



STANDARDS COMMITTEE - 9TH 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 the Standards Committee 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 Standards Committee 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 Standards Committee considers and notes the content of the Annual Letter prior to consideration by Council.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.
- 4.2 Under its terms of reference, the Standards Committee receives Public Services Ombudsman For Wales reports in relation to allegations of maladministration or allegations of breach of a code of conduct and make appropriate recommendations.

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 Standards Committee 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 Darren 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 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 Harrhy, 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
Diane Holdroyd, Chair of Standards Committee

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>