



## STANDARDS COMMITTEE – 12TH OCTOBER 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, the Aneurin Bevan Health Board and Cwm Taf 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 1<sup>st</sup> 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 This Act has superseded but not completely repealed the previous legislation (Local Government Act 1974) and deals with maladministration complaints made to the Ombudsman.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 into a complaint lodged by Mrs. C. about aspects of the care and treatment of her severely disabled husband following his admission to hospital. The complaint was against Cwm Taf Health Board, as the manager of the original hospital, providing care for Mr. C., Aneurin Bevan Health Board, as the manager of the second hospital providing care for Mr. C. and Caerphilly County Borough Council as Social Services were involved in the provision of care for Mr. C.
- 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 150-185 (incl.) and the recommendations are set out at paragraphs 186 and 187.
- 3.7 It should be noted that the involvement of Caerphilly County Borough Council was limited to the handling of her complaint (please see paragraphs 175-180) and in particular that the three

bodies involved failed to provide a joint or cohesive response with regard to the complaint lodged by Mrs. C.

- 3.8 The Ombudsman upheld this aspect of the complaint, however at paragraph 179 of the Report, the Ombudsman acknowledged that the review of the Social Services complaints procedure coupled with the NHS recent guidance "Putting Things Right", "Listening and Learning" make it clear that a joint approach to complaints should be adopted. He also went on to say that he was cautiously optimistic that bodies would work together more closely in the future.

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

- 4.1 None.

#### **5. PERSONNEL IMPLICATIONS**

- 5.1 There are no personal implications arising from the terms of the Report.

#### **6. EQUALITIES IMPLICATIONS**

- 6.1 None arising from the Report.

#### **7. CONSULTATIONS**

- 7.1 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.

#### **8. RECOMMENDATIONS**

- 8.1 That the Ombudsman's report be noted.

#### **9. REASONS FOR THE RECOMMENDATIONS**

9. To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.

#### **10. STATUTORY POWERS**

- 10.1 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