



STANDARDS COMMITTEE - 24TH NOVEMBER 2014

SUBJECT: COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES - CASE NUMBER 201301753

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To note the contents of the report from the Public Services Ombudsman for Wales on a complaint against Caerphilly County Borough Council.
- 1.2 To receive an update on the progress made to date in respect of the recommendations contained in the Ombudsmans report and action to be taken regarding outstanding recommendations.
- 1.3 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 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.

2. SUMMARY

- 2.1 To note the Ombudsmans Report and to consider whether or not to refer the matter to the appropriate Scrutiny Committee.
- 2.2 To receive an update on the actions taken in respect of the recommendations contained in the Ombudsmans report.

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 Since 1st April, 2006 the Public Services Ombudsman for Wales ("the Ombudsman") has had jurisdiction under the Public Services Ombudsman (Wales) Act 2005.
- 4.2 There are two forms of report - a Section 16 which is the form of report which needs to be formally considered by the Authority and Section 21 where the Ombudsman feels that a public report is not required and the matter has been satisfactorily resolved.

- 4.3 The report dated 10th October 2014 has been issued by the Ombudsman under Section 21 of the Public Services Ombudsman (Wales) Act 2005. A copy of the full anonymised report is annexed at Appendix 1 for members' consideration.
- 4.4 The complainant's complaint centred on the Council's handling of her housing application over the preceding years and the way it had let properties on Street 1. Her caring responsibilities meant she only wished to be considered for accommodation in Street 1. Furthermore the complainant expressed dissatisfaction with the way the Council had dealt with her complaint.
- 4.5 The Ombudsman's investigation identified shortcomings in the Council's administration of the complainant's housing application, which led to periods when her housing application was not dealt with as efficiently or effectively as it should have been. Administrative inadequacies included: documents being mislaid; the complainant's housing application not being appropriately pointed; as well as instances of poor record keeping. The Ombudsman's investigation also found evidence that the complainant's housing application had for a period of time been erroneously cancelled (in 2002) and this was coupled with other administrative failings. To the extent set out in the report the complaint was upheld. The Ombudsman identified periods in respect of the complainant's housing application where although there were administrative failings, this did not cause the complainant personal injustice. In those instances, the complaint was not upheld.
- 4.6 The investigation also found that there was a failure by the Council to recognise when its statutory homelessness duties were engaged and to that extent this aspect of the complaint was upheld.
- 4.7 Given the failings identified, the Ombudsman concluded that the Council's response to the complainant had not been as robust, transparent or open as it could have been in acknowledging failings in the administration of her housing application. The Ombudsman therefore upheld this aspect of her complaint.
- 4.8 As a result the Ombudsman recommended the following
- (a) Within one month of the report being finalised, the Council's Acting Chief Executive should apologise to the complainant for the failings identified. In addition, the Council should in recognition of the impact of those failings on the complainant, which included the uncertainty as to whether she may have been offered accommodation in 2002, make a payment to her of £500.
 - (b) Within one month of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries were made where necessary to ensure applicant's housing applications are correctly pointed in accordance with its lettings policy.
 - (c) Within one month of the report being finalised, the Council should provide appropriate training to relevant housing staff on the Council's Corporate Records Management Policy.
 - (d) Within two months of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points.
 - (e) Once the guidance was in place, the Council's Housing Services should remind its housing allocation staff of the need to consider applying discretion at the point when the discretionary decision on the removal of time points was being exercised. Housing allocation staff should also be reminded of the need to demonstrate that discretion has been considered.
 - (f) Within three months of this report being finalised, if it had not already done so, the Council's Housing Services should provide training to relevant housing staff, including

allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supported the early recognition of when the Council's homelessness duties may be triggered and thus engaged.

- (g) The Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above.
- (h) Finally, in the interim period before the Council's Housing Services introduced its new lettings policy in 2015, where its housing allocation staff have reason to review a housing application that has had time points removed, the application should be reviewed against the guidance developed at (d) above.

4.9 Members are asked to note the recommendations set out in the Ombudsman Report

4.10 The Council's Housing Department accepted the findings and agreed to implement the recommendations, and at the time of writing this report the following progress has been made regarding the recommendations. A further update will be provided to Members at the meeting.

Recommendation (a)

The Chief Executive has written to the complainant in accordance with this recommendation and a payment of £500 has been made.

Recommendation (b)

The Housing Department has undertaken a review of the 'Guidance for Staff Assessing and Registering Applications' document and relevant staff has been advised of the updates, with particular emphasis on the allocation of points to applications in accordance with Council policy.

Recommendation (c)

Managers within the Housing Department held team meetings with staff to highlight the importance of the Corporate Records Management Policy and made specific reference to good record keeping within their offices.

Recommendation (g)

Documentary evidence for Recommendations a, b & c above have been submitted to the Ombudsman as requested.

5. EQUALITIES IMPLICATIONS

5.1 None arising from the contents of the report.

6. FINANCIAL IMPLICATIONS

6.1 The payment referred to in paragraph 4.8(a) has been met from existing budgets.

7. PERSONNEL IMPLICATIONS

7.1 There will be 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 and appendix has been provided to the consultees listed below.

9. RECOMMENDATIONS

- 9.1 That the Committee notes the contents of the Report and progress made to date in respect of the recommendations contained in the Ombudsmans report and action to be taken regarding outstanding recommendations.
- 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 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 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. REASONS 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 and Monitoring Officer
Consultees: FOR INFORMATION ONLY
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Nicole Scammell, Acting Director of Corporate Services/Section 151 Officer
Shaun Couzens, Chief Housing Officer
Graham North, Public Sector Housing Manager
Councillor K. Reynolds, Leader
Councillor G. Jones, Deputy Leader and Cabinet Member for Housing
Diane Holdroyd, Chair of Standards Committee

Background Papers:
None

Appendices:
Appendix 1 Report of Public Services Ombudsman for Wales 10th October 2014