

# Report



## Standards Committee

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### Part 1

Date: 11<sup>th</sup> November 2021

**Subject** Ombudsman's Annual Report 2020/2021

**Purpose** To report the Ombudsman's Annual letter and Annual Report and the numbers of complaints of maladministration and misconduct dealt with during 2020/21

**Author** Head of Law and Regulation

**Ward** General

**Summary** Following the publication of his Annual Report for 2020/21, the Ombudsman has now issued the Council with his Annual letter, which sets out information relating to the numbers of complaints of maladministration and misconduct which were referred to his office during this period relating to Newport City Council and its Councillors

**Proposal** To note the Report and the Ombudsman's Annual letter and Annual report for 2020/21

**Action by** Head of Law and Regulation

**Timetable** Immediate

**Signed**

## Background

1. Following the publication of his Annual Report for 2020/21, the Ombudsman has now issued the Council with his Annual letter, which sets out information relating to the numbers of complaints of maladministration and misconduct which were referred to his office during this period relating to Newport City Council and its Councillors
2. A copy of the Annual letter is attached to this Report.
3. During the financial year from April 2020 to March 2021, the Ombudsman's office intervened in 20% of complaints about public bodies, which was broadly the same as the previous year. However, the number of new complaints about local authorities decreased by 12.5% compared with the previous year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. The Ombudsman's office intervened in 13% of the closed case, which was again a similar to the previous year.
4. Despite the challenges caused by the pandemic, the Ombudsman's office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations, following the increase in their powers to initiate investigations, without the need for any formal complaint. The investigation into Local Authority Homelessness Assessments was launched in September 2020 and the report is due in the coming months. They also commenced 4 extended Own Initiative Investigations, where they extended the scope of their work on a complaint already under investigation.
5. Local Authorities in Wales continued to submit data to the Complaints Standards Authority (CSA) during 2020/21. The data submitted for 2020/2021 shows:
  - Nearly 12,000 complaints were recorded by Local Authorities
  - This equates to 3.77 for every 1000 residents.
  - Nearly half (44%) of those complaints were upheld.
  - About 75% were investigated within 20 working days.
  - About 9% of all complaints closed were referred to the Ombudsman
6. The CSA will publish data to the Ombudsman website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales.
7. The Ombudsman's annual letter contains a summary of the complaints of maladministration relating to Newport in 2020/21. In total 31 complaints were made to the Ombudsman, which represents 0.20 per 1000 residents. This is a slight reduction, compared with the 37 complaints received in the previous year. The main areas of complaint were in relation to complaints handling (19%), Planning & Building Control (13%), Environmental Health (13%) and Housing 13%, Education (10%) and Roads and Transport (10%)
8. There were 5 interventions by the Ombudsman in Newport cases, with 3 cases being resolved and 2 others settled. However, there were no public interest reports issued in 2020/21 relating to findings of serious maladministration.
9. However, the Ombudsman referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.
10. The number of Code of Conduct complaints has increased nationally by 47% compared with the previous year. The Ombudsman received 535 new Code of Conduct complaints, and took forward 308 complaints for investigation. Complaints about Town and Community Council

increased by 23.7% and County and County Borough Councils complaints by 43.8%, although the Ombudsman noted that 35 separate complaints were received about 1 County Council member.

11. The Annual report notes that, within a small number of Town and Community Councils the Ombudsman is still seeing complaints which appear to border on frivolity or are motivated by political rivalry or clashes of personalities, rather than being true Code of Conduct issues. Where he receives, 'tit for tat' complaints he will engage with the Council and the Monitoring Officer of the principal authority to remind its members of their obligations under the Code and their democratic responsibilities to the communities they serve.
12. The majority of Code of Conduct complaints received during 2020/21 related to matters of 'promotion of equality and respect' (55%), 'disclosure and registration of interests' (14%) and 'integrity' (12%).
13. The Ombudsman referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This reflected the sharp increase in the number of Code of Conduct complaints received.
14. However, in Newport only 2 complaints were referred to the Ombudsman about City Councillors in 2020/21 and 1 complaint regarding a Langstone Community Councillor. None of these complaints was accepted for investigation on the basis that there was no evidence of any serious breaches of the Code (This is in relation to the financial year 2020/21, as opposed to the higher number of complaints recorded in the Standards Committee Annual Report, over a different 12 months period).

#### **Financial Summary (Capital and Revenue)**

15. There are no financial implications.

#### **Links to Council Policies and Priorities**

16. The Nolan principles, which underpin the ethical standards framework, and principles of good governance, are all enshrined in the Council's corporate and well-being objectives.

#### **Proposed Action**

17. To note the report and the Ombudsman's annual letter and Annual Report for 2020/21

#### **Comments of Chief Financial Officer**

There are no financial implications.

#### **Comments of Monitoring Officer**

Included in the report.

#### **Comments of Head of People and Business Change**

There are no specific staffing implications or policy implications.

#### **Fairness and Equality Impact Assessment:**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required, as the Ombudsman's Annual letter is for information purposes only.

## **Background Papers**

Ombudsman's Annual Report and letter 2020/21



Ombudsman  
Annual ltr 20.21.pdf

A copy of the Annual Report can be found at

<https://www.ombudsman.wales/wp-content/uploads/2021/07/Annual-Report-and-Accounts-2020-21-Delivering-Justice-FINAL.pdf>

Dated: 4<sup>th</sup> November 2021