

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2017-2018**

**PUBLIC SERVICE DELIVERY, COMMUNITIES  
& PROSPERITY  
SCRUTINY COMMITTEE**

**DATE: 25<sup>th</sup> January 2018**

**REPORT OF THE DIRECTOR OF  
LEGAL & DEMOCRATIC SERVICES**

**Author: J L Nicholls  
Senior Democratic Services Officer**

**Agenda Item 7.**

**MALADMINISTRATION  
COMPLAINTS 2016-2017**

**1. PURPOSE OF THE REPORT**

This report is intended to provide Members of the Public Service Delivery, Communities & Prosperity Scrutiny Committee with information in respect of complaints of maladministration made to the Public Service Ombudsman for Wales during 2016/17.

**2. RECOMMENDATIONS**

2.1 Members are asked to consider the content of the report and whether there is any further information/action required.

**3. BACKGROUND**

3.1 At a meeting of the former Corporate Services Scrutiny Task Team held on 5<sup>th</sup> May 2004, Members received a report setting out the cases of maladministration investigated by the Ombudsman and the emerging trend. Members agreed that this information should be reported annually along with comparative information in respect of other Welsh Authorities.

3.2 The Public Services Ombudsman (Wales) Act 2005 introduced a two-tier structure for reporting formally on investigations relating to two sections within the Act.

3.3 Reports under Section 16 of the Act are public interest reports and almost all are published. The body concerned is required to give publicity to any such report at its own expense

3.4 Section 21 of the Act permits the Ombudsman to issue an investigation report to the authority and to the complainant without publicity provided the following conditions are satisfied:

- either the Ombudsman finds that the complaint should not be upheld or the authority agrees in advance (having seen the draft report) to implement the recommendations made in the report

- and that the Ombudsman considers that the public interest does not require publication.

3.5 The Act also gives the Ombudsman powers to do anything which is calculated to facilitate the settlement of a complaint; as well as or instead of investigating it. In the right circumstances, a ‘quick fix’ without an investigation can be of advantage to both the complainant and the body concerned.

3.6 As well as publishing an Annual Report which provides an overview of maladministration complaints across public bodies in Wales, since 2010 the Public Services Ombudsman for Wales has also provided an individual annual summary of the complaints for each authority in an Annual Letter.

#### **4. CURRENT POSITION AND ANALYSIS**

4.1 The number of complaints received by the Ombudsman and taken into investigation in respect of Rhondda Cynon Taf has remained fairly constant in recent years. There were 47 complaints against Rhondda Cynon Taf CBC in 2016/17 compared to 40 reported in 2015/16 against the local authority average of 66.

<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
51	53	51	40	40	47

4.2 Of those 47 complaints Children’s Social Services made up the highest number of complaints with ten cases, Finance and Taxation received six complaints and Environment & Environmental health received five. Section B of the Ombudsman’s Annual Letter sets out the number of complaints across the individual service areas for Rhondda Cynon Taf.

4.3 In the annual report, the Ombudsman refers to a 13% increase in complaints across Wales in relation to enquiries and complaint handling and a 3% increase in the complaints about county councils in 2016/17 compared with the previous year.

4.4 During 2016/17 there were no reports issued under Section 16 of the Public Services Ombudsman (Wales) Act 2005 relating to this Authority. Eight cases were resolved by way of early resolution/voluntary settlement and a number of case summaries can be found in the Ombudsman’s Letter attached within table C.

4.5 For comparative purposes, table D within the Annual Report shows the outcome of local authority cases closed during this period (in the case of Rhondda Cynon Taf there were 48 closed complaints for the period).

4.6 Members wishing to view the Public Service Ombudsman for Wales’ reports in their entirety can do so via the website below:

[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PUBLIC SERVICE DELIVERY, COMMUNITIES & PROSPERITY SCRUTINY  
COMMITTEE**

**25<sup>th</sup> JANUARY 2018**

**REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**Item: Maladministration Complaints 2016-17**

Background Papers

Annual Reports of the Public Services Ombudsman for Wales 2016/17

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Our ref: NB/LJ/MM



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1 September 2017

Sent by email: Mr Chris Bradshaw, [christopher.d.bradshaw@rctcbc.gov.uk](mailto:christopher.d.bradshaw@rctcbc.gov.uk)

Dear Mr Bradshaw

### **Annual Letter 2016/17**

Following the recent publication of my Annual Report I am delighted to provide you with the Annual Letter (2016/17) for **Rhondda Cynon Taf County Borough Council**.

Overall my office's caseload has increased by 13% this year, with public body complaints seeing a 3% increase.

Once again there has been a further rise in the percentage of health complaints, from 36% to 38%. Housing (13%), social services (9%) and planning and building control (8%) remain other significant areas of complaint.

The number of code of conducts complaints decreased by 14% from 2015/16 and I am particularly pleased about this as historically my office experiences a surge in complaints in the year leading up to local elections.

It is concerning that of the 18 local authorities that agreed with my office to implement recommendations, only 10 of them complied 100% within the target time set. My office will be looking closely at compliance levels over the coming year.

During 2016/17, I produced six public interest reports and one 'special report'. All but one of the investigations were health related and, worryingly, three of the cases were against the same hospital – Ysbyty Glan Clwyd run by Betsi Cadwaladr University Health Board. The special report, issued against Hywel Dda University Health Board for failing to implement my recommendations following an early resolution, was the first of its kind against a health board and underlines the need to comply with commitments made through early resolution in the same way as I would expect for recommendations arising from upheld complaints.

The remaining public interest report related to a local authority's role in overseeing the savings of looked after children.

Earlier this year I issued a thematic report entitled [Ending Groundhog Day: Lessons from Poor Complaints Handling](#). This highlighted cases from across devolved public services in Wales where investigations by public bodies have been inadequate and failed the service user. The report emphasised the need for effective governance across the Welsh public sector, robust staff training and improved methods of data collection. If you have not considered the report I would encourage you to do so.

I continue to place importance on the improvement function of my office. Last year I assigned Improvement Officers to several bodies and this will continue in 2017/18. In engaging with these bodies we hope to see ongoing improvements in complaints handling, learning and putting things right, along with the governance arrangements necessary for continuous improvement.

I am hopeful that the National Assembly will shortly be introducing new Ombudsman legislation that will help drive up standards. It is important that Wales continues to adopt best practice in complaint handling and public service improvement and does not get left behind.

In reference to your local authority, the number of complaints has increased from 40 in 2015/16 to 47 in 2016/17. Children's Social Services (10) was the subject area most complained about. PSOW intervention was required in 13% of cases. Of the seven code of conduct complaints closed during 2016/17, six were closed after initial consideration while in one case it was found there was no evidence of breach.

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.

This correspondence has been copied to the Leader of the Council for consideration by the cabinet. I will also be sending a copy to your Contact Officer within your organisation and 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: Cllr Andrew Morgan, Leader

Alison Laiger, Contact Officer

## Factsheet

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

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Blaenau Gwent County Borough Council	12	19	2	1
Bridgend County Borough Council	44	39	2	2
Caerphilly County Borough Council	54	50	2	2
Cardiff Council	143	99	3	4
Carmarthenshire County Council	44	51	2	2
Ceredigion County Council	32	21	2	1
City and County of Swansea	52	67	3	3
Conwy County Borough Council	28	32	1	1
Denbighshire County Council	24	26	0	1
Flintshire County Council	39	43	4	2
Gwynedd Council	32	34	1	1
Isle of Anglesey County Council	24	19	0	1
Merthyr Tydfil County Borough Council	10	16	1	1
Monmouthshire County Council	18	26	1	1
Neath Port Talbot County Borough Council	38	39	0	2
Newport City Council	26	41	1	2
Pembrokeshire County Council	29	34	1	1
Powys County Council	54	37	4	1
Rhondda Cynon Taf County Borough Council	47	66	0	3
Torfaen County Borough Council	23	25	1	1
Vale of Glamorgan Council	41	35	1	1
Wrexham County Borough Council	46	38	1	1

**B. Complaints Received by Subject with Local Authority average**

<b>Rhondda Cynon Taf County Borough Council</b>	<b>Complaints Received</b>	<b>Local Authority Average</b>
Finance and Taxation - Finance and Taxation	6	2
Adult Social Services	3	4
Benefits Administration	2	1
Children's Social Services	10	4
Complaints Handling	2	3
Education	2	3
Environment & Environmental Health	5	4
Health	1	0
Housing	3	5
Planning and Building Control	1	7
Roads and Transport	3	3
Various Other	9	3

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

	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Early Resolution/ Voluntary Settlement	S16 Report - Upheld in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
<b>Rhondda Cynon Taf</b>	9	12	21	0	6	0	0	0	0	48
<b>Rhondda Cynon Taf (adjusted)</b>	13	20	24	0	8	0	2	0	0	68

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

<b>Local Authority</b>	<b>Number of complaints with PSOW intervention</b>	<b>Total number of closed complaints</b>	<b>% of complaints with PSOW intervention</b>
Blaenau Gwent County Borough Council	3	12	25
Bridgend County Borough Council	5	42	12
Caerphilly County Borough Council	4	55	7
Cardiff Council	19	133	14
Carmarthenshire County Council	6	47	13
Ceredigion County Council	8	39	21
City and County of Swansea	4	54	7
Conwy County Borough Council	4	33	12
Denbighshire County Council	0	27	0
Flintshire County Council	13	41	32
Gwynedd Council	5	33	15
Isle of Anglesey County Council	3	27	11
Merthyr Tydfil County Borough Council	3	10	30
Monmouthshire County Council	3	22	14
Neath Port Talbot County Borough Council	3	38	8
Newport City Council	7	30	23
Pembrokeshire County Council	4	33	12
Powys County Council	9	53	17
Rhondda Cynon Taf County Borough Council	6	48	13
Torfaen County Borough Council	2	22	9
Vale of Glamorgan Council	9	39	23
Wrexham County Borough Council	13	47	28

**E. Code of Conduct Complaints Closed**

<b>County/County Borough 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 Cases Closed</b>
Rhondda Cynon Taf	6	0	1	0	0	0	0	7

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2016/17, 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 2016/17 with the Local Authority average for the same period. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2016/17, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

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 2016/17.

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