

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: July 2013



James.Merrifield@ombudsman-wales.org.uk

Mr Harry Thomas
Prif Weithredwr
Cyngor Gwynedd
Council Offices
Shirehall St
Caernarfon
Gwynedd
LL55 1SH

Dear Mr Thomas

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 Cyngor Gwynedd.

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, I note a decrease in the number of complaints received and taken into investigation, compared with 2011/12. As with the previous year, the majority of complaints related to 'Planning and Building Control', whilst the majority of complaint outcomes were again classed as 'premature'. However, there has been a noticeable increase in the number of 'upheld' reports issued by my office and it is disappointing to note that the responses received from the Council took more than six 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 distribution¹) 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

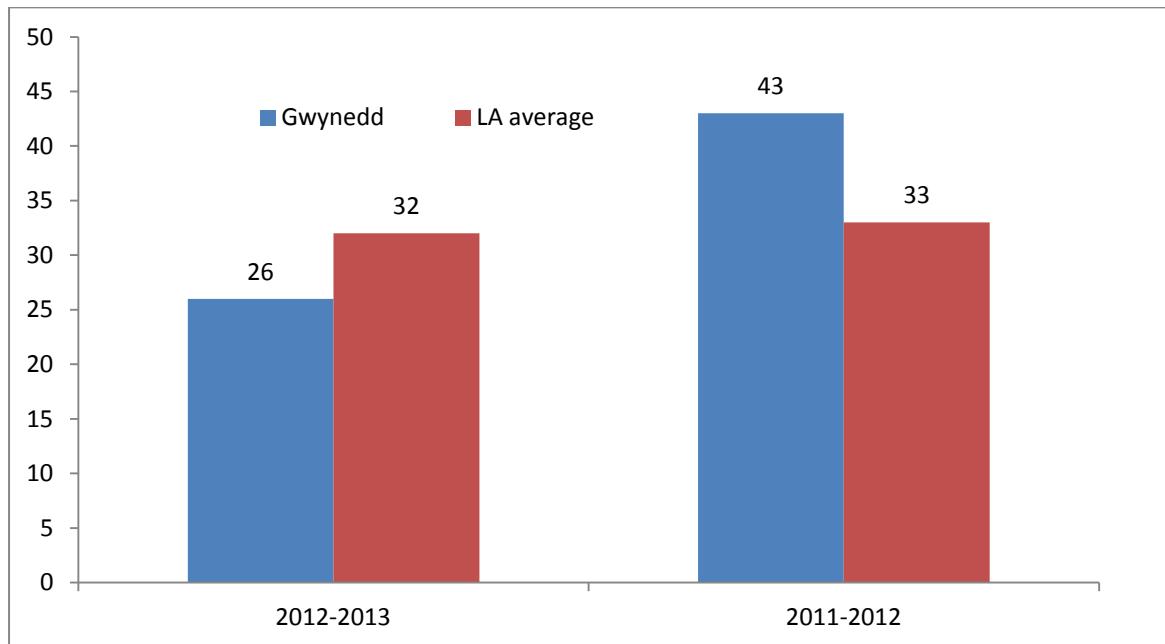
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

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.

¹ <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

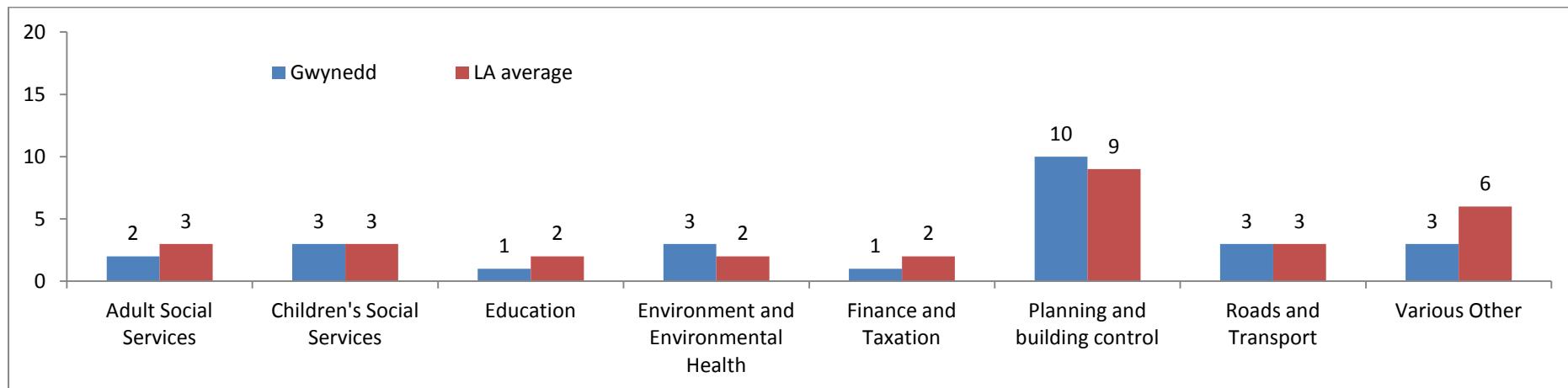


B: Complaints received by my office

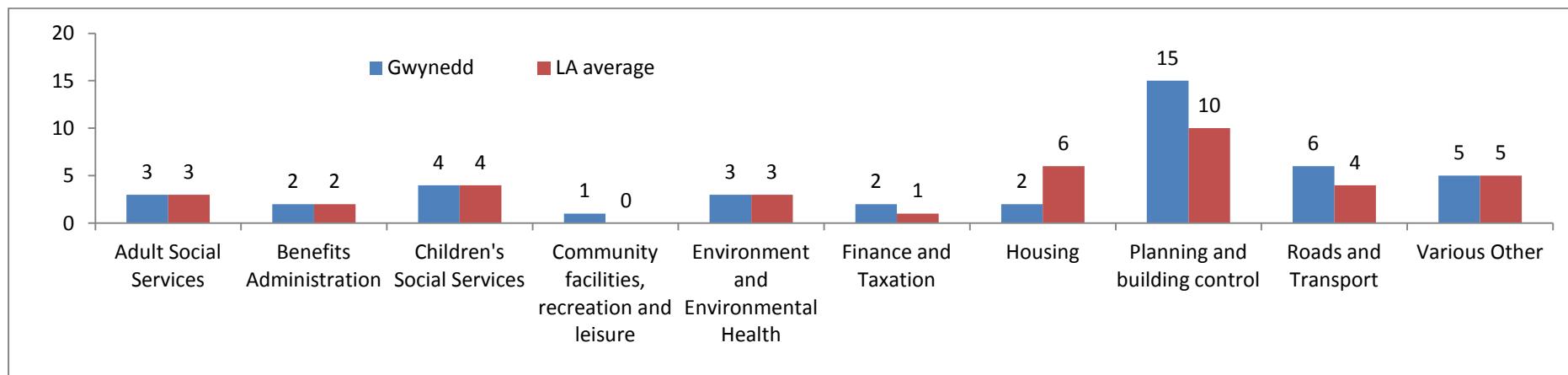
Subject	2012-2013	2011-2012
Adult Social Services	2	3
Benefits Administration	0	2
Children's Social Services	3	4
Community Facilities, recreation and leisure	0	1
Education	1	0
Environment and Environmental Health	3	3
Finance and Taxation	1	2
Housing	0	2
Planning and building control	10	15
Roads and Transport	3	6
Various Other	3	5
Total	26	43

C: Comparison of complaints by subject category with LA average

2012-2013



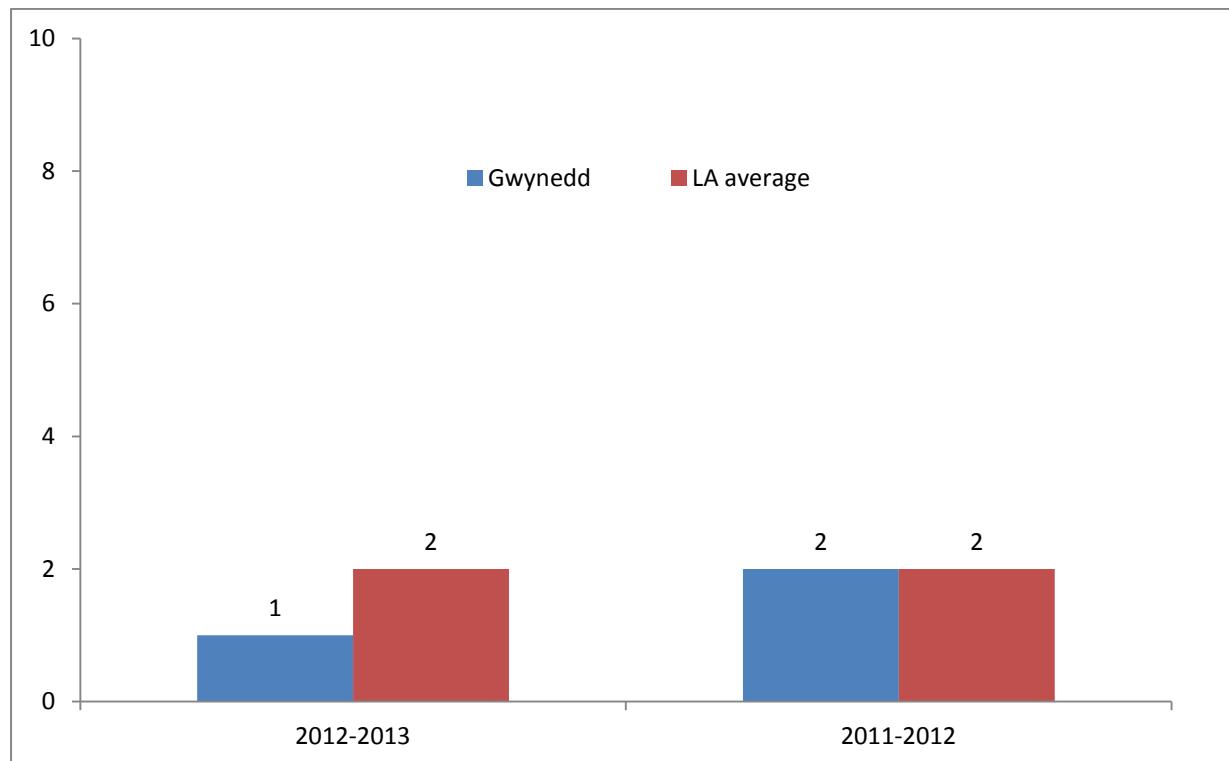
2011-2012



D: Complaints taken into investigation by my office

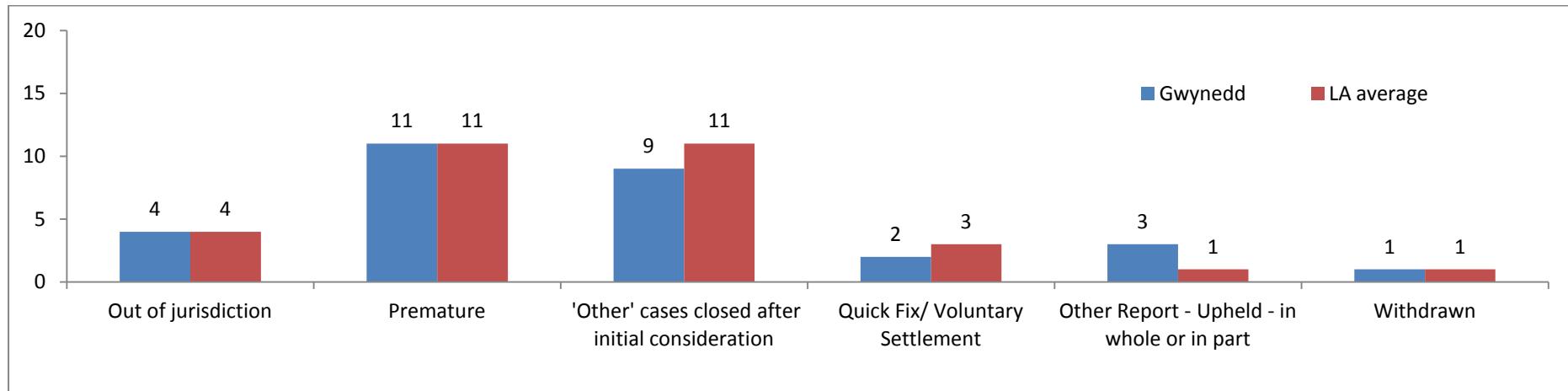
	2012-2013	2011-2012
Number of complaints taken into investigation	1	2

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

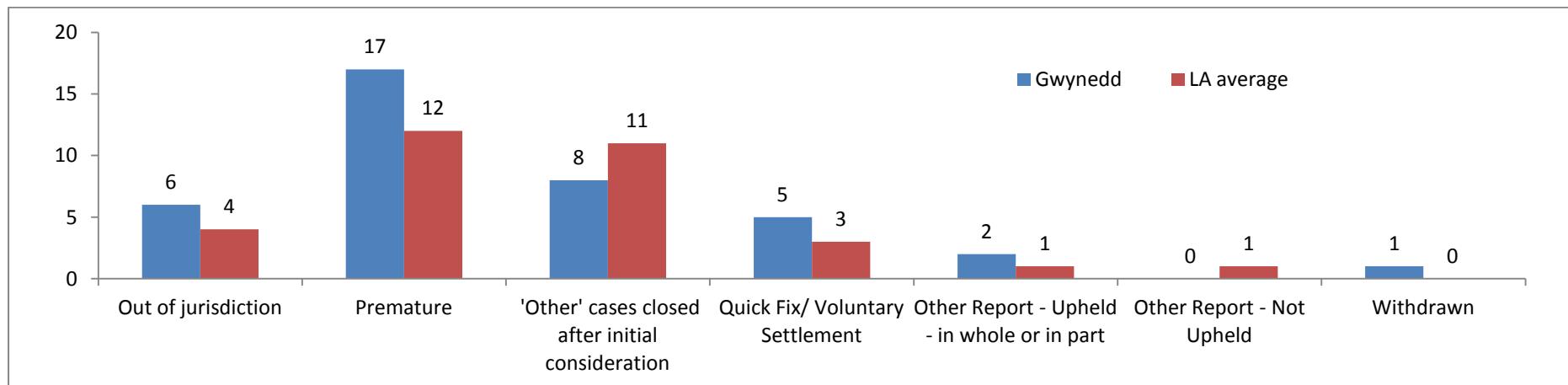


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

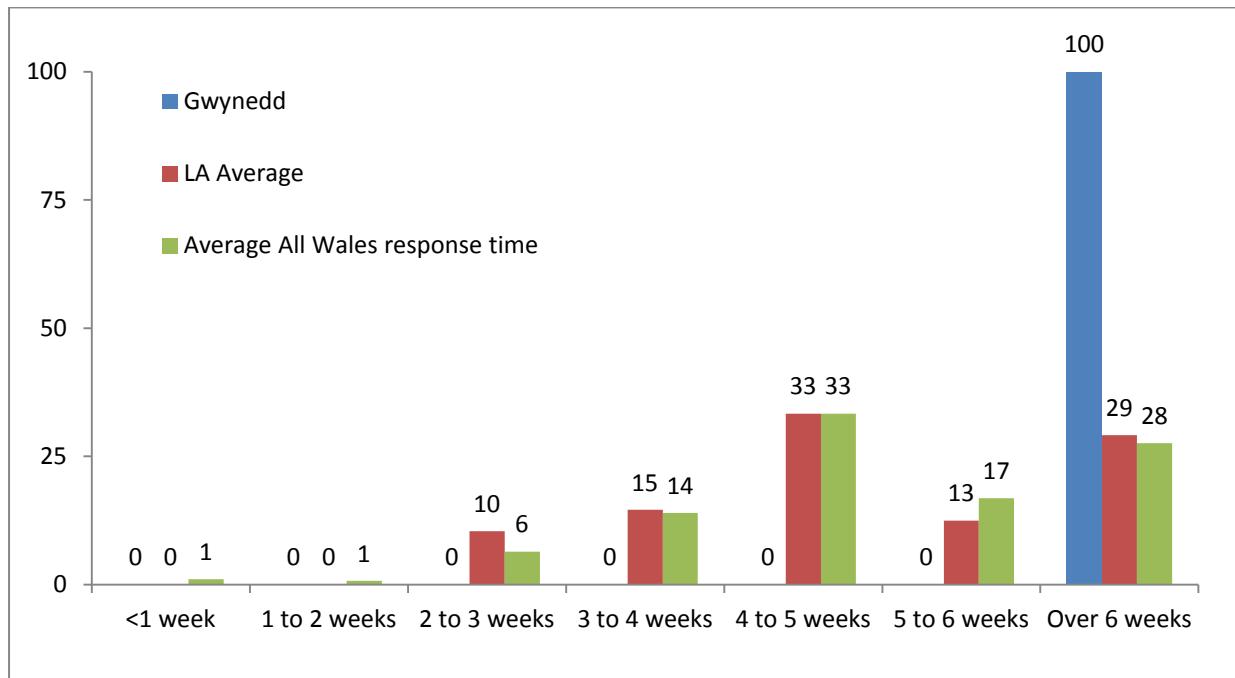
2012-2013



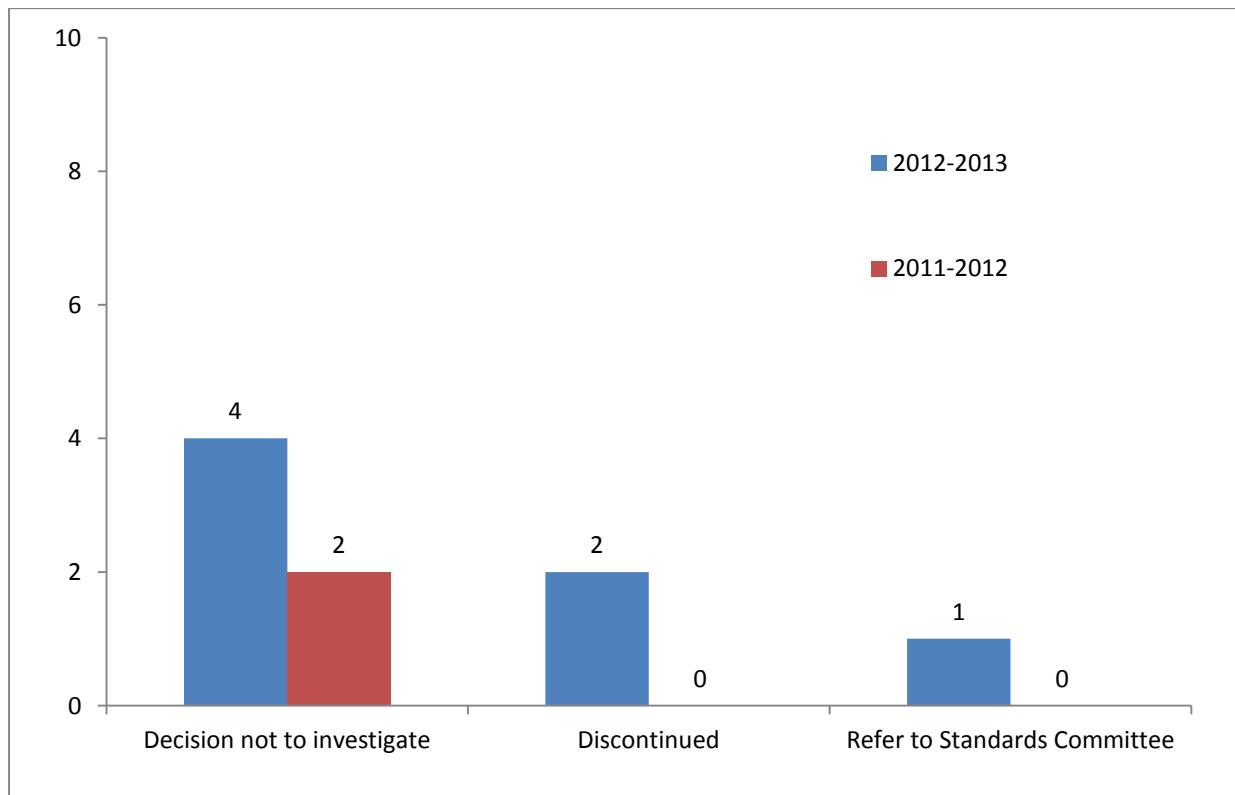
2011-2012



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

Environment and Environmental Health

Quick fixes & voluntary settlements

January 2013 – Refuse collection, recycling and waste disposal – Gwynedd Council

Ms G complained that the Council had failed to arrange for a representative to visit her to discuss issues with her refuse collection, as it had promised in its complaint response to her dated 19 July 2012. My office contacted the Council, which visited the complainant and subsequently spoke with its workforce to give instructions about refuse collections at Ms G's property.

Case reference 201203547

Social Services – Adult

Upheld

April 2012 – Services for people with a disability – Gwynedd Council

Ms J, a disabled homeowner suffering from Multiple Sclerosis (MS), complained that the Council had unreasonably delayed in dealing with her application for a Disabled Facilities Grant (DFG), and had not accurately assessed her needs. She further complained that the delay in fitting the Closomat (a particular toilet for disabled people) meant she had to use a commode for months, and then her ability to use the Closomat at all was affected. Additionally, some items of work within the DFG had been wrongly changed without telling her. Finally, Ms J complained that the Council had failed to consider her visual impairment, by refusing her request to provide documents by e-mail in a Word format (so enabling her to re-size them to read) instead of a hard copy or PDF format.

The investigation found that whilst there had been assessments of Ms J, there had been a delay in completing the DFG application. The process had been muddled, and unreasonably lengthy. Evidence suggested that this resulted from a combination of factors, including: the Council, and the relevant Agency involved in the DFG process, not fully appreciating Ms J's fluctuating condition; the need for speedy interim measures because of her condition; the absence of specific guidance about complex conditions in Welsh DFG guidance (included in the equivalent English DFG guidance); a delay by the Agency itself; and the need for better communication with Ms J throughout the process. The Ombudsman found the communication failing on the part of the Council extended to unreasonably denying Ms J Word format documents on request. Ms J's complaints were, for the most part, upheld.

Recommendations made included: a written apology to Ms J, with an undertaking to deal with her new DFG application expeditiously; a time and trouble payment of £750; a review of all DFG cases where the applicant suffers from a degenerative condition to ensure there were no comparable issues; a reminder to staff about the content of the English guidance on complex conditions; and that relevant staff should undergo training (from a suitable organisation) about MS, and carrying out adaptation works for that client group. The Council agreed to implement all the Ombudsman's recommendations.

Case reference 201100240

Social Services - Children

Upheld

January 2013 – Other – Gwynedd Council

Mr W complained about the manner in which the Council had dealt with concerns he had raised with it. These concerns related to allegations of harassment and intimidation that a social worker, who was employed by the Council, had made about him to the police. Mr W was not charged by the police in relation to the alleged offences and complained to the Council that the allegations, which arose as a result of the social worker's official duties, were unfounded and inaccurate.

It was found that, while Mr W complained formally to the Council in April 2011, there was no formal response to his complaint. There was also no investigation into the concerns he raised about the allegations made against him. The complaint was upheld and it was recommended that the Council apologise to Mr W and provide him redress of £200. A number of recommendations were made, including a requirement for the Council to review and change its procedures.

Case reference 201101704