

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 9 July 2013



[James.Merrifield@ombudsman-wales.org.uk](mailto:James.Merrifield@ombudsman-wales.org.uk)

Mr Keith Griffiths  
Chief Executive  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale  
Tonypany  
CF40 2XX

Dear Mr Griffiths

### **Annual Letter 2012-2013**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2012-2013) for Rhondda Cynon Taf County Borough Council.

As outlined in my Annual Report, the number of new complaints to my office increased by 12% compared with 2011/12. Health complaints continue to be the most numerous type of complaint and now account for more than a third of all complaints received. Housing and planning are the next largest areas of complaint, however, planning complaints are noticeably fewer in number compared to housing for the first time since the office came into existence (accounting for 16% and 12% of the caseload respectively).

In reference to the overall performance of County/County Borough Councils in Wales, whilst there has been a 35% increase in the number of investigation reports issued by my office during 2012/13 compared with 2011/12, I am pleased to note that, despite this increase, there has been no increase in the average number of 'upheld' reports issued against County/County Borough councils. Whilst I have had cause to issue a number of Public Interest Reports identifying serious concerns and failings, these reports have all concerned health bodies. Nevertheless, I would urge all bodies in Wales to read the reports to learn any general lessons appropriate to the services they deliver.

I note that the average number of 'Quick Fixes' and 'Voluntary Settlements' achieved with local authorities has decreased compared with 2011/12, from 5 to 4 cases. Such settlements are an effective way to resolve complaints at an earlier stage and without the need for a full investigation. As such, in order to maximise the

opportunities to learn lessons from these types of cases, you can now find the summaries of quick fixes and voluntary settlements included in my quarterly publication, The Ombudsman's Casebook.

However, I am disappointed to note that the amount of time taken by public bodies in Wales in responding to requests for information from my office has not improved. I am concerned that 45% of all responses took longer than five weeks, with 28% of responses taking in excess of 6 weeks. Whilst I appreciate that resources are stretched at this time, such delays obstruct me from providing complainants with the level of service which they should rightly expect to receive and I urge all Welsh public bodies to review their performance.

In reference to your Council, the number of complaints received by my office remains below the average for the second consecutive year. Although the number of complaints investigated has increased compared with 2011/12, this figure is level with the average. As with 2011/12, the largest areas of complaint remain 'Roads and Transport', 'Planning and Building Control' and 'Adult Social Services', although there is a more even split between these three categories compared with the previous year. I note that all responses to requests for information from my office were received within five weeks of the date they were requested.

As with previous exercises, a copy of this letter will also be published on my website. I would also be glad to meet with you to discuss the contents of this letter and the work of my office if you consider it beneficial.

Yours sincerely

Peter Tyndall  
Ombudsman

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Council which were received by my office during 2012-2013, with the local authority average (adjusted for population distribution<sup>1</sup>) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2012-2013. Section C compares the number of complaints against the Council which were received by my office during 2012-2013, 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 2012-2013. 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 2012-2013, 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 2012-2013 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 2011-2012. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2012-2013.

### **Housing Stock**

As with previous exercises, the figures for 2012-2013 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.

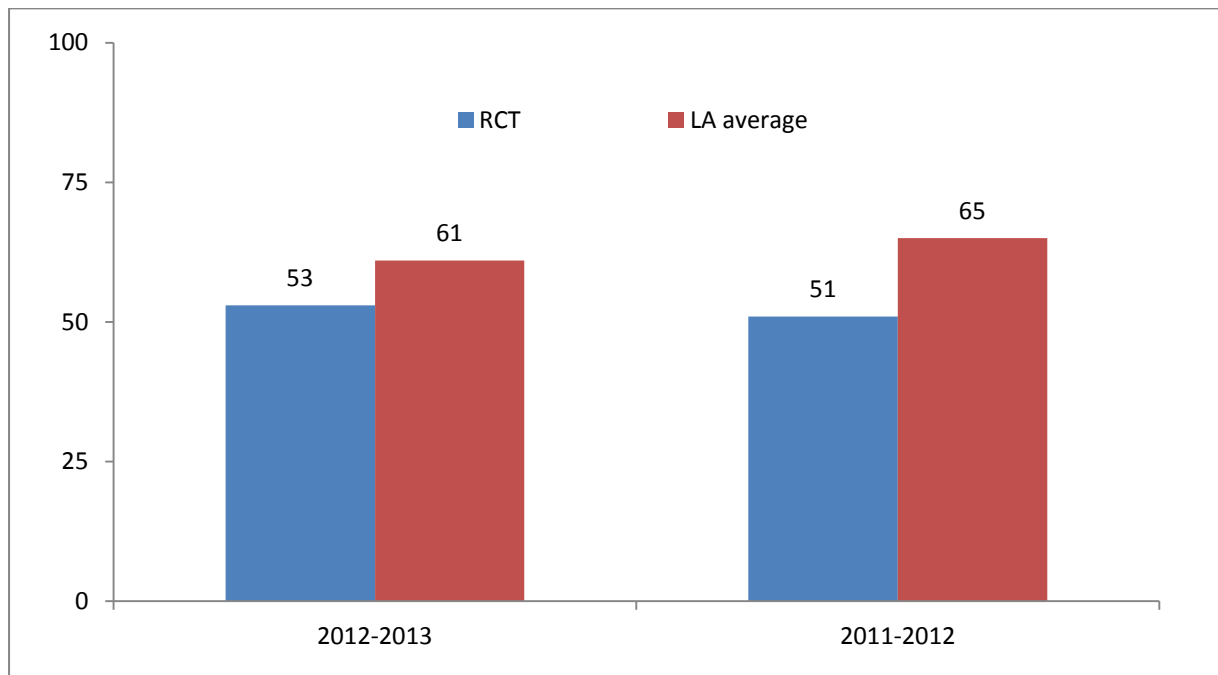
### **Feedback**

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).

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<sup>1</sup> <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-262039>.

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

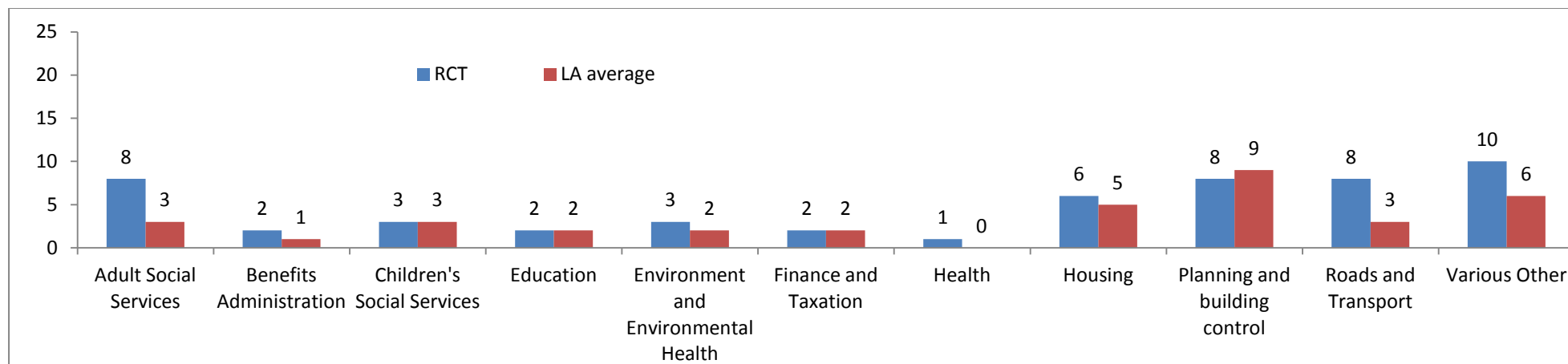


**B: Complaints received by my office**

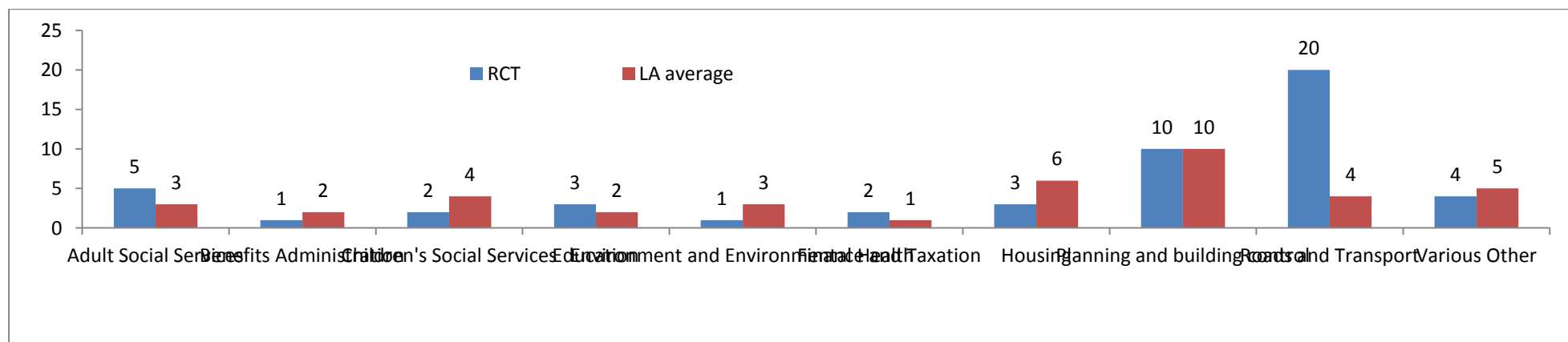
Subject	2012-2013	2011-2012
Adult Social Services	8	5
Benefits Administration	2	1
Children's Social Services	3	2
Education	2	3
Environment and Environmental Health	3	1
Finance and Taxation	2	2
Health	1	0
Housing	6	3
Planning and building control	8	10
Roads and Transport	8	20
Various Other	10	4
<b>Total</b>	<b>53</b>	<b>51</b>

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

**2012-2013**



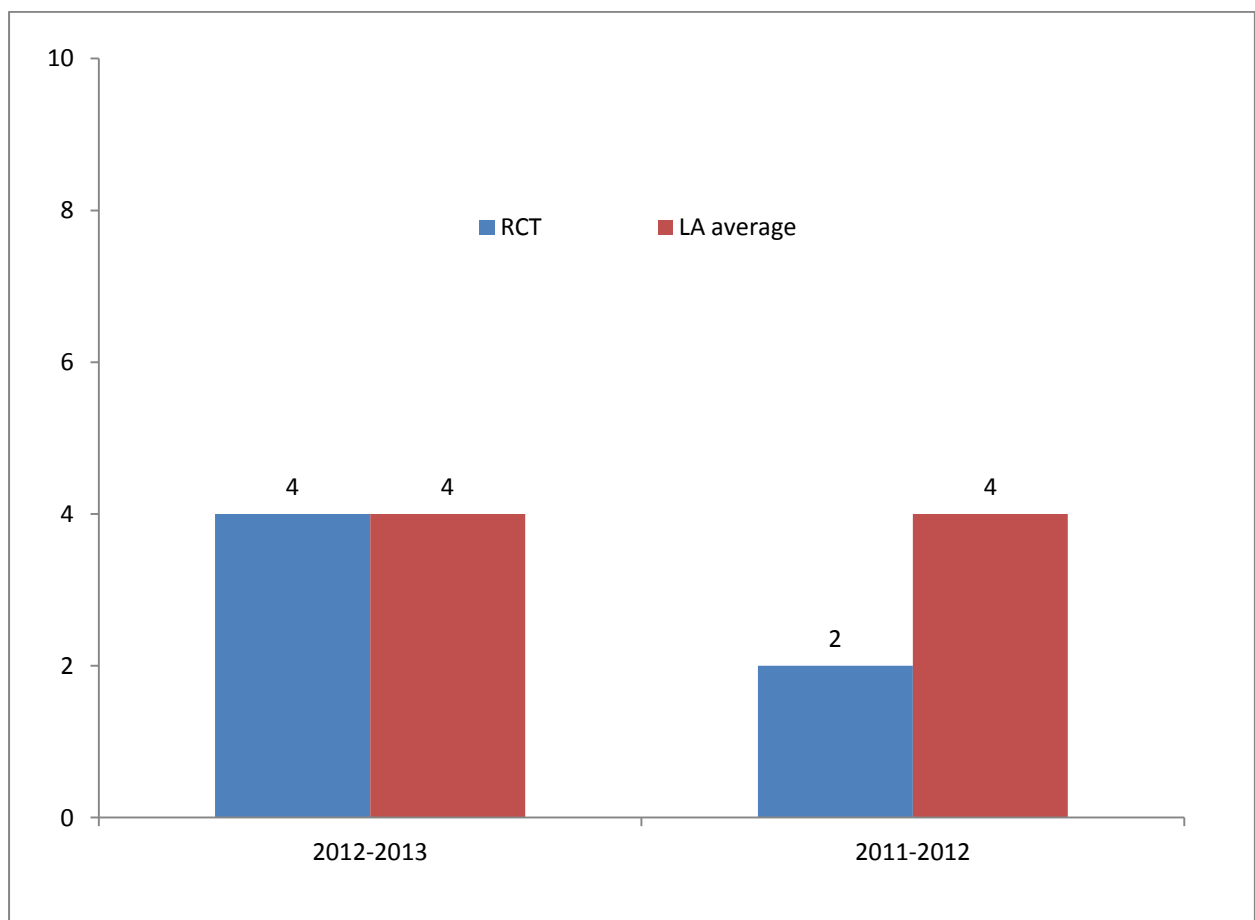
**2011-2012**



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

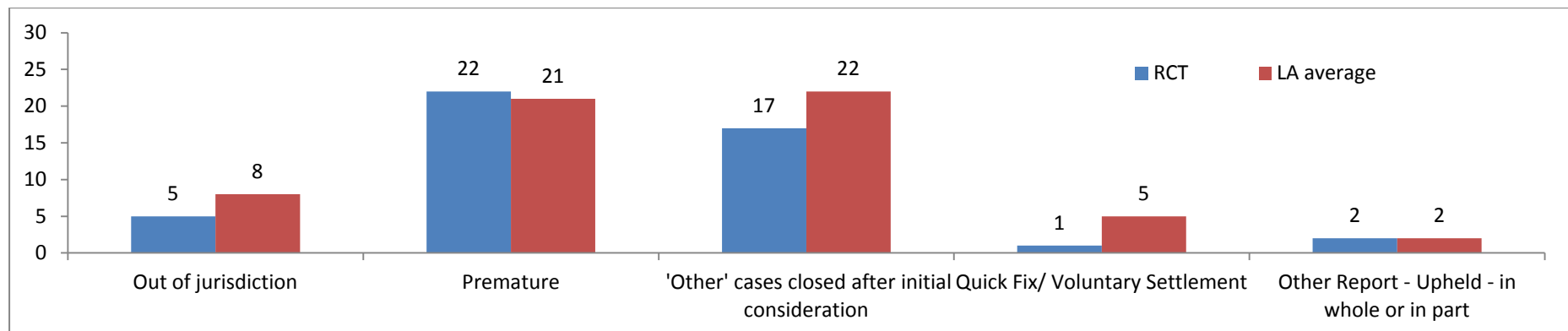
	2012-2013	2011-2012
Number of complaints taken into investigation	4	2

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

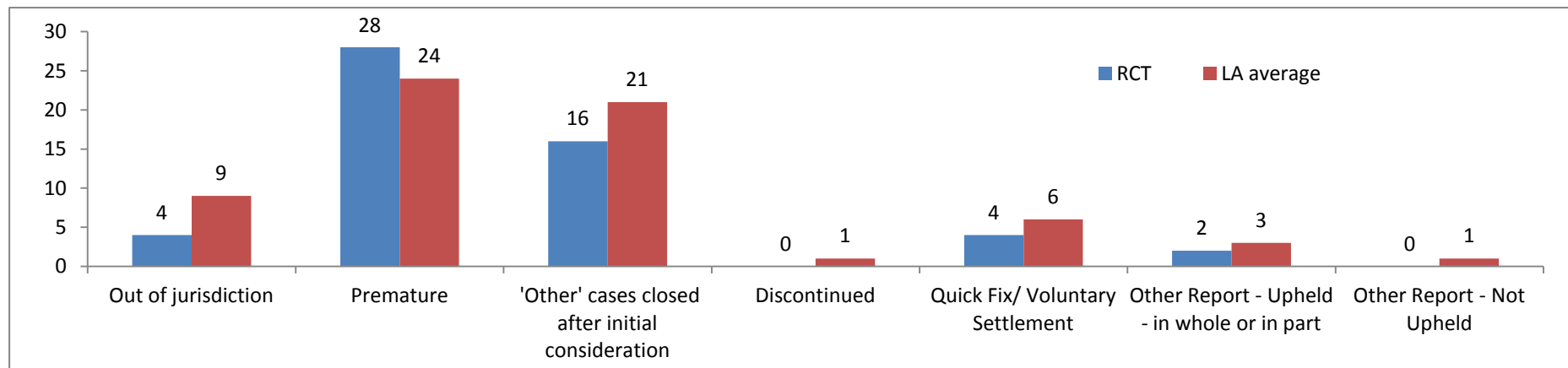


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

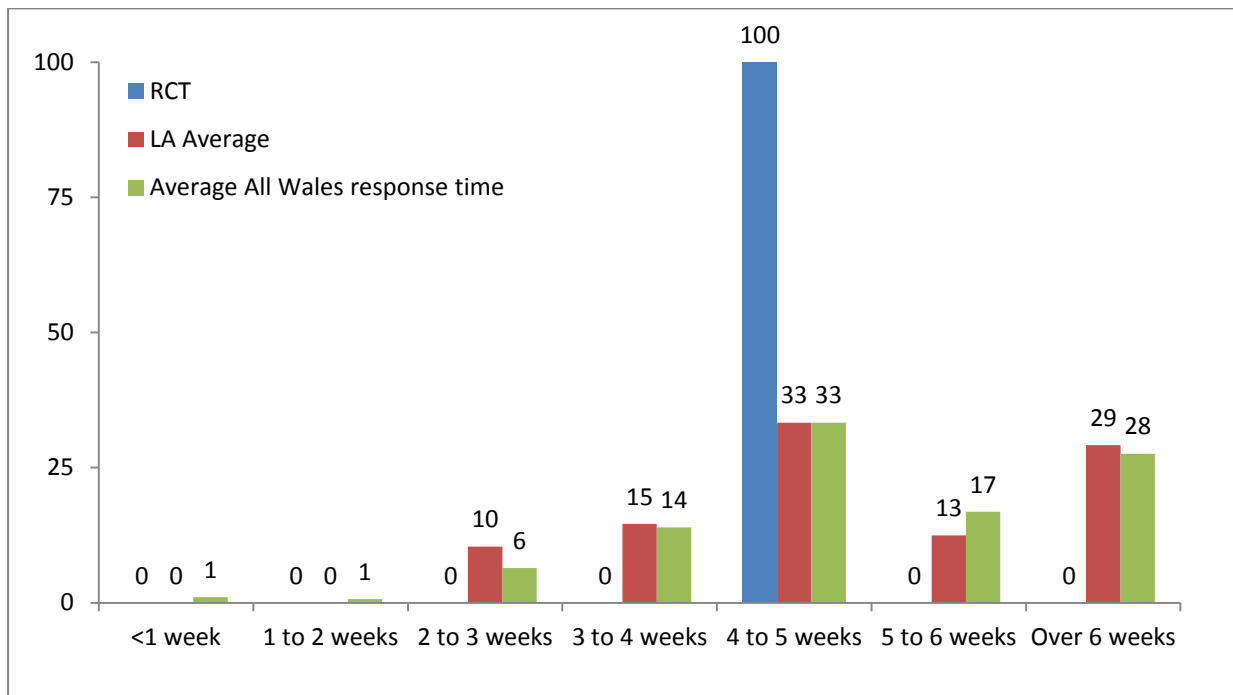
**2012-2013**



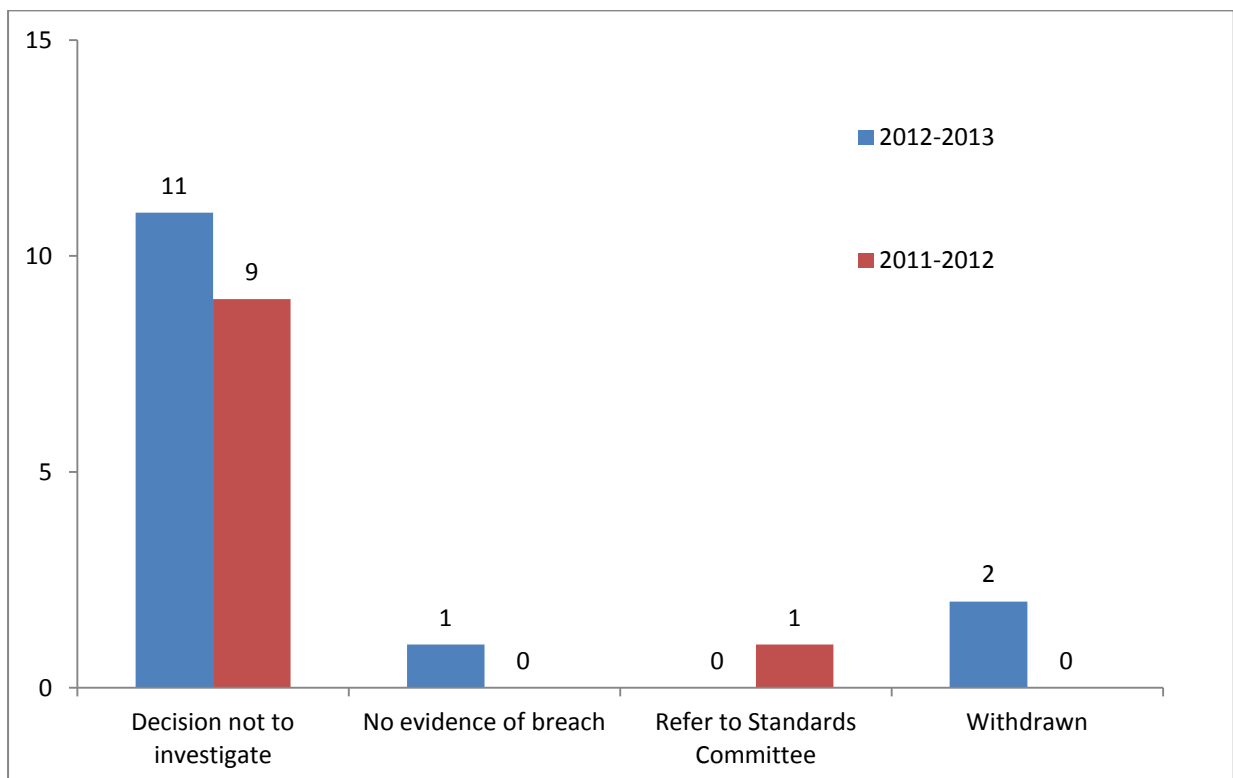
**2011-2012**



**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2012 – 2013 (%)**



**H: Code of Conduct complaints**





## **I: Report summaries**

### **Education Summaries**

#### **Upheld**

##### **June 2012 – Special Educational Needs – Rhondda Cynon Taf County Borough Council**

Mrs X complained that her son Y was not provided with suitable full time education by Rhondda Cynon Taf County Borough Council between September 2009 - January 2010 and May 2010 - September 2010. She said that the Authority failed to give consideration to her concerns relating to her son's special educational needs and the advice of a Psychiatrist. Mrs X said that as a consequence Y missed months of education and she was of the view that the Authority failed to comply with relevant legislation and guidance.

During the period between September 2009 – January 2010, the Ombudsman found that the Authority had not been unreasonable in its approach. The Authority had only been advised of Y being in the area at the start of September and had tried to find the most suitable placement for him. There was also evidence that it had considered Mrs X's concerns about Y's needs. The Authority had agreed with Mrs X by November a plan to introduce Y to mainstream school with support. As a consequence the Ombudsman did not uphold this element of the complaint. He did however invite the Authority to consider whether it could streamline processes / Panel arrangements and to review the process of securing Home Tuition to ensure that it could be put in place swiftly where required.

Between the period May 2010 – September 2010, the Ombudsman found shortcomings in the Authority's approach. He noted that it was clear that there was a difference in opinion between Mrs X, the school and other professionals about Y's needs. The Ombudsman was of the view that more could have been done to attempt to resolve issues with Mrs X from the outset in line with the Council's policy.

When it was clear in June 2010 that Y was not returning to school a multi disciplinary discussion should also have taken place as planned. By early July 2010 the Authority had received a letter from both Y's GP and Psychiatrist.

These letters raised sufficient concerns for the Authority to consider the possibility that Y might need additional support/a different learning environment. The Ombudsman found that the Authority should have made a clear and recorded decision on the action it was intending to take following its receipt of these letters. He said that this should have included its view on whether it had sufficient information or not to prompt the need for it to initiate the statutory assessment process.

The Ombudsman also found that there was no evidence in the records of consideration of Y's needs over the Summer school holiday period by the professionals involved. He noted that this led to a period of uncertainty for Mrs X and Y. To the extent of the shortcomings identified the complaint was upheld.

The Ombudsman recommended that the Authority apologised to Mrs X, provided a redress payment of £400 for the injustice caused and time and trouble incurred. He

also recommended that the Authority reviewed its procedures for considering information provided by various parties and for dealing with referrals made by another agency. He further recommended that the Authority reviewed its processes for planning for the educational needs of children from one school year to the next.

**Case reference 201101368**

## Housing Summaries

### Upheld

#### **May 2012 – Homeless person issues – RCT Homes Ltd & Rhondda Cynon Taf County Borough Council**

Mrs X complained on behalf of her son Mr X that RCT Homes had not dealt properly with his reports about antisocial behaviour by his neighbours. She also complained that Rhondda Cynon Taf Council had not dealt properly with his request to transfer to another property in his locality. She had complained formally to both bodies but was not satisfied with the outcome.

Mrs X was of the view that her son should be treated as a homeless person, therefore a referral was made to Shelter Cymru to see if advocacy could be offered. That body became involved in considerations of Mr X's transfer priority and offered advice to him as to how to make a homelessness presentation.

Rhondda Cynon Taf Council provided information with regard to Mr X's transfer position and explained that it had considered all of the information provided about Mr X's needs and the difficulties with the neighbours. It had not found that Mr X's situation was such as to warrant homelessness points. It said that the constraints placed upon it by Mr X's choice to remain in his locality had made it difficult to move him.

RCT Homes Ltd conceded that there had been some failings in the implementation of its antisocial behaviour policy in relation to Mr X and it advised of the steps it had taken to prevent a recurrence of these failings through training and improved documentation.

Both bodies were able to show that there had been significant engagement with South Wales Police over these issues.

The complaint against RCT Homes was partly upheld but no recommendations were made as the body had already taken appropriate action. The complaint against Rhondda Cynon Taf Council was not upheld.

**Case reference 201101591 & 201101880**

## **Social Services - Adult**

### **Quick fixes & Voluntary settlements**

#### **February 2013 – Services for vulnerable adults – Rhondda Cynon Taf County Borough Council & Care and Social Services Inspectorate Wales (CSSIW)**

Mr A complained (with the help of an Advocate) that the Council, under pressure from CSSIW, had changed a policy to his and others' detriment. Mr A explained that tenants living in supported accommodation could provide food to Council-funded carers during visits. However, he said that this policy was changed so that carers were not allowed to accept food. Mr A stated that this restricted the opportunity to share meals and refreshments with carers and enjoy the social pleasures that this allowed. He added that the decision was contrary, and made without due regard to the Mental Capacity Act 2005, the Human Rights Act 1998 and the Equality Act 2010.

The Ombudsman recognised the difficulties authorities face when devising policies that involves concerns about competing principles such as choice, equality and protection. An investigation was commenced to ensure that these matters had been fully considered; however, it became clear that the Council and CSSIW were both content that a choice-based policy, with safeguards to protect against possible exploitation of vulnerable adults, was feasible and appropriate. The Ombudsman pointed out that miscommunication between the bodies might have led to the change in policy. He invited the Council to reconsider the change in policy in conjunction with CSSIW, and suggested that both parties write to Mr A's Advocate to explain the situation. The Council and CSSIW agreed to do so. The complaints were settled on that basis without the need to prepare findings.

**Case reference 201201398 & 201201399**