

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



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Date: 15 July 2014



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

Dear Mr Straw

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 The City and County of Swansea.

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, there has been an increase in the number of complaints received during 2013/14, but a decrease in the number of complaints investigated, compared with 2012/13. The largest single area of complaint remains 'Planning and Building Control', which, during 2013/14, was almost double the local authority average. I also note that my office has issued an above-average number of 'upheld' reports. In reference to your Council's response times, half of the 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.

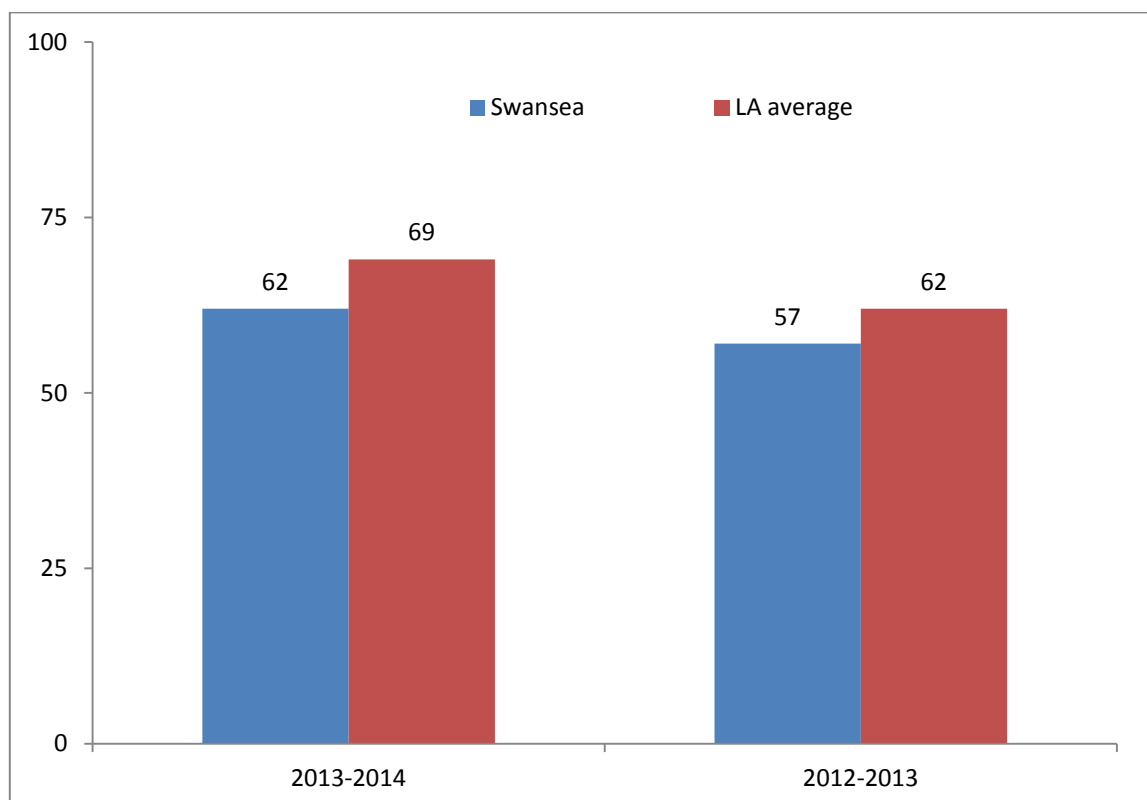
Housing Stock

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.

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

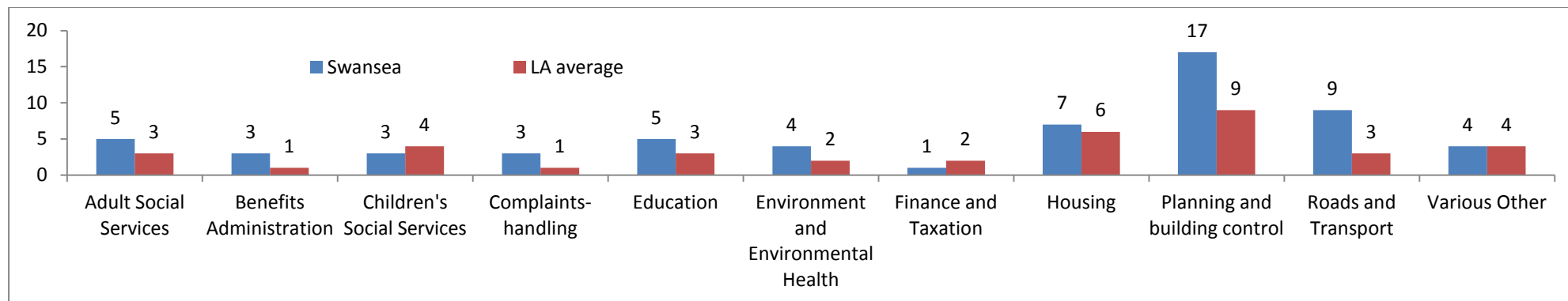


B: Complaints received by my office

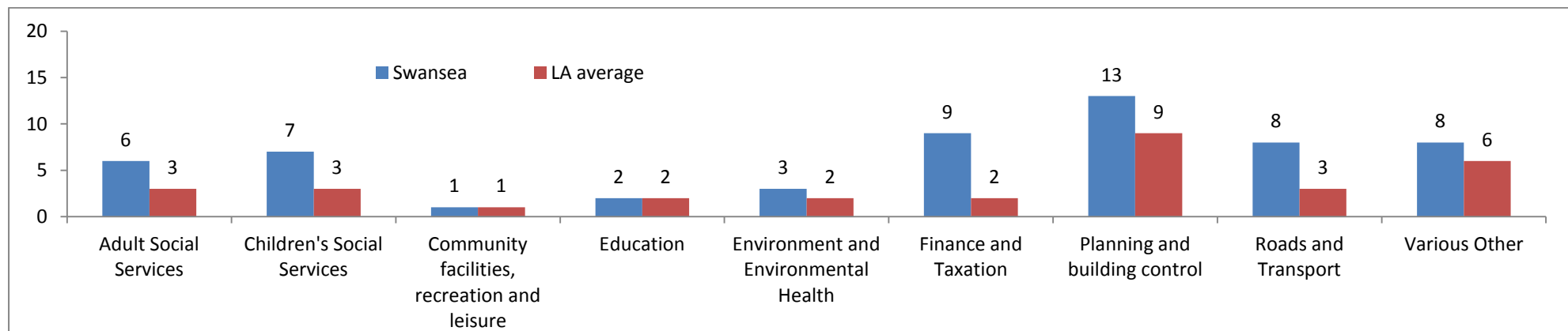
Subject	2013/14	2012/13
Adult Social Services	5	6
Benefits Administration	3	0
Children's Social Services	3	7
Community facilities, recreation and leisure	0	1
Complaint-handling	3	0
Education	5	2
Environment and Environmental Health	4	3
Finance and Taxation	1	9
Health	1	0
Housing	7	0
Planning and building control	17	13
Roads and Transport	9	8
Various Other	4	8
Total	62	57

C: Comparison of complaints by subject category with LA average

2013/14



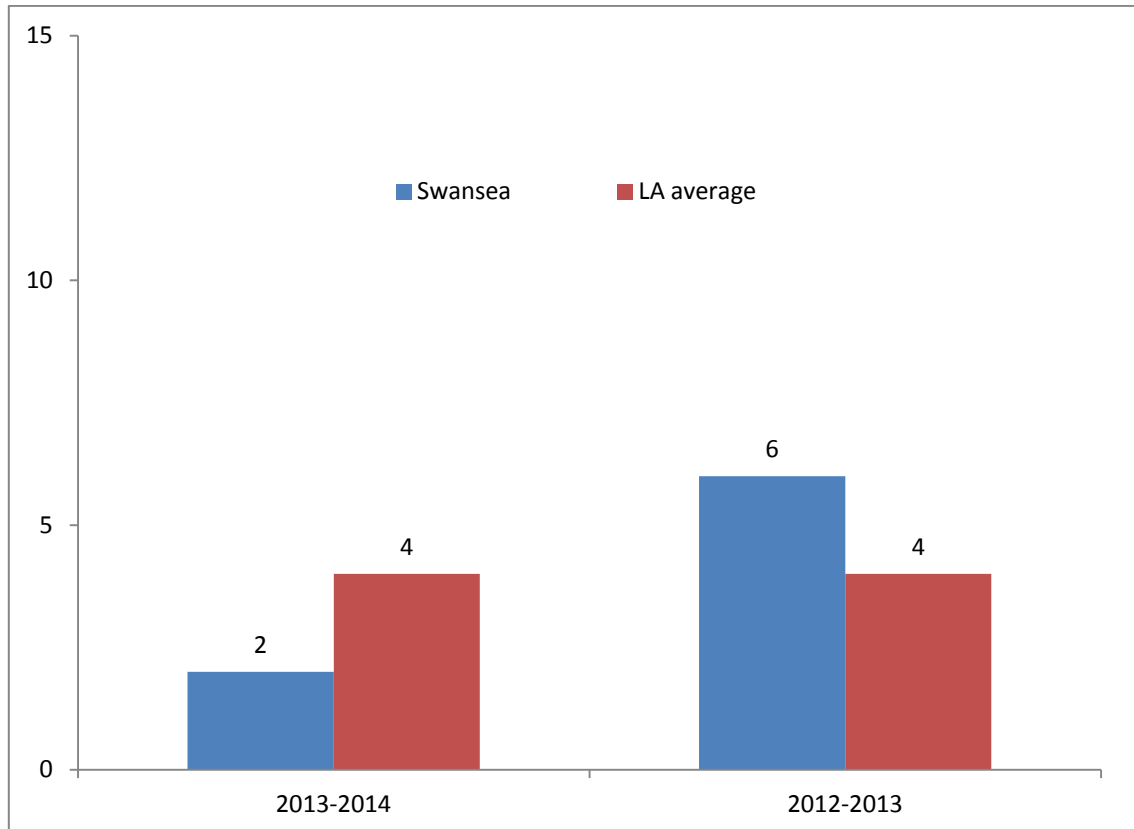
2012/13



D: Complaints taken into investigation by my office

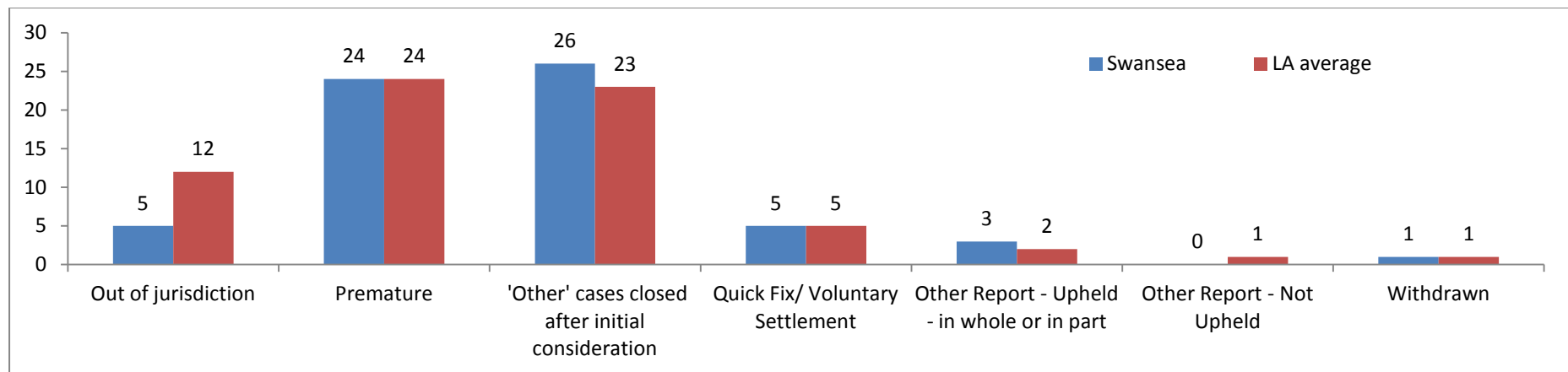
	2013/14	2012/13
Number of complaints taken into investigation	2	6

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

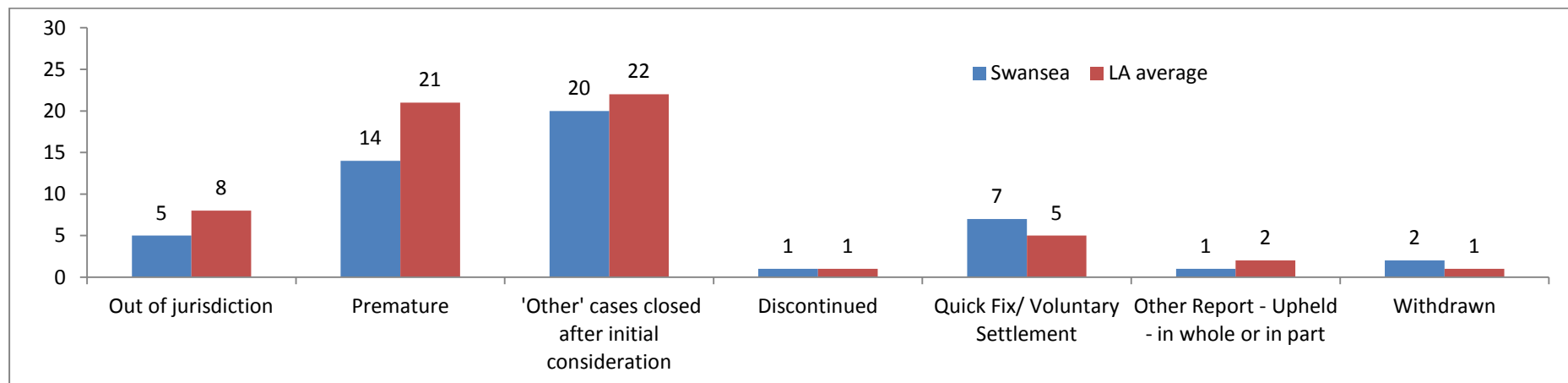


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

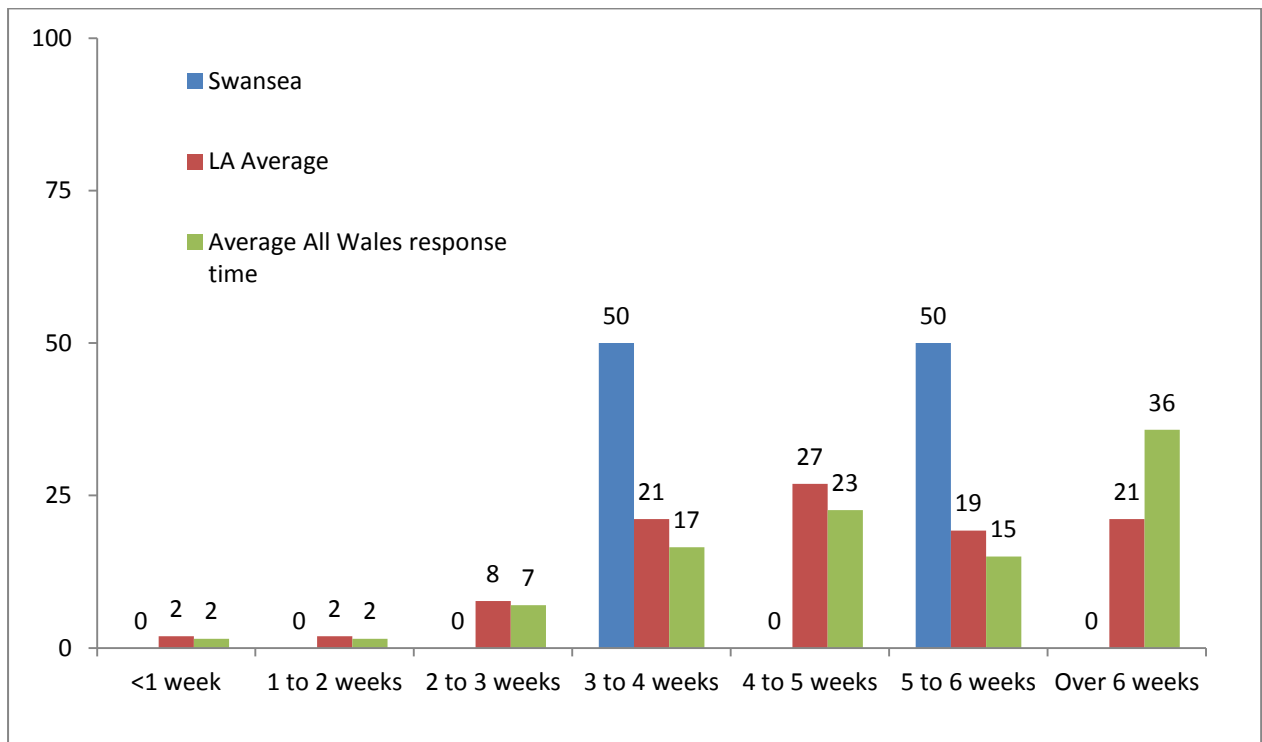
2013/14



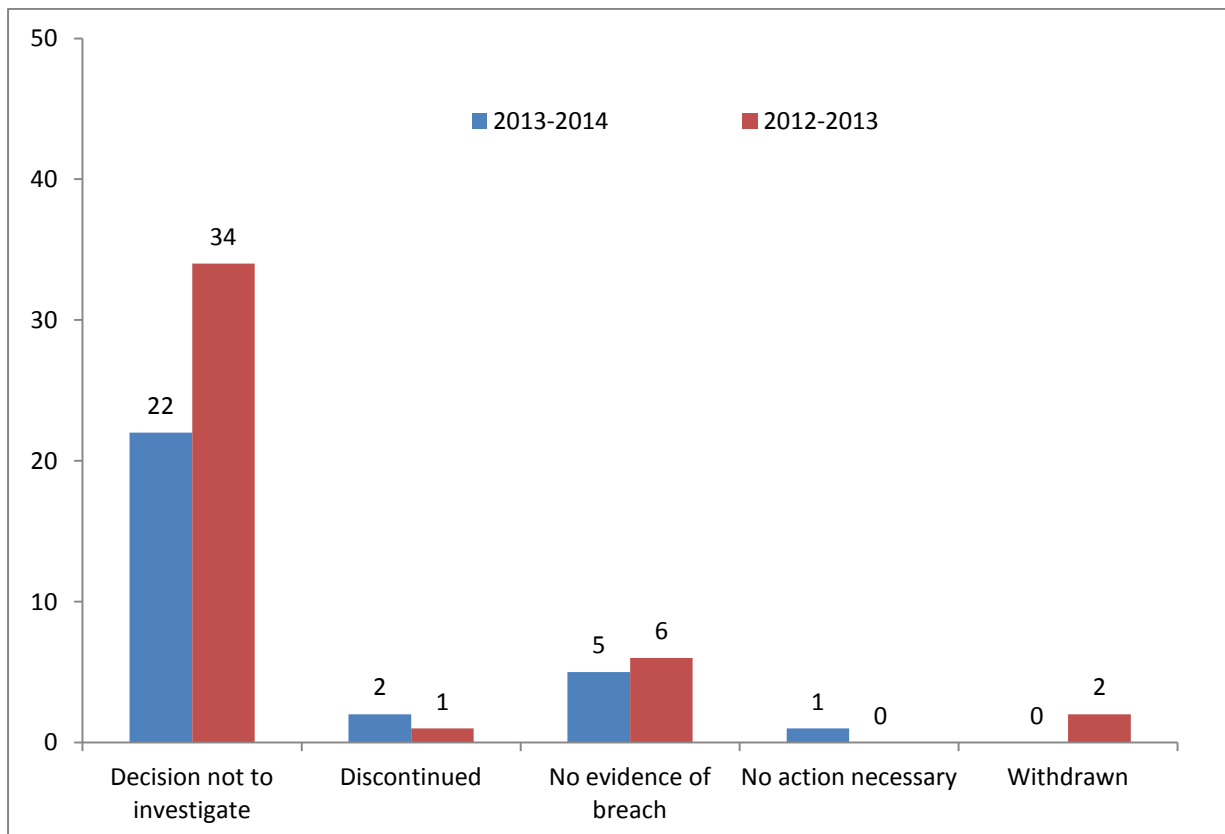
2012/13



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

Benefits Administration

Quick fixes & voluntary settlements

September 2013 – Council Tax Benefit – The City and County of Swansea

Mr Y complained about administration and payment of housing benefits by the Council. In particular, Mr Y had experienced problems since he reached pension age.

The Ombudsman was concerned that Mr Y felt unable to understand the Council's decisions, although he had contacted the Council several times for information and explanations. The Council agreed to arrange for an officer to visit Mr Y to discuss his questions and concerns about his benefits. The Ombudsman considered this to be a reasonable way forward to address and resolve Mr Y's concerns.

Case reference 201303125

Education

Quick fixes & voluntary settlements

July 2013 – Special Educational Needs – The City and County of Swansea

Mrs W complained that the Council failed to provide her son, C, with the provision of the speech and language therapy (“SALT”) set out under his statement of special educational needs (“SEN”). The ultimate responsibility for ensuring the provision of SALT services under a SEN is with the Local Education Authority (“LEA”), even though the actual provision is met by the NHS. The Council agreed to place her complaint at stage two of the appropriate formal complaints process. This was because Mrs W had suffered a delay in obtaining a response to her complaint about the provision of SALT to C, under his SEN, by pursuing the matter with the Health Board.

Case reference 201302088

Environment and Environmental Health

Quick fixes & voluntary settlements

The City and County of Swansea – Other Case reference 201306647 – March 2014

Ms A complained that there were number of issues with her neighbour in relation to anti-social behaviour, specifically regarding rubbish being piled in the garden and the neighbour damaging property. Ms A says that the Council had not taken any action.

Whilst the Council stated that it had not had any contact from Ms A since 2012, in light of the concerns raised, it would contact Ms A to arrange a meeting to discuss her complaint.

The City and County of Swansea – Noise and other nuisance issues Case reference 201201607 – December 2013

Ms H complained that the Council had not responded appropriately or in a timely manner to her complaints about mess, odour and vermin arising from a neighbouring property. She explained that the matter had caused her great stress.

The Ombudsman found that the Council should have implemented a more fundamental and broader solution to the problems Ms H identified much earlier. He also considered that there had been an unacceptable delay in starting to take any robust action. However, he concluded that its day-to-day dealings with Ms H were reasonable. The Council agreed to settle the complaint by:

- a. apologising to Ms H;
- b. paying her £750;
- c. implementing a fundamental and robust set of actions to address the long-term problem, which Ms H's complaints had demonstrated existed.

Social Services – Adult

Upheld

April 2013 – Services for vulnerable adults – The City and County of Swansea

Mrs W complained that her social worker had failed to resolve problems she was experiencing in relation to an outstanding debt and the need for support with her tenancy, despite the social worker having promised to deal with these matters on her behalf. Mrs W complained that this caused her unnecessary stress at a time when she was dealing with her own mental health problems.

The Ombudsman found that the social worker had made some efforts on Mrs W's behalf but, due to unexpected leave, had failed to either follow up on the matters in order to bring them to a conclusion or to adequately explain to Mrs W what she had done. The Ombudsman recommended that the Council should apologise to Mrs W for this failing.

Case reference 201202212

Social Services - Children

Upheld

August 2013 – Other – The City and County of Swansea

Mr V's daughter has Autistic Spectrum Disorder. Mr V complained that the Council had failed to ensure a seamless transition for Ms V from childhood/adolescence to adult services, and had failed to arrange for her to be assessed for a STTEP (Students Transition Towards Employment Provision) course which meant that she was deprived of the opportunity to participate in the course.

The Ombudsman found that the transition had not been seamless. The transition process was undermined by the poor quality of the needs assessment and associated care planning. The Council had acknowledged failings in transition and had since finalised its transition protocol. The Council agreed to implement the following recommendations:

- to review and evaluate the effectiveness of the transition protocol (ratified in October 2011);
- the Council should, within a commissioned survey by the British Institute of Learning Disabilities, include questions about transition.

The Ombudsman concluded that there was no maladministration by the Council in not proceeding with the assessment for a STTEP course, and did not uphold this part of the complaint.

Case reference 201200475