

STANDARDS COMMITTEE – 1ST AUGUST 2012

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 in relation to a maladministration complaint made against Caerphilly County Borough Council and the Aneurin Bevan Health Board.

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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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.
- 3.4 The complaint arose as a result of an investigation in to a complaint lodged by Mr. F. about the manner in which the consideration of his wife's eligibility for continuing health care funding was dealt with. The complaint was against the Aneurin Bevan Health Board and the Council.
- 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 27-32 and the recommendations made to the Health Board only will be found at paragraph 33.
- 3.7 The Report includes a partial finding of maladministration against the Authority as detailed in paragraph 31 of the Report. However it should be noted that the Ombudsman has confirmed that Mr. F. was happy with the service provided by both the social worker and the Council's team of carers.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. PERSONNEL IMPLICATIONS

5.1 There are no personal 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 Report. A copy of the Report has been provided to the consultees listed below for information.

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 R. Woodyatt, Cabinet Member for Social Services

Chair of Standards Committee

Background Papers:

None other than published documents

Appendices:

Appendix 1 Report of Public Services Ombudsman for Wales