

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)

Ms Alison Ward  
Chief Executive  
Torfaen County Borough Council  
Civic Offices  
Pontypool  
NP4 6YB

Dear Ms Ward

### **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 Torfaen 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 during 2012/13 is marginally above the average. As with 2011/12, the largest single area of complaint remains 'Planning and Building Control'. There has also been a noticeable increase in the number of complaints taken into investigation compared with 2011/12, although it should be noted that my office has not issued any 'upheld' reports during 2012/13. It is pleasing to note that half of responses to requests for information from my office were received within three weeks of the date they were requested, although it should be noted that a further half of responses took more than four weeks and a quarter took more 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 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.

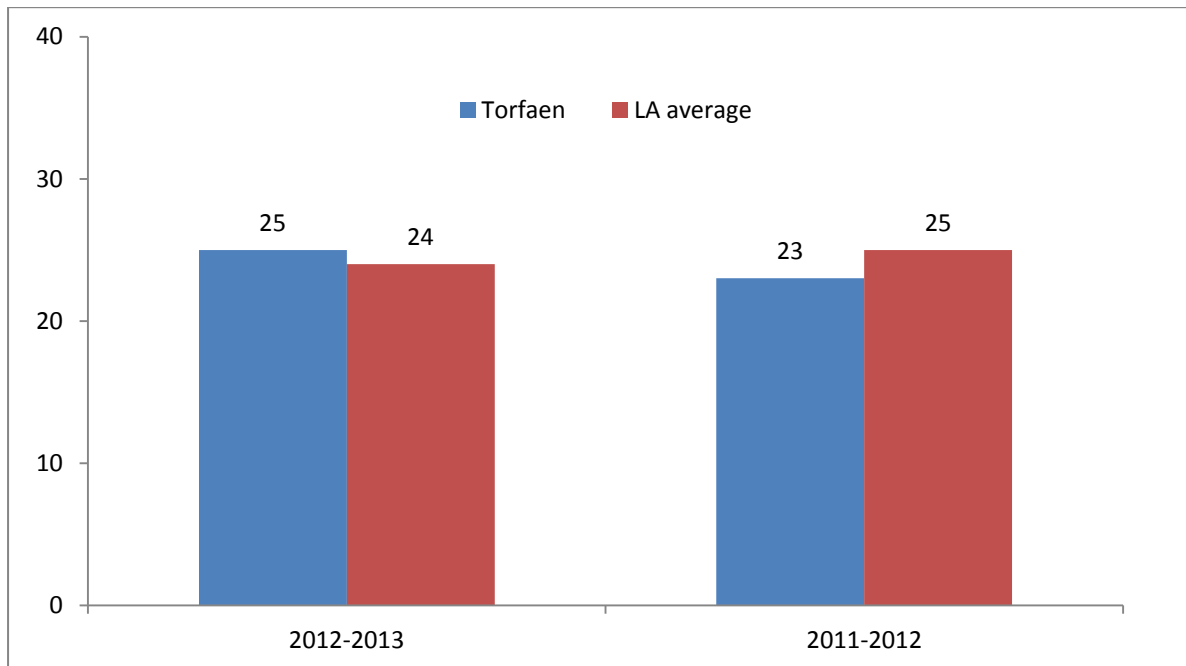
### **Feedback**

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**

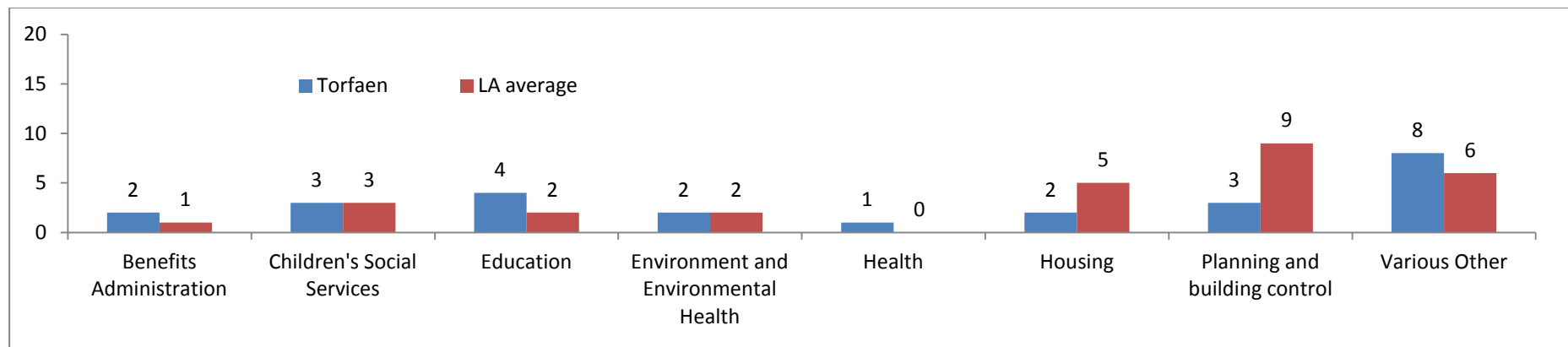


**B: Complaints received by my office**

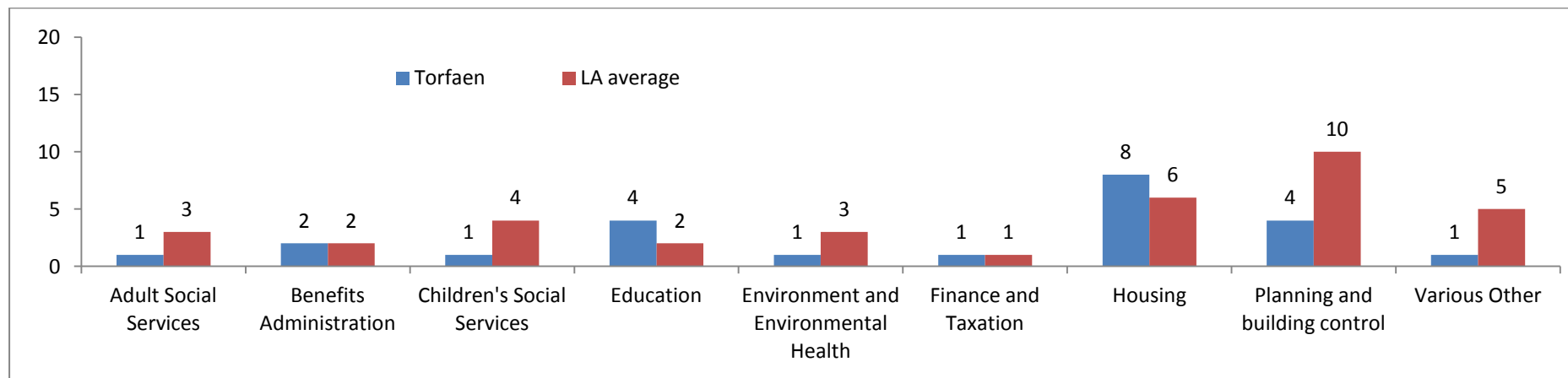
Subject	2012-2013	2011-2012
Adult Social Services	0	1
Benefits Administration	2	2
Children's Social Services	3	1
Education	4	4
Environment and Environmental Health	2	1
Finance and Taxation	0	1
Health	1	
Housing	2	8
Planning and building control	3	4
Various Other	8	1
<b>Total</b>	<b>25</b>	<b>23</b>

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

**2012-2013**



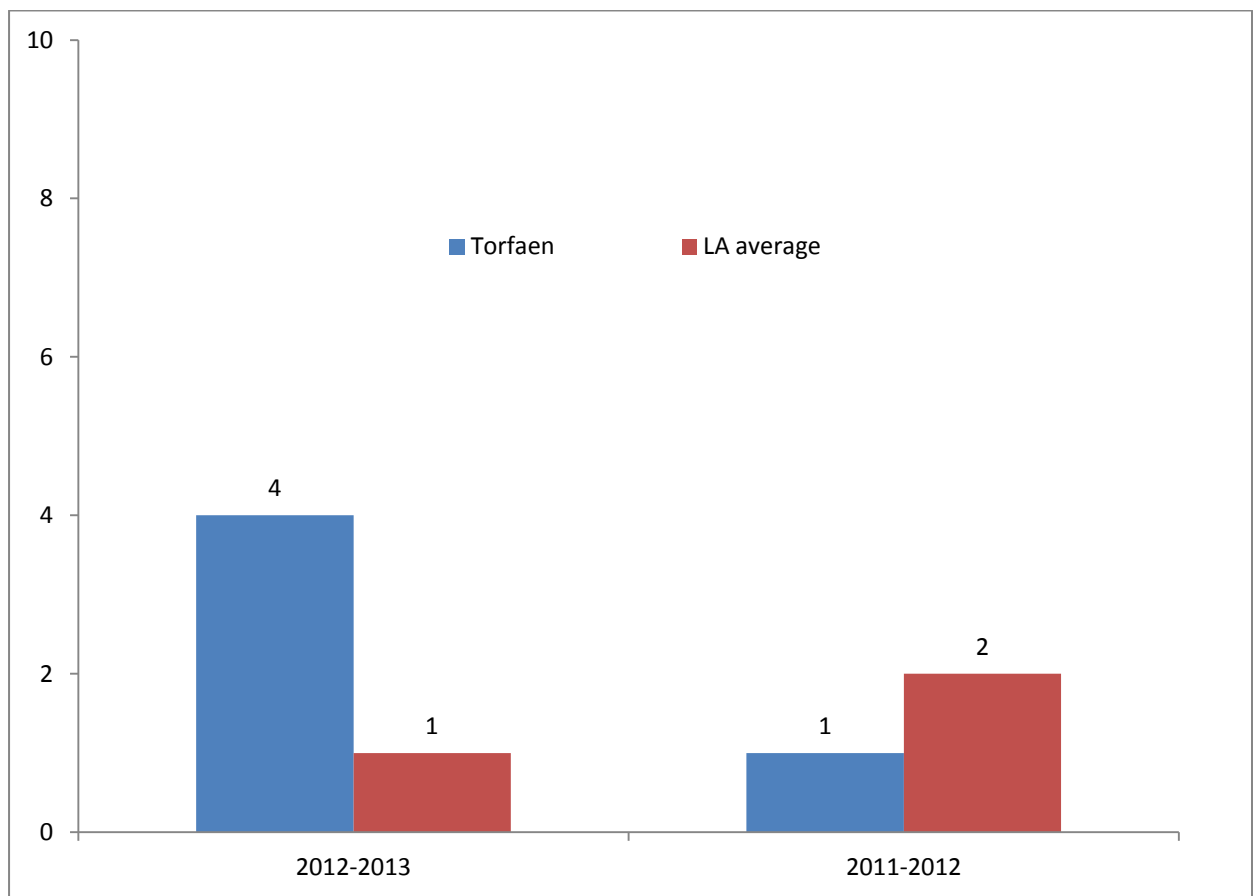
**2011-2012**



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

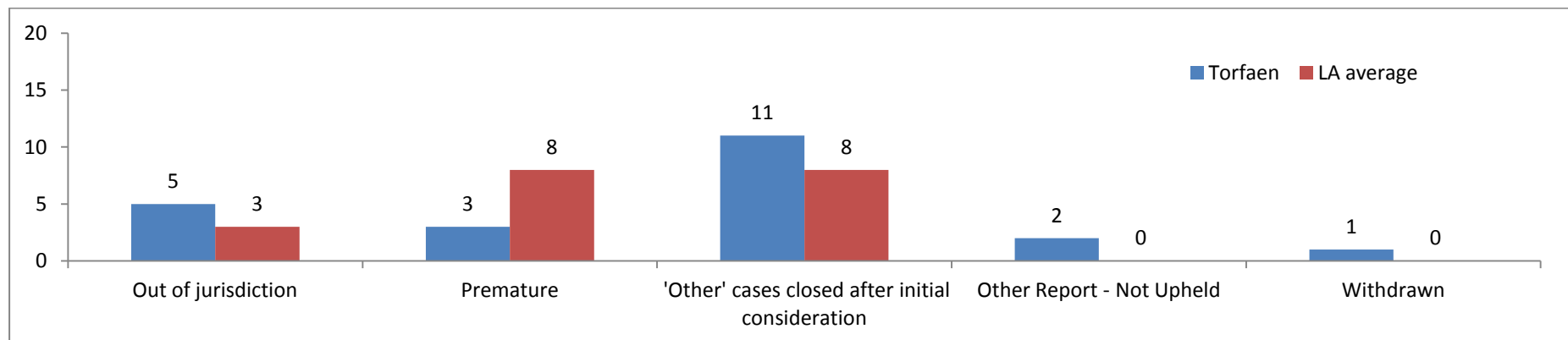
	<b>2012-2013</b>	<b>2010-2011</b>
Number of complaints taken into investigation	4	1

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

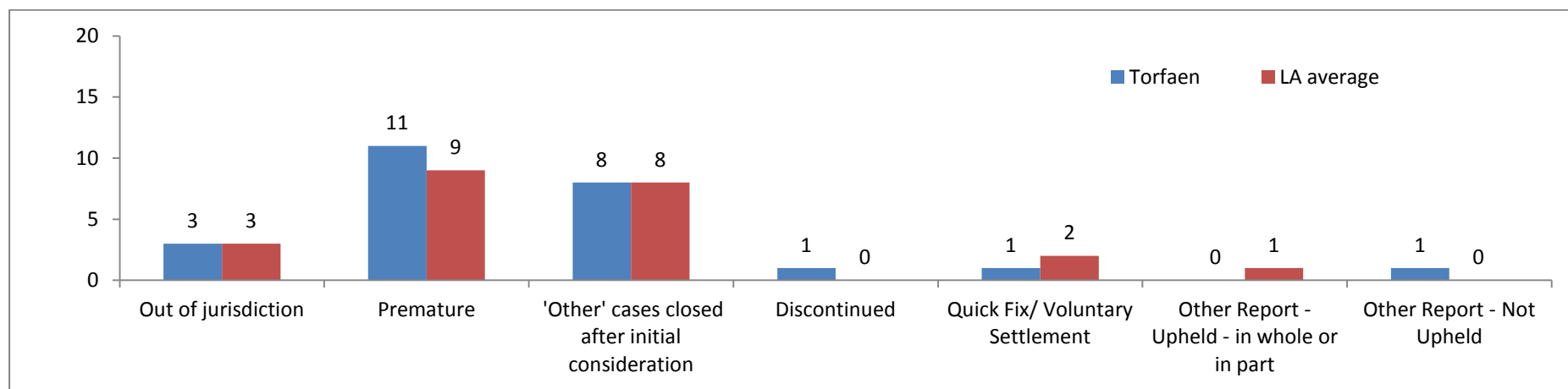


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

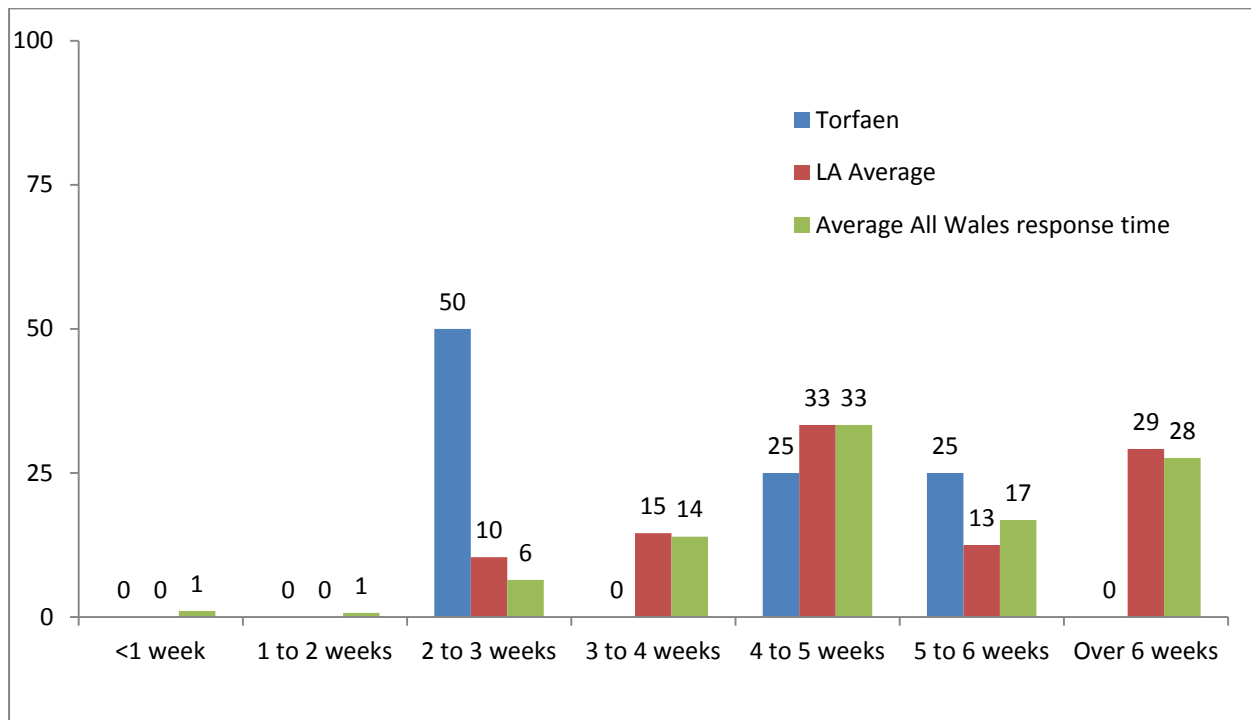
**2012-2013**



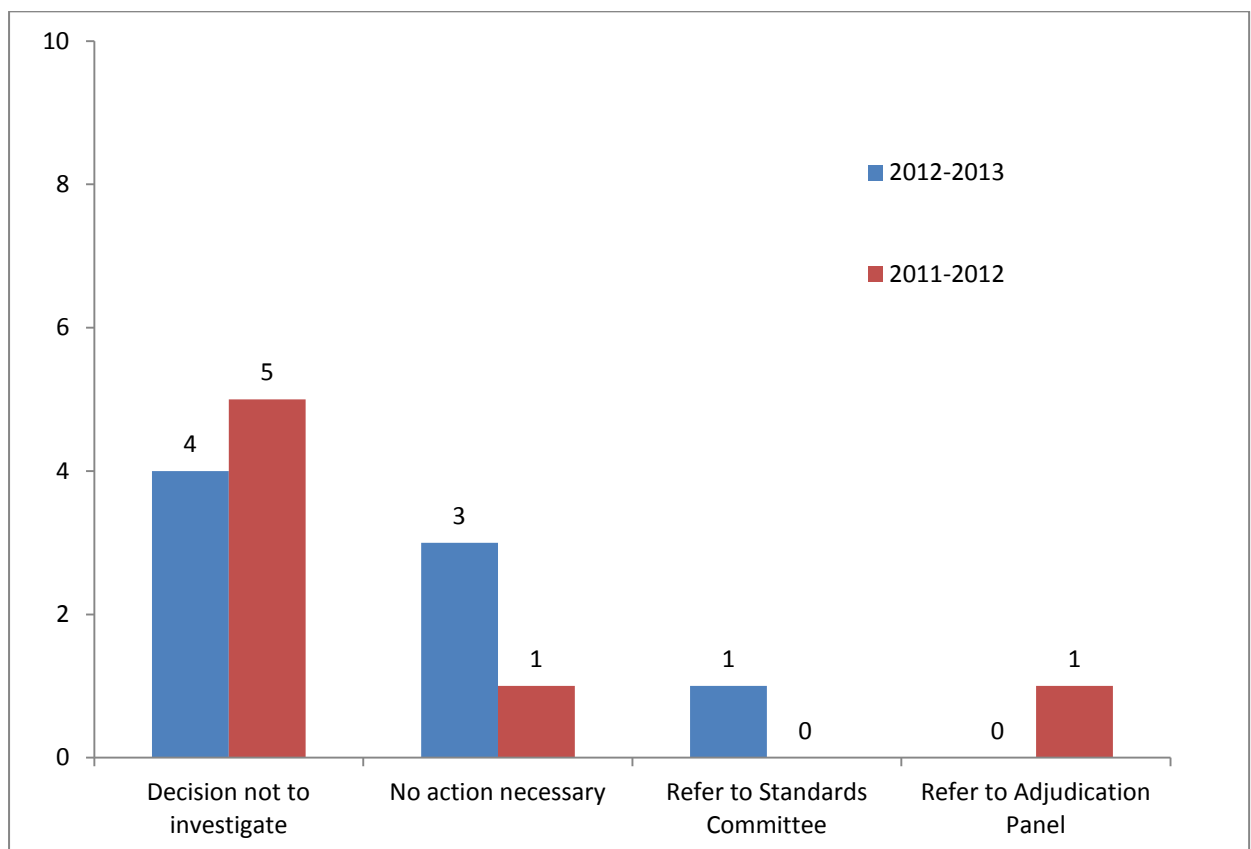
**2011-2012**



**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**

#### **Not Upheld**

##### **December 2012 – Admissions appeals and procedures - Admissions Appeals Panel, Ysgol Bryn Onnen & Torfaen County Borough Council**

Both Mr & Mrs X and Mr & Mrs Z complained about the Council and Appeals Panel in respect of the consideration of the issues surrounding their unsuccessful applications for places for their children at Ysgol Bryn Onnen. They complained that the evidence presented by the Council was both generic and lacking in detail specific to Bryn Onnen. They complained that this evidence should have more specifically addressed how the admission of two additional pupils would have resulted in prejudice to the school's resources and the education of other pupils in order to comply with legal requirements in respect of infant class sizes. The complainants also said that the Council and the Appeal Panel failed to take/hear evidence which would say that the two pupils could easily have been accommodated and that no prejudice would have resulted.

The Ombudsman found that although it would have been preferable for the Council to have stated one aspect of its evidence more clearly, the Appeal Panel had sufficient evidence before it to make a decision on the limited grounds open to it. The Ombudsman concluded that the Panel was entitled to reach the decision it did and had done so in a proper and reasonable way. Accordingly, the Ombudsman did not uphold the complaint.

**Case references 201201232, 201201234, 201201238 & 201201239**