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Date: 16th September 2014

Dear Sir/Madam,

A meeting of the **Standards Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 23rd September, 2014** at **10.00 am** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in black ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.
- 2 Declarations of interest.
Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- 3 Standards Committee held on 26th February 2014 (minute nos. 1-8)
- 4 To consider the Annual Letter from the Public Services Ombudsman for Wales 2013/2014

Circulation:

Councillors: H.W. David and C.P. Mann

A greener place Man gwyrddach



Mr V. Brickley, Mrs M. Evans, Mrs D. Holdroyd, Mr D. Lewis and Mr P. Morgan

Community Councillor Mrs G. Davies

Copy for information only to:

Councillors Mrs P. Cook and Mrs M.E. Sargent. Community Councillor C. Choo Yin

And Appropriate Officers



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON 26TH FEBRUARY 2014 AT 10 AM

PRESENT:

Mrs D. Holdroyd - Chair
Mr V. Brickley - Vice Chair

Mrs M. Evans, D. Lewis and Mr. P. Morgan

Community Councillor Mrs G. Davies

Councillors Mrs P. Cook and C.P. Mann

Together with:

G. Williams (Interim Monitoring Officer), J. Jones (Democratic Services Manager), L. Lane (Solicitor), H. Morgan (Senior Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H.W. David and Mrs M.E. Sargent.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES - 27TH NOVEMBER 2013

RESOLVED that subject to the following matter arising, the minutes of the meeting held on 27th November 2013 (minute nos. 1 - 8, on page nos. 1 - 3), be approved as a correct record.

4. MATTER ARISING

Application for Dispensation to the Standards Committee by a Member of the Council (minute no. 8)

It was noted that the minute should reflect that the relevant paragraph under which dispensation can be granted is (e) whereby the interest is common to the Member and a significant proportion of the general public.

5. MEMBER TRAINING AND SUPPORT

Consideration was given to the report which sought views on proposed arrangements for reporting Members who fail to attend mandatory training and an agreement for a reporting protocol as detailed therein.

Mr Jones explained that the report recommends that the Council introduces a Training and Development Framework to provide a consistent process for identifying and delivering training based on Members individual roles and responsibilities. A key step change for Members will be the introduction of 'Mandatory Training' which will be made up of mandatory induction training (to all Members within the first month of a new Council made up to two 2½ hour modules held in the daytime and repeated in the evening) and Mandatory Regulatory and Personnel Committee Training thereafter.

It was explained that there are 4 regulatory and 3 personnel related committees and it is proposed that Members serving on these committees receive mandatory training twice per Council term to ensure that they understand the role of the committee, any considerations to be taken into account before coming to a decision and any appeals processes. Membership of these committees will be dependant on Members undertaking the mandatory training (as is currently the case with the Appeals Panel, the Investigating and Disciplinary Committee and Appointments Committee). The training will be made up of a 2 x 2½ hour training module for each committee. Refresher training would take place as and when required (i.e. changes in legislation/change of terms of reference of the committee).

As the above mandatory training subjects are considered essential, feedback about the quality and usefulness of the training will be reported to the Democratic Services Committee and any non-attendance will be reported to the Standards Committee. It is proposed that any Member who fails to attend the mandatory training will be required to attend a meeting of the Standards Committee to explain their absence. It will be a matter for the Standards Committee to consider what course of action it considers appropriate, but could result in a Member being sanctioned.

The Committee considered the report in detail and recognised the importance of the training to assist and support Members in carrying out their role. In view of other commitments the Committee was pleased to note that some training will also be offered in the evenings and on the weekend and noted that a detailed programme of training will be made available as early as possible in order that dates can be scheduled into Members diaries. Other training needs will be identified through the training need analysis survey and delivered accordingly. Details of all training courses that Members have attended to date are included in their annual reports.

It was noted that should the Standards Committee agree to monitoring attendance of Mandatory Training the following protocol would be adopted:-

- a. The Head of Democratic Services will write to any Member who fails to attend a Mandatory Training course to request an explanation for non attendance.
- b. Members who have failed to attend for whatever reason will automatically be referred to the Standards Committee to explain their reasons.
- c. Standards Committee will require any Member referred to them for failing to attend mandatory training to attend a future meeting to explain their absence. The Standards Committee will seek an explanation for non attendance and come to a conclusion on whether the Member's explanation is reasonable or could impose a censure on the Member for not complying with Council's Training Scheme for Members. The Standards Committee will write to the Member with their conclusions as soon as possible after the meeting and send copies to the Head of Democratic Services and

Chair of the Democratic Services Committee. The decision of the Standards Committee is final.

It was proposed and seconded that the recommendation in the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED that for the reason contained in the report, and to further strengthen the Council's corporate governance framework by providing additional support for Members, it be agreed that Members who fail to attend Mandatory Training events be reported to the Standards Committee in accordance with the protocol as outlined therein and detailed above.

6. PROTOCOL FOR REFERRAL OF REPORTS FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES FROM THE STANDARDS COMMITTEE TO THE RELEVANT SUBJECT SCRUTINY COMMITTEE

In accordance with the decision of Council at its meeting held on 8th October 2013, consideration was given to the report which sought the approval of a Protocol relating to the referral of a Report of the Public Services Ombudsman for Wales from the Standards Committee to the relevant subject Scrutiny Committee. The Scrutiny Improvement Action Plan included an action to develop links between the Standards Committee and Scrutiny process and the report detailed how this can be achieved.

Mr Jones explained that the protocol is intended to assist members in determining which reports received from the Public Services Ombudsman for Wales should be referred to the relevant Scrutiny Committee. This will enable Members to understand the nature of serious complaints made against the Council, give them an opportunity to examine any underlying circumstances and allow scrutiny Members to focus on improving the Council's services.

It was confirmed that it is entirely a matter for the Standards Committee to decide if a report should be referred to a Scrutiny Committee, in accordance with the suggested protocol.

It was proposed that the Standards Committee should consider referring a report from the Ombudsman to the appropriate Scrutiny Committee, where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee. It is intended that a report setting out the reasons for referral will be presented to the relevant Scrutiny Committee along with the Report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.

During the course of the debate concerns were expressed regarding the length of time the Ombudsman can take in determining a case. It was noted that whilst the Authority has no control over the investigation, on some occasions, especially with multi agency complaints it was accepted that the collation of the required information can take a significant amount of time. It was agreed that this would be monitored in future and the Interim Monitoring Officer advised that she would raise this at the next meeting of the All Wales Monitoring Officers Group and give an update at the next meeting. In the meantime the Democratic Services Manager was requested to determine whether this has been raised in the National Assembly.

Members considered the report in detail and it was proposed and seconded that the recommendation in the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report the protocol for the referral of Ombudsman reports to Scrutiny Committees be endorsed.

7. MEMBERS' DECLARATIONS OF GIFTS AND HOSPITALITY

Consideration was given to the report which detailed the gifts and hospitality declared by elected Members for the period October to December 2013.

Members were reminded that following a report to the Standards Committee on 3rd October 2013, and as part of the drive to strengthen governance arrangements across the Authority, the informal arrangements of reporting gifts and hospitality declared by elected Members has been replaced by the presentation of a quarterly report to the Standards Committee.

Members noted the information provided in Appendix 1 of the report, which listed the gifts and hospitality as declared by elected Members for the period October to December 2013.

ANY OTHER BUSINESS

8. FUTURE TRAINING SESSIONS

In noting the benefit of the code of conduct training prior to the meeting it was agreed that such training be provided prior to the commencement of each meeting, with the next session being on the decision making process. Arrangements would be made accordingly.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.

CHAIR



STANDARDS COMMITTEE – 23RD SEPTEMBER 2014

SUBJECT: ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2013-2014

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To update the Standards Committee on the Annual letter (2013-2014) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman. The report will also be placed before Council on the 7th October 2014.

2. SUMMARY

- 2.1 To inform Members of the Public Services Ombudsman for Wales Annual Letter 2013/14.

3. LINKS TO STRATEGY

- 3.1 The duty to oversee complaints received and investigated by the Ombudsman is within the terms of reference of this Committee.

4. THE REPORT

- 4.1 The Annual Letter setting out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2013/14 in relation to Caerphilly was received in July 2014.
- 4.2 A copy of the Annual Letter is attached at Appendix 1 to the Report.
- 4.3 Members will note the second paragraph of the Annual Letter makes reference to "a noticeable increase in social services complaints". Members will note that whilst there has been an increase in Caerphilly, the Council is still below the Wales average. With regard to the new statutory social services complaints procedure, this was implemented in August. The new procedure reduces the numbers of stages prior to a referral to the Ombudsman from three to two. It is recognised that this change has the potential to increase the number of referrals to the Ombudsman. The relevant Officers are actively monitoring this issue.
- 4.4 Members will note that the data attached as an appendix to the Annual Letter includes a detailed breakdown of complaints received and investigated, and response times to requests for information.
- 4.5 This data is self-explanatory and therefore no further comment is offered other than to ask the Committee to formally note the following:

- 4.5.1 In relation to Caerphilly, there has been decrease in the number of complaints received by the Ombudsman compared with 2012/13 whilst the number of complaints investigated has remained at the same level. Both figures are below the local authority average.
- 4.5.2 The figures show that the Ombudsman has received an above average number of complaints relating to Housing whilst there has been a noticeable drop in the number of complaints relating to Planning and Building control.
- 4.5.3 In relation to the number of Housing complaints I would draw Members attention to the paragraph headed Housing Stock on page 3 of the Annual Letter, which states that “as with previous exercises the figures for 2013/14 have not been adjusted to take account of the transfer of housing stock. However it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock”. In this respect Members are reminded that this Authority has retained its housing stock.
- 4.5.4 The Ombudsman has dealt with one case by way of quick fix and voluntary settlement details of which are set out in the summary on page 9 of the Letter.
- 4.5.5 The Ombudsman has "upheld" one report against the Council and this figure is below the local authority average. This matter has been the subject of a Report to the Standards Committee on 10th June 2013 and Full Council on 11th June 2013.
- 4.5.6 Members attention is drawn to the response times of the Authority when responding to requests for information by the Ombudsman. Members will note that the graph on page 8 indicates that all responses were received more than four weeks after the request. This data relates to two complaints investigated by the Ombudsman. Following clarification with the Ombudsman it has been ascertained that the information is incorrect, one complaint was responded to within four weeks, the second was responded to within four weeks, but unfortunately the response was received one day late, hence is correctly referred to in the data. In the circumstances the Council has asked the Ombudsman to issue an amended Letter to reflect the correct response time.
- 4.5.7 Details of the Code of Conduct complaints for elected Members will be found at Section H of the appendix to the letter. There were no complaints where there was evidence of a breach, the Ombudsman decided not to investigate four, no action was necessary in respect of two and one was withdrawn.

5. FINANCIAL IMPLICATIONS

- 5.1 None.

6. PERSONNEL IMPLICATIONS

- 6.1 None.

7. EQUALITIES IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 This Report reflects the contents of the Annual Letter and therefore has been no formal consultation on the contents of this Report. A copy of the Report has been provided to the consultees listed below.

9. RECOMMENDATIONS

- 9.1 It is recommended that the Committee note the report. The report will be placed before Council on the 7th October, 2014.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.

11. STATUTORY POWER

- 11.1 Public Services Ombudsman (Wales) Act 2005, Local Government Act 1974.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer

Consultees: For information only

Chris Burns, Interim Chief Executive

Sandra Aspinall, Acting Deputy Chief Executive

Dave Street, Corporate Director, Social Services

Nicole Scammell, Acting Director of Corporate Services

Councillor Keith Reynolds, Leader of the Council

Councillor Chris Forehead, Cabinet Member, HR Governance/Business Manager

Chair of Standards Committee

Appendices:

Appendix 1 Annual Letter from Public Services Ombudsman

Background papers

Exempt Report to Standards Committee dated 10th June, 2013

Exempt Report to Council dated 11th June, 2013

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Our ref: MG/jm

Ask for: James Merrifield

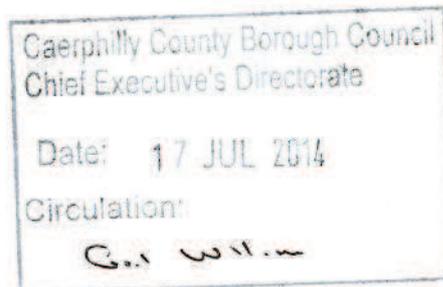
Your ref:

☎ 01656 644 200

Date: 15 July 2014

✉ James.Merrifield@ombudsman-wales.org.uk

Mr Stuart Rosser
Interim Chief Executive
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG



Dear Mr Rosser

Annual Letter 2013/14

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Caerphilly County Borough Council.

Whilst health complaints have continued to rise, and remain the most numerous type of complaint, there has also been a noticeable increase in social services complaints. This suggests that service user discontent with social service provision is now beginning to manifest itself in a similar way to service users of health provision. My office will continue to monitor this area of growth, particularly in view of the changes to the Ombudsman's jurisdiction as a result of the Social Services and Well-being (Wales) Bill and the changes to the statutory social services complaints procedure. This growth is clearly a matter of concern, and I would urge local authorities to monitor trends in the complaints made to them in this area of service delivery.

In reference to the overall performance of county and county borough councils in Wales, my office has issued fewer reports, compared with 2012/13. There has also been a slight drop in the number of cases closed by way of 'quick fix' or 'voluntary settlement' - In view of the benefits to all parties in resolving certain types of complaints quickly and without the need for full investigation, I would encourage all Councils to be receptive to redress proposals from my office which would enable cases to be resolved in this way. Finally, the figures show that the largest number of complaints relate to 'Planning and Building Control' and 'Housing', followed by complaints about 'Children's Social Services' and 'Roads and Transport'.

I have issued nine Public Interest Reports during 2013/14, the majority of which related to health complaints. Some of these reports have identified serious failings in respect of clinical care provided to patients, and the lessons to be learnt from such reports are most relevant to health bodies. However, other public interest reports have identified failings in respect of making reasonable adjustments to accommodate a patient's deafness; acting in accordance with, or implementing guidelines; and, incomplete record-keeping. These are serious failings which could potentially occur within any public body or service provider, and I would therefore encourage you to review all public interest reports to identify any lessons which may apply to your Council.

In reference to the amount of time taken by public bodies in Wales in responding to requests for information from my office during 2013/14, whilst there has been an increase in the percentage of responses received within four weeks, 36% of responses from public bodies have taken more than 6 weeks. I have outlined my concerns in the Annual Report over the way in which complaints are handled, and have also previously referred to 'delay', and the consequences of it, in The Ombudsman's Casebook. Clearly, there remains work to do to ensure that public bodies are providing information promptly and I would encourage all bodies to consider whether their performance in this area warrants further examination.

In reference to your Council, there has been a decrease in the number of complaints received by my office, compared to 2012/13, whilst the number of complaints investigated has remained at the same level. Both figures are below the local authority average. The figures show that my office has received an above-average number of complaints relating to Housing, whilst there has been a noticeable drop in the number of complaints relating to Planning and Building Control. Although my office has issued one 'upheld' report against your Council, this figure is below the local authority average. However, it is disappointing to note that the response times for your Council indicate that all responses were received more than four weeks after they were requested.

The new Ombudsman will be taking up his post in August and I am sure he will be in touch at an appropriate time to introduce himself and possibly to discuss some of the above matters. Finally, following the practice of previous years, a copy of the annual letters issued to county and county borough councils will be published on the PSOW's website.

Yours sincerely



Professor Margaret Griffiths
Acting Ombudsman

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2013/14. Section C compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2013/14. Section E compares the number of complaints taken into investigation with the local authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2013/14, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2013/14 with the average response times for all local authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2013/14. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2013/14.

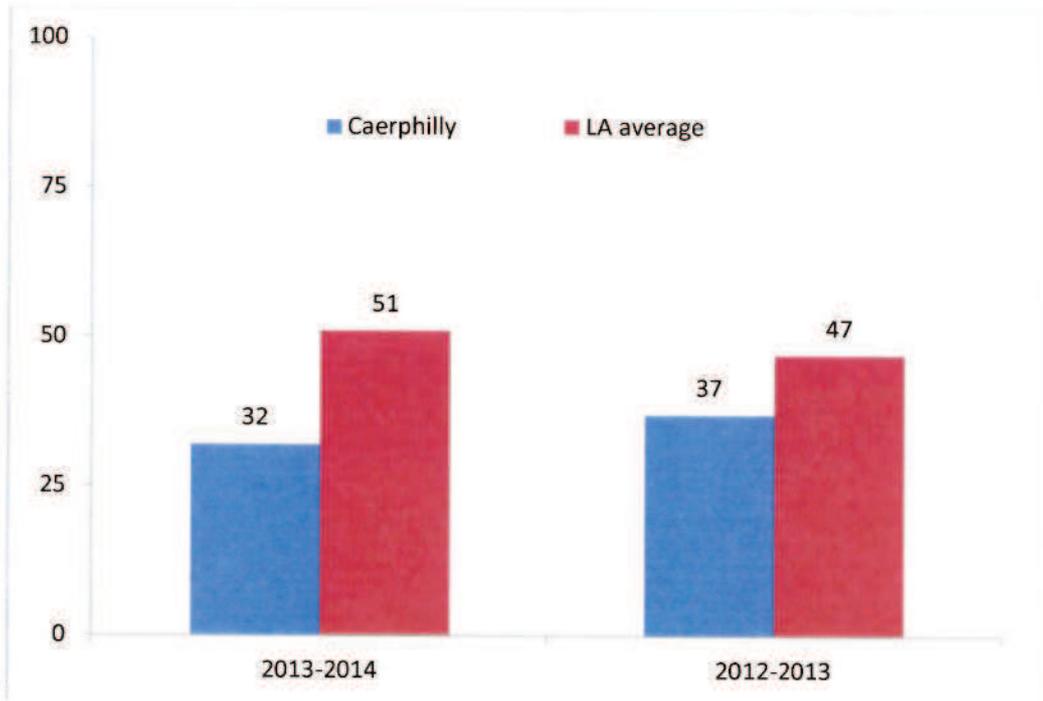
Housing Stock

As with previous exercises, the figures for 2013/14 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to james.merrifield@ombudsman-wales.org.uk.

A: Comparison of complaints received by my office with average, adjusted for population distribution

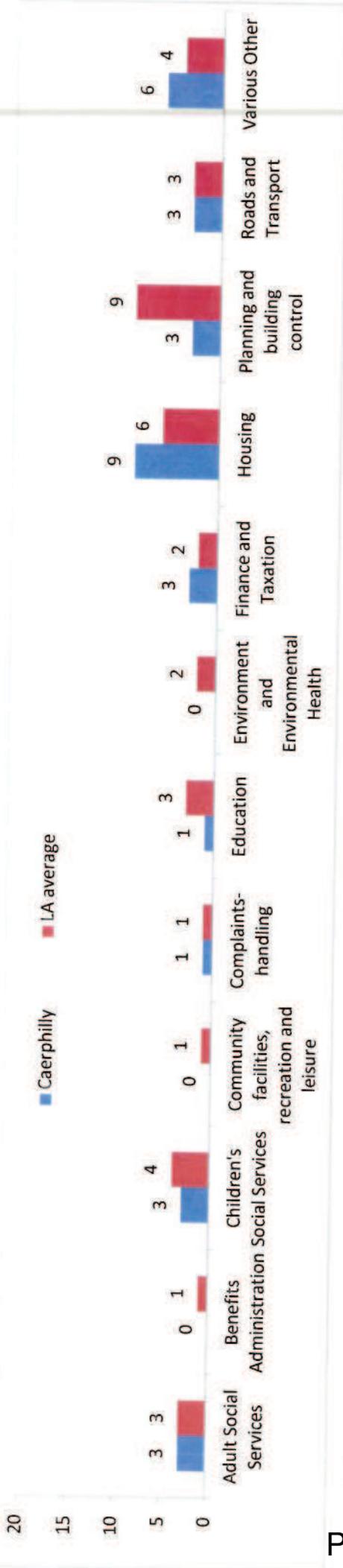


B: Complaints received by my office

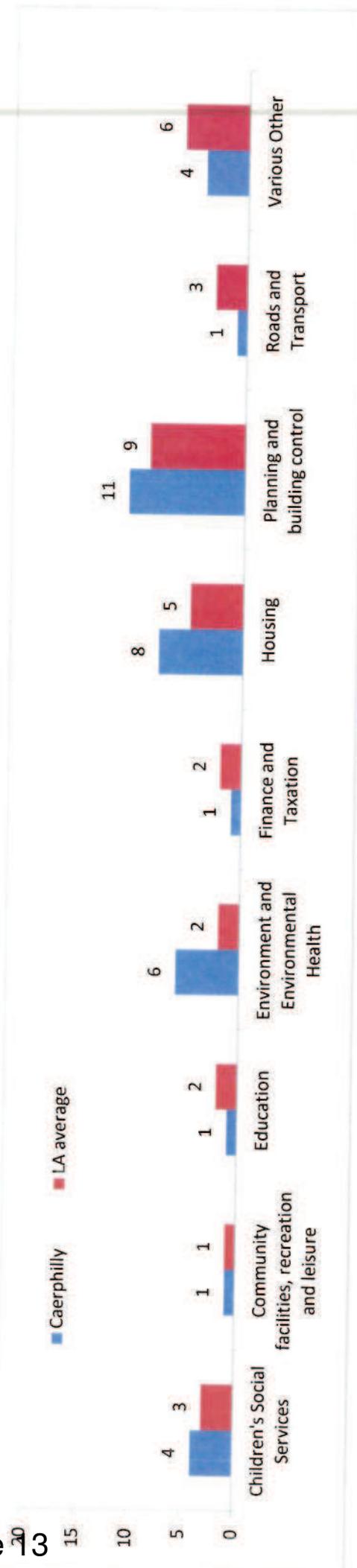
Subject	2013/14	2012/13
Adult Social Services	3	0
Children's Social Services	3	4
Community facilities, recreation and leisure	0	1
Complaints-handling	1	0
Education	1	1
Environment and Environmental Health	0	6
Finance and Taxation	3	1
Housing	9	8
Planning and building control	3	11
Roads and Transport	3	1
Various Other	6	4
Total	32	37

C: Comparison of complaints by subject category with LA average

2013/14



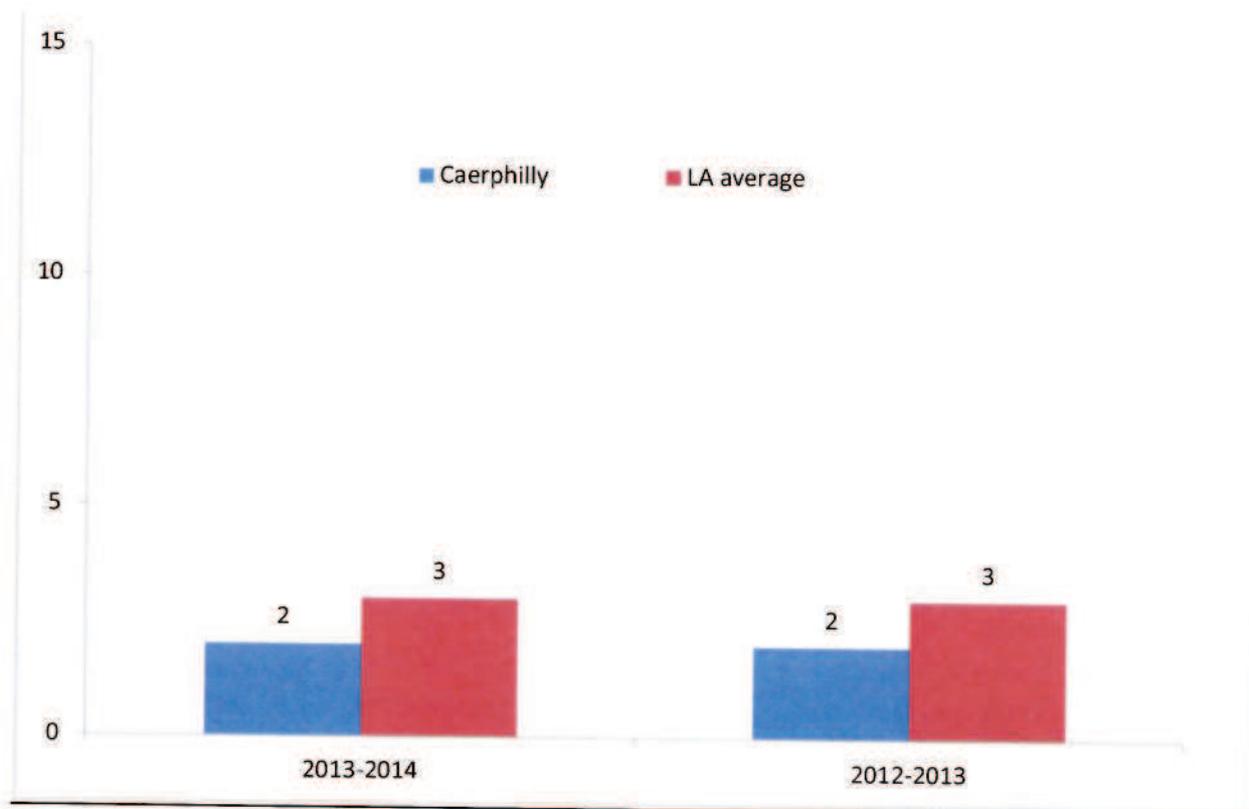
2012/13



D: Complaints taken into investigation by my office

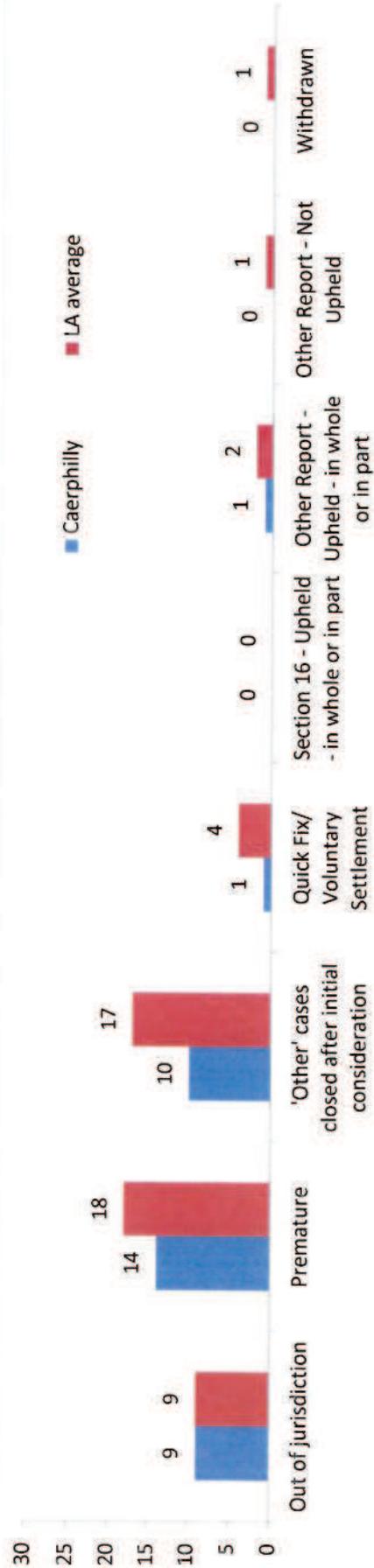
	2013/14	2012/13
Number of complaints taken into investigation	2	2

E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

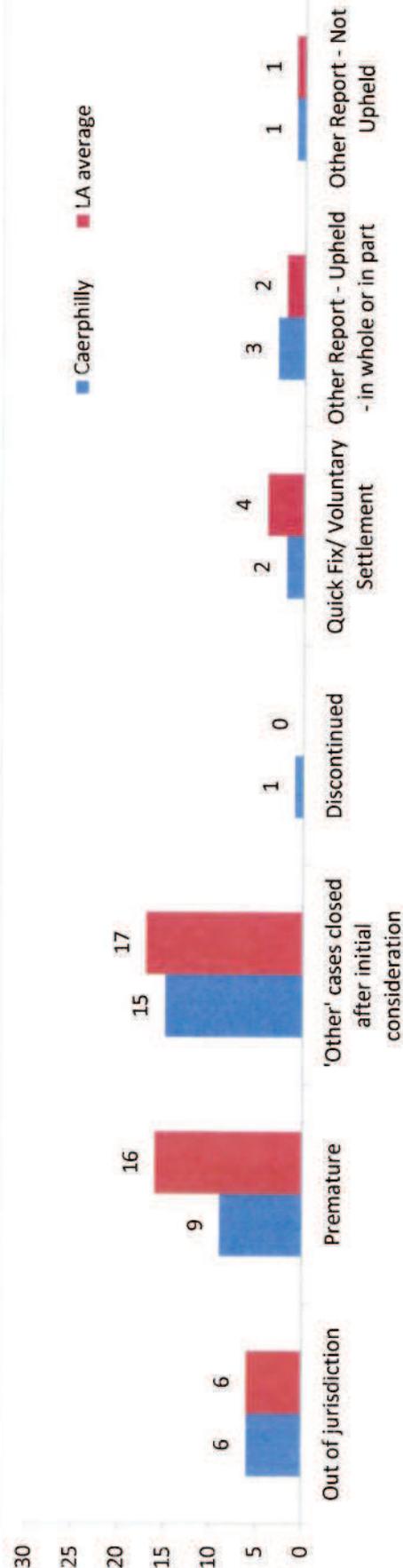


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

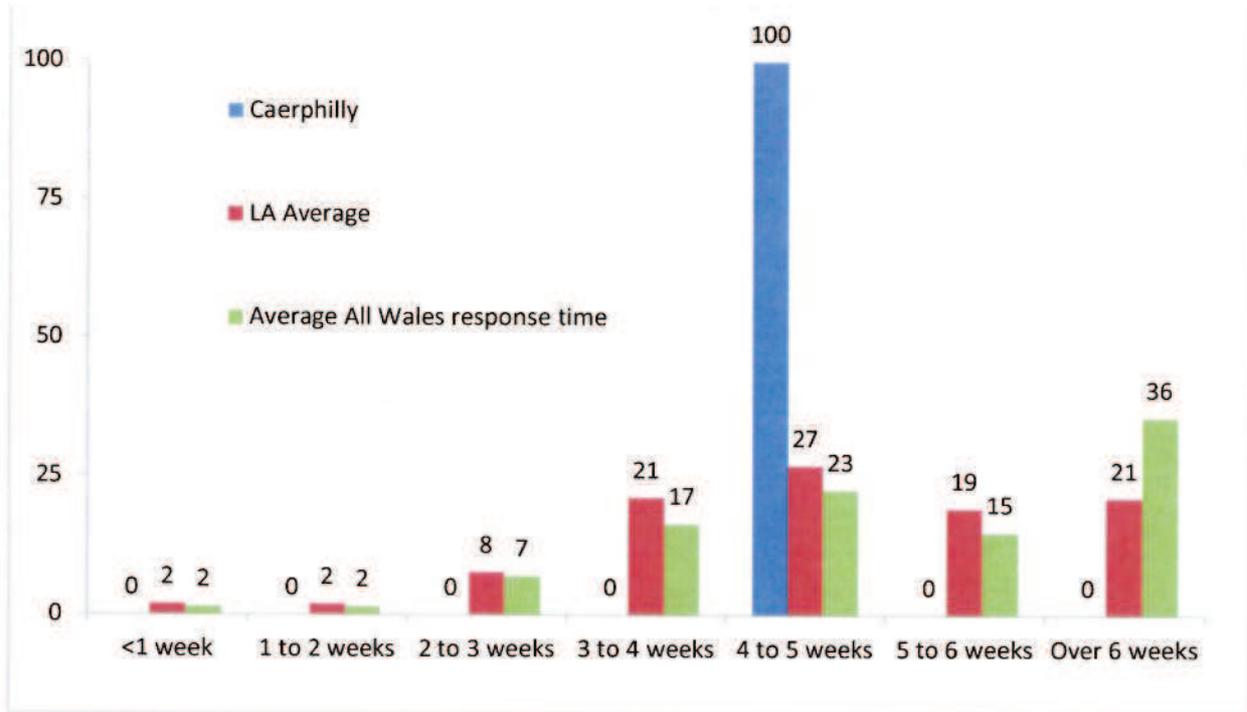
2013/14



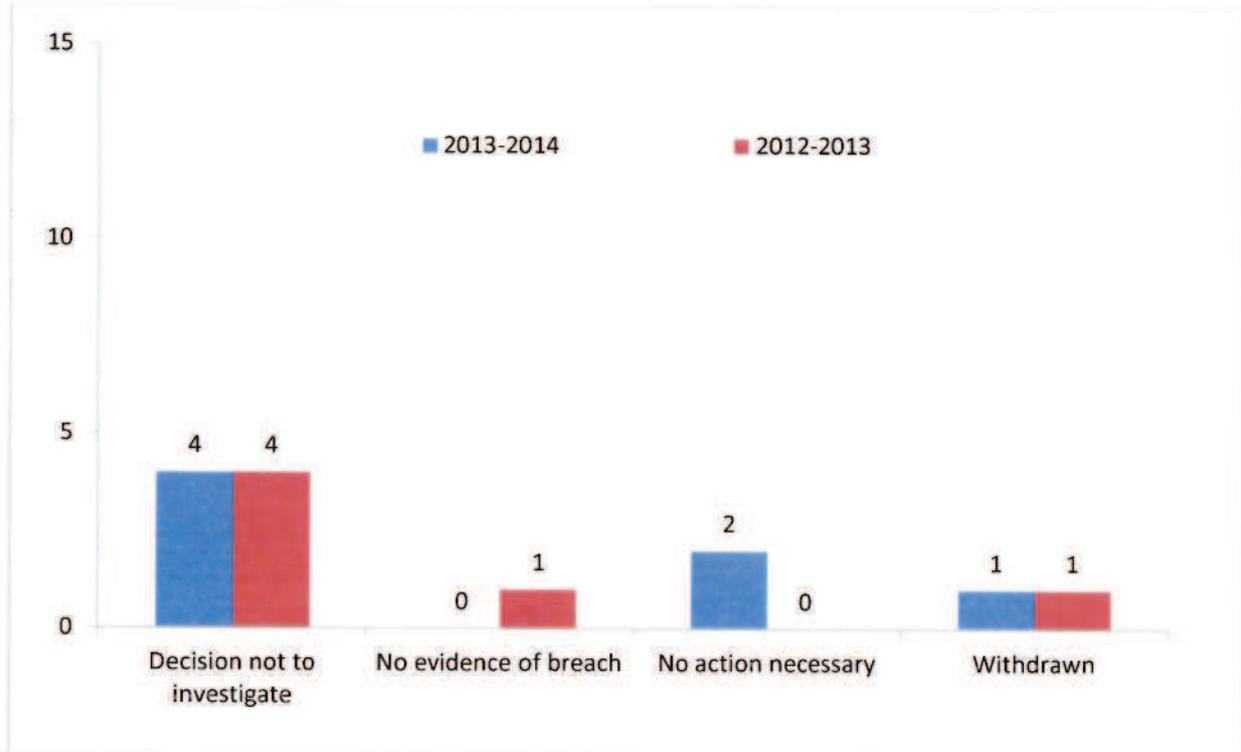
2012/13



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)



H: Code of Conduct complaints



I: Summaries

Housing

Quick fixes and Voluntary settlements

May 2013 – Repairs and maintenance - Caerphilly County Borough Council

Mrs A is a Council tenant. She complained to the Ombudsman about the Council's recharges for an emergency call out and the repair of an electrical socket that was hanging off her son's bedroom wall. She disputed that the cost of repair was her responsibility and queried why she had been charged for the cost of a call-out in an emergency situation.

The Ombudsman identified concerns about the Council's Recharges Guide for Council Tenants which did not make explicitly clear that, where a tenant uses its out of hours emergency service due to accidental damage, the call out charge will be recharged in addition to the cost of the repair. The Council's appeals and complaints correspondence also gave conflicting information about what Mrs A had been recharged for.

The Ombudsman contacted the Council to explain what he thought might be done to resolve the complaint quickly and the Council agreed to the following:

- waive the call out charges on this occasion;
- review its Recharges Guide for Council Tenants and its out of hours telephone message to make it clear that where a tenant uses the out of hours emergency service to repair accidental damage, the call out charge may be re-charged in addition to the cost of any repair.

Case reference 201204670

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