

Report To: Standards Committee

Date of Meeting: 16th September 2016

Lead Member / Officer: Monitoring Officer

Report Author: Monitoring Officer

Title: Public Services Ombudsman for Wales Annual Report 2015/16

1. What is the report about?

The report is about the 2015/16 Annual Report of the Public Services Ombudsman for Wales (the Ombudsman).

2. What is the reason for making this report?

To give the members of the Standards Committee an opportunity to consider the contents of the Annual Report of the Ombudsman and to provide their comments and observations.

3. What are the Recommendations?

That members consider the Public Services Ombudsman for Wales' Annual Report 2015/16.

4. Report details.

- 4.1 Each year the Ombudsman publishes an annual report on the activities of the office of the Ombudsman in dealing with complaints against public bodies in Wales.
- 4.2 The Ombudsman's office has two main roles. The first is to investigate complaints of maladministration by public bodies. The second, and of more relevance to this Committee, is the responsibility of the Ombudsman's office for investigating complaints relating to alleged breaches of the Code of Conduct by elected members of Unitary, City, Town and Community Councils.
- 4.3 The Ombudsman's Annual Report entitled '10 Years of Putting Things Right' is attached as Appendix 1.
- 4.4 This report is the tenth annual report since the establishment of the office in 2006, and relates to the first full year in office of the current Ombudsman, Mr. Nick Bennett.

- 4.5 In his report, the Ombudsman welcomes the recommendations of the Finance Committee of the National Assembly for Wales that there be legislation brought forward, in the current Assembly, to enhance the existing powers of his office. He also welcomes recently introduced changes to the Model Code of Conduct, and legislation relating to Standards Committees which enables them to refer misconduct investigation reports to another authority's Standards Committee where necessary to avoid conflicts of interest, the ability for authorities to create Joint Standards Committees and the requirement for a member appealing a decision of a Standards Committee to have to first seek the permission of the President, or a nominated panel member, of the Adjudication Panel for Wales.
- 4.6 The Ombudsman provides a useful visual presentation of the statistics relating to the work of his office over the past year at pages 14 and 15 of his report. Members will note that in terms of the number of complaints received in total by the Ombudsman in respect of service delivery, there has been a fall in the complaints overall against public service bodies although within that fall there has been an increase in the number of complaints regarding the health service.
- 4.7 Of more particular relevance to this committee is the breakdown of the complaints statistics relating to the Code of Conduct set out at pages 21 to 24 of the report. There were 274 complaints in total in 2015/16 compared with 231 in 2014/15, an increase of 19%. Further analysis of these complaints reveals that the major factor in this increase is a 49% rise in the number of complaints emanating from City, Town and Community Councils from 106 in 2014/15 to 158 in 2015/16.
- 4.8 The Ombudsman categorises Code of Conduct complaints and provides an analysis of complaints by category. In 2015/16 complaints were broken down as follows:

Promotion of equality and respect	41%
Integrity	16%
Disclosure and registration of Interests	14%
Accountability and openness	14%
Objectivity and propriety	7%
Duty to uphold the law	6%
Selflessness and stewardship	2%

The largest number of complaints fell under the category of "promotion of equality and respect" This category accounted for 41% of all complaints compared to 35% in the previous year. It almost always accounts for the highest proportion of complaints received.

- 4.9 The Ombudsman's office closed 265 cases in 2015/16. This figure would be comprised of new complaints dealt with within the year and also some complaints which had been carried over from the previous year. Of these 265 complaints, the vast majority, 213, were closed after initial consideration. This means that the Ombudsman either decided that there was no prima facie evidence of the breach of the Code, that the alleged breach was insufficiently serious to warrant an investigation and therefore unlikely to attract a sanction,

that the incident of complaint happened before the member was elected i.e. before they were bound by the Code, or referred the matter back for local resolution

- 4.10 There were 15 complaints withdrawn and 10 investigations were discontinued. Despite the increase in the number of complaints there was a reduction in the number that went through a full investigation. There were 27 cases fully investigated in 2015/16 compared with 44 such investigations in the previous year. The Ombudsman attributes this reduction to the introduction of his public interest test.
- 4.11 Of these 27 cases, 11 resulted in a finding that there was no evidence of breach and 10 in a finding that no further action was necessary. There were 3 cases referred to Standards Committees for consideration and 3 to the Adjudication Panel for Wales. The Ombudsman sets out in a table at page 22 of his report the outcomes of those cases that had been determined at the time of writing his report.
- 4.12 Annex C to the Ombudsman's report contains a breakdown of cases closed in 2015/16 by local authority. Of the 112 closed cases relating to unitary authorities 5 related to Denbighshire County Councillors, all of which were closed after initial consideration without the need for an investigation. This represents an increase from the 2 complaints closed in the previous year all of which were withdrawn or closed after initial consideration.
- 4.13 The breakdown of the 152 closed cases relating to city, town or community councils, shows that none of these were complaints about members of such councils in Denbighshire.
- 4.14 The Ombudsman has also reported on the performance of the Ombudsman's office in terms of the time taken to consider Code of Conduct complaints.
- 4.15 The Ombudsman sets two targets in respect of timescales. The first is that at least 90% of all complainants should be informed within 4 weeks of whether the Ombudsman will take up their complaint. The 4 week period runs from the date that sufficient information is received. During the year 2014/15 the Ombudsman managed to inform complainants within 4 weeks in respect of 79% of complaints received. This year the number has risen to 91 % of complainants. It is also noted that 96% of complainants were informed within 5 weeks.
- 4.16 The second target is to conclude all cases within 12 months from a point that a decision is made to take up a complaint and to commence an investigation. The Ombudsman's office managed to achieve a 100% success rate for completion of Code of Conduct investigation within 12 months during the year 2014/15. This has been repeated this year, but the Ombudsman also points out that in 2015/16, 85% were completed within 9 months compared to 79% in 2014/15.

5 How does the decision contribute to the Corporate Priorities?

The Committee is not requested to make a decision.

6 What will it cost and how will it affect other services?

There are no costs directly associated with this report.

7 What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

This report does not require an Equality Impact Assessment.

8 What consultations have been carried out with Scrutiny and others?

There have been no consultations with Scrutiny.

9 Chief Finance Officer Statement

There are no significant financial implications arising from the report.

10 What risks are there and is there anything we can do to reduce them?

There are no risks associated with this report.

11 Power to make the Decision

There is no decision required.