

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



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Date: 15 July 2014



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 2013/14

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Torfaen County Borough Council.

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, the number of complaints received during 2013/14 is level with the local authority average. However, I am pleased to note that my office did not commence any investigations against your Council during the year. The only areas of complaint where your Council exceeded the local authority averages were 'Roads and Transport' and 'Various other'. My office issued two 'upheld' reports against your Council during 2013/14. Finally, as my office did not commence any investigations against your Council during 2013/14, there are no response times recorded in relation to your Council.

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.

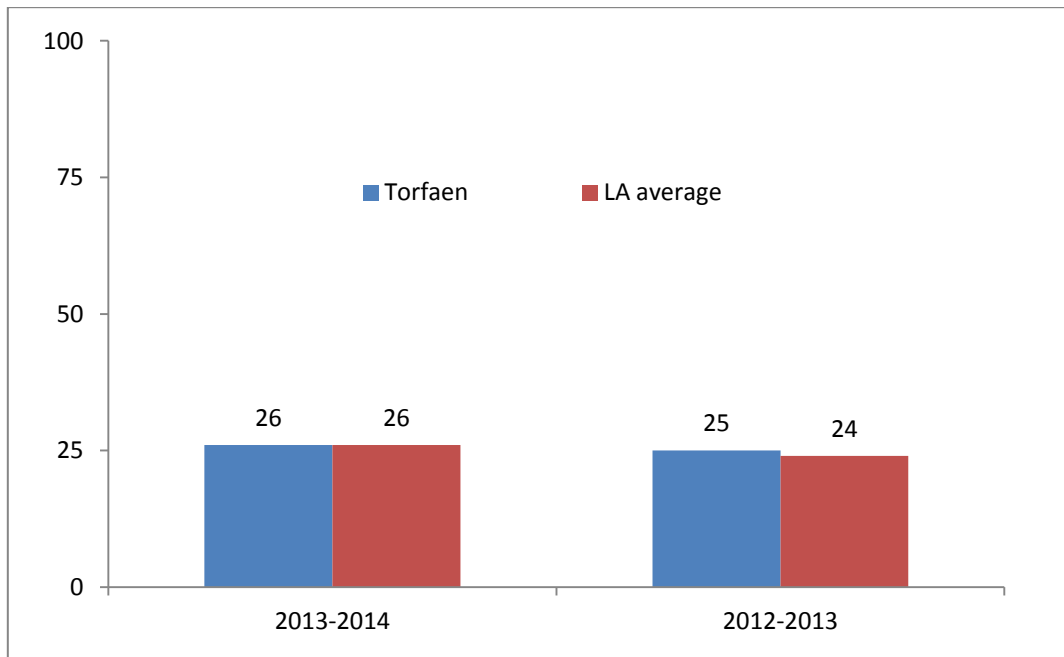
Housing Stock

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

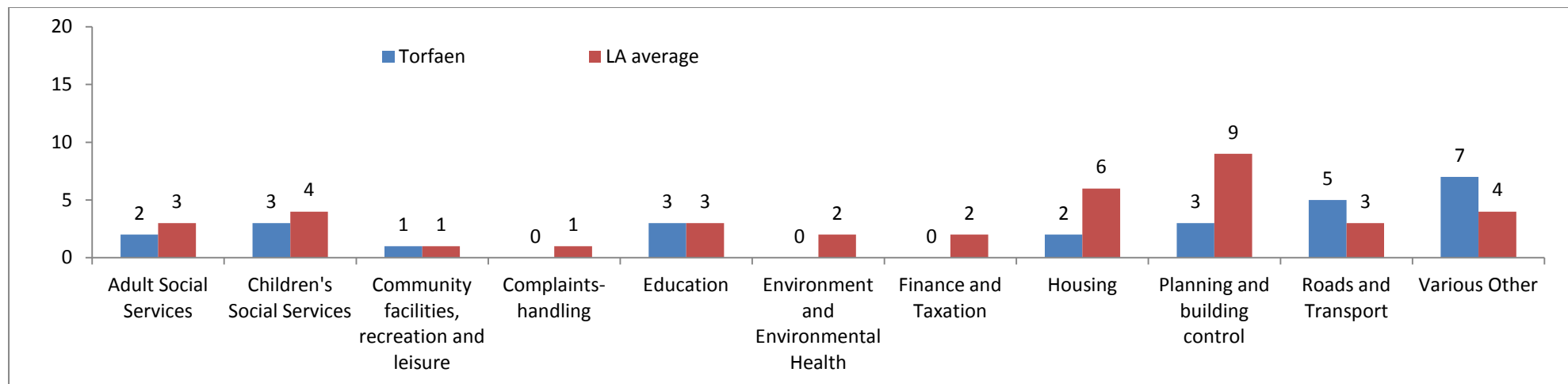


B: Complaints received by my office

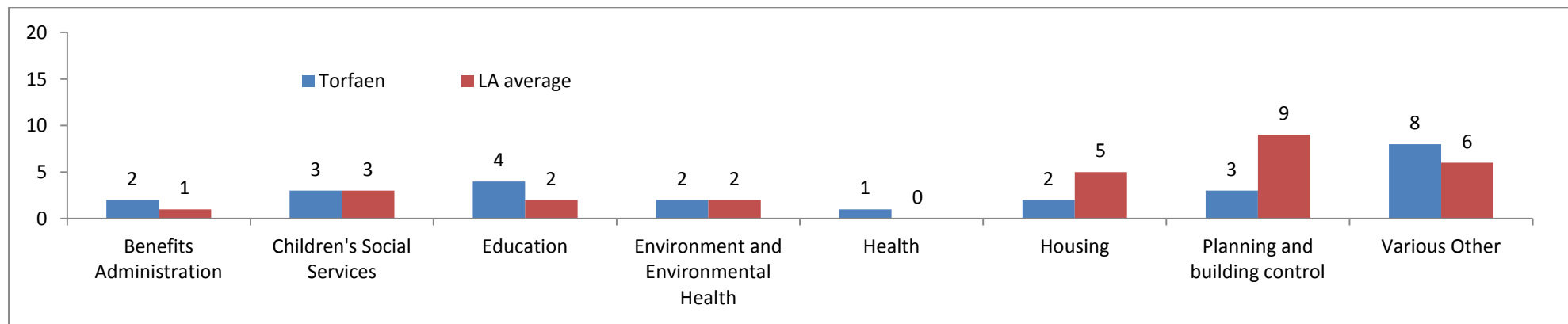
Subject	2013/14	2012/13
Adult Social Services	2	0
Benefits Administration	0	2
Children's Social Services	3	3
Community facilities, recreation and leisure	1	0
Education	3	4
Environment and Environmental Health	0	2
Health	0	1
Housing	2	2
Planning and building control	3	3
Roads and Transport	5	0
Various Other	7	8
Total	26	25

C: Comparison of complaints by subject category with LA average

2013/14



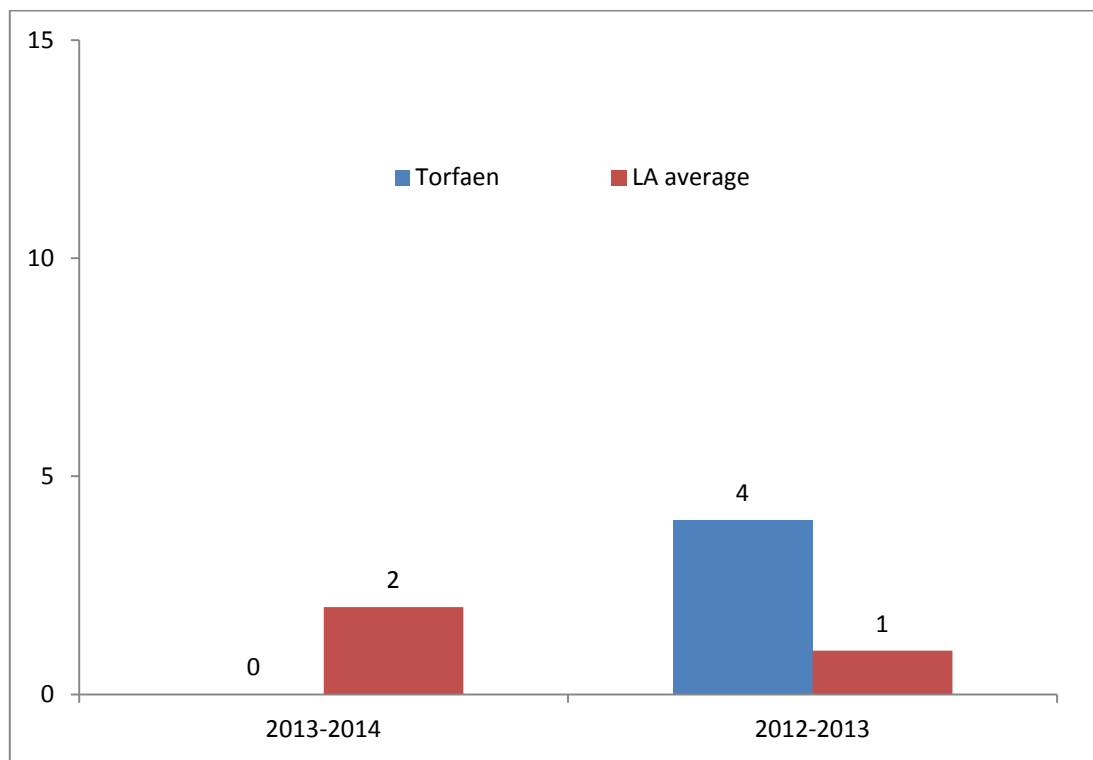
2012/13



D: Complaints taken into investigation by my office

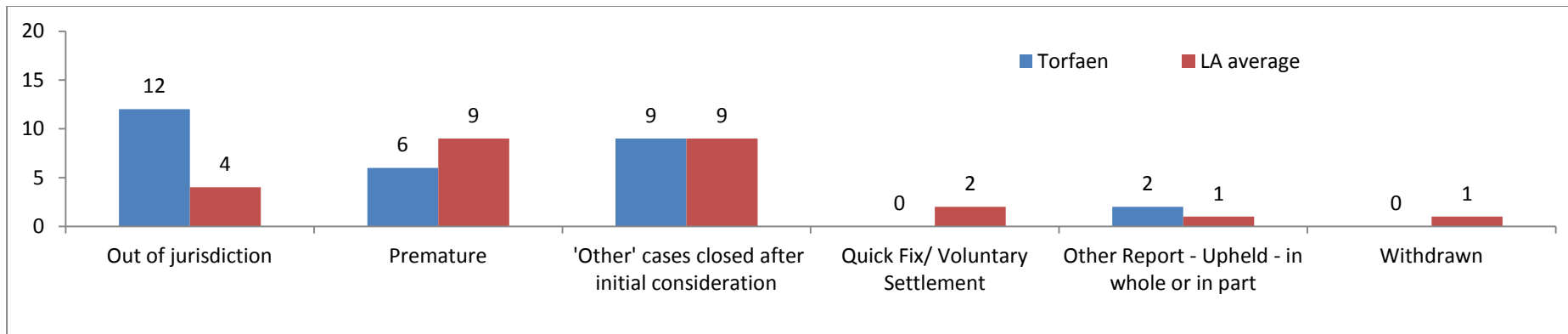
	2013/14	2012/13
Number of complaints taken into investigation	0	4

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

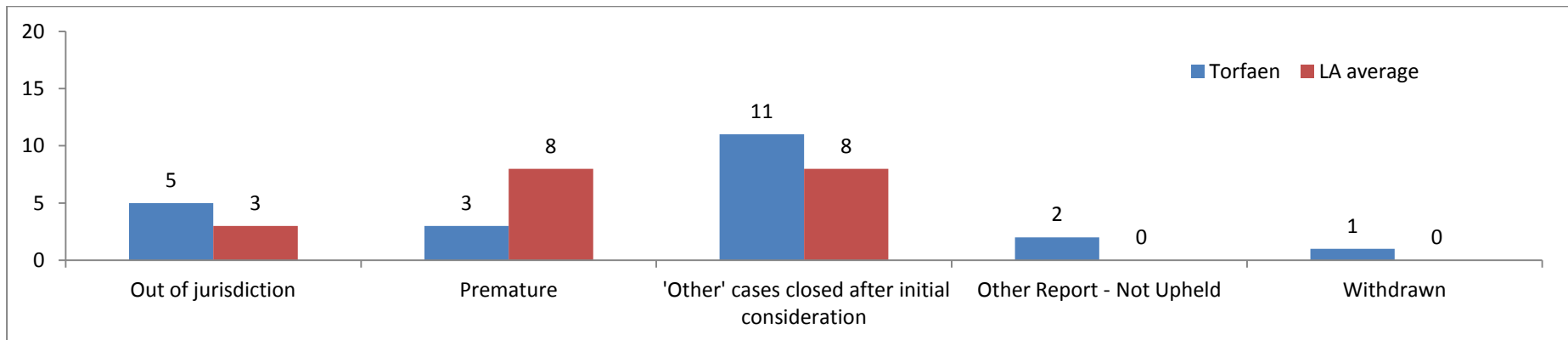


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

2013/14

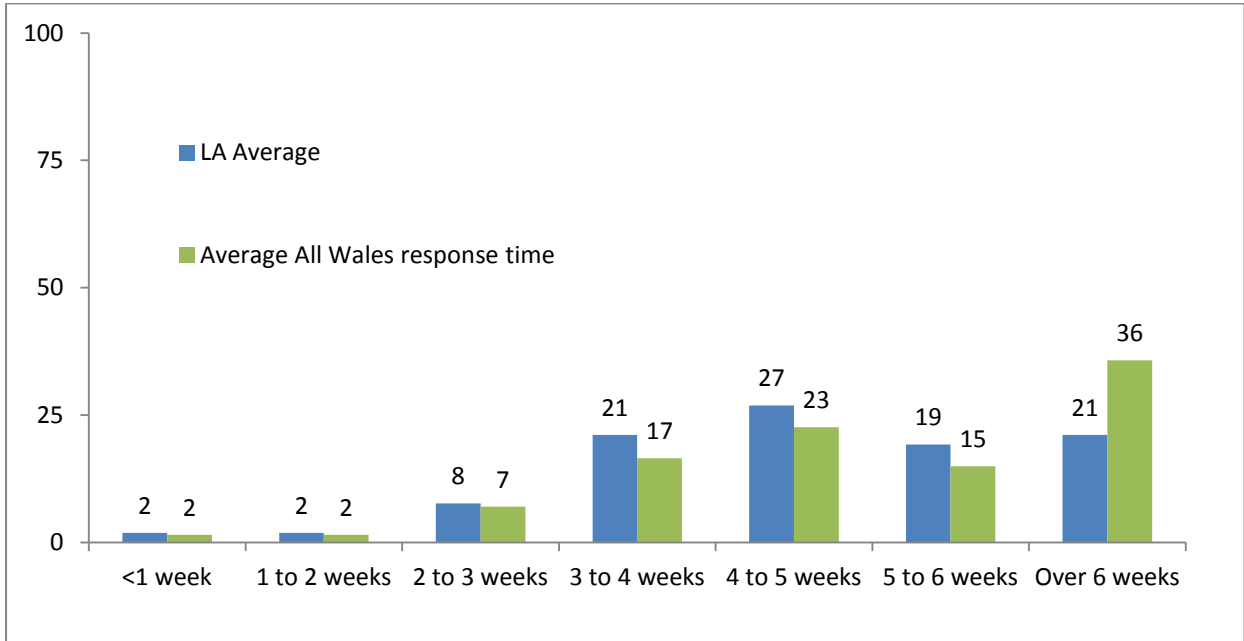


2012/13

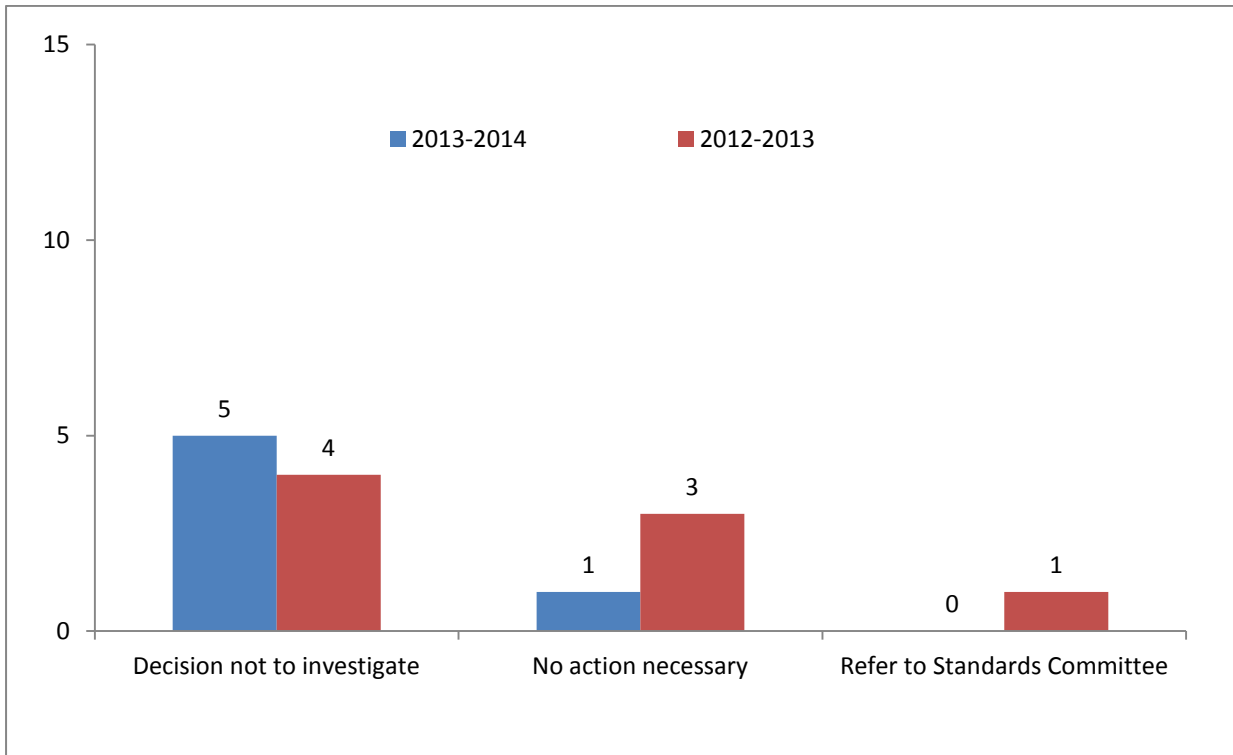


G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)

Graph G relates to those investigations which were commenced during 2013/14. As there were no investigations commenced against Torfaen, there are no response times for Torfaen. 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

Housing

Upheld

June 2013 – Group or block repair/improvement grants – Torfaen County Borough Council

Mr J complained about the quality of building work carried out by the Council under a grant scheme. He said that workmanship was poor, damage had been caused to his property, his house keys had been lost and that he had not been able to move back into his home.

The Ombudsman found that some (but not all) of the workmanship was substandard and that Mr J had been denied the proper use of his home for longer than was necessary. The Ombudsman recommended that the Council should pay Mr J a sum equal to the cost of rectifying the work, together with further financial redress in respect of the time he spent away from his home and in pursuing his complaint. The Ombudsman was content that the Council had already, before his investigation, taken appropriate action to improve policies and procedures to prevent a recurrence of the problems Mr J experienced.

Case reference 201201055

Planning and Building Control

Upheld

July 2013 – Other planning matters – Torfaen County Borough Council

Mr A's complaint concerned the Council's failure to provide evidence to substantiate its claim that the wall at his property was dangerous. Mr A also complained about the Council's inadequate complaint handling.

The Ombudsman's investigation found inadequacies in the Council's administrative practices, which extended to poor record-keeping and a failure to document the rationale for its decision. The Ombudsman also found that the Council had failed to evidence what was required to make the wall safe. As a result of these administrative shortcomings, the Ombudsman concluded that Mr A had been caused injustice and, to that extent, upheld Mr A's complaint.

The Ombudsman concluded that there were shortcomings in the Council's investigation process which compromised its ability to consider what further lessons might be learnt from Mr A's case. The Ombudsman concluded that the failings identified amounted to maladministration and upheld Mr A's complaint. The Ombudsman made a number of recommendations, including:

- an apology should be issued to Mr A by the Council's Chief Executive for the failings and shortcomings identified during the investigation;
- a redress payment of £300 should be made to Mr A in recognition of the time and trouble caused to Mr A in pursuing his complaint;
- the Council should (through a Senior Officer) remind officers in the Building Controls Team of the importance of recording information and applying robust technical assessment procedures and provide evidence to the Ombudsman that this has been done;
- within six months of the report being finalised, the Council should complete a review and audit of its paper filing system, processes and record keeping to ensure that any poor practice (such as identified above) is rectified, and to reassure itself of the quality of its administration and technical assessment systems; written guidance should also be produced on good file administration and technical assessment practice and disseminated to all staff; and,
- within six months of the report being finalised, the Council should provide the Ombudsman with evidence that the review has been undertaken, and provide the Ombudsman with copies of the guidance produced.

Case reference 201201690