

STANDARDS COMMITTEE – 22ND JULY 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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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. 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 to the Ombudsman by Mr. A. in relation to the Council's decision to stop payment of the Special Guardianship (SGA) Allowance. Mr. A. complained that the Council failed to inform him that the allowance would stop and refused to take into account the extra expenses incurred by the child's disability. Mr. A. also complained that the Council failed to provide him with details of how the SGA is determined.
- 3.5 The Report in a form of a letter sets out a detailed chronology of events and details the investigation undertaken by the Ombudsman.
- 3.6 The complaint was partially upheld and the recommendations of the Ombudsman are set out at page 10 of the Report.
- 3.7 Relevant officers have been consulted and the recommendations of the Ombudsman have been accepted and implemented.

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. PERSONNEL 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, S Rosser, N Barnett, A Heaney, J Morgans, Cllr Colin Mann, Chair of Standards Committee

Background Papers:
None other than published documents

Appendices:
Appendix 1 Report of Public Services Ombudsman for Wales