

STANDARDS COMMITTEE - 10TH SEPTEMBER 2008

SUBJECT: REPORT FROM PUBLIC SERVICES OMBUDSMAN FOR WALES

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To note the report from the Public Services Ombudsman for Wales on a maladministration complaint made against Caerphilly County Borough Council.

2. LINKS TO STRATEGY

- 2.1 The Authority is under a statutory duty to consider reports from the Ombudsman and to give effect to their recommendations. The duty to oversee this is within the terms of reference of this Committee.

3. THE REPORT

- 3.1 Since 1st April, 2006 the Public Services Ombudsman for Wales ("the Ombudsman") has had jurisdiction under the Public Services Ombudsman (Wales) Act 2005. This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.
- 3.2 There are two forms of report - Under Section 16 which is the form of report which needs to be formally considered by the Authority and Section 21 where the Ombudsman feels that a public report is not required and the matter has been satisfactorily resolved.
- 3.3 This report before Members is in relation to an Ombudsman report under Section 21 and the report is attached at Appendix 1.
- 3.4 The maladministration complaint arose from a complaint to the Ombudsman by persons identified in the report, as Mr. & Mrs. P. who complained about the manner in which the Council had dealt with their request for a transfer from their former home. In particular Mr. & Mrs. P. complained that the Council had failed to award them exceptional medical points on their initial application and, in addition, had failed to take account of the difficulties caused by the geographical location of their property
- 3.5 The Report sets out a detailed chronology of events and details the investigation undertaken by the Ombudsman. The conclusions of the Ombudsman are set out in paragraphs 47-53 of the Report. The complaints by Mr. & Mrs. P. were partially upheld (paragraphs 50 and 53 refer).
- 3.6 The recommendation of the Ombudsman is set out at paragraph 54 of the Report. It is recommended that the Council apologise to Mr. & Mrs. P. and make a payment in recognition of the anxiety and uncertainty caused to Mr. & Mrs. P. by the Council's failure to adequately consider the issue of the location of the property as well as their time and trouble.

3.7 Relevant Officers have been consulted on the terms of the Report and the recommendations of the Ombudsman were accepted.

4. FINANCIAL IMPLICATIONS

4.1 The only implication to the Authority is in relation to the payment recommended by the Ombudsman which will be met from existing budgets.

5. PERSONAL IMPLICATIONS

5.1 There are no personnel implications arising from the terms of the Report.

6. CONSULTATIONS

6.1 There are no consultation responses which have not been taken into account in the recommendations to this report.

7. RECOMMENDATIONS

7.1 That the Ombudsman's report be noted.

8. REASONS FOR THE RECOMMENDATIONS

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

9. STATUTORY POWERS

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

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Chief Executive Officer, Head of Legal Services/Monitoring Officer

Consultees: Director of Corporate Services, Head of Corporate Finance,
Public Sector Housing Manager, Councillor Colin Mann, Chair of the Standards
Committee

Background Papers:

None other than published documents

Appendices:

Appendix 1 Report of Public Services Ombudsman for Wales dated 25th February 2008