

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2016/2017**

**STANDARDS COMMITTEE
21ST SEPTEMBER 2016**

**REPORT OF:
THE MONITORING OFFICER**

Agenda Item No: 3(2)

**PUBLIC SERVICES OMBUDSMAN
FOR WALES
ANNUAL LETTER 2015/2016**

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with a summary of Code of Conduct matters as set out in the Ombudsman's Annual Letter to this Council 2015/2016 (a copy of which is attached as an Appendix to this report).

2. RECOMMENDATIONS

- 2.1 Members are asked to consider the contents of the report and determine whether any further action is required.

3. BACKGROUND

- 3.1 Following the publication of his Annual Report the Ombudsman provides each of the 22 Unitary Authorities in Wales with a bespoke Annual Letter dealing with the maladministration and Code of Conduct matters.
- 3.2 The maladministration complaints were considered by the Public Service Delivery, Communities and Prosperity Scrutiny Committee at their meeting on the 5th of September.
- 3.3 I reported to the last meeting of the Standards Committee and provided a summary of complaints made to the Ombudsman for the period 1st April 2015 – 31st March 2016 (Minute 32 refers).

4. ALL WALES CODE OF CONDUCT COMPLAINTS

- 4.1 The number of Code of Conduct complaints rose by 19% compared with 2014/15 (274 in 2015/16 against 231). The increase is almost entirely attributable to community councils where there has been a 49% increase.

4.2 **Public Interest Test**

The Ombudsman reports that the introduction of the public interest test last year has helped his staff in dealing with the Code of Conduct complaints in an effective manner.

4.3 Reference is made to an historical “spike” in Code of Conduct complaints against councillors in the run up to local elections. Members of the Committee who attended the Standards Conference in Cardiff last year will recall the Ombudsman expressing his concern in his keynote address.

4.4 This concern is expressed in the Annual Letter

“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”.

4.5 In total four Code of Conduct complaints against Members of the 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.

5. **MEETING OF WALES MONITORING OFFICERS GROUP –
23RD SEPTEMBER**

5.1 The Ombudsman has requested to attend the next meeting of the Wales Monitoring Officers Group on the 23rd of September. I shall report back to the Chairman any relevant issues arising with regard to Code of Conduct matters.

Our ref: NB/LG/MM



lucy.geen@ombudsman-wales.org.uk

matthew.aplin@ombudsman-wales.org.uk

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

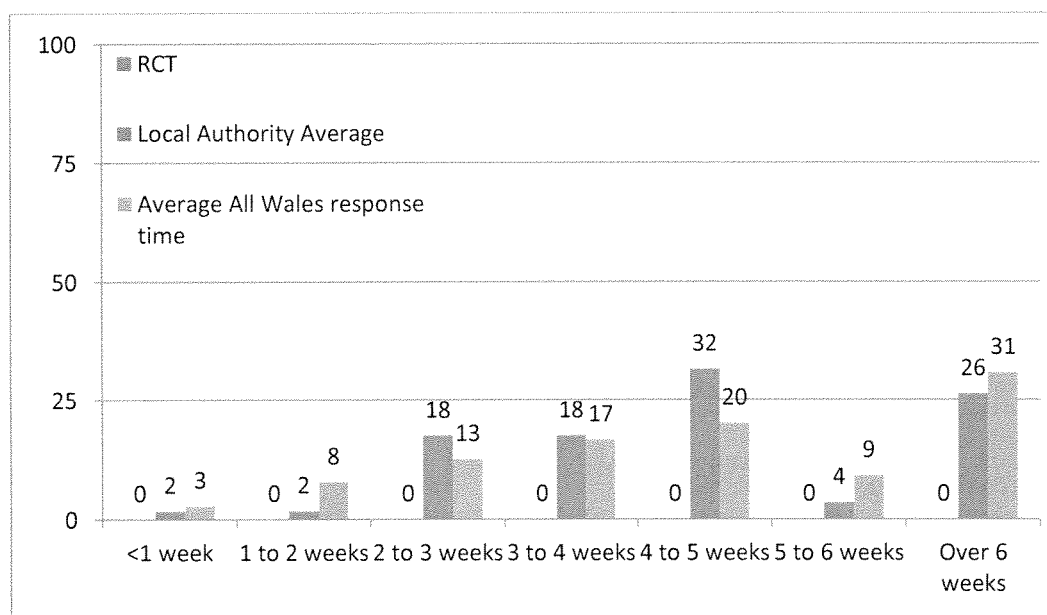
C) Complaints taken into investigation by my office

	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