



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

23 NOVEMBER 2018

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2017-2018

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

To provide Members with a summary of matters pertaining to standards of conduct of County, Town and Community Councillors as set out in the Public Services Ombudsman for Wales' ('PSOW') Annual Report and Annual Letter to this Council for 2017-2018.

2. RECOMMENDATION

- 2.1 That the Committee notes the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2017-2018.

3. BACKGROUND

- 3.1 The PSOW has published his Annual Report for 2017-2018 ('AR') pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. The AR has been combined with the annual accounts for the PSOW as it was last year. The purpose of the AR is to report on the performance of the PSOW's office over the year, provide an update on developments and to deliver any key messages arising from their work carried out during the year.

- 3.2 The AR can be accessed via the PSOW website and the following link:

<https://www.ombudsman.wales/wp-content/uploads/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018.pdf>

- 3.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. At the time of publication of the Agenda for this meeting the AL had not been published on the PSOW website and is therefore attached as Appendix 1 to this report.

- 3.4 The AR sets out the workload that has been dealt with by the PSOW during 2017-2018. It breaks the workload down into the number of enquiries received

and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCCs). This report will highlight the data relating to CCCs only (issues arising from public services or the annual accounts section of the AR are beyond the scope of this report).

- 3.5 The number of CCCs has risen by 14% since 2016-17. The total number of complaints for the year 2016-17 was 236 and for 2017-18, 270. 42% of the complaints related to the promotion of equality and respect; 19% related to the failure to disclose or register interests; 16% related to integrity; 8% related to accountability and openness; and 7% related to failure to be objective or act with propriety. Of those complaints, 247 were closed (one less than last year) and 30 were investigated (down 32% on last year).
- 3.6 The 14% increase in CCCs is wholly due to an increase in complaints regarding Town and Community Councillors, which have risen 33% on last year.
- 3.7 Further statistical data is contained at pages 11 to 13 of the AR and detailed data at pages 21 to 23 of the AR. However, in general terms the nature of the complaints were weighted towards those around equality and respect, followed by failure to register or declare interests and then issues related to integrity, which mirrors the position last year.
- 3.8 The most common outcome of the complaints were that they were 'Closed after initial consideration.' Of the 247 complaints in 2017-18, the majority (213) were closed under this outcome. These include decisions where there is no 'prima facie' evidence of a breach of the Code and it is not in the public interest to investigate.
- 3.9 Fewer complaints were closed after full investigation in 2017-18 (26) than in 2016-17 (34). The AR states that this is because the PSOW continued to apply a public interest test when deciding whether to investigate CCCs and the PSOW will only investigate the more serious complaints where an investigation is required in the public interest.
- 3.10 In 2017-18 the PSOW received nine complaints which raised potential whistleblowing concerns about alleged breaches of the Code of Conduct. These complainants either did not provide 'prime facie' evidence of a breach of the code or did not warrant investigation in the public interest.
- 3.11 Of the cases the PSOW investigated and closed this year, three cases were referred to the Adjudication Panel for Wales. Two of these cases were considered by the Panel during the year and in both cases serious breaches of the Code were found on the basis of the PSOW's investigations and reports. Both cases involved Councillors making derogatory remarks and unfounded allegations against staff and engaging in bullying, harassment, intimidation and malicious behaviour. As a result, a former member of Flintshire County Council was disqualified from holding office for 14 months and a former member of Conwy County Borough Council was disqualified from holding office for 18 months. A detailed breakdown of the outcomes of CCCs is provided at Annex B to the AR.

4. LEGAL IMPLICATIONS

4.1 There are no legal implications arising from this report.

5. CONSULTATION

5.1 There are no consultation implications arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

6.1 There are no equality and diversity implications arising from this report.

7. FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

23 NOVEMBER 2018

REPORT OF THE MONITORING OFFICER

Background Papers: Freestanding matter

Contact: Mr. Andy Wilkins (Head of Legal – Corporate & Democratic Services) –
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Our Ref: NB/CW/MA



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15 October 2018

Councillor Andrew Morgan

Sent by email: Andrew.Morgan2@rctcbc.gov.uk

Annual Letter 2017/18

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Rhondda Cynon Taf County Borough Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill progresses I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

Overview of complaints

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Rhondda Cynon Taf have decreased in the past year from 47 to 36. However, we would like to draw your attention to the number of complaints regarding Children Social Services which, remaining unchanged from last year, receive the highest number of complaints at 10.

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.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation. I would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett

Public Services Ombudsman for Wales

CC: Chris Bradshaw, Chief Executive
Alison Lagier, 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	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

B. Complaints Received by Subject

Rhondda Cynon Taf County Borough Council	Complaints Received
Adult Social Services	2
Benefits Administration	1
Children s Social Services	10
Complaints Handling	3
Education	1
Environment and Environmental Health	5
Finance and Taxation	2
Housing	2
Planning and Building Control	4
Roads and Transport	3
Various Other	3

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

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report Upheld - in whole or in part	Public Interest Report	Total Cases closed
Rhondda Cynon	6	12	12	6					36
Rhondda Cynon (adjusted)	10	17	21	8	0	1	1	0	58

D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
Local Authority			
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

E. Code of Conduct Complaints Closed

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Rhondda Cynon Taf	1							1

F. Town / Community council Code of Conduct Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Hirwaun & Penderyn CC	1						3	4

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, 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 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

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 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

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 catrin.wallace@ombudsman-wales.org.uk or matthew.aplin@ombudsman-wales.org.uk