

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



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Am bob ymholiad ynglŷn â'r agenda hwn cysylltwch â Helen Morgan
(Rhif Ffôn: 01443 864267 Ebst: morgah@caerphilly.gov.uk)

Dyddiad: Dydd Mawrth, 20 Medi 2016

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Safonau** yn cael ei gynnal yn **Ystafell Sirhywi, Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Mawrth, 27ain Medi, 2016** am **1.30 pm** i ystyried materion a gynhwysir yn yr agenda canlynol.

Yr eiddoch yn gywir,

Chris Burns
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Pwyllgor Safonau ar 15fed Chwefror.

1 - 4

4 Llythyr blynyddol oddi wrth Ombwdsmon Gwasanaethau Cyhoeddus Cymru 2015/16.

A greener place Man gwyrddach



5 I nodi ymddiswyddiad Mr V. Brickley.

Cylchrediad:

Cynghorwyr: Mrs P. Cook a C.P. Mann

Mrs M. Evans, Mrs D. Holdroyd, Mr D. Lewis a Mr M. Stone

Cynghorydd Cymunedol Mrs G. Davies

Copi er gwybodaeth yn unig i:

Cynghorwyr H. David a Mrs M.E. Sargent. Cynghorydd Cymunedol C. Choo Yin

A Swyddogion Priodol



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK
ON MONDAY 15TH FEBRUARY 2016 AT 1.30PM

PRESENT:

Mr V. Brickley - Vice Chair (Presiding)

Mrs M. Evans, D. Lewis, M. Stone, Councillors Mrs P. Cook and Mrs M.E. Sargent

Together with:

G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Lane (Corporate Solicitor), H. Morgan (Senior Committee Services Officer)

1. APOLOGIES

Apologies for absence were received from Mrs D. Holdroyd and Community Councillor Mrs G. Davies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MR MALDWYN STONE

Members welcomed Mr Maldwyn Stone to his first meeting of the Standards Committee.

4. MINUTES - 4TH NOVEMBER 2015

RESOLVED that the minutes of the meeting held on 4th November 2015 (minute nos. 1 - 6) be approved as a correct record.

REPORTS OF OFFICERS

Consideration was given to the following reports.

5. OVERVIEW OF WELSH GOVERNMENT CONSULTATION - CONDUCT OF LOCAL GOVERNMENT MEMBERS AND THE DRAFT LOCAL GOVERNMENT (WALES) BILL

Mrs Williams (Interim Head of Legal Services and Monitoring Officer) provided an overview on the Welsh Government's "Local Government Act 2000 - Part III, Conduct of Local Government Members" consultation and the provisions of the draft Local Government (Wales) Bill in so far as they relate to the Standards Committee.

It was explained that Chapter 7 of the draft Bill gives Standards Committees new functions to handle complaints that Councillors have breached the duties imposed on them by Chapter 2 (sections 82 to 86). These include a duty to attend meetings, to hold surgeries, to answer correspondence within 14 days of receipt, to undertake training and to make annual reports. Also to monitor compliance of Leaders of political groups with the duty imposed on them by Chapter 4.

Given the enhanced role of the Standards Committee, Welsh Government believe there is merit in the Authority being provided with an overview of the work of the Standards Committee during the year, in all its functions, to gain a better understanding of trends in standards of conduct within the Authority. In Chapter 7, therefore, a duty is placed on Standards Committees to publish an annual report and, if appropriate, make recommendations to the Authority.

Reference was made to the paragraph that relates to constituency interests and to proposals to omit paragraph 10(2) (b) from the Model Code. This provides that a Member has a personal interest in a matter if a member of the public might reasonably perceive a conflict between their role in taking a decision on that matter on behalf of the Authority as a whole and their role in representing the interests of constituents in their ward or electoral division, as appropriate. Notwithstanding the omission of this paragraph Members will be required to keep an open mind until they are in full possession of all relevant facts and to act objectively and in the public interest in accordance with paragraph 8 of the model Code.

It was noted that the draft Order makes provision for a Standards Committee to refer an application for dispensation to another Authority's Standards Committee for consideration. By way of example, Mrs Williams advised that this may arise where the Standards Committee considers it may have a conflict of interest in dealing with that application or where it is impractical for the members home Standards Committee to meet at short notice. There is also an opportunity for one or more Local Authority to establish a Joint Standards Committee. A query was raised as to how this will be achieved and it was suggested that it should be reviewed following the publication of the formal legislation.

Mrs Williams then made specific reference to the term of office of a Member of the Standards Committee (currently limited to four years with a Member being able to serve two such terms) and it was explained that postponing the next ordinary elections until 2017 had resulted in appointments being made to cover one year only - to cover May 2016 to May 2017. It is proposed that local authority and community council members in place when the Regulations come into force may continue to serve until the next ordinary elections in 2017. Further amendments are made to remove the four year restriction on a members term of office. In future, the term of office of local authority and community council members are to be such as the authority determines up to the period ending with the next ordinary elections following the members appointment.

It was moved and seconded that the report be noted. By shown of hands this was unanimously agreed.

7. WHISTLE BLOWING POLICY - PRESENTATION

With the aid of a slide presentation, Mrs Williams advised that a Whistle Blowing Policy has been in place since 2001. A Whistleblowing Commission was set up in 2013, by the leading whistleblowing charity - Public Concern at Work and its remit was to review the effectiveness of whistleblowing in UK workplaces to make recommendations for change. In November 2013, they published their findings and draft code and Caerphilly worked with Public Concern at Work to develop a new policy to reflect guidance and best practice, which was subsequently adopted in 2014.

Mrs Williams advised that whistleblowing is 'making a disclosure in the public interest' and the Policy is intended to encourage and enable employees to raise concerns with Council without fear of victimisation, subsequent discrimination or embarrassment. It was confirmed that the Policy applies to all Council employees including agency workers, volunteers or contractors working on Council premises.

It encourages people to raise a concern if something is not right, and then the Council must listen and act when they do. An overview was given on the type of complaints that count and do not count as whistleblowing and examples were given. It was confirmed that the person making the disclosure must have a genuine belief that making the disclosure is in the public interest and the motive of the person making the disclosure will be considered. An assurance protects the anonymity of the person assuming that the concerns raised are genuine and are not malicious. If, following investigation the whistleblower is not satisfied with the course of action, they can refer the matter to the Wales Audit Office.

By way of clarification, it was noted that if genuine concerns are raised then a person is not at risk of losing his or her job or suffering detrimental treatment. However, if an allegation is made maliciously or for personal gain, then disciplinary action may be taken.

A query was raised as to other policies in place in the event that the employee should not wish to use this avenue of complaint. It was noted that if the complaint is in relation to their employment, or how they have been treated, the grievance procedure can be pursued. A copy of this and other policies can be found on the HR Portal. Employees who are dismissed are able to take their case to the Employment Tribunal.

As part of the whistleblowing process, concerns should be raised with the Section 151 Officer, Monitoring Officer or Head of Human Resources and Organisational Development or staff can report to Public Concern at Work or their respective Trade Unions. The Policy sets out how the matter will be dealt with and in the first instance, consideration will be given as to whether the disclosure is in respect of a matter of public interest and whether making disclosure was in the public interest. If the allegation is found to be a 'whistleblowing' a formal investigation will be undertaken. Examples of when it may not be in the public interest to make an internal disclosure were given (repeated disclosures, cutting across reporting lines, motive, conveying facts as opposed to making allegations), albeit that several pieces of information can be considered together, and the latter considered a protected disclosure.

The policy is on the HR Portal and, as part of the Communication and Awareness Training Programme, has been communicated to employees. In that the policy is intended to encourage and enable employees to raise concerns about malpractice, and provides an avenue to receive feedback on any action taken, it was noted that there is also a facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This will enable them to make contact in a confidential manner, should they wish to seek independent advice prior to bringing the matter forward.

Reference was made to the way in which whistleblowing is monitored and it was noted that in accordance with terms of reference, it is the Standards Committee that oversee the whistleblowing regime and, as such, reports protecting the identity of the person, will be presented as required.

By way of facts and figures, across England and Wales it was reported that Nationwide the top issues raised were financial malpractice (18%), ethical concerns have risen by 50% (meaning abuse of position, nepotism or cronyism), 22% of calls were from education sector (exam malpractice etc.) and 1876 people contacted Public Concern at Work for advice.

Members thanked the Interim Monitoring Officer for her informative presentation and for responding to the queries that were raised during the course of the debate.

8. ANNUAL WHISTLEBLOWING REPORT

Consideration was given to the report which provided a review of whistleblowing activity and the development of the Council's approach to whistleblowing during the period 1st January 2014 to 31st December 2015.

Member were reminded of the way in which whistleblowing is monitored and it was confirmed that in accordance with terms of reference, it is the Standards Committee that oversee the whistleblowing regime and, as such, reports protecting the identity of the person, will be presented as required. The report provided an anonymous summary of a formal whistleblowing investigation undertaken during the course of the last year. The Investigating Officer had concluded that no disciplinary action was required in relation to any of the allegations made.

A query was raised in relation to the timescale for response and it was noted that such is set out in the Policy but it must be acknowledged within ten days. The time an investigation takes will depend on the complaint received and the complainant must be kept up to date. Given the role of the Standards Committee to oversee the Whistleblowing Regime, annual reports will continue to be presented containing information in relation to the numbers of whistleblowing reports issued.

Reference was made to corporate complaints policy and as to whether, in view of proposed changes to support the operation of local complaints protocols used for resolving low level member on member complaints, this would have an impact on the role of the Standards Committee. This be considered as the need arise.

It was moved and seconded that the report be noted. By shown of hands this was unanimously agreed.

The meeting closed at 2.15pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.

CHAIR



STANDARDS COMMITTEE – 27TH SEPTEMBER 2016

SUBJECT: ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2015-2016

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To update the Standards Committee on the Annual Letter (2015-2016) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman. The report will also be placed before Council on the 11th October 2016.

2. SUMMARY

- 2.1 To inform Members of the Public Services Ombudsman for Wales Annual Letter 2015/16.

3. LINKS TO STRATEGY

- 3.1 The duty to oversee complaints received and investigated by the Ombudsman is within the terms of reference of this Committee.

4. THE REPORT

- 4.1 The Annual Letter setting out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2015/16 in relation to Caerphilly was received at the end of July 2016.
- 4.2 A copy of the Annual Letter is attached at Appendix 1 to the Report.
- 4.3 Members will note that the data attached as a fact sheet to the Annual Letter includes a detailed breakdown of complaints received and investigated, and response times to requests for information.
- 4.4 This data is self-explanatory and therefore no further comment is offered other than to ask the Committee to formally note the following:
- 4.4.1 In relation to Caerphilly, the number of complaints received by the Ombudsman compared with the Local Authority average adjusted for population distribution is slightly higher at 56 compared with 52. Whilst there was an increase in the number of complaints, none were taken into investigation.
- 4.4.2 The figures show that in the last year the number of complaints referred to the Ombudsman in relation to Housing is now the biggest area of complaint. The data has been analysed and of the twelve complaints in relation to Housing, seven were made prematurely i.e. had been referred to the Ombudsman before exhausting the Council's

Corporate Complaints Process. Practically, it is not possible to prevent premature referrals to the Ombudsman. The Council's Complaints Policy is available via the Council's web site and hard copy booklet readily available to the public. The remaining five were not taken into investigation.

4.4.3 Members will note that overall 17 premature complaints were received by the Ombudsman. This is equal to the Local Authority average but as mentioned there is nothing further that can be done by the Council to prevent premature referrals.

4.4.4 Reference is made by the Ombudsman to the increase of complaints in relation to Adult Social Services, where the figure increased to five from three. This data was reviewed, three were not investigated, one was premature and the one was resolved under the Quick Fix arrangements.

4.4.5 As mentioned earlier no complaints were taken to investigation during 15/16 and therefore there are no relevant response times in Section E.

4.4.6 The Ombudsman has "upheld" one report against the Council issued in April 2015. This matter has been the subject of earlier Reports to Committee. In addition the Ombudsman has not upheld one report issued in June 2015, details of which are set out in Appendix 2. Details of both reports are contained in Section I of the Annual Letter.

4.4.7 There have been two quick fixes which are contained in the case book summaries. For Members ease of reference both are attached at Appendix 3.

4.4.8 **Code of Conduct Complaints**

Details of the Code of Conduct complaints for elected Members will be found at Section F of the appendix to the letter. There were no code of conduct complaints made against Members of Caerphilly County Borough Council during 2015/16.

5. FINANCIAL IMPLICATIONS

5.1 None.

6. PERSONNEL IMPLICATIONS

6.1 None.

7. EQUALITIES IMPLICATIONS

7.1 None.

8. CONSULTATIONS

8.1 This Report reflects the contents of the Annual Letter and therefore has been no formal consultation on the contents of this Report. A copy of the Report has been provided to the consultees listed below.

9. RECOMMENDATIONS

9.1 It is recommended that the Committee note the report. The report will be placed before Council at the meeting to be held in October 2016.

10. REASONS FOR THE RECOMMENDATIONS

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

11. STATUTORY POWER

- 11.1 Public Services Ombudsman (Wales) Act 2005, Local Government Act 1974.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer
Consultees: For information only
Chris Burns, Interim Chief Executive
Christina HARRY, Corporate Director Communities
Dave Street, Corporate Director, Social Services
Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer
Councillor Keith Reynolds, Leader of the Council
Councillor Chris Forehead, Cabinet Member, HR Governance/Business Manager
Chair of Standards Committee

Background papers:

Reports to Standards Committee on 18th June 2015, 21st September 2015

Appendices:

Appendix 1 Annual Letter from Public Services Ombudsman
Appendix 2 Case summary of complaint not upheld by the Ombudsman contained in Paragraph G of the Annual Letter
Appendix 3 Case Summaries of quick fixes Relevant To Caerphilly County Borough Council Contained in Paragraph G of the Annual Letter

Gadewir y dudalen hon yn wag yn fwriadol

Our ref: NB/LG/MM



lucy.geen@ombudsman-wales.org.uk

matthew.aplin@ombudsman-wales.org.uk

28 July 2016

Sent by email

Dear Mr Burns

Annual Letter 2015/16

Following the recent publication of my Annual Report I am pleased to provide you with the Annual Letter (2015/16) for **Caerphilly County Borough Council**.

Overall my office's caseload has increased by 4% this year, but I am pleased to say that public body complaints fell by the same amount; only the second time in a decade this has happened. However, disappointingly the NHS in Wales was the only sector in my jurisdiction that saw a rise in complaints which now count for over a third of all public body complaints; a total increase of 51% in the last five years.

During 2015/16 we received 906 complaints against local authorities, down from 938 from the previous year.

In reference to outcomes there has been a large increase in the number of early resolutions and voluntary settlements achieved with local authorities with 81 cases in 2015/16 compared to 58 in 2014/15. I am committed to ensuring where possible, bodies from all sectors resolve complaints as quickly and effectively as possible and I am therefore pleased with these statistics.

My office has issued only one public interest report against a local authority during the past year – the same number as 2014/15. This related to failings around a council's failure to properly consider assess and identify the special educational needs of a primary school pupil.

Across all public bodies, after health (36%), housing is the second biggest area of complaint (13%) of our caseload, followed by Planning and Building Control (10%) and Social Services (9%).

The number of Code of Conduct complaints rose by 19% compared with 2014/15 (274 in 2015/16 against 231). It is disappointing to see this rise, although it is almost entirely attributable to community councils where there has been a 49% increase.

Last year I introduced a public interest test for code of conduct complaints and I am pleased to say this has helped my office in dealing with these complaints in an effective manner.

I am only too aware that we are in the run-up to the local elections where historically there is a spike in code of conduct complaints against local authority members. I have spoken previously about vexatious complaints and I would be most disappointed to see an increase in complaints of a trivial matter over the next 12 months when my office is dealing with issues of real concern across public services in my jurisdiction.

More generally my office is working in a number of ways to “turn the curve” of complaints against a backdrop of austerity and an ageing population.

During the past year, I introduced some staffing changes at my office, key amongst these was enhanced roles for a number of investigation staff to include ‘improvement officer’ duties. This places a greater emphasis on best practice, corporate cultural development, and ending cycles of poor service delivery. Whilst the new arrangements are still in their early days, I have been very pleased with the progress that has been made.

Whilst the ombudsman scheme in Wales is well respected at home and abroad, I feel strongly that we must ensure that it is future-proofed and citizen-centred.

I have been particularly pleased that the Finance Committee of the National Assembly for Wales agreed to undertake an inquiry into the powers of the Public Services Ombudsman for Wales, and that a draft Public Services Ombudsman (Wales) Bill has resulted from this. I am now keen to see the Fifth Assembly take this bill forward and introduce it as legislation as soon as is practically possible.

You will find below a factsheet giving a breakdown of complaints data relating to your local authority along with explanatory notes.

This correspondence has been copied to the Leader of the Council for consideration by the cabinet. I will also be sending a copy to your contact officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely



Nick Bennett

Ombudsman

Factsheet

For the second year in a row there was an increase in the number of complaints received about your local authority (10%) but none were taken into investigation. Housing has overtaken Planning and Building Control as the biggest area of complaints, with Adult Social Services seeing the biggest increase of a worrying 150%. As there were no complaints investigated there were no response times recorded, and only one upheld report was issued during the year.

A) Comparison of complaints received by my office with average, adjusted for population distribution

In total my office received **56** complaints against **Caerphilly County Borough Council** during 2015/16 compared to a local authority average of **52**.

B) Comparison of complaints by subject category with LA average

| Subject | 2015/16 Caerphilly | 2015/16 LA Average |
|---|-------------------------------|-------------------------------|
| Adult Social Services | 5 | 3 |
| Benefits Administration | 0 | 1 |
| Children's Social Services | 9 | 5 |
| Community Facilities, Recreation and Leisure | 2 | 1 |
| Complaints-handling | 5 | 2 |
| Education | 0 | 2 |
| Environment and Environmental Health | 4 | 4 |
| Finance and Taxation | 0 | 2 |
| Health | 1 | 0 |
| Housing | 12 | 5 |
| Planning and building control | 7 | 9 |
| Roads and Transport | 4 | 3 |
| Agriculture and Fisheries | 0 | 0 |
| Independent care providers | 0 | 0 |
| Various Other | 7 | 3 |
| Total | 56 | 40 |

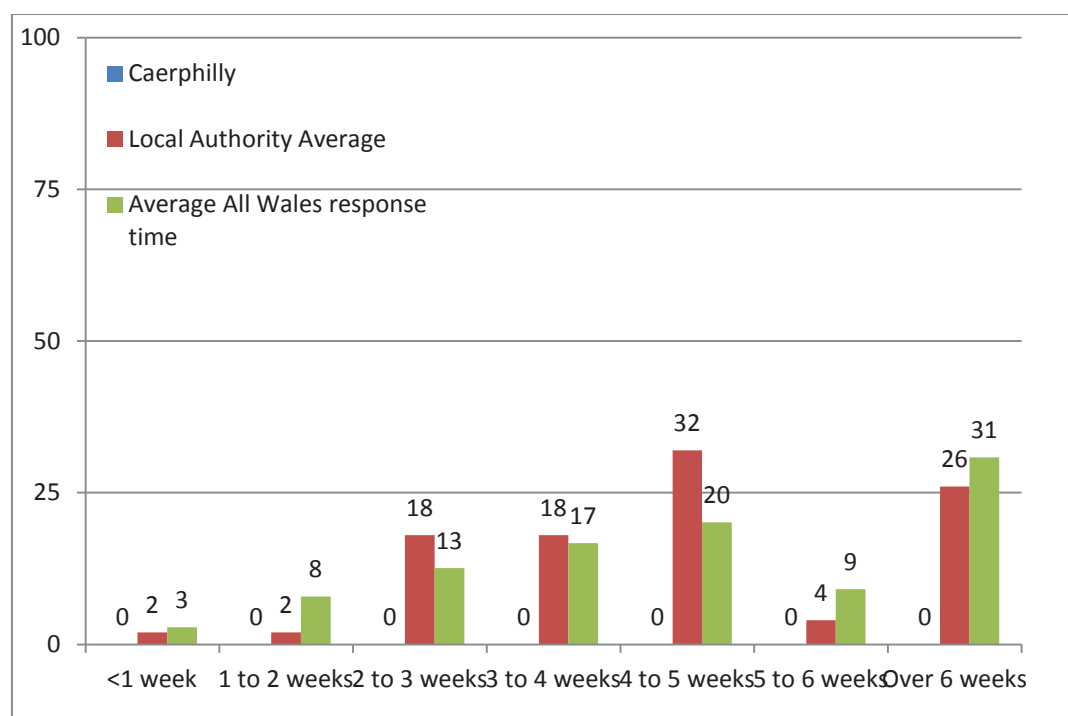
C) Comparison of complaints by subject category with LA average

| | 2015/16 Caerphilly | 2015/16 LA Average |
|---|-----------------------|-----------------------|
| Number of complaints taken into investigation | 0 | 3 |

D) Comparison of complaint outcomes with average outcomes, adjusted for population distribution

| Complaint Outcomes | 2015/16 Caerphilly | 2015/16 LA average |
|--|--------------------|--------------------|
| Out of jurisdiction | 10 | 8 |
| Premature | 17 | 17 |
| 'Other' cases closed after initial consideration | 24 | 21 |
| Discontinued | 0 | 0 |
| Quick fix / Voluntary settlement | 2 | 5 |
| Section 16 – Upheld – in whole or in part | 0 | 0 |
| Other report upheld – in whole or in part | 1 | 2 |
| Other report – not upheld | 1 | 1 |
| Withdrawn | 1 | 1 |

E) Comparison of times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



F) Code of Conduct complaints

There were no code of conduct complaints made against members of **Caerphilly County Borough Council** during 2015/16.

G) Summaries

Casebook 21

201400849

201404085

Casebook 22

201501999

Casebook 23

No summaries

Casebook 24

201506381

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2015/16, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2015/16 with the with the Local Authority average for the same period. The figures are broken down into subject categories.

Section C provides the number of complaints against the Council which were investigated by my office during 2015/16 with the Local Authority average (adjusted for population distribution) during the same period.

Section D compares the complaint outcomes for the Council during 2015/16, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section E compares the Council's response times during 2015/16 with the average response times for all Local Authorities and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section F provides a breakdown of all Code of Conduct complaints received against Councillors during 2015/16.

Finally, Section G contains the summaries relating to the Council appearing in the Ombudsman's Casebook during 2015/16.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to lucy.geen@ombudsman-wales.org.uk or matthew.aplin@ombudsman-wales.org.uk

- b) ensure that it had sufficient resources in place so that corporate complaints at stage two were dealt with promptly;
- c) provide training for its planning officers in relation to EIA screening opinions, particularly with regard to planning applications for waste disposal;
- d) remind planning officers of the importance of: i) logging and processing complaints in accordance with the Council's enforcement policy; and ii) ensuring the recording of reasons, when discretion is exercised, not to take enforcement action, in compliance with the Council's policy.

Not Upheld

Caerphilly County Borough Council – Unauthorised development

Case reference 201404085 – Report issued June 2015

Mrs J complained (on behalf of herself and three family members) that the Council had failed to monitor stockpiling activities on land under development near their homes or to take enforcement action against the developer. Furthermore, Mrs J complained that the Council failed to take any action regarding complaints made about flooding to their land and the adjacent lane which they believed was caused by water run-off from the stockpile.

Having considered documentation in conjunction with the Ombudsman's Planning Adviser ("the Adviser"), evidence from the Council showed that the stockpiling was not unregulated in that consideration had been given to taking enforcement action. However, it was felt not to be expedient to take action. This is within the discretion afforded to councils by law and relevant government guidance. The Ombudsman's jurisdiction does not enable him to question discretionary decisions save when decisions might be perverse. The Adviser, on the material before him, was of the view there was no perversity. The Council had investigated the complaints about flooding, undertaking site visits as appropriate, but found no evidence to link its causation to the stockpile.

The complaints were not upheld.

Quick fixes & voluntary settlements

Cardiff Council – Rights of way and public footpaths

Case reference 201409317 – May 2015

Mr B had previously brought a complaint to the Ombudsman in relation to conflicting information being provided to him by the Council about the status of a local footpath. The Ombudsman referred the complaint back to the Council to address fully on 29 January.

Following contact from the Ombudsman's office, the Council apologised for the delay and confirmed it had met with the complainant to discuss the complaint. The Council agreed to issue a final response by a specified date.

Gadewir y dudalen hon yn wag yn fwriadol

NOT UPHELD

Care and Sociak Services Inspectorate Wales (CSSIW) - Other Case Reference 201503480- Report issued in February 2016

Mr A complained about the way that CSSIW carried out its functions. This followed a complaint in which he had raised specific and general concerns about how a local authority was applying and interpreting the Welsh Government's Charges for Residential Accommodation guidance ("CRAG").

The Ombudsman considered the action that CSSIW had told Mr A it would take, namely to raise the issue of how the local authority was applying CRAG at a meeting with senior local authority officers, was reasonable. Mr A's complaint was not upheld.

QUICK FIXES AND VOLUNTARY SETTLEMENTS

Caerphilly County Borough Council - Services for vulnerable adults (e.g. with learning difficulties, or with mental health issues)

Case reference 201506381 – Report issued in March 2016

Mr A complained to the Ombudsman that Caerphilly County Borough Council ("the Council") had failed to arrange for him to have a needs assessment and because there was no assessment, the support that he was receiving was inadequate. Mr A was also unhappy that he did not have support from a suitable advocate to assist him obtain the care and support he felt he needed.

The Council explained that once it had undertaken a capacity assessment (which had been arranged to take place within a month). It indicated that an advocate had been identified to assist Mr A through this process.

Following discussions with the Council it confirmed that it would:

- a) ensure Mr A would carry out a capacity assessment on 12 April 2016
- b) complete an assessment of Mr A's needs within 28 days of the capacity assessment
- c) arrange for Mr A to have an advocate to support him.

Hywel Dda University Health Board - Health

Case reference 201501305 – Report issued in July 2015

Mrs J complained about the care and treatment that her mother received at Glangwili General Hospital. Mrs J said that her mother sustained a fall at home, but it took three hours before an ambulance arrived to take her mother to hospital. Also that on arrival at hospital, Hywel Dda University Health Board ("the Health Board") took several hours before it carried out an X-ray, or provided pain relief to her. Mrs J complained to the Health Board in November 2014 and she was advised that the Health Board would carry out an investigation into her concerns. However, in March 2015, the Health Board further explained that it anticipated that the investigation would take between three to six months to complete. Mrs J complained to the Ombudsman that the Health Board failed to provide its response to her complaint.

Following consideration of the complaint, the Investigating Officer contacted the Health Board to discuss Mrs J's concerns. The Investigating Officer asked the Health Board to provide its full written response to the complaint and to apologise for the delay in providing the response within ten working days.

The Health Board agreed to carry out the requested action.

Aneurin Bevan University Health Board - Health

Case reference 201500895 – Report issued in July 2015

Mrs D complained that her late husband did not receive adequate treatment after he was admitted to the Royal Gwent Hospital on 25 August 2014. She stated that he was not correctly fitted with an intravenous feed until 27 August 2014. She also stated that he was not given any of his prescribed medicine whilst at the Hospital. She was also concerned at the length of time the Board had taken to respond to her complaint.

The investigation found that Mrs D had not been given the opportunity to meet with relevant staff involved in her late husband's treatment.

It was recommended that:

- a) the complainant should be contacted within 10 working days of the date of this letter to arrange a meeting
- b) a mutually acceptable date for a meeting be set up within 20 working days of the date of this letter.

The Board has already contacted Mrs D to arrange an appropriate date for a meeting.

Caerphilly County Borough Council - Housing

Case reference 201501999 – Report issued in July 2015

Mrs C complained that on 15 December 2014 she contacted Caerphilly County Borough Council

("the Council") to report an electrical fault and was given a time slot for an emergency call out. Mrs C says no one called and she was at her property during the time slot given (4:30pm-6:30pm). Mrs C says she received a letter in February 2015, from the Council, stating that she was being re-charged for the call out and the re-charge would be £86.88. Mrs C disputed this charge and the Council referred the matter to a debt collecting agency.

Further to this information being forwarded to the Ombudsman, the Council agreed and informed him that it had 'reassessed its practices and changed its procedure'. It also stated that the 'operatives had been advised to call the Central Repairs Team/Out of Hours team if they do not get an answer and the central team will attempt to make contact with the tenant to advise them the operative is at their property. Details from these calls will be added to the record for future reference'.

In light of this, the Council had agreed to withdraw the re-charge of £86.88 as its 'no access procedure' at the time did not provide sufficient evidence to substantiate the charge. The Council will write to Mrs C shortly to inform her of this decision along with an apology for any inconvenience this matter may have caused her.

Conwy County Borough Council - Children's Social Services

Case reference 201501803 - Report issued in July 2015

Mr and Mrs V complained that Conwy County Borough Council ("the Council") had refused to accept their complaint at stage two of the Social Services complaints procedure and had instead advised them of an appeal route. When they attempted to take the appeal route they were advised that they did not have the right of appeal.

In order to establish the correct approach in this case, the Council agreed to meet with the complainants to give them an opportunity to provide further detail about their complaint. Following this meeting the matter may either be referred to the safeguarding panel to address or considered at stage two of the Social Services complaints procedure.

Hywel Dda University Health Board - Health

Case reference 201502108 - Report issued in August 2015

Ms E complained that Hywel Dda University Health Board ("the Health Board") did not have a suitably robust system of managing complaints. She said that she initially raised a complaint with the Health Board in October 2014 but to date had not received its response.

On receipt of this complaint the Ombudsman's office contacted the Health Board which agreed to the following terms:

- a) provide Ms E with an explanation for the delays and failures to respond to her
- b) provide Ms E with a written response by 28 August 2015

Gadewir y dudalen hon yn wag yn fwriadol