

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Robert Thomas
Managing Director
The Vale of Glamorgan Council
Civic Centre
Holton Road
Barry
CF63 4RU

Dear Mr Thomas

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 Vale of Glamorgan 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 an increase in the number of complaints received in 2014/15, compared to 2013/14, although this figures remains below the average. The largest number of complaints related to 'Planning and Building Control', followed by 'Housing'. 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 Vale of Glamorgan 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.

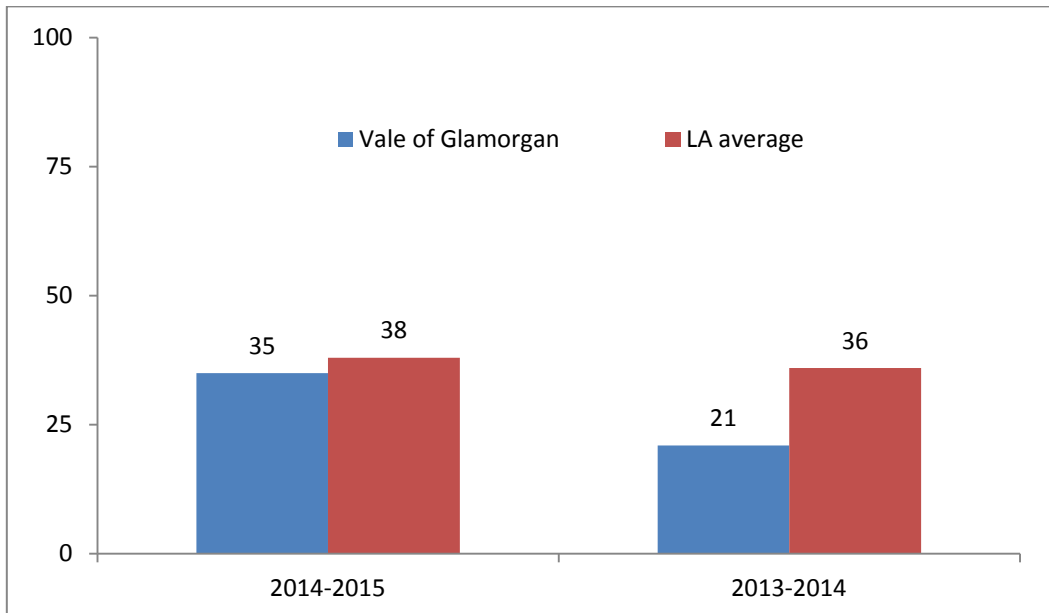
Housing Stock

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.

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

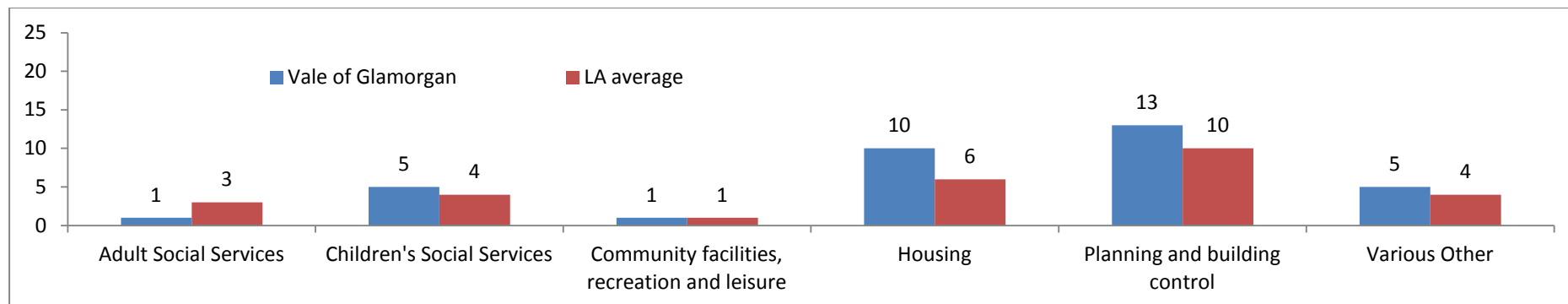


B: Complaints received by my office

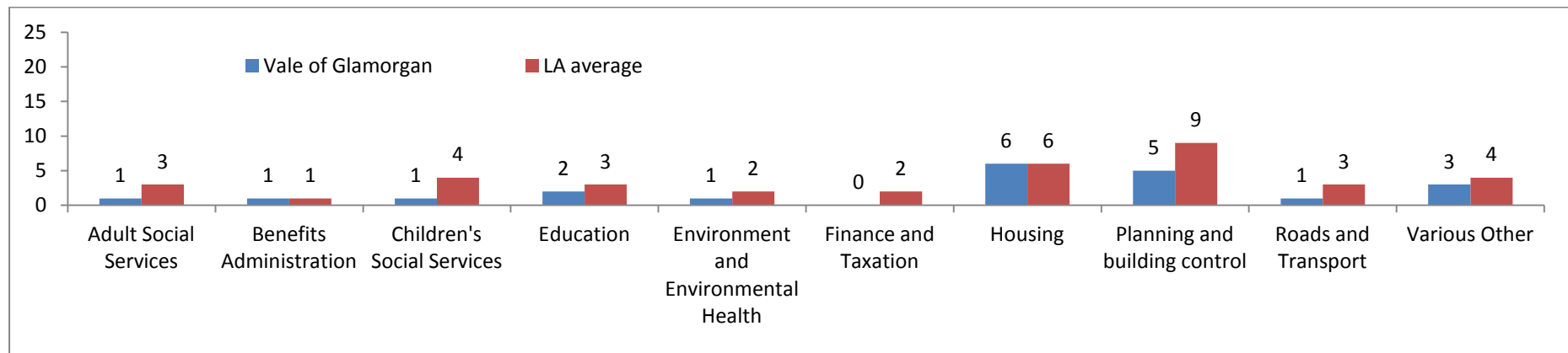
Subject	2014/15	2013/14
Adult Social Services	1	1
Benefits Administration	0	1
Children's Social Services	5	1
Community facilities, recreation and leisure	1	0
Education	0	2
Environment and Environmental Health	0	1
Finance and Taxation	0	0
Housing	10	6
Planning and building control	13	5
Roads and Transport	0	1
Various Other	5	3
Total	35	21

C: Comparison of complaints by subject category with LA average

2014/15



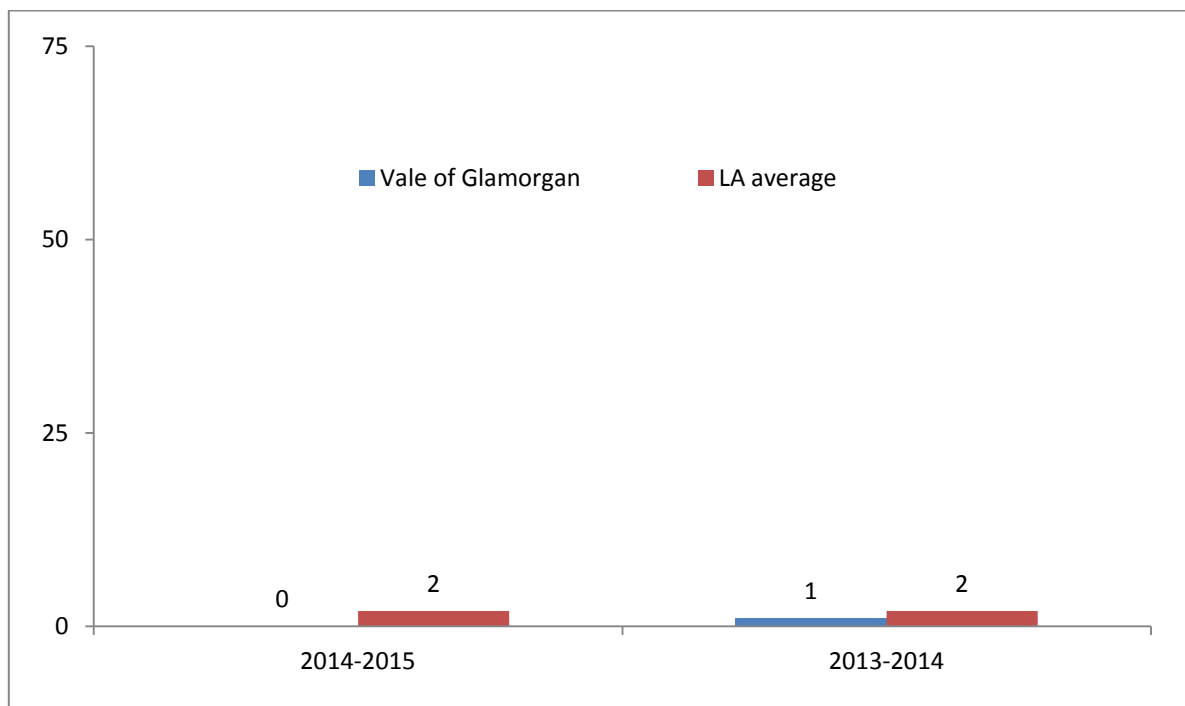
2013/14



D: Complaints taken into investigation by my office

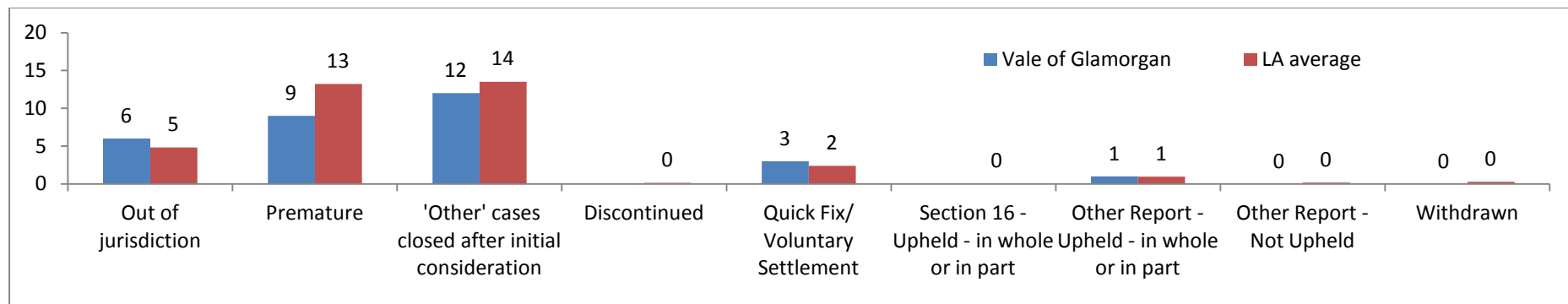
	2014/15	2013/14
Number of complaints taken into investigation	0	1

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

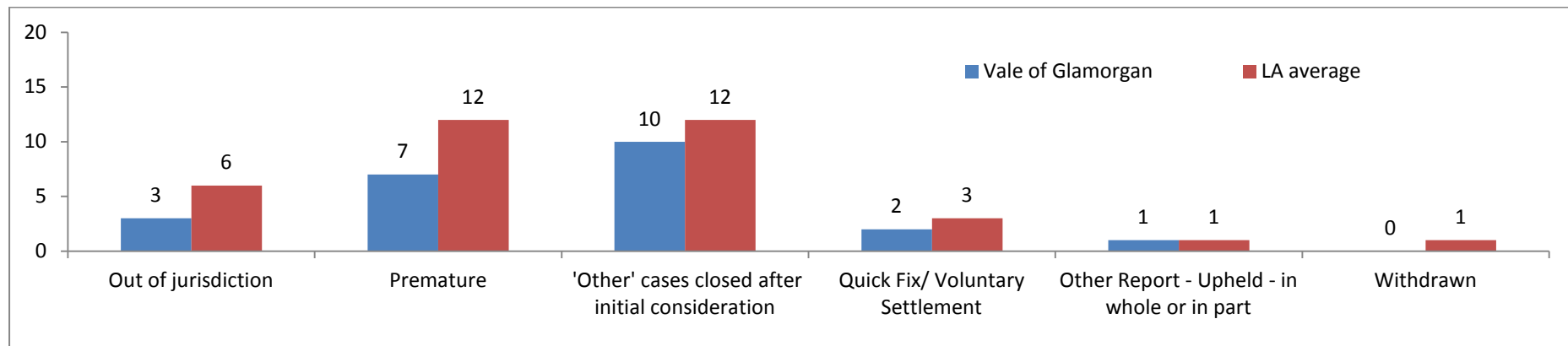


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

2014/15

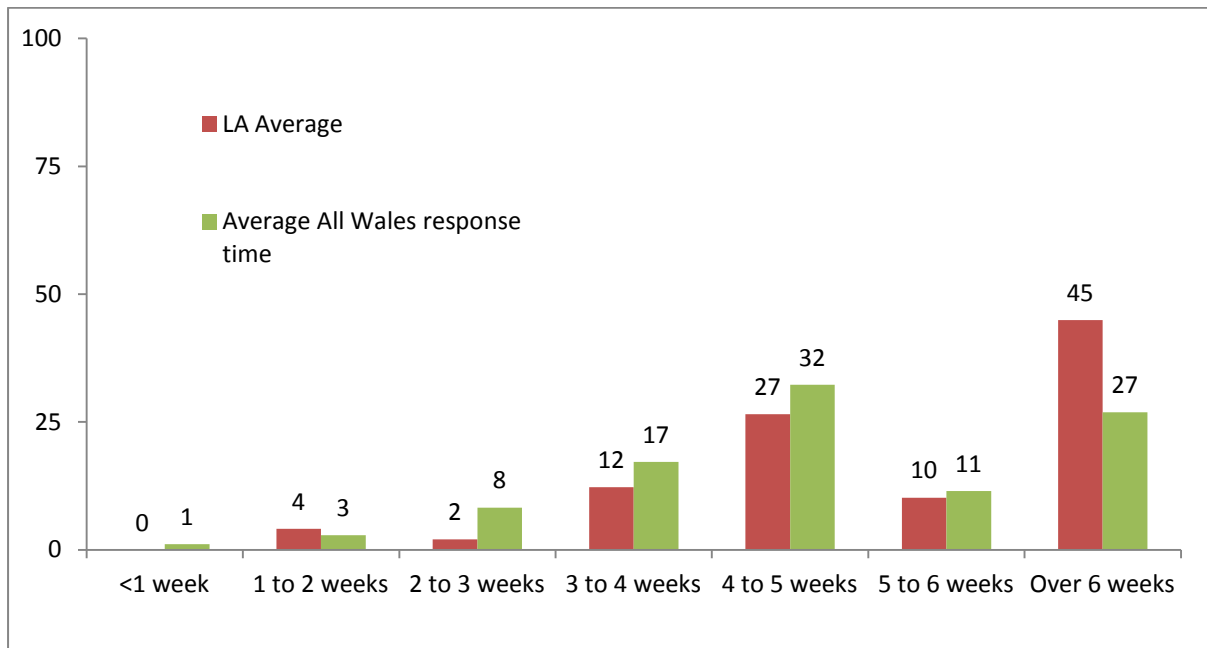


2013/14

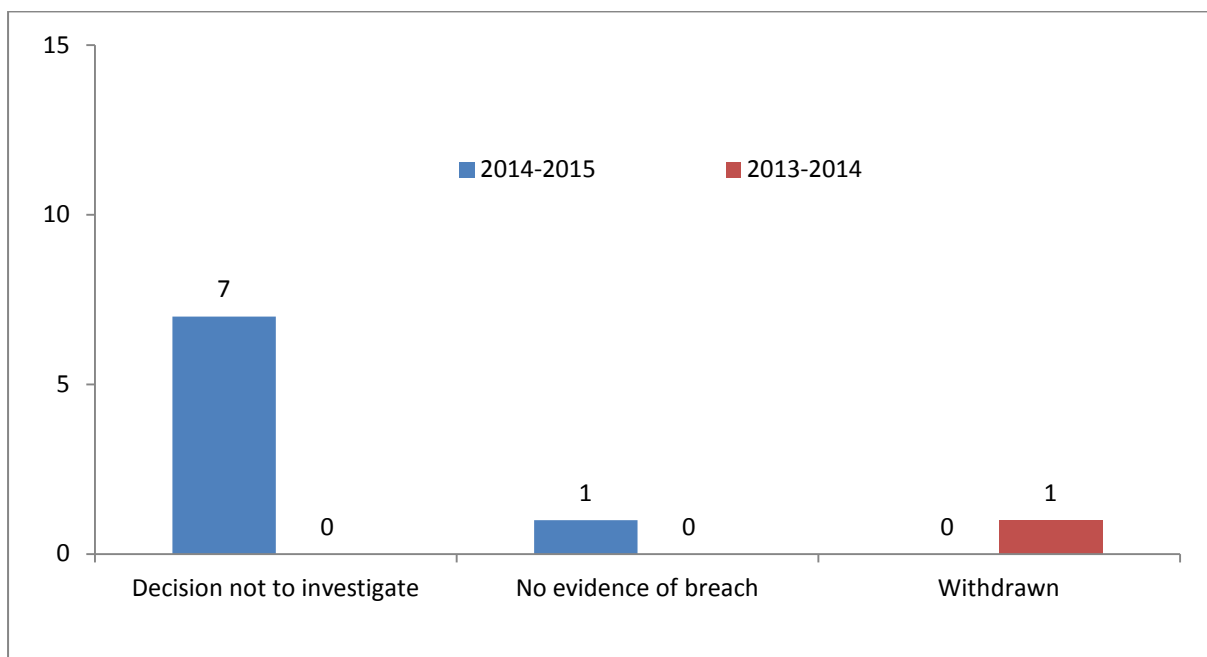


G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)

Graph G relates to those investigations which were commenced during 2014/15. As there were no investigations commenced against The Vale of Glamorgan, there are no response times for The Vale of Glamorgan. 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

Other reports – Upheld

The Vale of Glamorgan Council – Exclusions

Case reference 201304017 – Report issued October 2014

Ms A complained about the failure of the Council, as Local Education Authority, to provide education for her son (B) following his short exclusion from his secondary school.

The actions of the school in excluding B were outside the Ombudsman's jurisdiction. However, the Ombudsman found that the Council had a duty to provide education, whether the exclusion was lawful or not, and that it had failed in this duty; the Council had allowed the situation with the school to "drift" so that B neither returned to school, nor was referred promptly to the Alternative Learning Support Programme.

The Council should have made more effort to ensure that B received a suitable education, and the Ombudsman therefore upheld the complaint. He also found that the Council's internal investigation of Ms A's complaint had identified failings but, nevertheless, it did not uphold her complaint. The Ombudsman found this puzzling.

The Ombudsman recommended that the Council:

- apologise to Ms A for the failings identified;
- pay her the sum of £250 to reflect her time and trouble in pursuing the complaint;
- provide further evidence of the implementation of the recommendations of its internal investigation;
- remind officers of the importance of record keeping;
- work with B to identify and provide him with learning opportunities to make up the education lost.

Housing

Quick fixes and voluntary Settlements

The Vale of Glamorgan – Estate Management

Case reference 201404651 – December 2014

Mr G was unhappy that a boundary wall on his property was removed by the Council. When he complained about this, the Council acknowledged its error, and agreed to install a new fence along the relevant boundary; however delays were caused by Mr G's neighbour, who restricted access to her property.

The Council agreed to commence the installation of the fence as a priority and take appropriate action against Mr G's neighbour if she made further attempts to restrict the works

The Vale of Glamorgan Council – Repairs and Maintenance

Case reference 201402962 – October 2014

Ms Y (Mr V complained on her behalf) complained that the Council had failed to communicate effectively with her in relation the condition of her washing machine, which was damaged as a result of a leak caused by contractors during a kitchen refurbishment at her home. She further complained that damage was caused to laminate flooring in the hallway of the property as there was no adequate cover put down over it. Additionally, she stated that it took the Council eight months to finally complete a 'snagging' list.

The investigation found that the Council had failed to keep adequate notes of visits made to the property when matters were brought to its attention by the complainant. Communication between the Council, contractors and the complainant had been poor with regards to the condition of the washing machine, which had left Ms Y without this facility for 19 weeks.

The Ombudsman recommended that the Council should:

- a) pay £190 (£10 per week) for the inconvenience caused as a result of Ms Y being unable to use her washing machine. This was due to poor communication by the Council and contractors as to the condition of the machine;
- b) pay £400 as a redress payment for the replacement of the laminate flooring damaged in the hallway of Ms Y's home and the delay in putting right a number of other defects caused during the refurbishment;
- c) pay £250 as a goodwill gesture for the time and trouble taken to pursue the complaint; and,
- d) finally, the Council should write to Ms Y within 20 working days of the date of this report to arrange settlement.

The Vale of Glamorgan Council – Repairs and maintenance

Case reference 201306872 – April 2014

Mr F complained that the Council had failed to carry out works at his home to repair rising damp. He also complained that his letters of concern to the Council were not answered. Following contact from the Ombudsman's office, the Council accepted

that it had failed to provide a good service to Mr F and had taken steps to resolve the complaint. The Council confirmed that works to resolve the damp problems had subsequently been completed and that the affected areas were due to be redecorated as soon as the plastering works have dried out.

The Council also confirmed that it would provide Mr F with an apology for its failings and would meet with him to discuss his concerns with the failings and whether he was happy with the actions it had agreed to take. The Council also stated that an internal investigation had commenced to establish why repairs were not carried out following home visits.