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(Tel: 01443 864420 Email: [sullie@caerphilly.gov.uk](mailto:sullie@caerphilly.gov.uk))

**Date: 22<sup>nd</sup> February 2023**

Dear Sir/Madam,

A multi-locational meeting of the **Standards Committee** will be held at Penallta House and via Microsoft Teams on **Tuesday, 28th February, 2023 at 10.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and or speaking will be publicly available to all via the recording on the Council website at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy', enclosed within a large, loopy oval shape.

**Christina Harrhy**  
CHIEF EXECUTIVE

## A G E N D A

- |   | Pages                                                                                                                                                                                                                                                                                                                   |  |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 | To receive apologies for absence.                                                                                                                                                                                                                                                                                       |  |
| 2 | Declarations of Interest.                                                                                                                                                                                                                                                                                               |  |
|   | Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers. |  |
| 3 | To appoint a Vice Chair of the Standards Committee.                                                                                                                                                                                                                                                                     |  |

**A greener place Man gwyrddach**



To approve and sign the following minute(s): -

4 Standards Committee held on 20th January 2022. 1 - 4

To receive and consider the following report(s): -

5 Group Leaders Duties and Annual Report of Standards Committee. 5 - 12

6 Annual Whistleblowing Report. 13 - 16

7 Public Services Ombudsman for Wales - Annual Letter 2021/22. 17 - 30

**Circulation:**

Councillors: J. Taylor and Mrs D. Price

Lay Members: P. Brunt, J. Card, L.M. Davies, C. Finn, L. Jay and V. Yadh

Community Councillor: A. Gray

And Appropriate Officers

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## **STANDARDS COMMITTEE**

### **MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON 20<sup>TH</sup> JANUARY 2022 AT 2.00PM.**

#### **PRESENT:**

P. Brunt, J. Card, L.M. Davies and C. Finn

Community Councillor Mrs G. Davies

County Councillors C. Mann and D. Price

#### **Together with:**

R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), S. Hughes (Committee Services Officer), R. Barrett (Committee Services Officer), and E. Sullivan (Senior Committee Services Officer)

#### **1. TO APPOINT A CHAIR OF THE STANDARDS COMMITTEE**

It was moved and seconded that Mr. P. Brunt be appointed as the Chair of the Standards Committee and by show of hands this was unanimously agreed.

RESOLVED that Mr P. Brunt be appointed as the Chair of the Standards Committee.

#### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

#### **3. DECLARATIONS OF INTEREST**

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

#### **4. MINUTES – 28<sup>TH</sup> OCTOBER 2021**

RESOLVED that the minutes of the meeting held on the 28<sup>th</sup> October 2021, be approved as a correct record and signed by the Chair.

#### **REPORTS OF OFFICERS**

## **5. ADOPTION OF PROCEDURES FOR STANDARDS COMMITTEE HEARINGS**

Consideration was given to the report which sought Standards Committee approval for the adoption of a procedure to deal with investigation reports referred to it by the Public Services Ombudsman for Wales (PSOW).

The Monitoring Officer explained that from time to time the Standards Committee received reports from the PSOW into complaints made against Councillors of Caerphilly County Borough Council or Councillors of Town and Community Councils within the boundary of the county borough alleging that the Councillor had breached the code of conduct for Members. Where this happens, there must be a procedure in place for dealing with the referral.

The Standards Committee were referred to Appendix 1 of the report which detailed the procedure, and the Monitoring Officer outlined the steps open to the Standards Committee as detailed within sections 5.3 and 5.4 of the report.

The Chair thanked Mr Tranter for presenting the report and questions from the Standards Committee were welcomed.

Clarification was sought in relation to the Integrated Impact Assessment referenced in section 7 of the report. The Officer confirmed that this was part of standard Council report format and related to Wellbeing of Future Generations and Equalities Act legislation, which although not so relevant in terms of this report did form an important part of other reports and policy documents like the Local Development Plan.

Reference was made to Section 3 of the Procedure, 'referral to another Standards Committee' and clarification sought as to whether this was dependent on the nature of the complaint or other work. The Monitoring Officer confirmed that this would depend on the nature of the report, for example it could be a matter where Caerphilly Council considers that it may have a conflict of interest and in these circumstances another Standards Committee from a neighbouring Council could assist. The Standards Committee were advised that this was a very rare occurrence.

Having fully considered the Officer's report it was moved and seconded that the recommendation contained in the Officer's report be approved and by show of hands this way unanimously agreed.

RESOLVED that the procedure found at Appendix 1 of the report be adopted to deal with referrals from the Public Services Ombudsman for Wales.

## **6. PUBLIC INTEREST TEST**

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was: -

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph 12 and 18C of Part 4 of Schedule 12A of the Local Government Act 1972.

**7. REFERRAL OF AN INVESTIGATION REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES OF A COMPLAINT**

Following consideration and discussion it was moved and seconded that there was no evidence of a failure to comply with the code of conduct and therefore no further action was required. Furthermore, the Chair requested that the Head of Legal Services and Monitoring Officer write to all parties concerned informing them of the decision of the Standards Committee and by show of hands and in noting there was 1 abstention this was agreed by the majority present.

RESOLVED that: -

1. There is no evidence of a failure to comply with the Code of Conduct and therefore no further action is required.
2. The Head of Legal Services and Monitoring Officer be instructed to write to all parties concerned on behalf of the Chair advising them of the decision of the Standards Committee.

The meeting closed at 15.10pm.

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

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CHAIR

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## STANDARDS COMMITTEE – 28<sup>TH</sup> FEBRUARY 2023

**SUBJECT: GROUP LEADERS DUTIES AND ANNUAL REPORT OF STANDARDS COMMITTEE**

**REPORT BY: HEAD OF LEGAL SERVICES & MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 The Local Government and Elections (Wales) Act 2021 (“the Act”) has reformed the legislative framework for local government elections, democracy, governance and performance. This report concentrates on 2 changes brought about by the Act: the new duties on group leaders to promote and maintain standards of conduct by members of their respective political groups and the responsibility of the Standards Committee to produce an annual report to Council.

### **2. SUMMARY**

- 2.1 The Act introduces 2 new duties on leaders of political groups in Welsh councils, namely:-
- (1) that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.
  - (2) that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council’s standards committee in the exercise of the standards committee’s functions.
- 2.2 The production of an annual report by the Standards Committee.

### **3. RECOMMENDATIONS**

- 3.1 To note the changes to the legislation and to endorse how the Standards Committee will monitor compliance with the duties by the Group Leaders and how the Standards Committee will produce an annual report to council.

#### **4. REASONS FOR THE RECOMMENDATIONS**

To comply with the legislative changes introduced by the Act.

#### **5. THE REPORT**

##### **Duties on Group Leaders**

- 5.1 The Act has introduced many changes for local government in the spheres of elections, governance, performance and democracy. The Act allows the Welsh Government to issue guidance on the changes within the Act. The Welsh Government has issued guidance to support leaders of political groups to understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice.
- 5.2 The first duty on group leaders to take reasonable steps to promote and maintain high standards by the members of the group does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. However, the guidance says that group leaders do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.
- 5.3 The guidance says that reasonable steps the group leader can undertake include:
- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
  - encouraging group members to attend relevant development or training around equalities and standards;
  - ensuring nominees to a committee have received the recommended training for that committee;
  - promoting civility and respect within group communications and meetings and in formal council meetings;
  - promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
  - promoting a culture within the group which supports high standards of conduct and integrity;
  - attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues;
  - work to implement any recommendations from the Standards Committee about improving standards;
  - work together with other group leaders, within reason, to collectively support high standards of conduct within the council.



- 5.4 The second duty requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.
- 5.5 The guidance says that it is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.
- 5.6 The guidance advises that leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. It is suggested in Caerphilly that the group leaders complete a template as shown at **appendix A**. The template should be completed so that the information is available in time to be referred to in the annual report of the Standards Committee which will be given to the annual meeting of council in May each year, referred to later in the report. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code for councillors to report breaches.
- 5.7 The template has been produced by Flintshire and it is hoped will be used across Wales. The completed template by the group leader will be used in a confidential meeting with the Standards Committee which will allow the Standards Committee to assess how each group leader is complying with the duties. The assessment will form part of the Standards Committee's annual report to Council.
- 5.8 The guidance on the second duty says that if a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should have regard to the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the [Adjudication Panel's website](#).

### **Annual report of Standards Committee**

- 5.9 The Act also extends the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. As noted above, the political group leaders will complete the template at appendix A annually for consideration by the standards committee in its assessment of how group leaders are complying with the duties. Its assessment of how the group leaders are complying with their new duties will be included in the annual report.
- 5.10 The annual report of the Standards Committee must include:
- describe how the committee has discharged its functions during the preceding financial year;

- include a summary of reports and recommendations made or referred to the committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member code of conduct, and any subsequent action taken by the committee;
- include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel's decisions on possible breaches of the member code of conduct;
- describe the advice it has provided on training for all members and how that has been implemented, and
- the committee's assessment of how the political group leaders have complied with the new duty to promote high standards of conduct, including the advice the standards committee has provided and the training it has suggested.

5.11 The standards committee may also wish to report on the number of cases considered under the Council's local resolution protocol. This will help to capture data on an "all Wales" basis, on matters which do not reach the Public Services Ombudsman for Wales.

5.12 The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by members of councils in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, the Act places an obligation on the Council to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority's consideration of a report will be a matter of public record through the published minutes of the meeting.

5.13 The guidance states that it would be good practice for the Standards Committee to share the annual report with the Ombudsman.

5.14 The terms of reference of the Standards Committee has already been amended to include the new duty to produce an annual report.

## **6. ASSUMPTIONS**

6.1 No assumptions are required within this report.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 Due to the nature of the report, there is no requirement to undertake an Integrated Impact Assessment.

## **8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications outside agreed budgets.

## **9. PERSONNEL IMPLICATIONS**

9.1 There are none.

## **10. CONSULTATIONS**

10.1 Any responses have been included within the report.

## **11. STATUTORY POWER**

11.1 Local Government and Elections Act 2021

Appendices: Appendix A - Promoting Compliance with the Code of Conduct

Author: Robert Tranter, Head of Legal Services and Monitoring Officer  
trantrj@caerphilly.gov.uk

Consultation: Christina Harray, Chief Executive  
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer  
Cllr S. Morgan, Leader of Council and Leader of the Labour Group  
Cllr L. Whittle, Group Leader of the Plaid Cymru Group  
Cllr K. Etheridge, Group Leader of the Independent Group

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**Promoting Compliance with the Code of Conduct**

<b>Report by:</b>		
<b>Political Group:</b>		
<b>No. of members:</b>		<b>No. trained on Code:X (Y%)</b>
<b>For the period:</b>		

**Number, Source and Level of Complaints**

	<b>Informal</b>	<b>Local Resolution (Stage)</b>		<b>PSOW</b>
		<b>1</b>	<b>2</b>	
<b>Public</b>				
<b>Officers</b>				
<b>Councillors</b>				

**Steps taken to Promote Compliance  
(To Be Completed by Group Leader)**

Include matters such as:
<ul style="list-style-type: none"> <li>- demonstrating personal commitment to and attending relevant development or training around equalities and standards;</li> <li>- encouraging group members to attend relevant development or training around equalities and standards;</li> <li>- ensuring nominees to a Committee have received the recommended training for that Committee;</li> </ul>
-
<ul style="list-style-type: none"> <li>- promoting civility and respect within group communications and meetings and in formal Council meetings;</li> <li>- promoting informal resolution procedures in the Council, and working with the Standards Committee and monitoring officers to achieve local resolution;</li> <li>- promoting a culture within the group which supports high standards of conduct and integrity;</li> <li>- attend a meeting of the Council's Standards Committee if requested to discuss Code of Conduct issues;</li> </ul>
<ul style="list-style-type: none"> <li>- work to implement any recommendations from the Standards Committee about improving standards;</li> <li>- work together with other group leaders, within reason, to collectively support high standards of conduct within the Council.</li> </ul>





## STANDARDS COMMITTEE – 28<sup>TH</sup> FEBRUARY 2023

**SUBJECT: ANNUAL WHISTLEBLOWING REPORT**

**REPORT BY: DIRECTOR OF EDUCATION & CORPORATE SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 This report provides an anonymised summary of whistleblowing investigations undertaken during the period 1st April 2021 to 31st March 2022

### **2. SUMMARY**

- 2.1 The Standards Committee's terms of reference include a responsibility to oversee the Council's whistleblowing regime. An annual report is presented to them containing information in relation to the number of investigations in line with the Council's Whistleblowing Policy.
- 2.2 During the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022, no whistleblowing investigations have been undertaken.

### **3. RECOMMENDATIONS**

- 3.1 The Committee are asked to note the contents of this report.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To update the Committee with regards to the operation of the Council's Whistleblowing Policy during the period 1st April 2021 to 31st March 2022 in accordance with its terms of reference.

### **5. THE REPORT**

- 5.1 The Whistleblowing Policy provides a method for employees to raise concerns about the running of the Council without fear of victimisation. All employees have access to this policy.
- 5.2 The policy covers any disclosures that employees make with regard to any alleged wrong-doing. The policy aims to reassure employees that it is safe and acceptable to

Speak up and raise serious concerns about malpractice, without risk of disciplinary action. In the policy the categories of wrongdoing include:

- Criminal offences, including conduct which is an offence or a breach of law or sexual or physical abuse of clients;
- Failure to comply with legal obligations including the unauthorised use of public funds, possible fraud and corruption; discrimination against the public or colleagues;
- Miscarriages of justice;
- Dangers to health or safety including risks to the public as well as other employees;
- Danger or damage to the environment;
- Deliberate concealment of any of the above.

- 5.3 The Policy forms part of the Officer's Code of Conduct and is found within the Council's Constitution.
- 5.4 The terms of reference of the Standards Committee includes a responsibility to oversee the whistleblowing regime.
- 5.5 A Whistleblowing Commission was set up in February 2013 by the leading Whistleblowing Charity - Public Concern at Work (PCaW). Their remit was to review the effectiveness of whistleblowing in UK workplaces, and to make recommendations for change. The Commission was an independent body made up of industry and academic experts and chaired by the Right Honourable Sir Anthony Hooper (former appeal court judge).
- 5.6 In late November 2013, it published its findings, with the primary recommendation being for the Secretary of State to adopt a Code of Practice that could be taken into account in whistleblowing cases before courts and tribunals. The Commission had published a draft Code which sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements. The Code of Practice is designed to help regulators assess and inspect whistleblowing arrangements. The Code of Practice was designed to be adopted by organisations that are looking to achieve the highest standards in ensuring that workers are encouraged to speak up and when they do, that they are listened to.
- 5.7 Officers worked with the Charity Public Concern at Work (now Protect), who were identified as being able to support best practice in this area. As a consequence the Council was able to access guidance, resources and support from Public Concern at Work to develop a new Whistleblowing Policy reflective of guidance and regulations.
- 5.8 Additionally the Council has access to an ongoing facility provided for employees to access the confidential support helpline provided by Protect. This enables individuals to make contact in a confidential manner, should they wish to seek independent advice.
- 5.9 In line with the findings of the Commission, the Council's Policy was reviewed and an amended policy adopted by the Council in December 2015. The policy was written in plain English, to encourage a wide understanding by employees. The policy was



heavily based around the model policy provided by Public Concern at Work and was developed by the Council with the support of the Improving Governance Programme Board.

- 5.10 Following the adoption of the revised policy by the Council it was uploaded to HR Support Portal and a communication plan undertaken to increase awareness across the wider organisation. Communication with regard to this policy continues across the Council.
- 5.11 The Policy is being reviewed again this year and advice will be sought from Protect with regard to best practice. The revised Policy will be communicated to all staff and will be subject to ongoing communication.
- 5.12 Recommendations from whistleblowing investigations are monitored for implementation by the Council's Monitoring Officer.
- 5.13 There were no investigations undertaken in line with the Council's Whistleblowing Policy during the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.

## **6. ASSUMPTIONS**

- 6.1 There are no assumptions made within this report.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 An Integrated Impact Assessment has not been completed as this report is an information item.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications to this report.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 There are no personnel implications to this report.

## **10. CONSULTATIONS**

- 10.1 The consultation responses have been incorporated in the report.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 2000.  
Public Interest Disclosure Act 1998.  
Employment Act 2008.

Author: Lynne Donovan, Head of People Services

Consultees: Richard Edmunds, Corporate Director – Education & Corporate Services  
Robert Tranter Head of Legal Services and Monitoring Officer  
Lisa Lane, Deputy Monitoring Officer & Head of Democratic Services  
Councillor Nigel George, Cabinet Member for Corporate Services



## STANDARDS COMMITTEE – 28<sup>TH</sup> FEBRUARY 2023

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER  
2021/22**

**REPORT BY: HEAD OF DEMOCRATIC SERVICES AND DEPUTY MONITORING  
OFFICER**

### **1. PURPOSE OF REPORT**

- 1.1 To inform the Standards Committee of the publication of the Annual Letter for 2021/2022 in respect of Caerphilly Council by the Public Services Ombudsman for Wales.

### **2. SUMMARY**

- 2.1 To advise the Committee of the publication of the Public Services Ombudsman for Wales Annual Letter for 2021/2022.

### **3. RECOMMENDATIONS**

- 3.1 It is recommended that the Standards Committee considers and notes the content of the Annual Letter.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2019.

### **5. THE REPORT**

- 5.1 The Public Services Ombudsman for Wales (PSOW) issues an Annual Letter to each Local Authority in Wales which sets out a summary of all complaints received and investigated by her office during 2021/2022 relating to that Authority. The Annual Letter issued in respect of Caerphilly is attached at Appendix 1 to this report.
- 5.2 Members will note that last year the number of complaints referred to the Ombudsman about local authorities in general increased by 47% (compared to 20/21 figures) and are now well above pre pandemic levels. The letter notes it is likely that complaints to Ombudsman's office, and public services in general, were suppressed

during the pandemic, and that the expected 'rebound' effect is being seen. During this period, the Ombudsman intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where they have investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years.

- 5.3 The Ombudsman also received a high number of complaints relating to the Code of Conduct for Councillors last year, relating to both Principal Councils and Town and Community Councils with 20 referred to either the Adjudication Panel for Wales or local standards committees, due to evidence of a breach of the Code.
- 5.4 In terms of the use of the proactive powers in the Public Services Ombudsman (Wales) Act 2019, this has resulted in the publication of the first Own Initiative Investigation report entitled Homelessness Reviewed. The report published in October last year made specific recommendations to the three investigated authorities, as well as suggestions to all other Local Authorities in Wales and Welsh Government. Some of these recommendations will bring about immediate change – updating factsheets and letter and assessment templates to ensure that key equality and human rights considerations are routinely embedded into processes for example – all the recommendations were designed to bring about tangible change to people using homelessness services in Wales.
- 5.5 The Complaints Standards Authority (CSA) has also continued its work with public bodies in Wales last year with the adoption of the model complaints policy being extended to an initial tranche of Housing Associations and Natural Resources Wales; the aim being to implement this work across the Welsh public sector.
- 5.6 In addition to this, the CSA published information on complaints handled by local authorities for the first time. The data for 21/22 showed: - Over 15,000 complaints were recorded by Local Authorities - 4.88 for every 1000 residents. - Nearly half (46%) of those complaints were upheld. - About 75% were investigated within 20 working days. - About 8% of all complaints closed ended up being referred to PSOW. The CSA has also delivered 140 training sessions, completely free of charge, during the last financial year. The letter notes that the feedback has been excellent, and the training has been very popular and encourages Caerphilly County Borough Council to engage as fully as possible.
- 5.7 The letter also notes the new duties on political leaders and standards committees to promote and maintain high standards of conduct of their members and highlights the sharing of the learning from complaints between the Ombudsman's office, the Standards Committee and local authority officers.
- 5.8 Specifically in relation to the complaints for Caerphilly, the Ombudsman received 60 complaints compared to 46 last year broken down as follows with the previous years' figures in brackets.

Adult Social Services	6	(3)
Benefits Administration	1	(0)
Children's Social Services	8	(9)
Community Facilities, Recreation and Leisure	1	(0)
Complaints Handling	10	(5)

Covid19	3	(0)
Education	1	(1)
Environment and Environmental Health	6	(4)
Finance and Taxation	0	(0)
Housing	8	(13)
Licensing	0	(0)
Planning and Building Control	11	(10)
Roads and Transport	3	(0)
Various Other	2	(1)
Total	60	(46)

5.9 The Complaint Outcomes are set out in section C with 7 referrals requiring early resolution/voluntary settlement. The comparison figures with other authorities in Wales is set out in section D.

5.10 The Letter also includes a summary of the Code of Conduct complaints relating to members of the Council and Town and Community Councils. In relation to Code of Conduct complaints for Caerphilly council there was no evidence of a breach in respect of 1 matter and 1 matter was referred to the Council's Standards Committee. There were 3 outcomes in relation to Town and Community Councils specifically Bedwas Trethomas and Machen Community Council, Blackwood Town Council and Rhymney Community Council all of which found no evidence of a breach.

### **Conclusion**

5.11 Members will note that the Ombudsman has asked Councils to take the following actions

- Present the Annual Letter to the Cabinet and to the Governance & Audit Committee to assist members in their scrutiny of the Council's performance and share any feedback from the Cabinet and the Governance & Audit Committee with my office.
- Continue to engage with the Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing complaints data.
- Inform the Ombudsman of the outcome of the Council's considerations and proposed actions on the above matters by 30 September.

5.12 Whilst the Ombudsman has asked that the Annual Letter be reported to Cabinet and the Governance and Audit Committee, this Council's reporting process is to the Standards Committee and full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales. This report was presented to a meeting of Council on 24<sup>th</sup> November 2022.

5.13 In relation to the work with the Complaints Standards Authority, officers from a cross section of service areas have undertaken training and further training has been sourced for April next year which is the earliest available date.

5.14 The Ombudsman has been advised that the Annual Letter was presented to Council on the 24<sup>th</sup> November 2022 and will also be advised of its presentation to the Standards Committee.

## **6. ASSUMPTIONS**

6.1 No assumptions are necessary within this report.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 This report is for information and so there is no requirement to undertake an Integrated Impact Assessment.

## **8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications arising from this report.

## **9. PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications arising from this report.

## **10. CONSULTATIONS**

10.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the Consultees below.

## **11. STATUTORY POWER**


11.1 Public Services Ombudsman (Wales) Act 2019

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer


Consultees: Richard (Ed) Edmunds Corporate Director Education and Corporate Services  
Robert Tranter Head of Legal Services and Monitoring Officer

Appendix 1 Annual Letter 2021/2022

Ask for: Communications

 01656 641150

Date: August 2022

 communications@ombudsman.wales

Cllr. Sean Morgan  
Caerphilly County Borough Council  
By Email only: seanmorgan@caerphilly.gov.uk

## Annual Letter 2021/22

Dear Councillor Morgan

I am pleased to provide you with the Annual letter (2021/22) for Caerphilly County Borough Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services

This is my first annual letter since taking up the role of Public Services Ombudsman in April 2022, and I appreciate that the effects of the pandemic are still being felt by all public bodies in Wales. Our office has not been immune from this, with records numbers of cases being referred to us over the last two years. The strong working relationships between my Office and local authorities continues to deliver improvements in how we are dealing with complaints and ensuring that, when things go wrong, we are learning from that and building stronger public services.

### Complaints relating to Maladministration & Service Failure

Last year the number of complaints referred to us regarding Local Authorities increased by 47% (compared to 20/21 figures) and are now well above pre-pandemic levels. It is likely that complaints to my office, and public services in general, were suppressed during the pandemic, and we are now starting to see the expected 'rebound' effect.

During this period, we intervened in (upheld, settled or resolved at an early stage) a similar proportion of complaints about public bodies, 18%, when compared with recent years. Intervention rates (where we have investigated complaints) for Local Authorities also remained at a similar level – 14% compared to 13% in recent years.

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## Complaints relating to the Code of Conduct for Councillors

We also received a high number of Code of Conduct complaints last year, relating to both Principal Councils and Town and Community Councils. A record number (20) were referred to either the Adjudication Panel for Wales or local standards committees, due to evidence of a breach of the Code.

## Supporting improvement of public services

In addition to managing record levels of complaints, we also continued our work using our proactive powers in the Public Services Ombudsman (Wales) Act 2019. Specifically undertaking our first Own Initiative Investigation and continuing our work on the Complaints Standards Authority.

October 2021 saw the publication of the first own initiative investigation in Wales: [Homelessness Reviewed](#). The investigation featured three Local Authorities and sought to scrutinise the way Homelessness assessments were conducted. The report made specific recommendations to the investigated authorities, as well as suggestions to all other Local Authorities in Wales and Welsh Government. Some of these recommendations will bring about immediate change – updating factsheets and letter and assessment templates to ensure that key equality and human rights considerations are routinely embedded into processes for example – all the recommendations were designed to bring about tangible change to people using homelessness services in Wales.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year. The model complaints policy has already been adopted by local authorities and health boards in Wales, we have now extended this to an initial tranche of Housing Associations and Natural Resources Wales. The aim being to implement this work across the Welsh public sector.

In addition to this, the CSA published information on complaints handled by local authorities for the [first time](#) – a key achievement for this work. The data for 21/22 showed:

- Over 15,000 complaints were recorded by Local Authorities
- 4.88 for every 1000 residents.
- Nearly half (46%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 8% of all complaints closed ended up being referred to PSOW.

The CSA has now implemented a model complaints policy with nearly 50 public bodies, and delivered 140 training sessions, completely free of charge, during the last financial year. The feedback has been excellent, and the training has been very popular - so I would encourage Caerphilly County Borough Council to engage as fully as possible.



## **Complaints made to the Ombudsman**

A summary of the complaints of maladministration/service failure received relating to your Council is attached, along with a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

In light of the new duties on political leaders and standards committees to promote and maintain high standards of conduct of their members, we look forward to working with you, your Monitoring Officer and standards committees to share any learning from the complaints we receive and to support your authority's work.

I would also welcome feedback on your Governance & Audit Committee's review of your authority's ability to handle complaints effectively so that we can take this into account in our work and support its work on the handling of complaints.

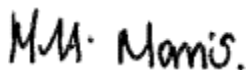
Finally, can I thank you and your officials for the positive way that local authorities have engaged with my Office to enable us to deliver these achievements during what has been a challenging year for everyone. I very much look forward to continuing this work and collaboration to ensure we further improve public services across Wales.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance & Audit Committee to assist members in their scrutiny of the Council's performance and share any feedback from the Cabinet and the Governance & Audit Committee with my office.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by 30 September.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,



**Michelle Morris**

**Public Services Ombudsman**

cc. Christina Harrhy, Chief Executive, Caerphilly County Borough Council.

By Email only: [harrhc@caerphilly.gov.uk](mailto:harrhc@caerphilly.gov.uk)

## Factsheet

### Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	14	0.20
Bridgend County Borough Council	55	0.37
Caerphilly County Borough Council	60	0.33
Cardiff Council*	182	0.50
Carmarthenshire County Council	54	0.29
Ceredigion County Council	52	0.72
Conwy County Borough Council	27	0.23
Denbighshire County Council	34	0.36
Flintshire County Council	99	0.63
Gwynedd Council	39	0.31
Isle of Anglesey County Council	29	0.41
Merthyr Tydfil County Borough Council	27	0.45
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	45	0.31
Newport City Council	40	0.26
Pembrokeshire County Council	39	0.31
Powys County Council	55	0.42
Rhondda Cynon Taf County Borough Council	51	0.21
Swansea Council	71	0.29
Torfaen County Borough Council	18	0.19
Vale of Glamorgan Council	61	0.46
Wrexham County Borough Council	71	0.52
<b>Total</b>	<b>1143</b>	<b>0.36</b>

\* inc 17 Rent Smart Wales

## Appendix B - Received by Subject

<b>Caerphilly County Borough Council</b>	<b>Complaints Received</b>	<b>% Share</b>
Adult Social Services	6	10%
Benefits Administration	1	2%
Children's Social Services	8	13%
Community Facilities, Recreation and Leisure	1	2%
Complaints Handling	10	17%
Covid19	3	5%
Education	1	2%
Environment and Environmental Health	6	10%
Finance and Taxation	0	0%
Housing	8	13%
Licensing	0	0%
Planning and Building Control	11	18%
Roads and Transport	3	5%
Various Other	2	3%
<b>Total</b>	<b>60</b>	

## Appendix C - Complaint Outcomes (\* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/ voluntary settlement*	Discontinued	Other Reports- Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Caerphilly County Borough Council	9	16	26	7	0	0	0	0	58
% Share	16%	28%	45%	12%	0%	0%	0%	0%	

## Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	13	0%
Bridgend County Borough Council	7	54	13%
Caerphilly County Borough Council	7	58	12%
Cardiff Council	45	159	28%
Cardiff Council - Rent Smart Wales	1	16	6%
Carmarthenshire County Council	7	49	14%
Ceredigion County Council	13	46	28%
Conwy County Borough Council	2	24	8%
Denbighshire County Council	4	33	12%
Flintshire County Council	15	94	16%
Gwynedd Council	6	41	15%
Isle of Anglesey County Council	3	28	11%
Merthyr Tydfil County Borough Council	2	26	8%
Monmouthshire County Council	2	21	10%
Neath Port Talbot Council	5	45	11%
Newport City Council	4	36	11%
Pembrokeshire County Council	2	40	5%
Powys County Council	7	55	13%
Rhondda Cynon Taf County Borough Council	3	45	7%
Swansea Council	10	76	13%
Torfaen County Borough Council	2	20	10%
Vale of Glamorgan Council	9	62	15%
Wrexham County Borough Council	4	67	6%
<b>Total</b>	<b>160</b>	<b>1108</b>	<b>14%</b>

## Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Caerphilly County Borough Council	0	1	0	0	1	0	2

## Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Bedwas, Trethomas & Machen Community Council	0	1	0	0	0	0	1
Blackwood Town Council	0	1	0	0	0	0	1
Rhymney Community Council	0	1	0	0	0	0	1

## Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2021/2022. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2021/2022. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2021/2022. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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