

## 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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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. In this case the report is in the form of a letter dated 10th December 2009. Members will note that the Ombudsman has partially upheld the complaint.
- 3.4 The maladministration complaint arose from a complaint lodged by Mr M about the arrangements made by the Council's Social Services Department for his late grandmother (Mrs H) to attend a day centre. He complained about the Council's decision to change the transport provider without first advising him, and said that whilst the previous provider would enter his home to collect Mrs H the new provider would not do so. He said that as a result of this Mrs H was unable to attend the day centre. Mr M also complained that the Council did not consult with him regarding the change of transport provider.
- 3.5 The letter from the Ombudsman dated 10th December 2009 addressed to Mr M constitutes the Report. It sets out the details of the investigation undertaken by the Ombudsman and their findings and it will be noted that there was a finding of maladministration found in relation to one aspect of the complaint, namely the fact that the Council failed to advise Mr M about the proposed change to the transport advisor. The investigation did not uphold the other aspects of Mr M's complaint.
- 3.6 Relevant officers have been consulted 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 this Report. A copy of the Report has 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  
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