

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Jeremy Patterson
Chief Executive
Powys County Council
County Hall
Llandrindod Wells
Powys
LD1 5LG

Dear Mr Patterson

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 Powys 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 increased from 53 in 2013/14 to 60 in 2014/15, and remains above average. The largest area of complaint is 'Planning and Building Control'. There has also been a significant increase in the number of investigations undertaken by my office, from two in 2013/14 to eight in 2014/15. My office issued one 'upheld' and one 'not upheld' report in 2014/15. It is concerning to note that 75% of responses to requests for information from my office were received more than six weeks after they were requested.

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



Nick Bennett
Ombudsman

Copy: Leader, Powys 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.

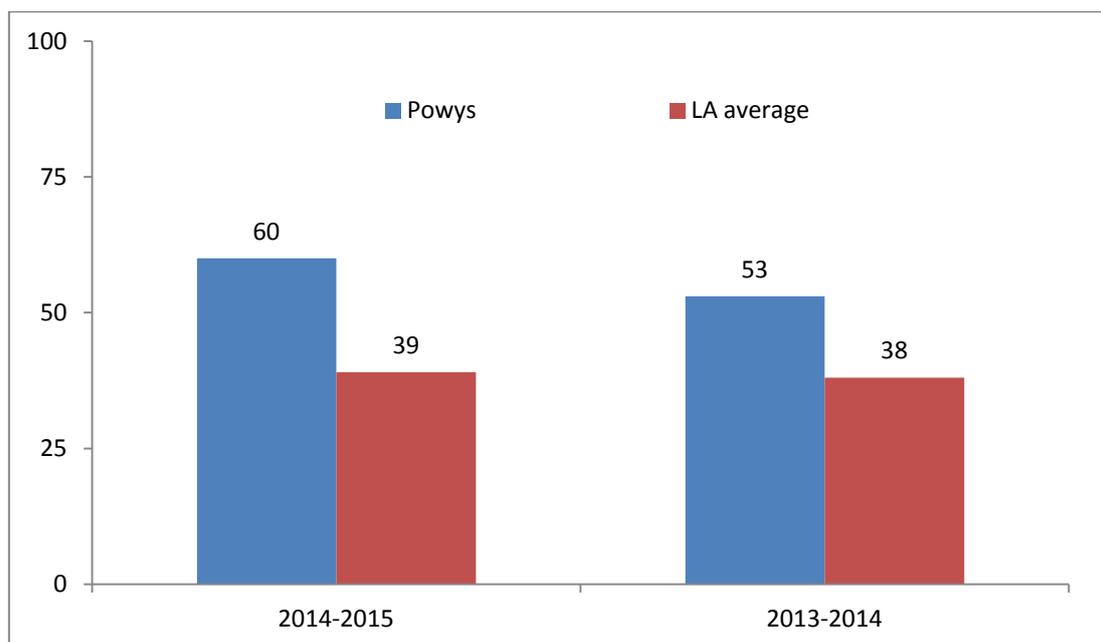
Housing Stock

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

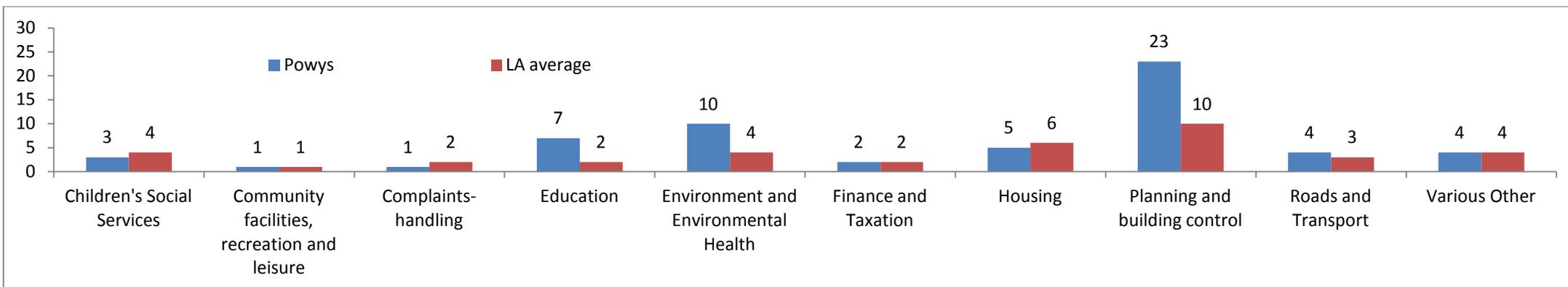


B: Complaints received by my office

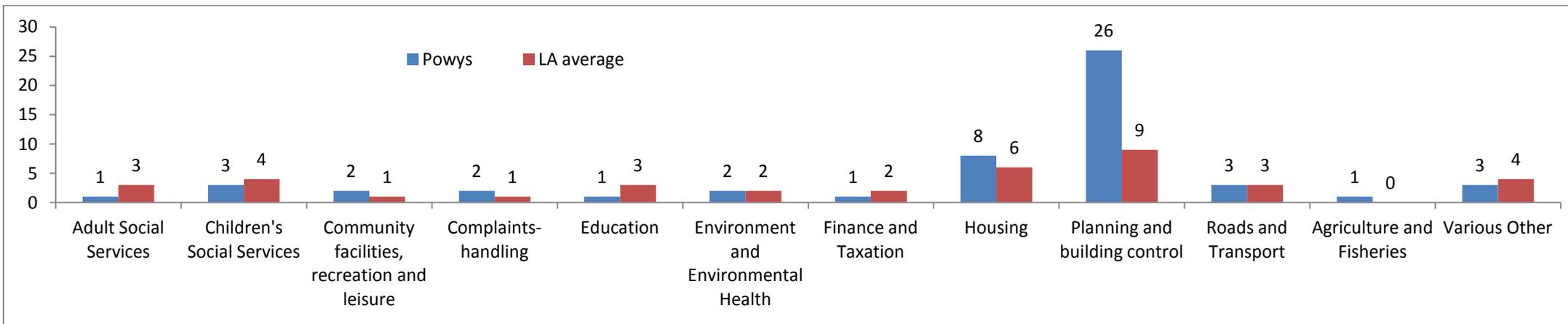
Subject	2014/15	2013/14
Adult Social Services	0	1
Benefits Administration	0	0
Children's Social Services	3	3
Community facilities, recreation and leisure	1	2
Complaint-handling	1	2
Education	7	1
Environment and Environmental Health	10	2
Finance and Taxation	2	1
Housing	5	8
Planning and building control	23	26
Roads and Transport	4	3
Agriculture and Fisheries	0	1
Various Other	4	3
Total	60	53

C: Comparison of complaints by subject category with LA average

2014/15



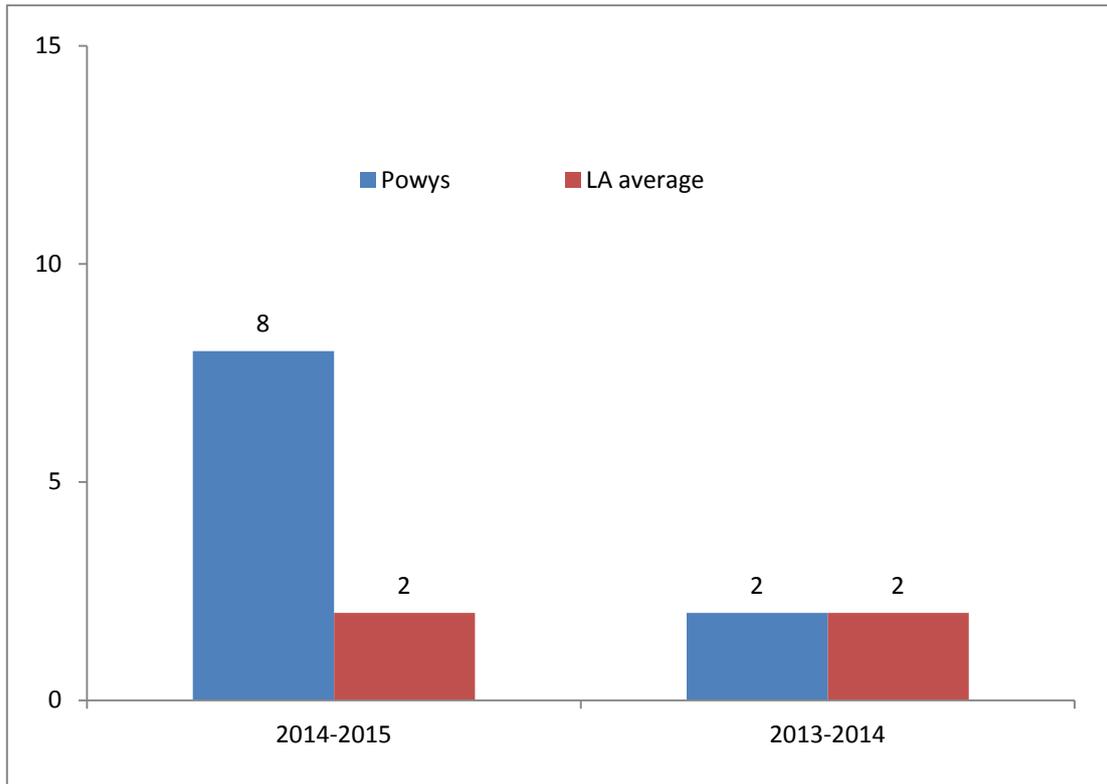
2013/14



D: Complaints taken into investigation by my office

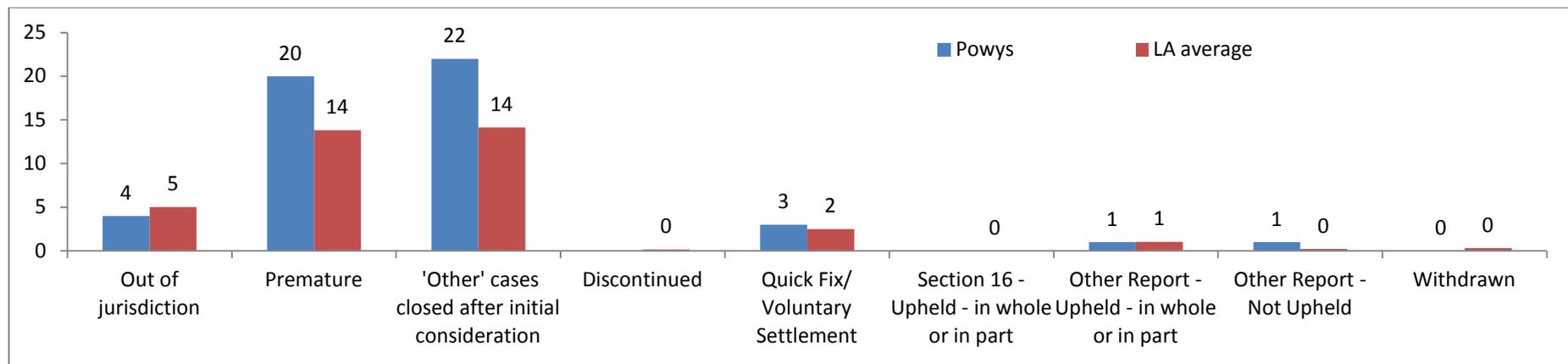
	2014/15	2013/14
Number of complaints taken into investigation	8	2

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

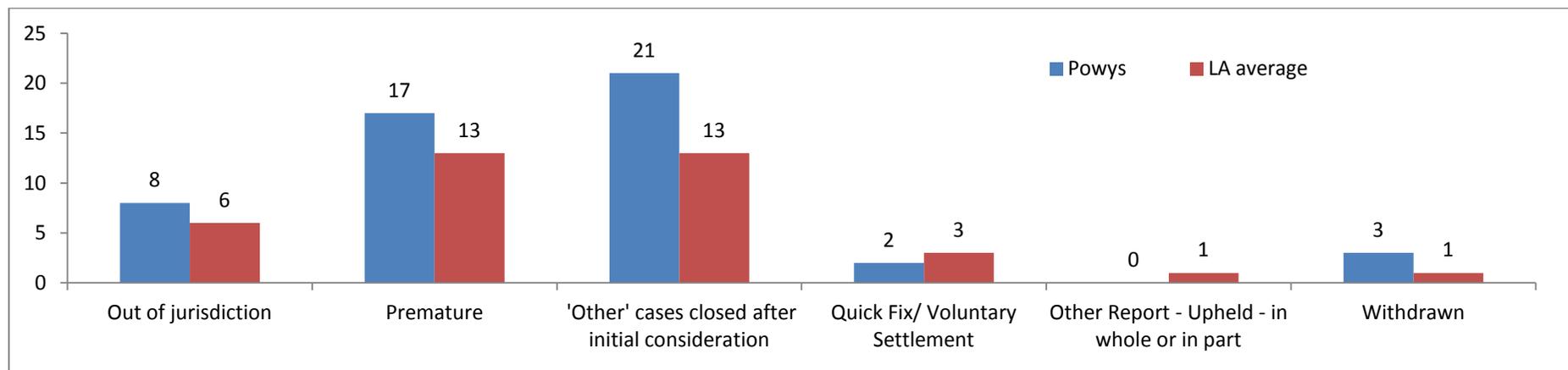


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

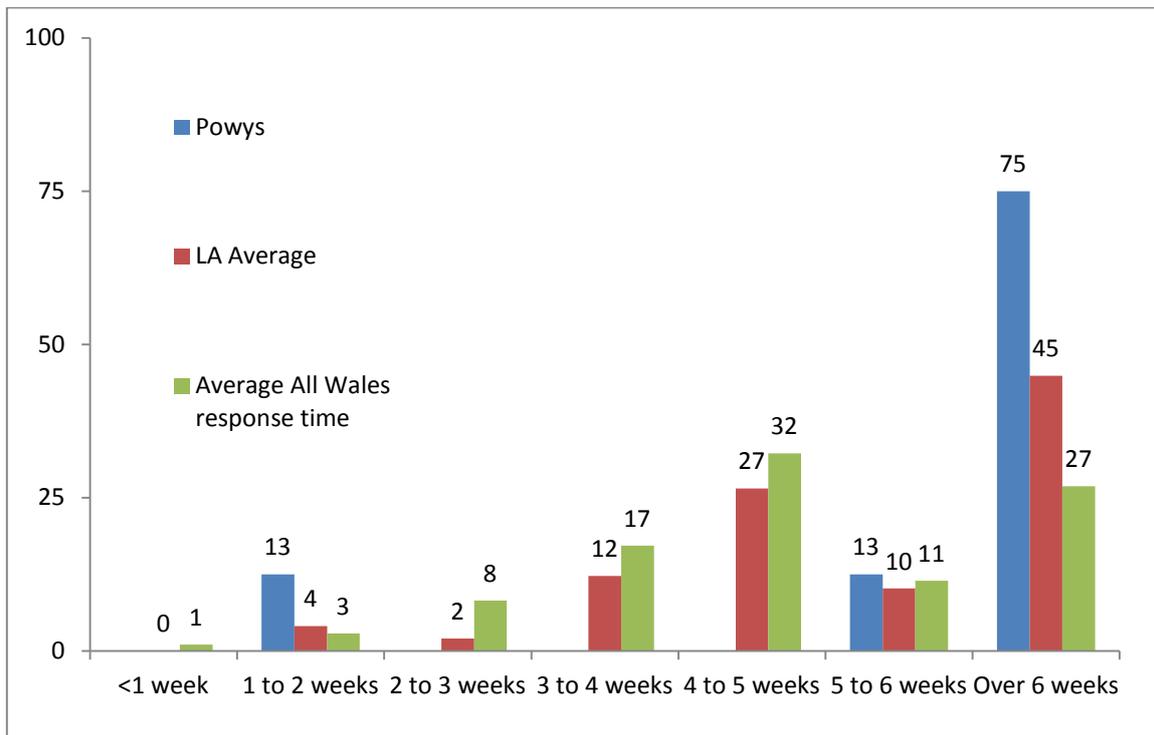
2014/15



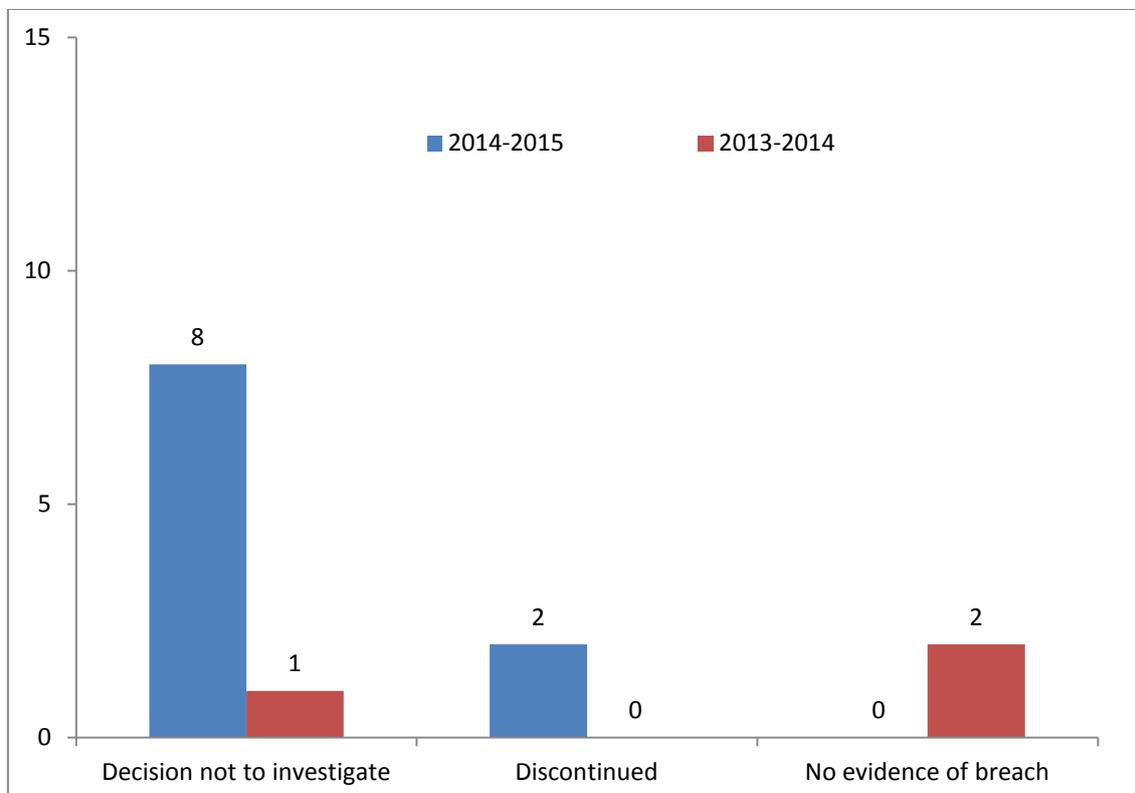
2013/14



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

Powys County Council – Complaints-handling (Planning and Building Control) Case reference 201304995 – Report issued February 2015

Mrs A complained that Powys County Council failed to properly deal with a complaint she made in June 2013 under stage 2 of its complaints procedure. In particular, Mrs A was concerned that the Council took too long to respond and did not reply to requests she made for updates.

The Ombudsman upheld the complaint. The Council's response to Mrs A's complaint was not sent until June 2014, a year after the complaint had been made. Even then, the response only dealt with part of Mrs A's complaint and a further response had to be sent a month later to address the remaining matters. There was then a further delay in providing an apology recommended by the stage 2 investigation. The Council also failed to keep Mrs A up to date with what was happening (or not happening) with her complaint. Although Mrs A contacted the person who was considering her complaint on a number of occasions to ask for updates on progress, her e-mails were not acknowledged or replied to.

The Ombudsman recommended that the Council should:

- a) provide Mrs A with a written apology from its Chief Executive for the failings that have occurred in the handling of her complaints;
- b) provide Mrs A with a payment of £500 to reflect the significant time and trouble she has been put to in pursuing her complaints as a result of the delays and lack of communication by the Council;
- c) undertake to keep Mrs A up to date with progress in relation to an ongoing planning matter at not less than monthly intervals; and,
- d) ensure that it has sufficient resources in place so that corporate (stage 2) complaints are dealt with in a timely and satisfactory manner. It should provide the Ombudsman with details of these arrangements and of the measures it has in place to assess whether they are satisfactory.

Planning and Building Control

Other reports – Not upheld

Powys County Council – Unauthorised development

Case reference 201304041 – Report issued August 2014

Mrs A complained about the grant of planning permission for the erection of a wind turbine on land at Farm Z. Mrs A considered that permission should not have been granted, in particular because of the noise levels and the impact of the development on wildlife, specifically bats and curlews, and because of the development's proximity to a public footpath.

The Ombudsman found that the Council had taken account of the responses of the bodies consulted on the application, as well as the representations it had received from members of the public. Although some parties, such as the Countryside Council for Wales, now known as National Resources Wales, had initially objected to the application, they had withdrawn these objections by the time the Council granted the application. It was not for the Council to consider whether any other permissions were needed for the development, and the grant of planning permission did not imply compliance with any other regulations. The Ombudsman's only criticism of the Council was that it had failed to record its reasons for granting permission contrary to the recommendation of the planning officer; however, this did not represent any injustice to Mrs A, and he did not uphold the complaint.

Roads and Transport

Quick fixes & Voluntary settlements

Powys County Council – Transport services

Case reference 201306529 – June 2014

Mr A complained about the Council's contracted local bus service. He said that the bus driver failed to stop for him at a recognised bus stop on four occasions leaving him unable to go about his planned activities for the day. He was also dissatisfied with the Council's handling of his complaint about the matter.

The Ombudsman found that the Council had investigated the complaint under stage two of its procedure and had written to Mr A setting out the findings and the remedial actions it had taken to put matters right. It had also offered a redress payment of £50 and a sincere apology for its failure to respond to his complaint in accordance with the published policy. Following contact from the Ombudsman's office, the Council agreed to pay Mr A an additional sum of £300 in recognition of his significant time and trouble in pursuing the complaint and the inconvenience caused to him by the bus failing to stop.

Social Services – Children

Quick fixes & Voluntary settlements

Powys County Council - Children in care/taken into care/'at risk' register/child abuse/custody of children

Case reference 201400053 – April 2014

Mrs E complained that she had not received a response to her complaint, which the Ombudsman had forwarded to the Council more than four months ago. Following contact from the Ombudsman's office, the Council apologised for the delay and agreed to chase up the response.