

# Report

## Standards Committee

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### Part 1

Date: 1<sup>st</sup> November 2018

Item No: 08

**Subject** Ombudsman Annual Letter 2017/18

**Purpose** To report the Ombudsman's Annual letter and the numbers of complaints of maladministration and misconduct dealt with during 2017/18

**Author** Head of Law and Regulation

**Ward** General

**Summary** Following the publication of his Annual Report for 2017/18, the Ombudsman has now issued the Council with his Annual letter, which sets out information relating to the numbers of complaints of maladministration and misconduct which were referred to his office during this period relating to Newport City Council and its Councillors

**Proposal** To note the Report and the Ombudsman's Annual letter

**Action by** Head of Law and Regulation

**Timetable** Immediate

## **Background**

1. Following the publication of his Annual Report for 2017/18, the Ombudsman has now issued the Council with his Annual letter, which sets out information relating to the numbers of complaints of maladministration and misconduct which were referred to his office during this period relating to Newport City Council and its Councillors
2. A copy of the Annual letter is set out in the Appendix to this Report.
3. Overall the number of complaints and enquiries received by the Ombudsman has increased by 5%, which is attributed to an 8% rise in enquiries. There was a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, there was a 10% reduction in complaints against councils.
4. After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.
5. The number of maladministration complaints received by the Ombudsman concerning Newport has increased by 40% in the past year from 26 to 37. The number of complaints received concerning Planning and Building Control increased from 3 to 7. Complaints concerning Adult Social Services have significantly declined from 11 to 3.
6. However, there were no public interest reports issued in 2017/18 relating to findings of maladministration. Two complaints were upheld in part.
7. 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.
8. 42% of Code of Conduct complaints received related to the promotion of equality and respect, 19% related to disclosure and registration of interests and 16% related to integrity.
9. However, in Newport only 3 complaints were referred to the Ombudsman about City Councillors in 2017/18. None of these complaints was accepted for investigation on the basis that there was no evidence of any serious breaches of the Code.
10. Three complaints were also referred to the Ombudsman regarding alleged breaches of the Code by local community councillors, one in relation to Bishton Community Council and 2 in relation to Langstone Community Council, but, again, none of these complaints was accepted for formal investigation

## **Financial Summary**

11. There are no financial implications.

## **Options Available**

12. To note the Report

## **Comments of Chief Financial Officer**

13. There are no financial implications.

## **Comments of Monitoring Officer**

14. Included in the Report.

## **Staffing Implications: Comments of Head of People and Business Change**

15      There are no staffing or policy implications.

## **Background Papers**

Ombudsman's Annual Report and letter 2017/18

Dated: 25<sup>th</sup> October 2018

Our Ref: NB/CW/MA



[Catrin.wallace@ombudsman-wales.org.uk](mailto:Catrin.wallace@ombudsman-wales.org.uk)

[Matthew.aplin@ombudsman-wales.org.uk](mailto:Matthew.aplin@ombudsman-wales.org.uk)

15 October 2018

Councillor Debbie Wilcox

Sent by email: [debbie.wilcox@newport.gov.uk](mailto:debbie.wilcox@newport.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 **Newport City 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 note that the number of complaints received by the Ombudsman concerning Newport has increased by 40% in the past year from 26 to 37. We would like to draw your attention to the number of complaints received concerning Planning and Building Control which have increased from 3 to 7. However, we are pleased to note that complains concerning Adult Social Services have significantly declined from 11 to 3.

Whilst we have encountered difficulties in receiving timely responses to our requests for information from the Council, I am pleased that your staff have positively engaged with my office in an attempt to improve the position. We understood that consideration would be given to allocating extra resource to the corporate complaints department, and I would appreciate an update in respect of that as we have continued to encounter delays. We will be reviewing the position during this year to see whether further engagement with your Council is required.

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: Will Godfrey, Chief Executive

Gareth Price, 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

Newport City Council	Complaints Received
Adult Social Services	3
Benefits Administration	2
Children s Social Services	4
Complaints Handling	4
Education	4
Environment and Environmental Health	3
Housing	4
Planning and Building Control	7
Roads and Transport	2
Various Other	4

## 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
Newport City	6	11	9	6	0	0	2	0	34
Newport City (adjusted)	7	10	13	5	0	1	1	0	37

#### D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
<b>Local Authority</b>			
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
Newport	3							3

### 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
Bishton CC	1							1
Langstone CC	2							2

## **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](mailto:catrin.wallace@ombudsman-wales.org.uk) or [matthew.aplin@ombudsman-wales.org.uk](mailto:matthew.aplin@ombudsman-wales.org.uk)