

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Mark James
Chief Executive
Carmarthenshire County Council
County Hall
Carmarthen
SA31 1JP

Dear Mr James

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 Carmarthenshire 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, my office received the same number of complaints in 2014/15 as in 2013/14, and the largest single area of complaints remains Planning and Building Control. My office investigated seven complaints in 2014/15 – more than double the average. My office also issued a Public Interest report against your Local Authority. I am also concerned to note that the number of responses to requests for information from my office which took in excess of five 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, Carmarthenshire 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.

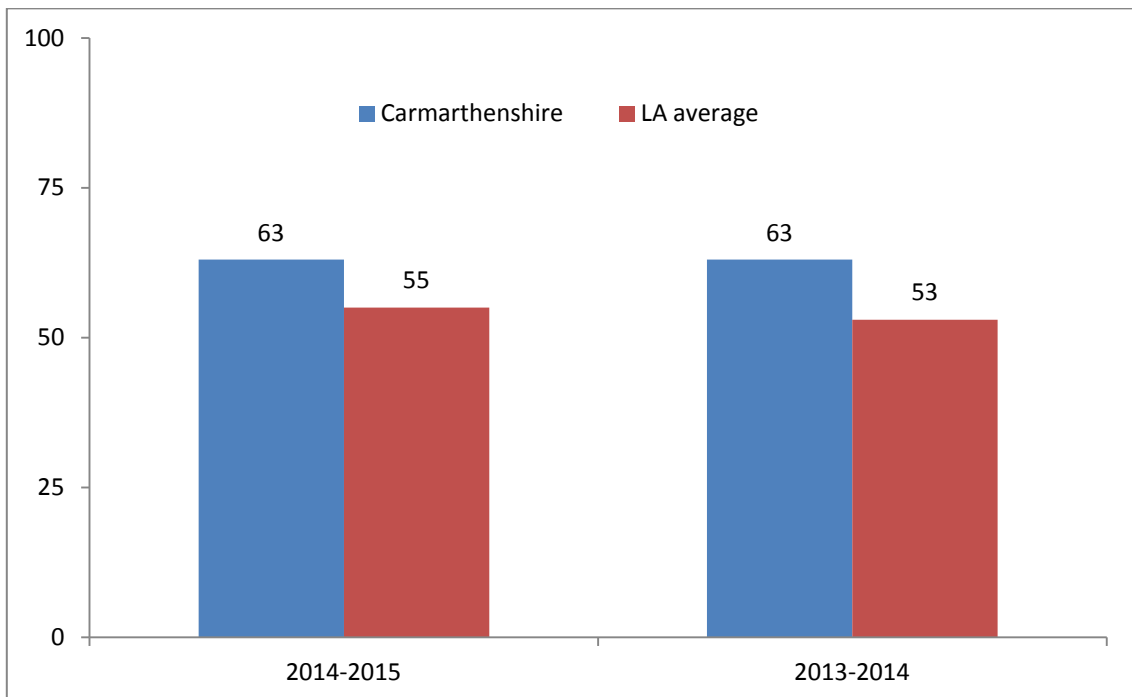
Housing Stock

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

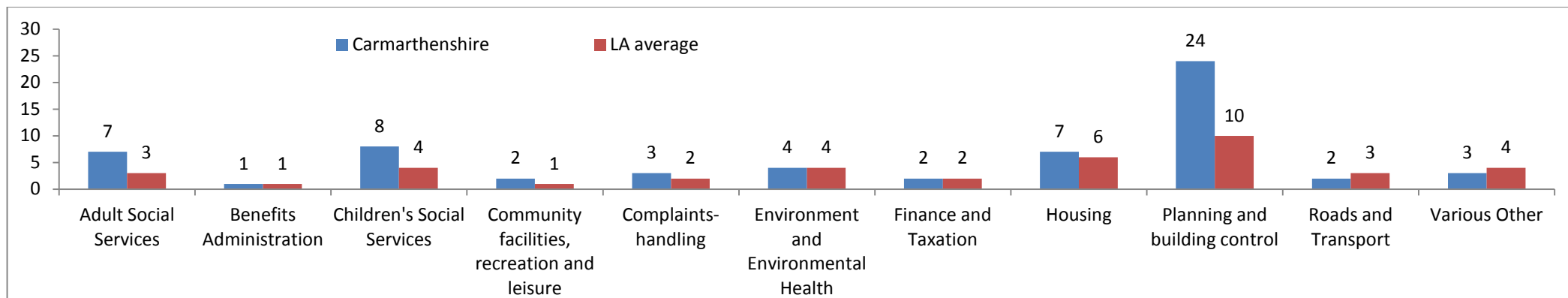


B: Complaints received by my office

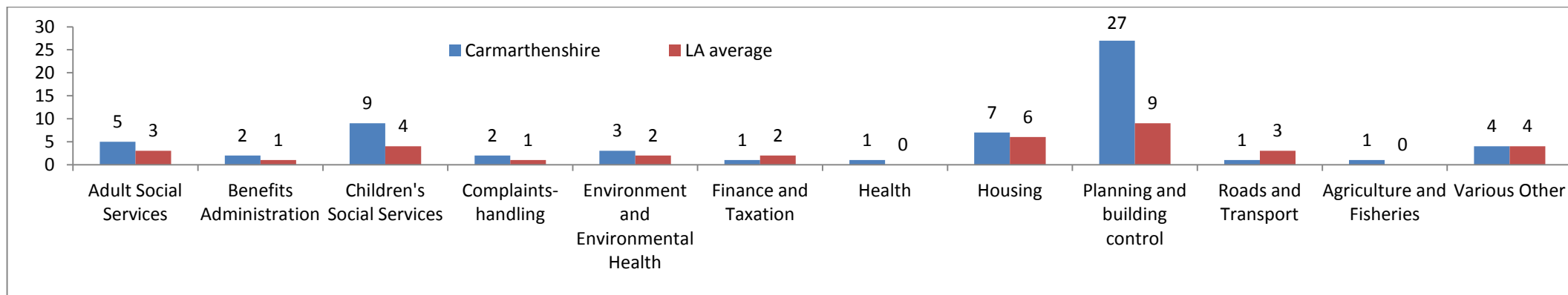
| Subject | 2014/15 | 2013/14 |
|--|-----------|-----------|
| Adult Social Services | 7 | 5 |
| Benefits Administration | 1 | 2 |
| Children's Social Services | 8 | 9 |
| Community facilities, recreation and leisure | 2 | 0 |
| Complaints-handling | 3 | 2 |
| Environment and Environmental Health | 4 | 3 |
| Finance and Taxation | 2 | 1 |
| Health | 0 | 1 |
| Housing | 7 | 7 |
| Planning and building control | 24 | 27 |
| Roads and Transport | 2 | 1 |
| Agriculture and Fisheries | 0 | 1 |
| Various Other | 3 | 4 |
| Total | 63 | 63 |

C: Comparison of complaints by subject category with LA average

2014/15



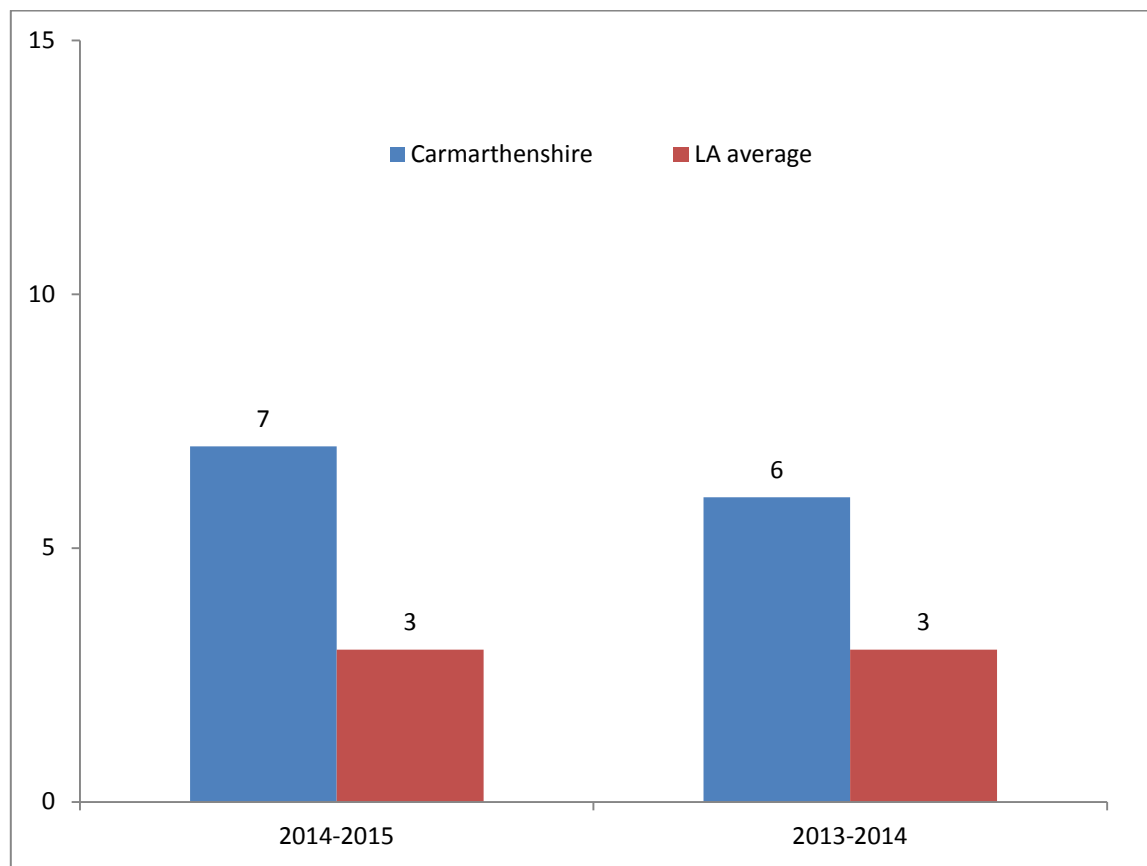
2013/14



D: Complaints taken into investigation by my office

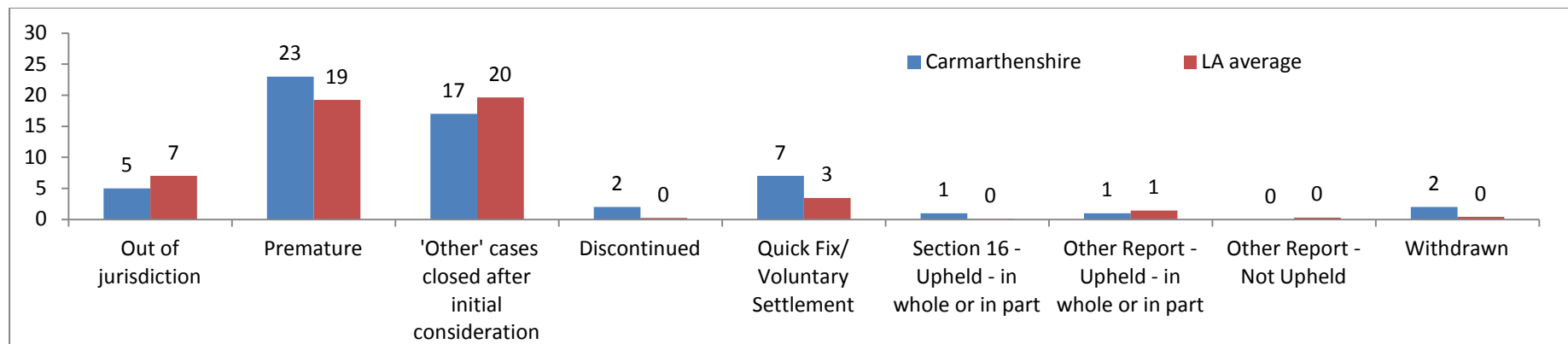
| | 2014/15 | 2013/14 |
|---|---------|---------|
| Number of complaints taken into investigation | 7 | 6 |

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

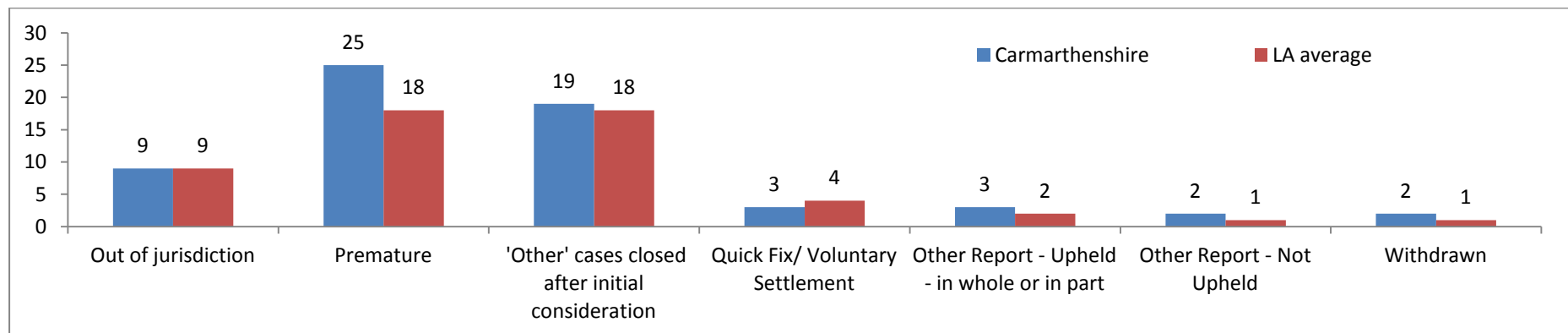


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

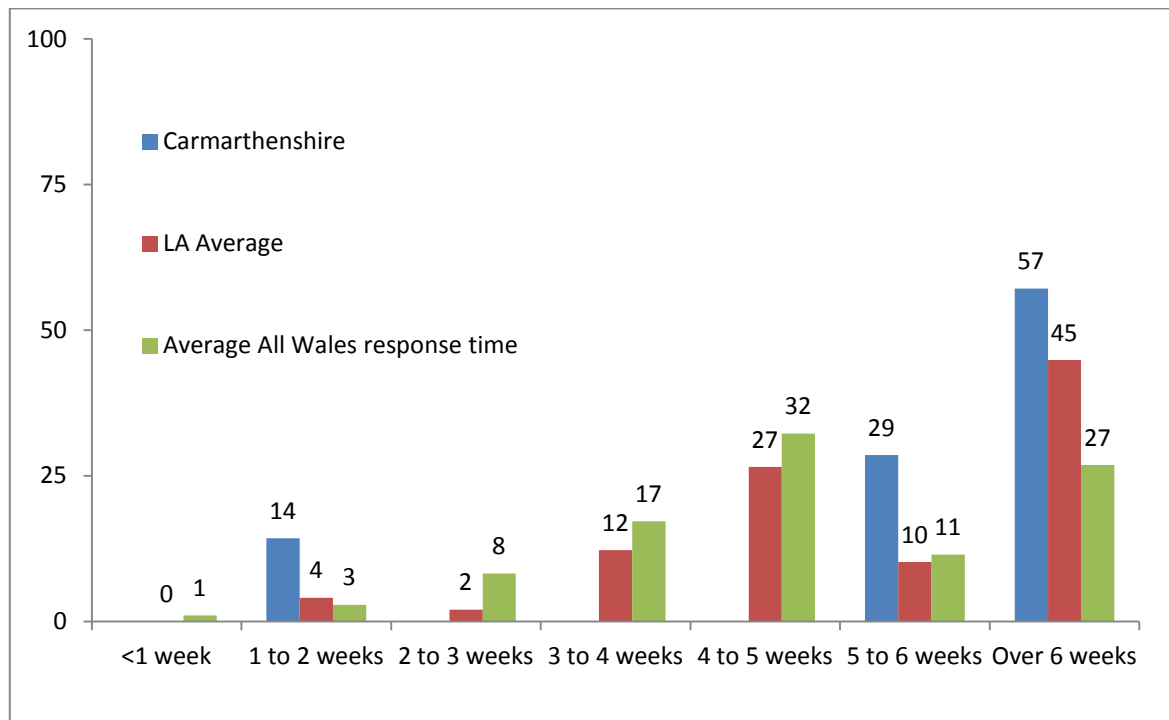
2014/15



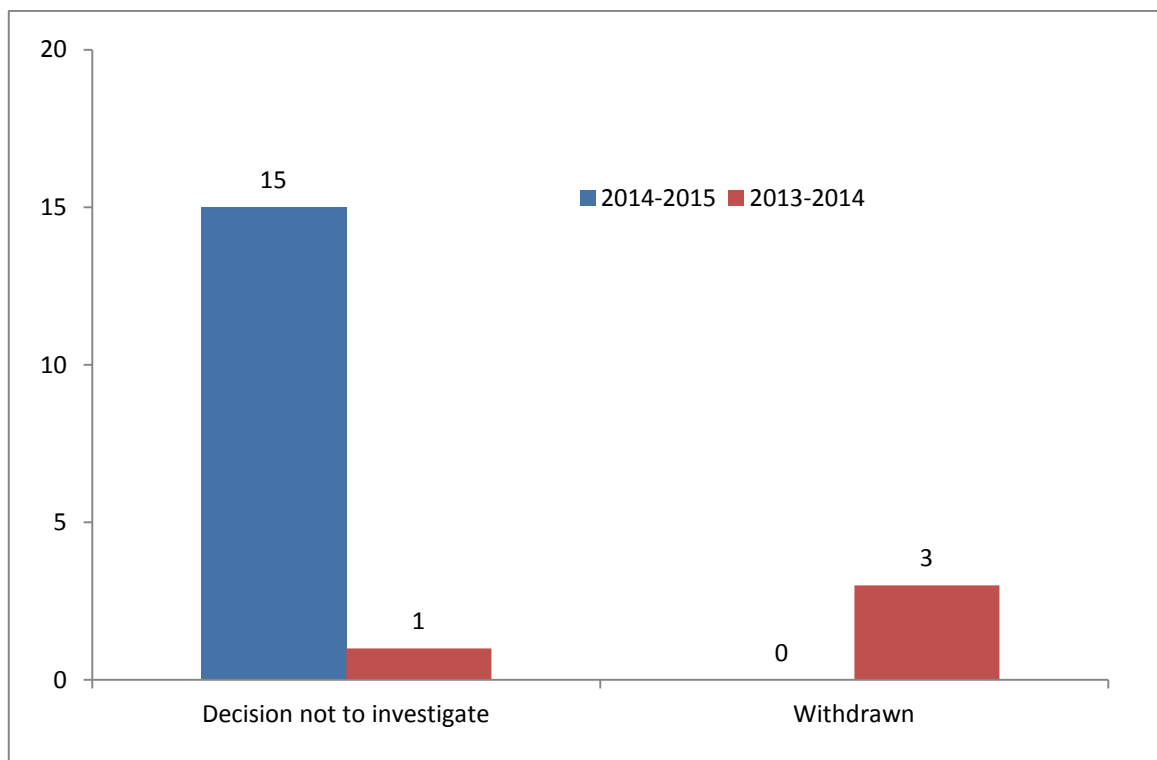
2013/14



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

Community Facilities, Recreation and Leisure

Carmarthenshire County Council – Other Case reference 201404183 – December 2014

Mr A received a written warning from the Council about alleged aggressive behaviour towards a member of staff at the County Library. Mr A complained that the letter that failed to advise him of the nature and date of the incident.

On receipt of the complaint, the Ombudsman contacted the Council and it agreed to undertake the following in settlement of the complaint:

- a) write to Mr A and apologise for the unnecessary delay before his complaint was escalated to stage two of the Council's complaint procedure and explain that his information request would now be processed in accordance with the requirements of access to information legislation;
- b) re-issue the letter of warning to Mr A, properly setting out the date and nature of each alleged incident of unacceptable behaviour in relation to which it had documented evidence.

Housing

Quick fixes and Voluntary Settlements

Carmarthenshire County Council – Applications, allocations, transfer and exchanges

Case reference 201306052 – December 2014

Mrs M complained about the way that the Council dealt with her homelessness and housing application. In particular, she said that the Council failed to take her reports of domestic violence seriously and failed to identify her housing needs. In addition, she complained that the Council's poor handling of her complaint had delayed the process of her being re-housed.

The Ombudsman's investigation found that the Council had failed to recognise at an early enough stage when its homelessness duties to make enquiries were engaged. This was compounded by the Council's failure to offer Mrs M interim temporary accommodation. The Ombudsman also noted instances of poor record keeping.

The Council agreed to carry out a number of actions in order to settle Mrs M's complaint, which were:

- a) Within one month of the settlement letter being issued:
 - the Chief Executive would apologise in writing to Mrs M for the Council's shortcomings in dealing with Mrs M's complaint and her homelessness application;
 - the Council would make a payment of £750. The redress amount is to reflect the uncertainty about whether earlier enquiries would have led to a more settled accommodation for Mrs M and her family and its impact on Mrs M. This has been further compounded by her being put to the additional inconvenience and stress of having to pursue a complaint to this office;
 - the Council would review this case to consider what lessons can be learnt to prevent a recurrence. The Council would then take steps to implement, within a timely manner, any measures/actions identified as being required.

- b) Within four months of the settlement letter being issued:
 - the Council to provide procedural guidance and training to all front line housing staff on the recognition of homelessness and when enquiries need to be started in cases of domestic violence.

Social Services - Adult

Quick fixes and Voluntary settlements

Carmarthenshire County Council – Other Case reference 201405893 – December 2014

Mrs M raised a complaint against the Council in relation to the cessation of her direct payments because she was informed that she did not meet the criteria. Mrs M requested that the Council review its position.

Following contact from the Ombudsman's office, the Council agreed to reassess Mrs M for her eligibility to receive direct payment, and contact Mrs M to arrange to carry out a reassessment by a specified time.

Social Services - Children

Quick fixes and Voluntary settlements

Carmarthenshire County Council – Other Case reference 201400617 – December 2014

Mr X, an asylum seeker who was under the care of the Council, complained that it had failed to provide him with adequate education following his arrival in the country. Mr X also complained that the Council had failed to keep him accurately updated as to the progress of his application to remain in the country.

The Ombudsman considered that, whilst the Council might have been more proactive in obtaining updates on Mr X's application, he did have a solicitor specifically assigned to him to deal with such matters. The Ombudsman also considered that although the Council made some technical errors when referring to Mr X's application, these did not add to the unavoidable uncertainty that Mr X felt regarding the chances of success of his application. The Ombudsman did, however, consider that the Council had failed to provide for Mr X's adequate education for a period of around 70 school days. The Ombudsman asked the Council to apologise to Mr X and to pay financial redress of £500. The Council agreed to do so and the Ombudsman considered this to be a reasonable settlement for the complaint.

Planning and Building Control

Upheld

Carmarthenshire County Council – Unauthorised development

Case reference 201300297 – Report issued April 2014

Mr and Mrs A's complaint relates to the temporary works which were carried out by their neighbour in connection with the construction of a commercial development at a site adjacent to their paddock. Mr and Mrs A made an enforcement complaint to the Council on the basis that certain conditions of the temporary planning permission, relating to reinstatement works at the site, had not been complied with. The Council said that it would investigate the matter and that it would inform Mr and Mrs A of the outcome. However, Mr and Mrs A said that the Council repeatedly failed to respond to their concerns and that it delayed in concluding that a breach of planning conditions had occurred at the site.

Having considered the information provided and having obtained planning advice on the complaint, the Ombudsman partly upheld the complaint. Whilst unable to conclude that the approach taken by the Council when determining to take enforcement action was unreasonable, the evidence confirmed that there were periods of inactivity during which the Council's enforcement section had failed to actively pursue the issue of non-compliance with the conditions. Furthermore, that it had failed to respond to Mr and Mrs A's correspondence.

The Ombudsman recommended the following:

- a) a written apology;
- b) a payment of £750, made up of £250 for time and trouble and £500 for the impact of prolonged non-compliance with the conditions;
- c) that the Council consider the delays that had occurred within its enforcement section and confirm what action it has taken to prevent this in future cases;
- d) that the Council review its planning enforcement policy to bring it in to line with relevant guidance.

Quick fixes and Voluntary settlements

Carmarthenshire County Council – Handling of planning application

Case reference 201405383 – March 2015

The Council indicated its intention to impose conditions on a planning application which would affect the complainant's property. The complainant expressed concern to an Officer of the Council, who said they would not be removed. The complainant sought legal advice. The Council agreed to remove the conditions when contacted by the complainant's solicitor. The Council agreed to reimburse the solicitor's fees of £100 + VAT on receipt of proof of payment.

Carmarthenshire County Council – Unauthorised development

Case reference 201405326 – December 2014

Mr Y's complaint related to planning permission of a building site situated in his village. Mr Y raised his concerns with the Council and received its response.

However, Mr Y complained to the Ombudsman that the Council had failed to address all of his concerns.

Following contact from the Ombudsman's office, the Council agreed to provide Mr Y with a response to his outstanding concerns as outlined in his correspondence to the Ombudsman by a specified date.