

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



[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 2014/15**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Torfaen County Borough Council.

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, there has been a slight increase in the number of complaints received, from 26 in 2013/14 to 28 in 2014/15, which is also now above the average. My office did not investigate any complaints against your Local Authority in 2014/15 and, as such, there are also no recorded response times. My office settled four complaints as Quick Fixes or Voluntary Settlements and did not issue any reports.

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, Torfaen County Borough Council

## **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.

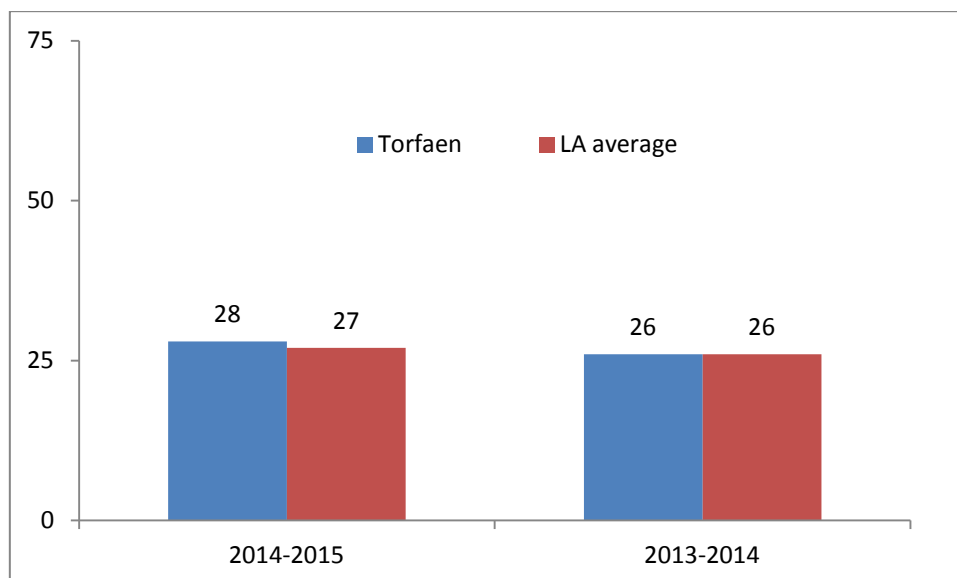
### **Housing Stock**

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**

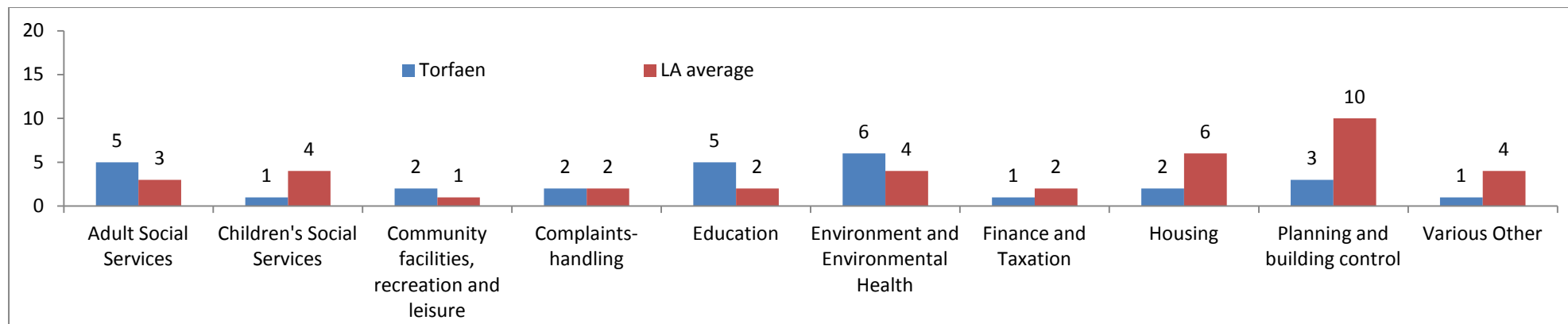


**B: Complaints received by my office**

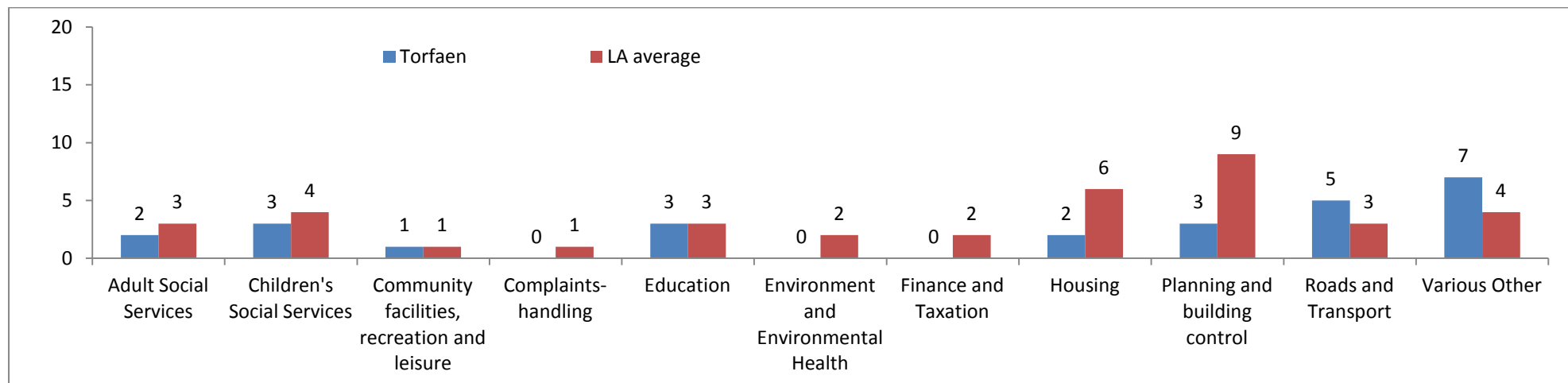
Subject	2014/15	2013/14
Adult Social Services	5	2
Benefits Administration		0
Children's Social Services	1	3
Community facilities, recreation and leisure	2	1
Complaints-handling	2	0
Education	5	3
Environment and Environmental Health	6	0
Finance and Taxation	1	0
Health	0	0
Housing	2	2
Planning and building control	3	3
Roads and Transport	0	5
Various Other	1	7
<b>Total</b>	<b>28</b>	<b>26</b>

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

**2014/15**



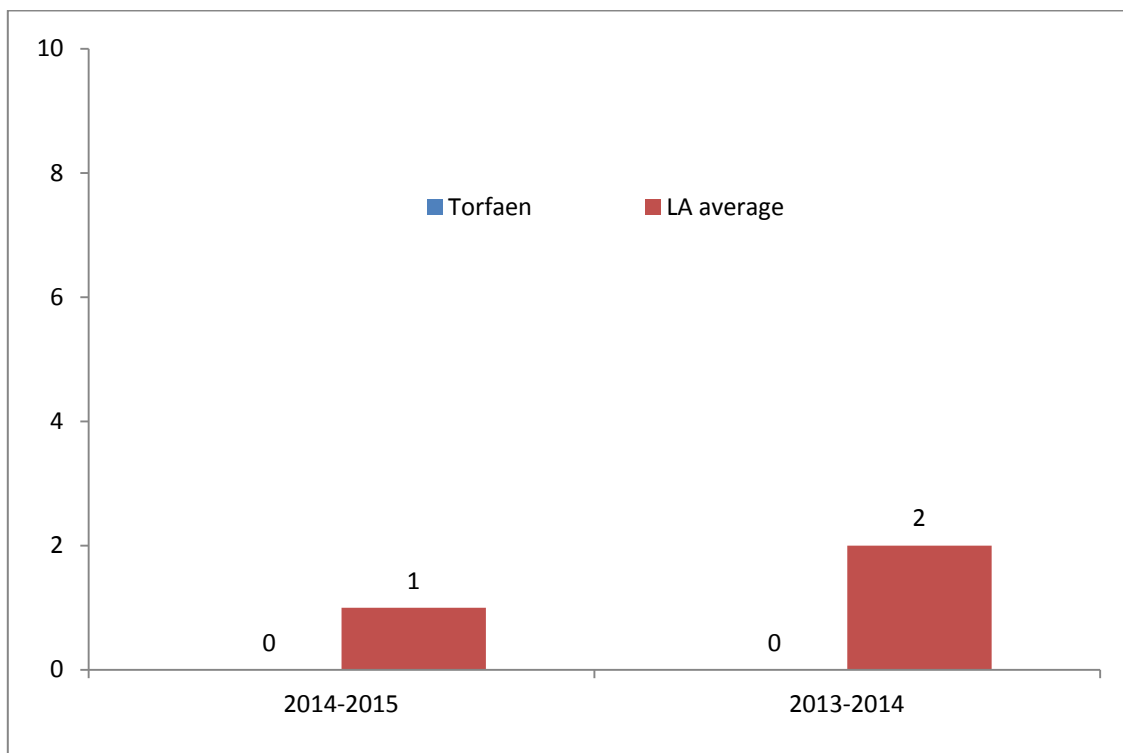
**2013/14**



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

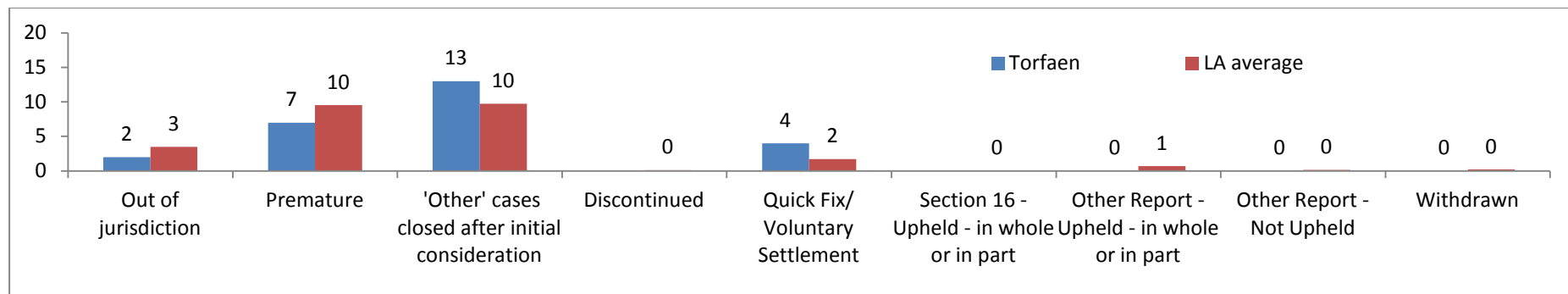
	2014/15	2013/14
Number of complaints taken into investigation	0	0

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

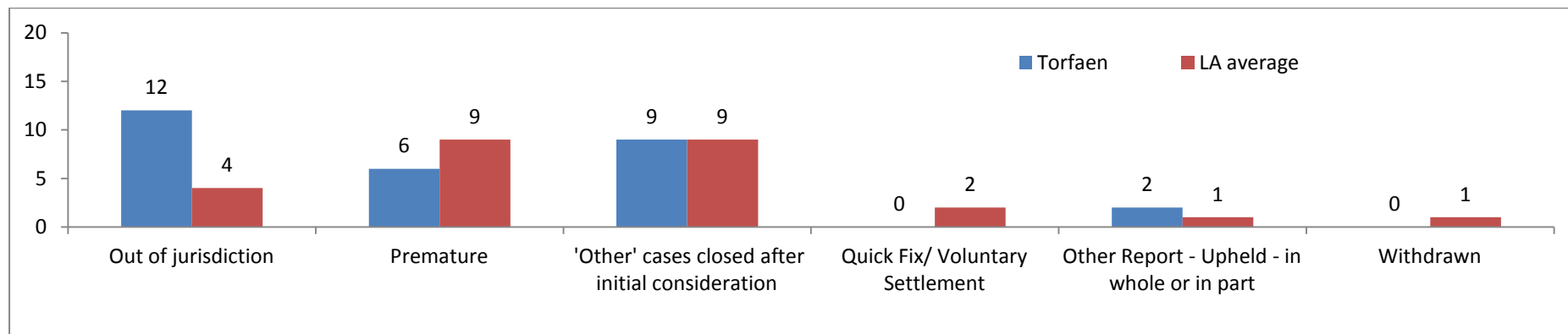


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

**2014/15**

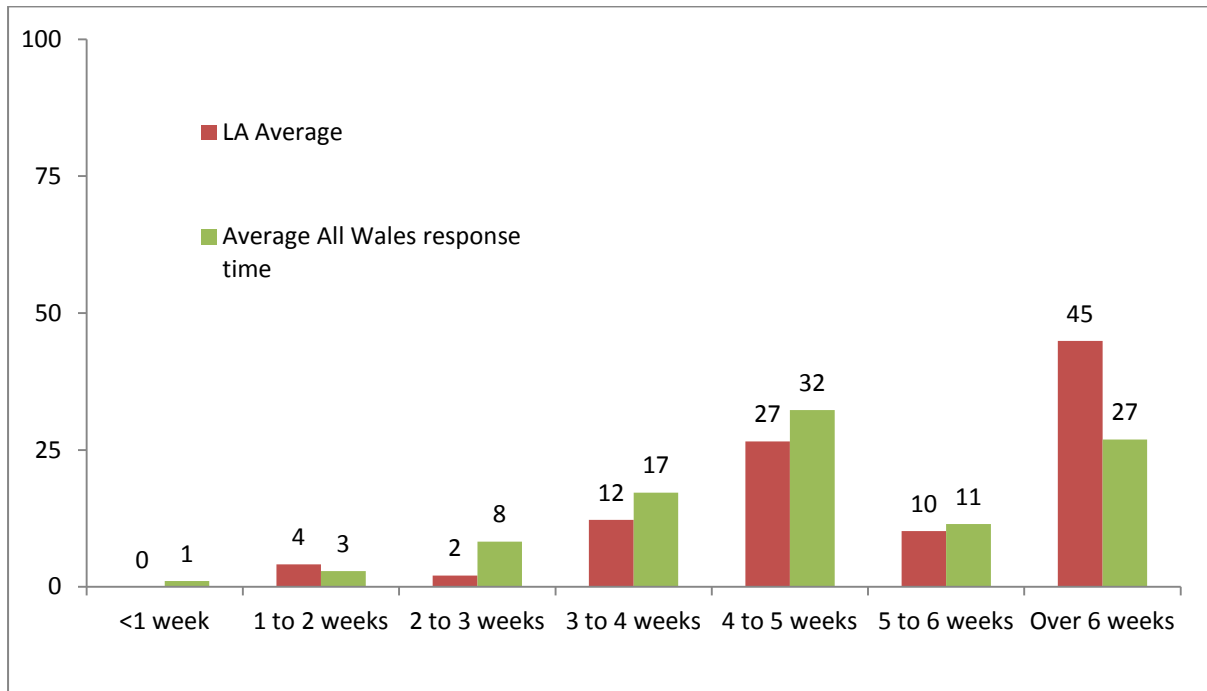


**2013/14**

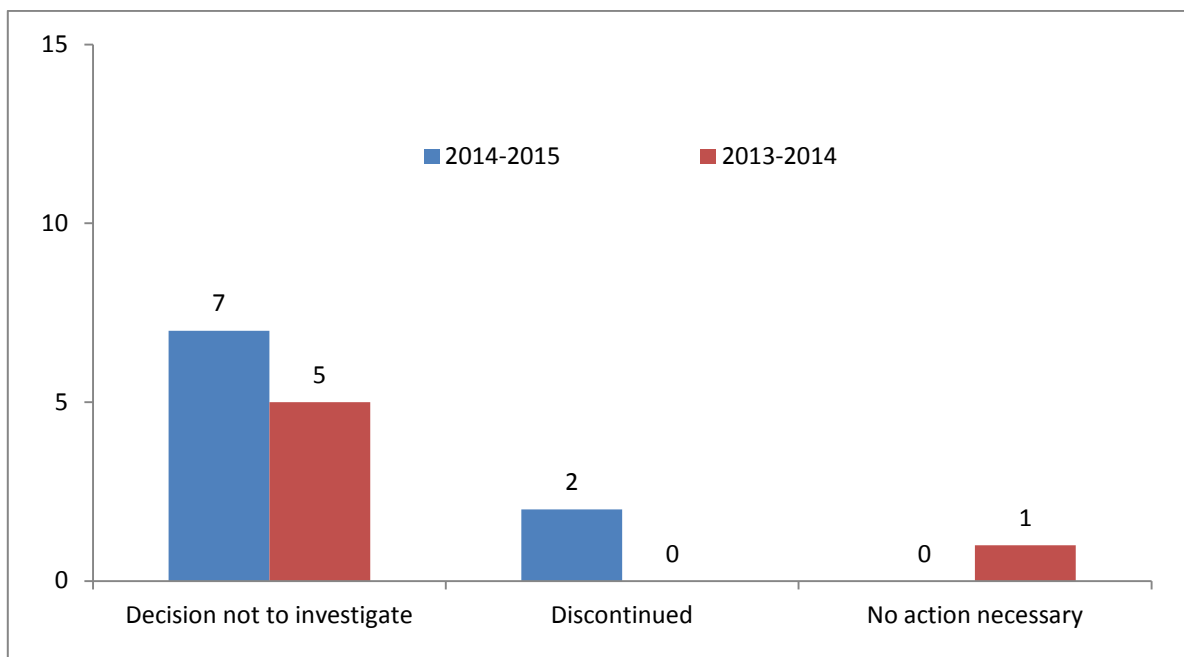


**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)**

Graph G relates to those investigations which were commenced during 2014/15. As there were no investigations commenced against 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**

### **Environment & Environmental Health**

#### **Quick fixes and Voluntary settlements**

##### **Torfaen County Borough Council – Cleansing/public conveniences/streets Case reference 201402808 – August 2014**

Mr D's complaint was in relation to litter in the lane near his property. Mr D said that he had contacted the Council in relation to the litter; however no action had been taken. Following contact from the Ombudsman's office, the Council organised for a team to attend the site in question to undertake a one-off cleanse of the area.

## **Social Services - Adult**

### **Quick fixes and Voluntary settlements**

#### **Torfaen County Borough Council – Other**

##### **Case reference 201409296 & 201409297 – March 2015**

Miss A and Mr A complained that Council employees had obtained unlawful access to her medical records held by the Local Health Board.

Whilst the subject of Miss A and Mr A's complaints related to matters for the Information Commissioner to look into, the Ombudsman considered that the Council's complaint response did not fully address that concerns that Mr A had raised.

The Council agreed to make further enquiries with the Local Health Board and it confirmed that Council employees had accessed Miss A and Mr A's electronic patient records and that this access was appropriate in relation to their work with the Health Board team's when providing care and well being support to service users.