



COUNCIL – 23RD OCTOBER 2019

SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL REPORT AND ANNUAL LETTER 2018/19

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To inform Council of the publication of the Public Services Ombudsman for Wales Annual Report and Annual Letter (2018/19) in respect of this Council by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise Council of the publication of the Public Services Ombudsman for Wales Annual Report and Annual Letter (2018/19).

3. RECOMMENDATIONS

- 3.1 It is recommended that the Council 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 2005.

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 clear and concise breakdown of all complaints received and investigated by the PSOW during 2018/19 specifically 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 from the content of the Annual Letter that this year the Ombudsman has published the Annual Letters as part of his Annual Report and Accounts. The purpose of the Annual Report is to report on the performance of the PSOW's office over the year, provide an update on developments, deliver key messages arising from his work undertaken during that year together with the financial accounts for that year. A copy of the Annual Report and Accounts is available by accessing the link in Appendix 2 to this report.
- 5.3 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. It also includes Code of Conduct cases referred to the Ombudsman and the outcomes of those referrals.

- 5.4 The data is self-explanatory and therefore no further comment is offered other than to ask Council to note the following:-
- 5.4.1 In relation to Caerphilly the number of complaints received by the Public Services Ombudsman for Wales has increased this year when compared to the number received last year from 40 to 65. Of the 65 complaints received, 26 were made prematurely (this is 19 more than last year), 6 were out of jurisdiction, and 26 cases were closed after initial consideration (this is 4 more than last year). There were 9 early resolutions and 1 report upheld/partially upheld.
- 5.4.2 Those complaints categorised as premature relate to cases where the complainant has not exhausted the Council's complaints policy. Practically it is not possible to prevent these referrals to the Ombudsman however the Council does ensure that the Council's Complaints Policy is available via the Council's web site and hard copy complaints booklet readily available to the public.
- 5.4.3 Complaints relating to Children Social Services have increased this year to 17 compared to a figure of 6 last year. From an analysis of this data 13 were not taken into investigation and 4 were resolved by way of early resolution.
- 5.4.4 Planning and building control complaints rose to 16 this year from 10 last year. From an analysis of this data it has been noted that 11 of the referrals related to one particular planning application and overall none of the 16 referrals were taken into investigation.
- 5.4.5 There was an increase in relation to the category of "complaints handling" from 1 to 5 of which 3 were not taken into investigation and 2 resulted in an early resolution.
- 5.4.6 In total 12% of the Council's Cases considered during this period required PSOW intervention by way of early resolution, an increase of 4% from the previous year. In addition one report was upheld in whole or in part which was considered by the Standards Committee under the Council's usual reporting processes.

5.5 **Code of Conduct Complaints**

Members will note that in respect of Caerphilly County Borough Councillors 3 complaints were received all of which were closed after initial consideration. In respect of Town and Community Councils 4 complaint were received in relation to Darran Valley Community Council all of which were closed after initial consideration.

5.6 **Conclusion**

Members will note that the Ombudsman has asked that the Annual Letter be reported to Cabinet however this Council's reporting process is to the Standards Committee which received a report on the Annual Letter at its meeting on 9th October and then full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales.

6. **ASSUMPTIONS**

- 6.1 No assumptions are necessary within this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 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

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 This report contributes to the Well-being Goals as set out in paragraph 7 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

9. EQUALITIES IMPLICATIONS

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

10. FINANCIAL IMPLICATIONS

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

11. PERSONNEL IMPLICATIONS

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

12. CONSULTATIONS

- 12.1 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.

13. STATUTORY POWER

- 13.1 Public Services Ombudsman (Wales) Act 2005

Author: Lisa Lane Head of Democratic Services and Deputy 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
Robert Tranter, Head of Legal Services and Monitoring Officer

Appendices:

Appendix 1 Public Services Ombudsman Annual Letter 2018/2019.


Appendix 2 Link to the Annual Report and Accounts

<https://www.ombudsman.wales/wp-content/uploads/2019/07/Annual-Report-and-Accounts-2018-2019-Final-ENG.pdf>


Background Papers – Report to Standards Committee 9th October 2019 – Public Services Ombudsman for Wales – Annual Report and Annual Letter 2018/19

Our ref: NB

Ask for: Communications

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Date: 7 August 2019

 communications
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Councillor David Poole
Council Leader
Caerphilly County Borough Council

By Email Only
davidpoole@caerphilly.gov.uk

Dear Councillor David Poole

Annual Letter 2018/19

I am pleased to provide you with the Annual letter (2018/19) for Caerphilly County Borough Council. This year I am publishing my Annual Letters as part of my Annual Report and Accounts. I hope the Council finds this helpful and I trust this will enable it to review its own complaint handling performance in the context of other public bodies performing similar functions across Wales.

Whilst overall the number of complaints received relating to local authorities across Wales increased from 794 to 912, I am pleased that local authorities continue to work with my office to resolve many of these complaints at an early stage. This provides complainants with appropriate and timely remedies avoiding the need for my office to fully investigate complaints.

A summary of the complaints of maladministration/service failure received relating to the Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

The Public Services Ombudsman (Wales) Act 2019 has now been introduced. I am delighted that the Assembly has approved this legislation giving the office new powers aimed at:

- Improving access to my office
- Providing a seamless mechanism for complaint handling when a patient's NHS care is inextricably linked with private healthcare
- Allowing me to undertake own initiative investigations when required in the public interest
- Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales.

I am very much looking forward to implementing these new powers over the coming year.

Action for the Council to take:

- Present my Annual Letter to the Cabinet to assist Members in their scrutiny of the Council's performance
- Work to reduce the number of cases which require intervention by my office
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by **31 October 2019**.

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



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 for population distribution

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Caerphilly County Borough Council 2018/19	65	51	1	1
Caerphilly County Borough Council 2017/18	40	45	1	1
Blaenau Gwent County Borough Council	8	20	0	0
Bridgend County Borough Council	33	41	0	1
Cardiff Council	115	103	0	2
Carmarthenshire County Council	49	53	1	1
Ceredigion County Council	23	21	0	0
City and County of Swansea	83	70	0	2
Conwy County Borough Council	41	33	2	1
Denbighshire County Council	26	27	1	1
Flintshire County Council	50	44	2	1
Gwynedd Council	32	35	2	1
Isle of Anglesey County Council	31	20	2	0
Merthyr Tydfil County Borough Council	15	17	0	0
Monmouthshire County Council	20	27	0	1
Neath Port Talbot County Borough Council	38	40	1	1
Newport City Council	38	43	0	1
Pembrokeshire County Council	35	35	0	1
Powys County Council	67	38	4	1
Rhondda Cynon Taf County Borough Council	36	68	0	2
Torfaen County Borough Council	12	26	1	1
Vale of Glamorgan Council	24	37	0	1
Wrexham County Borough Council	45	38	3	1
Grand Total	886		20	

B. Complaints Received by Subject

Caerphilly County Borough Council	Complaints Received
Adult Social Services	4
Children Social Services	17
Community Facilities. Recreation and Leisure	1
Complaints Handling	5
Education	2
Environment and Environmental Health	3
Finance and Taxation	1
Housing	10
Planning and Building Control	16
Roads and Transport	4
Various Other	2

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

Local Authority	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 Reports
2018/19								
Caerphilly	6	26	26	9	-	-	1	-
Caerphilly (adjusted)	9	16	18	7	-	1	1	-
2017/18								
Caerphilly	6	7	22	2	-	1	1	-
Caerphilly (adjusted)	8	13	16	6	-	1	1	-

D. Number of cases with PSOW intervention

Local Authority	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW intervention
Caerphilly County Borough Council 2018/19	8	68	12%
Caerphilly County Borough Council 2017/18	3	39	8%
Blaenau Gwent County Borough Council	2	7	29%
Bridgend County Borough Council	6	36	17%
Cardiff Council	19	110	17%
Carmarthenshire County Council	4	48	8%
Ceredigion County Council	5	24	21%
City and County Swansea	10	80	13%
Conwy County Borough Council	5	39	13%
Denbighshire County Council	4	30	13%
Flintshire County Council	16	56	29%
Gwynedd Council	6	35	17%
Isle of Anglesey County Council	5	31	16%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	0	23	0%
Neath Port Talbot County Borough Council	4	40	10%
Newport City Council	7	43	16%
Pembrokeshire County Council	6	33	18%
Powys County Council	11	64	17%
Rhondda Cynon Taf County Borough Council	4	34	12%
Torfaen County Borough Council	1	12	8%
Vale of Glamorgan Council	7	30	23%
Wrexham County Borough Council	8	43	19%

E. Code of Conduct Complaints Closed

Local Authority	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
2018/19								
Caerphilly	3	-	-	-	-	-	-	3
2017/18								
Caerphilly	4	-	-	-	-	-	-	4

F. Town/Community council Code of Conduct Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Darren Valley CC	4	-	-	-	-	-	-	4

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2018/19, 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 2018/19. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2018/19, 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 2018/19.

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 via email to communications@ombudsman-wales.org.uk