

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

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

DATE: 5th SEPTEMBER 2016

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

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Agenda Item 7

**MALADMINISTRATION
COMPLAINTS 2015-2016**

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 2015/16.

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 5th 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. The Annual Letter 2015/16 for the Council is attached as Appendix 1.

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 but in 2014/15 there was a decrease of 11 cases in comparison with 2013/14. This year there were 40 complaints against Rhondda Cynon Taf CBC, the same number as in 2014/15, compared to the local authority average of 68.
- 4.2 Of the 40 complaints Environment and Environmental Health made up the highest number of complaints with six cases, Planning and Building Control, Adult Social Services and Children's Social Services each being the subject of five complaints. The comparison of complaints by subject category with LA averages can be seen in the attached Ombudsman's Letter (attached as Appendix 1).

| 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|----------------|----------------|----------------|----------------|----------------|
| 51 | 53 | 51 | 40 | 40 |

- 4.3 In the annual report, the Ombudsman refers to a 4% increase in complaints across Wales in relation to enquiries and complaint handling, nevertheless there was a 3% decrease in the complaints about county councils in 2015/16 compared with the previous year. Section B of the Ombudsman's Annual Letter sets out the number of complaints across the individual service areas for Rhondda Cynon Taf.
- 4.4 During 2015/16 there were no reports issued under Section 16 of the Public Services Ombudsman (Wales) Act 2005 relating to this Authority. Whilst under Section 21, there were 3 cases resolved by way of a 'quick fix' and a number of case summaries can be found in the Ombudsman's Letter attached as Appendix 1.
- 4.5 For comparative purposes, attached as Appendix 2 is the table provided by the Public Services Ombudsman for Wales in his Annual Report for 2015/16, which shows the outcome of local authority cases closed during this 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

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Item: Maladministration Complaints 2015-16

Background Papers

Annual Reports of the Public Services Ombudsman for Wales 2015/16

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