

# Document Pack



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**THURSDAY, 1<sup>ST</sup> SEPTEMBER, 2016**

**TO: ALL MEMBERS OF THE STANDARDS COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, 3 SPILMAN STREET, CARMARTHEN AT 10.00 A.M. ON FRIDAY, 9TH SEPTEMBER, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

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<b>Ref:</b>	<b>AD016-001</b>

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

1. Mrs Mary Dodd
2. Mr Christopher A. Downward Chair of the Committee
3. Mr M. Andre Morgan Vice Chair of the Committee
4. Mr Alun. Williams
5. Vacancy

### Community Committee Member (1)

1. Councillor Jeanette Gilasbey

### Elected Members of the County Council (3)

1. Councillor Susan M. Allen
2. Councillor B.A. Louvain Roberts
3. Councillor Gareth B. Thomas

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 3RD JUNE, 2016. 5 - 12
4. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS. 13 - 16
5. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS. 17 - 28
6. REVIEW OF CORPORATE WHISTLEBLOWING POLICY. 29 - 50
7. PUBLIC SERVICES OMBUDSMAN FOR WALES REPORT 2015/16. 51 - 136
8. COMPLAINTS AND COMPLIMENTS. 137 - 162
9. APPLICATION FOR DISPENSATION BY COUNCILLOR I.R. LLEWELYN. 163 - 172
10. APPLICATION FOR DISPENSATION BY COUNCILLOR W.R.A. DAVIES. 173 - 182
11. APPLICATION FOR DISPENSATION BY COUNCILLOR E.W. NICHOLAS. 183 - 192
12. APPLICATION FOR DISPENSATION BY COUNCILLOR B. REES. 193 - 202
13. STANDARDS COMMITTEE ANNUAL REPORT 2015/16. 203 - 214
14. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

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FRIDAY, 3<sup>RD</sup> JUNE, 2016

**PRESENT:** Mr C.A. Downward [Chair]

**Independent Members:**

Ms M. Dodd, Mr M.A. Morgan and Mr A. Williams

**County Council Members:**

Councillor S.M. Allen

**Community Members:**

Councillor J. Gilasbey

**The following Officers were in attendance:**

Mr R. Edgecombe - Legal Services Manager  
Mrs M. Evans Thomas - Principal Democratic Services Officer  
Miss N. Rees - Trainee Solicitor

**Chamber, County Hall, Carmarthen : 10.00 a.m. - 10.50 a.m.**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B.A.L. Roberts and G.B. Thomas.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. MINUTES**

**RESOLVED that the minutes of the meetings of the Committee held on the 11<sup>th</sup> April and 3<sup>rd</sup> May, 2016 be signed as correct records.**

**4. APPLICATION FOR DISPENSATION BY COUNCILLOR A. SMITH**

The Committee considered an application submitted by Councillor Alexander Smith of Ammanford Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited.

It was reported that a dispensation was sought as Councillor Smith had a personal interest in these matters by virtue of paragraph 10(2)(x)(c)(v) of the Code of Conduct in that his partner is a Director of the company.

Councillor Smith's interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest when considering matters relating to or likely to affect the company.

Councillor Smith had accordingly requested that a dispensation be granted under regulation 2 (c)(d)(e) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulation 2(c) only applies to members of a County or Borough Council.

Following a detailed discussion and in view of the fact that the Committee was not satisfied that any of the grounds specified in the application were satisfied, it was

**UNANIMOUSLY RESOLVED that the application submitted by Councillor Alexander Smith for dispensation to SPEAK at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited be refused.**

## **5. APPLICATION FOR DISPENSATION BY COUNCILLORS FROM LLANBOIDY COMMUNITY COUNCIL**

The Committee considered an application submitted on behalf of 7 members of Llanboidy Community Council for the grant of dispensations under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llanboidy Community Council in respect of matters relating to Llanboidy Market Hall.

It was reported that dispensations were sought as the Councillors had a personal interest in these matters by virtue of paragraph 10(2)(ix)(ee) of the Code of Conduct in that they are members of the Market Hall Committee which is involved in the running of the hall. The Councillors were not appointed to the Committee by the Community Council.

The Councillors' interests were prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillors' judgement of the public interest. In particular, the Council had received a request from the Hall Committee for a grant of £1,000 and was in negotiation with the Committee regarding the lease or purchase of Council owned land surrounding the Hall.

The Councillors had no direct financial interest in the running of the Hall or the particular matters currently requiring discussion.

The Clerk to the Council had advised that without these members receiving dispensations, the Council would be unable to form a quorum to discuss these matters.

The Committee was advised that if it was minded to grant these applications it could do so pursuant to 2(a) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 in that the interest affected no fewer than half the members of the Authority

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulation 2(a) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillors L. Davies, D. Phillips, S. Thomas, N. Thomas, R. Williams, J. Gibbin and H. Phillips to **SPEAK AND VOTE** at meetings of the Llanboidy Community Council in relation to any discussions regarding Llanboidy Market Hall until the end of their current term of office at the Local Government Elections in May 2017.

## **6. APPLICATION FOR DISPENSATION BY COUNCILLOR G. HOWELLS**

The Committee considered an application submitted by Councillor Gerald Howells of Llansteffan and Llanybri Community Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Llansteffan and Llanybri Community Council in respect of matters relating to Llansteffan Primary School and Llansteffan Parish Church.

It was reported that a dispensation was sought as Councillor Howells had a personal interest in these matters by virtue of paragraph 10(2)(ix)(aa) of the Code of Conduct in respect of the school and 10(2)(ix)(ee) in respect of the Parish Church in that:-

- (1) The school is a body exercising functions of a public nature in which, as Chairman of Governors, he holds a position of general control or management. Councillor Howells was appointed to his current position as a school governor by his Community Council;
- (2) The church should be considered as a private association in which, as a Church Warden, he is a member.

Councillor Howells' interests were also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interests as being so significant that they would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Howells had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Howells was granted a dispensation to speak but not vote in respect of these matters in December 2015 and that dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED** that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Gerald Howells to **SPEAK BUT NOT VOTE AND TO MAKE WRITTEN REPRESENTATIONS** at meetings of the Llansteffan and Llanybri Community Council in relation to any discussion regarding Llansteffan Primary School and Llansteffan Parish Church, and that the dispensation be valid until the end of his current term of office at the Local

## Government Elections in May 2017.

### 7. APPLICATION FOR DISPENSATION BY COUNCILLOR G. THOMAS

The Committee considered an application submitted by County Councillor Gareth Thomas for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and/or make written representations at meetings of Carmarthenshire County Council Council in respect of any matter relating to farming in general.

It was reported that a dispensation was sought as Councillor Thomas had a personal interest in such matters by virtue of paragraph 10(2)(a)(i) of the Code of Conduct as they relate to any employment or business carried out by Councillor Thomas who is himself a farmer.

Councillor Thomas' interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard that interest as being so significant as to prejudice the Councillor's judgement of the public interest.

Councillor Thomas had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Thomas was granted a dispensation on similar terms (but limited to matters relating to dairy farming only) on the 29<sup>th</sup> July, 2015. A dispensation to speak but not vote and to make written representations was also granted to him in relation to farming in general in December, 2015. The latter dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Gareth Thomas to SPEAK BUT NOT VOTE AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matter relating to farming in general and that the dispensation be valid until the end of his current term of office at the Local Government Elections in May 2017.**

### 8. APPLICATION FOR DISPENSATION BY COUNCILLOR J. LEWIS

The Committee considered an application submitted by County Councillor Jean Lewis for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and/or make written representations at meetings of Carmarthenshire County Council Council in respect of any matter relating to farming in general.

It was reported that a dispensation was sought as Councillor Lewis had a personal interest in such matters by virtue of paragraph 10(2)(a)(i) of the Code of Conduct as they relate to any employment or business carried out by Councillor Lewis who is herself a farmer.

Councillor Lewis' interest was also prejudicial as a member of the public with



knowledge of the relevant facts would reasonably regard that interest as being so significant as to prejudice the Councillor's judgement of the public interest.

Councillor Lewis had accordingly requested that a dispensation be granted under regulation 2 (d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Lewis was granted a dispensation on similar terms (but limited to matters relating to dairy farming only) in July, 2015. A dispensation to speak but not vote and to make written representations was also granted to her in relation to farming in general in December, 2015. The latter dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d) and (f) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Jean Lewis to SPEAK BUT NOT VOTE AND TO MAKE WRITTEN REPRESENTATIONS at meetings of Carmarthenshire County Council in relation to any matter relating to farming in general and that the dispensation be valid until the end of her current term of office at the Local Government Elections in May 2017.**

## **9. APPLICATION FOR DISPENSATION BY COUNCILLOR J. JONES**

The Committee considered an application submitted by Councillor Julia Jones of Llandeilo Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only at meetings of Llandeilo Town Council in respect of matters relating to or likely to affect the Annual Llandeilo Fawr Festival of Music.

It was reported that a dispensation was sought as Councillor Jones had a personal interest in these matters by virtue of paragraph 10(2)(ix)(bb) of the Code of Conduct, namely that she is a Trustee and its Artistic Director.

Councillor Jones had accordingly requested that a dispensation be granted under regulation 2 (d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

Councillor Jones was granted a dispensation on identical terms in December 2015 and that dispensation expires on the 10<sup>th</sup> June, 2016.

Following a detailed discussion it was

**UNANIMOUSLY RESOLVED that dispensation be granted under Regulations 2(d)(f) and (h) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 to Councillor Julia Jones to SPEAK BUT NOT VOTE at meetings of the Llandeilo Town Council in relation to any matters relating to or likely to affect the Annual Llandeilo Fawr Festival of Music and that the dispensation be valid until the end of her current term of office at the Local Government Elections in May 2017.**

## 10. APPLICATION FOR DISPENSATION BY COUNCILLOR J.F. GWYNFRYN-EVANS

The Committee considered an application submitted by Councillor Jonathan Francis Gwynfryn-Evans of Ammanford Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited.

It was reported that a dispensation was sought as Councillor Gwynfryn-Evans had a personal interest in these matters by virtue of paragraph 10(2)(x)(c)(v) of the Code of Conduct in that his friend is a Director of that company. The nature of the friendship is such that this individual should properly be considered a close personal associate of the applicant.

Councillor Gwynfryn-Evans' interest was also prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest when dealing with matters relating to or likely to affect the company.

Councillor Gwynfryn-Evans had accordingly requested that a dispensation be granted under regulation 2 (c)(d) and (e) of the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.

The Acting Legal Service Manager advised the Committee that in considering the application it should note that regulation 2(c) only applies to members of a County or Borough Council.

Following a detailed discussion and in view of the fact that the Committee was not satisfied that any of the grounds specified in the application were satisfied, it was

**UNANIMOUSLY RESOLVED that the application submitted by Councillor Jonathan Francis Gwynfryn-Evans for dispensation to SPEAK AND VOTE at meetings of Ammanford Town Council in respect of matters relating to the Ammanford Enterprise Partnership Limited be refused.**

## 11. APPROVAL OF CHANGES TO MEMBERS CODE OF CONDUCT

The Committee was reminded that on 1<sup>st</sup> April, 2016 the Local Authorities (Model Code of Conduct)(Wales)(Amendment) Order came into force, introducing changes to the Model Code of Conduct for elected and co-opted members.

A report was presented to the Committee on 11<sup>th</sup> April, 2016 (minute 5 refers) seeking approval for the changes to the Code in accordance with the 2016 Order. Unfortunately, the report erroneously omitted several of the changes required by the Order.

The Committee was therefore requested to approve the revised Code of Conduct attached to the report, which included all the required changes.

**UNANIMOUSLY RESOLVED**

- 11.1 that the changes introduced by the Local Authorities (Model Code of Conduct )(Wales)(Amendment) Order 2016 to the Model Code of Conduct for elected and co-opted members be approved;
- 11.2 TO RECOMMEND TO COUNCIL that the Model Code of Conduct for elected and co-opted members be re-adopted in its revised form.

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CHAIR

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DATE

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## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

<b>CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS</b>	
<b>Recommendations / key decisions required:</b> To note the report	
<b>Reasons:</b> Promoting the Members Code of Conduct in Town and Community Councils forms part of the remit of the Committee	
Scrutiny Committee recommendations / comments: Not applicable	
Exec Board Decision Required	NO
Council Decision Required	NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
9<sup>TH</sup> SEPTEMBER 2016**

**CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS**

On the evenings of the 2<sup>nd</sup> and 16<sup>th</sup> June 2016 the Standards Committee hosted training sessions on the Members Code of Conduct for Town and Community Council clerks and councillors in the Council Chamber, County Hall, Carmarthen.

Both sessions were well attended, with 35 delegates on the 2<sup>nd</sup> June and 57 on the 16<sup>th</sup> June representing 35 different councils in total. Fifteen of the delegates were council clerks and the remainder councillors.

Feedback was overwhelmingly positive for both sessions, with delegates being particularly appreciative of the guidance booklet on personal and prejudicial interests.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

- 1. Scrutiny Committee**  
Not applicable
- 2. Local Member(s)**  
Not applicable
- 3. Community / Town Council**  
Not applicable
- 4. Relevant Partners**  
Not applicable
- 5. Staff Side Representatives and other Organisations**  
*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-113	Legal Services, County Hall

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## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS

#### Recommendations / key decisions required:

To consider the report

#### Reasons:

The subject matter of the report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                          NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Cllr M Stephens

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

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01267 224018

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# EXECUTIVE SUMMARY STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

## CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILLORS

As part of its role in monitoring Code compliance by Town and Community Councillors, the Committee receives reports detailing the levels of code training received, declarations of interest made, dispensation requests granted and Code complaints registered in respect of Town and Community Councils within the County.

A Freedom of Information request was submitted in April 2016 to all Town and Community Councils in the County and detailed summary of the information provided is attached to this report.

The key points to note are;

1. Councillors from 61 Councils have received Code training on at least one occasion during the last 3 years.
2. Councillors from 11 Councils appear to have received no training during the last 3 years.
3. Councillors from 3 Councils have not made any Declarations of Interest during the last 3 years
4. Councillors from 61 Councils have not submitted any requests for dispensations during the last 3 years.
5. Councillors from 11 Councils have been the subject of Code of Conduct complaints.

The committee is asked to note report

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

- 1. Scrutiny Committee**  
Not applicable
- 2. Local Member(s)**  
Not applicable
- 3. Community / Town Council**  
Not applicable
- 4. Relevant Partners**  
Not applicable
- 5. Staff Side Representatives and other Organisations**  
*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Legal file</b>	<b>DPSC-145</b>	<b>Legal Services, County Hall</b>

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Code of Conduct Compliance

rje/forms/code of conduct compliance schedule version 1 2016

Council	Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014	Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015	Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Abergwili	2	0	0	5	0	0	0	9	0	0	0	5	
Abernant	3	0	0	1	0	0	0	0	ND	0	0	ND	
Ammanford Town	4	0	0	23	0	0	1	38	ND	0	0	ND	
Betws	2	0	0	0	2	0	0	1	Y	0	0	2	
Bronwydd	ND	0	0	ND	ND	0	0	ND	ND	0	1	ND	
Carmarthen Town	0	0	0	32	1	0	0	30	Y	0	0	94	
Cenarth	2	0	0	1	1	0	0	2	Y	0	0	0	
Cilycwm	2	0	0	1	0	0	0	0	2	0	0	2	
Cilymaenllwyd	0	0	0	2	0	0	0	4	0	0	0	2	
Cwmamman Town	7	0	0	14	0	0	0	21	0	0	1	34	
Cynwyl Elfed	Y	1	0	7	0	0	0	10	ND	0	0	ND	Number of cllrs. trained not known (Y)

Council		Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014		Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015		Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Cynwyl Gaeo		ND	0	0	ND		ND	0	0	ND		0	0	0	0	
Dyffryn Cennen		7	0	0	7		2	0	0	3		ND	0	0	ND	
Eglwys Gymyn		1	0	0	1		1	0	0	0		ND	0	0	ND	
Gorslas		Y	0	0	7		Y	0	0	15		0	36	0	17	Y - Number of Cllrs. trained not known
Henllan Fallteg		0	0	0	6		0	0	0	4		1	0	0	3	
Kidwelly Town		2	16	2	65		0	5	1	78		Y	0	0	28	
Laugharne Town		0	0	0	4		0	0	0	5		0	0	0	3	Members have discussed the Code on several occasions
Llanarthne		2	0	0	4		2	0	0	5		ND	0	0	ND	
Llanboidy		2	0	0	4		0	0	0	1		0	9	0	17	
Llanddarog		Y	0	0	1		Y	0	0	7		0	0	0	0	Y - number of cllrs. trained not known
Llanddeusant		0	0	0	1		0	0	0	1		ND	0	0	ND	

Council	Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014	Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015	Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Llanddowror & Llanmiloe	2	0	0	0	3	0	0	1	Y	0	0	4	
Llandeilo Town	2	0	0	20	0	0	1	28	ND	0	0	ND	
Llandovery Town	1	0	0	11	1	0	0	12	ND	1	0	ND	Training materials given to all members
Llandybie	0	0	0	35	2	1	0	22	0	8	0	28	
Llandyfaelog	2	0	0	13	0	0	0	11	0	0	0	20	
Llanedi	ND	0	0	ND	ND	0	2	ND	0	0	0	32	
Llanegwad	1	0	0	7	0	0	0	12	Y	0	0	7	
Llanelli Rural	0	0	0	27	1	0	3	51	Y	0	7	52	Y - Number of Cllrs. trained not known
Llanelli Town	Y	0	0	33	Y	0	0	25	0	0	1	8	Y - Number of Cllrs. trained not known
Llanfair ar y Bryn	0	0	0	0	2	0	0	1	ND	0	0	ND	
Llanfihangel Aberbythych	0	0	0	5	0	0	0	5	ND	0	0	ND	
Llanfihangel ar Arth	1	0	1	5	3	0	0	1	Y	0	0	6	Code complaint resulted in suspension of cllr.

Council	Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014	Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015	Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Llanfihangel Rhos y Corn	2	0	0	0	0	0	0	0	0	0	0	4	
Llanfynydd	1	0	0	10	1	0	0	11	ND	0	0	ND	
Llangadog	Y	0	0	ND	ND	0	0	ND	ND	0	0	ND	
Llangain	0	0	0	2	2	0	0	2	ND	0	0	ND	
Llangathen	0	0	0	2	0	0	0	6	0	0	0	4	
Llangeler	2	0	0	4	2	0	0	6	0	0	0	10	
Llangennech	ND	0	0	ND	ND	0	0	ND	ND	0	0	ND	
Llangyndeyrn	0	0	0	36	0	0	0	26	ND	0	0	ND	
Llangunnor	2	0	0	6	2	10	0	24	Y	0	0	8	
Llangynin	2	0	0	6	0	0	0	4	0	0	0	0	
Llangynog	0	0	0	6	0	0	0	4	0	0	0	3	Clerk attended training and cascaded info. to members



Council	Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014	Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015	Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Llanllawddog	1	0	0	6	0	0	0	2	0	0	0	1	Members received copies of Code Training presentation
Llanllwni	ND	0	0	ND	ND	0	0	ND	0	0	0	8	
Llannon	1	0	0	8	0	0	0	3	0	0	0	6	
Llanpumsaint	0	0	0	3	0	0	0	0	ND	0	0	ND	
Llansadwrn	0	0	0	1	0	0	0	0	0	0	0	0	Same Clerk as Llanwrda and Meidrim
Llansawel	ND	0	0	ND	ND	0	0	ND	ND	0	0	ND	
Llansteffan & Llanybri	1	0	0	45	0	0	1	38	3	1	0	26	
Llanwinio	1	0	0	5	0	0	0	4	Y	0	0	6	
Llanwrda	0	0	0	3	0	0	0	0	0	0	0	0	Same Clerk as Llansadwrn and Meidrim
Llanybydder	1	0	0	3	0	0	0	2	0	0	0	9	
Llanycrwys	0	0	0	2	0	0	0	3	0	0	0	0	

Council	Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014	Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015	Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Manordeilo & Salem	1	0	0	10	0	0	0	6	2	0	0	6	
Meidrim	0	0	0	0	0	0	0	0	0	0	0	0	Same Clerk as Llanwrda and Llansadwrn
Myddfai	0	0	0	0	0	0	0	0	0	0	0	1	
Newcastle Emlyn Town	2	0	0	18	Y	0	0	27	0	0	0	27	Number of cllrs. trained unknown (Y)
Newchurch & Merthyr	0	0	0	2	0	0	0	2	0	0	0	0	
Pembrey & Burry Port Town	1	2	1	7	1	0	0	4	ND	0	0	ND	
Pencarreg	0	0	0	0	0	0	0	0	ND	0	0	ND	
Pendine	0	0	0	0	0	0	0	0	0	0	0	0	Code discussed by members on several occasions
Pontyberem	ND	0	0	ND	ND	0	0	ND	ND	0	0	ND	No data provided (ND)

Council	Code Training 2013/2014	Dispensations 2013/2014	Code Complaints 2013/2014	Declarations 2013/2014	Code Training 2014/2015	Dispensations 2014/2015	Code Complaints 2014/2015	Declarations 2014/2015	Code Training 2015/2016	Dispensations 2015/2016	Code Complaints 2015/2016	Declarations 2015/2016	Comments
Quarter Bach	2	0	0	16	1	0	0	19	0	0	0	38	
St. Clears Town	3	3	0	20	0	0	0	17	2	0	0	24	
St. Ishmael	Y	0	0	ND	Y	0	0	ND	0	0	0	22	
Talley	1	0	0	2	0	0	0	0	0	0	0	9	
Trelech a'r Betws	0	0	0	0	2	0	0	0	0	0	0	0	
Trimsaran	2	0	0	2	0	0	0	2	Y	0	0	1	
Whitland Town	2	1	0	5	6	1	0	7	ND	0	0	ND	

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## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### REVIEW OF CORPORATE WHISTLEBLOWING POLICY

#### Recommendations / key decisions required:

To consider the report

#### Reasons:

The subject matter of the report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                         NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

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**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
9<sup>TH</sup> SEPTEMBER 2016**

**REVIEW OF CORPORATE WHISTLE BLOWING POLICY**

The remit of the Standards Committee includes the receipt of an annual report upon the operation of the Council's Whistle Blowing Policy, with a view to the inclusion of relevant information within the Chairman's Annual Report to Full Council.

Between the 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016 nine new whistle blowing complaints were received by the Council. This compares with three new complaints in 2014/2015.

Two complaints were carried over from 2014/2015 and one complaint has been carried over into 2016/2017.

Of the 10 complaints concluded during the year, two resulted in warnings to staff, two in disciplinary action, two in general advice being given, two were resolved informally and two resulted in no further action.

Two of the complainants expressed satisfaction with the outcome of their complaints, four expressed dissatisfaction and four did not provide any feedback.

The Council has continued to take steps to raise staff awareness of the policy and ensure managers are fully trained to recognise whistle blowing complaints and deal with them properly.

The corporate Whistle blowing Policy has been updated to reflected organisational changes and feedback from the elected members briefing session earlier in the year. The revised policy is attached to this report for approval

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
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## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

- 1. Scrutiny Committee**  
Not applicable
- 2. Local Member(s)**  
Not applicable
- 3. Community / Town Council**  
Not applicable
- 4. Relevant Partners**  
Not applicable
- 5. Staff Side Representatives and other Organisations**  
*Not applicable*

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall
Legal file	CCCN-061	Legal Services, County Hall

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# WHISTLEBLOWING POLICY



## Legal Protection for Workers with Concerns at Work:

Employee; Casual Worker; Volunteer; Contractor; Agency Worker; Consultant.

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## What is this about?

1. We (the 'Council') want to ensure a working environment where you (the 'worker') feel confident to raise any concerns about malpractice within the Council. However, some people are reluctant to voice their concerns because of fears about possible repercussions, or a feeling of disloyalty to colleagues. Some might consider it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. Malpractice can include fraud, corruption, bribery, dishonesty, financial irregularities, serious maladministration because of deliberate and improper conduct, unethical activities (which may be of a criminal nature) and dangerous acts or omissions which create a risk to health, safety or the environment, criminal offences, or failure to comply with a legal or regulatory obligation.
3. Whistleblowing does not include mismanagement as this may arise from weak management, for example, rather than malpractice. Mismanagement may be dealt with under the Council's Capability Policy or Disciplinary Procedure, as appropriate.
4. This policy is intended to encourage and support you to raise serious concerns **within** the Council safely and with confidence and view this as a **duty**, rather than overlooking the problem. 'Whistle-blowing' refers to the disclosure, by workers, of malpractice as well as illegal acts or omissions at work.
5. This policy will be applied consistently to everyone irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.
6. If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

## What legal protection do I have?

7. The Public Interest Disclosure Act (PIDA) 1998 gives you legal protection against dismissal and other detriments where you disclose certain types of information in the public interest, to the Council, either as your employer or (in the case of a contractor disclosing information) to the organisation that has legal responsibility for that matter.

## Will I be protected if I make a public disclosure?

8. You are encouraged to raise your concerns via your line manager (para.32), the Council's dedicated Whistleblowing Officers (para.32); a confidential mailbox (para.33), Senior Officers (para.34) or a recognised Trade Union Representative

(para.35). You can also seek advice from prescribed organisations independent of the Council regarding your concerns (para.49). If you raise concerns to someone else other than those detailed within this procedure, e.g. to the local paper, depending on your disclosure and to whom it is made, you may not receive the legal protection as a 'whistleblower'. You are therefore strongly advised to seek advice before taking this action.

9. If you do take the matter outside the Council you should ensure that you do not disclose any confidential information, e.g. client case notes, given to you in confidence, unless you have consent in writing from the person to whom the information relates.

### What support can I expect?

10. At all times, when raising and investigating your concerns:

- Directors and Heads of Service, will support the investigation process
- your concerns will be taken seriously
- the Council will do all it can to support you throughout the investigation, e.g. provide advocacy services, interpreters, counselling etc.

If appropriate, and after full consultation the Council may consider temporarily re-deploying you or others for the period of the investigation.

### What is the Council's attitude to malpractice in the workplace?

11. We take any malpractice within the Council very seriously, as we are committed to maintaining the highest standards of openness, probity and accountability. If you have serious concerns about any aspect of the Council's work then you are encouraged and expected to come forward and voice those concerns.
12. We understand that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, if you raise your concerns you will have nothing to fear as you will be doing your duty to your employer, your colleagues and those to whom you provide a service.
13. Harassment or victimisation of individuals, who have raised concerns, including informal pressures, will not be tolerated and will be treated as a serious disciplinary offence which will be dealt with under the disciplinary procedure.

14. We will not tolerate any attempt on the part of any worker, councillor, council contractor or supplier to apply any sanction or detriment to anybody who has reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.
15. We will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
16. Where any such conduct is undertaken by any contractor or supplier of the Council we will regard that as a serious breach of contract.
17. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.

### **Who can blow the whistle?**

18. This policy applies to:
  - Workers for Carmarthenshire County Council including all employees, centrally employed teachers and casual workers
  - Employees of contractors working for the Council on Council premises, for example, agency staff, builders, drivers
  - Those providing services under a contract or other agreement with the Council in their own premises, for example care homes
  - Voluntary workers working with the Council
  - Consultants engaged by the Council
19. However, this policy does not cover staff on the complement of locally managed schools for which local arrangements exist. In the absence of local arrangements school governing bodies are recommended to adopt the principles contained within this policy.

### **What can I blow the Whistle about?**

20. You are encouraged to 'blow the whistle' where you reasonably believe malpractice has taken place or is likely to take place, in one or more of the following six areas:
  - Criminal offences
  - Breach of legal obligation
  - Miscarriages of justice
  - Danger to the health and safety of an individual
  - Damage to the environment
  - The deliberate concealing of information about any of the above

21. You can raise serious concerns about any aspect of service provision or conduct of officers or Members of the Council or others acting on behalf of the Council. The event may already have occurred or it may be likely to be committed in the future. For example, your concerns might fall into one or more of the six areas of malpractice describe above that:
- is potentially unlawful, fraudulent or corrupt
  - might contravene our Standing Orders, our Financial Procedure Rules, our policies, codes of conduct or other legal obligations
  - could amount to improper conduct by an officer or a member
  - might fall below established standards of practice
  - constitutes sexual, physical or emotional abuse
  - potentially endangers the health and safety of an individual
  - is causing, or is likely to cause, damage to the environment
  - might involve a miscarriage of justice
  - is an attempt to cover up any of the above examples
22. Whistle blowing is where a worker has a concern about danger or illegality that has a public interest aspect to it, and usually this is because it threatens others (e.g. customers or the public). In contrast, a grievance is a dispute about your own employment position and has no additional public interest dimension. A whistle blowing issue could be entangled within a grievance or concerns about standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).
23. If your concerns fall outside the six areas illustrated above you will be advised of the correct procedure to follow as described below.

### How does the policy fit in with other Council policies?

24. The Whistle-blowing Policy is intended to cover major concerns that **fall outside** the scope of other procedures **and are in the public interest**, i.e. any **serious concerns** that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under this policy.
25. Concerns you may have about your own employment with the authority, such as, terms and conditions of employment, health & safety, work relations, new working practices, working environment or organisational change should be raised through the Grievance procedure.
26. Concerns you may have about allegations of bullying, harassment, victimisation or discrimination in work should be raised in line with the Council's Behavioural Standards guidance.
27. This policy should be read in conjunction with the Council's Officer Code of Conduct and any corporate and/or departmental procedures for investigating concerns which

may be developed from time to time and which will be drawn to the notice of employees and others to whom this policy applies.

### What if I am already involved in another HR procedure?

28. Any investigation into allegations of malpractice will not influence or be influenced by any disciplinary, grievance, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future. On the other hand, any disciplinary grievance, sickness, capability, redundancy or any other procedures to which you are already subject will not be halted as a result of raising concerns.

### How does this policy fit with the Member's Code of Conduct?

29. The Council has no power to deal with Code of Conduct complaints against an elected member. If you raise concerns about an elected member under this policy you will be given the appropriate legal protection against any acts of detriment and advised to make your concerns to the Public Services Ombudsman for Wales. Alternatively the Monitoring Officer may decide to refer the matter to the Ombudsman if it is considered appropriate to do so. Details of the Ombudsman's complaints process can be found at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

### What if I want to make anonymous allegations?

30. You can raise concerns anonymously but they are much less powerful and will be

#### Members

##### Am I covered by the PIDA?

No, this legislation provides protection to 'workers' and this does not extend to Members who hold positions of public office.

##### What is my role as a Member in the Whistleblowing Process?

You may witness or be approached by a 'worker' about a potential whistleblowing concern. In this situation it is not appropriate for you to seek further information or make your own enquiries and are therefore advised to speak directly to the Monitoring Officer, Deputy Monitoring Officer or Chair of Standards Committee.

considered under this policy at the discretion of the Monitoring Officer. Remember, the purpose of this policy is to protect and support you, and ensure that you can raise your concerns with confidence. If you do not tell us who you are, it will be

much more difficult for us to look into the matter, to support and protect you, or to give you feedback.

### Is my identity kept confidential?

31. All disclosures will be treated in confidence and every effort will be made not to reveal your identity if you so wish. It must be appreciated however that the investigation process may reveal the source of the information and a formal statement may be required from you as part of the evidence. If you are required to give evidence in criminal or disciplinary proceedings we will arrange for you to receive advice about the procedure. If disclosure of your identity becomes unavoidable then the Council will support you through the process.

### How do I raise a concern?

32. You should not approach or accuse individuals directly or attempt to investigate the matter yourself. Instead can raise your concerns with your line manager or if you prefer, one of the Council's dedicated Whistleblowing Officers, as shown below:

Whistleblowing Officer	Job Title/e-mail address	Phone number
Noelwyn Daniel 	Performance & Information Manager <a href="mailto:NDaniel@carmarthenshire.gov.uk">NDaniel@carmarthenshire.gov.uk</a>	01267 224476 (extension 4476)
Nigel J Evans	Practice Support Manager <a href="mailto:njevans@carmarthenshire.gov.uk">njevans@carmarthenshire.gov.uk</a>	01267 224694 (extension 4694)
Tracey Thomas	Principal Development Officer <a href="mailto:TrThomas@carmarthenshire.gov.uk">TrThomas@carmarthenshire.gov.uk</a>	01267 226202 (extension 6202)
Stefan Smith	Head of Children's Services <a href="mailto:SJSmith@carmarthenshire.gov.uk">SJSmith@carmarthenshire.gov.uk</a>	01267 246530 (extension 6530)
Nicola Williams	Business Support Manager <a href="mailto:NiJWilliams@carmarthenshire.gov.uk">NiJWilliams@carmarthenshire.gov.uk</a>	01269 590232 (extension 3232)
Alan Howells	Business and Development Manager <a href="mailto:aehowells@carmarthenshire.gov.uk">aehowells@carmarthenshire.gov.uk</a>	01267 228140 (extension 5140)
Barbara E Williams	Safeguarding and Complaints Manager <a href="mailto:BEVWilliams@carmarthenshire.gov.uk">BEVWilliams@carmarthenshire.gov.uk</a>	01267 228995 (extension 2995)



You are welcome to contact me in Welsh or English



33. If you do not wish to raise your concerns with your line manager or one of the Council's dedicated Whistleblowing Officers you can raise your concerns through the Council's confidential Whistleblowing mailbox by emailing [CEWhistleBlowing@carmarthenshire.gov.uk](mailto:CEWhistleBlowing@carmarthenshire.gov.uk). This mailbox is only viewed by the Monitoring Officer and Deputy Monitoring Officer in the Legal Department.

34. Alternatively, you could contact one of the people listed below;

Name	Job Title/e-mail address	Phone number
Mark James	Chief Executive <a href="mailto:mjames@carmarthenshire.gov.uk">mjames@carmarthenshire.gov.uk</a>	01267 224111
Linda Rees-Jones	Head of Administration and Law/Monitoring Officer <a href="mailto:lrjones@carmarthenshire.gov.uk">lrjones@carmarthenshire.gov.uk</a>	01267 224012
Robert Edgecombe	Legal Services Manager/Deputy Monitoring Officer <a href="mailto:rjedgecombe@carmarthenshire.gov.uk">rjedgecombe@carmarthenshire.gov.uk</a>	01267 224018
Chris Moore	Head of Financial Services (including responsibility for proper administration of financial affairs) <a href="mailto:cmoore@carmarthenshire.gov.uk">cmoore@carmarthenshire.gov.uk</a>	01267 224160
Paul Thomas	Assistant Chief Executive (People Management and Performance) <a href="mailto:prthomas@carmarthenshire.gov.uk">prthomas@carmarthenshire.gov.uk</a>	01267 226123
Christopher Downward	Vice Chair of Standards Committee <a href="mailto:Chris@cdownward.fsnet.co.uk">Chris@cdownward.fsnet.co.uk</a>	01550 740324
Phil Sexton	Head of Audit, Risk and Procurement <a href="mailto:psexton@carmarthenshire.gov.uk">psexton@carmarthenshire.gov.uk</a>	01267 226217



*You are welcome to contact me in Welsh or English*

35. You may seek the support of a companion, i.e. a recognised trade union official or representative or a work colleague, to assist you in raising your concerns and accompany you at any meeting through this procedure.

Contact names	Trades Union	E-mail address	Phone number
Mark Evans Simon Dunn	UNISON	<a href="mailto:unisoncarms1@btconnect.com">unisoncarms1@btconnect.com</a>	01267 224942 01792 483915
Mark Preece Allan Card	Unite	<a href="mailto:MAPreece@carmarthenshire.gov.uk">MAPreece@carmarthenshire.gov.uk</a> <a href="mailto:Allan.Card@unitetheunion.org">Allan.Card@unitetheunion.org</a>	07718925787 01646 690618
Caroline Green Althea Phillips	GMB	<a href="mailto:CGreen@carmarthenshire.gov.uk">CGreen@carmarthenshire.gov.uk</a> <a href="mailto:Althea.phillips@gmb.org.uk">Althea.phillips@gmb.org.uk</a>	07772 579231 07980 753125

36. If you would prefer to contact an outside organisation instead then a list of useful contacts is given at paragraph 49 below. It is better to contact one of the external organisations listed than to overlook your concerns.

### What happens after I have raised my concerns?

37. The person you speak to and raise your concerns will offer you some initial advice and guidance and will normally become your “**Contact Officer**”. This will depend on the nature of your concerns and could be someone else with your agreement. Your Contact Officer will be the person with whom you will have all future contact in respect of your concern, and if an investigation takes place (see below) s/he will be your primary contact for feedback.
38. We will need to get the details set out in writing as soon as possible. If you do not want to put your concerns in writing, then that’s alright, your Contact Officer can do this for you instead and support you in expressing the background and history of your concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. The earlier your concerns are expressed the easier it is to take action.
39. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to your Contact Officer that there are reasonable and sufficient grounds for your concern.

### How will we deal with your concerns?

40. Action taken by the Council will depend on the nature of the concern. The matters raised may be:
- investigated internally by an appropriate person in line with the Council’s Investigation Policy
  - referred to the Police
  - referred to the Wales Audit Office
  - the subject of an independent inquiry.
41. In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.
42. The Contact Officer will acknowledge your concern as soon as possible and contact you within 14 calendar days of you raising your concern to:
- indicate how it is proposed to deal with the matter

- give you an estimate of how long it may take to provide a final response
  - tell you whether any initial enquiries have been made; and
  - inform you whether a full investigation will take place, and if not, why not.
43. The Contact Officer will give you as much feedback as possible, but sometimes precise action will not be set out where this would infringe upon a duty of confidence owed to the Council by someone else. Time estimates and limits may be amended by agreement between you and the Contact Officer.
44. The frequency of contact between you and the Contact Officer will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Contact Officer or the officer investigating the matter will seek further information from you.
45. When any meeting is arranged between you and the Contact Officer, you have the right, if you so wish, to be accompanied by a companion (who may be a recognised trade union representative or a work colleague who is not involved in the area of work to which the concern relates). Steps will be taken to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will arrange for you to receive advice about the procedure.
46. We understand that you will need to be assured that the matter has been dealt with properly and therefore, subject to legal constraints, your Contact Officer will inform you of the outcome and confirm in writing within 14 calendar days of the conclusion of the matter, i.e. whether your concerns have been upheld, what actions the Council proposes to take (subject to confidentiality constraints) and timescales for implementing. At that point you will be asked to complete a short questionnaire about your experience of the whistle blowing procedure (See Appendix B). Your feedback is important to us, as it will help us to monitor the effectiveness of this policy.

### **What happens if my concerns are not confirmed after an investigation?**

47. If, you raise a concern using through this policy but it is not confirmed by the investigation, no action will be taken against you. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against you in accordance with the Council's Disciplinary Procedure.
48. Remember, if you want to take independent advice at any stage, you may contact the independent charity Public Concern at Work (see paragraph 49 for details). Their lawyers can give you free confidential advice at any stage about how to raise concerns about serious malpractice at work.

### **What happens if I am not happy with the Council's response?**

49. This policy is intended to provide you with a way to raise your concerns **within** the Council and we hope that you will be satisfied with the way that we deal with the matter. However, in the event that the issue is not resolved to your satisfaction then you are welcome to contact (assuming that they have not previously been involved in your case) Mr Mark James, the Council's Chief Executive or Mr Christopher Downward, the independent chair of our Standards Committee. Their contact details are given at paragraph 34. As an alternative, we suggest the following possible contact points:

- The charitable organisation Public Concern at Work (See Appendix C). Telephone 020 7404 6609 or e-mail [info@pcaw.co.uk](mailto:info@pcaw.co.uk) or [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)
- The Auditor General for Wales, Public Interest Disclosure Helpline 01244 525980 or e-mail [whistleblowing@wao.gov.uk](mailto:whistleblowing@wao.gov.uk) or web [www.wao.gov.uk/whistleblowers-hotline](http://www.wao.gov.uk/whistleblowers-hotline)
- The Public Services Ombudsman for Wales. Telephone 0300 790 0203 or e-mail [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) or web [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
- Health and Safety Executive. Telephone 0300 003 1647 or Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> or web [www.hse.gov.uk](http://www.hse.gov.uk)
- Care and Social Services Inspectorate for Wales. Telephone 0300 790 0126 or e-mail [cssiw.@wales.gsi.gov.uk](mailto:cssiw.@wales.gsi.gov.uk) or web [www.cssiw.org.uk](http://www.cssiw.org.uk)
- Care Council for Wales Tel: 0300 303 3444 [ftp@ccwales.org.uk](mailto:ftp@ccwales.org.uk)
- Children's Commissioner for Wales Tel: 01792 765600 or e-mail: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk) or web [www.childcomwales.org.uk](http://www.childcomwales.org.uk)
- Natural Resource Wales Tel: 0300 065 3000 Email: [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) The Information Commissioner's Office Tel: 0303 123 1113 or e-mail [casework@ico.org.uk](mailto:casework@ico.org.uk) or web [www.ico.org.uk](http://www.ico.org.uk)

A full list of prescribed persons can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

### Who is responsible for this policy?

50. Linda Rees-Jones, the Council's Monitoring Officer and Paul Thomas, Assistant Chief Executive share overall responsibility for the maintenance and operation of this policy. Linda Rees-Jones will keep a record of concerns raised and the outcomes (in a format that does not endanger confidentiality) and will report to the Standards Committee annually.

51. This edition of the policy was adopted by the Council's Standards Committee on 12<sup>th</sup> September 2016. The policy is reviewed annually.

**If you require this publication in an alternative format, such as large print, Braille or on audiotape please telephone 01267 224651.**

WHISTLEBLOWING FLOWCHART

Worker raises a concern with his/her line manager, a more senior manager or a dedicated Whistleblowing Officer. This individual normally becomes the 'Contact Officer', but it can be someone else with the worker's consent

The Contact Officer explores concerns with individual and considers whether they fall within 1 or more of the 6 categories of protected disclosure (see right hand box) and in the public interest

- Protected disclosure:
- Criminal offences
  - Breach of legal obligation
  - Miscarriages of justice
  - Danger of Health and safety of an individual
  - Damage to the environment
  - Deliberately concealing information about the above

If yes

If no

Notify the Monitoring Officer in Administration and Law that a whistleblowing complaint has been made and seek advice on how to proceed.

If the concerns relate to a worker's own employment with the authority **and** is a '**protected disclosure**' the principles of the whistleblowing procedure is be followed alongside the relevant HR Policy and procedure.

If the concerns relate to a worker's own employment with the authority **and is not a protected disclosure**, the individual should be advised to speak to their **line manager** in line with the Council's Grievance or Behavioural Standards guidance, as appropriate.

- The concerns may be:
- Investigated internally in line with the Council's Investigation Policy
  - Referred to the police
  - Referred to the Wales Audit Office
  - Subject of an independent enquiry.

The Contact Officer will acknowledge the individual's concerns and within 14 days:

- indicate how the matter will be dealt with
- give an estimated time for examining the concerns
- advise if there has been any initial enquiries;
- confirm if a full investigation will take place, and if not, why not.

The Contact Officer will agree with the worker the type and frequency of contact to feedback on the progress of investigation. Confirming data protection and confidentiality restrictions in the process

The Contact Officer will notify the individual of the outcome of the complaint within 14 calendar days of conclusion of the investigation

The Contact Officer will notify the Monitoring Officer the outcome of the complaint, who will send the questionnaire to the individual.



**CONFIDENTIAL  
WHISTLEBLOWING PROCEDURE FEEDBACK FORM**

We have recently concluded an investigation into your concerns raised under the Council's Whistleblowing Policy. We would welcome your feedback in relation to how the matter was handled as this will assist us when dealing with future cases and when reviewing the policy. Your reply will be treated as confidential and will be retained by the Monitoring Officer.

- 1. **Who did you report your concern to?**
  - Line Manager
  - Whistleblowing Officer
  - Trade Union Rep
  - Other (please specify)

.....

- 2. **Were you satisfied with the way in which your concern was dealt with by that person?**
  - Yes
  - No

- 3. **If no, please explain why:** .....
- .....
- .....

- 4. **Were you aware of the Whistleblowing Policy at the time you raised your concern?**
  - Yes
  - No

- 5. **If yes, where did you see a copy of the Whistleblowing Policy?**
  - Line Manager
  - Whistleblowing Officer
  - Trade Union Rep
  - Intranet
  - Other (please specify)

- 6. **Were you advised of how the concern was being dealt with and the outcome?**
  - Yes
  - No

- 7. **Overall, are you satisfied with the way your concern has been managed within the Whistleblowing Policy?**
  - Yes
  - No

- 8. **If no, please explain why:** .....
- .....

**Thank you for completing this questionnaire. Please return it to the Monitoring Officer in the envelope provided.**



## WHISTLEBLOWING CASE STUDIES

The following case studies have been produced by Public Concern at Work (PCaW), the whistleblowing charity, which advises individuals on their whistleblowing dilemmas and organisations on their whistleblowing arrangements.

They are examples of whistleblowing concerns that individuals have raised in other organisations.

### Case 1 – Fraud in the NHS

#### The Story

Tim coordinated training for an NHS Trust. He was concerned that his boss was hiring a friend of his to deliver training on suspicious terms which were costing the Trust over £20,000 a year. More courses were booked than were needed and the friend was always paid when a course was cancelled. Although Tim asked his boss to get a credit note as with other training contracts, he never did. Tim also couldn't understand why the friend was paid for training sessions delivered by NHS staff. One day when the boss was out, Tim saw the friend enter the boss' office and leave an envelope. His suspicions aroused, Tim peeked inside and saw that it was filled with £20 notes, amounting to some £2,000. Unsure what to do, Tim called Public Concern at Work. Tim said his boss had lots of influence in the Trust and he was unsure who to tell, particularly as the Trust was being restructured and none of the directors were secure in their posts. Tim also recognised that the cash in the envelope was so brazen that there could be an innocent explanation.

#### What PCaW advised

PCaW advised Tim that the options were either to go to a director of the Trust or to the NHS Counter-Fraud Unit. Either way, we advised Tim to stick to the facts and focus on specific suspect arrangements and payments. We also said he should avoid the temptation to investigate the matter himself. Tim said he felt much better and would decide what to do over the holiday he was about to take.

#### What happened

On his return, Tim raised his concerns with a director at the Trust, who called in NHS Counter Fraud. Tim's suspicions were right: his boss and the trainer pleaded guilty to stealing £9,000 from the NHS and each received 12 month jail terms suspended for two years.

### Case 2 - Involving a Regulator

#### The Story

Ian worked as a safety inspector at an amusement park. He was responsible for maintaining one of the park's most popular rides. Every morning he would carry out a safety inspection on the ride and, if it passed, he would sign the ride off as safe in the log. During one inspection, he noticed that pins on the axles which kept the carriages stable had become loose. Ian thought this presented a serious risk and notified his managers.

After what Ian felt was not a thorough examination, the Operations Manager cleared the ride as safe. Ian was unhappy with this and the next day, as no corrective action had been taken, he again could not sign off the ride as safe. Again the Operations Manager overruled Ian and he was assigned to other rides. Ian contacted us the same day. He was



anxious that the weekend was coming up and that the park would be extremely busy. He was also worried that if he pursued the issue any further he would be dismissed.

### **What PCaW advised**

PCaW advised Ian that they could contact the Health and Safety Executive (HSE) on his behalf and relay the information that he had given us without giving his name. However, it was more than likely that they would want to speak to him, if they felt that the situation was potentially serious. PCaW said they would explain Ian's anxieties about his position and ask the HSE to bear this in mind. Although he was unsure whether he would speak to the HSE, he asked us to make the initial contact. The HSE agreed that the situation sounded potentially serious. However, they told PCaW that they would need to speak to Ian. PCaW explained Ian's fears that if the HSE suddenly turned up to inspect this particular ride, his employers would easily put two and two together and he would be out of a job. The HSE assured us that if they were to carry out an inspection, it could be done in such a way as not to make Ian's role apparent. We went back to Ian and, after talking things through, he agreed that he would speak to the HSE.

### **What happened**

Shortly afterwards the HSE made a 'routine' visit to the park during which they inspected the ride, along with several other rides. As a result of the inspection, the ride was suspended and the repairs were carried out.

## **Case 3 - Inappropriate Relations**

### **The story**

AM was a residential social worker in a children's home. He grew increasingly concerned that a colleague, PE, seemed to have developed a close relationship with a 12 year old girl in the home.

Colleagues and some of the children joked that PE was becoming rather infatuated with the girl. During a holiday trip, AM was alarmed that PE insisted that the girl should travel in his car alone with him and that he spent a lot of time with her during the holiday. AM raised the issue with PE who just laughed it off. On return from the holiday, AM decided with a colleague that they should raise their concerns discreetly with the Council. They were told they had a duty to report them formally. When they did, an investigation was launched and PE was given special leave and told to stay away from the home. AM contacted us when he learned that the investigation had finished and that PE would be returning to the home. He and colleagues were worried that this was not the right decision.

### **What PCaW advised**

PCaW advised him to contact the Council's head of child protection and explain his concerns. However, we pointed out it was the Council's job to decide what action to take and that what mattered was that the Council felt sure that PE was not a risk. We also said that the fact that PE was returning to the home did not mean that no action had been taken.

### **What happened**

After discussing the matter with the Council, AM felt happier with its decision as he knew the Council would be keeping a watchful eye over the home and that staff would be reminded of the whistle blowing policy.

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## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### PUBLIC SERVICES OMBUDSMAN FOR WALES REPORT 2015/2016

#### Recommendations / key decisions required:

To consider the report

#### Reasons:

The subject matter of the report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                          NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

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# EXECUTIVE SUMMARY STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

## PUBLIC SERVICES OMBUDSMAN FOR WALES REPORT 2015/2016

The Public Services Ombudsman for Wales has published his annual report for 2015/2016

The Ombudsman considers complaints of maladministration and service failure against public bodies and allegations against members of local authorities that they have broken the Members Code of Conduct.

The key points are;

1. The overall number of maladministration complaints against public authorities rose by 4% compared to a 7% increase the previous year.
2. Complaints against local authorities fell slightly from 938 to 906, the overall rise in complaints being due to a further increase in complaints against the NHS.
3. Only 1 Public Interest Report was issued against a local authority during this period and this did not relate to Carmarthenshire County Council
4. The number of maladministration complaints against Carmarthenshire County Council fell by 57% to 40 in 2015/2016. This compares well with the Welsh average of 53 complaints.
5. Overall there has been a 19% increase in Code of Conduct complaints compared with last year, largely due to a 49% increase in complaints against Town and Community Councillors.
6. A total of 8 Code complaints were made against elected members of Carmarthenshire County Council, although some of these related primarily to the member's role as a Town and Community Councillor.

The committee is requested to note the attached report and annual letter

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

- 1. Scrutiny Committee**  
Not applicable
- 2. Local Member(s)**  
Not applicable
- 3. Community / Town Council**  
Not applicable
- 4. Relevant Partners**  
Not applicable
- 5. Staff Side Representatives and other Organisations**  
*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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# ANNUAL REPORT

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**2015/16**

**10 YEARS**  
OF PUTTING THINGS RIGHT

10 YEARS  
OF PUTTING THINGS RIGHT



# The Annual Report 2015/16

of

The Public Services Ombudsman for Wales

Laid before the National Assembly for Wales

under paragraph 14 of Schedule 1

of the Public Services Ombudsman (Wales) Act 2005



# Annual Report 2015/16

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# 1. Introduction by the Ombudsman

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It is with great pleasure that I present this report for the year 2015/16, which was my first full year in office, and the tenth Annual Report of the Public Services Ombudsman for Wales since the office was established on 1 April 2006.

I see my Annual Report as having two key purposes:

1. to report on the performance and work of my office over the past year
2. to draw the attention of the National Assembly and the people of Wales to the messages that emerge from the outcomes of the complaints made to me regarding any areas of concern in relation to the nation's public service delivery.

However, with the office celebrating its 10 years anniversary, it is also appropriate in this Annual Report to reflect on the journey since 1 April 2006, from being the 'new kid on the block' to becoming a mature and well respected ombudsman scheme. This report therefore also looks back on some of the key developments over the past decade.

Whilst the ombudsman scheme in Wales is well respected at home and abroad, I feel strongly that we must ensure that it is fit for purpose not only for today but also tomorrow. It is important that we understand the office's journey of the past; but we need to do so in the context of ensuring that Wales also has the modern ombudsman scheme that it deserves to the future. That is why 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 discuss this in greater detail later in this report, but would like to take the opportunity here to record my sincere thanks to Mrs Jocelyn Davies, AM, Chair of the Finance Committee and to all the Committee members for their diligent work in this matter. I sincerely hope that the new Fifth Assembly will decide to take the Draft Bill forward, introducing it as one of its first pieces of legislation after the Assembly May 2016 election.

Whilst I am passionate about the need for the PSOW's powers to be strengthened and extended through new legislation, I have also since taking up post been considering what initiatives I can introduce to address current issues facing the office. As I reported last year, the year on year volume increase of casework was a matter of concern and I was seeking ways that would allow us to 'turn the curve'. 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. To complement these changes I wanted to enhance our external communication activity and, therefore, increased the office resource accordingly. I was particularly pleased that we were able to issue a thematic report this year. This brought to public attention an area of concern emanating from the investigations of my office in relation to poor quality hospital care 'out of hours'.

At the same time that the work above was in progress, my staff and I also worked together to produce a new three year strategic plan to take us forward to 2018/19. This resulted in a new Vision, Mission, Values and Strategic Aims. I am extremely pleased with the outcome of this work and grateful to my team for the enthusiastic way that they engaged with this process. I am grateful too to the PSOW's Advisory Panel Members who also contributed to the development of the plan.

We also continued with a number of outreach activities during the year, this included giving particular attention to improving our provision for those people who are deaf or have hearing difficulties. More information about our outreach work during the year can be found in my 'annual equality report' found at Section 8 of this report.

However, by far the greatest activity of the office during the year of course was the core business of considering the complaints made to me. Whilst overall, the office caseload (which includes both enquiries and complaints) was up by 4%, interestingly and for only the second time since the creation of the office, there was a fall in the complaints received about public service providers (down 4% compared to 2014/15). Notably, the only sector that saw an increase in complaints to my office was the NHS in Wales, which was up by 4%; complaints about all other sectors fell to different degrees.

I have previously spoken about wanting to ensure that the resource of my office is devoted to issues of real concern rather than trivial complaints about the Code of Conduct. 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%. I have been particularly pleased that the public interest test I introduced last year has helped my office in dealing with these complaints in an effective manner. I discuss this further at section 4 of this report.

Finally, I would like to thank my staff and the Advisory Panel for their support during the past year. For many members of staff it has involved direct changes to their roles and for others there have been associated effects. I am truly grateful to them for their positive attitude to the new arrangements and their continued professionalism in our common aim of ensuring administrative justice for public service users and improving public service delivery in Wales.



Nick Bennett  
Ombudsman

## 2. My Role as the Public Services Ombudsman for Wales

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As Ombudsman, I have two specific roles. The first is to consider complaints about public services providers in Wales; the second role is to consider complaints that members of local authorities have broken the Code of Conduct. I am independent of all government bodies and the service that I provide is free of charge.

### Complaints about Public Service Providers

Under the PSOW Act 2005, I consider complaints about bodies which, generally, are those that provide public services where responsibility for their provision has been devolved to Wales. The types of bodies I can look into include:

- local government (both county and community councils);
- the National Health Service (including GPs and dentists);
- registered social landlords (housing associations);
- and the Welsh Government, together with its sponsored bodies.

I am also able to consider complaints about privately arranged or funded social care and palliative care services.

When considering complaints, I look to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the service provider. Attention will also be given to whether the service provider has acted in accordance with the law and its own policies. If a complaint is upheld I will recommend appropriate redress. The main approach taken when recommending redress is, where possible, to put the complainant (or the person who has suffered the injustice) back to the position they would have been in if the problem had not occurred. Furthermore, if from the investigation I see evidence of a systemic weakness, then recommendations will be made with the aim of reducing the likelihood of others being similarly affected in future.

### A New PSOW Act?

I have outlined above the key features of my role as Ombudsman. However, during the course of the year the Finance Committee of the National Assembly for Wales conducted an inquiry into the Ombudsman's powers. Following its report on the inquiry, a Draft PSOW Bill was issued.



I was extremely pleased to see that included in the Draft PSOW Bill were the following proposals, enhancing the existing powers of the PSOW:

- the ability to undertake own initiative investigations;
- the ability to accept oral complaints;
- the ability to consider complaints about private hospitals in circumstances where a patient's pathway has involved treatment and/or care by both public and private health care providers;
- a complaints standards authority role.

Having then conducted a public consultation on the Draft Bill, in the introduction to the resultant report, the Finance Committee Chair, Mrs Jocelyn Davies, AM, noted that rather than amending the 2005 Act, it was felt that the Ombudsman's role should be governed by Welsh legislation. The aim therefore was to create one piece of bilingual legislation which would repeal the PSOW Act 2005. The report contained a number of recommendations, the first of which was:

Recommendation 1 - The Committee recommends that a future Committee of the National Assembly for Wales should introduce the Draft Public Services Ombudsman (Wales) Bill, as soon as possible, in the Fifth Assembly.

(Source: National Assembly for Wales Finance Committee Consideration of the consultation on the Draft Public Services Ombudsman (Wales) Bill (March 2016))

I am delighted with the outcome of the Assembly Finance Committee's work. I have commented publicly in a number of places that I think it is vital that we ensure that the PSOW's legislative basis is sound and that we can claim to be genuinely fit for the future and that legislation:

- addresses future challenges affecting service users in an ageing society where there are greater levels of physical and emotional vulnerability;
- makes a real contribution to public service improvement and reform whilst offering excellent value for money;
- ensures that citizens from more deprived backgrounds will find it easier to make a complaint;
- strengthens the citizen's voice and ensures that wherever possible processes will follow the citizen rather than the sector or the silo.

I very much hope that the Fifth Assembly takes forward the Committee's recommendation, together with the others in its report, without delay after the May 2016 election and that new Welsh legislation will soon result.

Both Finance Committee reports referred to above are available on the Assembly's website: [assembly.wales](http://assembly.wales)

## Code of Conduct Complaints

Under the provisions of Part III of the Local Government Act 2000 and also relevant Orders made by the National Assembly for Wales under that Act, I consider complaints that members of local authorities have breached their authority's Code of Conduct. I can consider complaints about the behaviour of members of:

- county and county borough councils
- community councils
- fire authorities
- national park authorities and
- police and crime panels.

All these authorities have a Code of Conduct which sets out in detail how members must follow recognised principles of behaviour in public life.

If a county councillor wishes to make a complaint about another county councillor within their own authority, then I expect them to first of all make their complaint to that authority's Monitoring Officer, as it may be possible to resolve the matter locally without my involvement.

## Amendments to Legislation in Relation to the Model Code of Conduct

I very much welcomed the Welsh Government's amendments to legislation (in force from 1 April 2016). Below I draw attention to some of the key changes which impact on my role in relation to Code of Conduct complaints and are relevant to my office:

- **The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 -**  
There is provision for a number of amendments in relation to the legislation on the Model Code of Conduct, all of which I have welcomed. Perhaps the key amongst these from my perspective is that the previous requirement placing an obligation on a local authority member to report a potential breach of the Code to me, as Public Services Ombudsman for Wales, has been omitted from the Code, but there continues to be the obligation to report such matters to the monitoring officer. However, if a matter remains unresolved following consideration by the monitoring officer, or the complaint raised is a serious one, then the complaint can then be referred on to me for consideration. This now supports the informal arrangement for resolving low level member against member complaints that this office has recently agreed with county or county borough councils. This amendment does not prevent a member from reporting a potentially serious breach of the Code to me.

- **The Local Government (Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016**

These Regulations introduce a number of amendments in relation to:

- The Standards Committee (Wales) Regulations 2001
- The Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001
- Local Authorities (Grant of Dispensations) (Wales) Regulations 2001.


In particular, I am pleased that:

- provision has been made to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer the report of a misconduct investigation to another authority's standards committee for determination with a view to overcoming any potential conflict of interest a standards committee may have in dealing with the complaint under consideration
- two or more relevant authorities are now able to establish a joint standards committee
- a member seeking to appeal the determination of a standards committee will in future first need to obtain the permission of the President, or a nominated panel member, of the Adjudication Panel.

These are all developments which this office has previously advocated and supported during past discussions with the Welsh Government and, indeed, with monitoring officers. I very much hope that these amendments will lead to both a more effective ethical standards system and a reduction in Code of Conduct complaints to my office and the associated staff resource.


### 3. Ten Years of the Ombudsman’s Office – A retrospective of Annual Reports

Adam Peat is the first Public Services Ombudsman for Wales



**2006/07**


The journey begins - PSOW Act came into effect on 1 April 2006, creating a one stop shop for complaints about public service providers in Wales. It replaced the previous offices of the Commissioner for Local Administration in Wales, the Health Service Commissioner for Wales, the Welsh Administration Ombudsman, and the Social Housing Ombudsman.



**2007/08**


For first time health public interest investigation reports published (under previous Health Commissioner legislation making health investigation reports public was prohibited).  
Focus on issuing guidance to public bodies on good administrative practice: Principles of Good Administration; and Principles for Remedy.

Peter Tyndall is now the Public Services Ombudsman for Wales




**2008/09**

New Strategic Plan introduced with emphasis on: being an accessible service, particularly for those in vulnerable circumstances; and streamlining PSOW complaints procedure to deal with the challenges faced due to increasing caseload.




**2009/10**

Complaints Advice Team created with greater emphasis on customer care, 'managing expectations' and proactive approach to Early Resolution (Quick Fix).  
Guidance issued to councillors on the code of conduct for local authority members.



**2010/11**

Health complaints now account for quarter of all complaints to the office.  
PSOW engages with Welsh Government and Assembly to propose addressing anomaly of lack of administrative justice available to people who self fund care and those who receive services from hospices.



**2011/12**

Work of group chaired by Ombudsman results in Welsh Government issuing Model Policy & Guidance for complaints handling for adoption by all public services providers in Wales.  
Complaints Wales signposting service launched, to help people make complaints to public bodies about poor service.  
NHS Redress Measure introduced and independent review stage removed; Ombudsman becomes sole independent reviewer of health complaints.

Peter Tyndall is the Public Services Ombudsman for Wales

Margaret Griffiths becomes Acting Ombudsman from December 2013

Nick Bennett is the Public Services Ombudsman for Wales from August 2014

**2012/13**

Ombudsman proposes reform of the PSOW Wales Act.

Ombudsman engages with Welsh Government and Assembly concerning lack of redress for people in receipt of public services delivered by private sector organisations, with particular reference to private health care.

Ombudsman reviews own governance arrangements and creates Advisory Panel.

**2013/14**

A time of transition begins when Acting Ombudsman takes up role.

Trend of year on year increases in complaints continue, with health complaints having increased 146% over a period of five years. Health now accounts for 36% of all complaints to the office.

Social services complaints also begin to cause concern, with a 19% increase on previous year (although from a lower base in terms of number of complaints compared to other areas of complaint).

**2014/15**

Ombudsman can now consider complaints about independent care providers where care is self funded, as well as hospices and domiciliary care.

Social Services Complaints Procedure (Wales) Regulations 2014 removes independent review stage; Ombudsman becomes sole independent reviewer of complaints about social services.

Assembly Finance Committee agrees to undertake a review into powers of the Ombudsman.

Ombudsman instigates innovation project to seek efficiency gains in face of ever increasing complaints caseload. Other work undertaken to 'turn the curve', includes increased emphasis on data gathering and review of staff resources.

Nick Bennett is Public Services Ombudsman for Wales

**2015/16**

Assembly publishes Draft Public Services Ombudsman Wales Bill.

Staff changes take place, to include introducing 'improvement officer' role and greater emphasis on external and internal communication.

And forward to the next ten years ...

... the PSOW's powers have by now been strengthened and the Ombudsman operates to the Public Services Ombudsman (Wales) Act 2016 ????

**10** **Celebrating 10 Years**

2006 2016

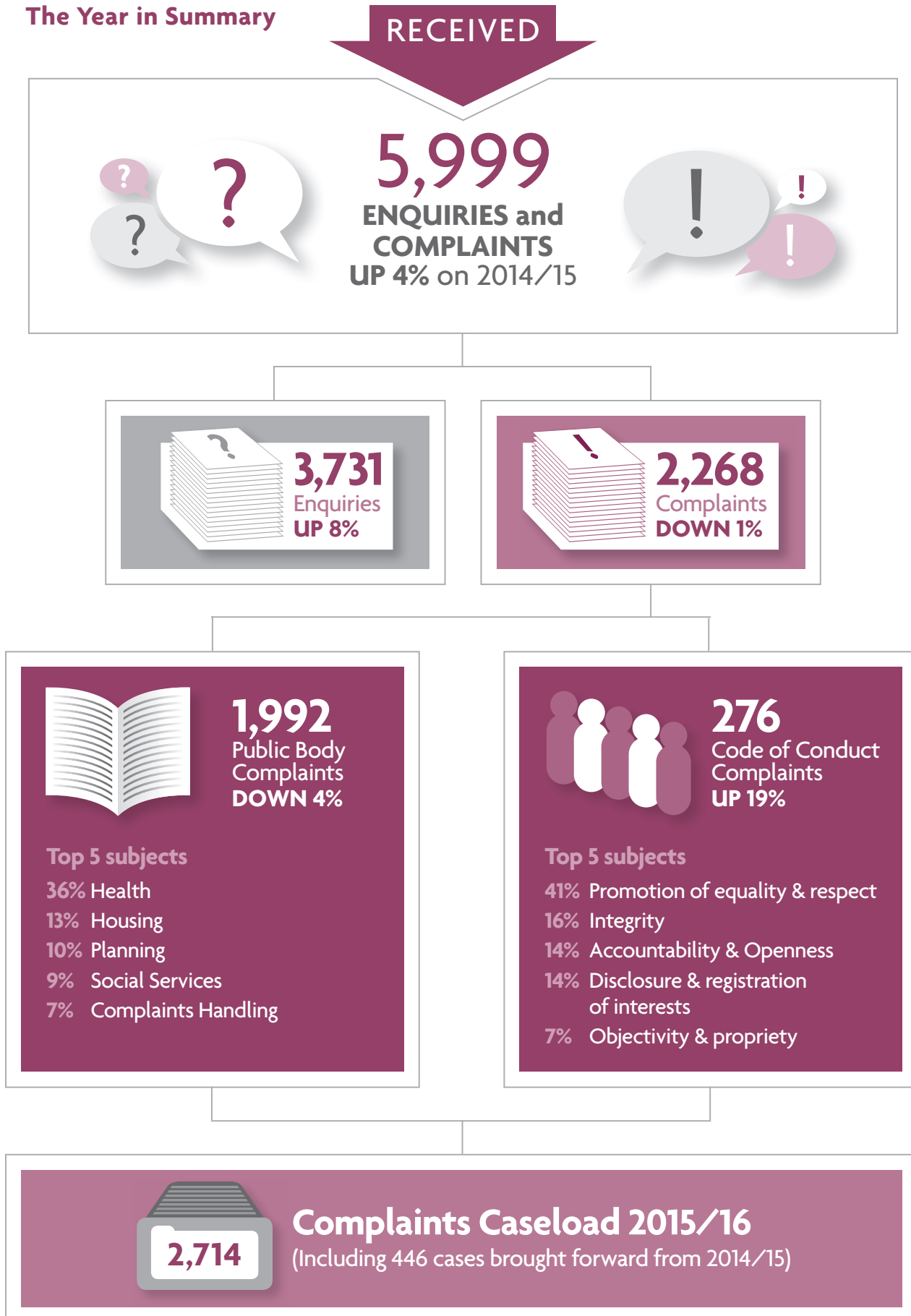
ANNIVERSARY

In recognising ten years of the Ombudsman's office, I was extremely grateful to Dame Rosemary Butler, the Presiding Officer, for agreeing to host an anniversary event at the Senedd Building. I was delighted that a number of Assembly Members, many public sector ombudsmen colleagues, other stakeholders and staff were able to join me to mark the occasion. It was an opportune time to reflect on the past achievements of the office as well as to look forward to the future.

Dame Rosemary Butler, Presiding Officer, welcomes Nick Bennett, Public Services Ombudsman for Wales and colleague public sector ombudsman at the Senedd

## 4. The Complaints Service


### The Year in Summary





 **Complaints Caseload 2015/16**  
(Including 446 cases brought forward from 2014/15)



**2,315**  
**COMPLAINTS**  
UP 3% on 2014/15



 **2,050**  
Public Body  
Complaints  
UP 2%

 **265**  
Code of Conduct  
Complaints  
UP 11%

**521** detailed  
consideration/  
investigation  
UP 22%



**37** investigated  
DOWN 31%



**397**  
Resolution  
or Upheld  
UP 4%

**Of these:**  
55% Health  
10% Complaint Handling  
9% Housing  
8% Social Services  
6% Planning

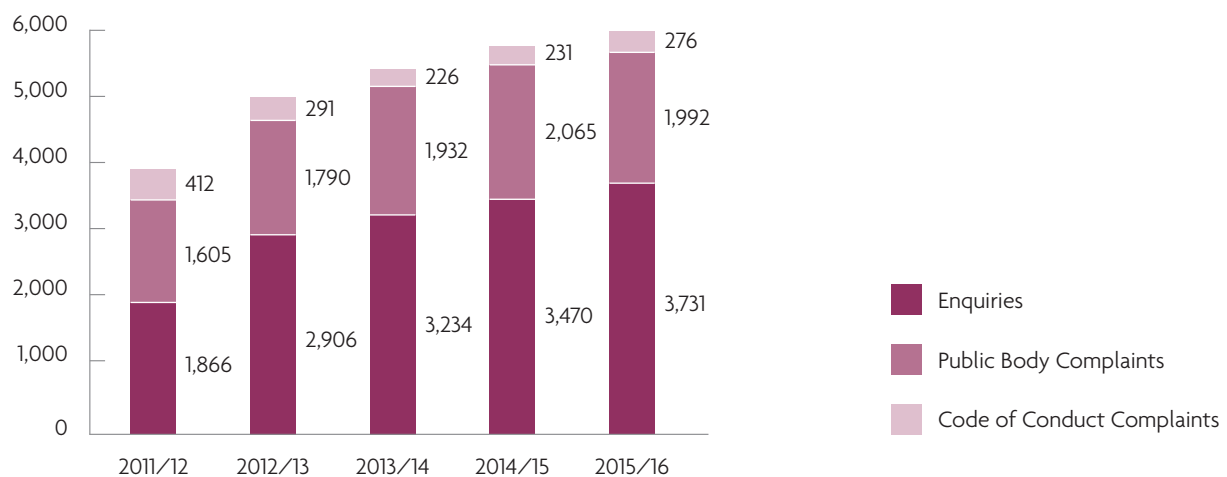
**18**  
Evidence  
of Breach  
DOWN 6%  
(= 1 case)

**Of these:**  
39% Disclosure & registration  
of interests  
17% Objectivity & propriety  
17% Integrity  
16% Duty to uphold the law  
11% Promotion of equality  
& respect

## Overall Casework

The number of enquiries and complaints (public body complaints, and complaints about the conduct of members of local authorities) totalled 5,999 during 2015/16 which is a 4% increase on the position for 2014/15. As can be seen from the chart below, comparing the position with that of five years ago, there has been a 54% increase. However, there are signs that the increases that the office has seen since the time it came into existence are beginning to plateau. I discuss the various aspects of this in greater detail below.

Total Enquiries and Complaints received by year



## Enquiries

The office dealt with 3,731 enquiries during 2015/16, compared with 3,470 the previous year (an 8% increase). Compared with five years ago, this is a 100% increase. It is worth noting that February 2016 saw the highest ever number of enquiries made to this office.

An enquiry is a contact made by a potential complainant asking about the service provided, which does not, in the end, result in a formal complaint being made to me. At this point in our service we will advise people how to make a complaint to me or, where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them. Where appropriate, the Complaints Advice Team will also seek to resolve a problem at enquiry stage without taking the matter forward to the stage of a formal complaint.

We set ourselves the target of answering our main line reception calls within 30 seconds in 95% of cases. Yet again the Team performed impressively in this regard, answering 99% of calls within this timescale.

I am delighted that despite the continued increase in enquiries to this office we have maintained a prompt service at the frontline.



## Public Body Complaints

For only the second time in the ten year history of the PSOW’s office (the first being in 2008/09), there was a decrease in the complaints about public service providers compared with the previous year. We received 1,992 such complaints in 2015/16 compared with 2,065 in 2014/15, being a 4% decrease. There is no real identifiable reason for this and the number of complaints received month by month during the year was erratic, varying from being low one month, to high the next. I consider the complaints received by sector in further detail below.

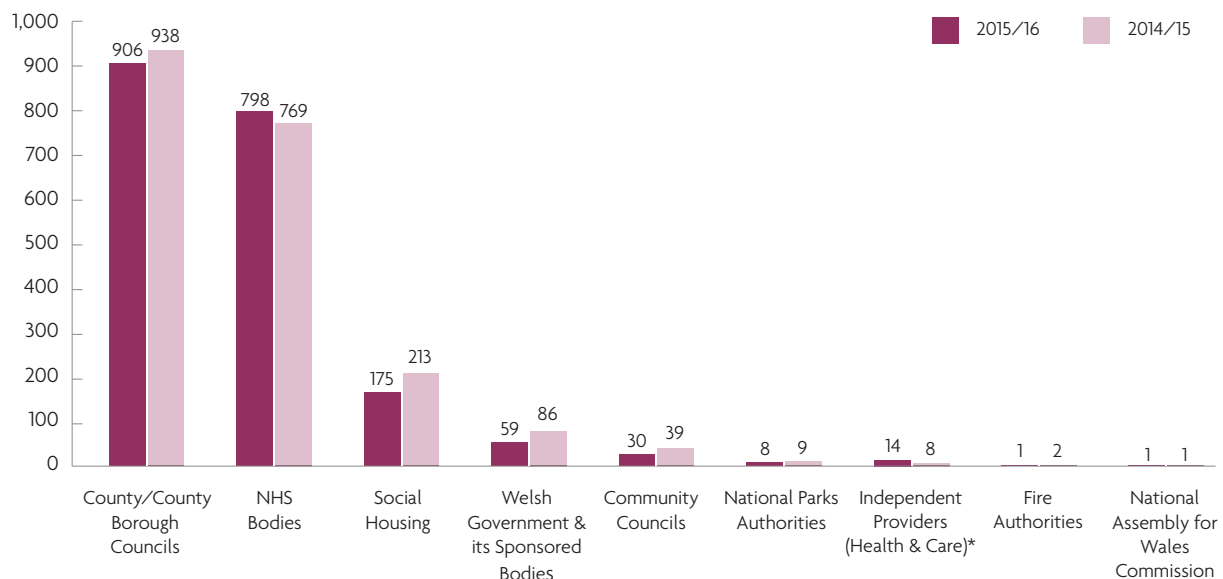
### Sectoral breakdown of complaints

County councils provide the widest range of services amongst those in my jurisdiction. As usual, and as expected, it is this sector that was responsible for the most number of complaints that I received. Nevertheless, I was pleased to see a 3% decrease in the complaints about county councils over the past year, compared with 2014/15.

Indeed, there was a decrease in complaints across all sectors, with one exception. That exception was the NHS sector in Wales. This includes complaints about local health boards, NHS trusts, GPs and dentists. There was a 4% increase in complaints about health bodies compared with 2014/15 (798 compared with 769). Of the 798 health body complaints, local health boards and NHS trusts accounted for 661 of them. Within this there is a variation: there were fewer complaints about some health boards/trusts compared to last year, but a notable increase in complaints in respect of others in particular Abertawe Bro Morgannwg UHB and Betsi Cadwaladr UHB.

The chart below shows the distribution of the complaints received by sector.

Complaints by public body sector



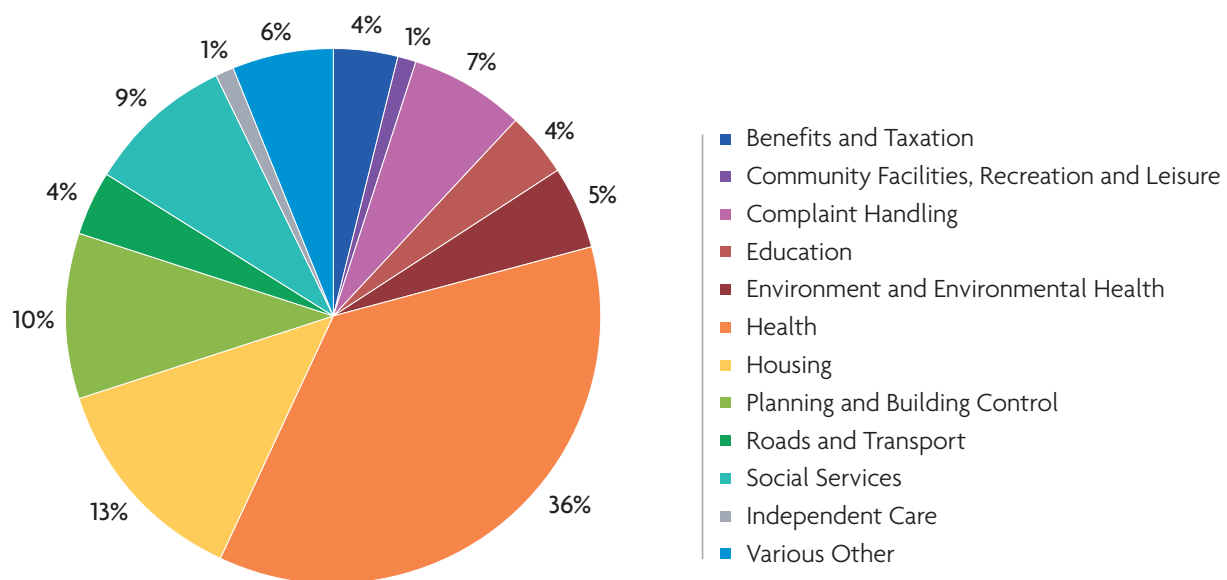
\* The PSOW was able to accept complaints about independent self funded care from 1 November 2014

**Complaints about public bodies by subject**

Complaints to me can have many aspects to them, however, the chart below illustrates the main subject of the complaints I have received over the past year. Once again, health was the major part of the office caseload, but this year accounting for 36% of this compared with 34% in 2014/15. We have already seen that there has been an increase in complaints about NHS bodies, however, the percentage increase also arises from the fact that there have been fewer complaints about other public services. As has been the case in recent years, housing (13%) and planning (10%) are the service areas which account for the greatest number of complaints received after health complaints.

Last year I commented on the increase being seen in relation to complaints about social services. This year there has been no significant increase in this type of complaint compared with 2014/15.

Complaints by subject 2015/16



[Note: Complaints are categorised by the main subject area of a complaint. However, complaints can also comprise other areas of dissatisfaction - for example, a 'Health' complaint may also contain a grievance about 'Complaint Handling'.]

**Outcomes of complaints considered**

We closed 2,050 complaints about public service providers during the past year compared with 2,015 in 2014/15, (an increase of 2%). A summary of the outcomes is set out in the table below and detailed breakdowns of the outcomes by public service provider can be found at Annex B.

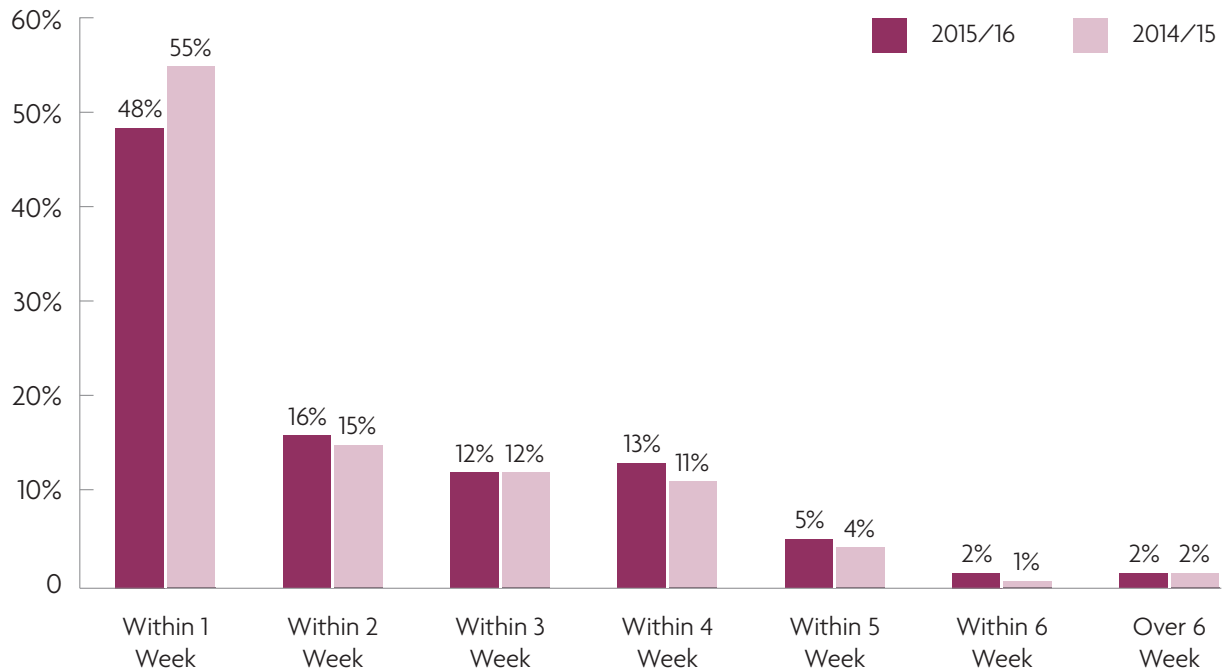
I am pleased that staff have managed to achieve this level of closure during the year, together with the fact that the number of cases on hand at the end of 2015/16 stood at 412, compared with 446 at the end of 2014/15 (which is a reduction of 8%). This is well within what I consider to be a reasonable caseload for the office to have open at any one time and this not a backlog. In addition to this, there was a 20% increase in the number of cases where we either achieved an informal resolution or took a complaint into investigation. However, there was a reduction in the number of public interest reports issued.

<b>Complaint about a Public Body</b>	<b>2015/16</b>	<b>2014/15</b>
Closed after initial consideration	1,488	1,564
Complaint withdrawn	41	23
Complaint settled voluntarily (includes 182 “quick fix” of cases)	227	164
Investigation discontinued	19	8
Investigation: complaint not upheld	105	71
Investigation: complaint upheld in whole or in part	163	173
Investigation: complaint upheld in whole or in part – public interest report	7	12
<b>Total Outcomes – Public Body Complaints</b>	<b>2,050</b>	<b>2,015</b>

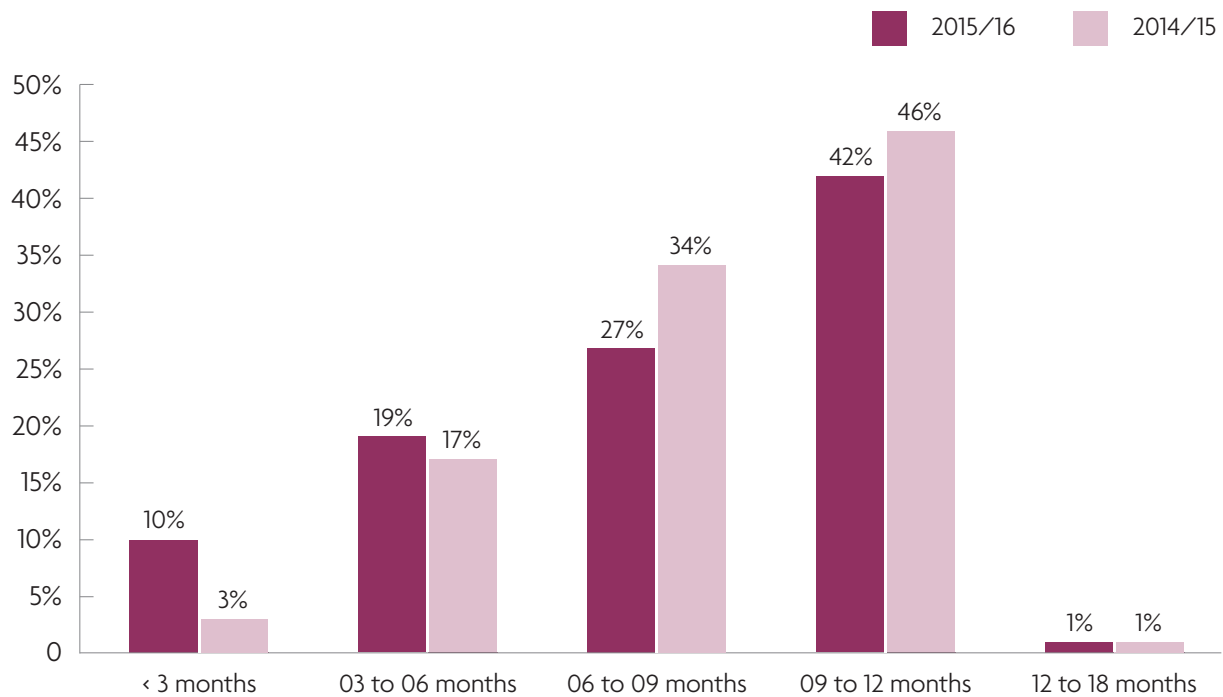
### **Decision times**

#### **Time taken to tell the complainant if I will take up their complaint**

We set ourselves the target to tell complainants whether or not I will take up their complaint (from the date that sufficient information is received) within four weeks in 90% of cases. We just missed this target, doing so in 89% of cases (compared with 92% during 2014/15). Whilst disappointing, this is not a surprise to me in view of the continued increase in casework volume being dealt with by the Complaints Advice Team. We have been reviewing this target, and have been assessing whether a blanket four week target for all the various types of complaint consideration at this stage is now realistic and achievable in view of the level of casework. For example, at this stage, the Complaint Advice Team will endeavour to achieve, where appropriate, an early resolution to a complaint.



Similar to 2014/15, we again completed 99% of investigations within 12 months, against the 100% target we set ourselves. There were five investigations that went over 12 months. Largely these cases were complex with serious challenges which required further investigatory work. The chart below gives further details on investigation timescales.



## Code of Conduct Complaints

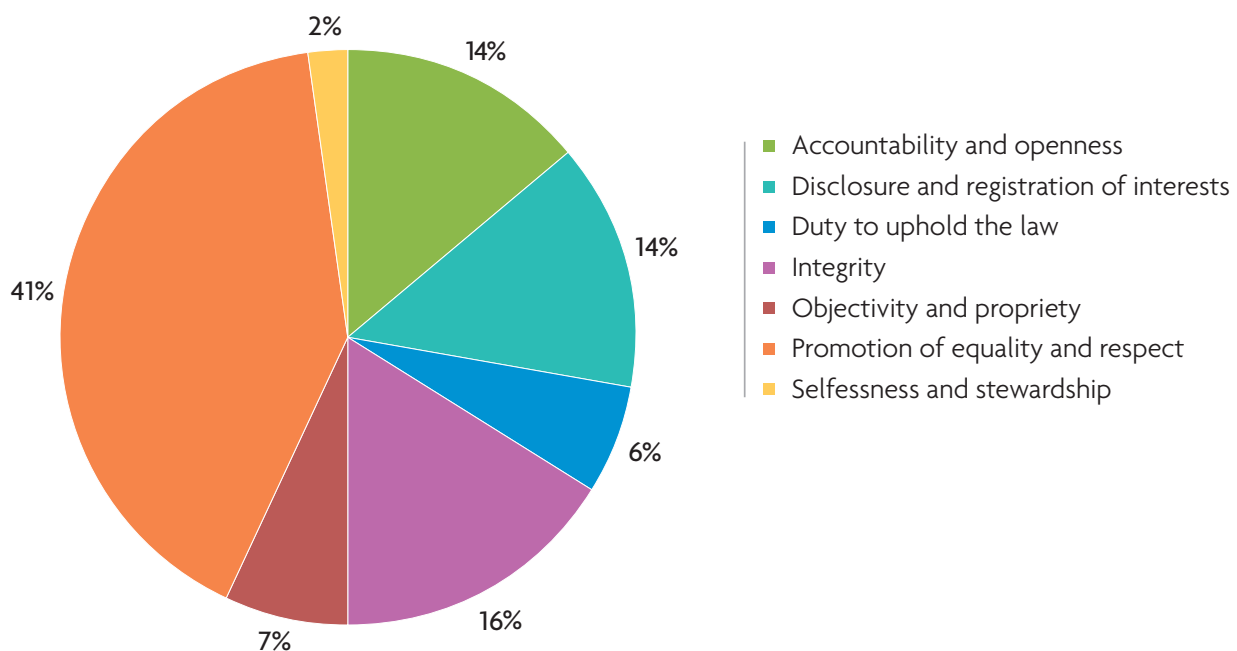
### Complaints received

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, especially in relation to community councils where there has been a 49% increase.

	2015/16	2014/15
Community Council	158	106
County/County Borough Council	115	125
Fire Authority	0	0
National Park Authority	1	0
Police & Crime Panels	0	0
<b>Total</b>	<b>274</b>	<b>231</b>

### Nature of Code of Conduct complaints

By far the majority of complaints received during 2015/16 related to matters of ‘equality and respect’, accounting for 41% of the complaints made to me (this was 35% in 2014/15). The next largest area of complaint related to ‘integrity’ at 16%, and then ‘disclosure and registration of interests’ and ‘accountability and openness’ both of which accounted for 14% of the Code of Conduct caseload.



### Summary of Code of Conduct complaint outcomes

Consistent with previous years, the vast majority of these complaints (213 of them) were closed under the category 'Closed after initial consideration' (178 were closed in this way in 2014/5).

This includes decisions such as:

- there was no 'prima facie' evidence of a breach of the Code
- the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction)
- the incident complained about happened before the member was elected (before they were bound by the Code), and
- with a few referred back for local resolution.

Despite the higher level of complaints received, fewer were taken into full investigation (27 in 2015/16 compared with 34 the previous year). I largely attribute this to be the result of a key change over the past year whereby I introduced a 'public interest test'. This test was developed as a result of the high number of trivial complaints received at my office, and to make clear the criteria that I will apply when considering whether a complaint should be taken into investigation or not. It also ensures that I continue to investigate serious complaints to maintain public confidence in standards of public life.

Of those 27 cases that were fully investigated, six were referred to either a standards committee or the Adjudication Panel (nine were referred in 2014/15). In such circumstances it is for these bodies to consider the evidence found, together with any defence put forward by the member concerned. It is then for them to determine whether a breach has occurred and, if so, what penalty, if any, should be imposed. Whilst at the time of writing three cases await consideration, decisions have been arrived at on the other three cases, as follows:

Hearing by:	Decision & Sanction	Nature of breach of Code
Standards Committee	Breach of Code - Councillor suspended for one month	Duty to uphold the law
Standards Committee	Breach of Code - Councillor suspended for one month	Disclosure and registration of interests
Tribunal of Adjudication Panel for Wales	Breach of Code - Councillor suspended for three months and to receive training during this time.	Disclosure and registration of interests

A breakdown of the outcomes is below:

	2015/16	2014/15
Closed after initial consideration	213	178
Complaint withdrawn	15	7
Investigation discontinued	10	20
Investigation completed: No evidence of breach	11	17
Investigation completed: No action necessary	10	8
Investigation completed: Refer to Standards Committee	3	8
Investigation completed: Refer to Adjudication Panel	3	1
<b>Total Outcomes – Code of Conduct complaints</b>	<b>265</b>	<b>239</b>

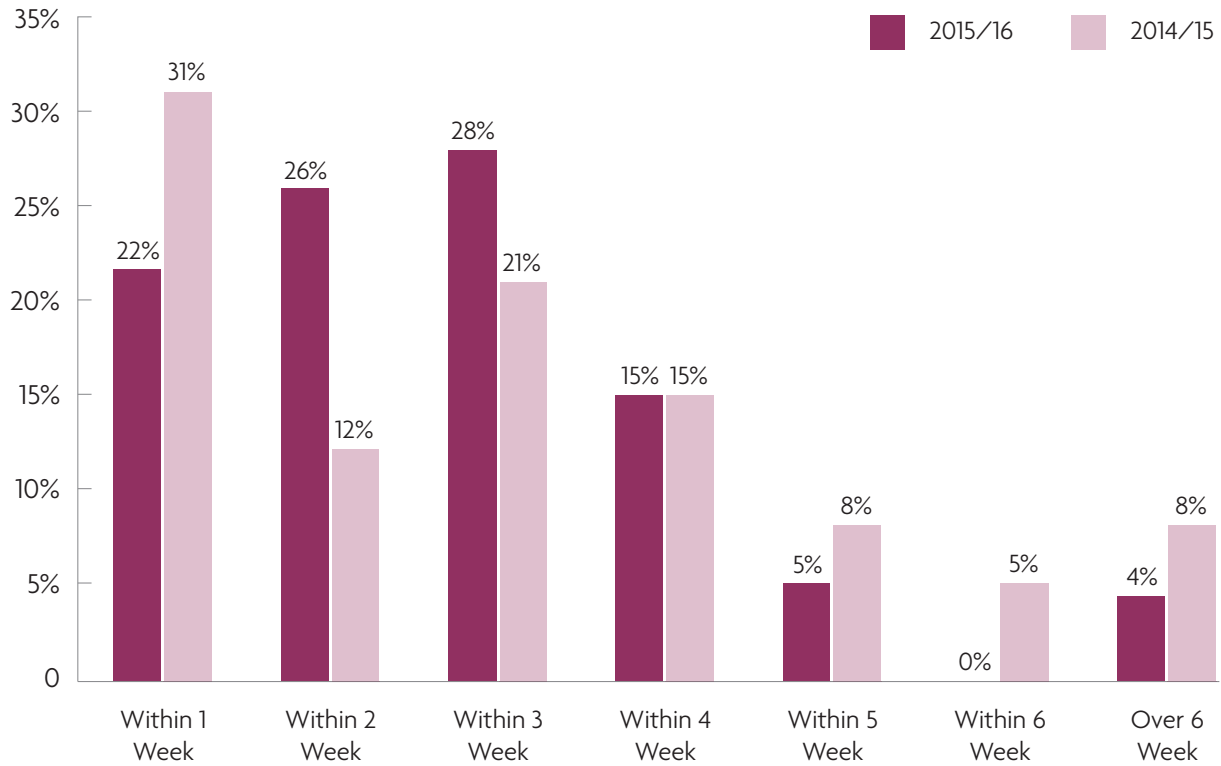
A detailed breakdown of the outcome of Code of Conduct complaints investigated, by authority, during 2015/16 is set out at Annex C.

### Decision times

#### Time taken to tell the complainant if I will take up their complaint

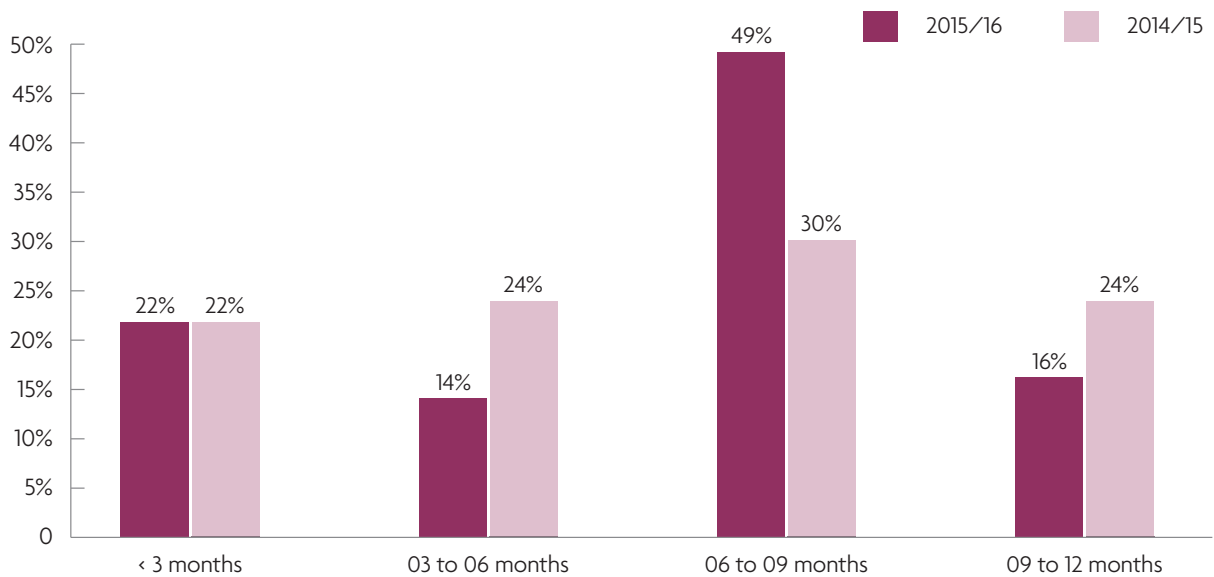
In respect of Code of Conduct complaints, 91% of complainants were informed within four weeks of whether I would take up their complaint (from the date that sufficient information is received). I'm particularly pleased that we surpassed our 90% target in this regard. Last year I reported that we achieved the four week target in 79% of cases and that I would work with my staff during this past year to ensure that we advise both the complainant and the accused member promptly as to whether I will take the matter into investigation or not. In addition to this improvement against the four week target, it is also worth noting that 96% had been informed within five weeks. My staff and I are always mindful of the fact that being the subject of a complaint can be a stressful and serious matter for the member being complained about.

Further details on these decision timescales are shown below.



**Decision times for concluding Code of Conduct investigations**

Comparing performance against 2014/15, in addition to the improvement in meeting the four week target, as discussed above, I am also pleased that there was an improvement on closing investigations within twelve months. Furthermore, as the chart below shows, during the past year 85% of Code of Conduct investigations were completed within 9 months, compared with 76% in 2014/15.





## 5. Improving Public Services

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It is important to me that not only do we put things right for users of public services when poor service has been identified, but that as a consequence of our work improvements occur in those areas of service delivery where we have identified failings. Below I describe some of the initiatives introduced this year to build on already established practices in this regard.

### Improvement Officers

In particular, during the course of the year I introduced into the roles of a number of investigation staff in my office, the additional role of 'improvement officer'. Whilst the main element of their role remains the investigation of complaints, their improvement role will include stakeholder engagement with certain bodies in jurisdiction as well as subject leads for areas which continue to affect quality public services.

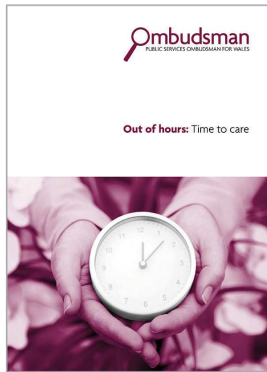
Those organisations assigned an Improvement Officer were: Abertawe Bro Morgannwg UHB, Aneurin Bevan UHB, Betsi Cadwaladr UHB, Cardiff and Vale UHB, Hywel Dda UHB and Ceredigion County Council. In engaging with these bodies we hope to see ongoing improvements in complaints handling, learning and putting things right, along with the governance arrangements necessary for continuous improvement. We will regularly review our data, and the insights we gain from these arrangements, to identify any improvements. I will in due course consider whether it would be beneficial to extend this approach to other bodies.

Subject leads are now in place for:

- health (with a separate lead for clinical advice)
- housing
- local government planning services
- social services, and
- the code of conduct for local authority members.

Subject leads are specifically tasked with identifying trends from casework across the office, leading on thematic reports, and monitoring legislative and other developments affecting the subject area.

## Thematic Reports



The first thematic report emerging from the new approach described above was published in March 2016. The report entitled 'Out of Hours: Time to Care' highlighted a number of cases investigated that showed inadequate standards of care given to patients in hospitals across Wales outside of 'normal' working hours.

As I can currently only look at complaints submitted to me by service users, my report called for an independent systemic review on out of hours care. In particular I identified the following areas for attention:

- inadequate consultant cover across seven days
- delays in medical review and lack of consultant review
- lack of senior supervision for junior medical staff
- failure to meet pre-existing standards of care and established guidelines.

Whilst I did not suggest that the failures in care identified by my office were typical of health service delivery in Wales's hospitals, they did not appear to be isolated incidents. An independent systemic review would confirm whether or not there were any emerging patterns or inconsistencies in quality of care in this area and, if so, allow for them to be addressed appropriately.

In addition to the above there were other activities during the year in relation to the goal of improving service delivery. In particular, I was pleased to be able to publish a joint publication with the Information Commissioner:

- **Principles of Good Administration and Good Records Management** - This was a revision of the 'Principles of Good Administration' originally issued by the Ombudsman in 2008. I was delighted to be able to work with the Information Commissioner in reviewing this document, which now includes two new Principles in relation to good records management. Following consultation with bodies within my jurisdiction, the new document was published in February 2016.
- **Enhanced Data Capture** – We have also during the year reviewed the level of data that we capture in relation to the complaints made to me, with particular focus on health complaints in the first instance. The aim is to enable us to identify trends at a more micro rather than macro level. As we only begun inputting data at this level during this year, it is too early to have been able to benefit from this yet. However, I hope that we will be able to derive useful information to act upon during 2016/17.

Furthermore, sight should not be lost of the already established vehicles used to highlight areas for service delivery improvements by bodies in jurisdiction. These included:

- **Public interest reports** – Seven such reports were issued during 2015/16 and summaries of these investigation reports together with findings and outcomes are set out at Annex A. The full reports are available on my website at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).
- **The Ombudsman’s Casebook** – These continued to be published quarterly. Four main areas highlighted for service improvement in the publications issued during the year were:
  - services for vulnerable citizens
  - reducing the distress of dying - why improvements are needed to end of life care
  - GP services
  - special needs education.
- **The Code of Conduct Casebook** – At the request of its readership, we began issuing these quarterly during 2015/16 rather than on a six monthly basis, which was our previous practice. An annual commentary by me is to appear in the April editions of the Casebook.
- **Annual letters** – These are issued to county councils and health boards and used as the basis of discussions with the Chairs and Chief Executives of individual local health boards. Local authorities are also invited to seek a meeting to discuss their particular Annual Letter if they so wish. It is intended that the Annual Letters to be issued during 2016 in respect of the operational year 2015/16 will for the first time include an improvement officer’s commentary in relation to those bodies assigned an improvement officer.

## 6. Governance and Accountability

### The Ombudsman

The Public Services Ombudsman (Wales) Act 2005 establishes the office of the Ombudsman as a 'corporation sole'. The Ombudsman is accountable to the National Assembly for Wales, both through the mechanism of the annual report, and as Accounting Officer for the public funds with which the National Assembly entrusts the Ombudsman to undertake their functions.

I appeared before an Assembly committee on a number of occasions during the past year. This included the Communities, Equality and Local Government Committee to discuss the Annual Report for 2014/15; and the Finance Committee to discuss my budget estimate submission for 2016/17. I also appeared before the Finance Committee in relation to providing evidence to its inquiry into the PSOW's powers. I welcomed the opportunity on each occasion to discuss not only the work already undertaken by my office, but also what the work of the office could look like in the future.

### Advisory Panel and Audit & Risk Assurance Committee

As reported last year, although a corporation sole, I have an Advisory Panel which provides both challenge and support to me as Ombudsman. There is also an Audit & Risk Assurance Committee, a sub-committee of the Panel. Having reviewed the level of membership during the past year, I decided to strengthen its membership by one additional member. An open/public recruitment exercise was conducted. I was very pleased to appoint Mr Jonathan Morgan from a strong field of candidates. Mr Morgan served as an Assembly Member for 12 years, and is a former Chair of the National Assembly Public Accounts Committee. He joined the Panel in March 2016 and will also be a member of the PSOW's Audit & Risk Assurance Committee.

The work of both the Panel and the Committee over the past year will be reported in greater detail as part of the Governance Statement within my Annual Accounts for 2015/16.

### Management Team

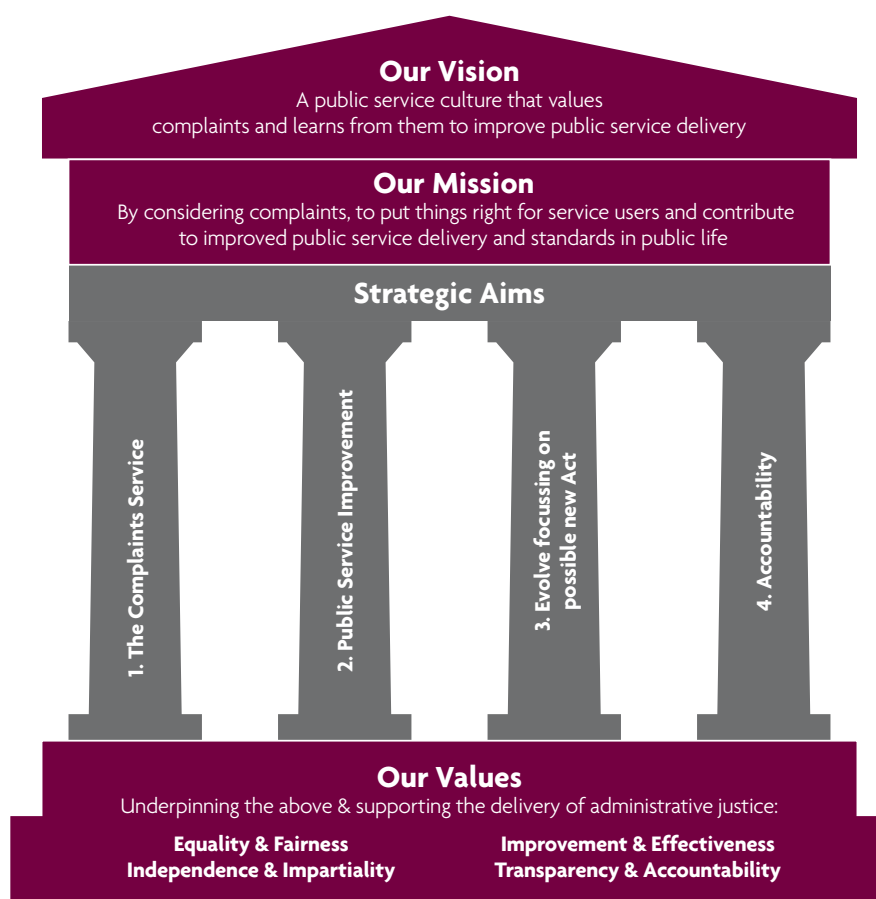
The Management Team has continued to support and advise me in relation to strategic direction as well as the operational, day to day, running the office. I am particularly grateful to them this year for ensuring a successful and seamless staffing and operational transition. The revised staffing structure can be found at page 30.

### Three Year Strategic Plan

This was the final year of the existing strategy and, therefore, during the year, my staff and I developed a new three year strategic plan for the office to the operational year 2018/19. We held a number of workshops, which proved to be very productive. A separate workshop was also held for Advisory Panel Members and I was very grateful to them for their contribution. A new Vision, Mission, Values and Strategic Aims resulted from this work.

Whilst taking forward the service under the existing powers of the Ombudsman was a key focus for our discussions, I felt that it was important that we created space in our strategic planning to implement any new PSOW Act that might be created during the lifetime of the plan. However, I wish to reinforce the message in this report that in doing so I have not taken anything for granted in relation to the introduction of new legislation or what that legislation might contain.

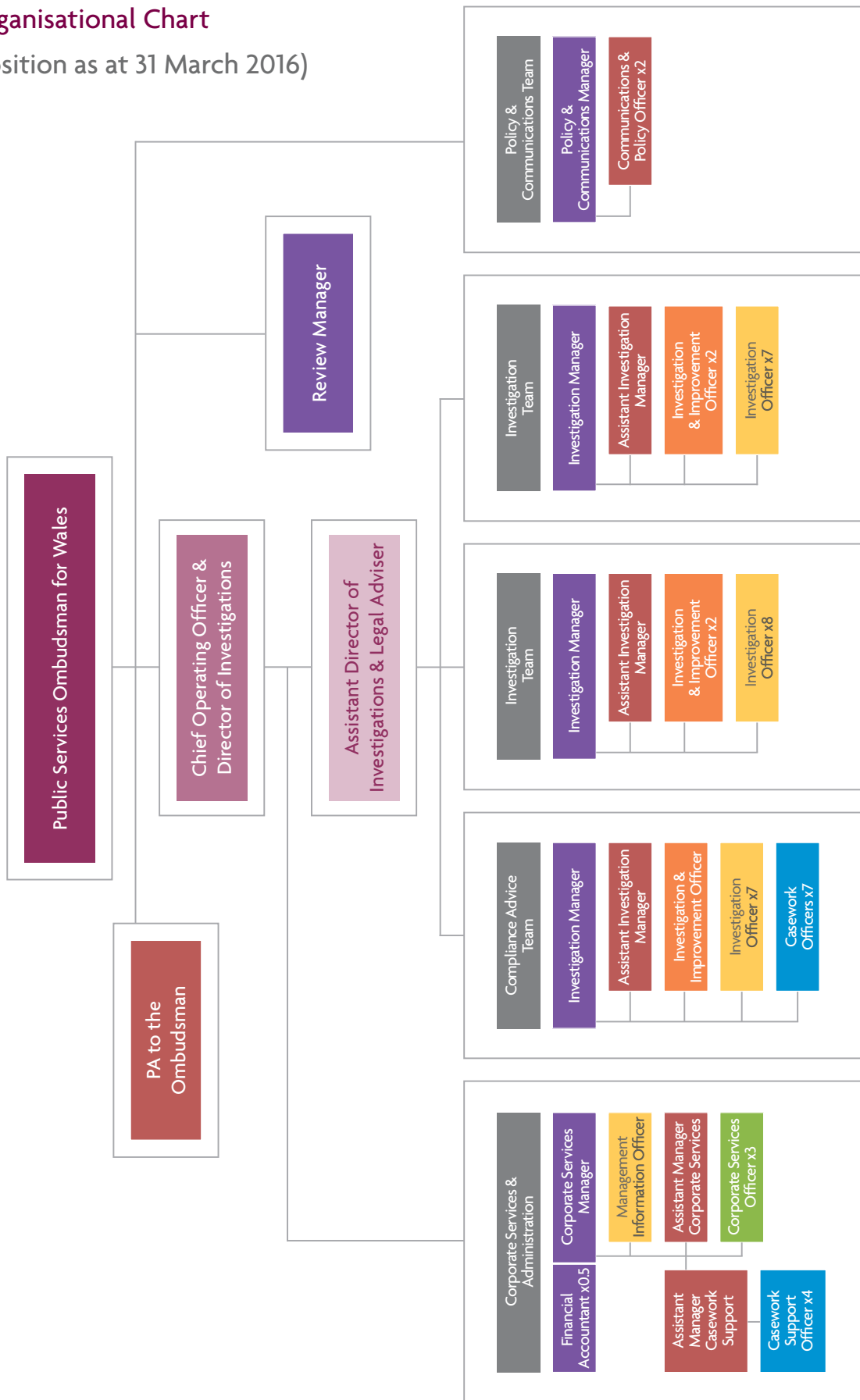
Below is an illustrated summary of the strategic plan, the full text of the Strategic Aims can be found in the comprehensive document entitled ‘Three Year Strategic Plan 2016/17 to 2018/19: Innovation, Influence, Improvement’ on the website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)



### European Directive on Alternative Dispute Resolution

Last year I reported on the possible impact on the PSOW of the European Directive on Alternative Dispute Resolution and the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 that the UK Government laid before Parliament on 17 March 2015. At the time of writing my report last year I was still considering whether or not it was appropriate for the PSOW to apply to be an ADR entity. For completeness, I now report here that I concluded that it was not appropriate for the PSOW to do so. Furthermore, since my decision, other UK public sector ombudsmen (and the Irish Ombudsman) have arrived at a similar conclusion.

**Organisational Chart**  
(Position as at 31 March 2016)



## 7. Other Activities

### Co-operation with Commissioners

I have been actively looking for opportunities to co-operate with other ombudsmen and commissioners in circumstances where this is appropriate. I have already reported on a publication I issued jointly with the Information Commissioner, and I am pleased that I can report on another two specific developments that have taken place over recent months:

- **Internal Audit Contract** – With the end of the PSOW’s internal audit contract on the horizon, I was pleased that the Children’s and Older People’s Commissioners agreed that, with a view of achieving cost savings, it would be beneficial to procure on the basis of comprehensive internal audit tender process upon which each Commissioner’s office could then draw upon individually. A successful tender process resulted to the satisfaction of both Commissioners and myself,
- **Future Generations Commissioner** – I also had very positive discussions with the new Future Generations Commissioner and was pleased to be able to agree to provide the Commissioner with a staff salaries service for her office.

In addition to the above, I have continued to meet regularly with the Commissioners in Wales to discuss issues of mutual interest.

### Complainant satisfaction research

We have continued with our satisfaction survey practice in relation to customer satisfaction for our first contact service. The table below gives the outcome for 2015/16 as follows (some respondents did not answer every question; the ‘no responses’ have been disregarded in respect of the outcomes below):

	<b>% of respondents answering either ‘strongly agree’ or ‘agree’</b>
It was easy to find out how to contact the Public Services Ombudsman for Wales	95%
The service I have received has been helpful and sensitive	88%
Staff were able to understand my complaint / The person that dealt with my query knew enough to be able to answer my questions	88%
I was given a clear explanation of what would happen to my query/complaint	89%
The service has provided what I expected of it	83%

Clearly, the above outcomes are very pleasing; not least against the background of the increased volume of work faced by the frontline service as discussed earlier in this report.

We have also been considering other ways of understanding various stakeholders' views of my service. Looking at good practice elsewhere in the ombudsman community, I have decided that we should establish a number of sounding boards in this regard. The first of these will comprise members of advice and advocacy bodies, particularly inviting those organisations who help complainants through the complaints process. I also intend forming sounding boards to gain feedback from other organisations, including members of bodies within my jurisdiction, to understand their perspective on the service provided by my office. I hope that the first of these will be in place at the end of the first quarter of 2016/17.

## Communications

### External:

- **Media** - A positive relationship with the media continued over the past year and meetings with a number of journalists, particularly broadcast journalists took place to discuss and explain matters of current concern and interest to the office. Once again a number of opportunities arose for me to give television and radio interviews. There was an excellent level of reporting on the 'Out of Hours: Time to Care' thematic report as well as on the public interest reports that I issued during the year.
- **Website and Social Media** – We have during the year been reviewing the PSOW website and our social media activity. As a result we further developed our social media presence by adding to the existing Twitter account by introducing a Facebook page and also creating a YouTube channel. We intend to commence work on revamping the website during 2016/17.

**Internal:** We have also enhanced and improved internal communication activities in the office. In particular a weekly bulletin is now being produced for staff which highlights press attention gained by the ombudsman's office, as well as articles in the press relevant to the work of the office. The bulletin is also used to share around the office briefings from various meetings that staff have attended. In addition to the bulletin a new version of the Magnifying Glass, the staff newsletter, has been introduced and this now appears in an online digital format.

## The Ombudsman Community

Over the years, despite being a relatively small Ombudsman scheme compared to those of other countries, the PSOW has punched above its weight in relation to its position within the ombudsman community. PSOW officeholders have held senior offices at the OA (the British and Irish Ombudsman Association) and the International Ombudsman Institute.



I was delighted to be able to continue to carry the torch when, in May 2015, I was elected as the Vice Chair of the OA. An Ombudsman is pretty much a unique role and membership and participation within such organisations are important. This allows us to share best practice, learn from each other and indeed advance the ombudsman institution in light of external developments. Other members of my staff have also continued to participate in OA activities, including participating in a number of the OA Interest Groups.

### Complaints about the PSOW service

We have over the past year also reviewed and revised our own complaints policy and procedure. That is the procedure for those people who want to complain about the service I provide. A key change is that I have decided to appoint an independent external reviewer of complaints about my service.

This review service is available to those who have complained to me about my service, but remain dissatisfied having received my response. It is not for the reviewer to 're-investigate' a complaint or review a decision taken by me (in respect of a complaint about a public service provider), but to consider the service my staff have provided bearing in mind the examples listed below. Following any review, I will then consider any recommendations or suggestions the reviewer may make.

I have taken this step with a view to taking further the developments of recent years in making the PSOW open to scrutiny and review; in this instance in respect of the handling of complaints about the PSOW service.

The policy can, for example, be used when complainants feel that we have:

- treated them unfairly or rudely; or
- failed to explain things clearly; or
- caused unreasonable delays; or
- failed to do what we have said we would; or
- failed to follow our processes correctly.

The policy for complaints about my service also accommodates the process for when someone wants to request an internal review by the PSOW of the decision on their complaint about a public service provider.

Further details about this policy is available on my website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

The table below reports on the number of complaints received during 2015/16 and their outcomes, together with a comparison of the position in 2014/15.

	2015/16	2014/15
Complaints brought forward from previous year	1	3
New complaints received	61	82
<b>TOTAL COMPLAINTS</b>	<b>62</b>	<b>85</b>

<b>OUTCOMES</b>		
Not upheld (service related issue)	20	14
Upheld in whole or in part	15	12
Related to investigation decision - referred to investigation process	18	44
Complaint withdrawn or insufficient information	9	14
<b>Total closed during year</b>	<b>62</b>	<b>84</b>
Ongoing and carried forward at 31 March	0	1

The nature of the complaints that were upheld/partly upheld were:

Undue delay in response / or delay in correspondence referral	4
Interview Digital Sound recording error	1
Incorrect information provided	1
Incorrect complainant title / salutation on correspondence	1
Internal records not updated in a timely manner	1
Incoming courier process error	1
Misfiling of correspondence	1
Correspondence sent in error	5
<b>Total</b>	<b>15</b>

The following corrective action was undertaken:

- an apology was issued to the complainant in all 15 cases
- the relevant line Manager(s) were made aware of the upheld complaints relevant to their team for future training and monitoring
- appropriate and relevant staff training was undertaken where necessary
- appropriate action in accordance with PSOW Human Resources policies was undertaken
- relevant policies / processes reviewed to minimise risk of re-occurrence.

### **Report on Independent Review of Complaints About the PSOW Service**

Whilst the arrangement for independent external review of complaints about my services has been in place for less than a full year, a report has been prepared for the four months to 31 March 2016. Seven complaints were referred to the external reviewer, but none was accepted for review. One was premature, in two cases further advice was sought from the external reviewer and in the remaining four cases the complaint was about my decision on their complaint about a public service provider, rather than about the service provided by my staff. The independent external reviewer made two recommendations: that I provide greater clarity about the role and limits of internal complaints and review processes, and possible routes, at the beginning of the process, and that I add further details of the limitations of the independent external review service to my responses to complaints about the services I and my staff provide. Both recommendations will be implemented.

## 8. Annual Equality Report

Under the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 laid down by the National Assembly for Wales, the Ombudsman is required to produce an annual report in respect of equality matters. I do so here as part of my overall Annual Report for 2015/16.

A commitment to treating people fairly is central to the role of an ombudsman. As Public Services Ombudsman for Wales, I am committed to providing equal opportunities for staff in the service provided to complainants. No job applicant, staff member or person receiving a service from the Ombudsman will be discriminated against, harassed or victimised due to personal characteristics such as age, disability, ethnicity, sex, gender reassignment, pregnancy or maternity, sexual orientation, religion or belief, whether they are married or in a civil partnership, or on the basis of any other irrelevant consideration. My staff are expected to share my total opposition to unlawful and unfair discrimination and the commitment to conducting business in a way that is fair to all members of society.

### Accessibility

As part of our process, we do our very best to identify as early as possible any individual requirements that may need to be met so that a service user can fully access our services and, in particular, we ask people to tell us their preferred method of communication with us.

During 2015/16, we gave particular focus to improving access to our service for people who are deaf or hard of hearing. A new British Sign Language (BSL) video is now available, which explains the Ombudsman's service, as well as how people who are deaf or hard of hearing can access that service. Subtitles in both English and Welsh also make the video accessible to those with hearing loss who are unable to understand BSL. This coincides with the provision of the new SignVideo interpretation service which allows BSL users to contact the Ombudsman for free, using fully-qualified live interpreters. Calls can be made using a videophone, laptop, PC, tablet or smartphone enabling BSL users to have improved access to the Ombudsman's services.



We have always tried to make reasonable adjustments where these will help people make and present their complaint to us. Well established examples are: providing correspondence in Easy Read; using Language Line for interpretation, where a complainant is not comfortable with making their complaint in English or Welsh; obtaining expertise to assist us to understand the particular requirements of complainants with certain conditions, such as Asperger's syndrome; and visiting complainants at their homes.

We produce key documents in alternative formats, such as CD/tape and Braille, and translate these into the eight key ethnic minority languages used in Wales. Our website has continually been developed from initially being upgraded A to AA compliant, and then other introductions such as: enhanced BrowseAloud service; embedding the GoogleTranslate service meaning that the PSOW website content pages are automatically translated into any one of over 100 languages on selection; and, most recently, the BSL video referred to above.

The Complaints Advice Team also continues to provide information on advocacy and advice organisations to those people who may need assistance in making their complaint to me. This information is also readily available on our website.

### **Equality Data Gathering/Monitoring – Service Users**

We continued with our equality monitoring in respect of service users, which informs our annual outreach strategy. The outcome of the monitoring during 2015/16 in respect of the protected characteristic groups (as defined in the Equality Act) is set out below.

In view of the nature of the work of this office, we would expect the people who complain to me to, at the very least, mirror the national demographic position; in fact, we would expect the proportion of complainants from groups who could be considered to be at disadvantage or vulnerable to exceed the national picture. In respect of each of the questions we asked, those who completed the form were given the opportunity to respond 'Prefer not to say'.

The results below are not dissimilar to those of previous years and similarly I am relatively satisfied that in making comparisons with official data available (e.g. the Census 2011) the composition of our service users meets or exceeds national demographics in the way we would expect. This office has previously identified an area that appeared to be slightly underrepresented was the minority ethnic community. Progress had been made whereby we were matching the demographic (4% of the Welsh population according to the Census). However it is really good to see, from an awareness point of view, that of those who completed the equality monitoring form during 2015/16, 6% identified themselves as being from a minority ethnic background.

Protected characteristic group	Percentage Outcome
<b>Age</b>	
Under 25	3%
25-34	11%
35-44	20%
45-54	23%
55-64	22%
65-74	11%
75 or over	5%
Prefer not to say/No response	5%
<b>Disability</b>	
Yes	25%
No	64%
Prefer not to say/No response	11%
<b>Health problem or disability limiting day-to-day activities?</b>	
Yes, limited a lot	24%
Yes, limited a little	12%
No	53%
Prefer not to say/No response	11%
<b>Gender reassignment</b>	
Yes	0.5%
No	23%
Prefer not to say/No response	76.5%
<b>Religion or belief</b>	
No religion	40%
Christian (all denominations)	47%
Other religions	8%
Prefer not to say/No response	5%
<b>Married or same-sex civil partnership</b>	
Yes	47%
No	41%
Prefer not to say/No response	12%
<b>Race/Ethnicity</b>	
White	88%
Other ethnic background	6%
Prefer not to say/No response	6%
<b>Sex</b>	
Male	50%
Female	45%
Prefer not to say/ No response	5%
<b>Sexual orientation</b>	
Heterosexual or straight	84%
Gay or Lesbian	1%
Bisexual	1%
Other	1%
Prefer not to say/No response	13%

## Outreach

We take the results from our equality monitoring into account when developing our outreach programmes. We gave focus to two areas in particular during 2015/16: older people and people who are deaf or hard of hearing. With both equality and accessibility considerations in mind, we have also been giving attention to poverty/social exclusion as our research has indicated that awareness of the Ombudsman is low amongst this part of the Welsh population.

As part of this work my staff and I have engaged with the Wales Council for Voluntary Action; Tenant Participation Advisory Service, Shelter Cymru and I also chaired a meeting between the Welsh Government's Minister for Communities and Tackling Poverty, Michael Sheen (actor and campaigner) and housing charities in relation to youth homelessness. We have also engaged with organisations such as Action on Hearing Loss; Age Cymru and others.

## Complaints Wales Signposting Service

I also view the Complaints Wales signposting service as important in relation to the office's contribution to the equality duty. This is an independent and impartial service delivered by the Complaints Advice Team to inform people where and how to put a complaint about a public service that provides the service they wish to complain about or to the appropriate independent complaint handler or ombudsman. I believe this to be an important service for those people who do not understand, are unfamiliar with, or feel disenfranchised from 'the public service system'. Promotion of the service continued during 2015/16, on this occasion through local/regional newspaper advertisements (both print and their associated online presence).

## Our Casework

Our commitment and contribution to equality matters also manifests itself in our complaint handling work. We also have regard to matters of human rights. Whilst it is not for the Ombudsman to decide whether a public service provider is in breach of such legislation, it is possible that the failure to take account of any such legal obligations, or to follow policies and procedures designed to implement these obligations, will be maladministration. For example, following the investigation during the past year into a complaint about a homeless person, who was disabled and suffered from a post traumatic stress disorder, amongst other failings, I found that the time taken by the Authority to consider Mr A's housing application was out of kilter with the aims of the Equality Act. I made a number of recommendations. These included providing appropriate training for staff and ensuring that the special housing needs form and occupational therapy assessment processes are included in the Equality Impact Assessment tool to be used in Authority's new Allocation Scheme.

## Training

We continue to provide relevant training to staff in relation to equality and human rights issues. I consider this important in relation to the service we provide to complainants, but also so that my staff are able to identify during our investigations any failings by public service providers in respect of their equality duties (as illustrated in a case example above). In particular, during 2015/16 I was grateful to members of the offices of the Northern Ireland Ombudsman and Northern Ireland Human Rights Commission for providing training to my staff on a manual they had jointly developed. The manual and the associated training will assist my staff in using a human rights-based approach in the decision to accept a complaint as well as investigating and reporting on the investigation.

## Staff Equality Data Gathering/Monitoring

Our staff have been asked to complete and return a monitoring form seeking information in respect of each of the protected characteristics. We also now gather such information during our recruitment exercises. That disclosure is, of course, on a voluntary basis. The data held at 31 March 2016 is set out below.

Age	The composition of staff ages is as follows: 21 to 30: 17% 31 to 40: 29% 41 to 50: 31% 51 to 65: 23%
Disability	88% of staff said there were not disabled, no member of staff said that they were a disabled person (12% preferred not to say) However, when asked if their day-to-day activities were limited because of a health problem or disability which had lasted, or was expected to last, at least 12 months, 2% said that they were limited a lot, 2% said they were limited a little, 84% said their day to day activities were not limited (12% preferred not to say)
Nationality	In describing their nationality, 53% said they were Welsh; 25% said British, 10% said they were English, 2% said 'Other' (10% preferred not to say)
Ethnic group	The ethnicity of staff is: 81% White (Welsh, English, Scottish, Northern Irish, British); 2% White/Irish 3% Black (African, Caribbean, or Black British/Caribbean 2% Asian or Arian British/Bangladeshi (12% preferred not to say)
Language	When asked about the main language of their household, 73% of staff said this was English; 13% said Welsh, and 2% said 'Other' (12% preferred not to say)



Religion or Belief	Responses to the question asking staff about their religion were as follows: No religion: 39%; Christian 39%; Muslim 2%; Other:1% (19% preferred not to say)
Marriage/ Civil Partnership	When asked if they were married or in a same sex civil partnership, 49% of staff replied 'Yes'; whilst 32% said 'No' (19% preferred not to say)
Sexual Orientation	Responding on this, 75% said that they were Heterosexual or Straight, 2% said Gay or Lesbian (23% preferred not to say)

Under the specific duties we are required to set an equality objective for gender and pay; if we do not do so, we must explain why. I currently do not have any specific objective in this regard because females are very well represented at the higher pay scales within my office. The position is kept under continual review and the equality objectives will be revised if necessary. The table below shows the current the position.

#### Pay and Gender - data as of 31/03/2016

Pay (FTE)	Male	Female
Up to £20,000	1	4
£20,001 to £30,000	1	14
£30,001 to £40,000	2	4
£40,001 to £50,000	7	18
£50,001 to £60,000	4	3
£60,001 +	1	1
<b>Subtotal</b>	<b>16</b>	<b>44</b>
<b>Total</b>	<b>60</b>	

In relation to the working patterns of the above, all staff work on a full time basis with permanent contracts, with the exception of the following;

- 12 members of staff work part time (10 female, 2 male).
- 2 members of staff were employed on a fixed term contract.

## Recruitment

During the past year we have had six members of staff leave. Seven new employees were recruited, five of these were to fill vacant posts and two were for the newly created positions of Communications & Policy Officers. Due to the low numbers involved, the equality data for the individuals appointed has been reported as part of the all staff information above; it is not considered appropriate to report separate equality information relating to these individuals due to the risk of identification

Equality data gathered from all of the past year's four recruitment exercises are as follows (note: totals showing 101% or 99% are a result of rounding):

### Key

- **CWSO** – Casework Support Officer
- **PCO** – Policy and Communications Officer
- **IO/CO** – Investigation Officer and Casework Officer – joint recruitment panel.
- **APM** – Advisory Panel Member

		<b>CWSO</b>	<b>PCO</b>	<b>IO/CO</b>	<b>APM</b>	<b>Total</b>
<b>Age</b>	Did not say	3%	0%	6%	6%	4%
	under 25	34%	20%	28%	0%	21%
	25-34	36%	42%	35%	6%	30%
	35-44	18%	14%	21%	12%	16%
	45-54	8%	18%	10%	6%	11%
	55-64	1%	6%	0%	59%	17%
	65-74	0%	0%	0%	12%	3%
	75 and over	0%	0%	0%	0%	0%
		100%	100%	100%	101%	100%
<b>Gender</b>	Did not say	4%	0%	2%	0%	2%
	Male	32%	38%	42%	65%	44%
	Female	64%	62%	56%	35%	54%
		100%	100%	100%	100%	100%
<b>Nationality</b>	Did not say	1%	0%	3%	0%	1%
	Welsh	68%	64%	63%	35%	58%
	English	5%	6%	9%	6%	7%
	Scottish	1%	2%	3%	0%	2%
	Northern Irish	1%	0%	1%	6%	2%
	British	23%	27%	18%	53%	30%
	Irish	1%	0%	3%	0%	1%
		100%	99%	100%	100%	100%

		CWSO	PCO	IO/CO	APM	Total
<b>Ethnic Group</b>	Did not Say	3%	2%	8%	0%	3%
	White (Welsh/ Scottish/English/ NI/British)	93%	95%	81%	88%	89%
	White (Irish)	1%	2%	2%	6%	3%
	White (Gypsy/Irish traveller)	0%	0%	0%	0%	0%
	White (Other)	0%	0%	0%	6%	2%
	Asian /Asian British	2%	2%	6%	0%	3%
	Black, African, Caribbean or Black British	0%	0%	3%	0%	1%
	Mixed or multiple ethnic group	1%	0%	0%	0%	0%
	Other ethnic Group	0%	0%	0%	0%	0%
		100%	101%	100%	100%	100%
<b>Language</b>	Did not say	2%	0%	2%	0%	1%
	English	95%	94%	93%	94%	94%
	Welsh	0%	0%	0%	0%	0%
	Bilingual (Welsh / English)	3%	6%	5%	6%	5%
	Other	0%	0%	0%	0%	0%
		100%	100%	100%	100%	100%
<b>Disability</b>	Did not say	2%	2%	3%	0%	2%
	Yes	2%	2%	1%	6%	3%
	No	97%	97%	96%	94%	96%
		101%	101%	100%	100%	101%
<b>Limited Activities</b>	Did not say	2%	2%	3%	0%	2%
	Yes, limited a little	1%	0%	0%	0%	0%
	Yes, limited a lot	0%	0%	0%	0%	0%
	No	97%	98%	97%	100%	98%
		100%	100%	100%	100%	100%

		CWSO	PCO	IO/CO	APM	Total
<b>Religion</b>	Did not say	7%	6%	12%	0%	6%
	None	64%	61%	59%	12%	49%
	Christian	29%	32%	29%	88%	45%
	Buddhist	0%	0%	0%	0%	0%
	Hindu	0%	0%	0%	0%	0%
	Jewish	0%	2%	0%	0%	1%
	Muslim	0%	0%	0%	0%	0%
	Sikh	0%	0%	0%	0%	0%
	other	0%	0%	0%	0%	0%
			100%	101%	0%	0%
<b>Married or civil partnership</b>	Did not say	5%	0%	7%	12%	6%
	Yes	12%	35%	16%	71%	34%
	No	83%	64%	77%	18%	61%
		100%	99%	100%	101%	100%
<b>Sexuality</b>	Did not say	15%	2%	19%	0%	9%
	Heterosexual	77%	89%	74%	100%	85%
	Gay or Lesbian	6%	5%	7%	0%	5%
	Bisexual	2%	5%	0%	0%	2%
	Other	0%	0%	0%	0%	0%
		100%	101%	100%	100%	100%

\*excludes internal promotion

### Staff Training

The majority of staff training is based upon job roles or applicable for all staff to attend, and as such there are no equality considerations to report. All individually requested training by staff has been approved, and as such there is no need to report on equality data differences between approved and non-approved training requests.

### Disciplinary / Grievance

Due to the small numbers of staff working in the office, and the small number of instances of disciplinary / grievance, it is not considered appropriate to report on equality data for this category due to the risk of identification of staff involved. I remain satisfied that there are no identifiable issues in this area that would cause me concern.

### Procurement

Our procurement policy now refers to the relevant equality requirements that we expect our suppliers to have in place.

# Annex A

Public Body Complaints

Public Interest Reports: Case Summaries

## Health

### **Abertawe Bro Morgannwg UHB – Issued March 2016 – Case Ref 201501032**

Miss X said that her brother, Mr X, suffered from a congenital heart defect (“ACHD”) and had surgically treated kyphoscoliosis (a condition in which the spinal column is convex both backward and sideways). She complained about the insufficient regularity of investigations, notably Echocardiograms (a diagnostic test that uses ultrasound waves to make images of the heart chambers, valves and surrounding structures) (“ECHOs”), leading up to October 2011. She said that if ECHOs had been carried out every six months, treating clinicians might have detected a sub aortic membrane (a form of fixed sub aortic obstruction in which a fibrous membrane is located below the aortic valve) earlier than January 2012.

Miss X also complained that her brother could not be put on the waiting list for surgery until all tests and investigations had been completed and this took 11 months. She said that her brother should have been given priority due to his kyphoscoliosis and the effect this had on his ability to expand his lungs. Miss X said that this would not have been an issue had the investigative tests been undertaken within a reasonable time. She said that the failure to undertake ECHOs far more frequently and to undertake investigative tests within a reasonable time meant that her brother did not receive surgery in time to save his life. Mr X was 57 years old when he passed away.

I concluded that there was no evidence to suggest that ECHO tests should have been undertaken more frequently. This was in light of the fact that the degree of obstruction caused by Mr X’s sub aortic membrane (the narrowing of the left ventricle of the heart just below the aortic valve through which blood must pass) would have been unlikely to have been detected earlier than January 2012, which prompted the need for surgery. Given that there was no significant deterioration in Mr X’s condition between October 2011 and December 2012, I found no failing in the level of priority that the Health Board gave Mr X for surgery. I upheld the complaint about the clinical advice given to Mr X during his wait for surgery. There was no evidence that Mr X was made aware of worrying symptoms. I upheld the complaint regarding Mr X’s wait for treatment.

Treatment should have been supplied within 26 weeks, but Mr X was not due to receive treatment until 50 weeks had elapsed. Had Mr X received surgery more promptly, on the balance of probabilities, his death would have been avoided. I therefore took the view that Mr X’s death was avoidable.

I made the following recommendations:

- (a) that the Health Board’s Chief Executive personally apologises to Miss X for the failings identified in my report, most notably, Mr X’s avoidable death.

- (b) that the Health Board concludes its “mirror” process to that conducted under the “Putting Things Right” (“PTR”) in order to assess the level of compensation that it should offer to Mrs X in respect of the avoidable death of Mr X. The Health Board has confirmed that the file has already been shared with its legal department for this purpose and, with that in mind, it should conclude this process within three months of the date of issue of the report.
- (c) that the Health Board ensures that the British Heart Foundation leaflet entitled ‘Heart Valve Disease’ is given to every relevant patient at clinic and that the checklist is completed to reflect this, and that appropriate advice has been given. The Health Board should ensure that all Cardiology clinicians are aware of this requirement. Confirmation that all relevant clinicians are aware of the leaflet, have sufficient copies and are aware when it should be used, should be provided to my office within two months of the date of the report.

The Health Board agreed to implement the recommendations.

### **Betsi Cadwaladr UHB - Issued October 2015 – Case Ref 201405067**

Mrs P complained about her late husband Mr P’s treatment in what were his final weeks and about the handling of her complaint. Specifically, she complained about a delay in Mr P being seen on admission to hospital due to a bed shortage, a failure in diagnosing his brain cancer from a scan performed, and failures in his care and treatment (including being given a drug of limited prognostic benefit). Mrs P also complained about how Mr P was afterwards discharged home to her care without appropriate plans and services in place. She further complained about his discharge with medication (about which no advice or guidance had been offered) and also about a letter written to her by the Consultant treating Mr P after his death, which had caused her further distress.

Following an examination of clinical records, and advice from my clinical advisers, the following aspects of the complaint were not upheld: Whilst Mr P’s brain cancer had not been diagnosed from the scan this was within acceptable clinical practice on the part of an average radiologist, given the type of cancer was rare. However, given Mr P’s ongoing symptoms, consideration should have been given to a second opinion from a Neuroradiologist. Whilst recognising Mrs P’s distress in receiving the letter, at an emotional time, the Consultant had written it with the best of intentions. It was not, to the objective eye, insensitive or meant to cause her distress.

The following complaints were upheld: There had been a delay in Mr P’s admission. The course of clinical treatment offered to Mr P at that stage of his illness was not reasonable (given its slow response rate) in comparison with a treatment he could have been offered which may have prolonged his life expectancy even for a short time. Mr P was discharged home without proper arrangements in place. The discharge lacked effective communication with both Mr and Mrs P, and raised serious concerns surrounding controlled medication. The complaint handling concern was also upheld.

The following recommendations were made, all of which the Health Board agreed to implement in full:

- (a) a written apology to Mrs P and an offer of redress of £3,000 for her distress, time and trouble in pursuing her grievances and complaint handling delays;
- (b) the preparation of an action plan dealing with the nursing care failings identified by my clinical adviser (relating to clinical care, patient discharge and record keeping);
- (c) the case should be discussed at both Radiology and Cancer services meetings as a learning point, taking into account the critical comments of my clinical advisers. An action plan to deal with resulting actions to avoid recurrence should be prepared and shared with me.

### **Cardiff & Vale UHB – Issued June 2015 – Case Ref 201401302**

Dr A complained about the care given to his mother (“Mrs A”) by Cardiff and Vale University Health Board (“the Health Board”). He said that, on 13 February 2014, Mrs A was admitted to the Medical Assessment Unit (“the MAU”) of the University Hospital of Wales. She was later transferred to a surgical ward (“the Ward”). Dr A said Mrs A was triaged wrongly, the medical team were late in examining her and no treatment was given. He said the MAU misdiagnosed and mismanaged sepsis and failed to follow the “sepsis pathway”. He also said:

- antibiotics were either administered late or not at all;
- fluid balance monitoring was not done. His mother was septic and was unable to pass urine, but a catheter was not inserted;
- no paracetamol was given in the MAU and she remained feverish throughout her stay in the MAU;
- despite being on oxygen when she was in the MAU, she was not given oxygen during a transfer between the MAU and the Ward.

Dr A said the failings led to Mrs A suffering a cardiac arrest on 13 February. Mrs A remained in hospital until 8 March when, sadly, she died.

My investigation considered the relevant records along with comments from the Health Board and Dr A. I also obtained advice from two of my clinical advisers.

Sepsis is a common and potentially life-threatening condition triggered by an infection. If not treated quickly, it can eventually lead to multiple organ failure and death. Early symptoms of sepsis usually develop quickly and it can move from a mild illness to a serious one very quickly. Therefore, early intervention is key. If identified and treated quickly, sepsis is treatable. The Sepsis Six is a recognised set of interventions (including the giving of antibiotics) which, when delivered in the first hour, can increase the chance of survival.



My investigation found that Mrs A was suffering from sepsis. However, the Health Board failed to implement the Sepsis Six.

Mrs A should have been seen by a doctor within 10 minutes of triage; however she was not reviewed by the doctor for three and a half hours. There was a similar delay in the giving of paracetamol and, more seriously, a delay of over six hours in the giving of antibiotics.

My investigation also found that the Health Board failed to follow record keeping and complaint handling guidance.

In relation to Dr A's complaint that Mrs A was not given oxygen during a transfer between the MAU and the Ward, it is clear that Mrs A needed supplementary oxygen and this was given in the MAU. However, it was not clear from the records whether this was provided during the transfer to the Ward. If Mrs A was transferred without oxygen this would be a serious failing. The records indicated that she was peripherally cyanosed shortly after the transfer. This fits with the possibility that she was transferred without oxygen. She then suffered a cardiac arrest.

Unfortunately, as a result of poor record keeping, my investigation could not determine with any certainty whether Mrs A was, or was not, given oxygen during the transfer. Nor could it definitively identify what role the transfer played in her suffering a cardiac arrest. The poor record keeping therefore caused uncertainty which is an injustice.

I concluded that the care provided to Mrs A on 13 February was inadequate. Therefore, I upheld Dr A's complaint and recommended that the Health Board should:

- (a) give Dr A an unequivocal written apology for the failures identified by this report
- (b) make a payment to Dr A of £4,000 to reflect the:
  - i. distress caused by the failings in Mrs A's care;
  - ii. uncertainty caused by those failings;
  - iii. failings in the Health Board's handling of his complaint;
  - iv. provision of incorrect information during the complaint process
- (c) so that appropriate lessons may be learned, share this report with the doctors, nurses and administrative staff involved in the case
- (d) formally remind the doctors and nurses involved in Mrs A's care to follow the relevant record keeping guidance. (If needed, and within four months of the date of this report, the Health Board should implement refresher training for staff, involved in the case, who indicate that they are not fully conversant with the relevant guidance)
- (e) provide me with evidence of its current process which ensures that doctors and nurses who meet with complainants are familiar with the case and the patient's records

- (f) provide me with evidence of the existing monitoring and quality assurance mechanisms it has in place to prevent a recurrence of the failure of:
- i. doctors to review a patient categorised as triage 2 within the timescales specified by the MTS
  - ii. doctors and nurses to follow the sepsis pathway
  - iii. doctors to ensure that the surgical review was performed by a doctor experienced enough to perform it
  - iv. doctors and nurses to maintain appropriate records
  - v. doctors, nurses and administrative staff to follow the Complaints Guidance.

(If the Health Board is not able to provide evidence to show that it has current suitable protocols for (e) and (f)(i) – (v) then, within four months, it should provide its plans to introduce such protocols.)

- (g) ensure that staff training in respect of recognising sepsis is up to date.

(If needed, and within six months of the date of the investigation report, the Health Board should implement training for staff who indicated that they were not fully conversant with the relevant protocols.)

### **Hywel Dda UHB & Welsh Ambulance Service Trust - Issued June 2015 – Case Refs 201400661 & 201402833**

Mrs X complained about the care and treatment her late husband received from Hywel Dda University Health Board's ("the Health Board") out of hours service ("OOH") and Welsh Ambulance NHS Trust ("WAST") during the final stages of his life.

The investigation found that the Health Board had failed to ensure that there would be any OOH GP cover in the Pembrokeshire area on 15 July 2013. As a result of that failing Mr X had to wait three hours to be seen by a doctor, which is a significant period when experiencing pain and anxiety, particularly in the final hours of life. The failure to ensure adequate cover was in place put additional strain on the emergency services and placed the residents of Pembrokeshire at risk.

The investigation also found that following Mr X's sad death, the paramedic in attendance did not understand his responsibility under the "Recognition of Life Extinct" ("ROLE") policy which resulted in an unnecessary decision to call the Police. It was also noted that in response to Mrs X's complaint about this matter WAST endorsed the actions of the paramedic despite those actions being contrary to the ROLE policy.

I recommended that the Health Board apologise to Mrs X and her family and pay the sum of £1,000 in recognition of the distress and injustice arising from the identified service failure. I also recommended that the Health Board remind GPs of the need to ensure that a patient's

computerised “special notes” are completed and accessible by the OOH service and that “Just in Case Boxes” contain the necessary prescriptions. Finally, I recommended that the Health Board review its contingency plan for periods where there are no GPs available in the area and ensure that the OOH practitioners available have the necessary skills.

I recommended that WAST apologise to Mrs X and her family and pay the sum of £500 in recognition of the distress and injustice arising from the identified service failure. It was also recommended that paramedics and officers are reminded of their responsibilities under the ROLE policy and the Code of Practice. Finally it was recommended that WAST review its training plan to include training on the ROLE policy.

## Education

### **Wrexham County Borough Council – Issued February 2016 – Case Ref 201403532**

Mrs A complained that Wrexham County Borough Council (“the Council”), in its role as the local education authority (“LEA”) failed to properly consider, assess and identify her son, B’s, special educational needs (“SEN”). Mrs A said the LEA failed to consider whether B’s SEN would be better provided for by a statutory assessment. Mrs A considered that the Extended School Action Plus Agreement (“ESAP”) issued by the LEA for B was not monitored and the LEA failed to ensure that his school provided the support specified under that Agreement. Mrs A complained that the Council failed to properly handle her complaint about the LEA.

The investigation found that ESAP Agreements are not referred to, or recognised, either as part of a graduated approach or as an alternative to statutory assessment in any of the LEA’s information, procedures and/or its published policies for SEN provision. I concluded that in B’s case an ESAP Agreement, as an alternative to statutory assessment, was not a legitimate means of meeting B’s SEN. The LEA’s policy was clear when B’s school based interventions were insufficient to meet his SEN requirements, B should have been considered for a statutory assessment. I was concerned about the LEA’s use of ESAP Agreements as an alternative to statutory assessment.

The LEA argued that B’s ESAP Agreement was on a par with an SEN Statement but the investigation concluded this was not the case. Further, the ESAP Agreement issued by the LEA was only in place for a two week period during which B attended school on significantly reduced hours. As such the ESAP provision was not met by the LEA.

I upheld Mrs A’s complaint and concluded that the LEA failed to assess and identify B’s SEN and failed to provide B with the appropriate support to meet his identified needs. I upheld

Mrs A's complaint about the way the Council handled her complaint, although the Council had subsequently made changes to its complaint management procedure to avoid a recurrence of the situation.

I recommended the Council apologise to Mrs A and provide redress of £350 for Mrs A's time and trouble in pursuing a complaint. It was also recommended that the Council identify and instruct an independent educational specialist to review educational provision to B; the Council review its published SEN Policy; and the Council audit the ESAP Agreements currently in place to consider whether statutory assessments should be carried out in accordance with its SEN Policy.

## Other

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### **Cynwyd Community Council – Issued November 2015 – Case Ref 201403092**

Mrs X complained about poor communications that the Council had with local residents. Mrs X said that it posted some notices in Welsh only and she was aggrieved that this excluded her from becoming involved with the Council as she does not speak Welsh. She said that, when the Council posted agendas in Welsh only, non-Welsh speakers were being disadvantaged because they did not know what would be discussed at those meetings.

Mrs X considered that the Council's meetings being held solely through the medium of Welsh also excluded her, because she would not understand what was being discussed. She felt that the way that the Council conducted its business detrimentally affected her ability to properly take part in local democracy.

Mrs X considered that the Council should ensure that all of its notices and meetings should be bilingual so that everyone could be involved and made to feel that their views and concerns were equally valid.

Whilst I fully accept and support the principle that the Council has a right to conduct its business through the medium of Welsh, I found that by posting agendas in Welsh only the Council had failed to make adequate written bilingual provision for Mrs X as a person who understands English, but not Welsh. That amounted to maladministration which caused Mrs X to suffer an injustice. I therefore upheld Mrs X's complaint. I recommended that:

- (a) the Council apologise to Mrs X in writing for failing to make adequate written bilingual provision for her;

(b) the Council undertake to publish all agendas bilingually and to make other documents available bilingually (including meeting minutes if they were not already available bilingually) where reasonably practicable to do so.

The Council did not accept the findings of the report and refused to implement the recommendations made.

I had also recommended in an earlier draft of this report that the Council should make a payment of £100 to Mrs X in recognition of the time and trouble she had expended pursuing her complaint. Mrs X, having seen the draft, said that she was disinclined to accept the money. I therefore did not ask the Council to make such a payment to Mrs X, although I considered it would be merited.

[Note: Subsequent to the publication of the above report, the Community Council met and agreed to implement my recommendation at (b) above.]



# Annex B

## Public Body Complaints: Statistical Breakdown of Outcomes by Public Body

Note: Complaints included in the category 'Other cases closed after initial consideration' on the pages which follow, consists of those received which:

- did not provide any evidence of maladministration or service failure,
- did not provide any evidence of hardship or injustice suffered by the complainant,
- showed that little further would be achieved by pursuing the matter (for example, a public body may have already acknowledged providing a poor service and apologised).

## County/County Borough Councils

County/ County Borough Council	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Blaenau Gwent	3	8	5	1	1		1			19
Bridgend	4	18	17		1				2	42
Caerphilly	10	17	24		2		1	1	1	56
Cardiff	15	46	58		20		2	1	1	143
Carmarthenshire	8	12	18		8		2	3		51
Ceredigion	7	12	6	1	5		2			33
Conwy	3	5	10		2					20
Denbighshire	7	10	17	2	1		2	1	1	41
Flintshire	4	18	14		2		3			41
Gwynedd	7	4	11	1	4		1	1		29
Isle of Anglesey	2	14	12				4	1		33
Merthyr Tydfil	1	5	5	1	4				1	17
Monmouthshire	7	7	9				1			24
Neath Port Talbot	5	14	16		1			1	1	38
Newport	1	10	14	1	4		1	4		35
Pembrokeshire	6	17	17		4		1		1	46
Powys	13	20	16		5		7	1	1	63
Rhondda Cynon Taf	9	11	19		3					42
Swansea	12	9	19		2		1		1	44
Torfaen	2	4	9		1			1		17
Vale of Glamorgan	6	14	19		3					42
Wrexham	6	17	21		8	1	2		1	56
<b>Total</b>	<b>138</b>	<b>292</b>	<b>356</b>	<b>7</b>	<b>81</b>	<b>1</b>	<b>31</b>	<b>15</b>	<b>11</b>	<b>932</b>



### Other Local Authority

School Appeal Panels	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Croesty Primary School			1							1
Cardiff High School			1							1
All Saints Church in Wales Primary School - Admissions Authority						1				1
All Saints Church in Wales Primary School - Appeal Panel						1				1
Beaufort Hill Primary			1							1
Mary Immaculate Catholic High School			1							1
Rogerstone Primary School			2							2
Rumney Primary School			1							1
Ysgol Gynradd Llanelltyd			1							1
Ysgol Gyfun Gymraeg Plasmawr			1							1
Bishopston Comprehensive School			1							1
Fitzalan High School			1							1
Penarlag Primary School								1		1
Mount Stuart Primary School			1							1
<b>Total</b>			<b>12</b>				<b>2</b>	<b>1</b>		<b>15</b>

## Other Local Authority (Continued)

National Park Authority	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Brecon Beacon	1	1	3		1					6
Pembrokeshire Coast		1	2		1					4
<b>Total</b>	1	2	5		2					10

Fire & Rescue	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Mid and West Wales			1							1
South Wales	1									1
<b>Total</b>	1		1							2

## Community/Town Councils

Community or Town Council	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Abergavenny Town			1							1
Aberystwyth Town	1									1
Bangor City		1								1
Cornelly Community		1								1
Corris Community			1							1
Cwmaman Town		1								1
Cynwyd Community						1				1
Glynneath Town	1	2								3
Holyhead Town	2									2
Llanddew Community		1								1
Llanfynydd Community [Carmarthenshire]			1							1
Llangattock Community			1							1
Llantwit Fardre Community		1								1
Llywel Community			1							1
Neath Town		1	6							7
Raglan Community							1			1
Rhosllanerchrugog Community		1								1
Sully and Lavernock Community	1									1
Trefeglwys Community	1									1
Welsh St Donats Community			1							1
Ynysawdre Community	1	1								2
<b>Total</b>	<b>7</b>	<b>10</b>	<b>12</b>			<b>1</b>	<b>1</b>			<b>31</b>

## Registered Social Landlords

Housing Association (Registered Social Landlord)	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Abbeyfield, South Wales Society	1									1
Bro Myrddin			2							2
Bron Afon Community Housing Ltd	1	3	1							5
Cadarn Housing Group Ltd		1								1
Cadwyn Housing Association Ltd		1	2							3
Cardiff Community			1		1				2	4
Cartrefi Conwy		3	1							4
Cartrefi Cymunedol Gwynedd	2	3	10		2				1	18
Charter Housing		4	4							8
Clwyd Alyn	2		4		3					9
Coastal Housing Group Ltd		1								1
Cymdeithas Tai Cantref							1			1
Cynon Taf Community Housing		1								1
Derwen Cymru					2					2
Family Housing Association (Wales) Ltd		1								1
First Choice Housing Association Ltd		1								1
Grwp Cynefin			1							1
Grwp Gwalia Cyf Ltd	2	1	6		1					10

## Registered Social Landlords (Continued)

Housing Association (Registered Social Landlord)	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Hafod	1	2	5							8
Hendre		1								1
Linc-Cymru		2			2					4
Melin Homes Ltd		2	2							4
Merthyr Tydfil Housing Association Ltd		1								1
Merthyr Valleys Homes	2	1	2						1	6
Mid Wales Housing Association Ltd	2				1					3
Monmouthshire		2								2
Newport City Homes		3	4		1					8
Newydd			1							1
North Wales Housing		2	1		1					4
NPT Homes	2	5	7							14
Pembrokeshire Housing Association Ltd	1	1	2							4
RCT Homes		4	2							6
Rhondda Housing Association Ltd	1	1							1	3
Tai Calon		1								1
Tai Ceredigion Cyf	1	1	2							4
United Welsh		3	1		1					5
Valleys To Coast		1	1		1					3
Wales and West	1	3	3							7
<b>Total</b>	<b>19</b>	<b>56</b>	<b>65</b>		<b>16</b>		<b>1</b>		<b>5</b>	<b>162</b>

### Local Health Boards and NHS Trusts

Local Health Board/ NHS Trust	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Abertawe Bro Morgannwg	15	21	33	2	12	1	16	10	5	<b>115</b>
Aneurin Bevan	9	15	28		12		21	9	3	<b>97</b>
Betsi Cadwaladr	11	27	40		24	1	21	8	3	<b>135</b>
Cardiff and Vale	7	17	22		14	1	16	5	3	<b>85</b>
Cwm Taf	4	12	18		12		11	10		<b>67</b>
Hywel Dda	7	27	18	1	32	1	14	1	1	<b>102</b>
Powys Teaching	3	3	17	1	6			9	1	<b>40</b>
Public Health Wales		1	1		1					<b>3</b>
Velindre	1						1			<b>2</b>
Welsh Ambulance Services	3	4	6			1	2			<b>16</b>
<b>Total</b>	<b>60</b>	<b>127</b>	<b>183</b>	<b>4</b>	<b>113</b>	<b>5</b>	<b>102</b>	<b>52</b>	<b>16</b>	<b>662</b>

### Other Health Bodies

Other Health	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Dentists		11	7		5		3	2	4	<b>32</b>
GPs	7	26	29	5	2		16	31	1	<b>117</b>
Pharmacist					1			1		<b>2</b>
<b>Total</b>	<b>7</b>	<b>37</b>	<b>36</b>	<b>5</b>	<b>8</b>		<b>19</b>	<b>34</b>	<b>5</b>	<b>151</b>

### Welsh Government and Welsh Government Sponsored Bodies

Welsh Government and Welsh Government Sponsored Bodies	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Welsh Government										
CAFCASS Cymru		2	4		1		1			8
CSSIW			3		1		1	1		6
Healthcare Inspectorate Wales					1					1
Independent Complaints Secretariat	1									1
Planning Inspectorate			5				1			6
Welsh Government	4	7	6	1	3		1	1		23
Welsh Health Specialised Services Committee		1	3							4
<b>Total</b>	<b>5</b>	<b>10</b>	<b>21</b>	<b>1</b>	<b>6</b>		<b>4</b>	<b>2</b>		<b>49</b>
Welsh Government Sponsored Body										
Higher Education Funding Council for Wales (HEFCW)			1							1
Natural Resources Wales	2	5	1				1			9
Student Finance Wales		1	1		1					3
Welsh Language Commissioner			1							1
<b>Total</b>	<b>2</b>	<b>6</b>	<b>4</b>		<b>1</b>		<b>1</b>			<b>14</b>

## Independent Care Providers

Independent Care Providers	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Marjorie Kirby (Warrendale Cottage Residential Home)			1							1
<b>NHS Independent Care</b>										
Glanbury Care Home				1						1
Nant y Gaer Hall Nursing Home								1		1
<b>Self Funding Independent Care</b>										
Craig Y Trwyn Care Home				1						1
Gofal Gwynedd Care Ltd			1							1
Hallmark Care Home Ltd							1			1
Hawthorn Court Care Home							1			1
Kimmel Lodge Residential Home			1							1
Springbank Nursing Home	1									1
Trewythen Hall Care Home									1	1
Lakeside House Nursing Home		1								1
Loving Care									1	1
The Oaklands Residential Home									1	1
Sevacare			1						1	2
Torestin Care Home Ltd (Brynderwen Care Home Ltd)			1							1
Ty Porth Care Home		1								1
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>2</b>			<b>2</b>	<b>1</b>	<b>4</b>	<b>17</b>



**Other**

Other	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
National Assembly for Wales Commission	1									1
Body out of jurisdiction	4									4
<b>TOTAL</b>	<b>5</b>									<b>5</b>



# Annex C

## Code of Conduct Complaints: Statistical Breakdown of Outcomes by Local Authority

## County/County Borough Councils

County/County Borough Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	3							3
Bridgend	9							9
Cardiff	14		1				2	17
Carmarthenshire	3	3	1	1				8
Conwy	2							2
Denbighshire	5							5
Flintshire	1							1
Gwynedd	6							6
Isle of Anglesey	1	1						2
Monmouthshire	4		1	1				6
Neath Port Talbot	2							2
Newport	2							2
Pembrokeshire	5		1	2				8
Powys	13							13
Rhondda Cynon Taf	3		1					4
Swansea	11							11
Torfaen	5		1					6
Vale of Glamorgan	6					1		7
<b>TOTAL</b>	<b>95</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>112</b>

## Community/ Town Councils

Community/Town Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Abergavenny Town	1		1					1
Abertillery & Llanhilleth Community	17							17
Aberystwyth Town	1						1	2
Amroth Community		1						1
Bangor City	1							1
Bargoed Town	1							1
Barry Town						1		1
Brackla Community	1						1	2
Bronwydd Community	1							1
Buckley Town	1							1
Builth Wells	1							1
Caldicot Town	2							2
Connah's Quay Town				1				1
Crickhowell Town	1							1
Devauden Community	1							1
Dinas Powys Community					2			2
Fishguard & Goodwick Town	1							1
Garw Valley Community	4	1					1	6
Glynneath Town	22							22
Gorseinon Town	2							2
Gwehelog Fawr Community	1							1
Holyhead Town	14							14

## Community/ Town Councils (Continued)

Community/Town Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Llanddew Community	6							6
Llanedi Community		1						1
Llanelli Rural	2		1					3
Llanelli Town				1				1
Llanfynydd Community [Carmarthenshire]							1	1
Llanfynydd Community [Flintshire]				1				1
Llangatock Community	1							1
Llangefni Town	2							2
Llanover Community		1						1
Llansteffan & Llanybri Community				1				1
Llantilio Pertholey Community	3						7	10
Llantwit Fardre Community	1							1
Llanwrtyd Wells Town		2						2
Llywel Community	1							1
Magor with Undy Community						1		1
Manorbier Community	1		2		1			4
Merlins Bridge Community	1							1
Mumbles Community	5							5
Neyland Town							1	1
Northop Community	1							1

### Community/ Town Councils (Continued)

Community/Town Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Penmaenmawr Town			1					1
Pontyclun Community	1							1
Porthcawl Town	1						1	2
Radyr and Morganstown Community	5							5
Saltney Town	1							1
Towyn & Kinnel Bay Town	2							2
Trefglwys Community				1				1
Tywyn Town	6			1				7
Welsh St Donats Community	2							2
Welshpool Town	3							3
<b>TOTAL</b>	<b>117</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>13</b>	<b>152</b>

### National Park Authorities

National Park Authority	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Brecon Beacons	1							1

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28 July 2016

**Sent by email**

Dear Mr James

**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 **Carmarthenshire County 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**



Nick Bennett

Ombudsman

### Factsheet

I am pleased to see the number of complaints received by my office about your local authority decreased by over 57%, reflected in the smaller number taken forward to investigation. The highest number of complaints still relate to Planning and Building Control, while it is encouraging that last year's second highest complaint area of Roads and Transport did not have any this year. Response times remain an area that requires addressing – in more than two thirds of cases the response time for information was over six weeks. I am pleased to see that there were only eight Code of Conduct complaints made this year compared to 15 last year.

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

In total my office received **40** complaints against **Carmarthenshire County Council** during 2015/16 compared to a local authority average of **53**.

#### **B) Comparison of complaints by subject category with LA average**

<b>Subject</b>	<b>2015/16 Carmarthenshire</b>	<b>2015/16 LA Average</b>
Adult Social Services	3	3
Benefits Administration	0	1
Children's Social Services	3	5
Community facilities, recreation and leisure	0	
Complaints-handling	0	1
Education	2	2
Environment and Environmental Health	4	2
Finance and Taxation	3	4
Health	1	2
Housing	7	0
Planning and building control	11	4
Roads and Transport	0	9
Agriculture and Fisheries	0	3
Independent care providers	0	0
Various Other	6	3
<b>Total</b>	<b>40</b>	<b>40</b>

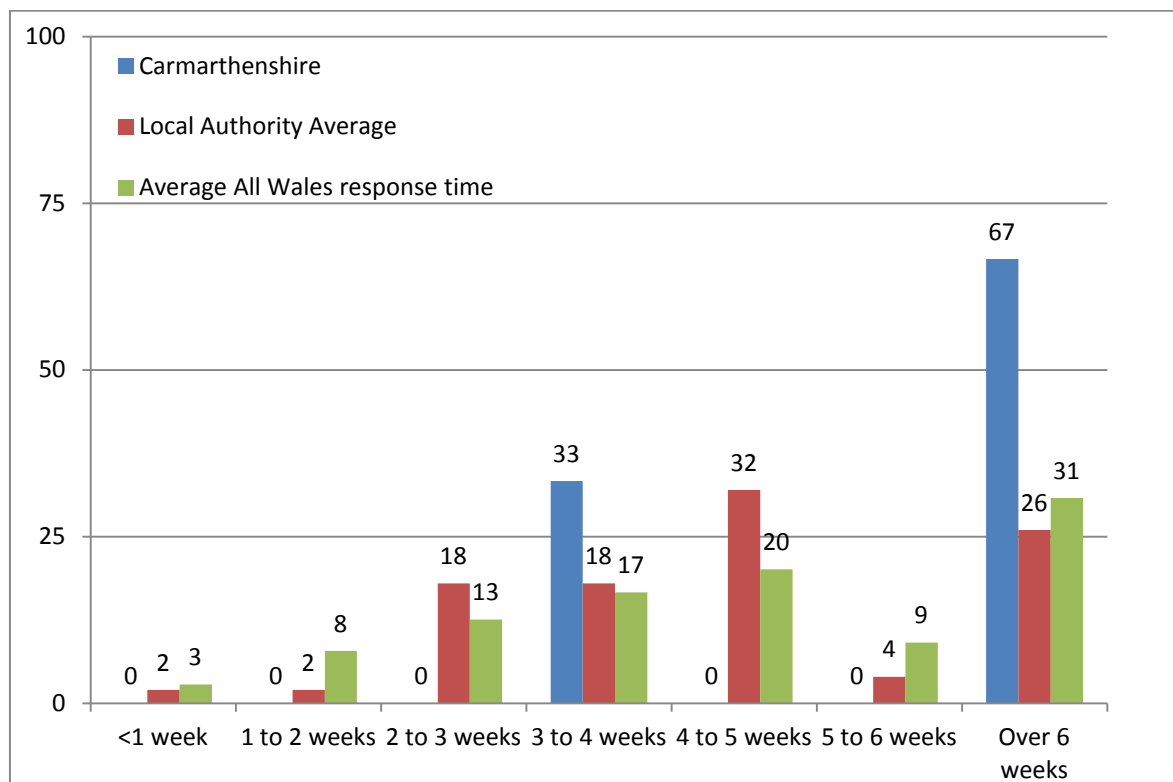
**C) Complaints taken into investigation by my office with LA average**

	<b>2015/16 Carmarthenshire</b>	<b>2015/16 LA Average</b>
Number of complaints taken into investigation	3	3

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

<b>Complaint Outcomes</b>	<b>2015/16 Carmarthenshire</b>	<b>2015/16 LA average</b>
Out of jurisdiction	8	8
Premature	12	17
'Other' cases closed after initial consideration	18	21
Discontinued	0	0
Quick fix / Voluntary settlement	8	5
Section 16 – Upheld – in whole or in part	0	0
Other report upheld – in whole or in part	2	2
Other report – not upheld	3	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 **eight** code of conduct complaints were made against members of **Carmarthenshire County Council** during 2015/16. In three of cases the decision was made not to investigate, three were discontinued, in one there was no evidence of breach and in one case it was deemed no action was necessary.

**G) Summaries**

[Casebook 21](#)

201204252

201306498

201404424

[Casebook 22](#)

201502000

201303358

201401903

[Casebook 23](#)

201503742

201504222

[Casebook 24](#)

201505931

201409301

## **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 relating to the Council appearing in the Ombudsman's 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](mailto:lucy.geen@ombudsman-wales.org.uk) or [matthew.aplin@ombudsman-wales.org.uk](mailto:matthew.aplin@ombudsman-wales.org.uk)

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## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

<b>COMPLAINTS AND COMPLIMENTS</b>		
<b>Recommendations / key decisions required:</b> To note the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

## COMPLAINTS AND COMPLIMENTS

The authority received 501 complaints during 2015/2016, compared to 573 in 2014/2015. This represents a continuing trend which has seen the number of complaints reduce from 727 in 2012/2013.

A total of 463 complaints were responded to during the year, including a number carried over from the previous municipal year.

The number of cases responded to within the required time period fell from 66% to 62%, reversing the previous trend.

Owing to significant departmental re-organisations during the relevant period it is difficult to make direct comparisons with previous years. However the new Environment Department (which includes planning and waste services) continues to account for the majority of complaints, followed by the new Communities Department, which will also be responsible for a proportion of the Statutory Complaints referred to in the report.

The number of compliments received fell slightly from 545 to 542 with the Communities and Environment Departments accounting for 78% of the compliments received.

A detailed analysis of complaints and compliments received by department is set out in the attached report.

The Committee is asked to note the report.

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

- 1. Scrutiny Committee**  
Not applicable
- 2. Local Member(s)**  
Not applicable
- 3. Community / Town Council**  
Not applicable
- 4. Relevant Partners**  
Not applicable
- 5. Staff Side Representatives and other Organisations**  
*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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**Complaints and Compliments Report  
End of Year  
April - March  
2015/16**

**Anthony Maynard  
Communities & Safeguarding Manager**

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## 1. Principles

Carmarthenshire County Council's Complaints Procedure was adopted in May 2011. The procedure aims to emphasise the following principles:

- To ensure that as many complaints as possible are **resolved at stage 1** local resolution.
- To ensure that investigations follow the '**Investigate Once, Investigate Well**' principle.
- To adopt a stronger emphasis on **learning from complaints** and utilising them where possible to reform service design.

## 2. Definition

The **definition of a complaint** is an expression of dissatisfaction or concern,

- about a public service provider's action or lack of action
- or about the standard of service provided
- which requires a response
- whether about the public service provider itself, a person acting on its behalf, or a public service provider partnership.

Complaints which are currently open and under investigation are **not included** in this report.

The complaints referred to within this report are those where the investigation has been completed during the review period.

### 3. Complaints investigated and responded to between April 2015 – March 2016

SERVICE	Stage 1				Stage 2			
	No. of Complaints responded to <sup>1</sup>	No. receiving a full response within allocated time period <sup>2</sup>	No. receiving a full response after allocated time period <sup>3</sup>	No. of Complaints responded to	No. receiving a response within allocated time period <sup>4</sup>	No. receiving a response after allocated time period		
Chief Executives	33	25 76%	8 24%	1	0 0%	1 100%		
Education & Children's Services (excluding Statutory Complaints)	9	8 89%	1 11%	1	1 100%	0 0%		
Corporate Services	31	28 90%	3 10%	1	0 0%	1 100%		
Community (excluding Statutory Complaints)	95	64 67%	31 33%	6	1 17%	5 83%		
Environment	242	155 64%	87 36%	22	5 23%	17 77%		
Cross Departmental Issues	6	4 67%	2 33%	0	0 0%	0 0%		
Statutory Social Services Complaints – covering Children Services, Adult Social Services and Mental Health and Learning Disabilities <sup>5</sup>	47	19 40%	28 60%	7	1 14%	6 86%		
<b>TOTAL</b>	<b>463</b>	<b>303 65%</b>	<b>160 35%</b>	<b>38</b>	<b>8 21%</b>	<b>30 79%</b>		

<sup>1</sup> This is the cumulative figure of complaints investigated and responded to within the period of the report this financial year

<sup>2</sup> Any corporate complaint which has been investigated and responded to within 10 working days. Any Statutory Social Service Complaint where an investigation has been undertaken and a response has been sent within the allocated time period. This initially would be 10 working days, with an additional 10 working day extension with the complainant's consent

<sup>3</sup> Any complaints which have been investigated and responded to outside the allocated time period

<sup>4</sup> Any corporate complaint which has been investigated and responded to within 10 working days. Any Statutory Social Service Complaint where an investigation has been undertaken and a response has been sent within the allocated time period. This initially would be 25 working days, or up to 3 months with the complainant's consent

<sup>5</sup> These are any complaints logged which fall under the Statutory Social Services Complaints Procedure



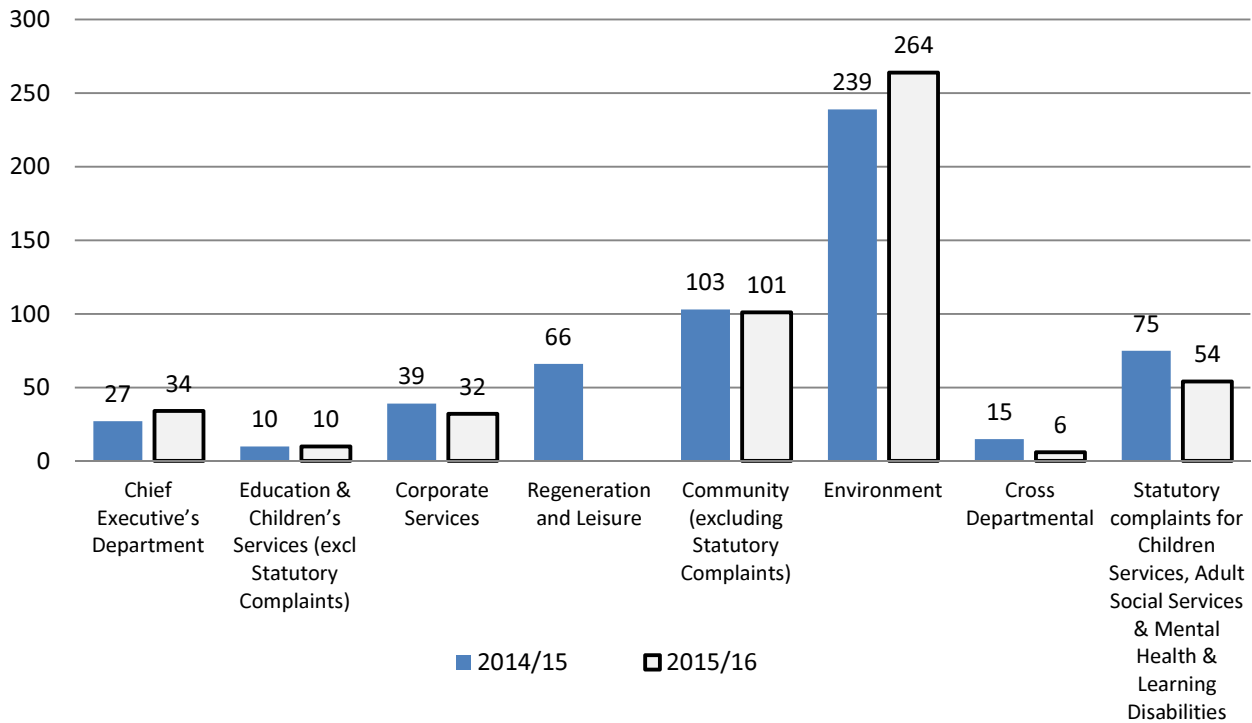
## 4. Summary of complaints

- The Authority investigated and responded to 501 complaints during 2015/16, compared to 573 during the same period for 2014/15.
- Overall, 62% of cases received a response within the allocated time period, compared to 66% for the same period last year.

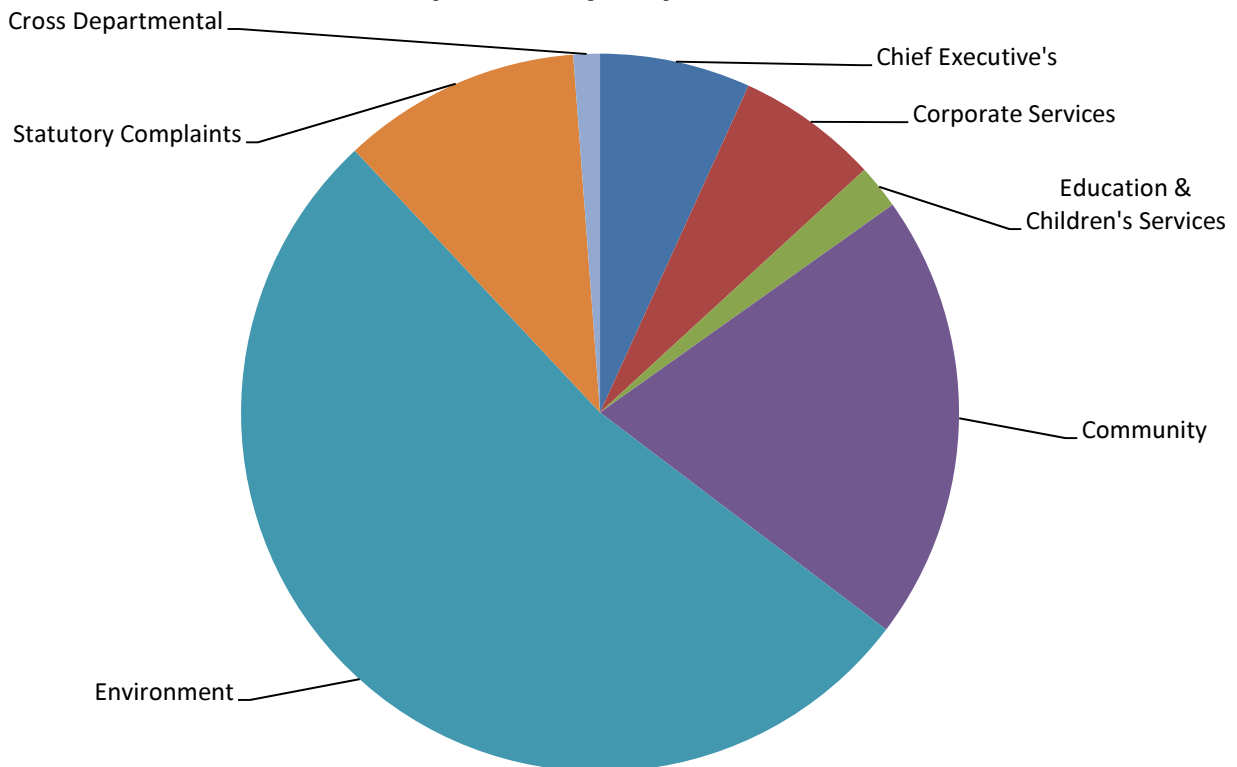
<b>Department</b>	<b>Total No. of complaints received</b>
Chief Executive's Department	34
Education & Children's Services (excl Statutory Complaints)	10
Corporate Services	32
Community (excluding Statutory Complaints)	101
Environment	264
Cross Departmental	6
Statutory complaints for Children Services, Adult Social Services and Mental Health and Learning Disabilities	54
<b>Total</b>	<b>501</b>

**\*\*Comparisons are approximations only due to departmental reorganisations\*\***

### Number of Complaints investigated & responded to during 2015/16 compared to 2014/15



### Complaints by Department 2015/16



## 5. Redirected Communication

The Complaints Team also addressed a further **520** “Redirects” – enquiries and requests for assistance which offered the team the opportunity to try and rectify difficulties before complaints arise. This figure would also include any dissatisfaction received regarding properly made Policy decisions which would not be addressed by the formal Complaints Policy.

<b>Department</b>	<b>Total No of Redirected communication received</b>
Chief Executive’s Department	24
Education & Children’s Services	40
Corporate Services	12
Community	184
Environment	250
Cross Departmental	7
External Providers	3
<b>Total</b>	<b>520</b>

## 6. Complaints with any equalities or Welsh language issues

During 2015/16 we received six complaints which involved specific Welsh language issues (Education & Children's Services 1, Chief Executive's 1, Communities 2, Environment 2)

Three complaints addressed during 2015/16 related to Equalities issues (Corporate Service 1, Communities 2)

## 7. Complaints determined by the Ombudsman during 2015 / 16

	Concluded by Ombudsman 2015-16	Settled	Ombudsman conclusion				
			Not Upheld	Discontinued	Out of jurisdiction	Referred back to Authority	Upheld
Chief Executives	0	0	0	0	0	0	0
Education & Children's Services	5	0	0	1	1	3	0
Resources	3	1	0	1	0	1	0
Community Services	9	1	0	4	2	1	1
Environment	22	4	2	8	4	4	0
Cross Departmental Issues	1	0	0	1	0	0	0
<b>Total</b>	<b>40</b>	<b>6</b>	<b>2</b>	<b>15</b>	<b>7</b>	<b>9</b>	<b>1</b>

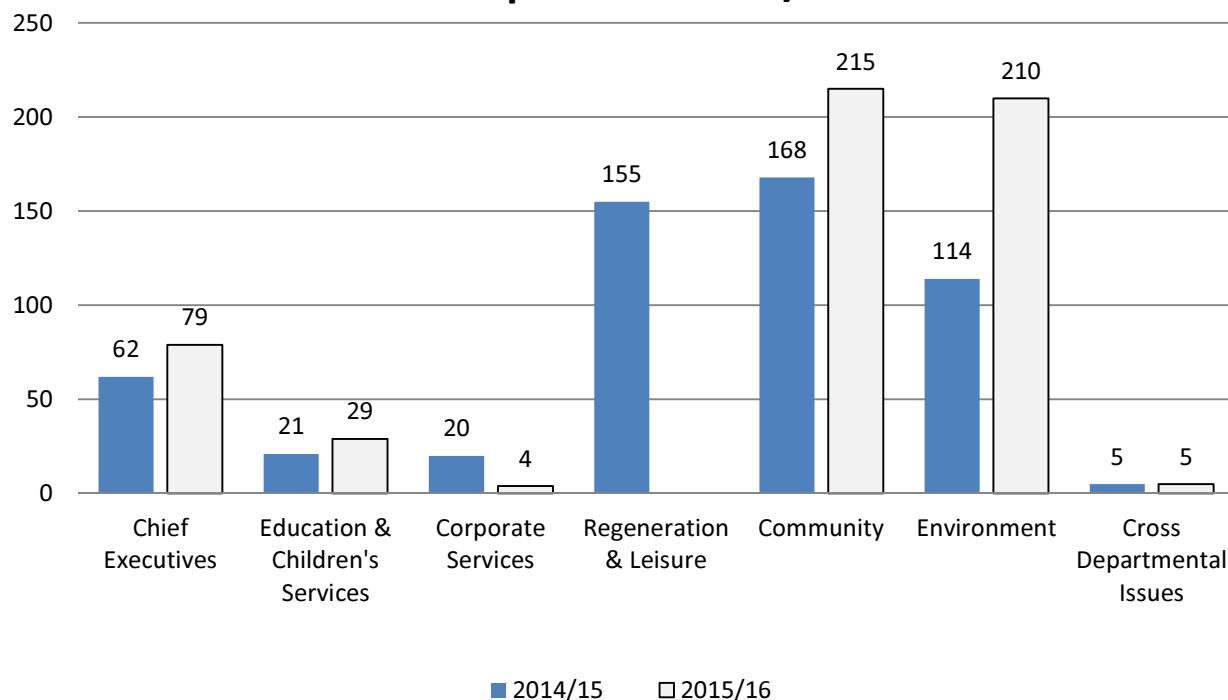
## 8. All Departments Compliments

Service	No. of compliments received
Chief Executives	79
Education & Children's Services	29
Corporate Services	4
Community	215
Environment	210
Cross Departmental Issues	5
<b>Total</b>	<b>542</b>

- The Authority received 542 compliments between during 2015/16, compared to 545 for the same period in 2014/15.

**\*\*Comparisons are approximations only due to departmental reorganisations\*\***

### Number of compliments received during 2015/16 compared to 2014/15



## 9. Departmental Complaint & Compliment Analysis

### 9.1 Chief Executives

Complaints	Regeneration and Policy		People Management and Performance		Administration and Law		IT	
Stage 1 Complaints Investigated	28		1		2		2	
Upheld	11	39%	1	100%	0	0%	1	50%
Partially Upheld	9	32%	0	0%	0	0%	1	50%
Not Upheld	8	29%	0	0%	2	100%	0	0%
Stage 2 Complaints investigated	1		0		0		0	
Upheld	0	0%	0	0%	0	0%	0	0%
Partially Upheld	1	100%	0	0%	0	0%	0	0%
Not Upheld	0	0%	0	0%	0	0%	0	0%

#### Analysis of the nature of complaints and the trends

Registrars received one complaint that was upheld, it related to insufficient communication between the authority and a bride regarding scaffolding on Town Hall at the time of her wedding.

Customer Services acknowledged that they could have been more helpful when assisting with a Blue Badge enquiry by allowing use of a PC or printing off an electronic form. An apology also had to be given because card payments could not be made in The Hub in Llanelli.

Two complaints were received in relation to IT. One was upheld. It concerned the way a request for assistance at a library was addressed.

Four complaints were received regarding the manner of a Contact Centre agent. Apologies were given to callers by Team Leaders and followed up with members of staff where necessary. Three complaints were also upheld regarding the service given. These concerned advising on the blue / black bag cycle incorrectly, the ordering of recycling kit and the arrangements for a bulky waste collection.

A complaint against Human Resources was upheld. This related to the way the recruitment process was managed.

Compliments	Regeneration and Policy	People Management and Performance	IT
Compliments received	62	1	16

#### Analysis of the trends:

- Registrars received three compliments about the way in which they conducted wedding ceremonies “...we just wanted to say the biggest thank you for conducting our ceremony. You put us at ease” “I just wanted to say a HUGE thank you for the part you both played in our wedding last week... it really felt like you respected the intimate feel we hoped to achieve”
- Acknowledgements were received regarding the way in which Complaints and FOIA requests had been

addressed and the fact that it was resolved promptly. "Thank you for your tolerance and professionalism in handling this complaint." "Thank you for your prompt, comprehensive and most importantly reassuring reply"

- The Communications Team were complimented via Facebook for the way in which they were "keeping people informed".
- A number of compliments were received in relation to the manner of the staff working in the Customer Service Centres. The support that they provide members of the public was also noted. *"I don't think I would have managed to complete all the necessary documents without their guidance", "...very very helpful. Clear, concise and I am very grateful, "Very professional, a credit to the council" "She went out of her way to assist my father, we are very grateful" "I was very impressed with the level of customer care skill that this young woman displayed"*
- Contact Centre staff were also compliments on the way they addressed matters for the public. "always had an efficient service and received prompt action in relation to his queries and issues", "...you have an exceptional employee who , in my opinion, is someone who is worthy of recognition", "Excellent customer service, extremely helpful and went the extra mile to help me with my enquiry"
- IT received a number of compliments. *"your work and commitment has reflected true partnership working in Carmarthenshire", "He took our rants, came over and over to check things out, reset us and was a really big help", "PCs converted to laptops has improved efficiency - support was appreciate" "A big thank you must go to IT for sorting this, there has been a lot of work done to configure them" "Due to last minute change of plans, your fast response to keep things on track was appreciated"*

## 9.2 Education and Children Services including Statutory Complaints Procedure (Covering Children Services)

	Children Services		Governance & Inclusion		Strategic Development		Improvement & Skills		School Modernisation	
<b>Stage 1 Complaints Investigated</b>	14		4		1		1		1	
Upheld	2	14%			1	100%				
Partially Upheld	1	7%	1	25%						
Not Upheld	11	79%	3	75%			1	100%	1	100%
<b>Stage 2 Complaints Investigated</b>	1				1					
Upheld										
Partially Upheld										
Not Upheld	1	100%			1	100%				

### Analysis of the nature of complaints and the trends

- There has been a decrease in complaints for Education & Children Services in comparison to last year's 2014/15 total, down from the previous 36 complaints to this year's figure of 23. Of these 15 (65%) were for Children's Services.
- 15 Children Services complaints have been recorded, half of last year's total of 30.
- There has been a slight increase in Education complaints, up to this year's total of 8, compared to 6 last year. 4 complaints received for Children Services were in relation to concerns and involvement with individual social workers. One was partially upheld.
- 12 complaints were not upheld. The 2 which were found to be upheld, pinpointed evidence of separate teams lack of support, towards families.
- Of the Education departments 8 complaints, 7 were recorded at Stage 1, with the remaining 1 investigated at Stage 2.
- The Stage 2 complaint focused on the advice given by the Student Finance team. The case was reviewed and it was found that the team were not aware of the individuals change in circumstances. Therefore the complaint was not upheld.
- One Stage 1 complaint was upheld. It was found that a member of staff had been rude during a telephone conversation. An apology was necessary. One was also partially upheld. It was found that there had been a lack of acknowledgment or response, to an enquiry made to the Additional Learning Needs team. The remaining 5 Stage 1 complaints were all not upheld.



Compliments	Children Services	Improvements & Skills	Strategic Development	Governance & Inclusion
Compliments received per division	9	14	5	1

### Analysis of the trends

- There has been an increase in the amount of Compliments recorded this year. Up from last year's total of 21 to this year's 29.
- Compliments for Children Services related to the following areas :
  - Adoption's Team – *'Thank you for all you have done for us in building pour family'*
  - Children with Disabilities – *'You have been my rock in my darkest hour. With your dedication & right intervention she has strived....'*
- Compliments for Education related to the following:
  - Welsh Language Classes – *'exam went better than expected, this is entirely doe to your intervention and running a good class.'*
  - Writing workshops held at Trinity College – *'Thank you very much for allowing our pupils to attend the fantastic writing workshops.'*
  - 'Thanks for helping us out on the SIMS retrieval of data this week.'*
  - 'On behalf of the school, may I offer a massive thank you for the clear leadership which was clearly effective.'* Following a school's Estyn report.

### 9.3 Corporate Services

Complaints	Financial Services		Audit and Risk Management	
<b>Stage 1 Complaints Investigated</b>	30		1	
Upheld	9	30%	0	0%
Partially Upheld	6	20%	1	100%
Not Upheld	15	50%	0	0%
<b>Stage 2 Complaints Investigated</b>	1		0	
Upheld	0	0%	0	0%
Partially Upheld	0	0%	0	0%
Not Upheld	1	100%	0	0%
<b>Analysis of the nature of complaints and the trends</b>				
<ul style="list-style-type: none"> <li>Audit and Risk Management received one complaint which was partially upheld. It involved the length of time it took to complete an Insurance Claim. The complainant had already accepted a full and final settlement, however an apology was given for any delay.</li> <li>31 complaints were received for Financial Services. Four complaints were upheld relating to Council Tax. They involved the miscommunication of information regarding recovery action (sincere apology given), a recovery firm not recording payments correctly (apology given by the company), the way joint tenant records were recorded (methods reviewed) and a letter sent out in error by the team (apology given).  Four complaints were upheld relating to the Benefit team. They concerned an error in a letter, a delay and errors in calculating an entitlement, issues around the administration of a joint tenancy and the software system not issuing large print letters. Apologies were issued and errors corrected. Arrangements have also been put in place locally for large print letters to be issued on request.  A complaint against the Payments section was upheld. It related to errors and delay in processing the final pay due to a retiring employee. An apology was issued and correct payment made.</li> </ul>				
<b>Compliments</b>	<b>Financial Services</b>			
Compliments received per division	4			
<b>Analysis of the trends:</b>				
<ul style="list-style-type: none"> <li>The knowledge and effort of the Pensions team was acknowledged <i>“your pensions team have been ultra efficient in the way they have dealt with his retirement pension”</i></li> <li>Council Tax Officers were thanked for the way in which they carried out their duties <i>“thank you for giving council services a good reputation”</i> Your understanding approach was much help to me at a difficult time and it was greatly appreciated”</li> </ul>				

## 9.3 Community Department including Statutory Complaints Procedure (Covering Adult Social Care, MHL D)

Complaints	Adult Safeguarding & Improvement		Primary, Community & Social Care		Mental Health & Learning Disabilities		Public Protection		Housing		Leisure	
Stage 1 Complaints Investigated	2		27		9		8		49		35	
Upheld	0	0%	8	30%	1	12%	1	12%	11	22%	10	29%
Partially Upheld	1	50%	9	33%	4	44%	2	25%	13	27%	15	42%
Not Upheld	1	50%	10	37%	4	44%	5	63%	25	51%	10	29%
<b>Stage 2 Complaints investigated</b>	0		2		5		2		1		2	
Upheld	0	0%	0	0%	2	40%	0	0%			1	50%
Partially Upheld	0	0%	0	0%	3	60%	0	0%	1	100%	1	50%
Not Upheld	0	0%	2	100%	0	0%	2	100%				

### Analysis of the nature of complaints and the trends

#### Primary, Community and Social Care

8 of the complaints received were upheld. 3 related to communication issues, either information not being passed on or misunderstanding because of a lack of information. Other issues included the quality of advice given by the Out of Hours Social Work team, eligibility for home care and not being informed of an Occupational Therapy visit.

#### Mental Health and Learning Disabilities

Of the 3 complaints that were upheld, two related to the same case which was managed by the Transitions Team. The other upheld complaint concerned a mental health assessment. Of the seven complaints that were partially upheld, three concerned the way the worker approached the case in question. One involved delays in carrying out an assessment and arranging appropriate support and one concerned costs associated with an adult placement. The others concerned one to one care not being provided to an individual whilst attending hospital and the level of support given to a family unit after the death of the parents.

#### Adult Safeguarding & Improvement

One complaint was partially upheld. It concerned a Safeguarding investigation. An apology was given if warranted.

#### Housing

Of the complaints that were upheld or partially upheld, most were in relation to communication issues. Six of the upheld complaints related to a lack of action or responses to requests made to officers/teams. A few of the partially upheld complaints focused on advice given by teams. The Stage 2 complaint was recorded as partially upheld. A minor error in a letter was the only aspect picked up during the investigation

#### Public Protection

The Stage 1 complaint that was upheld related to the manner of a member of staff during a phone call. An apology was issued and the member of staff was required to attend customer care training. Two complaints were partially upheld, they concerned the dog warden service not making contact with the dog owner sooner than they did and the way in which an issue involving a privately owned septic tank was addressed.

### Leisure

Two Stage2 complaints were received, both in relation to Llanelli Leisure Centre. One involved H&S concerns, this was partially upheld. The other, which was upheld, related to a staff members' conduct while dealing with a customers' enquiry about gym membership.

Leisure Centres received 12 Stage 1 complaints, ranging from cancelled classes to swimming pools' water temperature. 4 were upheld and 6 partially upheld.

There were 8 complaints recorded as to the campsite within Pembrey Country Park. Issues with the showers/toilet block and the behaviour of staff members. 2 were upheld and 5 partially upheld.

The Library service received 5 complaints. 3 were recorded as to the computers installed within the libraries. Of the 5 complaints, 2 were upheld.

Compliments	Primary, Community & Social Care	Mental Health & Learning Disabilities	Adult Safeguarding & Improvement	Careline	Public Protection	Housing	Leisure
Compliments received per division	89	3	2	13	12	63	33

### Analysis of the trends

#### Primary, Community and Social Care

*"All of the staff exceeded my expectations in their concern, support, and professionalism" "Your careful care was very professional and kind. She improved so much under your care"* Enablement Team

A number of compliments acknowledged the work of Crossroads *"Compassion and dignity shown at all times", "No words can express our gratitude, without you we would be imprisoned in our house"*

*"Thank You For Getting Me Back On My Feet", "He could not have been in a better place nor had better people to see to him"* Residential Care

*"Extend my deepest thanks for her kindness & help to me as a carer and to my elderly aunt"*

*"Wonderful...brilliant...lovely...exceptional' influential in helping keep client at home" "Staff are all very caring, dedicated, professional experienced people. Words cannot express gratitude"* Social Work

*'We found OT to be most efficient in the manner she went about addressing the circumstances'*

*"Thank you for your help & assistance with my mother's affairs during her stay at the care home", "They have at all times been very polite and helpful" – Collections Team*

#### Mental Health & Learning Disabilities

*'I now have my life back, I couldn't think of a greater gift'* Substance Misuse Team

*"The care and support given by all these people have been exemplary"* Mental Health Team

#### Housing

*'...would like to express a big thanks to the officer for all of her help and support'. Housing Officer*

*'Thank you for your caring, patience and understanding during recent visit.'* Housing Officer

*'She was excellent and I can't thank her enough for her support during a very difficult period'*

Housing Options Advisor.

*'...fantastic....amazing....brilliant...'* Housing Options Team.

*'Thank you for the installation of my wet room, can't stress how happy I am with the work'* Home Improvement Team

#### **Public Protection**

*"Thank yourself and your colleagues for your excellent work and their professionalism"* Court Case

*"Most helpful and gave me a lot of useful advice.....such a good service."* Pest Control

*"I would like to thank you for all your assistance in ensuring our permit was issued in time"*

*"...willingness to go beyond the call to duty to help us to comply with these regulations" "responsive, sympathetic and kept me up to date!"* Trading Standards

#### **Leisure**

A thank you was received from the BBC following the filming of Question Time at Y Ffwrnes.

*'Very pleased with the first event of the year. Pembrey Country Park was a fantastic success, feedback received was very positive'*. Organiser of the inaugural Pembrey off-road Duathlon.

*'Very enjoyable, credit to all concerned'*. Wales Coastal Path Maintenance - Countryside Access Team.

*'We had a fantastic day at Pembrey Country Park & Beach. Your staff were tremendously helpful.'*

A film production company.

*'Llandovery library – an excellent resource'*. A comment passed by a local resident.

## 9.5 Environment

Complaints	Planning		Street Scene		Property Services		Transport & Engineering		Cross Division	
<b>Stage 1 Complaints Investigated</b>	14		158		35		34		1	
Upheld	4	29%	51	32%	12	34%	7	21%		
Partially Upheld	3	21%	52	33%	14	40%	7	21%		
Not Upheld	7	50%	55	35%	9	26%	20	58%	1	100%
<b>Stage 2 Complaints Investigated</b>	12		1		5		4			
Upheld					2	40%	1	25%		
Partially Upheld	3	25%	1	100%	2	40%	1	25%		
Not Upheld	9	75%			1	20%	2	50%		

### Analysis of the trends

- **Overview**

Overall there has been a slight decrease from last year's total of 272 complaints, to this year's 264. There has been a decrease in Stage 1 complaints, 242 compared to 254 last year. A slight increase has been recorded in Stage 2 complaints, having investigated 22 in 2015/16 compared to only 18 the previous year.

- **Planning**

There was a slight increase in Stage 2 complaints from last year, up to this year's total of 12. Of these, 9 were not upheld, with the remaining three recorded as partially upheld. The three partially upheld complaints highlighted on the failure to communicate, resulting in delays in the planning process.

14 Stage 1 complaints were recorded. 4 were upheld, and 3 partially upheld. The 4 upheld again highlighted failures in communication or delays, whether it be responding to emails or in providing informing to applicants. 3 Stage 1 complaints raised concerns with planning enforcement, all were recorded as not upheld.

- **Street Scene Highways**

The Highways department received a total of 20 complaints. Included was the only Stage 2 investigation recorded against the Street Scene division. This was recorded as partially upheld. It was found that incorrect legislation was quoted within a notice, issued to a resident. Naturally, the notice was revoked.

Of the remaining 19 Stage 1 complaints, only 3 were upheld. These related to resurfacing work to a pavement, communication between departments as to a road closure, and some property damaged caused by a gritting lorry. The remaining 16 complaints were split evenly, with 8 partially upheld and the remaining 8 recorded as not upheld.

### **Refuse, Recycling & Cleansing**

132 complaints were recorded for the department.

47 were upheld, 42 partially upheld with the remaining 43 recorded as not upheld.

Main focus of a large percentage of the complaints related to the weekly bin collection. These could mainly be broken down as regular missed collections, actions of the crew or damage/placement of the food waste bins.

- **Property Services**

5 Stage 2 complaints were received, up from last years' single Stage 2. Two were upheld, citing the standard of work and the lack of communication with the individual tenants. One was not upheld, with the other two partially upheld. One was partially upheld as to the time taken to complete the outstanding work.

4 Building Maintenance Stage 1 complaints were upheld, and a further 12 partially upheld. Lack of communication and delays were the main points highlighted within each individual complaint.

9 further Stage 1 complaints were not upheld.

There were 6 Stage 1 complaints recorded against the Grounds Maintenance department, 4 of which were upheld.

- **Transport and Engineering**

There was a slight increase in the number of complaints received for the department this year, up to 38 from last year's total of 35. 4 complaints were recorded at Stage 2, 1 of which, was upheld. 59% of the 34 Stage 1 complaints were not upheld. 7 were recorded as upheld and a further 7 partially upheld.

A total of 23 complaints related to Parking Services, the issuing of parking fines or staff behaviour.

3 were recorded as upheld, and 4 partially upheld. The remaining 16 were all recorded as not upheld.

5 complaints were recorded for the School & Public Transport and one for Fleet Management. All were at Stage 1, and all were not upheld.

Compliments	Planning	Street Scene	Property Services	Transport & Engineering	Cross Division
Compliments received per division	26	95	53	35	1

### Analysis of the trends

- **Planning**

*'It has not been the easiest of situations to deal with, thank you for all the help you have provided'.*

*'Thank you for the way you explained to me in a simple way outline planning application'*

*'Just to say thanks in helping to get us such a quick decision. Much appreciated'*

*'.....a very positive meeting I had with an excellent officer in Llanelli'.*

*'Thanks for all your assistance in getting the first phase of the Wales Air Ambulance scheme'.*

The top four are compliments received following contact with the planning department. The bottom is a compliment received by the Building Control team.

- **Street Scene - Highways**

Facebook comment thanking the Authority for *'keeping roads accessible'* during winter storms.

*'Big thanks for the Highways maintenance crew who are out in all weathers....'*

*'Reacting positively to potential flooding, appreciates the organisation and proactive approach'*

- **Refuse, Recycling & Cleansing**

*'Thank you for your prompt action following my report of an overflowing litter bin'.*

*'Thank you for organising and collecting the rubbish, and recycling throughout the year'*

*'Thank you to the teams for their hard work during the very wet weather, appreciated greatly'*

- **Street Lighting**

*'Thank everyone involved with fixing the light outside my house, so quickly'.*

- **Property Services**

*'He was extremely helpful and made a very bad situation a lot easier'* - Out of hours plumber

*'The workmen who attended to repair the faulty lock were very friendly and polite'.*

*'Compliment the gentleman who did a great job fixing the fence. He was very helpful and polite'.*

The following were received by the Grounds Maintenance team;

*'I would like to thank the council for planting up wild flower beds around Llanelli, so uplifting'.*

*'Parc Howard Acssoc would like to express their thanks & gratitude for the hard work and effort'*

*'Please pass on my thanks for felling the unsafe tree in Burry Port park'.*

- **Transport and Engineering**

*'I just wanted to thank you for your time and patience'* Consultation re Speed Limits

*'Thank the Traffic Manager for his assistance and patience regarding a scaffolding issue'.*

*'Thank you for the completion of the amended work on the Traffic Calming Measures'.*

*'Thank you for kindly sparing the time to advise me on the possibilities'* Brown Sign enquiry

*'Thank you for your support & efforts in building such a strong working relationship'* –Roads Policing



## 9.6 Cross Departmental

Complaints	Cross Departmental	
Stage 1 Complaints Investigated	6	
Upheld	1	16%
Partially Upheld	2	34%
Not Upheld	3	50%
Stage 2 Complaints investigated	0	
Upheld		
Partially Upheld		
Not Upheld		
<b>Analysis of the nature of complaints and the trends</b>		
<p>Four of the cross departmental complaints received related to issues concerning building / maintenance work being carried out to Council Houses. They therefore involved elements of concern about Housing and Environment Departments. One was upheld, one partially upheld and two were not upheld. We agreed to clean carpet and compensate for frozen food that had been lost in the complaint that was upheld.</p> <p>The other complaint required clarification around food waste bin liners and also a concern over a highway defect. It was not upheld.</p> <p>One complaint concerned Data Protection issues relating to a Planning case. This was partially upheld.</p>		
<b>Compliments</b>	5	
<b>Analysis of the trends</b>		
<p>Thanks were received for the way a Housing Repairs request was logged by the Contact Centre and then carried out by the Property Services Division.</p> <p>The Foods Standards Agency acknowledged the work of the Public Protection and Legal teams taking positive action against food establishments serving food contaminated with other food stuffs. A compliment was received for the way a request for verge cutting was carried out quickly (Contact Centre and Highways).</p> <p>The Freedom of Information and Animal Health Teams received a compliment following a request for information <i>"...a comprehensive and thorough response. I really am tremendously grateful for all your assistance with this... I am very impressed with the detail..."</i></p> <p>The Authority was complimented for the work it does to support Carmarthenshire's Carers and also work carried out to support women who are at risk of losing their children and / or in court proceedings, focussing on <i>"prevention, innovation and early intervention"</i></p>		

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## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### APPLICATION FOR DISPENSATION BY COUNCILLOR I R LLEWELYN

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                         NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

## APPLICATION FOR DISPENSATION BY COUNCILLOR I R LLEWELYN

An application for dispensation to speak and vote in respect of the transfer of County Council assets to Llandybie Community Council has been received from Councillor I R Llewelyn of Llandybie Community Council. (Copy attached)

Councillor Llewelyn has a personal interest in these matters by virtue of paragraph 10(2)(ii) of the Code in that it relates to or is likely to affect his employer, namely Carmarthenshire County Council.

This interest is prejudicial as a member of the public with knowledge of the facts would reasonably regard that interest as so significant as to be likely to influence the Councillor's judgement of the public interest.

Councillor Llewelyn's application is based on one ground in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001, namely paragraph (d) that his participation will not damage public confidence.

In coming to a decision the Committee may wish to note that a County Councillor who is also a Community Councillor would also have a personal interest in this situation, but that by virtue of paragraph 12(2)(a)(i) of the Code such an interest would not be considered prejudicial and therefore the Councillor would be able to participate fully in any debate or vote without the need for a dispensation.

Councillor Llewelyn was granted a dispensation to speak but not vote on these issues on the 3<sup>rd</sup> December 2015 and 11<sup>th</sup> March 2016. The latter dispensation expires on the 9<sup>th</sup> September 2016.

If the committee is minded to grant a dispensation, it has an absolute discretion as to duration. It may wish to grant the dispensation until one of its scheduled meetings, some other date or until the Councillor's term of office comes to an end.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
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## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name: Ian R Llewelyn

Name of your Council: Llandybie Community Council

Your address and postcode: Llaethdy, Heol Ddu, Ammanford, Carmar SA18 2UN

Contact telephone number(s): 01267 228816, 07973786987

Email address: IRLlewelyn@carmarthenshire.gov.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

The transfer of County Council assets to the Community Council

What is your interest in the above matter?

The transfer of County Council assets to the Community Council relates to and affects my employer, namely Carmarthenshire County Council.

When will the above matter be considered?

Ongoing

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written  
Representations

Exercise Executive  
Powers

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>



#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

The Community Council is currently in discussion with the County Council regarding the possible lease of a number of open space, play and recreation sites to the Community Council.

As a member of the Community Council the issue of Asset Transfer requires a collective view across the whole Community area. It involves members from all the wards within the Community.

The potential for asset transfer outcomes to impact on the future responsibilities of the Community Council is notable. In this respect the opportunity to participate in any debates and vote on any decisions would allow me to represent my area and constituents more effectively.

Although an employee of the County Council my role as Forward Planning Manager in Planning Services does not involve me in any direct engagement with the Asset Transfer Strategy. I do not have any involvement in the decision making process at County Council level and have no influence over the terms of any lease to the Community Council.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

A handwritten signature in black ink, appearing to be 'I R M', enclosed in a rectangular box.

Date:

15 / 8 /2016

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

## Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest
10(2)(a)	<p>Council business which relates to or is likely to affect:</p> <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>
10(2)(c)	<p>Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association</p>
13	<p>Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]</p>

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member

otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                              NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
9<sup>TH</sup> SEPTEMBER 2016**

**APPLICATION FOR DISPENSATION BY COUNCILLOR W R A DAVIES**

An application for dispensation to speak only in relation to matters regarding the transfer of tennis facilities from the County Council to the Community Council has been received from Community Councillor W R A Davies of Llandybie Community Council.

Councillor Davies has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the secretary and treasurer of Llandybie Tennis Club.

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 3 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)

Cllr Davies has previously been granted dispensations in respect of this interest in December 2015 and March 2016. The latter dispensation expires on the 9<sup>th</sup> September 2016.

If the committee is minded to grant the application, it has an absolute discretion as to the duration of any dispensation, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L. Rees Jones Head of Administration and Law

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
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## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L. Rees Jones Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

- 1. Scrutiny Committee**  
Not applicable
- 2. Local Member(s)**  
Not applicable
- 3. Community / Town Council**  
Not applicable
- 4. Relevant Partners**  
Not applicable
- 5. Staff Side Representatives and other Organisations**  
*Not applicable*

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name: Councillor Anthony Davies

Name of your Council: Llandybie Community Council

Your address and postcode: C/o Mr Stuart Griffith, 4 Royal Oak Court, Llandybie, Ammanford,  
Carmarthenshire SA18 2JY

Contact telephone number(s): 01269853834

Email address: cc@llandybie.org.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Matters relating to the proposed transfer of Bowls facilities from the County Council to the  
Llandybie Community Council

What is your interest in the above matter?

Councillor Davies has a personal interest in the matter by virtue of the fact that he is Secretary  
and Treasurer of Llandybie Tennis Club

When will the above matter be considered?

Matter is being considered on an ongoing basis until a final decision is made by Llandybie  
Community Council

Are you applying for dispensation to:

- Speak only:                       Speak and vote:
- Make written Representations                       Exercise Executive Powers

**3. GROUNDS FOR DISPENSATION**

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

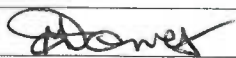
***(Please note that failure to complete this section will result in the application form being returned to you)***

I am Secretary and Treasurer of Llandybie Tennis Club and therefore as the pavilion is part of the Asset transfer discussions I feel that a dispensation is appropriate so that I can represent the tennis club members if necessary.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:



Date:

12 / 8 / 2016

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

**Guidance notes**

(1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	X
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

(2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                              NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
9<sup>TH</sup> SEPTEMBER 2016**

**APPLICATION FOR DISPENSATION BY COUNCILLOR E W NICHOLAS**

An application for dispensation to speak only in relation to matters regarding the transfer of tennis facilities from the County Council to the Community Council has been received from Community Councillor E W Nicholas of Llandybie Community Council.

Councillor Nicholas has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the President of Llandybie Tennis Club.

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 3 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)

The committee has previously granted Cllr Nicholas dispensation in respect of this interest in December 2015 and March 2016. This latter dispensation expires on the 9<sup>th</sup> September 2016..

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

DETAILED REPORT ATTACHED ?

NO



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** **Head of Administration and Law**

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** **Head of Administration and Law**

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name: Councillor Emyr Nicholas

Name of your Council: Llandybie Community Council

Your address and postcode: C/o Mr Stuart Griffith, 4 Royal Oak Court, Llandybie, Ammanford,  
Carmarthenshire SA18 2JY

Contact telephone number(s): 01269853834

Email address: cc@llandybie.org.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Matters relating to the proposed transfer of Bowls facilities from the County Council to the  
Llandybie Community Council

What is your interest in the above matter?

Councillor Nicholas has a personal interest in the matter by virtue of the fact that he is Chairman  
of Llandybie Tennis Club

When will the above matter be considered?

Matter is being considered on an ongoing basis until a final decision is made by Llandybie  
Community Council

Are you applying for dispensation to:

- Speak only:                       Speak and vote:
- Make written Representations                       Exercise Executive Powers

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

I am Chairman of Llandybie Tennis Club and therefore as the Pavilion is part of the Asset transfer discussions I feel that a dispensation is appropriate so that I can represent the tennis club members if necessary.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:



Date:

12 / 8 / 16

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

**Guidance notes**

(1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	X
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

(2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability



## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### APPLICATION FOR DISPENSATION BY COUNCILLOR B REES

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                          NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
9<sup>TH</sup> SEPTEMBER 2016**

**APPLICATION FOR DISPENSATION BY COUNCILLOR B REES**

An application for dispensation to speak only in relation to matters regarding the transfer of bowls facilities from the County Council to the Community Council has been received from Community Councillor B Rees of Llandybie Community Council.

Councillor Rees has a personal interest in such matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is the President of Llandybie Bowls Club.

This interest is also a prejudicial interest as a member of the public, with full knowledge of the facts, would reasonably regard that interest as so significant as to prejudice the Councillor's judgement of the public interest.

The application is submitted on 3 grounds specified in the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 namely;

- (d) no damage to public confidence
- (f) participation justified due to the member's special expertise
- (h) interest relates to a voluntary organisation (limited to speaking only)

Cllr Rees has previously been granted dispensation in respect of this interest in December 2015 and March 2016. The latter dispensation expires on the 9<sup>th</sup> September 2016.

If the committee is minded to grant the application, it has an absolute discretion as to duration, it may grant it until the end of the Councillor's term of office, or some other date, such as the date of a future meeting of this committee.

DETAILED REPORT ATTACHED ?

NO

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L. Rees Jones

Head of Administration and Law

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L. Rees Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name: Councillor Brian Rees

Name of your Council: Llandybie Community Council

Your address and postcode: C/o Mr Stuart Griffith, 4 Royal Oak Court, Llandybie, Ammanford,  
Carmarthenshire SA18 2JY

Contact telephone number(s): 01269853834

Email address: cc@llandybie.org.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Matters relating to the proposed transfer of Bowls facilities from the County Council to the  
Llandybie Community Council

What is your interest in the above matter?

Councillor Rees has a personal interest in the matter by virtue of the fact that he is President of  
Llandybie Bowls Club

When will the above matter be considered?

Matter is being considered on an ongoing basis until a final decision is made by Llandybie  
Community Council

Are you applying for dispensation to:

Speak only:

Speak and vote:

Make written  
Representations

Exercise Executive  
Powers

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

I am President of Llandybie Bowls Club and therefore as the Bowls Pavilion is part of the Asset transfer discussions I feel that a dispensation is appropriate so that I can represent the bowls members if necessary.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

Date:

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

**Guidance notes**



(1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	X
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

(2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

## STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

### STANDARDS COMMITTEE ANNUAL REPORT 2015/2016

#### Recommendations / key decisions required:

To consider the report

#### Reasons:

The subject matter of the report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required                      NO

Council Decision Required                         NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 9<sup>TH</sup> SEPTEMBER 2016

## STANDARDS COMMITTEE ANNUAL REPORT 2015/2016

The Standards Committee is required to produce an annual report of its activities for presentation to Full Council, usually in November or December of each year.

Following discussions between officers and the Chair of the Committee, the attached draft report has been prepared for consideration and comment.

The report focuses on the following issues;

- Remit of the Committee
- Code of Conduct and Dispensation Applications
- Whistle-Blowing Policy
- Complaints and Compliments
- Public Services Ombudsman for Wales – 2015/2016 Annual Report
- Adjudication Panel Report 2014/2015
- Code of Conduct compliance by Town and Community Councillors

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **L. Rees Jones** Head of Administration and Law

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **L. Rees Jones** Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-145	Legal Services, County Hall

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# STANDARDS COMMITTEE

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## ANNUAL REPORT 2015/2016

<b>Item</b>	<b>Subject</b>
1.	Introduction
2.	Period covered by the report
3.	Terms of Reference
4.	Code of Conduct complaints
5.	Applications for Dispensation
6.	Code of Conduct Training
7.	Whistle-Blowing Policy
8.	Complaints and Compliments
9.	Ombudsman's Report 2015/2016
10.	Code Compliance by Town and Community Councils

## **1. INTRODUCTION**

The law requires each and every County and County Borough Council in Wales to establish and maintain a Standards Committee. Such committees are responsible for overseeing standards of conduct for elected members of both the principal council and the constituent community and town councils within the principal council's area.

The Committee receives and determines applications for dispensation from elected members in relation to the Code of Conduct, and adjudicates upon code complaints referred to the Council by the Public Services Ombudsman for Wales. However it should be noted that only rarely has the Committee been requested to undertake this latter function.

The Committee also receives reports in relation to complaints and compliments, and the operation of the Council's whistle-blowing policy.

## **2. PERIOD COVERED BY THIS REPORT**

This report covers the period 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016

## **3. TERMS OF REFERENCE**

The role and functions of the committee as set out in the constitution of the Council are;

- To promote and maintain high standards of conduct by councillors and co-opted members
- To assist councillors and co-opted members to observe the Members Code of conduct
- To advise the Council on the adoption or revision of the Members Code of Conduct
- To monitor operation of the Members Code of Conduct
- To advise, or arrange training for councillors and co-opted members on matters relating to the Members Code of Conduct
- To grant dispensations to councillors and co-opted members where they have a personal and prejudicial interest under the Members code of Conduct
- To deal with reports from the Adjudication Panel for Wales and reports from the Monitoring Officer or the Public Services Ombudsman for Wales
- The exercise of the above functions in relation to Town and Community Councils in the County
- To receive annual reports on the operation of the Council's whistleblowing policy



#### **4. CODE OF CONDUCT COMPLAINTS**

The Committee has not been required to adjudicate upon any Code of Conduct complaints during the period of this report.

Formal complaints about councillors who are suspected of breaching the Code of Conduct are referred directly to the Public Service Ombudsman for Wales without involving the Standards Committee. Most complaints are resolved by the Ombudsman but, occasionally the Ombudsman may require the Committee to investigate and adjudicate on a complaint.

In 2015-16, however, the Ombudsman did not refer any complaints to the Committee and neither was any matter referred to the Adjudication Panel.

The Committee is kept informed by the Monitoring Officer about the number of complaints relating to Carmarthenshire councillors notified to her by the Ombudsman.

During the period covered by this report a total of 14 code complaints have been made in respect of councillors and co-opted members of councils in Carmarthenshire. These complaints break down as follows;

County Councillors	3
Co-opted Members	0
Town or Community Councillors	11*

- Includes cases where the councillor is also a County Councillor, but where the complaint related to their conduct when acting as a Town or Community Councillor

There has been a significant decrease overall in the number of complaints against Carmarthenshire Councillors, particularly County Councillors compared to last year. However there has been a slight increase in the number of complaints against Town and Community Councillors during this period and it is disappointing to note that the majority of these complaints were made in relation to members of just one Town Council.

However, the Committee is pleased to note that in none of these cases has the Ombudsman considered that disciplinary action against the members concerned is warranted.

## **5. APPLICATIONS FOR DISPENSATION**

The Committee has considered 65 applications for dispensation from County and Community and Town Councillors during the year.

The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations)(Wales) Regulations 2001.

The Committee continues to approach each application with a presumption in favour of granting a dispensation, wherever it can. The Committee may also delegate authority to the Monitoring Officer to grant similar dispensations in relation to that business. However no such delegation has been given during the period of this report.

Details of the applications that have been dealt with can be viewed as part of the minutes of the meetings of the Committee which are accessible on Carmarthenshire County Council's website [www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk).

A comparison between the numbers of dispensation applications received since 2009 shows the following;

YEAR	TOTAL	CCC	T/CC	GRANTED	REFUSED	OTHER
2009/10	9	1	8	6	0	N/A
2010/11	6	4	2	6	0	N/A
2011/12	7	6	1	7	0	N/A
2012/13	23	18	5	8	15	N/A
2013/14	27	7	20	26	1	N/A
2014/15	17	1	16	17	0	N/A
2015/16	65	5	60	62	3	N/A

The significant increase in the number of applications received compared to previous years can be accounted for by a number of applications by groups of Town and Community Councillors who share a common interest in a community or voluntary organisation.

## **6. CODE OF CONDUCT TRAINING**

Following a review of the code of conduct training provided to Town and Community Councillors in previous years a decision was again taken to invite each Town and Community Council to send representatives to two training sessions that were held on separate evenings during June 2016. The sessions were well attended, with a total of 92 delegates attending on behalf of a number of different Councils.

## **7. WHISTLE –BLOWING POLICY**

The Committee has oversight of the authority’s whistle-blowing policy. The process is regulated by the Public Interest Disclosure Act 1998, which protects against dismissal and other detriment for workers who disclose information in the public interest in prescribed circumstances to prescribed persons.

Details of the complaints dealt with during the period of this report are set out below;

New Complaints	Complaints carried over from 2014/15	Cases Concluded	Cases Continuing
9	2	10	1

The number of complaints recorded is higher than in previous years and reflects the considerable work undertaken by the Council to raise awareness of the whistleblowing policy amongst staff and particularly managers.

Of the 10 cases concluded during the period covered by this report two of the complainants were satisfied by the outcome, four dissatisfied, and four provided no feedback.

When considering the number of complaints made under the policy, it is necessary to keep in mind that there is often some overlap with matters relating to grievance, disciplinary matters and dignity at work. The number of whistle blowing complaints received therefore still appears to be consistent with those received by other local authorities.

The Committee has reviewed the Whistle-blowing policy and made changes which reflect the experience of its operation during the year and feedback from elected members following a briefing session in April.

## **8. COMPLAINTS AND COMPLIMENTS FROM THE GENERAL PUBLIC**

In September 2016 the Committee was presented with a report on complaints and compliments received by the Council for 2015/2016. The report provided comparative data with the previous year and an analysis by department. It also summarised the targets and initiatives pursued to date and planned for the following year.

There has been a reduction in the number of complaints received compared with 2014/2015 from 573 to 501, but there are again variations between departments.

However the number of cases dealt with within the required time period fell from 66% to 62%

The overall decrease in complaints, following on from a similar decrease in previous years is pleasing to note and continues a very encouraging trend.

## **9. PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT FOR 2015/2016**

In September 2016 the Committee received the 2015/2016 annual report of the Public Services Ombudsman for Wales. The Ombudsman investigates complaints of maladministration and service failure and also deals with complaints against councillors in respect of alleged breaches of the member's Code of Conduct.

### **Maladministration**

Maladministration complaints against public bodies in general have risen again by 4%. However, the total number of complaints against local authorities fell from 938 to 906 compared to last year, the overall increase in complaints being due to a rise in complaints against the NHS.

In relation to Carmarthenshire County Council, there was a significant (57%) reduction in the number of complaints received and the total of 40 complaints compares well with the Welsh average of 53. Of the 40 complaints received only 3 were investigated (in line with the Welsh average) and no public interest reports were issued.

The Ombudsman continues to be concerned however at the time it takes the Council to respond to requests for information.

### **Members Code of Conduct**

The Ombudsman reported a disappointing 19% increase in Code of Conduct complaints overall compared to the previous year, which is largely attributable to complaints relating to Town and Community Councillors. However the vast majority of complaints continue to be closed after initial consideration.

As indicated earlier however, the number of complaints against elected members of this authority has fallen considerably compared to 2014/2015

## **10. CODE OF CONDUCT COMPLIANCE BY TOWN AND COMMUNITY COUNCILS**

The committee has again received a report regarding the extent to which Town and Community Councils within the County are complying with the Code of Conduct. The report contained data relating to;

- Code complaints
- Dispensation applications
- Declarations of interest
- Code Training

No particular trends or patterns could be discerned from the data.

### **CONCLUSION**

Christopher Downward  
Chairman  
Standards Committee

