

Report



Standards Committee

Part 1

Date: 15 September 2015

Item No: 09

Subject Ombudsman Annual Letter 2015/16

Purpose To report the Ombudsman's Annual letter and the numbers of complaints of maladministration and misconduct dealt with during 2015/16

Author Head of Law and Regulation

Ward General

Summary Following the publication of his Annual Report for 2015/16, 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 2015/16, 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. Although there has been a general increase of 4% in caseloads, the number of complaints against public bodies fell by the same amount; only the second time that this has happened in the last decade. During 15/16 the Ombudsman received 906 complaints against local authorities in Wales, down from 938 in 14/15.
4. Housing and Planning are consistently the largest areas of complaint generally, although Newport no longer has any housing management related complaints following the housing stock transfer to Newport City Homes.
5. However, the Ombudsman has issued fewer maladministration reports against local authorities in 2015/11, which indicates that many more complaints are now being settled and resolved locally. Only 1 Public sector Interest report was issued against a Welsh council in the last 12 months. This Report identified failings in the way in which that authority dealt with a special educational needs issue.
6. The number of Code of Conduct complaints rose by 19% compared with 2014/15 (274 in 2015/16 against 231). This increase was almost entirely attributable to community councils where there was a 49% increase. The Ombudsman considers that the public interest test that he introduced for deciding whether or not to investigate misconduct complaints has assisted in reducing the numbers of complaints taken forward. However, he does express concern about the possible increase in vexatious, politically-motivated, complaints in the lead-up to the next local elections
7. In relation to Newport City Council, there was a reduction in the number of maladministration complaints compared with last year (33 compared with 40 and this is also below the Welsh average of 42
8. The largest single areas of complaint are Planning and Building Control, Education and Children services.
9. However, there were no public interest reports issued in 2015/16. The one complaint that was upheld in part related to procedural delays in responding to the complainant rather than any service failure.
10. Two complaints of misconduct were referred to the Ombudsman during 2015/16 in respect of Newport City Council members but, in both cases, a decision was taken not to accept the complaint for investigation.

Financial Summary

There are no financial implications.

Options Available

To note the Report

Comments of Chief Financial Officer

There are no financial implications.

Comments of Monitoring Officer

Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

There are no staffing or policy implications.

Background Papers

Ombudsman's Annual Report and letter 2015/16.

Dated: 7 September 2016

Our ref: NB/LG/MM



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28 July 2016

Sent by email

Dear Mr Godfrey

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 **Newport City 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

A handwritten signature in black ink, appearing to read 'Nick Bennett', written in a cursive style.

Nick Bennett

Ombudsman

Factsheet

In reference to your local authority, the number of complaints received by my office has reduced from 40 in 2014/15 to 33 in 2015/16. The highest number of complaints were made about Planning and Building Control (7) followed by Education (6) and Children's Social Services (6). In 20% of cases, request for information were met within one to two weeks, 60 % were met within three to four weeks and 20% were met within four to five weeks.

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

In total my office received **33** complaints against **Newport City Council** during 2015-16 compared to a local authority average of **42**.

B) Comparison of complaints by subject category with LA average

Subject	2015/16 Newport	2015/16 LA Average
Adult Social Services	3	3
Benefits Administration	0	1
Children's Social Services	6	5
Community facilities, recreation and leisure	0	1
Complaints-handling	0	2
Education	6	2
Environment and Environmental Health	1	4
Finance and Taxation	0	2
Health	0	0
Housing	5	5
Planning and building control	7	9
Roads and Transport	0	3
Agriculture and Fisheries	0	0
Independent Care Providers	0	0
Various Other	5	3
Total	33	40

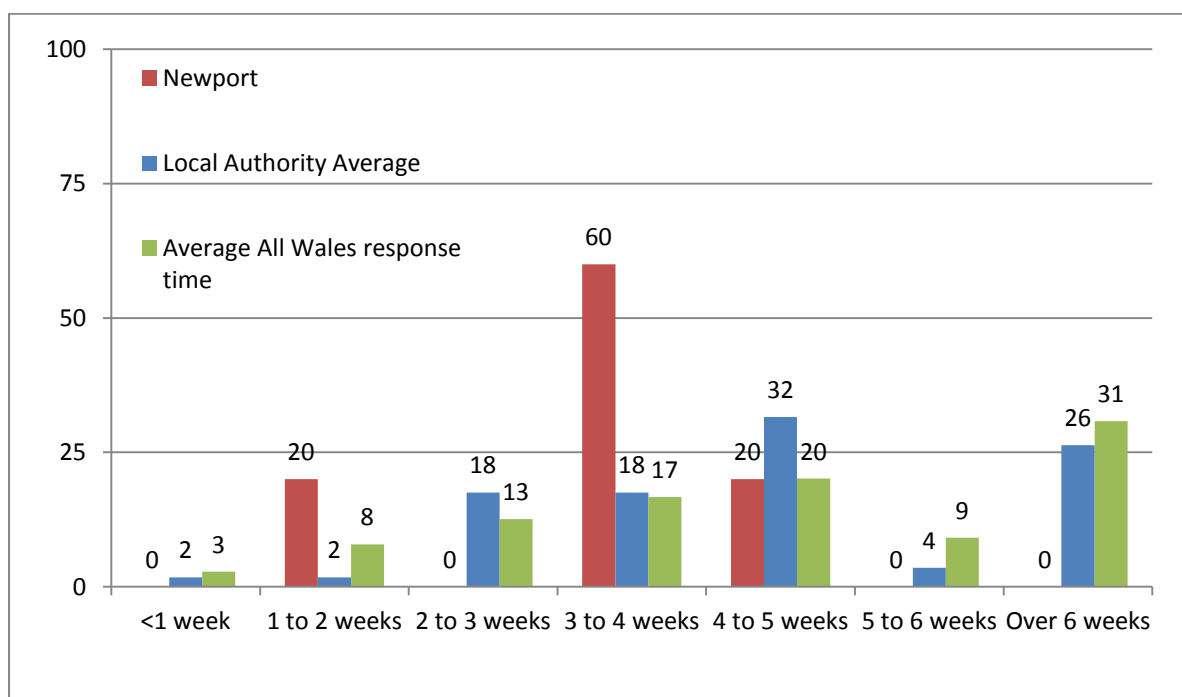
C) Complaints taken into investigation by my office

	2015/16 Newport	2015/16 LA Average
Number of complaints taken into investigation	5	3

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

Complaint Outcomes	2015/16 Newport	2015/16 LA average
Out of jurisdiction	1	7
Premature	10	14
'Other' cases closed after initial consideration	14	17
Discontinued	1	0
Quick fix / Voluntary settlement	4	4
Section 16 – Upheld – in whole or in part	0	0
Other report upheld – in whole or in part	1	1
Other report – not upheld	4	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) Code of Conduct complaints

In total **two** code of conduct complaints were made against members of **Newport City Council** were made during 2015-16. In both cases the decision was made not to investigate the matter.

G) Summaries

[Casebook 21](#)

201408415

201307099

Casebook 22

No summaries

[Casebook 23](#)

201503460

[Casebook 24](#)

201408415

201307099

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