

## STANDARDS COMMITTEE – 29TH MARCH, 2011

**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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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 several aspects of the complaint and made several procedural recommendations aimed at improving the Council's Protection of Vulnerable Adults (POVA) process.
- 3.4 The Maladministration complaint arose from a complaint lodged by Mr. A. about the way in which the Council dealt with accusations that members of Mr. A.'s family may have harmed his mentally impaired adult son "H". In particular he was concerned that H was moved into a care home without a Court Order, the adequacy of a POVA investigation and the timing and length of the POVA investigations. He also complained that there was a lack of communication between the Council and Mr. A. and his family.
- 3.5 The Report sets out a detailed chronology of events and details the investigation undertaken by the Ombudsman.
- 3.6 The analysis and conclusions of the Ombudsman are set out in the Report at paragraphs 33-40 (inclusive) and the recommendations will be found at paragraph 41.

#### **4. FINANCIAL IMPLICATIONS**

4.1 None.

#### **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: FOR INFORMATION ONLY  
Anthony O'Sullivan, Chief Executive, Nigel Barnett, Deputy Chief Executive,  
Albert Heaney, Director of Social Services  
Meirion Day, Team Manager, Social Services  
Judith Morgans, Customer Services & Performance Co-Ordinator,  
Councillor A. Pritchard,  
Chair of Standards Committee

Background Papers:  
None other than published documents

Appendices:  
Appendix 1 Report of Public Services Ombudsman for Wales