

STANDARDS COMMITTEE - 25TH JANUARY 2010

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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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. Members will note that the Ombudsman has partially upheld the complaint.
- 3.4 The maladministration complaint arose from a complaint lodged by Mrs. N. that her mother Mrs. J. had been charged rent for her former Council tenancy of the property identified in the Report before she was able to take up occupation of it and that the Council was seeking to recover from Mrs. J. a sum of money perceived by the Council to be rent arrears.

Furthermore, Mrs. N. Claimed that Mrs. J. could not move into the property identified in the Report sooner than she did as a result of the fact that works recommended by an occupational therapist to bring the property up to a standard suitable for Mrs. J's occupation were not completed. On the basis Mrs. N. claimed that Mrs. J should not have been charged rent for that particular period, since she was entitled to Housing Benefit. Mrs. N. also claimed that the demand letters sent by the Council were distressing for Mrs. J.

- 3.5 The Report sets out a detailed chronology of events and details the investigation undertaken by the Ombudsman.
- 3.6 The recommendations will be found in the Report under the heading 'conclusion'.

3.7 Relevant Officers have been consulted on the Report and the recommendations of the ombudsman have been accepted. It will be noted that the complaint has been only partly upheld.

4. FINANCIAL IMPLICATIONS

4.1 None.

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.

Author: Gail Williams, Principal Solicitor/Deputy Monitoring Officer

Consultees: FOR INFORMATION ONLY

Director of Corporate Services, Head of Corporate Finance, Director of the Environment, Mr G. North, Mr R. Hopkins, Councillor Colin Mann, Chair of Standards Committee

Background Papers:

None other than published documents

Appendices:

Appendix 1 Report of Public Services Ombudsman for Wales