



## **STANDARDS COMMITTEE – 21ST SEPTEMBER 2015**

**SUBJECT: UPDATE OF PROGRESS ON COMPLIANCE WITH  
RECOMMENDATIONS IN A REPORT ISSUED BY THE PUBLIC  
SERVICES OMBUDSMAN FOR WALES - CASE NUMBER 201400849**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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

- 1.1 To update Members on the progress made since the last report to the Standards Committee on compliance with the remaining recommendations contained in the Ombudsman report Case Number 201400849.
- 1.2 To consider whether the matter would benefit from further consideration by the appropriate Scrutiny Committee. If Committee considers this course of action is appropriate a report setting out the reason for referral will be presented to the relevant Scrutiny Committee when the report is presented.

### **2. SUMMARY**

- 2.1 To consider the progress made on compliance with the outstanding recommendations contained in the Ombudsman Report, which was the subject of a report to the Standards Committee on the 18th June, 2015.
- 2.2 To consider whether to refer the matter to the appropriate Scrutiny Committee.

### **3. LINKS TO STRATEGY**

- 3.1 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.

### **4. THE REPORT**

- 4.1 On 18th June 2015 the Standards Committee considered a report from the Interim Monitoring Officer relating to a complaint upheld by the Public Services Ombudsman for Wales against Caerphilly County Borough Council. A copy of the report is referred to in the background papers. The report also provided an update on the actions taken up to that date in respect of the recommendations contained in the Ombudsman's report.
- 4.2 In view of the timescales contained in the Ombudsman's report for compliance with the recommendations, particularly those to be complied with within four months, Members requested a further report be presented to the Standards Committee after the four month period to update members on the progress made.

- 4.3 This report provides members with an update on the recommendations.
- 4.4 Members are reminded that the Ombudsman made the following recommendations:
- 4.4.1 Within one month of the date of the report, the Authority should:
- a. Give Mr. A. an unreserved apology for its failure to comply with the relevant legislation and statutory guidance when assessing his housing application.
  - b. Make a payment to Mr. A of £1,000 in recognition of the impact of those failings which includes the uncertainty as to whether he would have been offered accommodation if the Authority had commenced homelessness inquiries and assessed his application properly.
  - c. Immediately (at the latest within one month) reassess Mr. A's housing application, ensuring that assessment fully complies with legislation and statutory guidance. Mr. A. must then be given a written decision that fully complies with legislation and guidance.
- 4.4.2 Within one month of the date of the report, the Authority should also formally remind staff:
- a. To comply with housing legislation and statutory guidance.
  - b. That they must maintain appropriate contemporaneous records of all contact with housing applicants.
- 4.4.3 Within two months of the date of the report, the Authority should consider whether the staff involved in this case would benefit from additional communications training from a mental health organisation. If such, further training is considered necessary; it should be completed within four months of the date of this report.
- 4.4.4 Within four months of the date of this report, the Authority should undertake a review of the Housing Department's record keeping methods to ensure that the records maintained:
- a. comply with legislation.
  - b. enable officers to support existing tenants and new housing applicants effectively.
- 4.4.5 As part of the preparation for the introduction of its new allocation scheme in April 2015 the Authority should include the SHN (Special Housing Needs) form and OT (Occupational Therapy) assessment processes in the EIA.
- 4.4.6 Within one month of the due date of each the Ombudsman requires evidence to demonstrate that the Authority has complied with these recommendations. The Ombudsman also requires the Authority to give him a copy of the template letters which the Authority says now advise applicants that their application has been suspended and that they have a right of appeal.
- 4.5 The Ombudsman recently confirmed that the Council had provided evidence that it had complied with the recommendations in the report except for paragraph 4.4.4 which was not due until the end of September. Since receiving this confirmation evidence for paragraph 4.4.4 has been submitted to the Ombudsman.
- 4.6 The report sets out below a further update for Members on the following recommendations, which also includes additional actions identified by Housing to improve the service following this complaint.

#### **Recommendations 4.4.2(a)**

Members were advised previously that staff within the Housing Allocations and Advice Team attended detailed training on the new homelessness legislation that was introduced on the 27th April, 2015 as part of the Housing Wales Act 2014. This training was provided by an external consultant on behalf of Homeless and Supporting People Network, which was established by the WLGA. The training was provided on the 18th and 19th May, 2015. Presentation slides have been provided by the trainer and these were submitted to the Ombudsman together with an attendance log to evidence compliance with this recommendation. The training slides will also be used to provide and support further training in-house as and when new appointments are made.

#### **Recommendations 4.4.2(b)**

Members were advised that a staff meeting was held on the 22nd May, 2015 to remind officers that they must maintain appropriate contemporaneous records of all contact with housing applicants. To support this requirement the Council is considering the possibility of installing a telephone recording system for the Homelessness and Housing Advice team. This is ongoing. In the meantime an independent review has been undertaken by our Corporate Information Unit of the internal procedures in relation to record taking and record retention, including contemporaneous records. Whilst acknowledging that 'awareness of good practice is high', a number of recommendations to improve processes were identified and the majority completed. However some are reliant on I.T. systems e.g. changes to IDOX which is currently being addressed corporately. The introduction of the new Common Housing Register will assist with maintaining records within a centralised database for applicants, with tenant information being stored on the Corporate IDOX system. This will be implemented next year. In the meantime all staff have been reminded to maintain contemporaneous records and that these should be retained on accessible files for officers rather than personal drives or e-mail systems. The internal review undertaken did not identify the need for an overarching procedural document, although specific individual procedures have been changed in some areas which have been communicated to staff in writing. Staff have completed e-learning training in relation to the Protection of Personal Information and Corporate Record Management training. A copy of the internal Review has also been submitted to the Ombudsman together with the details of the actions taken to achieve improvements.

#### **Recommendation 4.4.3**

Accredited training supplied by Steps Training – Developing Effective Communication Skills was provided to relevant staff on 12th August 2015. The trainer also provided information packs and will also be providing the PowerPoint slides. It is envisaged that a second training day will be arranged in January which will act as a summary of this session for the new staff members that will be in post as part of the Common Housing Register. In addition a further session will cover other aspects tailored to the service we provide.

Members were advised that a training and development strategy would be compiled to ensure that staff receive ongoing training which is appropriate to the needs of the service. This is ongoing and officers are seeking advice from HR. As a result in the short term more focus will be given to training and development of staff at individual Personal Development Reviews which in turn will inform any strategy going forward. Members are asked to note that refresher training will be provided as identified within the PDR process by appropriate providers or where possible further training will be provided in-house utilising data and presentations from training previously received and through the use of e-learning.

#### **Recommendation 4.4.4**

As previously mentioned under recommendation 4.4.2 above, the Council's Information Unit has concluded a review of the Housing Departments record keeping methods to ensure such records comply with legislation and enable officers to support housing tenants and new applicants effectively. Actions arising from the internal review are being followed up by relevant officers and staff have been advised of any changes in working practices that may be required.

To make further improvements, changes to existing I.T. systems have been identified which are being progressed corporately to assist with retention and disposal procedures. The review identified that Housing have been particularly engaged with the Information Governance Training Programme.. Designated Officers have also been identified to deal with Freedom of Information Requests and Data Protection related issues. As mentioned above, a copy of the full Review Report has been forwarded to the Ombudsman as evidence to demonstrate compliance with the recommendation made.

#### **Recommendation 4.4.5**

Members were advised that as part of the preparation for the new housing allocations scheme, a review of the Special Housing Needs Procedure and Occupational Therapist Assessment will be incorporated as part of the Equalities Impact Assessment.

The Ombudsman was advised that the new Allocation Scheme would not be implemented until April 2016 due to delays surrounding the procurement of a new IT system and subsequently sought confirmation as to how the Authority could achieve this recommendation within a reasonable timescale and before April 2016. The following clarification has been provided to the Ombudsman.

The current position is that housing applicants who are sent a SHN or OT form or have completed either forms and are awaiting assessments remain on the housing list pending assessment and are therefore treated in the same way as all other housing applicants. SHN forms are not processed in relation to homelessness applications however enquiries are made via the homelessness duty to investigate.

The Equalities Impact Assessment (EIA) in respect of the new Allocations Policy, its underlying processes and procedures is underway and has been reviewed by Tai Pawb. Tai Pawb is an organisation promoting equality and social justice in housing of which the Authority is a member. Tai Pawb has assisted officers with the completion of the EIA and have spent considerable time with officers responsible for drafting the new Allocations Policy. This assessment has also included the SHN and the OT assessment processes.

In addition, in preparation for the introduction of the new Common Housing Register, the Housing department are in the process of recruiting additional officers to undertake the re-banding exercise which is aimed to commence in November 2015.

In relation to the assessment of all applicants having disclosed mental health conditions arrangements have been made for a dedicated Mental Health specialist worker to be based within the Allocations team on a full time basis from August 2015 specifically to assist with the re-banding exercise and to assist with any communication issues in relation to customers with Mental Health issues. Re-banding of applicants with mental health and physical health conditions was intended to commence in September 2015 but this has been delayed due to recruitment issues. As noted above the mental health worker has only recently been appointed and the appointment of an O.T. officer is being progressed. This delay however will not impact on tenants as it is only required for the implementation of the new Common Housing Register in 2016.

#### **Recommendation 4.4.6**

Documentary evidence has been submitted to the Ombudsman in relation to all of the recommendations as requested.

- 4.7 Members are asked to consider and note the progress made against the recommendations listed in paragraph 4.6 above.
- 4.8 In addition members are asked to consider whether to refer the matter to the appropriate Scrutiny Committee. In this regard, members will recall receiving a report on 18<sup>th</sup> June 2015 on proposed changes to this aspect of its terms of reference which would include the ability to refer a report from the Public Services Ombudsman for Wales to the relevant subject Scrutiny Committee and or Audit Committee. The Standards Committee endorsed this change at that meeting however it will need to be further considered by Full Council as part of the review of the Council's Scrutiny arrangements before the change can be implemented. Consequently, for the purposes of this report members are asked to consider the recommendation set out in paragraph 9.2 below.

#### **5. EQUALITIES IMPLICATIONS**

- 5.1 None arising from the contents of this report.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 The payment referred to in paragraph 4.4.1(b) has been met from existing budgets.

#### **7. PERSONNEL IMPLICATIONS**

- 7.1 There are ongoing personnel implications as a result of staff training required as part of some of the recommendations. These actions can be undertaken within existing staff resources.

#### **8. CONSULTATIONS**

- 8.1 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 this report has been provided to the consultees listed below.

#### **9. RECOMMENDATIONS**

- 9.1 That Members note the contents of the Report and progress made in respect of all the recommendations contained in the Ombudsman's report.
- 9.2 To consider whether the matter should be referred to the appropriate Scrutiny Committee the grounds for referral are where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration for the appropriate Scrutiny Committee. If Committee considers this course of action is appropriate a report setting out the reason for the referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.

## **10. REASON 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  
Nicole Scammell, Acting Director of Corporate Services/Section 151 Officer  
Shaun Couzens, Chief Housing Officer  
Fiona Wilkins, Public Sector Housing Manager  
Kenyon Williams, Private Sector Housing Manager  
Councillor K. Reynolds, Leader  
Councillor D. Poole, Deputy Leader & Cabinet Member for Housing  
Diane Holdroyd, Chair of Standards Committee

### **Background**

Papers: Report to Standards Committee, 18th June, 2015 – Complaint made to the Public Services Ombudsman for Wales – Case numbers 201400049  
Report of Public Services Ombudsman for Wales 30th April, 2015