiadau diangen, heb effeithio ar hawl statudol y cleient i adolygiad.

Tudalen 1 o 2

- Ystyried yr argymhellion a wnaed i'r 3 Awdurdod yr ymchwiliwyd iddynt a mabwysiadu unrhyw bwyntiau dysgu a fyddai'n gwella eu darpariaeth gwasanaeth.

Gwnaed ein hargymhellion i ysgogi gwelliannau wrth ddarparu gwasanaethau ledled Cymru. Fel y byddwch yn cofio, dyma oedd pwrpas a bwriad y Senedd pan cyflwynwyd ymchwiliadau ar ei liwt ei hun yr OGCC. A fyddech cystal â rhoi'r wybodaeth ddiweddaraf i mi ynghylch y camau y mae eich Awdurdod wedi'u cymryd o ganlyniad i'n hymchwiliad erbyn **30 Medi 2022** fan bellaf.

Edrychaf ymlaen at glywed am gynnydd eich Awdurdod ac eraill ledled Cymru, a sut y bydd hyn yn gwella'r canlyniadau i bobl sy'n defnyddio gwasanaethau digartrefedd. Byddwn yn ystyried eich ymatebion wrth benderfynu a oes angen unrhyw ymchwiliadau unigol pellach o'r math hwn er budd y cyhoedd.

Yn gywir,

Michelle Morris

Michelle Morris

Ombwdsmon Gwasanaethau Cyhoeddus

Cc: Jo Hendy, WLGA

Trwy e-bost yn unig: jo.hendy@wlga.gov.uk

Ask for: Sarah Jones

 01656 644238

Date: 9 August 2022

 Sarah.jones@ombudsman.wales

Rob Thomas
Vale of Glamorgan Council

By Email only: DRThomas@valeofglamorgan.gov.uk

Homelessness Reviewed: Action on suggested recommendations to non-investigated authorities

Dear Rob

Our first own initiative investigation, [Homelessness Reviewed: An Open Door to Positive Change](#), was issued in October 2021, our findings of maladministration and recommendations for service improvements received wide attention, including being discussed by members of the Senedd's Local Government and Housing Committee. The choice of topic for the inaugural own initiative investigation was based upon evidence of systemic maladministration and in accordance with our [Criteria for Own Initiative investigations](#).

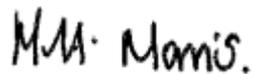
Our report made direct recommendations to the three investigated authorities – Cardiff, Carmarthenshire and Wrexham – and we have tracked their progress since last autumn. The report also invited all other local authorities in Wales, including your Authority to comply with the following recommendations:

- Make arrangements at an all-Wales level to discuss and improve consistency of the Review Process.
- Create working relationships with stakeholder/partner agencies, such as 'Take Notice', to help improve services.
- Formulate a framework, in conjunction with advocacy groups, which will empower officers to make decisions/take action, particularly in relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review.
- Consider the recommendations made to the 3 Investigated Authorities and to take forward any learning points that would improve their service provision.

Our recommendations were made to drive improvements in service delivery across Wales. As you will recall, this was the purpose and intention of the Senedd when the PSOW's of own initiative investigation was introduced. Please provide me with an update on the actions your Authority has taken as a result of our investigation no later than **30 September 2022**.

I look forward to hearing about the progress made by your Authority and others across Wales, and how this will improve the outcomes for people accessing homelessness services. We will take your responses into consideration when deciding whether any further individual investigations of this kind are required in the public interest.

Yours sincerely,

Handwritten signature of Michelle Morris in black ink.

Michelle Morris
Public Services Ombudsman

cc. Jo Hendy, WLGA
By Email only: jo.hendy@wlga.gov.uk

Homelessness Reviewed: An Open Door to Positive Change October 2021 Public Services Ombudsman for Wales (PSOW)

The following recommendations to non-investigated local authorities have informed the action plan below:

- Make arrangements at an all-Wales level to discuss and improve consistency of the Review Process.
- Create working relationships with stakeholder/partner agencies, such as 'Take Notice', to help improve services.
- Formulate a framework, in conjunction with advocacy groups, which will empower officers to make decisions/take action, particularly in relation to human rights and equality and reduce unnecessary reviews, without impacting upon the client's statutory right to a review.
- Consider the recommendations made to the 3 Investigated Authorities and to take forward any learning points that would improve their service provision.

Actions	Progress	RAG	Completion date
a) Create Easy Read versions of homelessness factsheets and standard homelessness correspondence.	This is in place and continually reviewed through discussions held with Vale Housing Solutions Team's Shelter Cymru 'In House' advisor, and Shelter Cymru's 'Take Notice' project.	Green	2019
b) Create Easy Read PHPs for clients with learning difficulties or whose first language is not Welsh or English.	In place and continually reviewed through discussions held with Vale Housing Solutions Team's Shelter Cymru 'In House' advisor, and Shelter Cymru's 'Take Notice' project.	Green	2019
c) Review the use of alternative communication methods, such as 'WhatsApp' and text, to convey decisions which could be then followed up with a letter.	Various methods have been explored including texting, WhatsApp and Microsoft Teams is available and currently utilised. A new management IT system is due to be implemented in Housing Services and will go live in March 2024. This will enable us to enhance the current offer with additional communication options.	Amber	March 2024
d) Implement a Psychologically Informed Environment (PIE) approach to correspondence.	All staff have received PIE and Adverse Childhood Experiences homelessness focussed Training. Training is arranged for all new starters and as a refresher for existing team members. As new staff will soon be joining the team this training will be arranged again for both new and existing staff members.	Green	2020
e) Remind officers of their duty to properly investigate and verify information received by seeking information from third parties and taking account of all relevant information.	Officers have regular case review meetings where the importance of accurate and robust records are discussed. Shelter Cymru have also developed and introduced a training package for both new starters and as a refresher for existing staff.	Green	2020
f) Create a Review Process factsheet, ensuring an Easy Read format is available.	An Easy Read Review Process factsheet is in place. This was undertaken collaboratively with Shelter Cymru.	Green	2022
g) Create a factsheet outlining what a client may expect from the service, ensuring an Easy Read format is available.	Through discussions with Shelter Cymru's 'Take Notice' project we have created a 'Customer Promise', that outlines what we will do for the customer and also what we expect from our customers.	Green	2019
h) Create an interactive social housing map for clients to access.	We have created a self-help on-line housing/homelessness tool for households threatened with homelessness. The tool was designed to help alleviate anxieties of these households at a time when the office may be closed.	Green	2019

Actions	Progress	RAG	Completion date
i) Ensure there is a plan to provide regular training on equality and human rights to all decision makers and to reviewing officers.	Housing (Wales) Act 2014 training package is in place, developed with Shelter Cymru.	Green	2019
j) Include the reviewing officers in the development of future homelessness training.	As above all staff are included and discussions take place with Shelter Cymru regarding any reviews received.	Green	2019
k) Amend review decision letter templates to ensure the details of any ongoing duty are included.	All letters include notification of any duties being awarded or discharged – details of the appeal process are also embedded in all award and discharge letters.	Green	2015
l) Make arrangements at an all-Wales level to discuss and improve consistency of the Review Process.	Raised with the Welsh Local Government Association Housing Support Network for consideration at the next meeting of the group which is yet to be scheduled (quarterly).	Amber	Ongoing