



## COUNCIL – 13TH DECEMBER 2018

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER  
2017/18**

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

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

- 1.1 To inform Council of the Public Services Ombudsman for Wales Annual Letter (2017/18) regarding complaints received and investigated by the Public Services Ombudsman for Wales.

### **2. SUMMARY**

- 2.1 To advise Council of the Public Services Ombudsman for Wales Annual Letter (2017/18).

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

- 3.1 The function of overseeing complaints received and investigated by the Ombudsman contributes to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015 as it supports the provision of higher quality and more effective services to the public across all service areas

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

### **4. THE REPORT**

- 4.1 The Annual Letter which sets out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2017/18 for Caerphilly was received on 15<sup>th</sup> October 2018. A copy of the Annual Letter is attached at Appendix 1 to this report.
- 4.2 Members will note that the fact sheet attached to the Annual Letter gives a detailed breakdown of complaints data relating to Caerphilly. This includes statistics regarding Ombudsman's interventions which includes all cases upheld as well as early resolutions and voluntary settlements.

- 4.3 The data is self-explanatory and therefore no further comment is offered other than to ask Council to note the following:-
- 4.3.1 In relation to Caerphilly the number of complaints received by the Ombudsman has reduced in the past year by 26% from 54 to 40.
- 4.3.2 Complaints relating to Housing have dropped this year from 12 to 8 as well as complaints concerning Adult Social Services which have dropped from 8 to 5.
- 4.3.3 However Planning and Building Control complaints have been noted as remaining high at 10; this is compared to 9 complaints received last year. This data has been analysed and it has been noted two complaints were referred to the Ombudsman on 3 and 2 separate occasions respectively which accounts for 5 out of the 10 complaints. The remaining 5 complaints included one premature referral i.e. had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Procedure.

#### **4.4 Code of Conduct Complaints**

Members will note that in respect of Caerphilly County Borough Councillors 4 complaints were received all of which were closed after initial consideration. In respect of Town and Community Councils one complaint was received which was also closed after initial consideration.

### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the overseeing of the complaints received and investigated by the Ombudsman enables departments to focus on areas of concern, to improve services and to monitor performance to ensure that any issues raised are identified and dealt with so as to be avoided in future.

### **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no equalities implications associated with this report.

### **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications associated with this report.

### **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications associated with this report.

### **9. CONSULTATIONS**

- 9.1 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.

### **10. RECOMMENDATIONS**

- 10.1 It is recommended that Council note the content of the report.

## **11. REASONS FOR THE RECOMMENDATIONS**

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

## **12. STATUTORY POWER**

- 12.1 Public Services Ombudsman (Wales) Act 2005.

Author: Robert Tranter, Head of Legal Services and Monitoring Officer  
Consultees: Christina Harry, Interim Chief Executive  
Dave Street, Corporate Director of Social Services and Housing  
Mark S Williams, Interim Director of Communities  
Ed Edmunds, Corporate Director for Education and Corporate Services  
Lisa Lane, Interim Deputy Monitoring Officer

### Appendices:

Appendix 1 Annual Letter of the Public Services Ombudsman for Wales 2017/18

Our Ref: NB/CW/MA



[Catrin.wallace@ombudsman-wales.org.uk](mailto:Catrin.wallace@ombudsman-wales.org.uk)

[Matthew.aplin@ombudsman-wales.org.uk](mailto:Matthew.aplin@ombudsman-wales.org.uk)

15 October 2018

Councillor Dave Poole

Sent by email: [davidpoole@caerphilly.gov.uk](mailto:davidpoole@caerphilly.gov.uk)

### **Annual Letter 2017/18**

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Caerphilly County Borough Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill progresses I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

### **Overview of complaints**

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Caerphilly has reduced in the past year by 26% from 54 to 40. We are pleased to see that complaints regarding Housing have dropped this year from 12 to 8 as well as complaints concerning Adult Social Services which have dropped from 8 to 5. However, we would like to draw your attention to Planning and Building Control which still remains high with 10 complaints.

You will find below a factsheet giving a breakdown of complaints data relating to your Local Authority. This year we have included a new set of statistics regarding Ombudsman interventions. These include all cases upheld by my office as well as early resolutions and voluntary settlements.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation. I 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

Public Services Ombudsman for Wales

CC: Christina Harray, Interim Chief Executive  
Andrea Jones, Contact Officer

## Factsheet

### A. Complaints Received and Investigated with Local Authority average adjusted by population

<b>Local Authority</b>	<b>Complaints Received</b>	<b>Average</b>	<b>Complaints Investigated</b>	<b>Average</b>
Blaenau Gwent County Borough Council	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

## B. Complaints Received by Subject

Caerphilly County Borough Council	Complaints Received
Adult Social Services	5
Children s Social Services	6
Community Facilities. Recreation and Leisure	2
Complaints Handling	1
Education	1
Environment and Environmental Health	3
Health	1
Housing	8
Planning and Building Control	10
Various Other	3

## C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report Upheld - in whole or in part	Public Interest Report	Total Cases closed
Caerphilly	6	7	22	2	0	1	1	0	39
Caerphilly (adjusted)	8	13	16	6	0	1	1	0	45

#### D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
<b>Local Authority</b>			
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20



**E. Code of Conduct Complaints Closed**

<b>County/County Borough Councils</b>	<b>Closed after initial consideration</b>	<b>Discontinued</b>	<b>No evidence of breach</b>	<b>No action necessary</b>	<b>Refer to Standards Committee</b>	<b>Refer to Adjudication Panel</b>	<b>Withdrawn</b>	<b>Total</b>
Caerphilly	4							4

**F. Town / Community council Code of Conduct Complaints**

<b>Town/Community Council</b>	<b>Closed after initial consideration</b>	<b>Discontinued</b>	<b>No evidence of breach</b>	<b>No action necessary</b>	<b>Refer to Standards Committee</b>	<b>Refer to Adjudication Panel</b>	<b>Withdrawn</b>	<b>Total</b>
Caerphilly TC	1							1

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, 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 Local Authority which were received by my office during 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

### **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 [catrin.wallace@ombudsman-wales.org.uk](mailto:catrin.wallace@ombudsman-wales.org.uk) or [matthew.aplin@ombudsman-wales.org.uk](mailto:matthew.aplin@ombudsman-wales.org.uk).