

SUBJECT: Ombudsman's Annual Report and Annual Letter

MEETING: Standards Committee

DATE: 19th September 2016

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

To make Standards Committee members aware of the contents of the Annual Report and Annual Letter for 2015/16 of the Public Services Ombudsman for Wales (PSOW).

2. RECOMMENDATIONS:

To note the contents of the Annual Report and Annual Letter.

3. KEY ISSUES:

A copy of the tenth Annual Report of the PSOW is attached to the report at appendix 1. The report is extremely comprehensive, with one of the headlines being that for only the second time in the history of the PSOW's office, there was a decrease in the complaints made against public service providers from 2065 in 2014/15 to 1992 in 2015/16. Complaints against county councils fell from 938 in 2014/15 to 906 in 2015/16. Similarly there was a fall in complaints made against community councils from 39 last year to 30 in 2015/16. On page 18 of the report a breakdown of the complaints made by subject is given with 10% of the complaints received being made against Planning and Building Control, and 9% of complaints being made against Social Services.

Turning to the Code of Conduct Complaints, the Ombudsman comments that, "It is of particular disappointment to me therefore that complaints alleging that councillors had breached their authority's Code rose by 19%. This is solely attributable to community and town councils where complaints about members of these councils rose by 49%". Complaints about breaches of the Code for community councillors rose from 106 to 158, whilst against county councillors the figure fell from 125 to 115. A breakdown in the analysis of the complaints shows that 41% of the complaints were in the category of 'promotion of equality and respect' (paragraph 4 of the Code), while 16% of the complaints concerned integrity (paragraph 7) and 14% each on disclosure and registration of interests (paragraph 10), and the duty to uphold the law (paragraph 8). Of the 27 cases that were fully investigated, 6 were referred to either a standards committee or the Adjudication Panel. 91% of complainants were informed within 4 weeks of whether the Ombudsman would take up the complaint and 85% of Code investigations were completed within 9 months, compared with 76% in 2014/15.

In the Ombudsman's Annual Letter to the County Council which can be found at appendix 2 attached to the report, members will note the Ombudsman's wish that, "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".

Looking at the detail contained within the factsheet attached to the Annual Letter, members will note that the Ombudsman received 27 complaints against Monmouthshire County Council which is the Welsh average for complaints against county and county borough councils. The main number of complaints were made against Planning and building control and Children's Social Services. Of the 27 complaints, only 1 complaint was taken into investigation and a summary of the investigation and findings can be found at appendix 3 to the report.

In respect of code of conduct complaints against members of this council, the Ombudsman closed six complaints during 2015/16. In 4 cases, the Ombudsman decided not to investigate, in 1 case there was no evidence of breach, while in the remaining case it was deemed no action was necessary. A copy of the summary from the Ombudsman's Casebook for this case can be found at appendix 4 attached to the report.

4. REASONS: The role and functions of the Standards Committee within the council's constitution includes 'promoting and maintaining high standards of conduct by councillors' and 'ensuring the council's complaints procedures operate effectively', so members should be aware of the Ombudsman's Annual Report and Annual Letter to the council.

5. RESOURCE IMPLICATIONS: None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

There are no significant equality impacts identified.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS: NONE

8. CONSULTEES: None

9. BACKGROUND PAPERS: None

10. AUTHOR: Robert Tranter, Monitoring Officer and Head of Legal Services

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk