

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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Senior Democratic Services Officer**

Agenda Item 6

**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

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

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

5th SEPTEMBER 2016

REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

Item: Maladministration Complaints 2015-16

Background Papers

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

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Our ref: NB/LG/MM



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28 July 2016

Sent by email

Dear Mr Bradshaw

Annual Letter 2015/16

Following the recent publication of my Annual Report I am pleased to provide you with the Annual Letter (2015/16) for **Rhondda Cynon Taf County Borough Council**.

Overall my office's caseload has increased by 4% this year, but I am pleased to say that public body complaints fell by the same amount; only the second time in a decade this has happened. However, disappointingly the NHS in Wales was the only sector in my jurisdiction that saw a rise in complaints which now count for over a third of all public body complaints; a total increase of 51% in the last five years.

During 2015/16 we received 906 complaints against local authorities, down from 938 from the previous year.

In reference to outcomes there has been a large increase in the number of early resolutions and voluntary settlements achieved with local authorities with 81 cases in 2015/16 compared to 58 in 2014/15. I am committed to ensuring where possible, bodies from all sectors resolve complaints as quickly and effectively as possible and I am therefore pleased with these statistics.

My office has issued only one public interest report against a local authority during the past year – the same number as 2014/15. This related to failings around a council's failure to properly consider assess and identify the special educational needs of a primary school pupil.

Across all public bodies, after health (36%), housing is the second biggest area of complaint (13%) of our caseload, followed by Planning and Building Control (10%) and Social Services (9%).

The number of Code of Conduct complaints rose by 19% compared with 2014/15 (274 in 2015/16 against 231). It is disappointing to see this rise, although it is almost entirely attributable to community councils where there has been a 49% increase.

Last year I introduced a public interest test for code of conduct complaints and I am pleased to say this has helped my office in dealing with these complaints in an effective manner.

I am only too aware that we are in the run-up to the local elections where historically there is a spike in code of conduct complaints against local authority members. I have spoken previously about vexatious complaints and I would be most disappointed to see an increase in complaints of a trivial matter over the next 12 months when my office is dealing with issues of real concern across public services in my jurisdiction.

More generally my office is working in a number of ways to “turn the curve” of complaints against a backdrop of austerity and an ageing population.

During the past year, I introduced some staffing changes at my office, key amongst these was enhanced roles for a number of investigation staff to include ‘improvement officer’ duties. This places a greater emphasis on best practice, corporate cultural development, and ending cycles of poor service delivery. Whilst the new arrangements are still in their early days, I have been very pleased with the progress that has been made.

Whilst the ombudsman scheme in Wales is well respected at home and abroad, I feel strongly that we must ensure that it is future-proofed and citizen-centred.

I have been particularly pleased that the Finance Committee of the National Assembly for Wales agreed to undertake an inquiry into the powers of the Public Services Ombudsman for Wales, and that a draft Public Services Ombudsman (Wales) Bill has resulted from this. I am now keen to see the Fifth Assembly take this bill forward and introduce it as legislation as soon as is practically possible.

You will find below a factsheet giving a breakdown of complaints data relating to your local authority along with explanatory notes.

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

Ombudsman

Factsheet

In reference to your local authority, the number of complaints received by my office over the past year is 40 – the same number as 2014/15. Environment and Environmental Health made up the highest number of complaints with six cases, with Planning and Building Control, Adult Social Services and Children’s Social Services each being the subject of five complaints.

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

In total my office received **40** complaints against **Rhondda Cynon Taf County Borough Council** during 2015-16 compared to a local authority average of **68**.

B) Comparison of complaints by subject category with LA average

Subject	2015/16 Rhondda Cynon Taf	2015/16 LA Average
Adult Social Services	5	3
Benefits Administration	4	1
Children’s Social Services	5	5
Community facilities, recreation and leisure	2	1
Complaints-handling	1	2
Education	3	2
Environment and Environmental Health	6	4
Finance and Taxation	2	2
Health	1	0
Housing	3	5
Planning and building control	5	9
Roads and Transport	3	3
Agriculture and Fisheries	0	0
Independent Care Providers	0	0
Various Other	0	3
Total	40	40

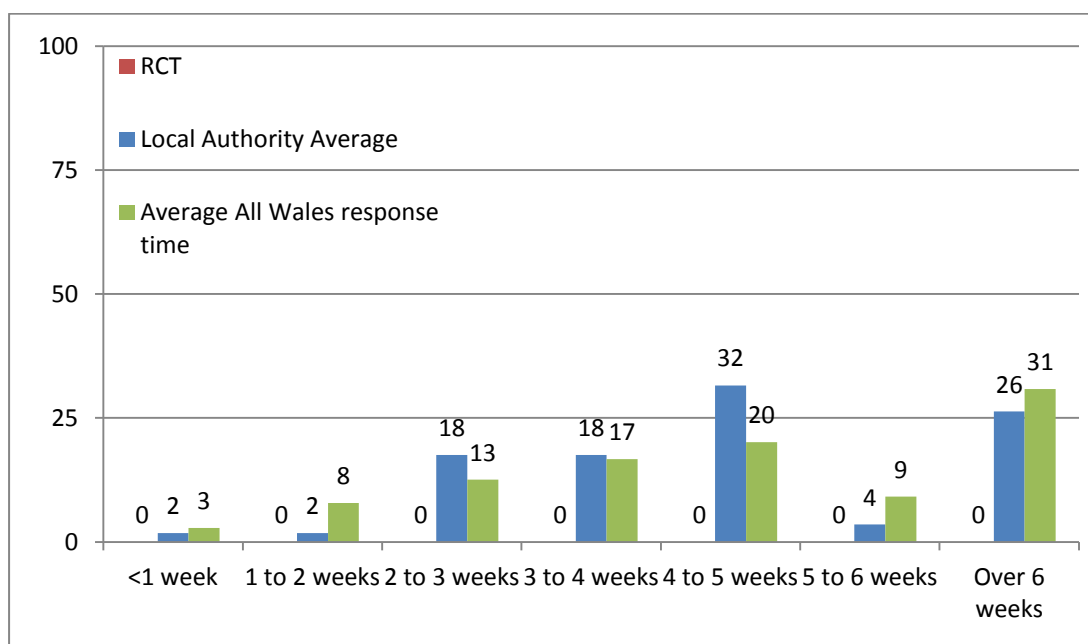
C) Complaints taken into investigation by my office

	2015/16 Rhondda Cynon Taf	2015/16 LA Average
Number of complaints taken into investigation	0	4

D) Comparison of complaint outcomes with average outcomes, adjusted for population distribution

Complaint Outcomes	2015/16 Rhondda Cynon Taf	2015/16 LA average
Out of jurisdiction	9	11
Premature	11	22
'Other' cases closed after initial consideration	19	27
Discontinued	0	1
Quick fix / Voluntary settlement	3	6
Section 16 – Upheld – in whole or in part	0	0
Other report upheld – in whole or in part	0	2
Other report – not upheld	0	1
Withdrawn	0	1

E) Comparison of times for responding to requests for information with average LA and average All Wales response times, 2015/16 (%)



F) In total **four** code of conduct complaints against members of **Rhondda Cynon Taf County Borough Council** were made during 2015-16. In three cases the decision was made not to investigate and in one case there was no evidence of a breach.

G) Summaries

[Casebook 21](#)

201409624

Casebook 22

No summaries

Casebook 23

No summaries

[Casebook 24](#)

201505787

201506335

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2015/16, 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 2015/16 with the with the Local Authority average for the same period. The figures are broken down into subject categories.

Section c provides the number of complaints against the Council which were investigated by my office during 2015/16 with the Local Authority average (adjusted for population distribution) during the same period.

Section D compares the complaint outcomes for the Council during 2015/16, 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 E compares the Council's response times during 2015/16 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 F provides a breakdown of all Code of Conduct complaints received against Councillors during 2015/16. Finally, Section G contains the summaries appearing in our casebook during 2015/16.

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.geen@ombudsman-wales.org.uk or matthew.aplin@ombudsman-wales.org.uk

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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	3	8	5	1	1		1			19
Bridgend	4	18	17		1				2	42
Caerphilly	10	17	24		2		1	1	1	56
Cardiff	15	46	58		20		2	1	1	143
Carmarthenshire	8	12	18		8		2	3		51
Ceredigion	7	12	6	1	5		2			33
Conwy	3	5	10		2					20
Denbighshire	7	10	17	2	1		2	1	1	41
Flintshire	4	18	14		2		3			41
Gwynedd	7	4	11	1	4		1	1		29
Isle of Anglesey	2	14	12				4	1		33
Merthyr Tydfil	1	5	5	1	4				1	17
Monmouthshire	7	7	9				1			24
Neath Port Talbot	5	14	16		1			1	1	38
Newport	1	10	14	1	4		1	4		35
Pembrokeshire	6	17	17		4		1		1	46
Powys	13	20	16		5		7	1	1	63
Rhondda Cynon Taf	9	11	19		3					42
Swansea	12	9	19		2		1		1	44
Torfaen	2	4	9		1			1		17
Vale of Glamorgan	6	14	19		3					42
Wrexham	6	17	21		8	1	2		1	56
Total	138	292	356	7	81	1	31	15	11	932