

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



James.Merrifield@ombudsman-wales.org.uk

Mr Gareth Chapman
Chief Executive
Merthyr Tydfil County Borough Council
Civic Centre
Castle Street
Merthyr Tydfil
CF47 8AN

Dear Mr Chapman

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 Merthyr Tydfil 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, the number of complaints received by this office has not changed this year, compared to 2012/13, whilst there has been a decrease in the number of complaints investigated. The largest single area of complaint is now 'Children's Social Services', a general area of concern (together with 'Adult Social Services') to which I have referred above. In reference to complaint outcomes, my office has only issued one report against your Council, in relation to which the complaint was 'not upheld'. Whilst the response time displayed in relation to your Council represents one case, I am pleased to note that this response was received within four weeks.

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.

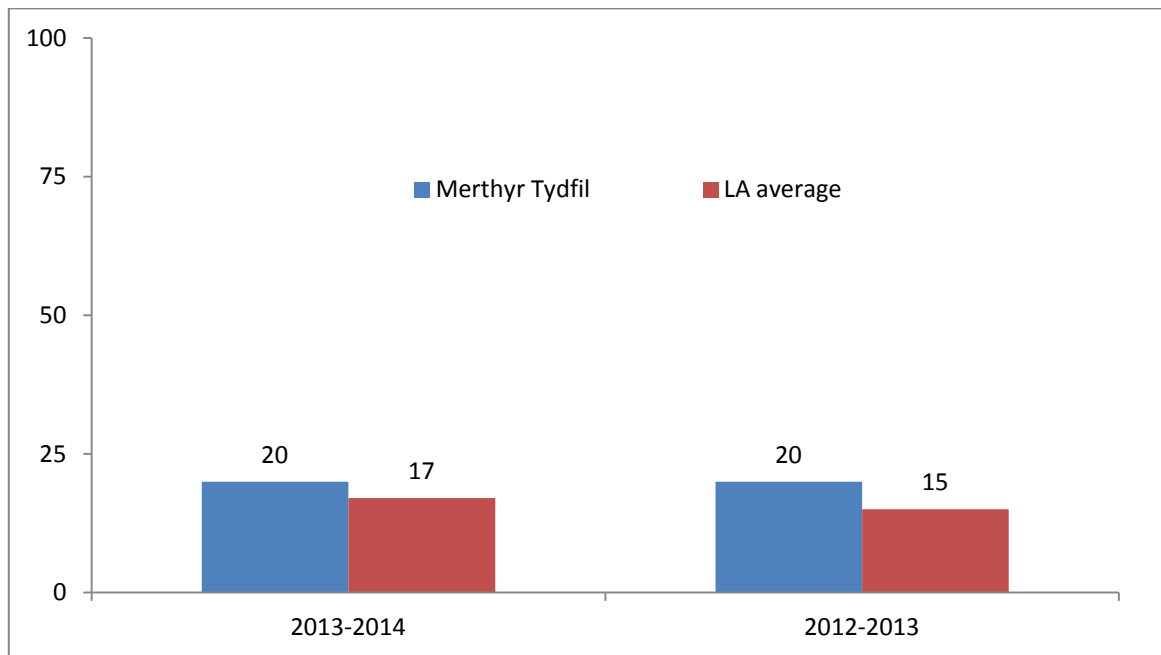
Housing Stock

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.

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

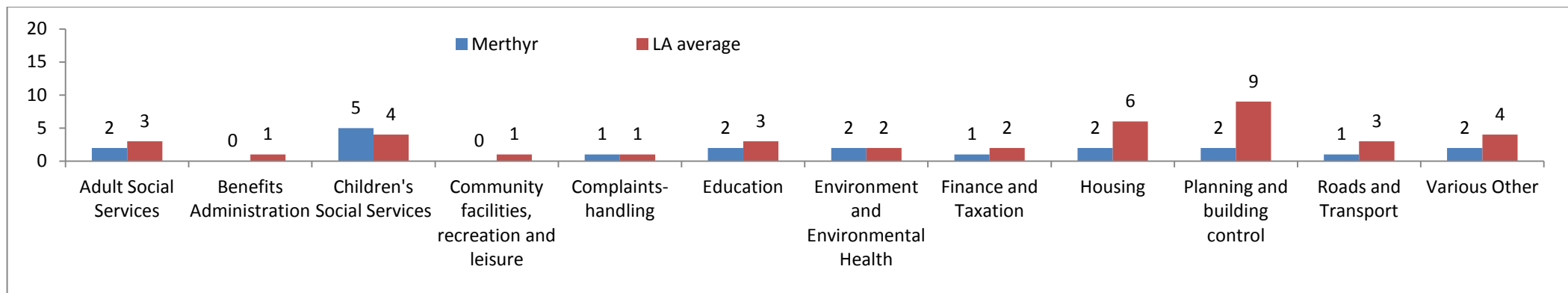


B: Complaints received by my office

Subject	2013/14	2012/13
Adult Social Services	2	0
Children's Social Services	5	3
Complaint-handling	1	0
Education	2	3
Environment & Environmental Health	2	0
Finance and Taxation	1	2
Housing	2	5
Planning and building control	2	3
Roads and Transport	1	2
Various Other	2	2
Total	20	20

C: Comparison of complaints by subject category with LA average

2013/14



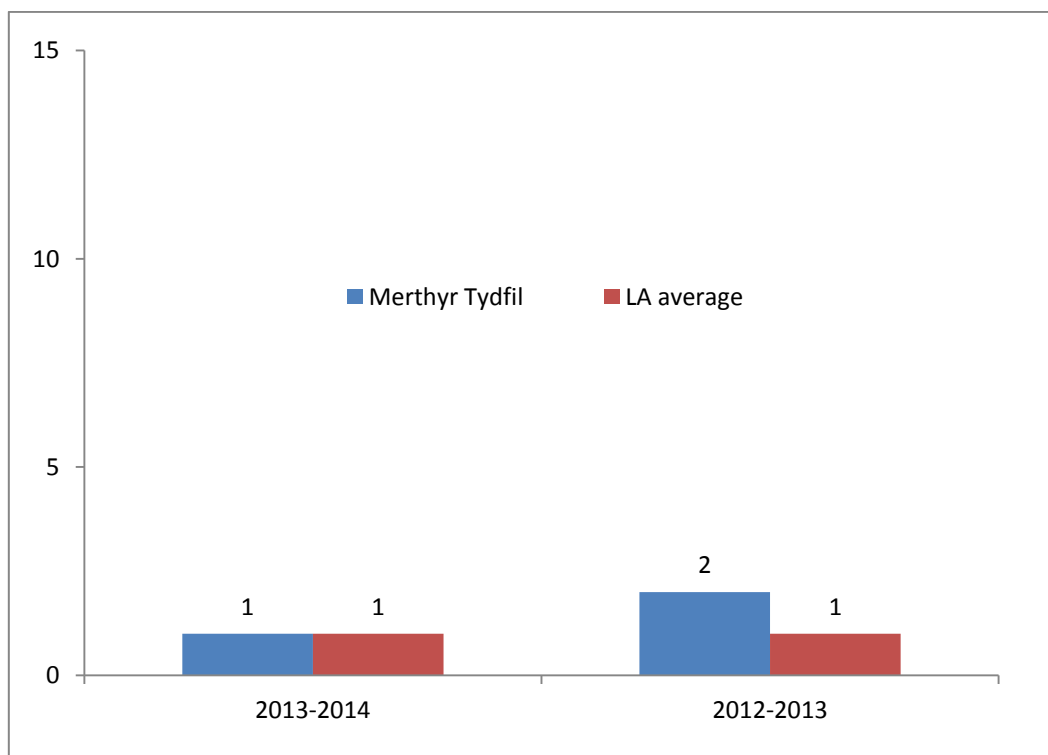
2012/13



D: Complaints taken into investigation by my office

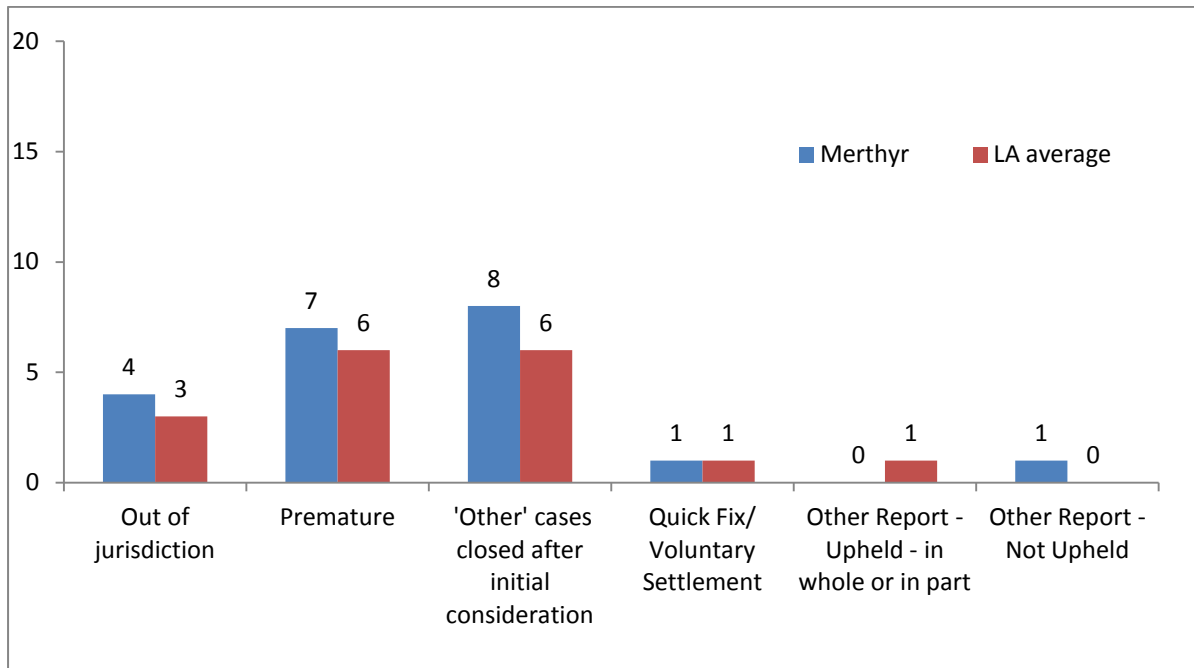
	2013/14	2012/13
Number of complaints taken into investigation	1	2

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

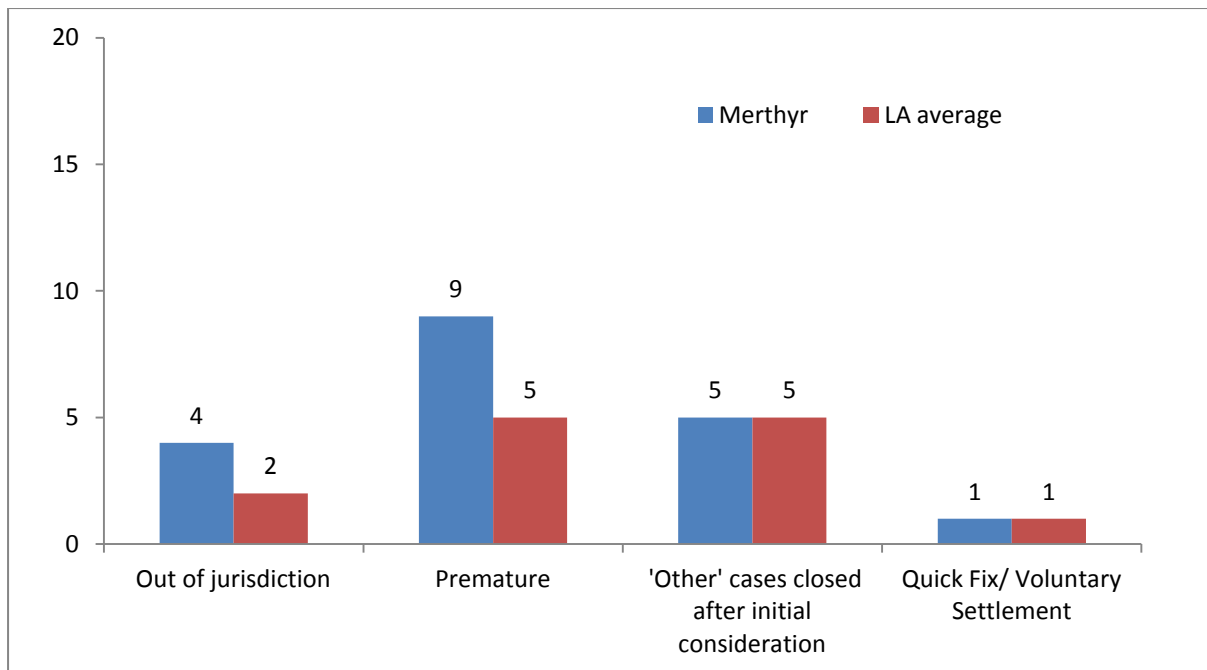


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

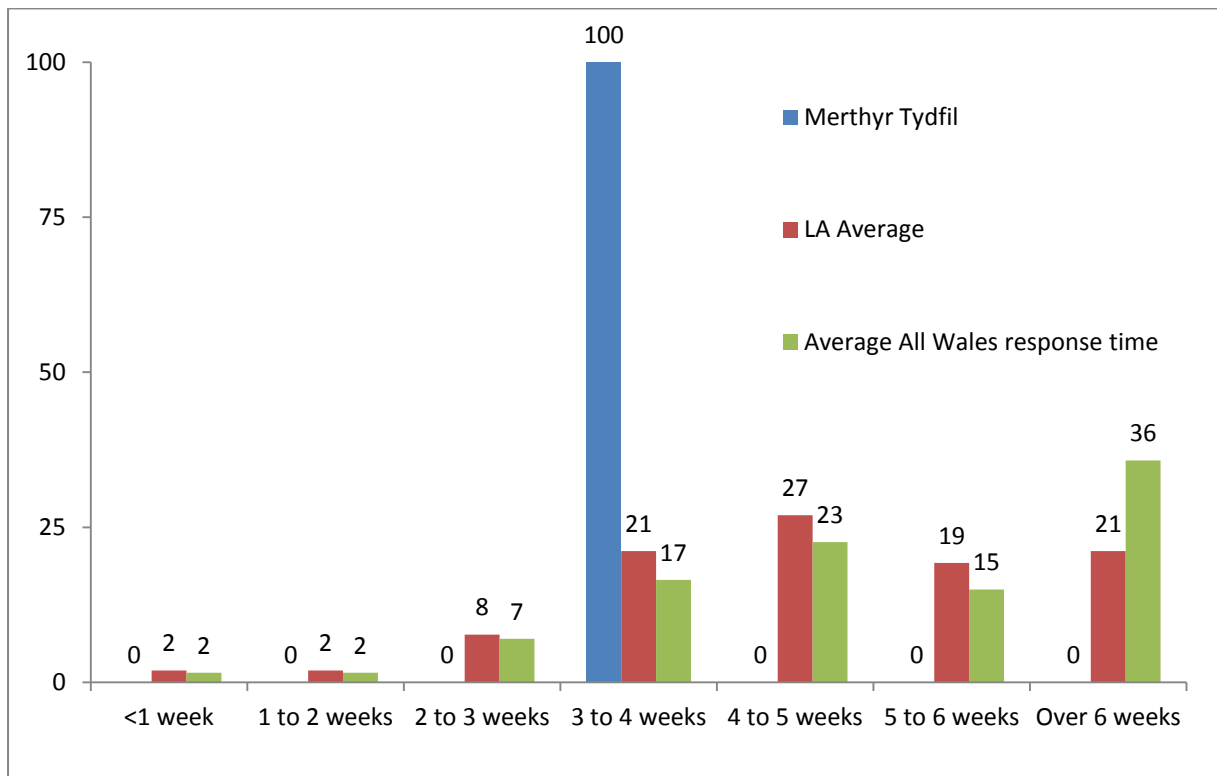
2013/14



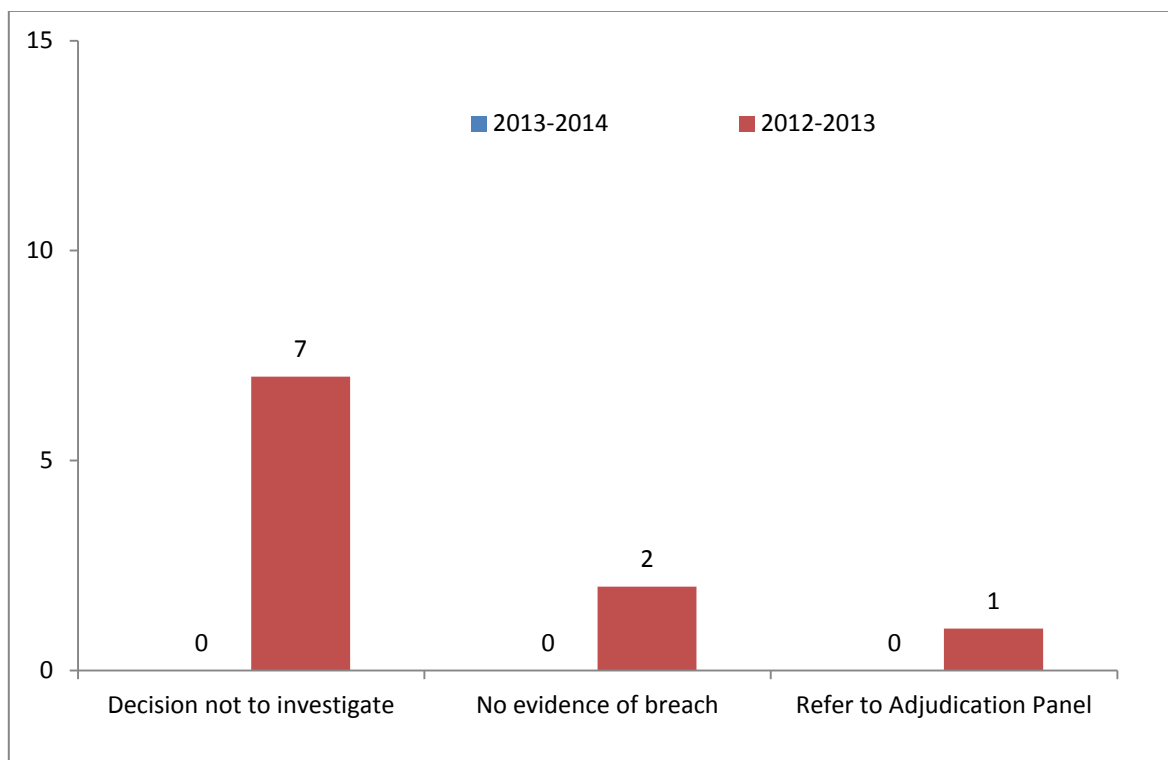
2012/13



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

Planning and Building Control

Not Upheld

July 2013 – Unauthorised development – Merthyr Tydfil County Borough Council

Ms T complained to the Ombudsman about the manner in which the Council approved a planning application on an industrial estate. She also complained about the manner in which the Council dealt with concerns she raised about further breaches of planning controls on the development site and about failure to adhere to planning conditions the Council had imposed. She was also concerned that the Council had failed to deal with concerns she had raised about environmental nuisances and highway safety.

The Ombudsman found that the Council had taken action to investigate the concerns Ms T had raised and that they had arrived at decisions they were entitled to take without any evidence of maladministration. Accordingly, the Ombudsman did not uphold the complaint.

Case reference 201203329

Social Services – Children

Quick fixes and Voluntary settlements

July 2013 – Social care assessment – Merthyr Tydfil County Borough Council

Mrs Y originally complained to the Council about its shortcomings in assessment, planning and service provision for her family, which included her children who had a range of disabilities. The complaint was investigated under stage 2 of the social services complaints procedure. The Council accepted a number of failings and an action plan was developed to address the remaining issues. Mrs Y subsequently complained to the Ombudsman that the Council failed to implement all of the recommendations that it had agreed to in a timely manner.

In relation to its social services, during the investigation the Council agreed to write to Mrs Y apologising for its shortcomings in addressing the recommendations and 'action plan'. It also agreed to carry out a range of actions to ensure that this was put right and offered to provide a redress payment of £250 for the time and trouble that Mrs Y incurred. The Ombudsman was of the view that the actions that Merthyr Tydfil County Borough Council said it would take were reasonable and he regarded the matter as settled.

Case reference 201203245