

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

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

Dear Mr Orders

Annual Letter 2014/15

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Cardiff County Council.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, the number of complaints received has decreased compared to 2013/14, and is now below the average. The largest single area of complaint was Housing, followed by complaints about Environment and Environmental Health. My office investigated three complaints during 2014/15 and issued one 'upheld' report. I am pleased to note the level of Quick Fixes and Voluntary Settlements achieved with your Local Authority. I am also pleased to note that 67% of responses to requests for information from my office were received within four weeks, although a third took more than six weeks.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence 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 the PSOW's website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a stylized flourish at the end.

Nick Bennett
Ombudsman

Copy: Leader, Cardiff County Council

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2014/15, 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 2014/15. Section C compares the number of complaints against the Council which were received by my office during 2014/15, 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 2014/15. 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 2014/15, 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 2014/15 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 2014/15. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2014/15.

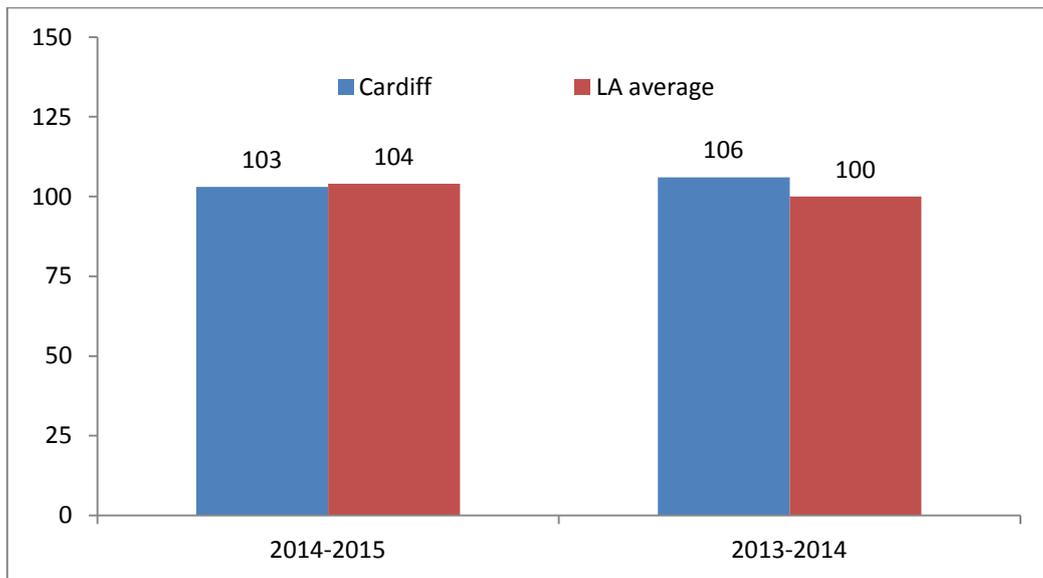
Housing Stock

As with previous exercises, the figures for 2014/15 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.

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

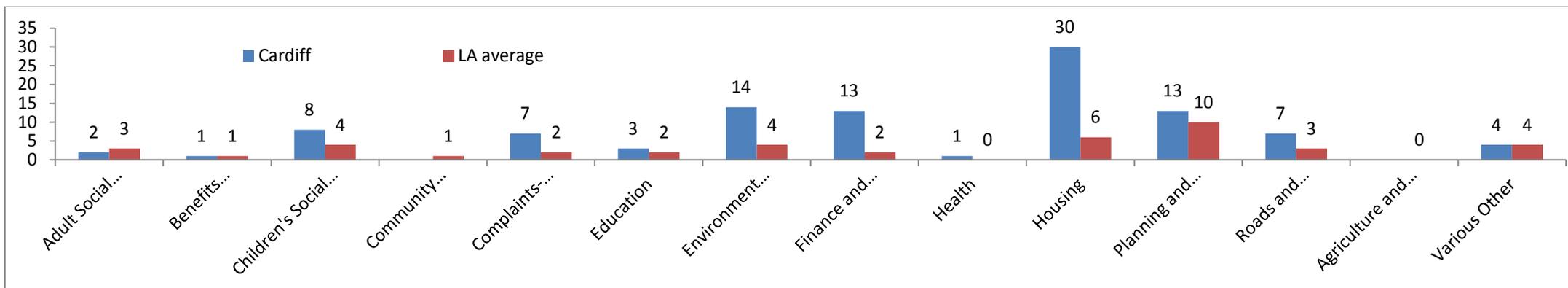


B: Complaints received by my office

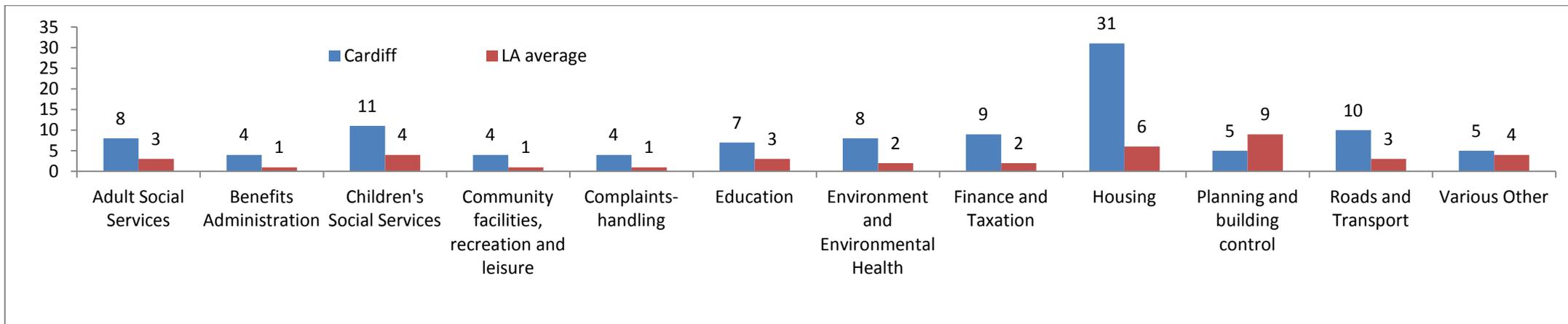
Subject	2014/15	2013/14
Adult Social Services	2	8
Benefits Administration	1	4
Children's Social Services	8	11
Community facilities, recreation and leisure	0	4
Complaints-handling	7	4
Education	3	7
Environment and Environmental Health	14	8
Finance and Taxation	13	9
Health	1	0
Housing	30	31
Planning and building control	13	5
Roads and Transport	7	10
Various Other	4	5
Total	103	106

C: Comparison of complaints by subject category with LA average

2014/15



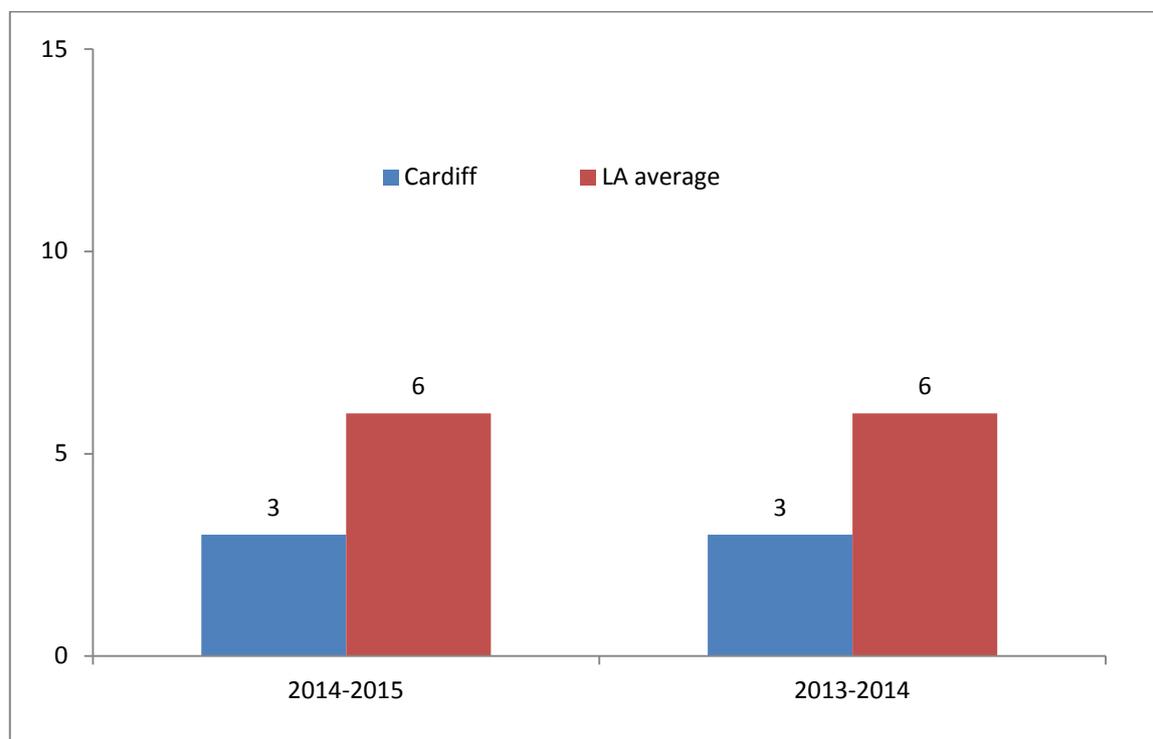
2013/14



D: Complaints taken into investigation by my office

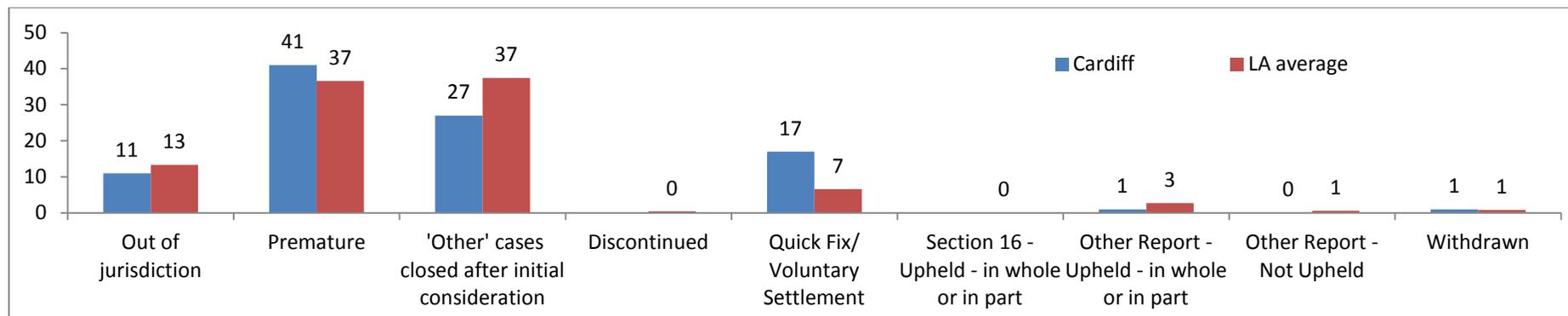
	2014/15	2013/14
Number of complaints taken into investigation	3	3

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

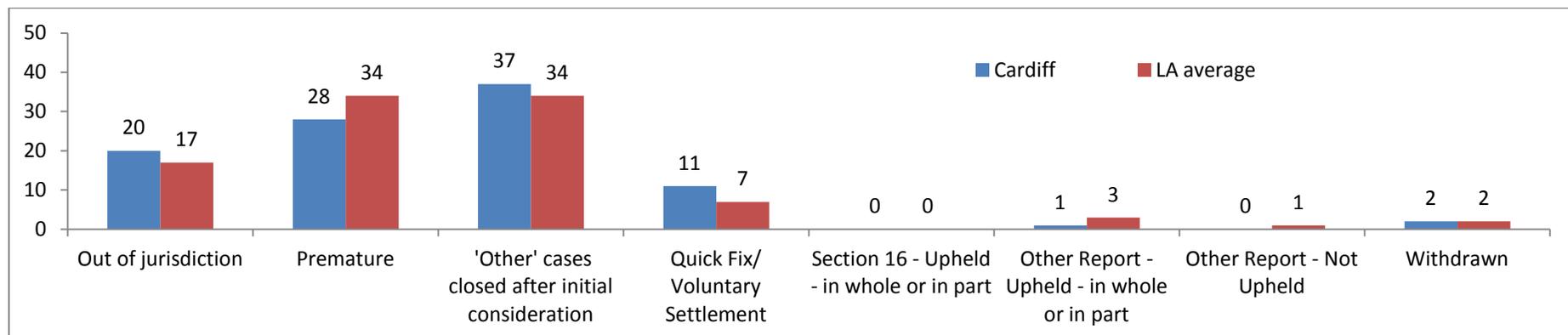


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

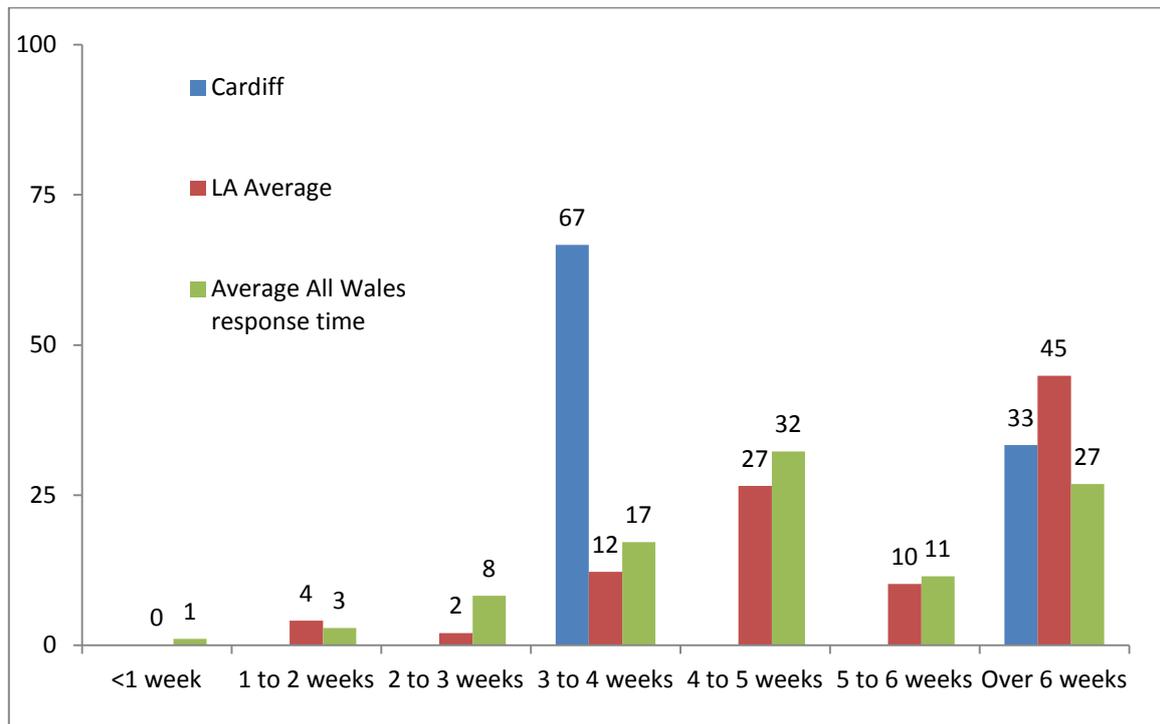
2014/15



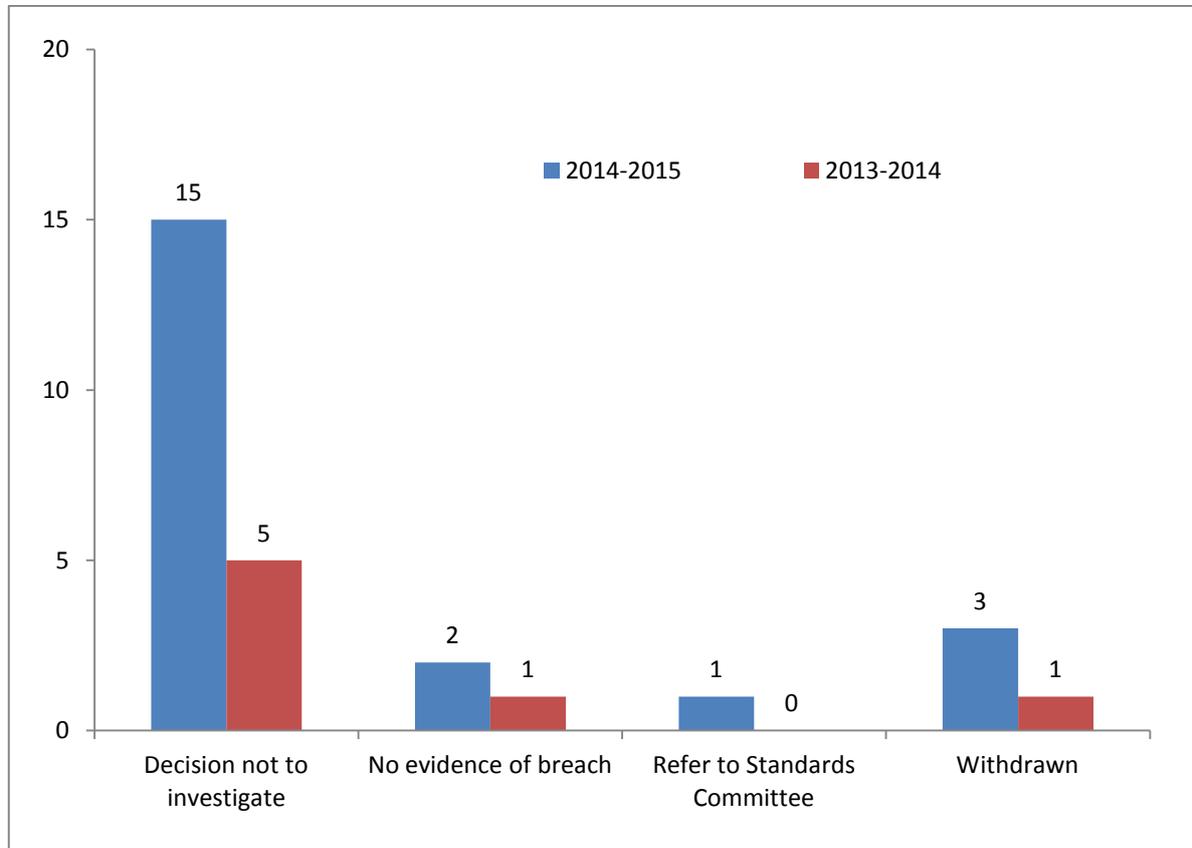
2013/14



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



H: Code of Conduct complaints



I: Summaries

Complaints-handling

Other reports – Upheld

Cardiff Council – Complaint-handling (Housing)

Case reference 201402307 – February 2015

Mr X complained that an officer at the Council made an offensive remark about the him, which he overheard. The Council department considered the complaint about this and it was upheld. However, the matter had not been resolved for the complainant and there had not been any offer of redress for time and trouble. The Council agreed that an officer, independent of the department, would investigate the complaint. The Council also agreed to provide a single point of contact to the complainant to help restore his faith in the service.

Education

Quick fixes and Voluntary settlements

Cardiff Council – Admissions procedures and appeal

Case reference 201402555 – July 2014

Mr A contacted the Acting Ombudsman for advice after he submitted a school admission application (“application”). Mr A said there was a delay in the process and as a consequence his child was not offered a place and is now on the waiting list for the September 2014 intake.

The Acting Ombudsman’s office contacted the Council, which identified there had been a delay with the submission of the application which led to Mr A’s child being placed on the school’s waiting list. As a result of this omission, the Council liaised with the school and Mr A’s child has now been allocated a place for the September term.

HOUSING

Quick fixes and Voluntary settlements

Cardiff Council – Repairs and maintenance

Case reference 201408353 – March 2015

Ms A reported mould in her living room in July 2014. After an inspection visit, remedial works were identified and scheduled to be completed within 25 days. Initially, the mould was treated in preparation for the repairs; however, this work was not followed up and the situation worsened.

Ms A complained to the Council and requested an explanation for the delay. The Council apologised to Ms A for the delay but could offer no reason for the service failure. The Council agreed to pay Ms A £100 for the time and trouble taken in making a complaint and for the inconvenience caused.

Cardiff County Council – Repairs and maintenance

Case reference 201408945 – March 2015

Mr B complained about a works order raised to repair the guttering on his property, which was originally raised in August 2014, and only partly completed in October. When Mr B complained to the Council in December, the works order was listed as a priority, but had still not been completed by February.

Following contact from the Ombudsman's office, the Council agreed to confirm the work had now been undertaken; apologise for the delay; and, offer Mr B a one-off payment of £50 in recognition of the delay and inconvenience.

Cardiff Council – Repairs and Maintenance

Case reference 201405885 – January 2015

Mr P complained that the Council took too long to carry out repairs in his home, and that it kept saying the delay was the fault of the Contractors but the Contractor was saying it was waiting on the Council. Mr P said that he had been given the run-around for 12 months and had to pay out a lot of money in phone calls chasing both the Council and the Contractor. Mr P further complained that he was told there was no insulation in his home, which was needed, but that it would not be installed until after Christmas 2014.

Following contact from the Ombudsman's office, the Council advised that the Contractor, together with a member of staff from the Council, were due to visit Mr P's home to assess the situation. The Council subsequently advised that the back door would be replaced with a new door and that the survey for insulation had been done and that insulation had been agreed. The Council also agreed to offer £100 to Mr P as redress for the time and trouble caused to him.

Cardiff Council – Repairs and Maintenance

Case reference 201405229 – November 2014

Ms B explained that the Council's Contractor attended her property to carry out repairs to the heating system. Ms B said that additional works were required, but the contractor required the Council's permission before these works could be carried out. The contractor contacted the Council to obtain its permission, but Ms B was

concerned that any delay on the Council's part, would prevent the works from being completed within the week that she had booked off work.

Following contact from the Ombudsman's office, the Council explained that the contractor had sought its permission to carry out the additional works, which it had agreed to. The Council also explained that it had made arrangements for the contractor to call at Ms B's property promptly, in order that the works could be completed within the previously agreed timescales. The Ombudsman's office was satisfied that the Council had dealt with Ms B's concerns in a reasonable and timely manner.

Cardiff Council – Repairs and maintenance
Case reference 201404165 – September 2014

Ms M complained that her sister, Ms N, who is terminally ill, had been without hot water and heating at her property for over a week. Ms M had spoken with the Council and complained that it would not turn the gas back on at the property for a further number of days, despite being aware of Ms N's circumstances.

The complaint was made, and verbal consent obtained from Ms N. Whilst no formal complaint was made by Ms M through the Council's Corporate Complaints procedure, due to the exceptional circumstances of the matter the Ombudsman exercised his discretion to consider the complaint at this stage.

Following contact by the Ombudsman's office, the Council agreed to send a CMS gas engineer to Ms N's property the next morning, in order to assess the situation. Following the gas engineer's visit to the property, the gas was reconnected allowing Ms N to receive hot water and heating. Following its own investigations, the Council established that a third party had disconnected the gas to the property without notifying the Council.

Cardiff Council – Repairs and maintenance
Case reference 201402475 – August 2014

Mr A complained that the ceiling in one of the bedrooms at his property was in need of repair, meaning the room was not fit for purpose. Mr A reported this to the Council on numerous occasions, only for the appointments to be cancelled. Following contact from the Ombudsman's office, the Council made an appointment for the new ceiling to be painted.

Cardiff Council – Repairs and maintenance
Case reference 201403097 – August 2014

Mr T contacted the Ombudsman's office in relation to a previous complaint, advising that no further action had been taken by the Council and that the contractor had failed to attend various scheduled appointments. When the contractor had arrived, they had refused to carry out the required works.

Following contact from the Ombudsman's office, the Council advised that it was satisfied that no further works needed to be carried out, but that it would reseal the top of the window once the internal works have been complete. The Council also advised that a member of Council staff would reiterate the importance of keeping scheduled appointments and carrying out the required works to the contractor.

The Council agreed to offer £250 to Mr T in recognition of the time and trouble in submitting his complaint.

Cardiff Council – Other

Case reference 201305710 – July 2014

Mrs A complained that the Council had failed to take her domestic violence situation seriously and refused to re-house her when she made a homelessness application. In addition, Mrs A said that the Council's poor handling of her complaint had delayed the process of her being re-housed by several months.

The Acting Ombudsman's investigation found that the Council acknowledged that some errors had been made in the information and advice given to Mrs A in relation to its homelessness duty. These included not offering Mrs A either a Housing Application form or a Common Waiting List application, or offer assistance in securing Private Rented Accommodation in the area.

In relation to complaint handling the Acting Ombudsman found no reason to believe that there was anything untoward in the way that the Council carried out its investigation and subsequent review. The Acting Ombudsman found that Mrs A's complaint was dealt with in line with the Council's corporate timescale.

The Council agreed to apologise to Mrs A for the failings identified and offered her a redress payment of £200 for the failings.

Cardiff Council – Repairs and maintenance

Case reference 201401464 – June 2014

Mrs X complained about the length of time taken for the Council to complete repairs at her property. The delay meant Mrs X had to take time off work and spend time making phone calls, which caused an inconvenience. Following contact from the Ombudsman's office, the Council agreed to a redress payment of £100 in recognition of Mrs X's time and trouble.

Cardiff Council – Repairs and maintenance

Case reference 201307006 – April 2014

Mr B complained that, after reporting a serious damp problem in his home to the Council in October 2013, no repair work had been carried out. Although an inspection had been carried out on 1 November 2013, following which Mr B had received confirmation that it would be repaired in 5 working days, the repair work remained outstanding. Mr B stated that the damp had resulted in an unhygienic smell which had caused a deterioration in the health of himself and his wife.

Following contact from the Ombudsman's office, the Council agreed to send a plumber to the property. The Council subsequently confirmed that the plumber had fitted a new valve in the bathroom and a new valve in the cold water tank. The Council also advised that no remedial plastering was required, and that a painter would be attending the property to carry out further work.

Finance and Taxation

Quick fixes and Voluntary settlements

Cardiff Council – Finance and Taxation Case reference 201402774 – November 2014

The complaint concerned arrears of council tax and the Council's failure to implement an agreement reached between it and the complainant (Ms X) in April 2014, to clear the council tax arrears. It was alleged that the Council's failure to implement this agreement was made without proper explanation and that the Council proceeded to enforce the whole amount of the arrears owed, by way of an attachment of earnings ("AOE") order.

Detailed consideration of the evidence from Ms X and the Council indicated that the error, which resulted in the Council not implementing the agreement in April 2014, was that of the complainant's representatives "Y", rather than as a direct result of any action taken by either the Council or Ms X. Despite no evidence of fault being established against the Council in this matter, it took a pragmatic approach to resolve the matter and agreed to take, or has already taken the following actions:

- the Council has cancelled the AOE obtained for the council tax arrears, on the basis of the agreed instalments being met by Ms X. The Council has already confirmed this to Ms X's employers and provided them with the relevant paperwork;
- the Council agreed with the complainant's former representatives, Y, that it pays a set amount by a specified date, 30 November 2014, in acknowledgement that it was Y's error which resulted in the agreement not being implemented by the Council; if, this payment is honoured by Y then the balance of the arrears on Ms X's council tax account will be reduced to £719:65;
- the Council will then send Ms X an instalment plan stating that Ms X will pay instalments of £100 per month, on or before the 30th day of every month, commencing from a specified date.
- **Cardiff Council – Finance and Taxation**
- **Case reference 201306593 – June 2013**
- Mr A complained about the Council's administration of his Council Tax. Following contact from the Ombudsman's office, the Council acknowledged that it had misallocated two of Mr A's payments to the wrong account and that this led to debt recovery action being taken against him by its bailiff service for arrears that were not owed. In resolving the complaint, the Council agreed to correct the misallocation of the two payments; cancel the fees owed to Swift Credit Services; and, apologise to Mr A - firstly, for the administrative error when processing the payments, and secondly, that it failed to identify the error through its own complaint investigation.

Planning and Building Control Upheld

**Cardiff Council - Unauthorised development – calls for enforcement action
Case reference 201305844 – Report issued February 2015**

Mr A and Ms B complained about the Council's handling of planning matters in relation to two adjoining properties situated adjacent to their home. In particular, how the Council came to its decision about a change of use and not to commence enforcement action against the owner. They made a number of service complaints about the officers involved and were concerned that a conflict of interest between the Development Manager and the owner was not disclosed for over four months. Mr A and Ms B also complained that they were not consulted about the erection of a fence on their boundary wall and questioned the adequacy of the Council's out of hours' system for reporting noise nuisance matters.

Having obtained the Council's files and advice from a planning consultant, the Ombudsman concluded that the Council's decision in relation to the change of use and on enforcement action was reasonable. The Ombudsman found no evidence to suggest that the Development Manager had become aware of his conflict at an earlier stage or that he had attempted to influence the Council's decision on these matters. However, the Ombudsman concluded that the Council's approach and content of its files had led to a perception of bias which had resulted in some limited injustice to the complainants. The Ombudsman also concluded that the Council could have kept Mr A and Ms B better informed whilst it made its enquiries.

The Ombudsman found that the Council was not obliged to consult with Mr A and Ms B on the erection of the fence as this related to the discharge of a condition of the planning permission. Finally, based on the information provided by the Council, the Ombudsman concluded that the out of hours' system for reporting noise nuisance matters was acceptable.

The Ombudsman partly upheld the complaint and recommended that the Council should issue a written apology and payment of £300 to Mr A and Ms B for the failings identified. The Ombudsman also recommended that the Council should take action to address the shortcomings in its communication with Mr A and Ms B in order to avoid future similar issues from arising and also, to remind its officers of the importance of declaring interests at the earliest possible opportunity to avoid the perception of undue influence.

Various Other

Quick fixes and Voluntary Settlements

Cardiff Council – Complaint-handling

Case reference 201402307 – August 2014

An officer at the Council made an offensive remark about the complainant which was overheard by the complainant. Although the Council upheld the complaint, the matter had not been resolved for the complainant and there had not been any offer of redress for time and trouble. The Council agreed that an officer, independent of the department, would now investigate the complaint. It also agreed to provide a single point of contact to the complainant to help restore his faith in the service.