

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

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

DATE: 14TH SEPTEMBER 2015

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

**Author: Mrs A Edwards
Scrutiny Support Officer**

Agenda Item 3
MALADMINISTRATION COMPLAINTS 2014-2015

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 2014/15.

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 2014/15 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 this year there has been a decrease of 11 cases in comparison with 2013/14 and this continues to be less than the local authority average across Wales when adjusted for population distribution.

2011/12	2012/13	2013/14	2014/15
51	53	51	40

- 4.2 In the annual report, the Ombudsman refers to an increase in complaints across Wales in relation to complaint handling, Environment and Environmental Health and Finance and Taxation issues. However, to date this trend has not been reflected in Rhondda Cynon Taf and Section B of the Ombudsman's Annual Letter sets out the number of complaints across service areas for Rhondda Cynon Taf.
- 4.3 The Ombudsman in his letter again emphasises the need for local authorities to respond to his requests for information in a timely manner.
- 4.4 Section H of the Ombudsman's Letter provides information in respect of Code of Conduct complaints but this is a matter for the Standards Committee to consider.
- 4.5 During 2014/15 there were no reports issued under Section 16 or Section of the Public Services Ombudsman (Wales) Act 2005 relating to this Authority. Whilst under Section 21, there was only one case resolved by way of a 'quick fix' and a case summary is included in the Ombudsman's Letter attached as Appendix 1.
- 4.6 For comparative purposes, set out in Appendices 2a and 2b, are the tables provided by the Public Services Ombudsman for Wales in his Annual Reports for 2014/15 and 2013/14 respectively, which show the outcome of local authority cases closed during these periods.
- 4.7 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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

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

14TH SEPTEMBER 2015

REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

Item : Maladministration Complaints 2014-15

Background Papers

Annual Reports of the Public Services Ombudsman for Wales 2014/15

Officer to contact: Mrs A Edwards – Tel. No: 01443 424102

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Steve Merritt
Chief Executive
Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale
Tonypany
CF40 2XX

Dear Mr Merritt

Annual Letter 2014/15

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Rhondda Cynon Taf County Borough Council.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am

keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, the number of complaints received remains below average and has decreased from 51 in 2013/14 to 40 in 2014/15. My office has commenced one investigation during 2014/15, which is also below average, and has not issued any reports against your Local Authority. However, I note that the response to a request for information from my office was received more than five weeks after it was requested.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence 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 the PSOW's website.

Yours sincerely



Nick Bennett
Ombudsman

Copy: Leader, Rhondda Cynon Taf County Borough Council

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2014/15, 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 Council which were received by my office during 2014/15. Section C compares the number of complaints against the Council which were received by my office during 2014/15, with the Local Authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2014/15. Section E compares the number of complaints taken into investigation with the Local Authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2014/15, 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 G compares the Council's response times during 2014/15 with the average response times for all Local Authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2014/15. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2014/15.

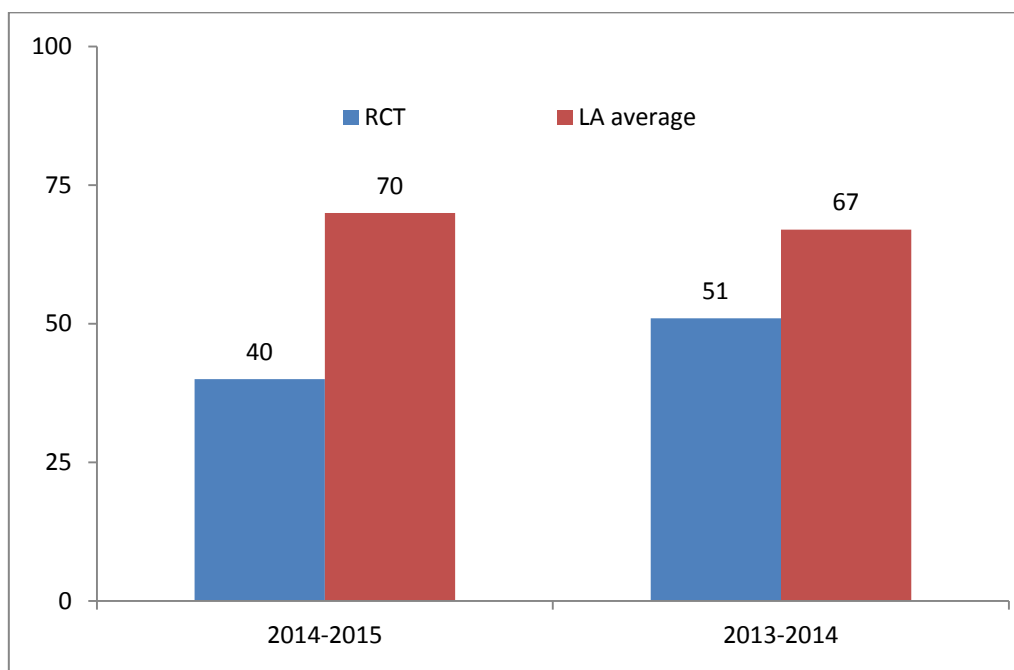
Housing Stock

As with previous exercises, the figures for 2014/15 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where Local Authorities have retained their housing stock.

Feedback

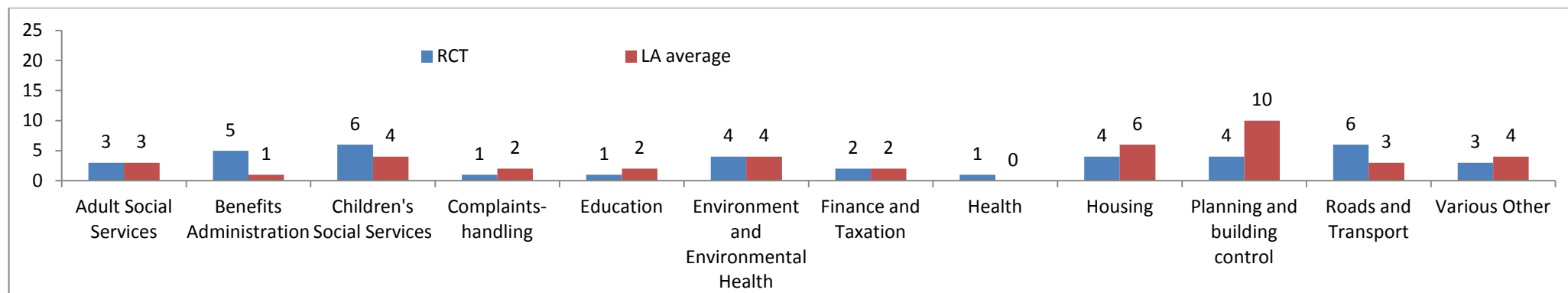
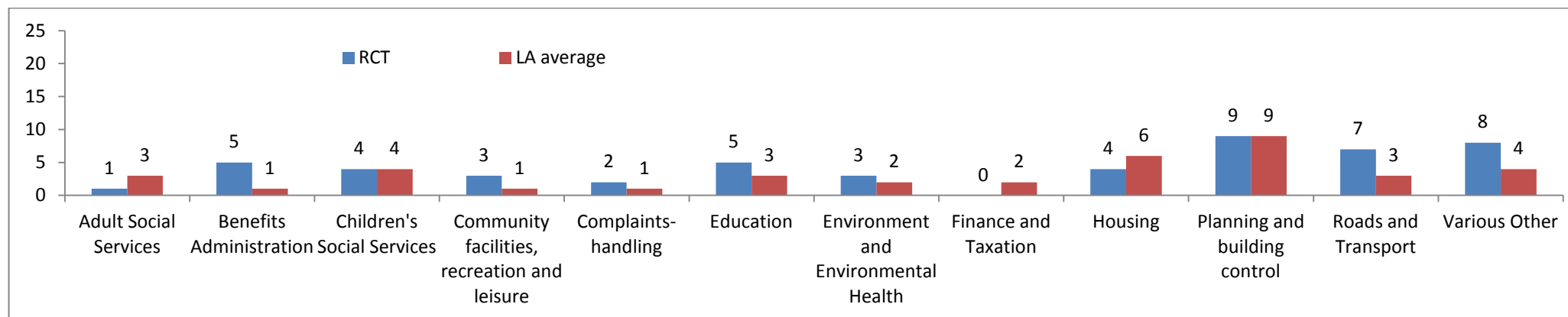
We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to james.merrifield@ombudsman-wales.org.uk.

A: Comparison of complaints received by my office with average, adjusted for population distribution



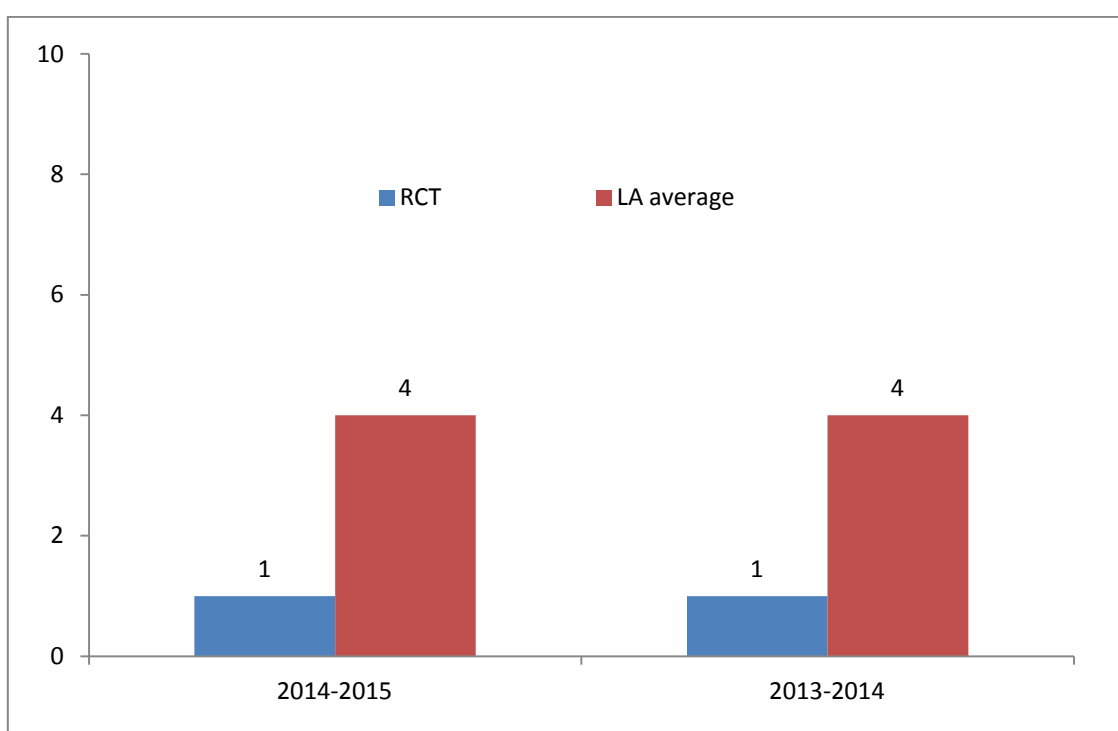
B: Complaints received by my office

Subject	2014/15	2013/14
Adult Social Services	3	1
Benefits Administration	5	5
Children's Social Services	6	4
Community facilities, recreation and leisure	0	3
Complaint-handling	1	2
Education	1	5
Environment and Environmental Health	4	3
Finance and Taxation	2	0
Health	1	0
Housing	4	4
Planning and building control	4	9
Roads and Transport	6	7
Various Other	3	8
Total	40	51

C: Comparison of complaints by subject category with LA average**2014/15****2013/14**

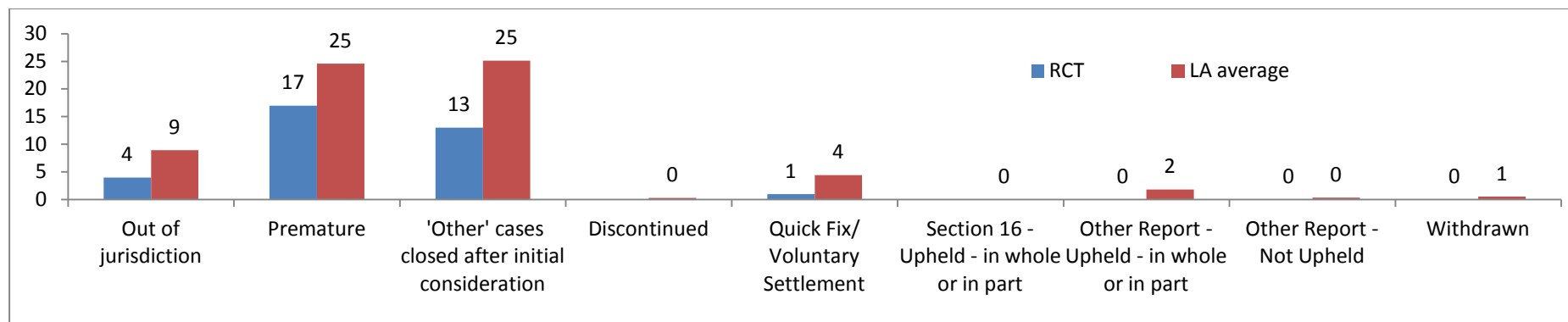
D: Complaints taken into investigation by my office

	2014/15	2013/14
Number of complaints taken into investigation	1	1

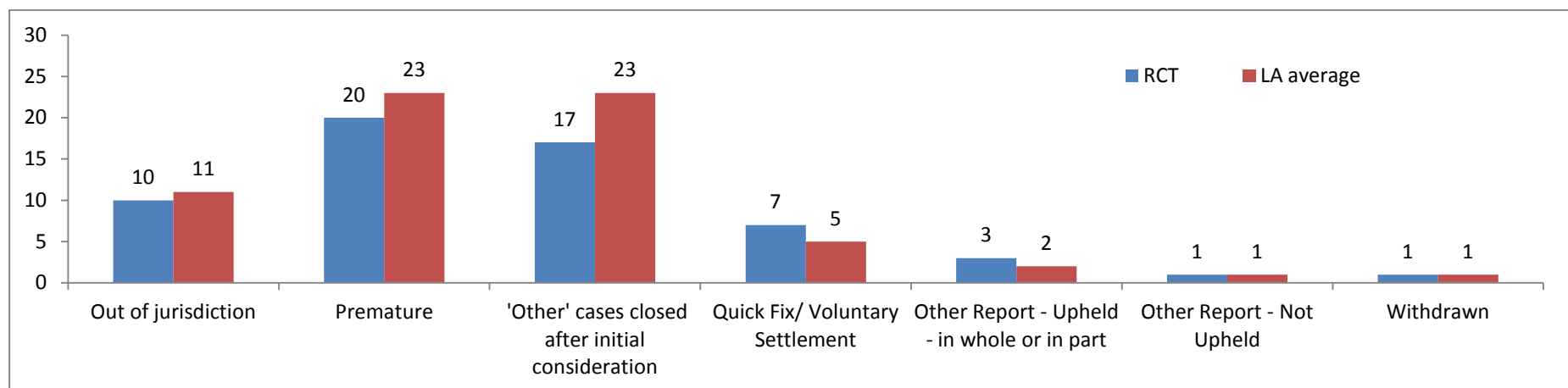
E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

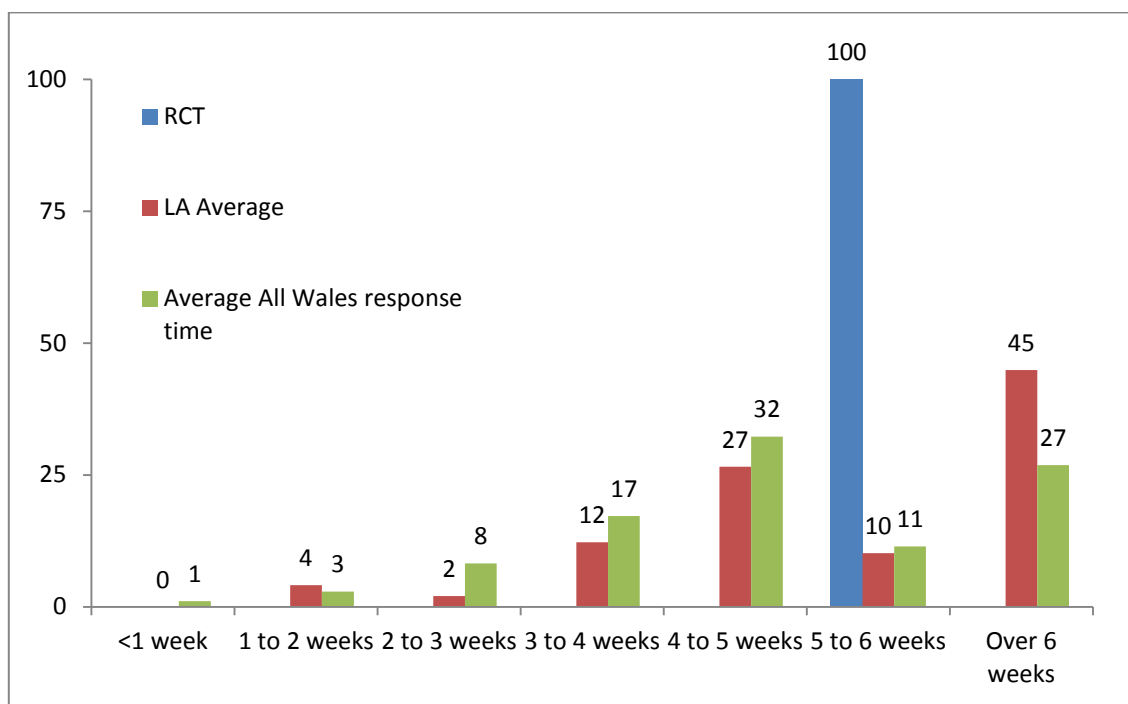
2014/15



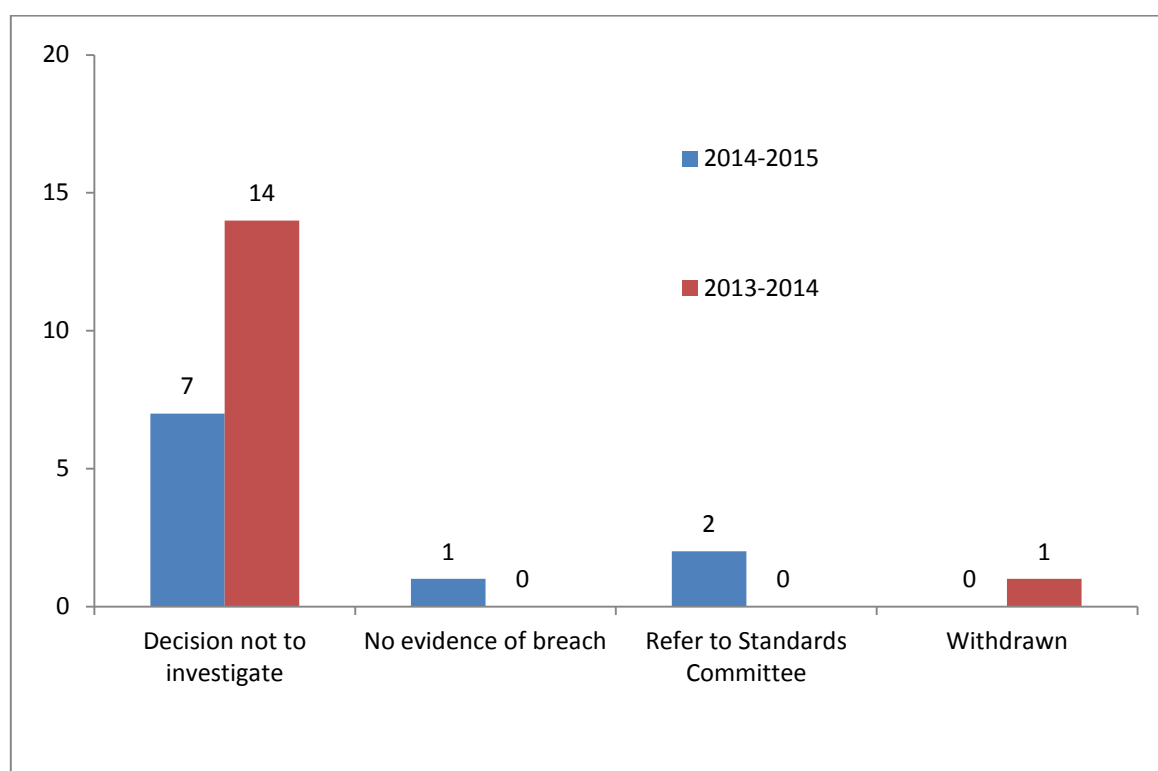
2013/14



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



H: Code of Conduct complaints



I: Summaries

Planning and Building Control

Quick fixes and Voluntary settlements

Rhondda Cynon Taf County Borough Council – Other planning matters

Case reference 201400476 – December 2014

Mr S complained on behalf of a landowner and farmer Mr H. Mr S said that the Council had through the sales of land blocked off Mr H's access to land on which he kept sheep. Mr S was not satisfied that the Council had acted properly and believed that Council had sold land it did not own. Mr H indicated that the matter could be resolved if the Council granted him a right of way across its land.

The Council confirmed that it would grant a right of way to Mr H subject to him securing a gate that it would install at its own expense. As no evidence was provided that the Council had mis-sold land, and a solution to Mr H's problem had been offered, the investigation was discontinued.

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APPENDIX 2a

Taken from the Public Ombudsman for Wales Annual Report 2014/15

COUNTY/COUNTY BOROUGH COUNCILS

County/ County Borough Council	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ 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
Blaenau Gwent	6	4	10				1		1	22
Bridgend	2	9	19				1		1	32
Caerphilly	9	19	19				1	1		49
Cardiff	11	41	27		17		1		1	98
Carmarthenshire	5	23	17	2	7	1	1		2	58
Ceredigion	3	12	12	1	2		7	1		38
Conwy	8	8	13		1					30
Denbighshire	7	10	8		1		1	1		28
Flintshire	7	20	12		3		1			43
Gwynedd	7	9	12		3		1		1	33
Isle of Anglesey	4	14	13							31
Merthyr Tydfil	5	5	6				1			17
Monmouthshire	2	9	5				2		1	19
Neath Port Talbot	3	15	14		3		2			37
Newport	1	14	18		1					34
Pembrokeshire	5	14	13		3					35
Powys	4	20	22		3		1	1		51
Rhondda Cynon Taf	4	17	13		1					35
Swansea	9	20	28		1		1			59
Vale of Glamorgan	6	9	12		3		1			31
Torfaen	2	7	13		4					26
Wrexham	7	22	22	1	5		1	1		59
TOTAL	117	321	328	4	58	1	24	5	7	865

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APPENDIX 2b

Taken from the Public Services Ombudsman for Wales Annual Report 2013/14

COUNTY/COUNTY BOROUGH COUNCILS

County/County Borough Council	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/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
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Bridgend	3	18	13		2			1		37
Caerphilly	9	14	10		1		1			35
Cardiff	20	28	38		11		1		2	100
Carmarthenshire	9	25	19		3		3	2	2	63
Ceredigion	7	11	15		4		3		1	41
Conwy	8	15	7		2			1		33
Denbighshire	5	14	15		1		1		1	37
Flintshire	9	12	9	1	4		3		1	39
Gwynedd	5	21	5		4		1		1	37
Isle of Anglesey	5	4	17				1	1	2	30
Merthyr Tydfil	4	7	8		1			1		21
Monmouthshire	1	2	4		3		2	1	1	14
Neath Port Talbot	11	22	10		1				2	46
Newport	3	6	11	1	2					23
Pembrokeshire	5	7	19	1	2		1			35
Powys	8	17	21		2				3	51
Rhondda Cynon Taf	10	20	17		7		3	1	1	59
The City and County of Swansea	5	24	26		5		3		1	64
The Vale of Glamorgan Council	3	7	10		2		1			23
Torfaen	12	6	9							29
Wrexham	3	20	13		6			2		44
TOTAL	149	302	299	3	66		27	10	19	875

APPENDIX 2b

Taken from the Public Services Ombudsman for Wales Annual Report 2013/14

COUNTY/COUNTY BOROUGH COUNCILS

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Bridgend	3	18	13		2			1		37
Caerphilly	9	14	10		1		1			35
Cardiff	20	28	38		11		1		2	100
Carmarthenshire	9	25	19		3		3	2	2	63
Ceredigion	7	11	15		4		3		1	41
Conwy	8	15	7		2			1		33
Denbighshire	5	14	15		1		1		1	37
Flintshire	9	12	9	1	4		3		1	39
Gwynedd	5	21	5		4		1		1	37
Isle of Anglesey	5	4	17				1	1	2	30
Merthyr Tydfil	4	7	8		1			1		21
Monmouthshire	1	2	4		3		2	1	1	14
Neath Port Talbot	11	22	10		1				2	46
Newport	3	6	11	1	2					23
Pembrokeshire	5	7	19	1	2		1			35
Powys	8	17	21		2				3	51
Rhondda Cynon Taf	10	20	17		7		3	1	1	59
The City and County of Swansea	5	24	26		5		3		1	64
The Vale of Glamorgan Council	3	7	10		2		1			23
Torfaen	12	6	9							29
Wrexham	3	20	13		6			2		44
TOTAL	149	302	299	3	66		27	10	19	875

