

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



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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 2014/15**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for The City and County of Swansea.

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 decreased from 62 in 2013/14 to 55 in 2014/15. My office did not investigate any complaints against your Local Authority in 2014/15 and, as such, there are also no recorded response times. However, my office did issue one 'upheld' report against your Local Authority.

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, The City and County of Swansea

## **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.

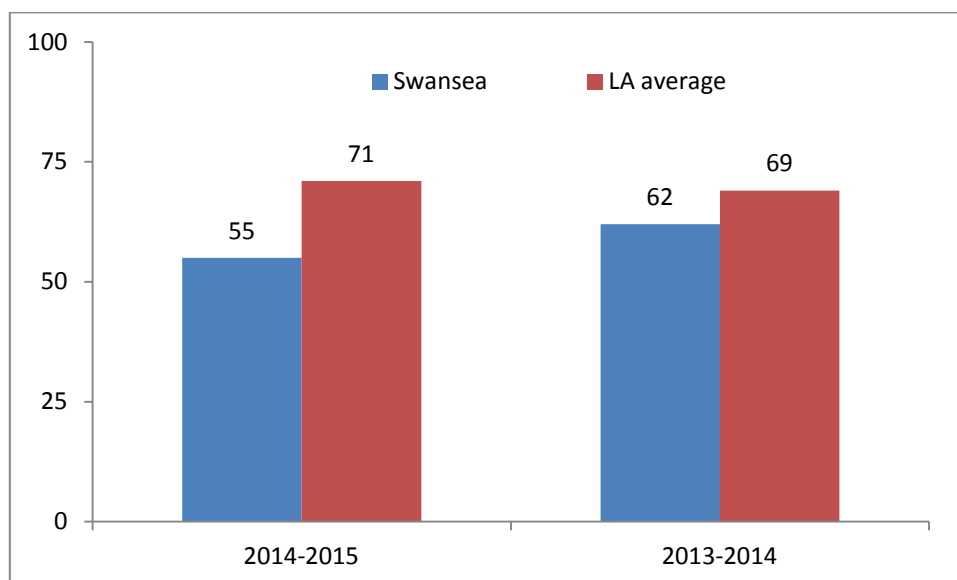
### **Housing Stock**

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](mailto:james.merrifield@ombudsman-wales.org.uk).

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

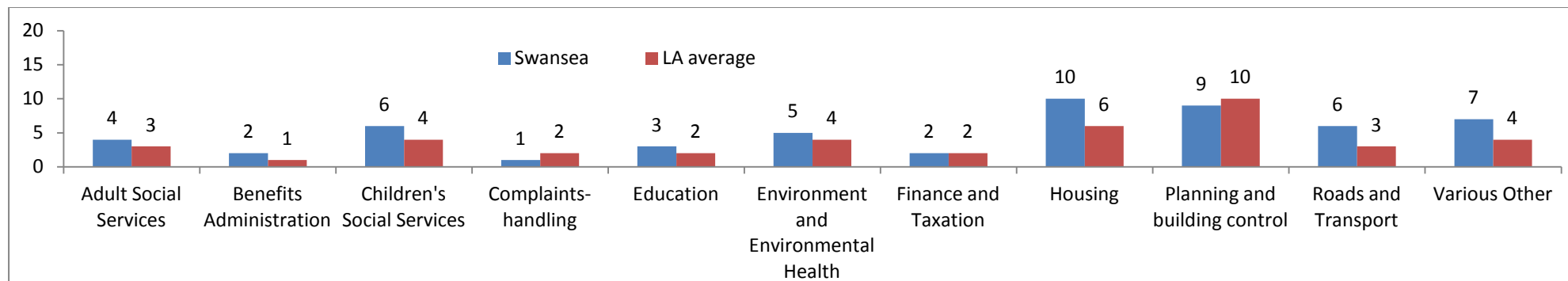


**B: Complaints received by my office**

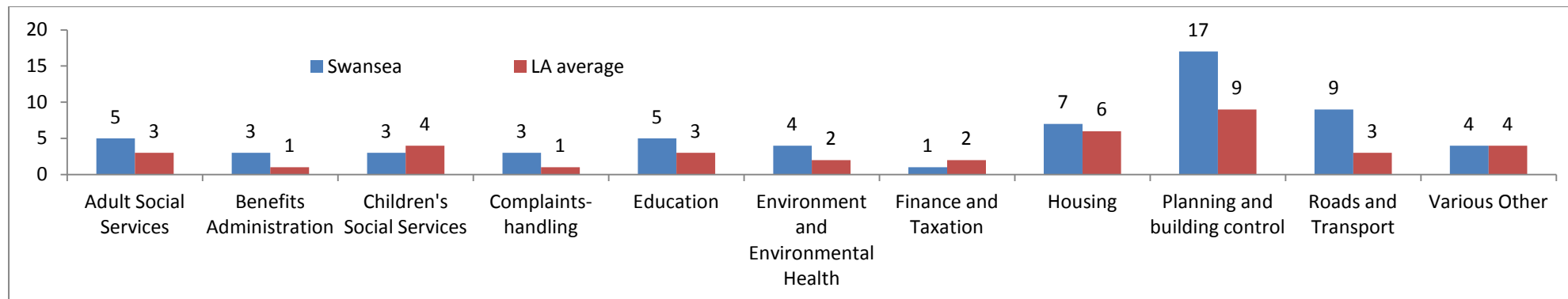
Subject	2014/15	2013/14
Adult Social Services	4	5
Benefits Administration	2	3
Children's Social Services	6	3
Community facilities, recreation and leisure	0	0
Complaint-handling	1	3
Education	3	5
Environment and Environmental Health	5	4
Finance and Taxation	2	1
Health	0	1
Housing	10	7
Planning and building control	9	17
Roads and Transport	6	9
Various Other	7	4
<b>Total</b>	<b>55</b>	<b>62</b>

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

**2014/15**



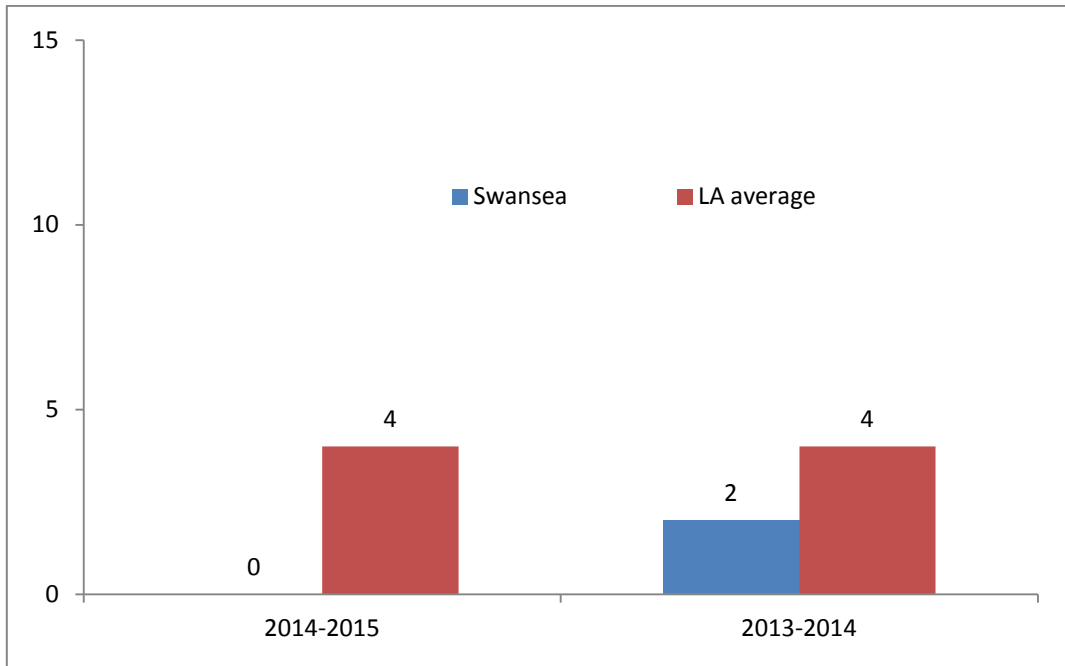
**2013/14**



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

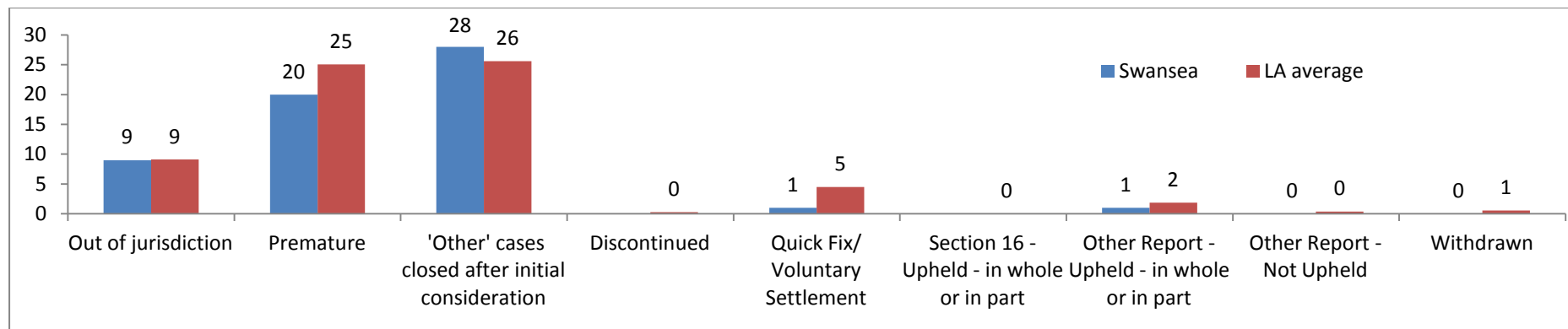
	2014/15	2013/14
Number of complaints taken into investigation	0	2

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

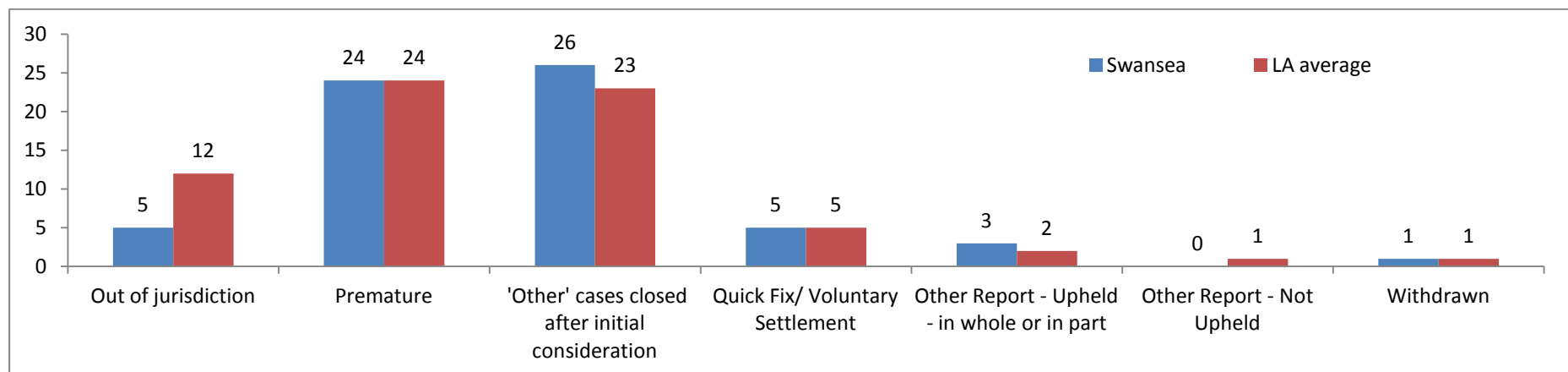


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

**2014/15**

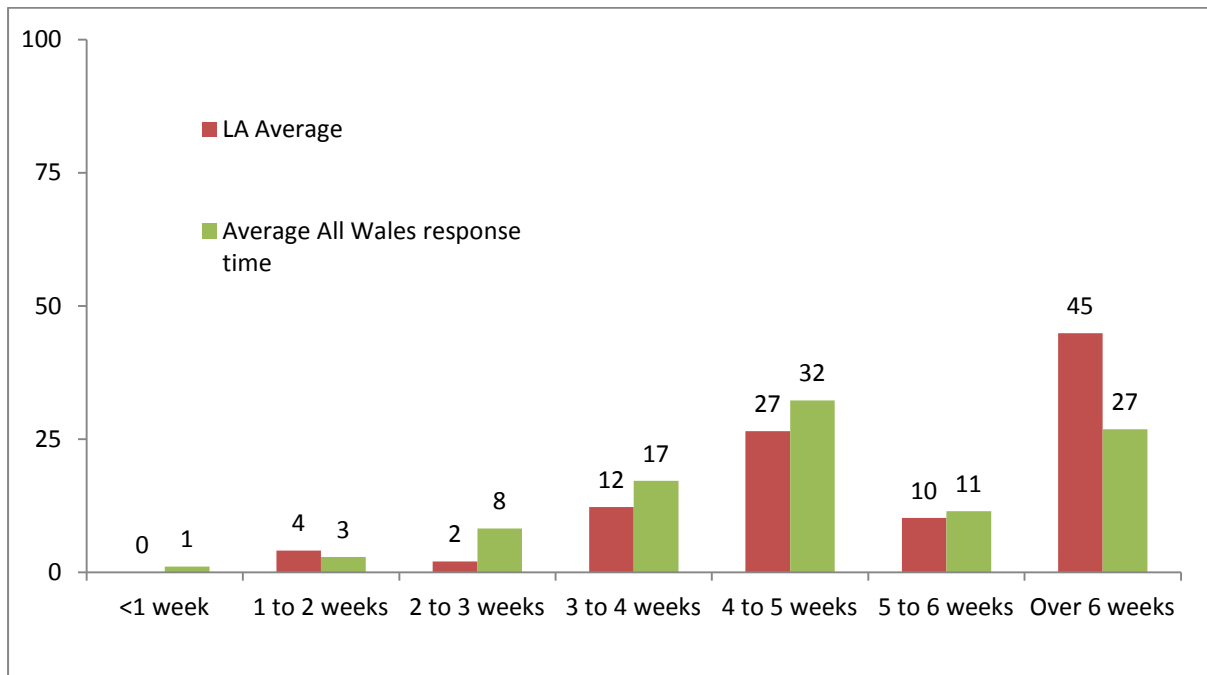


**2013/14**

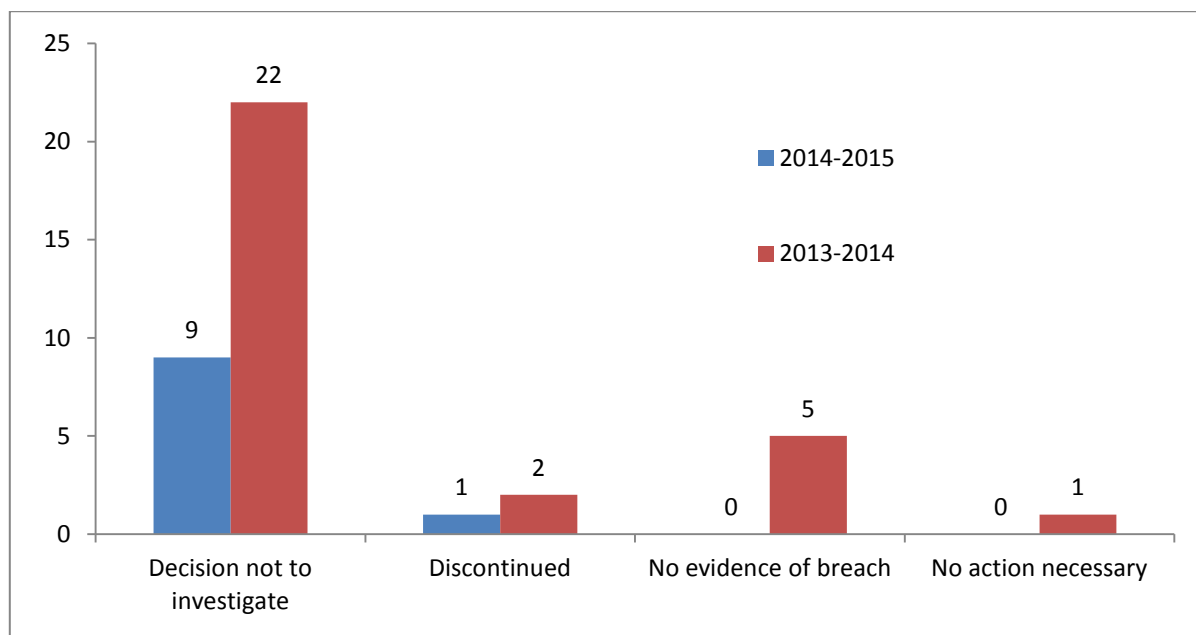


**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)**

Graph G relates to those investigations which were commenced during 2014/15. As there were no investigations commenced against Swansea, there are no response times for Swansea. However, we have included the average Local Authority response times and the average response times for all bodies in Wales for your information.



**H: Code of Conduct complaints**





## **I: Summaries**

### **Education**

#### **Upheld**

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

#### **The City and County of Swansea – Special Educational Needs**

##### **Case reference 201305032 – May 2014**

Mrs B raised concerns that her son, A, was not receiving the number of hours of Speech and Language Therapy (“SLT”) as outlined in A’s statement of Special Educational Needs (“SEN”).

Whilst SLT is provided in Swansea by the Health Board, the Council retain responsibility for ensuring that the support as outlined in a child’s SEN statement is provided. The Council acknowledged that A had received fewer hours than indicated in his statement but that the intention was to make up this shortfall with extra provision during the coming term. In view of the ongoing concerns, the Council agreed to:

- monitor the provision of SLT for A on a termly basis;
- update Mrs B each term with a breakdown of what had been provided;
- make arrangements to provide (or fund) any shortfall in the yearly provision set out in the statement before the start of the next academic year.

The Ombudsman considered this action was reasonable to settle the complaint.