

## STANDARDS COMMITTEE – 14TH JUNE 2010

**SUBJECT: REPORT FROM PUBLIC SERVICES OMBUDSMAN FOR WALES**

**REPORT BY: MONITORING OFFICER**

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### 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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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 R and Mrs H on behalf of their mother (Mrs B) who has learning difficulties and mental health problems. They complained in particular that the Council's responses to their concerns about Mrs B's well being and care were unsatisfactory and following their mothers admission to hospital the Council delayed her discharge for an unreasonable period of time. They also complained that the Council failed to communicate with them effectively about a police investigation and an investigation under its adult protection procedures relating to Mrs B, failed to provide information about number of hours allocated to her care, failed to deal promptly with their appeal in relation to level of Mrs B's contribution towards the costs of home care services and generally failed to provide satisfactory responses to their complaints.
- 3.5 The investigation undertaken by the Ombudsman was lengthy and involved the examination of extensive correspondence and records, interviewing 16 witnesses and obtaining specialist clinical and social services advice. The Report which runs to 197 pages sets out a detailed chronology of events and details the investigation undertaken.

- 3.6 The findings of the Ombudsman are set out at paragraphs 502-505 and it will be noted that there was a partial finding of maladministration relating to the Council's failure to respond to the complainants concerns regarding several aspects surrounding the care of their mother.
- 3.7 It will also be noted that in paragraph 502 the Ombudsman found that the Council secured an appropriate level of care for Mrs B and the delay in discharging Mrs B from hospital was justified. The Ombudsman also found that the abuse suffered by Mrs B occurred in spite of appropriate measures being taken by the Council in commissioning the provision of care services for her and that the information provided by the Council about the POVA process and the police investigation was adequate.
- 3.8 The recommendations of the Ombudsman are set out in paragraphs 506-507.
- 3.9 Relevant officers were consulted on the Report and the recommendations of the Ombudsman have been accepted and implemented.

#### **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 This Report reflects the contents of the Ombudsman's Report and therefore there has been no formal consultation on the format of the Report. Copies have been provided to the Consultees listed below.

#### **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: D. Perkins, Head of Legal Services/Monitoring Officer  
S.A. Rosser, Chief Executive  
N. Barnett, Director of Corporate Services  
A. Heaney, Director of Social Services  
D. Street, Interim Assistant Director - Adult Services  
J. Morgans, Customer Services & Performance Co-ordinator  
Councillor C. Mann, Cabinet Member for Finance, Resources & Sustainability

Mr M.G. Warrender, Chair of Standards Committee

Background Papers:

None other than published documents

Appendices:

Appendix 1      Report of Public Services Ombudsman for Wales