



# Ombwdsmon Ombudsman

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Ask for: Communications



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Date: 9 September 2024



Caseinfo@ombudsman.wales

Councillor Jason McLellan  
Denbighshire County Council

**By email only**

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## Annual Letter 2023/24

Dear Councillor McLellan

### Role of PSOW

As you know, the role of the Public Services Ombudsman for Wales is to consider complaints about public services, to investigate alleged breaches of the councillor Code of Conduct, to set standards for complaints handling by public bodies and to drive improvement in complaints handling and learning from complaints. I also undertake investigations into public services on my own initiative.

### Purpose of letter

This letter is intended to provide an update on the work of my office, to share key issues for local government in Wales and to highlight any particular issues for your organisation, together with actions I would like your organisation to take.

### Overview of 2023/24

This letter, as always, coincides with my Annual Report – “A New Chapter Unfolds” – and comes at a time when public services continue to be in the spotlight, and under considerable pressures. My office has seen another increase in the number of people asking for our help – a 17% increase in overall contacts compared to the previous year, with nearly 10,000 enquiries and complaints received. Our caseload has increased substantially - by 37% - since 2019.

During 2023/24 we considered and closed more enquiries and complaints than we ever have done before, and we reduced the average cost for each case and investigation. We started the year with a focus on reducing our aging cases, those over 12 months old, by 50% by the end of the year. These cases are often the most complex and distressing for the people making the complaint. I am extremely pleased to say we exceeded this target, reducing our aged investigations by over 70%. We are now well on track to meeting our objective to complete investigation of complaints within 12 months.

## **Public Services Complaints and compliance with recommendations**

In total 1,108 complaints about local authorities were made to us last year – broadly the same number as the previous year. During this period, we intervened in (upheld, settled or resolved at an early stage) 14% of local authority complaints – a similar proportion to recent years.

We received 30 complaints about Denbighshire County Council in 2023/24 and closed 32 – some complaints were carried over from the previous year. Denbighshire County Council's intervention rate was 6%. Further information on complaints about your organisation can be found in the appendices.

We made 5 recommendations to your council during the year. To ensure that our investigations and reports drive improvement, we follow up compliance with the recommendations agreed with your organisation. In 2023/24, 6 recommendations were due (some recommendations were made in the previous year) and 67% were complied with in the timescale agreed. The remainder were complied with, but outside the timescales agreed, or remained outstanding as at 9 April 2024.

Recommendations and timescales for complying with recommendations are always agreed with the public body concerned before being finalised, and we therefore expect organisations to comply within the timescales agreed.

## **Our Code of Conduct work**

My role is to investigate allegations that councillors have breached their Code of Conduct. Where an investigation finds evidence to support the complaint on a matter which is serious enough to require a referral in the public interest, these cases are referred either to the local Standards Committee or to the Adjudication Panel for Wales for consideration.

In 2023/24, we received 16% more Code of Conduct complaints than the previous year, relating to both Principal Councils and Town and Community Councils. My office made 21 referrals – to Standards Committees or the Adjudication Panel for Wales, an increase from 12 the previous year.

I am grateful to your Monitoring Officer for their positive engagement with my office over the last year. We will continue to engage with them on matters relating to the ethical standards framework, including Local Resolution Procedures this year.

## **Independent Review**

As you will be aware, I became aware of inappropriate comments, of a political nature, made by a member of my staff via social media. These comments were widely reported in the media. The member of staff in question was suspended and subsequently resigned. However, the comments prompted questions about my office's work on councillor Code of Conduct cases.

In view of the seriousness of the matter, I commissioned Dr Melissa McCullough to conduct an independent review of our Code of Conduct work, and I have published the full [Terms of Reference](#) for that review. I and my staff are engaging closely with the Monitoring Officer Group and the National Forum for Standards Committee Chairs in relation to this matter. I will be publishing Dr McCullough's final report on completion of the review and sharing it with the Senedd's Finance Committee this Autumn.

## **Supporting improvement of public services**

We continued our work on supporting improvement in public services last year and worked on our second wider Own Initiative investigation. The investigation includes four local authorities and considers carers' needs assessments. I am grateful to the investigated authorities for their co-operation and candour throughout the year, and we look forward to sharing our finalised report this Autumn. This will make recommendations to the investigated authorities and will ask all local authorities across Wales to make similar improvements.

We have continued our work on complaints handling standards for public bodies in Wales and now have 56 public bodies following our model complaints handling policy. These public bodies account for around 85% of the complaints we receive. We have continued our work to publish complaints statistics, gathered from public bodies, with data published twice a year.

We continued our work to publish complaints statistics into a third year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 10% of complaints made to Denbighshire County Council's went on to be referred to PSOW.

## **Action we would like your organisation to take**

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance and Audit Committee at the next available opportunity and notify me of when these meetings will take place.
- Consider the data in this letter, alongside your own data, to understand more about your performance on complaints, including any patterns or trends and your organisation's compliance with recommendations made by my office.

- Inform me of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.

I would like to thank you, and your officers, for your continued openness and engagement with my office. Our information shows that local authorities are looking into more complaints than ever before and are using information from complaints to deliver better outcomes for the people of Wales.

Yours sincerely,

Handwritten signature of Michelle Morris in black ink.

**Michelle Morris**  
Public Services Ombudsman

Cc. Graham Boase, Chief Executive, Denbighshire County Council



## Factsheet

### Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1,000 residents
Blaenau Gwent County Borough Council	15	0.22
Bridgend County Borough Council	59	0.41
Caerphilly County Borough Council	56	0.32
Cardiff Council*	149	0.41
Carmarthenshire County Council	69	0.37
Ceredigion County Council	32	0.45
Conwy County Borough Council	36	0.31
Denbighshire County Council**	31	0.32
Flintshire County Council	51	0.33
Cyngor Gwynedd	38	0.32
Isle of Anglesey County Council	38	0.55
Merthyr Tydfil County Borough Council	12	0.20
Monmouthshire County Council	29	0.31
Neath Port Talbot Council	35	0.25
Newport City Council	52	0.33
Pembrokeshire County Council	40	0.32
Powys County Council	54	0.41
Rhondda Cynon Taf County Borough Council	64	0.27
Swansea Council	81	0.34
Torfaen County Borough Council	14	0.15
Vale of Glamorgan Council	77	0.58
Wrexham County Borough Council	76	0.56
<b>Total</b>	<b>1108</b>	<b>0.36</b>
* inc 2 Rent Smart Wales		
** inc 1 Wales Penalty Processing Partnership		



Appendix B - Received by Subject

<b>Denbighshire County Council</b>	<b>Complaints Received</b>	<b>% share</b>
Adult Social Services	3	10%
Benefits Administration	1	3%
Children's Social Services	1	3%
Community Facilities, Recreation and Leisure	2	7%
Complaints Handling	4	13%
Covid-19	0	0%
Education	2	7%
Environment and Environmental Health	2	7%
Finance and Taxation	0	0%
Housing	7	23%
Licensing	1	3%
Planning and Building Control	3	10%
Roads and Transport	3	10%
Various Other	1	3%
<b>Total</b>	<b>30</b>	



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## Appendix C - Complaint Outcomes (\* denotes intervention)

<b>Denbighshire County Council</b>		<b>% Share</b>
Out of Jurisdiction	8	25%
Premature	11	34%
Other cases closed after initial consideration	10	31%
Early Resolution/ voluntary settlement*	2	6%
Discontinued	0	0%
Other Reports - Not Upheld	1	3%
Other Reports Upheld*	0	0%
Public Interest Reports*	0	0%
Special Interest Reports*	0	0%
<b>Total</b>	<b>32</b>	



Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	16	6%
Bridgend County Borough Council	8	59	14%
Caerphilly County Borough Council	3	48	6%
Cardiff Council	28	144	19%
Cardiff Council - Rent Smart Wales	0	3	0%
Carmarthenshire County Council	8	60	13%
Ceredigion County Council	7	32	22%
Conwy County Borough Council	0	37	0%
Denbighshire County Council	2	32	6%
Denbighshire County Council - Wales Penalty Processing Partnership	0	1	0%
Flintshire County Council	8	57	14%
Cyngor Gwynedd	6	39	15%
Isle of Anglesey County Council	10	41	24%
Merthyr Tydfil County Borough Council	3	14	21%
Monmouthshire County Council	3	32	9%
Neath Port Talbot Council	5	34	15%
Newport City Council	5	51	10%
Pembrokeshire County Council	7	38	18%
Powys County Council	7	53	13%
Rhondda Cynon Taf County Borough Council	11	63	17%
Swansea Council	12	77	16%
Torfaen County Borough Council	2	14	14%
Vale of Glamorgan Council	15	71	21%
Wrexham County Borough Council	7	79	9%
<b>Total</b>	<b>158</b>	<b>1095</b>	<b>14%</b>





Appendix E – Compliance performance comparison

<b>Local Authority</b>	<b>Number of recommendations made in 2023-24</b>	<b>Number of recommendations falling due in 2023-24</b>	<b>% of recommendations, complied with on time</b>
Blaenau Gwent County Borough Council	1	1	100%
Bridgend County Borough Council	18	20	35%
Caerphilly County Borough Council	9	9	11%
Cardiff Council	74	75	92%
Carmarthenshire County Council	25	25	52%
Ceredigion County Council	23	23	78%
Swansea Council	29	32	63%
Conwy County Borough Council	0	1	0%
Denbighshire County Council	5	6	67%
Flintshire County Council	17	17	59%
Cyngor Gwynedd	12	19	74%
Isle of Anglesey County Council	26	24	92%
Merthyr Tydfil County Borough Council	11	9	56%
Monmouthshire County Council	4	4	25%
Neath Port Talbot Council	14	14	29%
Newport City Council	10	7	43%
Pembrokeshire County Council	24	23	96%
Powys County Council	18	16	31%
Rhondda Cynon Taf County Borough Council	26	26	77%
Torfaen County Borough Council	3	3	67%
Vale of Glamorgan Council	50	48	92%
Wrexham County Borough Council	16	19	42%



Appendix F - Code of Conduct Complaints

		<b>Denbighshire County Council</b>
Investigations	<b>Decision not to investigate</b>	<b>7</b>
	<b>Discontinued</b>	<b>0</b>
	<b>No evidence of breach</b>	<b>0</b>
	<b>No action necessary</b>	<b>0</b>
	<b>Refer to Adjudication Panel</b>	<b>0</b>
	<b>Refer to Standards Committee</b>	<b>0</b>
	<b>Total</b>	<b>7</b>



Appendix G - Town/Community Council Code of Complaints

Town/Community Council	Decision not to investigate	Investigations				Refer to Adjudication Panel	Refer to Standards Committee	Total
		Discontinued	No evidence of breach	No action necessary				
Bodelwyddan Town Council	0	0	0	0	0	0	0	
Corwen Town Council	1	0	0	0	0	0	1	
Llandrillo Community Council	0	0	0	0	0	0	0	
Llanferres Community Council	0	0	0	0	0	0	0	
Llangollen Town Council	0	0	0	0	0	0	0	
Rhuddlan Town Council	0	0	0	0	0	0	0	
Ruthin Town Council	1	0	0	0	0	0	1	
Trefnant Community Council	7	0	0	0	0	0	7	
Tremeirchion Cwm & Waen Community Council	1	0	0	0	0	0	1	
Towyn & Kinmel Bay Town Council	3	1	0	0	0	0	4	



## Information Sheet

**Appendix A** shows the number of complaints received by PSOW for all Local Authorities in 2023/24. These complaints are contextualised by the population of each authority.

**Appendix B** shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

**Appendix C** shows outcomes of the complaints which PSOW closed for the Local Authority in 2023/24. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

**Appendix D** shows Intervention Rates for all Local Authorities in 2023/24. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

**Appendix E** shows the compliance performance of each Local Authority.

**Appendix F** shows the outcomes of Code of Conduct complaints closed by PSOW related to Local Authority in 2023/24. This table shows both the number, and the proportion that each outcome represents for the Local Authority.

**Appendix G** shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area in 2023/24. This table shows both the number, and the proportion that each outcome represents for each Town or Community Council.