

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



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Mr Harry Thomas  
Prif Weithredwr  
Cyngor Gwynedd  
Council Offices  
Shirehall St  
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Gwynedd  
LL55 1SH

Dear Mr Thomas

### **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 Cyngor Gwynedd.

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, the number of complaints received during 2013/14 is slightly above the local authority average, although the number of complaints investigated matches the average. There has been a noticeable increase in the number of complaints received relating to 'Roads and Transport' and a noticeable decrease in the number of complaints relating to 'Planning and Building Control'. It is also worth commenting upon the upward trend in relation to Adult and Children's Social Services, which is a general area of concern referred to above. In reference to complaint outcomes, my office has issued one 'upheld' report against your Council, whilst there have been an above average number of quick fixes and voluntary settlements. I am pleased to note that all responses were received within four weeks of the date they were requested.

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.

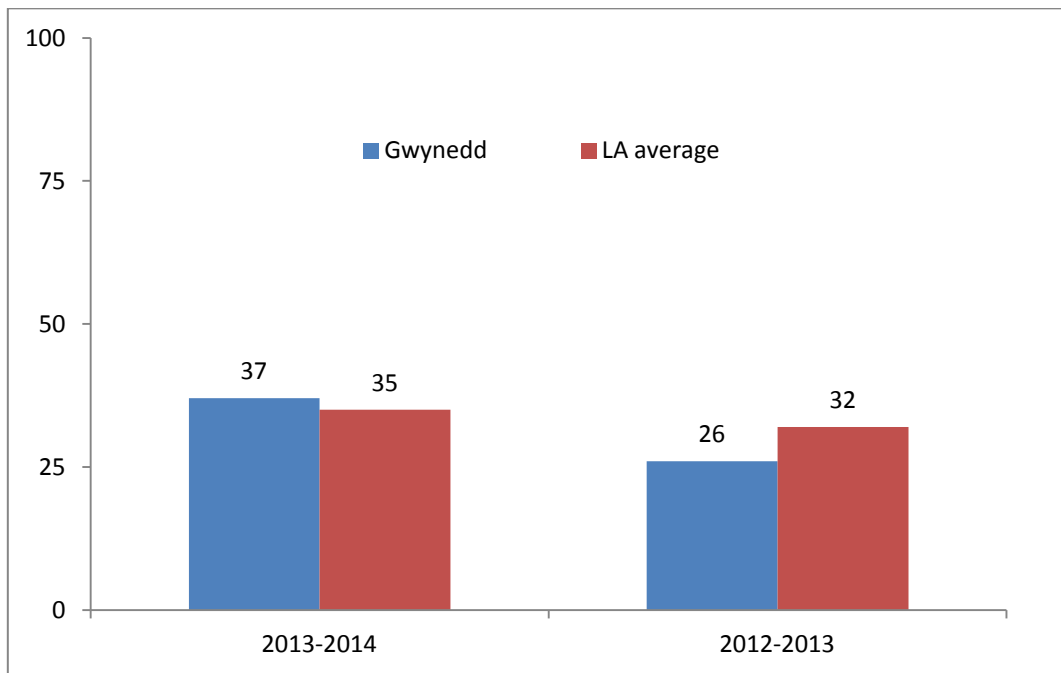
### **Housing Stock**

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**

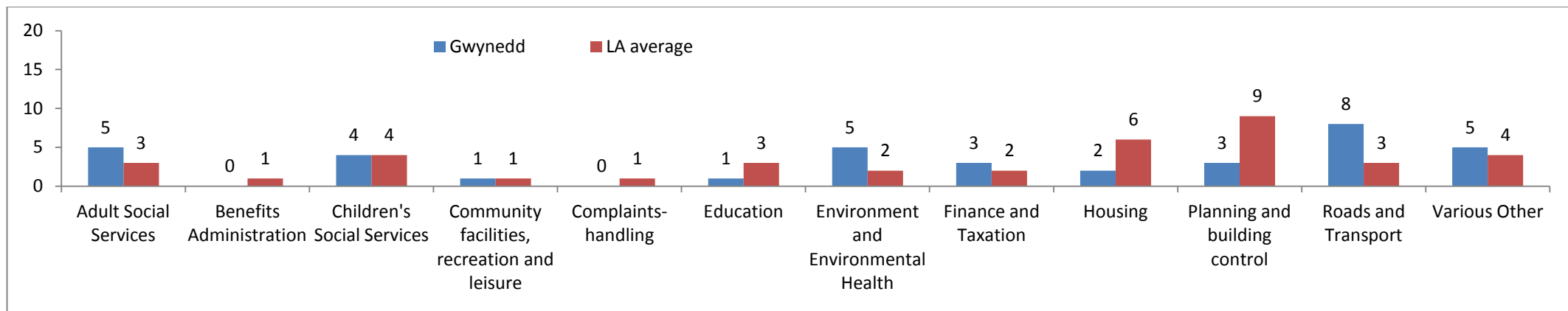


**B: Complaints received by my office**

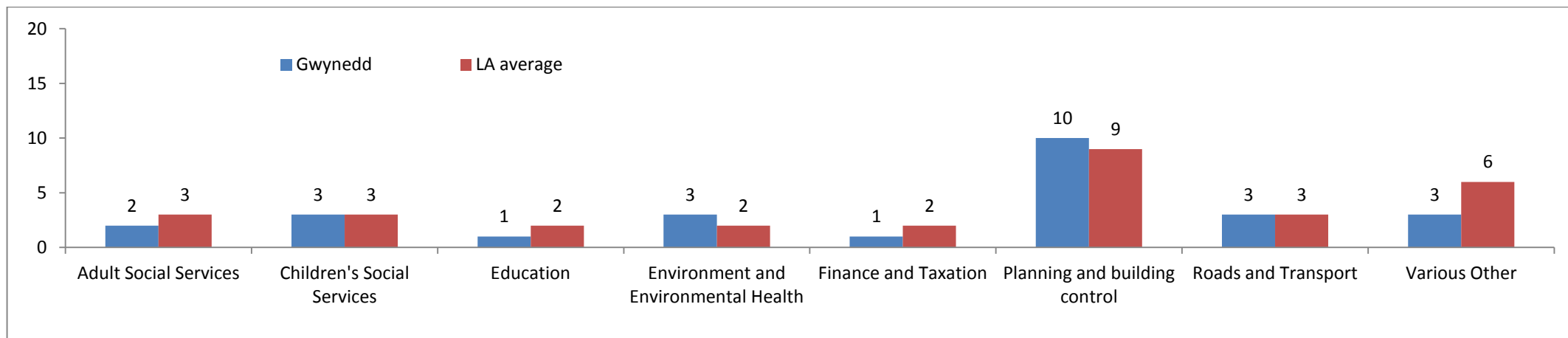
| Subject                                      | 2013/14   | 2012/13   |
|--|-----------|-----------|
| Adult Social Services                        | 5         | 2         |
| Benefits Administration                      | 0         | 0         |
| Children's Social Services                   | 4         | 3         |
| Community Facilities, recreation and leisure | 1         | 0         |
| Education                                    | 1         | 1         |
| Environment and Environmental Health         | 5         | 3         |
| Finance and Taxation                         | 3         | 1         |
| Housing                                      | 2         | 0         |
| Planning and building control                | 3         | 10        |
| Roads and Transport                          | 8         | 3         |
| Various Other                                | 5         | 3         |
| <b>Total</b>                                 | <b>37</b> | <b>26</b> |

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

2013/14



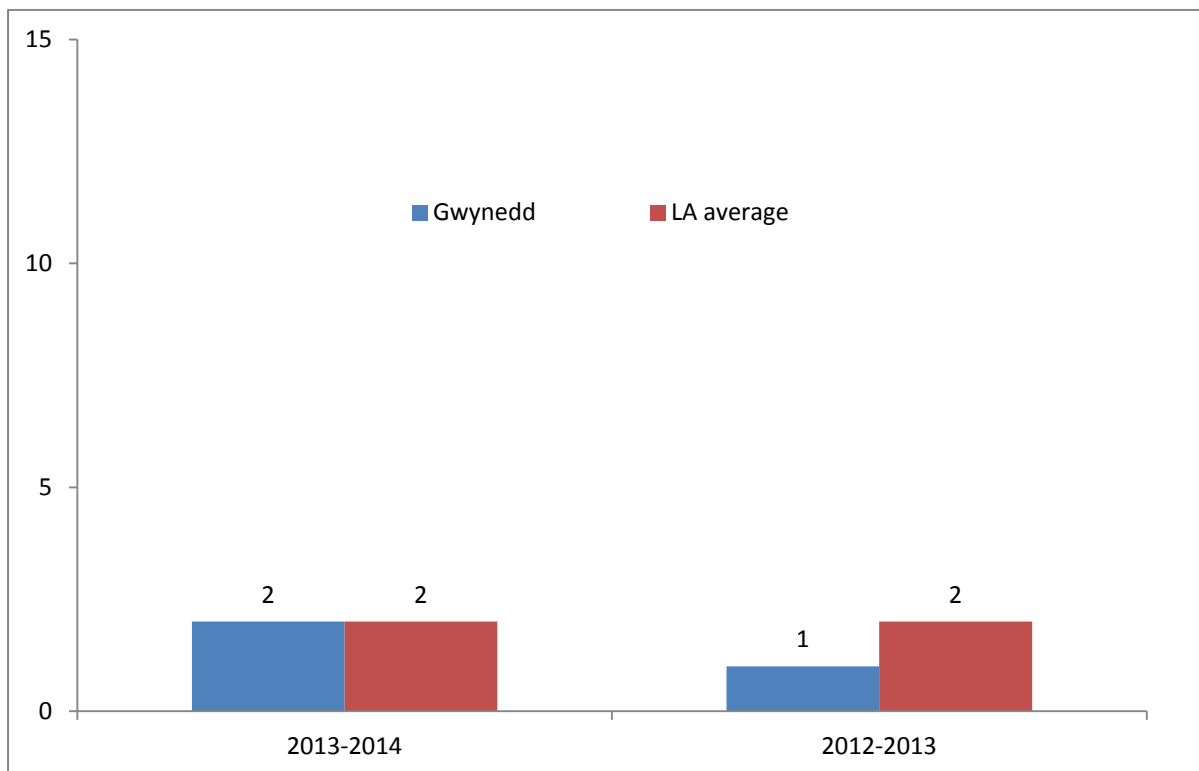
2012/13



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

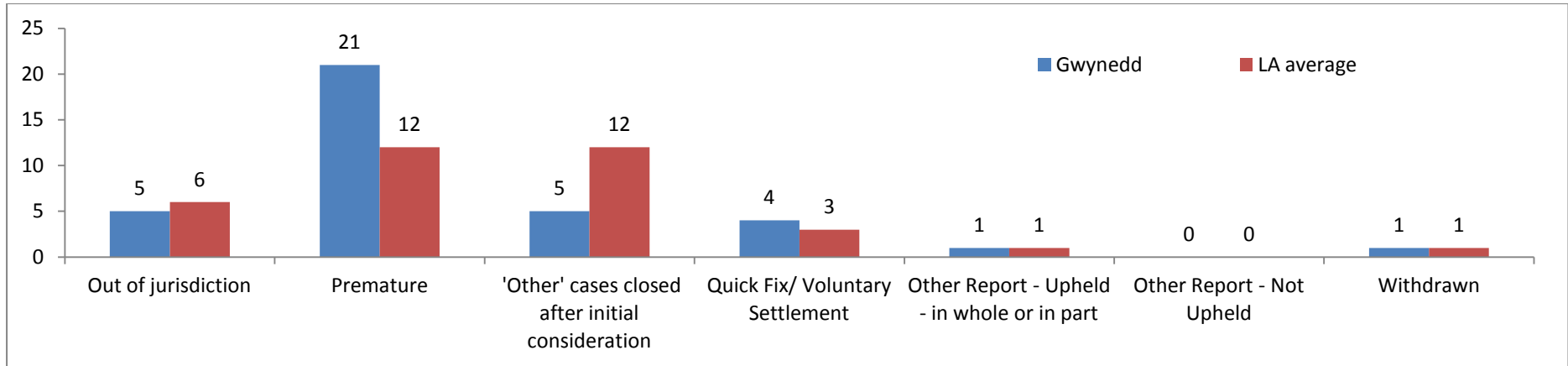
|   | <b>2013/14</b> | <b>2012/13</b> |
|---|----------------|----------------|
| Number of complaints taken into investigation | 2              | 1              |

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

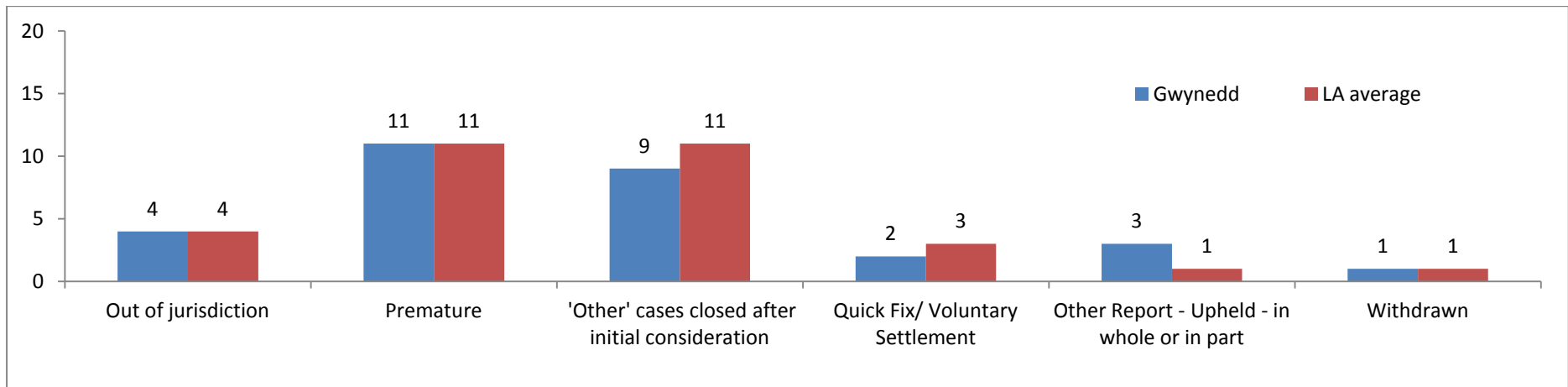


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

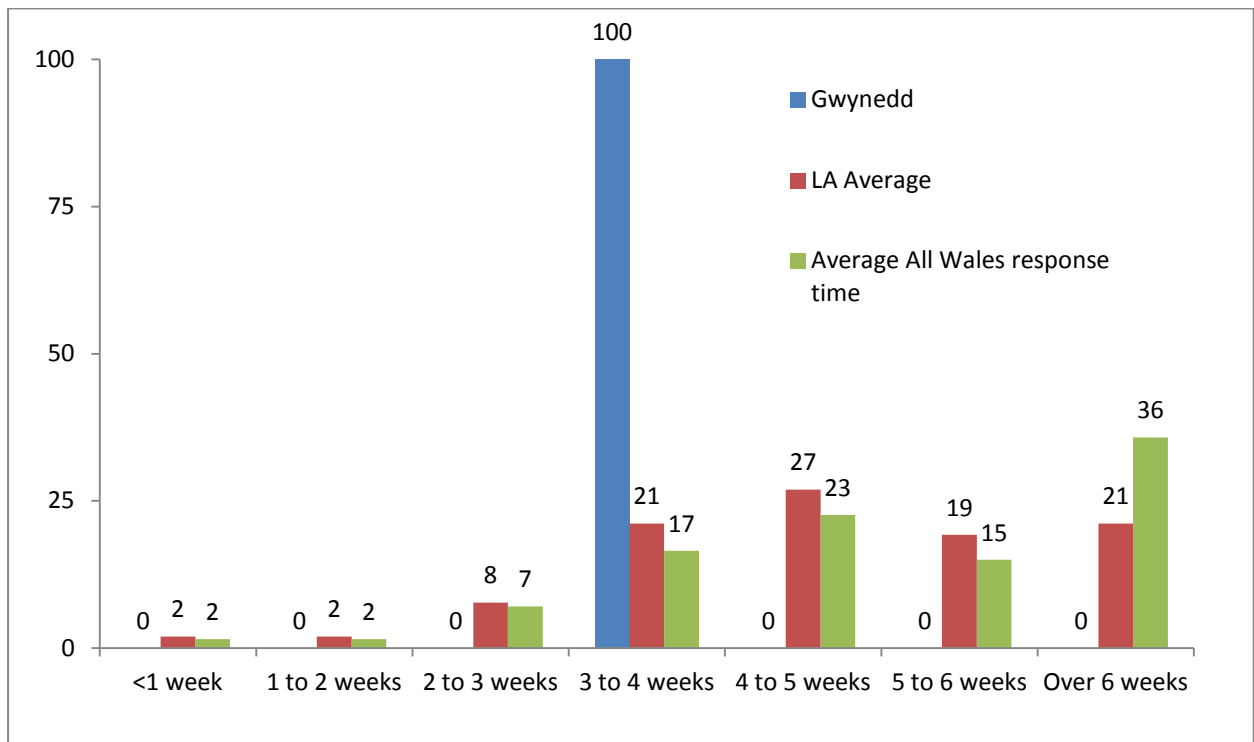
**2013/14**



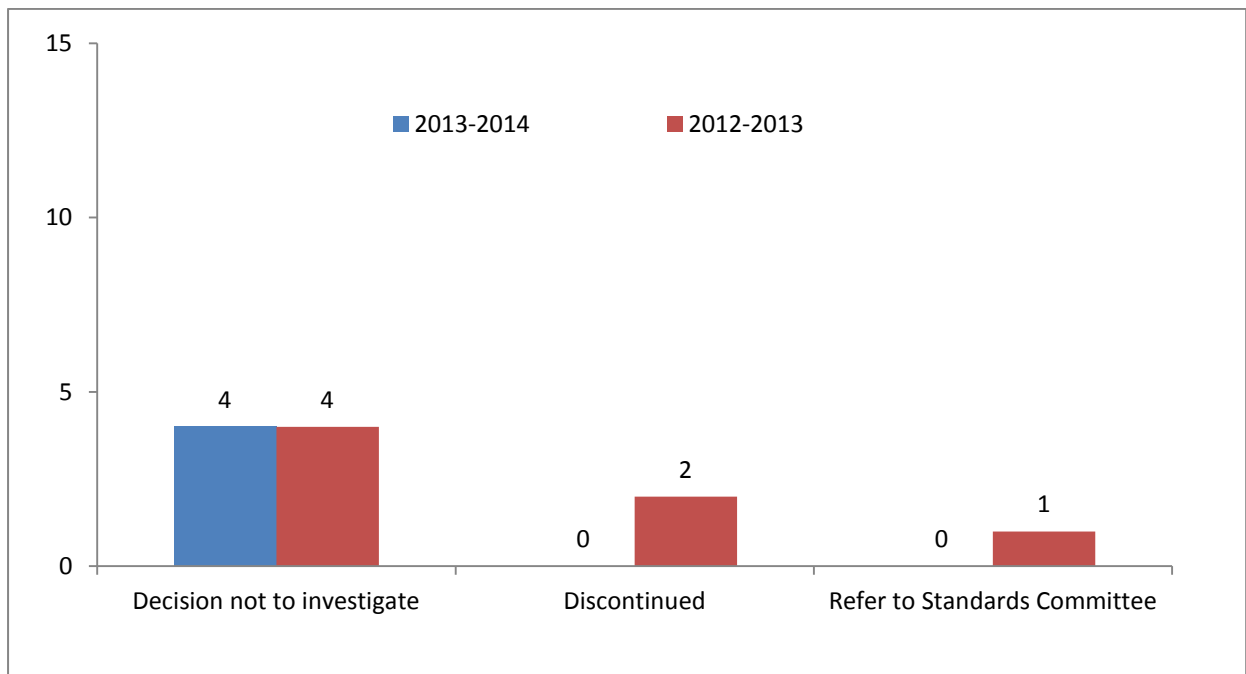
**2012/13**



**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**

### **Housing**

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

##### **Gwynedd Council – Repairs and maintenance**

##### **Case reference 201303135 – October 2013**

The Council served a Notice on Mr A (under the Prevention of Damage by Pests Act 1949) giving him 21 days until 6 August 2013 to remove and dispose of waste from Property 1. Mr A complained that the Council failed to send the Notice to either his correspondence address or Property 1 which meant he only became aware of the Notice after the 21 days had elapsed. As a consequence, he was out of time to appeal to the Magistrates Court. In the meantime, Mr A said that a letter (dated 7 August) setting out the Council's intention to instigate a prosecution (as the waste had not been removed) had been sent to Property 1. Mr A highlighted that he incurred additional labour costs getting the work completed in a very short timescale. He also detailed the inconvenience and distress caused to him.

The Ombudsman's office considered the documentation provided which included an acknowledgement by the Council that deficiencies in the Notice meant that legal action would have been unenforceable. The Council was approached and agreed, in view of the circumstances, to pay Mr A redress of £375 given the costs, inconvenience and distress caused to him. The Council also agreed to apologise again for its failings.

## **Planning and Building Control**

### **Upheld**

#### **June 2013 – Unauthorised development – Gwynedd Council**

Mr X complained that, despite an apparent breach of planning rules having first been reported in 2007, the Council had failed to take formal enforcement action in order to remove the various caravans and accompanying structures/equipment from the field near his property.

The investigation found that while the circumstances of this case were unusual and challenging for the Council, there was evidence of a corporate failure to progress the matter in a timely manner and to reach a decision about whether formal enforcement action should be taken. There were unacceptable delays which amounted to maladministration, which caused Mr X to endure prolonged uncertainty and distress about whether formal enforcement action would be taken in this case. The complaint was therefore upheld.

It was recommended that the Council apologise to Mr X for the delays, uncertainty and distress he experienced; make a payment of £500 to Mr X to reflect the injustice he had suffered; and undertake a review of the circumstances of this case so that lessons could be learnt about the timely progression of planning enforcement cases. The Council agreed to implement the recommendations.

**Case reference 201200986**

## **Roads and Transport**

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

#### **Gwynedd Council – Parking**

##### **Case reference 201303743 – October 2013**

Mrs S initially complained that the Council had failed to apply yellow lines in her street when, in fact, the yellow lines came into force in June 2013. Mrs S had been in contact with the Council, which had stated that the lines would be applied sometime after a meeting between Mrs S and the Council, held in September 2013. As this did not happen, Mrs S re-submitted her complaint to the Ombudsman.

The Ombudsman's office contacted the Council for further information, which advised that the contractor who was originally assigned to the job had been taken ill and was unable to complete the application of yellow lines. Temporary yellow lines had since been applied and would be re-applied, if necessary, until the contractor can apply the lines permanently. The Council also advised that the Civil Enforcement Officers will be in the vicinity at regular intervals.

## **Social Services – Adult**

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

#### **Gwynedd Council – Other**

##### **Case reference 201303095 – March 2014**

Mr A's representative complained that the Council had failed to implement recommendations made following an independent stage 2 investigation of Mr A's complaint. Ten months had elapsed since the stage 2 complaint investigation findings and six months since the Council had stated in writing that it would be making an offer of financial compensation to Mr A that week.

Following enquiries from the Ombudsman's office, the Council subsequently took the following action to settle the complaint and progress matters, namely:

- 1) it made an offer of financial compensation to Mr A;
- 2) it confirmed that it would take into account, in any negotiation about reasonable legal costs, the period of delay between March and December 2013, when no offer had been forthcoming;
- 3) the Council had notified other relevant parties about its offer to Mr A.