

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



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Date: 9 July 2013



James.Merrifield@ombudsman-wales.org.uk

Mr Jack Straw
Chief Executive
The City and County of Swansea
County Hall
Swansea
SA1 3SN

Dear Jack

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 The City and County of Swansea.

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 remains below the average, whilst the largest single area of complaint is now 'Planning and Building Control'. There have also been notable increases in the number of complaints relating to 'Finance and Taxation' and 'Children's Social Services'. Whilst the number of complaints taken into investigation has tripled, there have also been an above-average number of quick fixes and voluntary settlements, and a below-average number of 'upheld' reports issued by my office. In reference to your Council's response times, it is pleasing to note that a third of responses took less than three weeks although a further third of responses took longer than five weeks.

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 distribution¹) 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

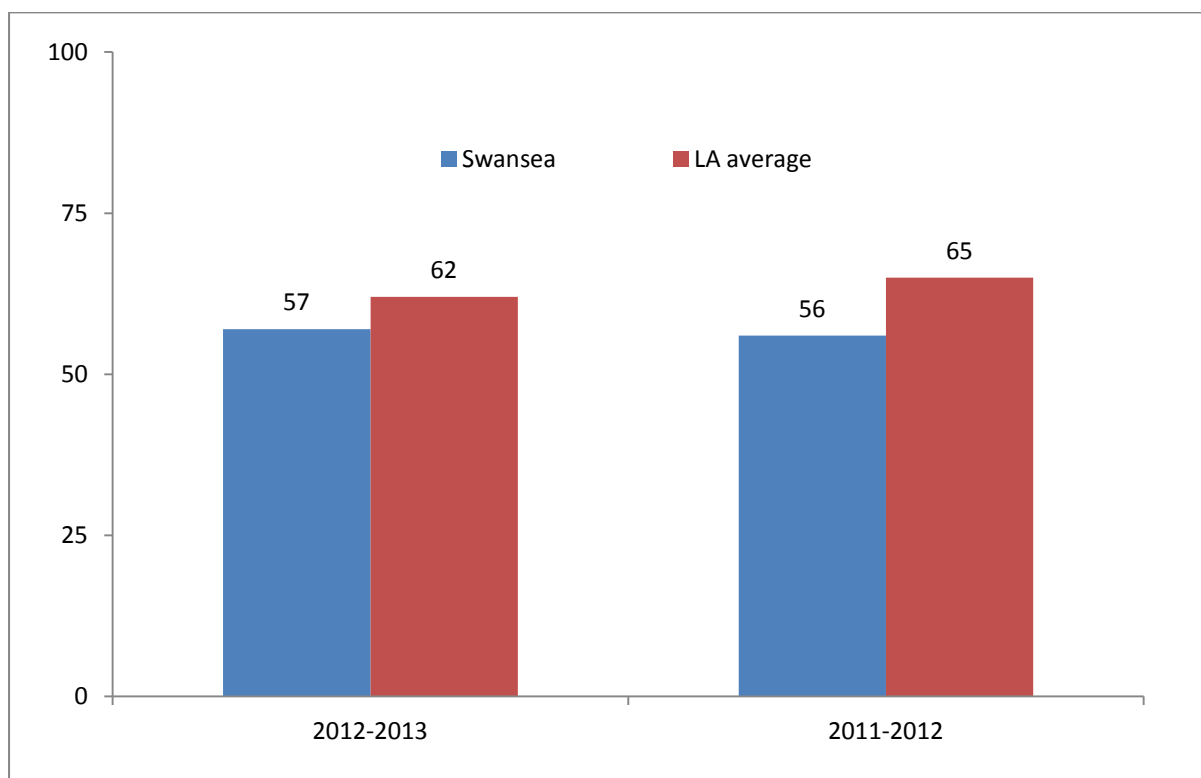
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

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.

¹ <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

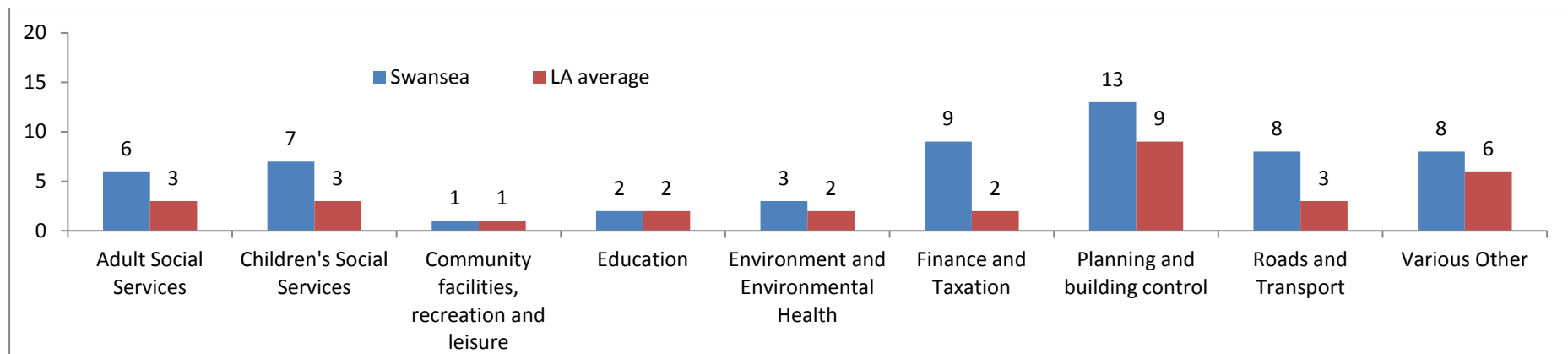


B: Complaints received by my office

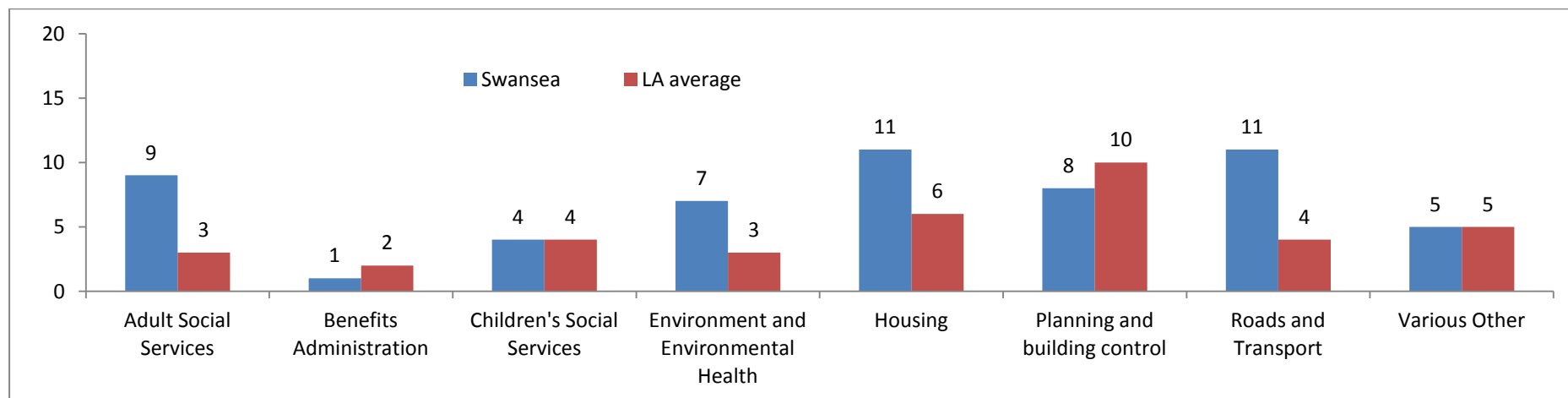
Subject	2012-2013	2011-2012
Adult Social Services	6	9
Benefits Administration	0	1
Children's Social Services	7	4
Community facilities, recreation and leisure	1	0
Education	2	0
Environment and Environmental Health	3	7
Finance and Taxation	9	0
Housing	0	11
Planning and building control	13	8
Roads and Transport	8	11
Various Other	8	5
Total	57	56

C: Comparison of complaints by subject category with LA average

2012-2013



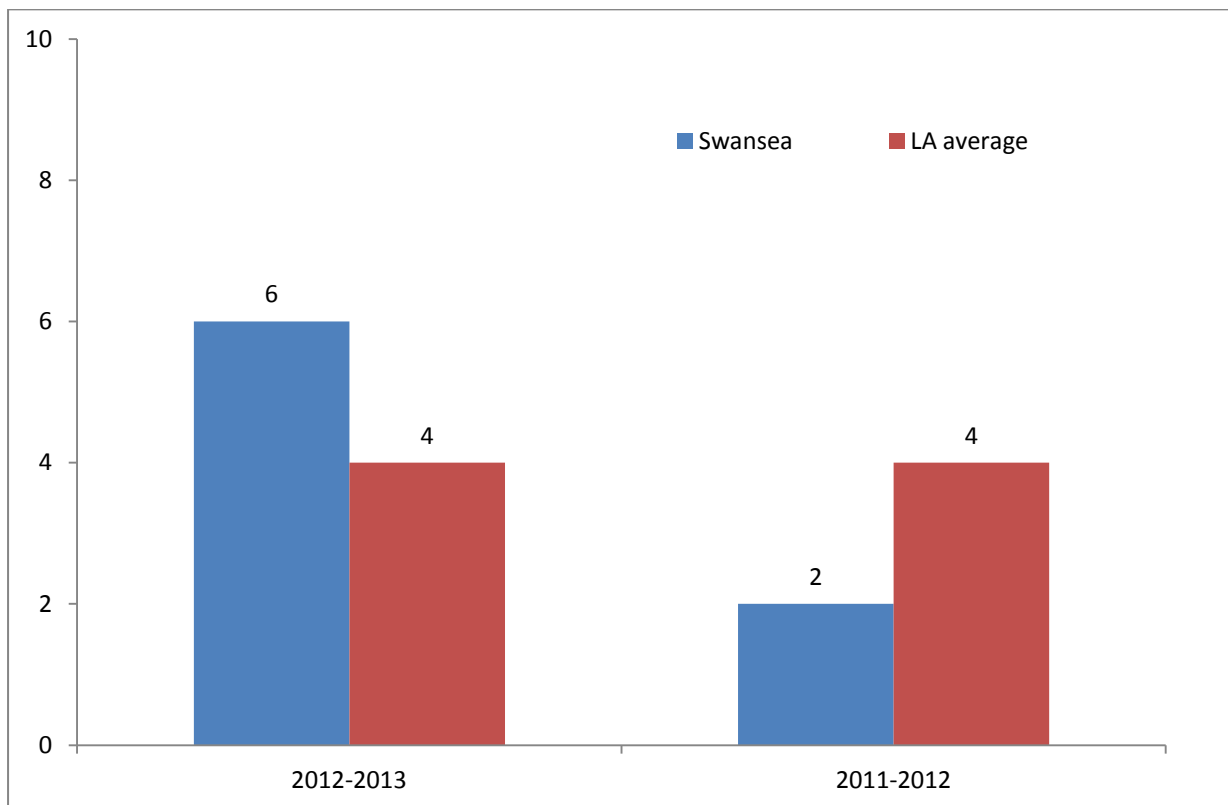
2011-2012



D: Complaints taken into investigation by my office

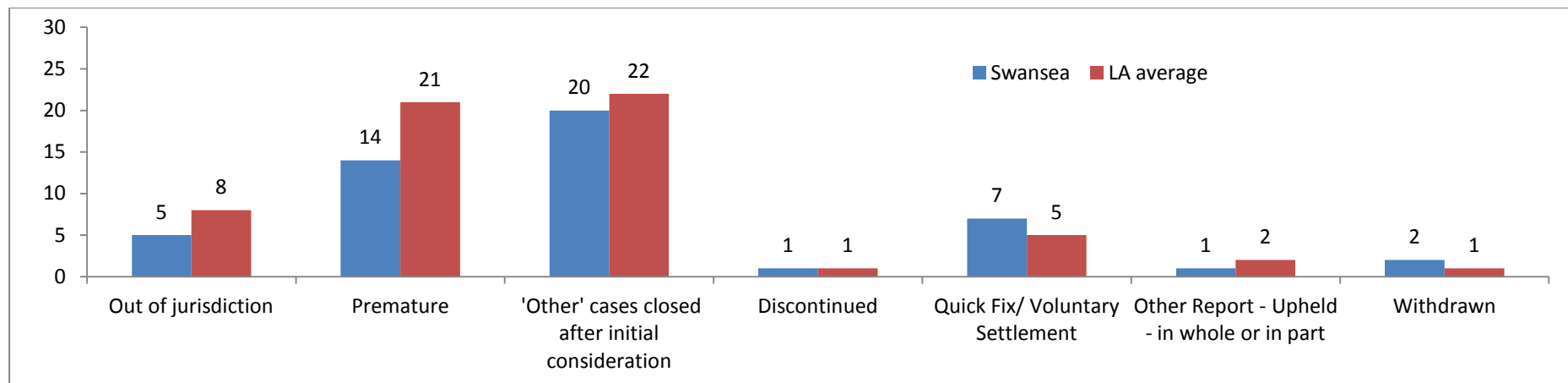
	2012-2013	2011-2012
Number of complaints taken into investigation	6	2

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

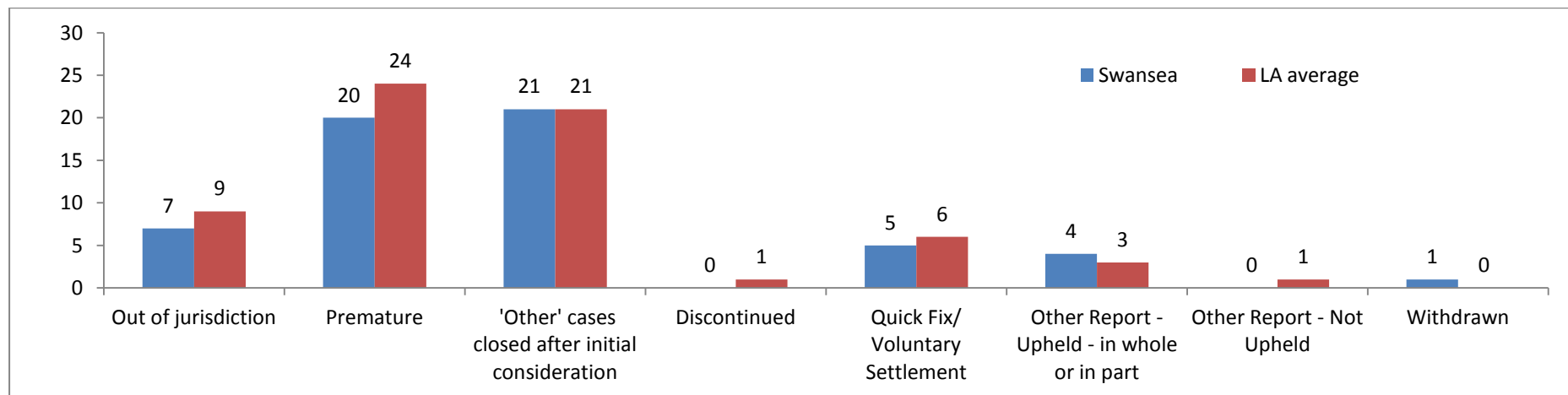


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

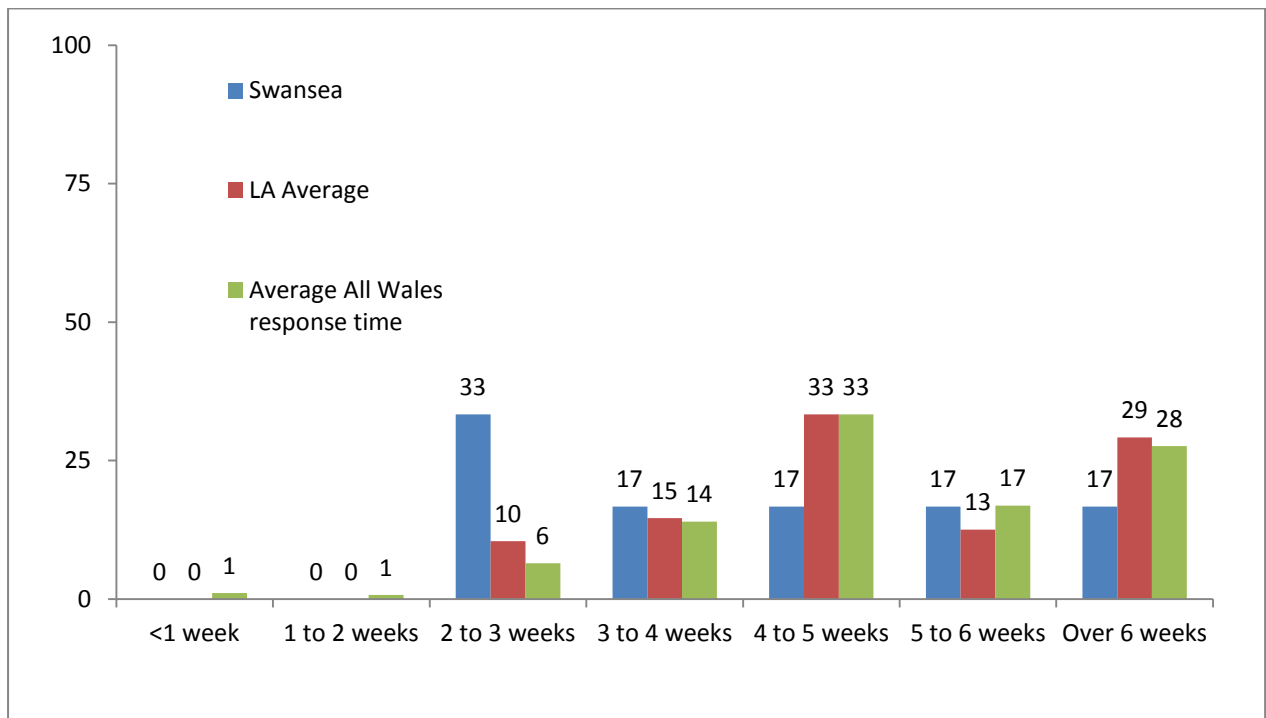
2012-2013



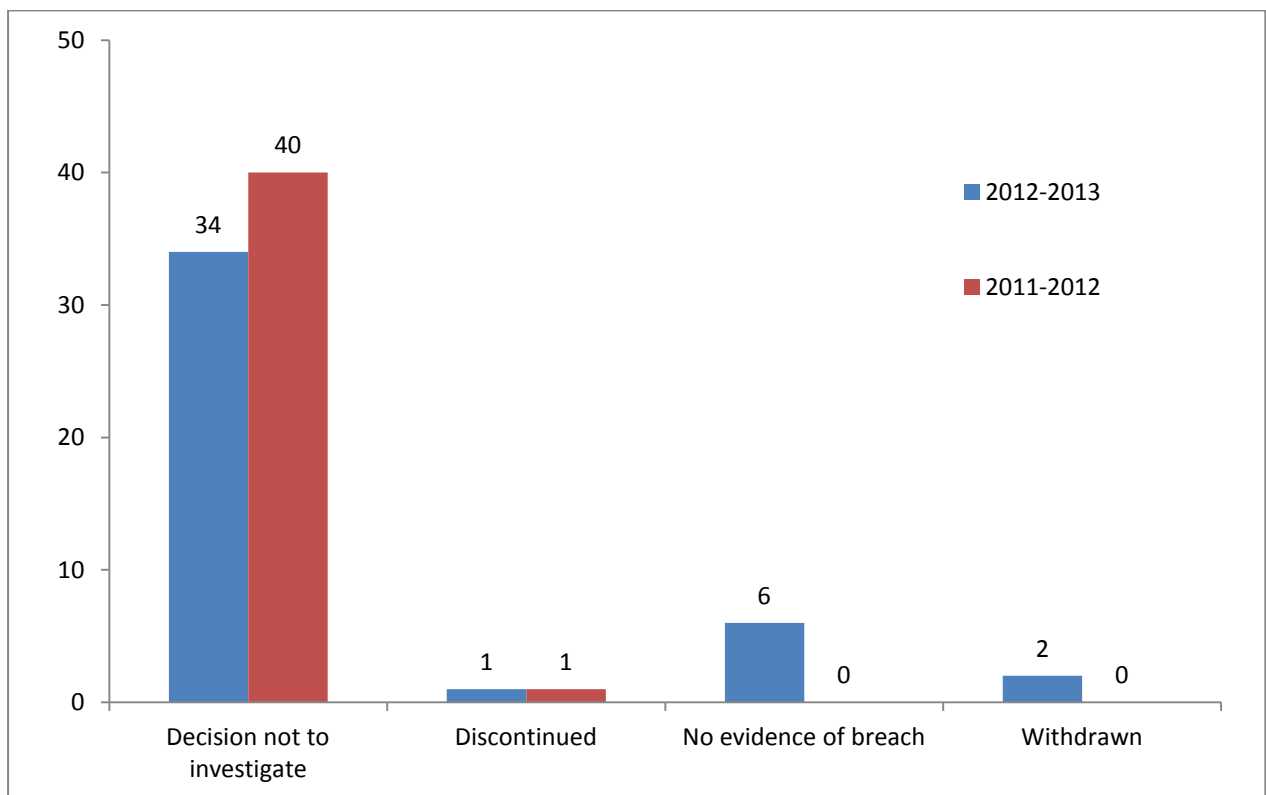
2011-2012



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

Housing

Upheld

February 2013 – Repairs and Maintenance – The City and County of Swansea

Miss J complained that water had leaked from an upstairs flat into her flat and that the neighbour had refused the Council access. This caused damage to her kitchen which Miss J said made her home uninhabitable. Miss J complained about this neighbour's anti social behaviour and that the neighbour was in breach of her tenancy agreement which the Council did not scrutinise or monitor. Miss J also complained that the Council had given a neighbour permission to build a wall which had been sited outside her bedroom window.

The Ombudsman did not uphold the complaints about water ingress and anti social behaviour. The Ombudsman upheld the complaint in relation to the wall, and found there had been a communication failure about this. It was recommended that the Council apologise to Miss J and pay £500 to recognise that her views were not considered and that the decision to allow the wall to remain be reviewed and, should the wall remain, that an additional £500 be paid. It was recommended that a policy should be in place to determine the lead in multi department investigations, and that the Leasehold Section should inform the Housing Office of building approvals which would impact their tenants. The Council fully accepted the recommendations.

Case reference 201103415

Quick fixes and Voluntary settlements

February 2013 – Repairs and maintenance – The City and County of Swansea

Mr P complained that the Council refused a visit to assess why an internal door had fallen off its hinges. Mr P advised that he suffers from PTSD, Agoraphobia and anxiety, and felt overlooked by the Council's refusal to even consider his complaint.

The Council stated that it is the responsibility of the tenant to repair internal doors and door furniture. However, the Council also has an exemption to the above policy depending on the personal circumstances of the complainant. My office discussed Mr P's wellbeing with the Council, which subsequently agreed to reconsider Mr P's complaint if he provides a letter from his GP confirming his medical condition.

Case reference 201204108

October 2012 – Neighbour disputes and anti-social behaviour – The City and County of Swansea

The complainant complained that the Council had not responded to a complaint referred to it by this office earlier in 2012. The Council agreed to provide a response under the complaints procedure promptly.

Case reference 201202493

Planning and Building Control

Quick fixes & Voluntary settlements

July 2012 – Handling of planning application – City and County of Swansea

Ms W complaint contained two elements. The first element of the complaint was that the Council had failed to respond to her original complaint, which the Ombudsman had previously forwarded to the Council to consider through its formal complaints process. Secondly, Ms W complained that the Council's letter notifying her that it had received a planning application for the retention of realigned footpath and handrail at her local Golf Club was not received by her until weeks later. The complainant therefore considered her ability to make comments on the application within the stated 21 days limit had been substantially reduced.

The Council informed my office that there had been no final decision on that specific planning application. Consequently, the first element of the complaint to my office was premature. In reference to the second element of the complaint, Ms W was notified this was a new issue and would need to be raised directly with the Council for it to consider and respond.

Case reference 201201338

Social Services – Children

Quick fixes and Voluntary settlements

November 2012 – Children in care/take into care/'at risk' register/child abuse/custody of children – The City and County of Swansea

Mr M complained that the Council did not answer his email requests for a meeting or requests for advice. My office contacted the Council, which agreed to arrange a meeting with Mr M to discuss his concerns.

Case reference 201203375