



# **STANDARDS**

**2.00 pm FRIDAY, 15TH NOVEMBER, 2019**

## **CONFERENCE ROOM 2**

This Agenda has been prepared by the Democratic Services Department. Any member of the public requiring information should contact the department on (01685 725284) or email [democratic@merthyr.gov.uk](mailto:democratic@merthyr.gov.uk).

Any reference documents referred to but not published as part of this agenda can be found on the Council's website or intranet under Background Papers.

## **AGENDA**

1. Apologies for absence
2. Declarations of Interest

Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government and Finance Act 1992 relating to Council Tax, the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct

**Note:**

- (a) Members are reminded that they must identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and
- (b) Where Members withdraw from a Meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chair when they leave

3. The Public Services Ombudsman for Wales' Annual Letter 2018/19  
To consider report of the Monitoring Officer **3 - 12**
4. Whistleblowing  
To consider report of the Monitoring Officer **13 - 14**
5. Preparation for a Standards Hearing
6. Date of next meeting
7. Any other item deemed urgent by the Chair

**COMPOSITION:**

J Morgan (Chair)  
I Cathrew (Vice-Chair)

Councillors: J Amos, G Richards and C Tovey

Independent Members: D McCarthy, A L Morgan and M Veale

Community Council Representative: H Thomas

together with appropriate officers

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Civic Centre, Castle Street,  
Merthyr Tydfil CF47 8AN

Main Tel: 01685 725000

www.merthyr.gov.uk

## **STANDARDS COMMITTEE**

Date Written	7 <sup>th</sup> November 2019
Report Author	Carys Kennedy/Gavin McPherson
Service Area	Legal
Exempt/Non Exempt	Non Exempt
Committee Date	15 <sup>th</sup> November 2019

To: *Chair, Ladies and Gentlemen*

## **OMBUDSMAN ANNUAL LETTER 2018/19**

### **1.0 SUMMARY OF THE REPORT**

- 1.1 The Committee agreed at its meeting on the 27<sup>th</sup> November 2015 that part of its regular work programme would include a consideration of the Annual Report/Annual Letter of the Public Services Ombudsman for Wales.
- 1.2 The Annual Report is attached at Appendix A which provides a summary of the work of the Ombudsman and the complaint data in relation to this Authority and where appropriate comparing this Authority to others across Wales. This information is provided to assist our own reviews of our complaint handling service.

### **2.0 RECOMMENDATIONS that:**

- 2.1 The Committee notes and debates the information contained within the Ombudsman's Annual letter.
- 2.2 An information report be scheduled to a future Council meeting to report on the outcomes in the Ombudsman's Annual Letter.

### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 This information is to make members aware of the changes that have been implemented under the Public Services Ombudsman (Wales) Act 2019. This act has significantly increased the reach of the Ombudsman to act on referrals by telephone rather than in writing and also to start investigations when he deems that there is public interest in doing so.

3.2 Members will note that during the period reported the Ombudsman received 15 complaints where we have previously averaged around 17. It can also be considered from the data that as an authority we have a lower than average number of referrals indicating that our complaints structure is robust and functioning well. Also it is noted that of the 15 complaints made there were none that warranted investigation by the Ombudsman.

3.3 This sets out the split of the complaints by service area.

**Table C (Page4)**

3.3.1 This breakdown outlines the complaints received by the Ombudsman by their outcome. It also contains an adjustment against the greater population of Wales and compares this against previous year's figures. Of note is figure that nearly 50% of Ombudsman referrals were considered by the Ombudsman to be premature and that no complaints were upheld by the Ombudsman which is a significant decrease on previous years.

**Table D (Page 5)**

3.3.2 This sets out the number of complaints requiring the Ombudsman's intervention against the number of complaints that were closed. You will note that 0% of the authority's Ombudsman complaints resulted in any intervention by the Ombudsman, something that only ourselves and Monmouthshire Council achieved.

**Table E (page 6)**

3.3.3 This sets out a breakdown of all code of conduct complaints against Councillors during 2018/2019. You will note that there were only two referrals down from seven the previous year.

**4.0 DECISION REQUIRED**

4.1. Committee is asked to consider the information provided and identify whether there are any issues of concern that need to be highlighted for further action and agree that a report should be provided to Council providing this information from the Ombudsman.

**CARYS KENNEDY**  
**MONITORING OFFICER**

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
Ombudsman's Annual Letter 2018/19	7 <sup>th</sup> August 2019	Legal Department
<b>Does the report contain any issue that may impact the Council's Constitution?</b>		<b>No</b>

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***

Our ref: NB

Ask for: Communications

 01656 641150

Date: 7 August 2019

 communications  
@ombudsman-wales.org.uk

Councillor Kevin O'Neill  
Council Leader  
Merthyr Tydfil County Borough Council

**By Email Only**  
kevin.o'neill@merthyr.gov.uk

Dear Councillor Kevin O'Neill

### **Annual Letter 2018/19**

I am pleased to provide you with the Annual letter (2018/19) for Merthyr Tydfil County Borough Council. This year I am publishing my Annual Letters as part of my Annual Report and Accounts. I hope the Council finds this helpful and I trust this will enable it to review its own complaint handling performance in the context of other public bodies performing similar functions across Wales.

Whilst overall the number of complaints received relating to local authorities across Wales increased from 794 to 912, I am pleased that local authorities continue to work with my office to resolve many of these complaints at an early stage. This provides complainants with appropriate and timely remedies avoiding the need for my office to fully investigate complaints.

A summary of the complaints of maladministration/service failure received relating to the Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

Page 1 of 7

The Public Services Ombudsman (Wales) Act 2019 has now been introduced. I am delighted that the Assembly has approved this legislation giving the office new powers aimed at:

- Improving access to my office
- Providing a seamless mechanism for complaint handling when a patient's NHS care is inextricably linked with private healthcare
- Allowing me to undertake own initiative investigations when required in the public interest
- Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales.

I am very much looking forward to implementing these new powers over the coming year.

**Action for the Council to take:**

- Present my Annual Letter to the Cabinet to assist Members in their scrutiny of the Council's performance
- Work to reduce the number of cases which require intervention by my office
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by **31 October 2019**.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely



Nick Bennett  
Public Services Ombudsman for Wales

CC: Gareth Chapman, Chief Executive  
Gavin McPherson, Contact Officer

Factsheet

**A. Complaints Received and Investigated with Local Authority average adjusted for population distribution**

<b>Local Authority</b>	<b>Complaints Received</b>	<b>Average</b>	<b>Complaints Investigated</b>	<b>Average</b>
<b>Merthyr Tydfil County Borough Council 2018/19</b>	<b>15</b>	<b>17</b>	<b>0</b>	<b>0</b>
<b>Merthyr Tydfil County Borough Council 2017/18</b>	<b>13</b>	<b>15</b>	<b>2</b>	<b>0</b>
Blaenau Gwent County Borough Council	8	20	0	0
Bridgend County Borough Council	33	41	0	1
Caerphilly County Borough Council	65	51	1	1
Cardiff Council	115	103	0	2
Carmarthenshire County Council	49	53	1	1
Ceredigion County Council	23	21	0	0
City and County of Swansea	83	70	0	2
Conwy County Borough Council	41	33	2	1
Denbighshire County Council	26	27	1	1
Flintshire County Council	50	44	2	1
Gwynedd Council	32	35	2	1
Isle of Anglesey County Council	31	20	2	0
Monmouthshire County Council	20	27	0	1
Neath Port Talbot County Borough Council	38	40	1	1
Newport City Council	38	43	0	1
Pembrokeshire County Council	35	35	0	1
Powys County Council	67	38	4	1
Rhondda Cynon Taf County Borough Council	36	68	0	2
Torfaen County Borough Council	12	26	1	1
Vale of Glamorgan Council	24	37	0	1
Wrexham County Borough Council	45	38	3	1
<b>Grand Total</b>	<b>886</b>		<b>20</b>	

**B. Complaints Received by Subject with Local Authority average**

<b>Merthyr Tydfil County Borough Council</b>	<b>Complaints Received</b>
Adult Social Services	3
Benefits Administration	1
Children Social Services	6
Environment and Environmental Health	1
Housing	2
Roads and Transport	2

**C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution**

<b>Local Authority</b>	<b>Out of Jurisdiction</b>	<b>Premature</b>	<b>Other cases closed after initial consideration</b>	<b>Early Resolution / Voluntary settlement</b>	<b>Discontinued</b>	<b>Other Report - Not upheld</b>	<b>Other Report - Upheld in whole or in part</b>	<b>Public Interest Reports</b>
<b>2018/19</b>								
Merthyr Tydfil	3	7	3	-	-	1	-	-
Merthyr Tydfil (adjusted)	3	5	6	2	-	-	-	-
<b>2017/18</b>								
Merthyr Tydfil	-	5	5	1	-	-	2	-
Merthyr Tydfil (adjusted)	3	4	5	2	-	-	-	-



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

Local Authority	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW intervention
Merthyr Tydfil County Borough Council 2018/19	0	14	0%
Merthyr Tydfil County Borough Council 2017/18	3	13	23%
Blaenau Gwent County Borough Council	2	7	29%
Bridgend County Borough Council	6	36	17%
Caerphilly County Borough Council	8	68	12%
Cardiff Council	19	110	17%
Carmarthenshire County Council	4	48	8%
Ceredigion County Council	5	24	21%
City and County Swansea	10	80	13%
Conwy County Borough Council	5	39	13%
Denbighshire County Council	4	30	13%
Flintshire County Council	16	56	29%
Gwynedd Council	6	35	17%
Isle of Anglesey County Council	5	31	16%
Monmouthshire County Council	0	23	0%
Neath Port Talbot County Borough Council	4	40	10%
Newport City Council	7	43	16%
Pembrokeshire County Council	6	33	18%
Powys County Council	11	64	17%
Rhondda Cynon Taf County Borough Council	4	34	12%
Torfaen County Borough Council	1	12	8%
Vale of Glamorgan Council	7	30	23%
Wrexham County Borough Council	8	43	19%

E. Code of Conduct Complaints Closed

Local Authority	Closed after initial consideration	Discontinued	No Evidence of Breach	No Action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
<b>2018/19</b>								
Merthyr Tydfil	1	-	1	-	-	-	-	2
<b>2017/18</b>								
Merthyr Tydfil	6	-	1	-	-	-	-	7

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2018/19, 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 2018/19. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2018/19, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by our office 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 2018/19.

### **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 via email to [communications@ombudsman-wales.org.uk](mailto:communications@ombudsman-wales.org.uk)





Civic Centre, Castle Street,  
Merthyr Tydfil CF47 8AN

Main Tel: 01685 725000

www.merthyr.gov.uk

## **STANDARDS COMMITTEE**

Date Written	8 <sup>th</sup> November 2019
Report Author	Carys Kennedy
Exempt/Non Exempt	Non Exempt
Committee Date	15 <sup>th</sup> November 2019

*To: Chair, Ladies and Gentlemen*

## **Whistleblowing**

### **1.0 SUMMARY OF THE REPORT**

- 1.1 It was agreed at the meeting of the Standards Committee on 4<sup>th</sup> September 2015 that an annual report from the Monitoring Officer would be included in the Committee's work programme.
- 1.2 Previous meetings of the Standards Committee have been presented with reports setting out data about whistleblowing referrals that had been made over the course of previous years and their outcomes. There has also been a report containing details of an action plan arising from the review undertaken by the Wales Audit Office which has now been completed.
- 1.3 At the time of writing this report there are no live whistleblowing complaints, but the Council needs to be certain that staff are reminded of the process and have sufficient information to enable them to make a report if needed. To that end a programme of awareness raising will need to be agreed by Corporate Management Team.

### **2.0 RECOMMENDATIONS that**

- 2.1 The content of this report be noted and a further report be presented to Committee following CMT consideration and agreement of an awareness raising plan.

### **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 The Council is required to have a whistleblowing policy and procedure which provides a format where members of staff can report any behaviour or practice which causes them concern and may potentially put the organisation at risk. The Council has to provide clear and robust protection to any whistleblower and must make it as straightforward as possible for any person to make such a referral. The Council's policy/procedure is contained within the constitution and was updated in accordance with legislation in December 2014.
- 3.2 It was agreed that there would be an annual report to Standards committee to monitor any significant trends and identify whether any particular governance issues arise from the data.
- 3.3 As there have been no further whistleblowing referrals for some time it is considered appropriate to remind staff of the process and ensure they are aware of the procedure for making a complaint.
- 3.4 A process for raising staff awareness will be agreed by CMT and a further report brought back to this Committee to advise on progress with that process.

### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications arising from this report as all work connected with this process will be met from departmental budgets.

**CARYS KENNEDY**  
**MONITORING OFFICER**

<b>BACKGROUND PAPERS</b>		
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