

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



[James.Merrifield@ombudsman-wales.org.uk](mailto:James.Merrifield@ombudsman-wales.org.uk)

Mr Paul Orders  
Chief Executive  
Cardiff County Council  
County Hall  
Atlantic Wharf  
Cardiff  
CF10 4UW

Dear Mr Orders

### **Annual Letter 2013/14**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Cardiff County Borough Council.

Whilst health complaints have continued to rise, and remain the most numerous type of complaint, there has also been a noticeable increase in social services complaints. This suggests that service user discontent with social service provision is now beginning to manifest itself in a similar way to service users of health provision. My office will continue to monitor this area of growth, particularly in view of the changes to the Ombudsman's jurisdiction as a result of the Social Services and Well-being (Wales) Bill and the changes to the statutory social services complaints procedure. This growth is clearly a matter of concern, and I would urge local authorities to monitor trends in the complaints made to them in this area of service delivery.

In reference to the overall performance of county and county borough councils in Wales, my office has issued fewer reports, compared with 2012/13. There has also been a slight drop in the number of cases closed by way of 'quick fix' or 'voluntary settlement' - In view of the benefits to all parties in resolving certain types of complaints quickly and without the need for full investigation, I would encourage all Councils to be receptive to redress proposals from my office which would enable cases to be resolved in this way. Finally, the figures show that the largest number of complaints relate to 'Planning and Building Control' and 'Housing', followed by complaints about 'Children's Social Services' and 'Roads and Transport'.

I have issued nine Public Interest Reports during 2013/14, the majority of which related to health complaints. Some of these reports have identified serious failings in respect of clinical care provided to patients, and the lessons to be learnt from such reports are most relevant to health bodies. However, other public interest reports have identified failings in respect of making reasonable adjustments to accommodate a patient's deafness; acting in accordance with, or implementing guidelines; and, incomplete record-keeping. These are serious failings which could potentially occur within any public body or service provider, and I would therefore encourage you to review all public interest reports to identify any lessons which may apply to your Council.

In reference to the amount of time taken by public bodies in Wales in responding to requests for information from my office during 2013/14, whilst there has been an increase in the percentage of responses received within four weeks, 36% of responses from public bodies have taken more than 6 weeks. I have outlined my concerns in the Annual Report over the way in which complaints are handled, and have also previously referred to 'delay', and the consequences of it, in The Ombudsman's Casebook. Clearly, there remains work to do to ensure that public bodies are providing information promptly and I would encourage all bodies to consider whether their performance in this area warrants further examination.

In reference to your Council, there has been a noticeable increase in the number of complaints received by my office, compared with 2012/13. This includes in the areas of Adult and Children's Social Services, a general matter of concern to which I have referred above. There has also been an increase in the number of complaints investigated, although this figure is still half that of the local authority average. I am pleased to note an above-average number of quick fixes and voluntary settlements. However, it is disappointing to note that all responses were received more than four weeks after they were requested by my office.

The new Ombudsman will be taking up his post in August and I am sure he will be in touch at an appropriate time to introduce himself and possibly to discuss some of the above matters. Finally, following the practice of previous years, a copy of the annual letters issued to county and county borough councils will be published on the PSOW's website.

Yours sincerely

Professor Margaret Griffiths  
Acting Ombudsman

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Council which were received by my office during 2013/14, 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 2013/14. Section C compares the number of complaints against the Council which were received by my office during 2013/14, with the local authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2013/14. Section E compares the number of complaints taken into investigation with the local authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2013/14, 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 G compares the Council's response times during 2013/14 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 H provides a breakdown of all Code of Conduct complaints received against Councillors during 2013/14. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2013/14.

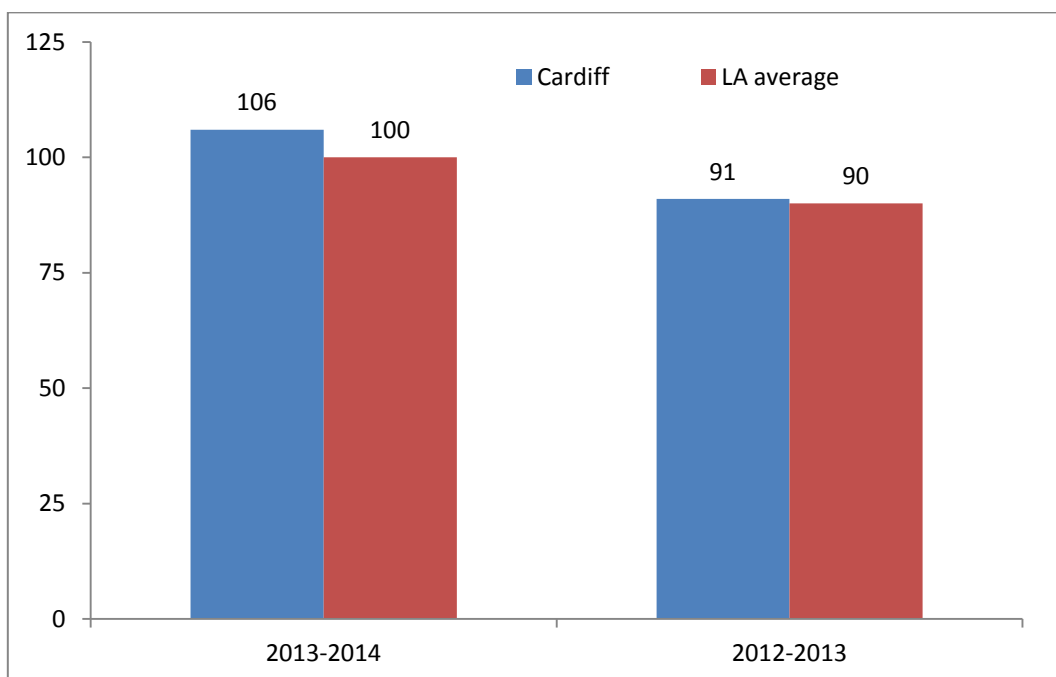
### **Housing Stock**

As with previous exercises, the figures for 2013/14 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

### **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 [james.merrifield@ombudsman-wales.org.uk](mailto:james.merrifield@ombudsman-wales.org.uk).

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

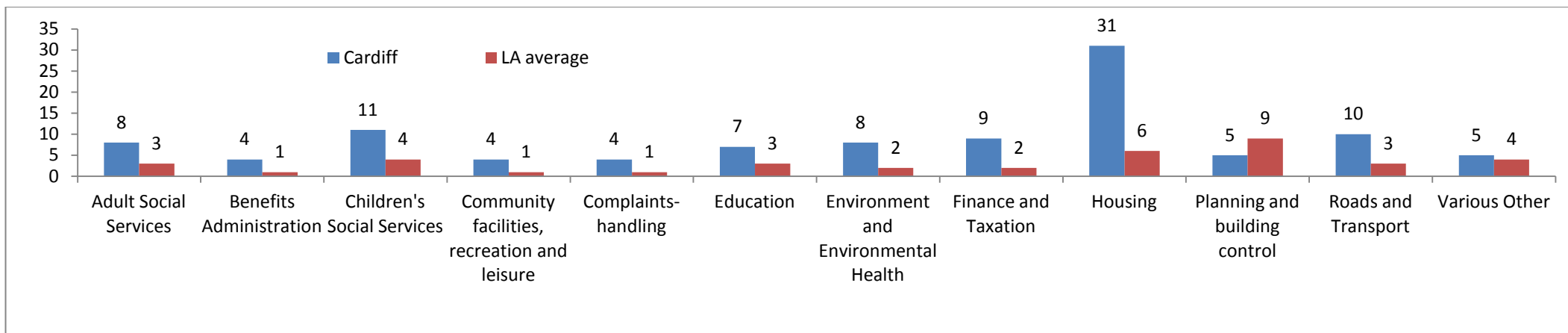


**B: Complaints received by my office**

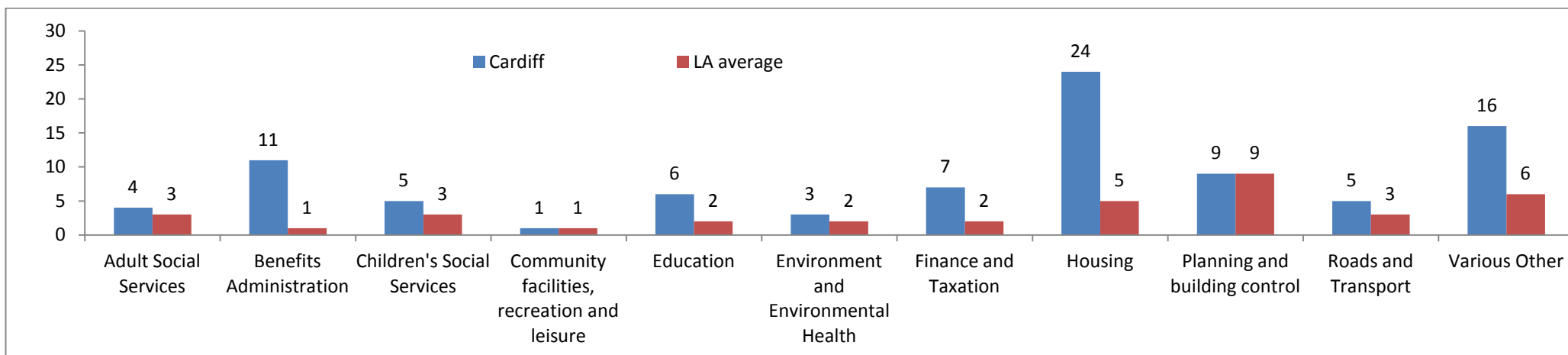
Subject	2013/14	2012/13
Adult Social Services	8	4
Benefits Administration	4	11
Children's Social Services	11	5
Community facilities, recreation and leisure	4	1
Complaints-handling	4	0
Education	7	6
Environment and Environmental Health	8	3
Finance and Taxation	9	7
Health	0	0
Housing	31	24
Planning and building control	5	9
Roads and Transport	10	5
Various Other	5	16
<b>Total</b>	<b>106</b>	<b>91</b>

### C: Comparison of complaints by subject category with LA average

2013/14



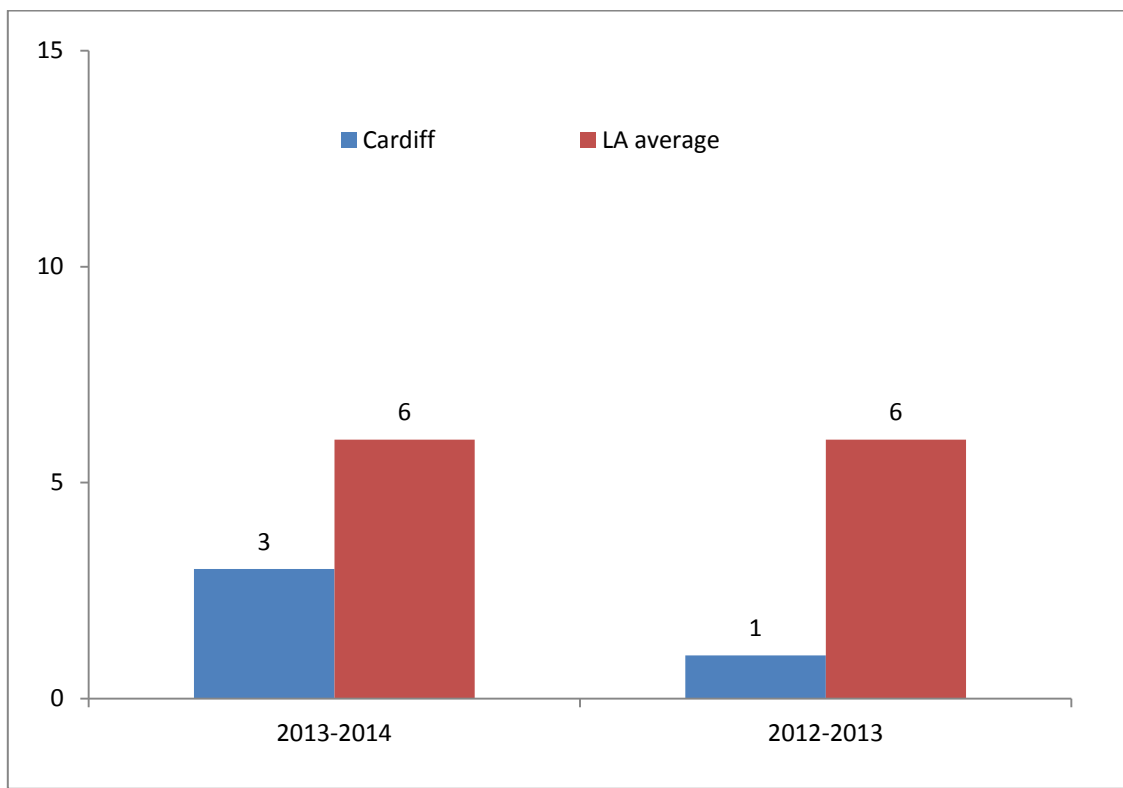
2012/13



**D: Complaints taken into investigation by my office**

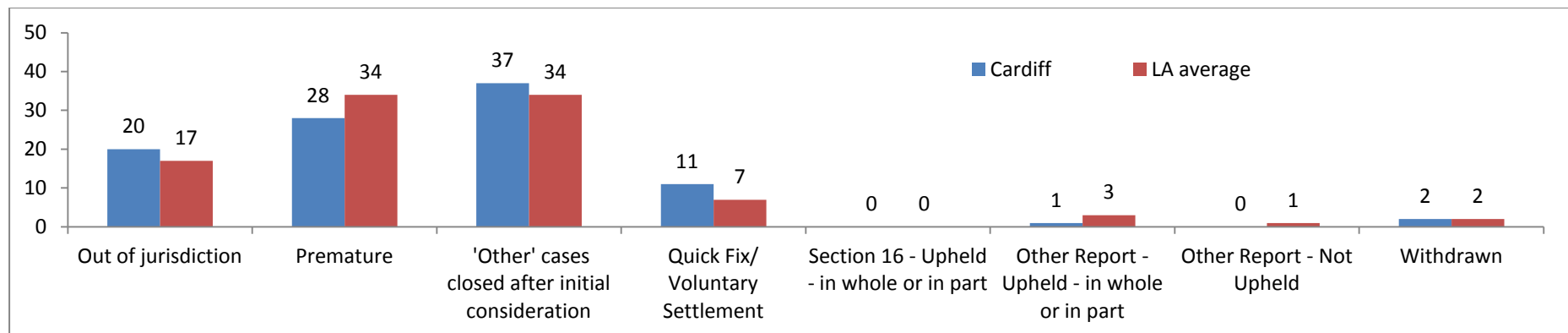
	<b>2013/14</b>	<b>2012/13</b>
Number of complaints taken into investigation	3	1

**E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution**

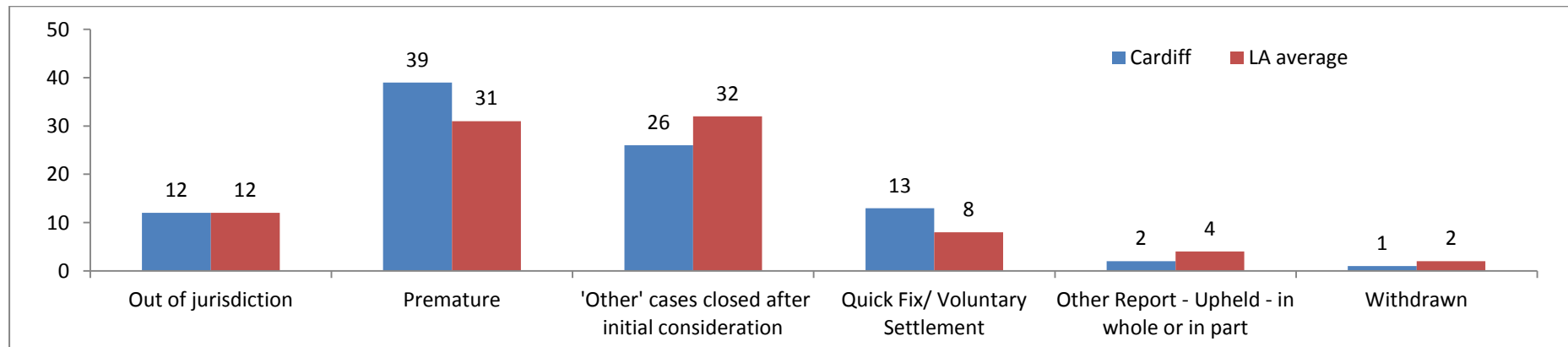


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

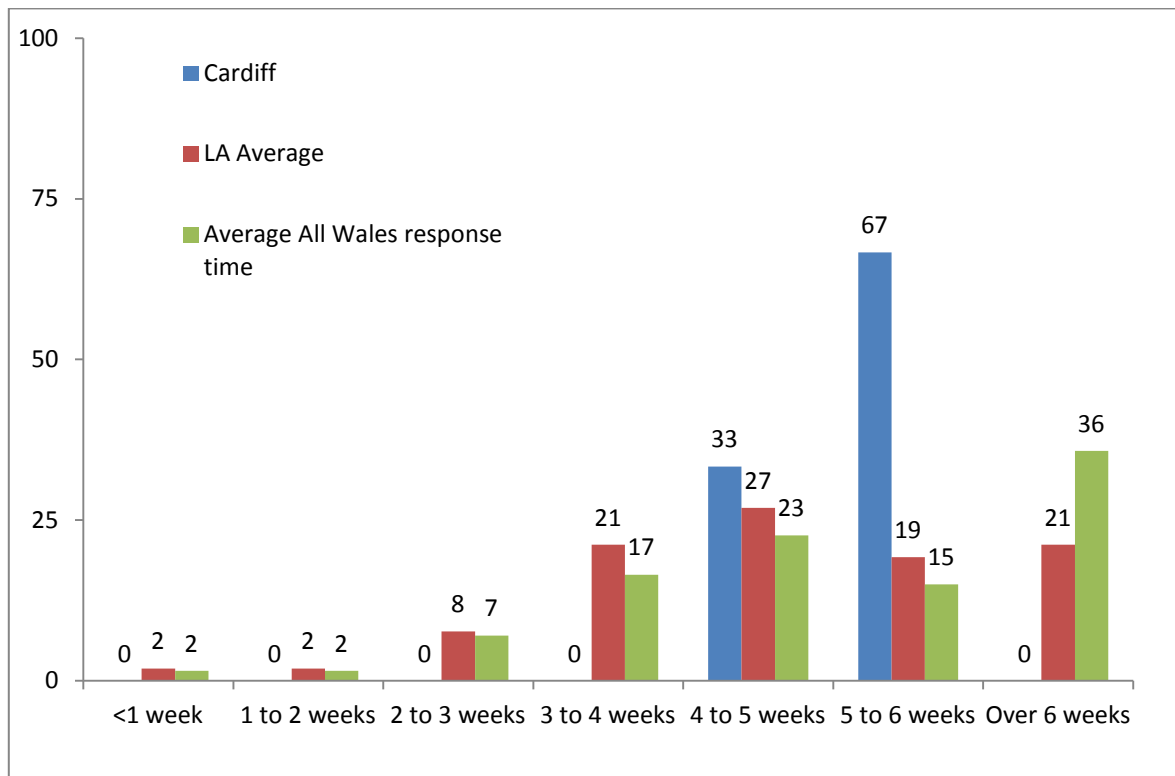
**2013/14**



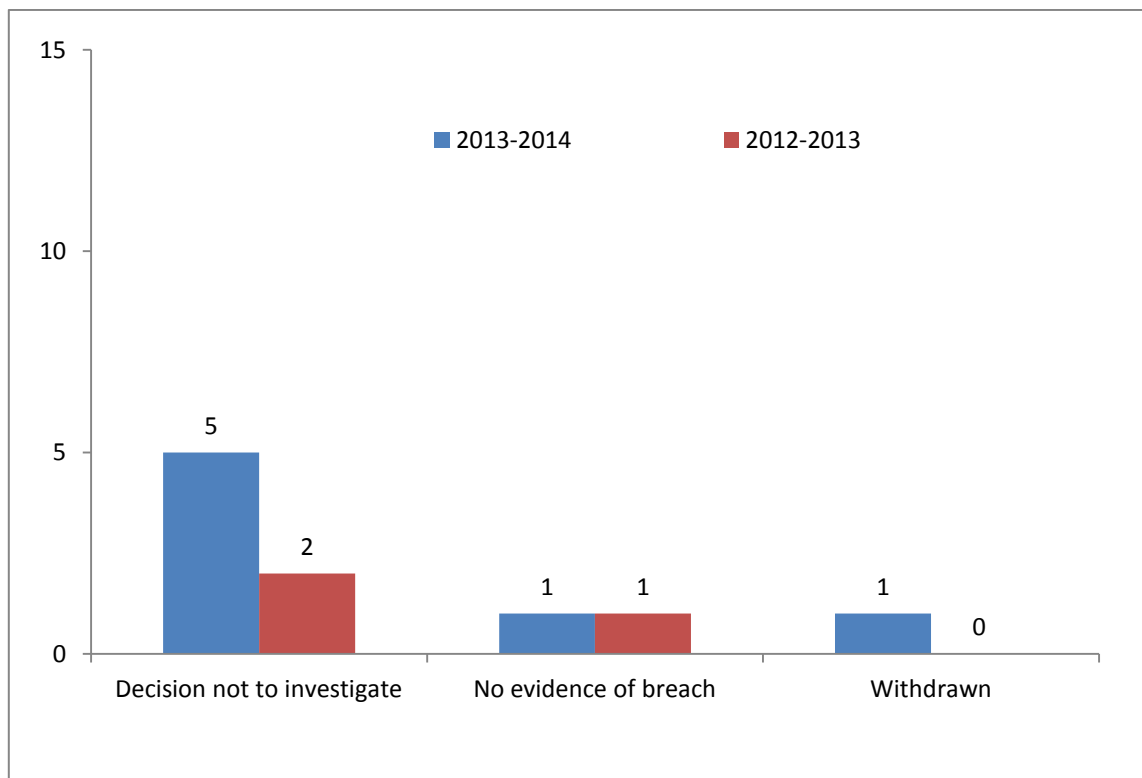
**2012/13**



**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)**



**H: Code of Conduct complaints**





## **I: Summaries**

### **Environment and Environmental Health**

#### **Quick fixes & voluntary settlements**

##### **May 2013 – Refuse collection – Cardiff County Council**

Mr G complained that for the past 18 months the Council has failed to collect his refuse bags. He has made numerous complaints to the Council since August 2010 but it is still failing and has not provided a reason for the non collection.

Having obtained the Council's response to the complainant, it appeared that the Council had failed to escalate the complaint to stage two of its procedure and had not investigated why the complainant's refuse was not being collected. The Council subsequently sent a full response detailing the failings and action it had taken to rectify matters. Due to the Council's poor handling of Mr G's complaint and the lack of service, the Council agreed to provide a sum of £300 plus an apology to the complainant.

**Case reference 201300117**

## **Housing**

### **Upheld**

#### **Cardiff Council – Other**

##### **Case reference 201204993 – January 2014**

Mr J complained that the Council had taken no action/timely action against tenant neighbours about whose anti-social behaviour (ASB) he had complained repeatedly - both to the Council and the Police. Specifically, Mr J complained that the Council had delayed in / failed to: promptly investigate his concerns, issue proceedings against those tenants, and have regard to his and his children's human rights and dignity. Mr J said that his young son attempted to take his life because of events. Mr J's complaints also included that the Council had wrongly demanded from him Housing Benefit (HB) overpayments, and had not supported / communicated with him effectively when he was later a witness in its legal proceedings against the tenants. He added that he had been put to significant expense and the family as a whole suffered great distress including having to flee the property to temporary accommodation.

The Council agreed early on that it had wrongly requested a HB overpayment from Mr J and that recording within its ASB team was poor. Evidence from the Ombudsman's investigation supported those findings. The ASB team had largely relied on the Police to take action, as opposed to properly investigating itself and following good ASB practice, which might have resulted in action sooner. However, decisions regarding legal action were for the Council to take and it was not for the Ombudsman to decide whether human rights were infringed or not. That said, Mr J's complaints were mostly upheld; there were significant failings resulting in great injustice to Mr J and his family – medical evidence supported a possible (albeit not absolute) link between events and his son's actions.

The Council agreed to the following recommendations:

- a) an apology to Mr J and his family and redress of £3000;
- b) staff training on the identified relevant HB regulation;
- c) a Senior Officer to remind the ASB team about documentation and the recording of conversations/actions/ and reasons for decisions taken and the Legal team to provide training to the ASB team on matters of evidence;
- d) the preparation of an information sheet for those who are to be witnesses in support of the Council's legal proceedings with a named contact for their duration.

#### **Quick fixes and Voluntary settlements**

#### **Cardiff Council – Repairs and Maintenance**

##### **Case reference 201305898 – February 2014**

Mr B complained that Cardiff Council agreed to inspect his block in October 2013, and then commence fitting non slip flooring in the communal areas within the following six weeks. However, four months later, there had been no sign of these improvements.

Following contact from the Ombudsman's office, the Council agreed to bring forward the improvements on this block and the adjacent blocks.

### **Cardiff Council – Applications, allocations, transfer and exchanges**

#### **Case reference 201303749 – November 2013**

Ms A complained that the Council did not assess her complaint properly. Ms A had complained about the points allocation process after submitting a transfer request. Ms A considers her current accommodation is no longer suitable for her needs. The Ombudsman's office contacted the Council, which agreed to reconsider Ms A's points allocation. The Council also agreed to write to Ms A with a full explanation of her current position.

### **Cardiff Council – Applications, allocations, transfer and exchanges**

#### **Case reference 201303650 – November 2013**

Mr X complained that the Council had not responded in a satisfactory way to his complaint about its social housing allocation procedures, and in particular the reported overcrowding at a particular Council property. The Ombudsman's office contacted the Council, which agreed to fully respond to Mr X's complaint.

### **Cardiff Council – Repairs and maintenance**

#### **Case reference 201303951 – November 2013**

Ms J complained about the lack of communication she had received from the Council regarding the damp that has caused and continuing to cause her problems at her property. The complaint is also about the length of time it has taken for any work to start on her home. Ms J also state that, as well as the external work not being carried out, the internal damage has caused Ms J and her family a lot of distress.

The Ombudsman's office contacted the Council, which advised that although work had now started on the property. The Council also agreed to repair works to décor, as a gesture of good will due to the delay in starting the rendering work to the property.

### **September 2013 - Repairs and maintenance - Cardiff Council**

Mr S complained initially that although his flat had been burgled while he lived elsewhere as major structural works were carried out to the Council-owned block, the Authority's Loss Adjuster's denied liability for his losses. The Council had, however, settled the claim of a neighbour whose home had been burgled in identical circumstances. Despite an agreement with the Council that his claim would also be settled, Mr S implied that this had failed to materialise.

The Ombudsman's Investigator made enquiries of the Council and established that an offer had actually been made to Mr S in full and final settlement of his insurance claim, which he had accepted reluctantly. It was concluded that the acceptance of the offer had resolved the complaint. Mr S had an alternative remedy available of pursuing legal proceedings to recover his losses. Where such an alternative exists, the Ombudsman cannot normally investigate a complaint.

#### **Case reference 201302812**

### **September 2013 – Repairs and maintenance – Cardiff Council**

Following damage to Mr M's front door caused by a break in, the complainant made a request to the Council to have the door replaced. The Council placed a job order with its contractors on 28 June 2013. However, it came to light after a telephone call from Mr M to the Council, that the contractor never received the first job request. A further request

was therefore sent on 1 August with the view that measurements being taken by 22 August. Unfortunately, the contractor did not attend the property until 11 September to measure up; the door was replaced on 16 September.

Due to the length of time that had elapsed from the date of the second request being sent and the door being replaced, the Council paid Mr M a sum of £100 for the inconvenience and time and trouble in having to make a complaint and waiting for a period of 11 weeks for the door to be replaced.

**Case reference 201303163**

### **July 2013 – Repairs and maintenance – Cardiff Council**

Mr & Mrs C complained that the Council had failed to identify the source of a leak originating from the upstairs flat, which had caused damage to their bathroom over a four-year period. The complainants advised that the condition of bathroom was very poor and, in addition, Mr & Mrs C have been without a light in the bathroom since January 2013 on the basis that it was deemed too dangerous to use due to water ingress.

The Council agreed to identify the source and repair the leak in the upstairs flat. Once the leak has been repaired, the Council agreed to make good the ceiling in Mr & Mrs C's bathroom. In addition, the Council agreed to make a payment of £250 to Mr & Mrs C, in recognition of the time and trouble taken in making their complaint.

**Case reference 201301862**

### **June 2013 – Repairs and maintenance – Cardiff County Council**

Ms complained that the Council denied liability for losses resulting from burglaries at his flat after he had moved out while major works were undertaken to underpin the block. He say that there was inadequate security. His neighbour's flat was burgled at the same time as Mr S but his claim was settled.

The apparent inconsistency was pointed out to the Council who explained that the two claims were assessed in a different manner. It has apologised to Mr S that they were not linked. The Council is now to ask the liability claims handlers to settle Mr S' claim.

**Case reference 201300415**