



STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON 27TH JANUARY 2020 AT 11.00A.M.

PRESENT:

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

Community Councillor Mrs G. Davies

County Councillors Mrs J. Gale and C. P. Mann.

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), J. Williams (Assistant Director – Adult Services), A. Jones (Complaints Officer) and A. Dredge (Committee Services Officer).

1. WELCOME

The Monitoring Officer welcomed Mr J Card and Mrs L. Davies, the newly appointed Members to their first meeting of the Standards Committee.

2. TO APPOINT A CHAIR OF THE STANDARDS COMMITTEE

It was moved and seconded that Mr D. Lewis be appointed as the Chair of the Standards Committee. By a show of hands this was unanimously agreed.

3. TO APPOINT A VICE-CHAIR OF THE STANDARDS COMMITTEE

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

4. APOLOGIES

Apologies for absence were received from Councillor D. Price, it was noted that Councillor Gale was in attendance as substitute for Councillor Price.

5. DECLARATIONS OF INTEREST

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

6. MINUTES – 9TH OCTOBER 2019

RESOLVED that the minutes of the meeting held on the 9th October 2019, be approved as a correct record and signed by the Chair.

REPORTS OF OFFICERS

7. COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Consideration was given to the report from the Public Services Ombudsman for Wales on a complaint against Caerphilly County Borough Council which provided an anonymised update on the progress made to date in respect of the recommendations contained therein. The Standards Committee were also asked to consider whether the matter would benefit from further consideration by an appropriate Scrutiny Committee.

Members were advised that the report dated 4th November 2019 (Appendix 1B) contains information which is likely to reveal the identity of the complainant and/or relative. The Committee were asked to consider the Public Interest Test (appendix 1A) and whether the information contained in Appendix 1B should be discussed in exempt session.

The Deputy Monitoring Officer summarised the report and advised that Mr A complained to the Ombudsman about the way in which the Council and the Health Board handled his late mother (Mrs A's) care. He had many concerns. In terms of the Council, Mr A complained about the manner in which it managed Mrs A's admission to a Council owned and managed care home. He complained that it had failed to undertake appropriate capacity assessments or assessments under Deprivation of Liberty Safeguarding (DoLS) arrangements (procedures for those who lack capacity). Mr A was concerned that the professionals involved in his mother's care had not had adequate access to Mrs A's records to enable them to make the correct decisions and assessments.

It was explained that the complaint in respect of the Health Board, was a failure to assess Mrs A's declining dementia appropriately and they had failed to respond appropriately to a possible stroke identified by her GP. Mr A considered that the Health Board failed to undertake appropriate assessments for NHS Funded Continuing Healthcare ("CHC funding") and about the way a POVA1 referral was handled following Mrs A's admission to hospital. Mr A claimed that wet sores on Mrs A's body and how they had been allowed to develop had not been investigated under the POVA process. He further questioned the arrangements for Mrs A's transfer to a different hospital shortly before her death. Mr A also complained about the manner the Council and the Health Board had dealt with his complaints about Mrs A's care.

The Committee noted the conclusions of the Ombudsman in respect of the Council and the Health Board. The Ombudsman concluded that the Council's care home was an appropriate setting for Mrs A when she was placed there and did not uphold this complaint. He also determined that the decision not to convene a formal POVA meeting was appropriate in the overall circumstances of Mrs A's case and so did not uphold this element of Mr A's complaint. Further, the Ombudsman found that Mrs A's care was not compromised at the Council's care home by the lack of full access to Mrs A's records as complained about. In terms of the Health

Board, he concluded that their investigation, diagnosis and management of Mrs A's dementia was appropriate. He did not uphold this element of the complaint or the complaint about the delay in assessing Mrs A's eligibility for CHC funding. He considered the delay appropriate in order to allow for Mrs A's condition to stabilise. The Ombudsman also found it was necessary to transfer Mrs A to a specialist setting for those dealing with dementia shortly before her death as she was medically fit for discharge and required dementia assessment.

The Ombudsman found that the assessments, services and treatments provided to Mrs A by the Council and the Health Board, following the diagnosis of a probable stroke by her GP, were inadequate. This element of the complaint against both public bodies was upheld. Similarly, the Ombudsman also upheld, as against both bodies, Mr A's complaint about the failure to assess Mrs A's mental capacity with sufficient promptness, or to assess her appropriately under DoLS processes. Finally, the Ombudsman found shortcomings in how both the Council and the Health Board had handled Mr A's complaints. He found there had been inappropriate delays in responding to Mr A and so upheld this complaint.

The Ombudsman recommended that the Council and the Health Board apologise to Mr A for the failings identified. He also recommended that the Council amend its procedures (and training related to such) to ensure staff involved in arranging admissions to care homes were aware of the need to consider the capacity of the individual concerned to agree to the admission. Otherwise, staff should be aware of the need to ensure DoLS processes were followed for those persons lacking capacity.

The recommendations in relation to the Health Board are set out in paragraph 11 and the full recommendations in respect of the actions to be taken by the Council are set out in paragraph 5.12. in the Report. The Standards Committee noted that the Council wrote to Mr A on 23rd December 2019, there had been a slight delay in complying with this recommendation due to work pressures. It was explained that in relation to training and procedures, this information had been provided to the Ombudsman on 2nd July 2019, which was prior to the final report being issued.

The Standards Committee discussed the nature of the questioning likely to occur and felt that on balance they would prefer to consider the public interest test before commencing any further debate on the matter. The Monitoring Officer provided advice regarding the difference between the publicly available report and the full Ombudsman report attached at Appendix 1B which should be treated as exempt. He advised Members of the need to be mindful of the areas of questioning open to them in order to safeguard the continued anonymity of the complainant whilst in public session.

Members considered the public interest test certificate attached at Appendix 1A 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 moved and seconded that the public interest test be accepted and the meeting move into exempt session.

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 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

Having considered the report from the Public Services Ombudsman for Wales' (Appendix 1B) the Standards Committee unanimously RESOLVED that:-

- (i) the report of the Public Services Ombudsman for Wales and the progress made in respect of the recommendations contained therein, be noted;

- (ii) the matter should not be referred to an appropriate Scrutiny Committee as the Standards Committee were satisfied with the course of action being taken and the progress made regarding the Ombudsman's recommendations.

Having concluded the exempt item, the Monitoring Officer confirmed the meeting was once again open to the public.

8. CODE OF CONDUCT (TRAINING)

The Monitoring Officer delivered a Code of Conduct training session to the Standards Committee. He explained that effective Local Government requires high standards of conduct and there is a need to ensure that there is public confidence in all that the Council does. Examples where Councillors had breached the Code of Conduct were provided and it was explained that Members have a legal duty to act ethically. Reference was made to the Nolan Committee in 1997, which sets out the origins of the ethical framework for standards in public life. Emphasis was placed on the need for Members to have regard to those principles derived from that Committee. Members must sign a Declaration of Acceptance and give a written undertaking to become a Member and examples of when the code applies were discussed. Members then discussed declarations of interest and the definitions of both personal and prejudicial interests were explained and when interests should be declared. The public must have confidence that decisions made are in their best interests. In concluding, the Officer advised how the Code is policed and if it is breached then complaints are made to the Ombudsman for consideration. Members were assured that any advice or further information can be obtained from the Monitoring Officer or guidance can be obtained from the Public Service Ombudsman for Wales [Link to the Public Service Ombudsman for Wales website](#)

The Chair thanked the Monitoring Officer for delivering the training session.

The meeting closed at 12.40pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 28th October 2021 they were signed by the Chair.

CHAIR