

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)

Mr Gareth Chapman  
Chief Executive  
Merthyr Tydfil County Borough Council  
Civic Centre  
Castle Street  
Merthyr Tydfil  
CF47 8AN

Dear Mr Chapman

### **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 Merthyr Tydfil 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, the number of complaints received in 2014/15 remains above the average, whilst the largest single number of complaints related to Adult Social Services which was more than double the average. My office investigated two complaints in 2014/15 and issued one 'upheld' report. It is disappointing to note that the response to requests for information from my office took more than six weeks.

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, Merthyr Tydfil 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.

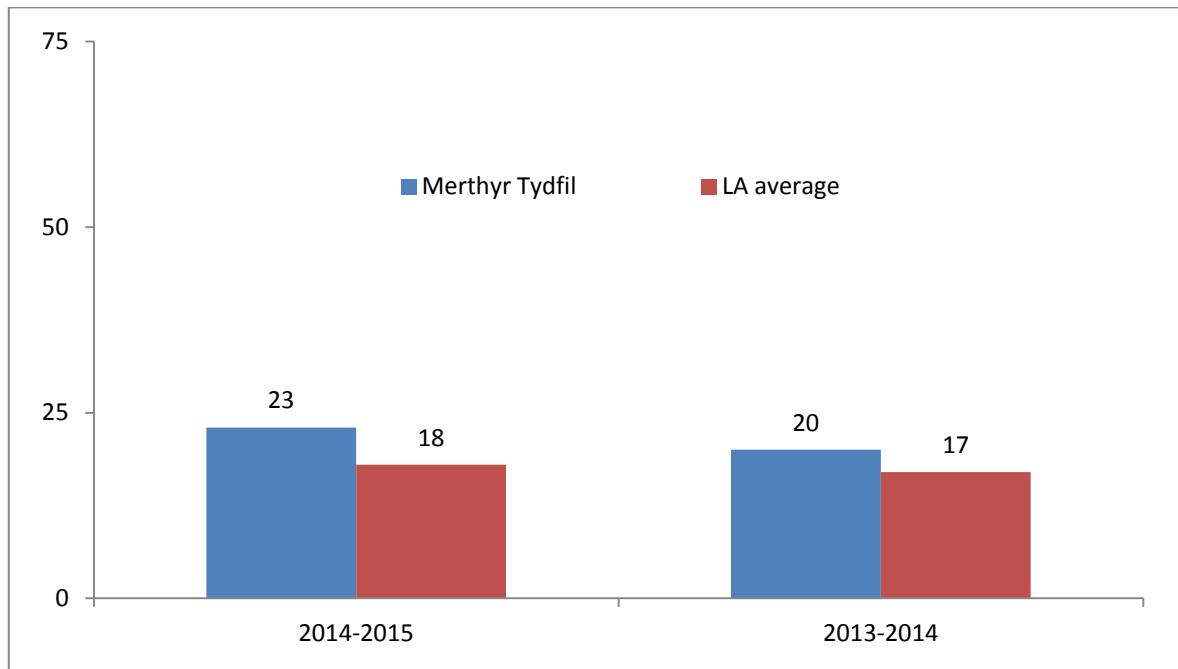
### **Housing Stock**

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**

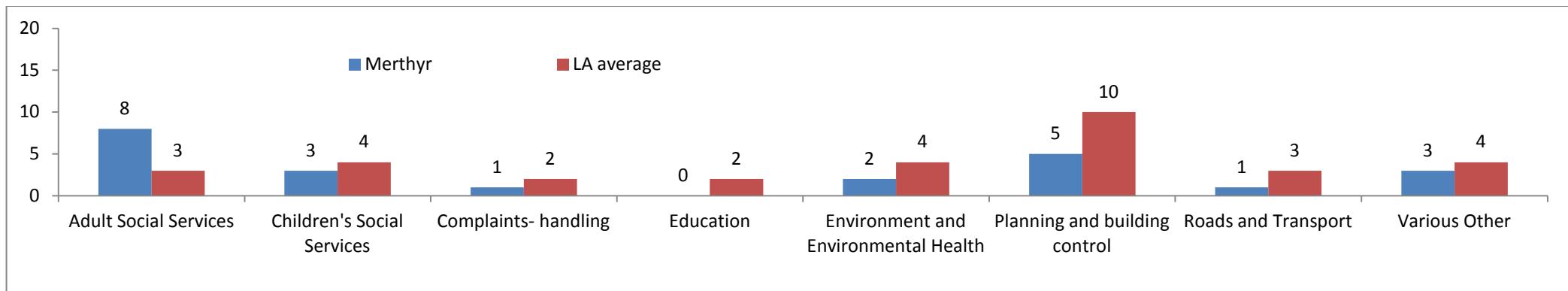


**B: Complaints received by my office**

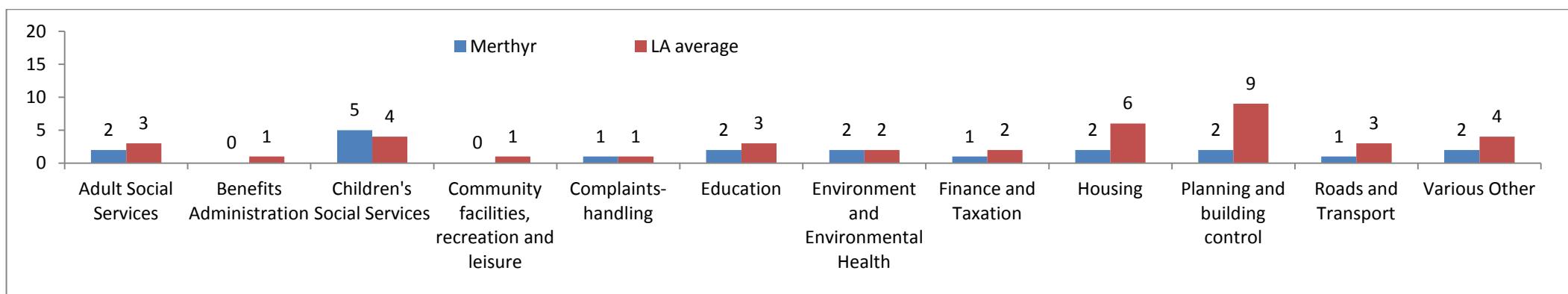
Subject	2014/15	2013/14
Adult Social Services	8	2
Children's Social Services	3	5
Complaint-handling	1	1
Education	0	2
Environment & Environmental Health	2	2
Finance and Taxation	0	1
Housing	0	2
Planning and building control	5	2
Roads and Transport	1	1
Various Other	3	2
<b>Total</b>	<b>23</b>	<b>20</b>

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

2014/15



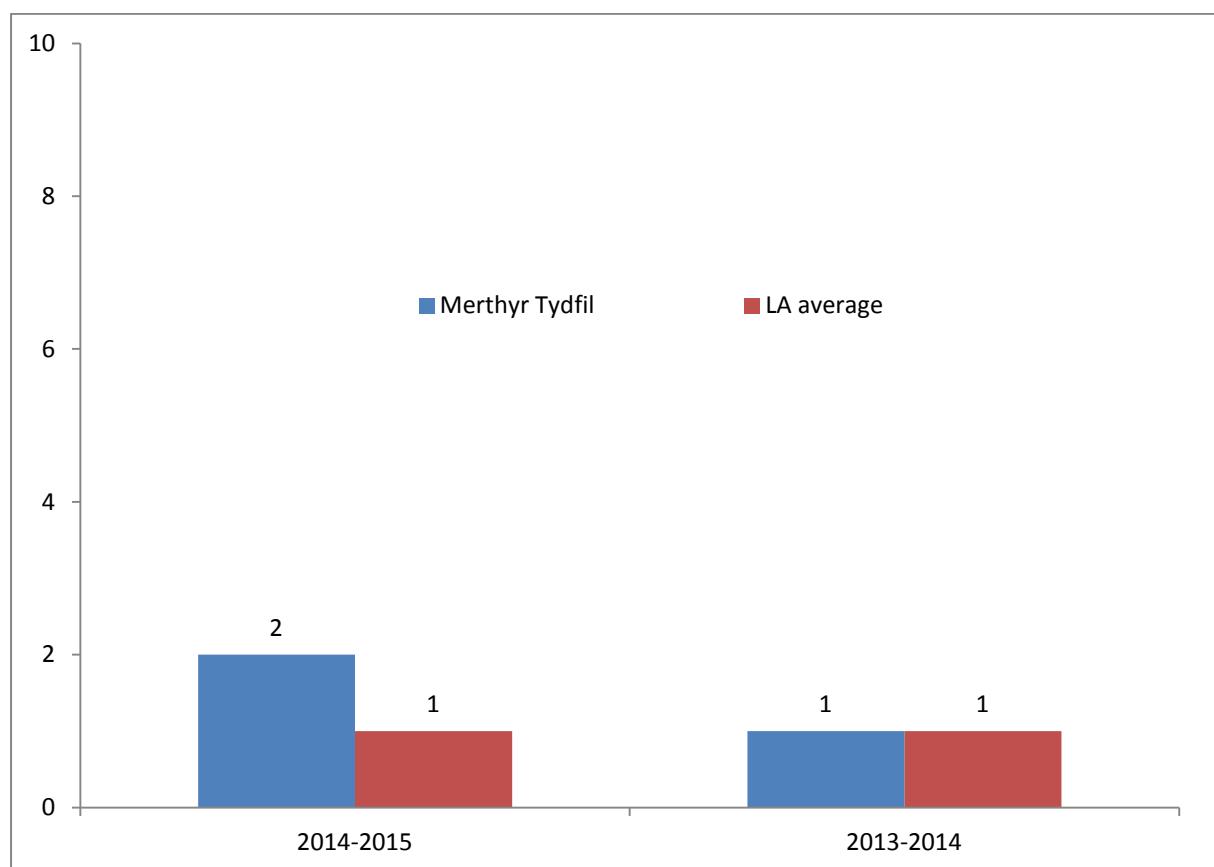
2013/14



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

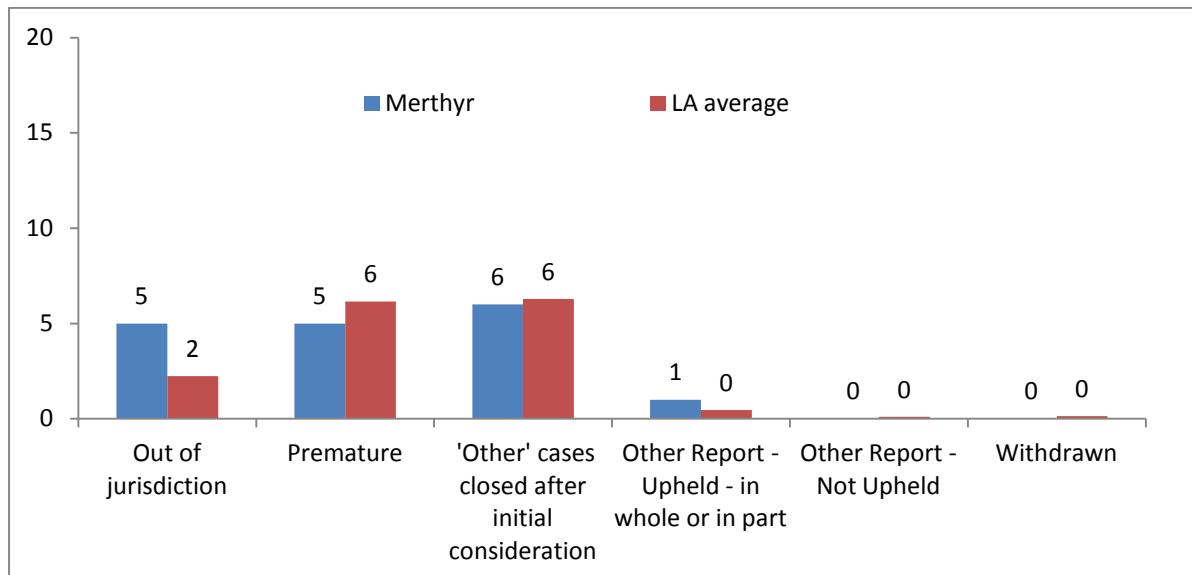
	<b>2014/15</b>	<b>2013/14</b>
Number of complaints taken into investigation	2	1

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

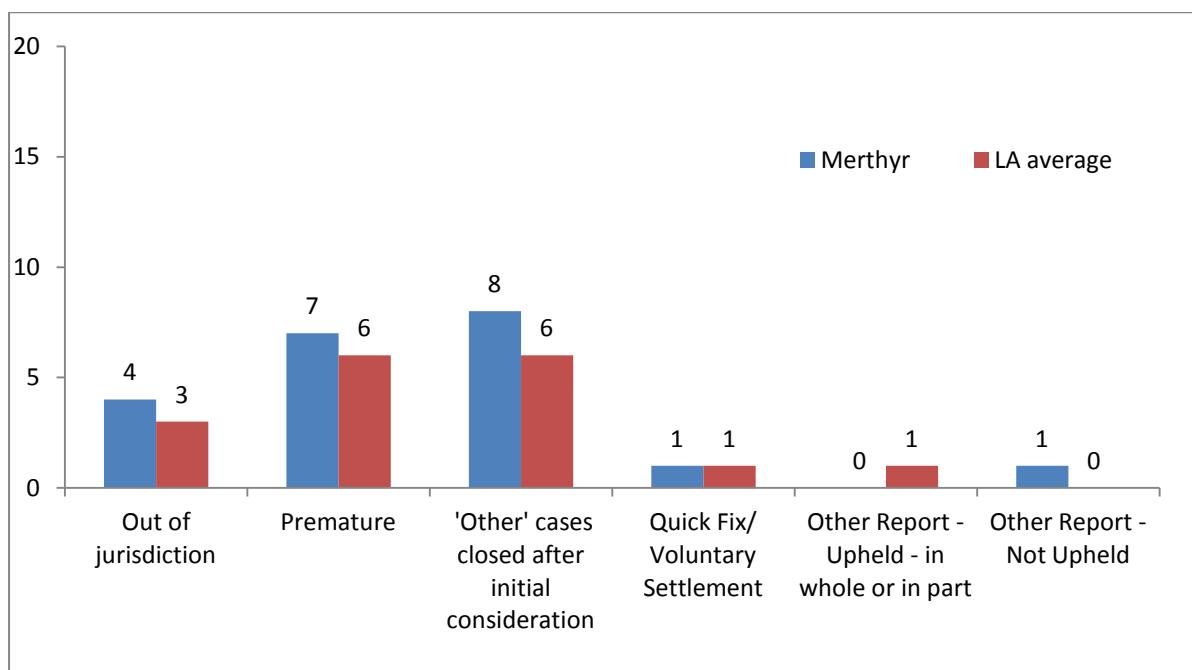


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

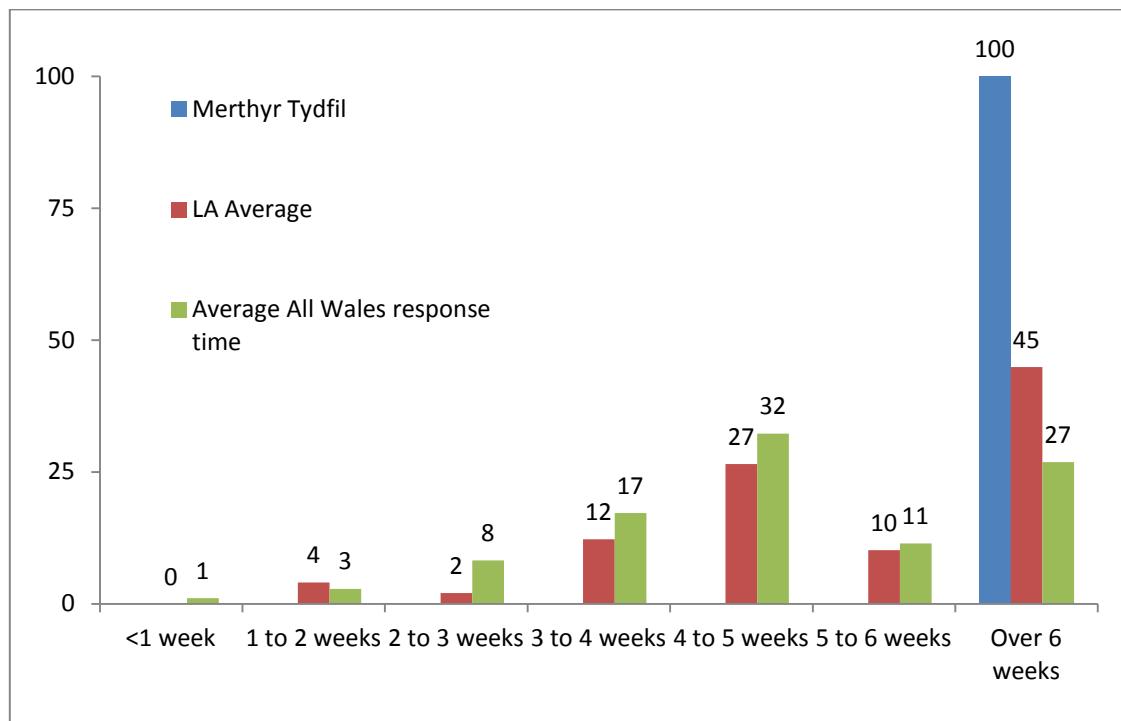
**2014/15**



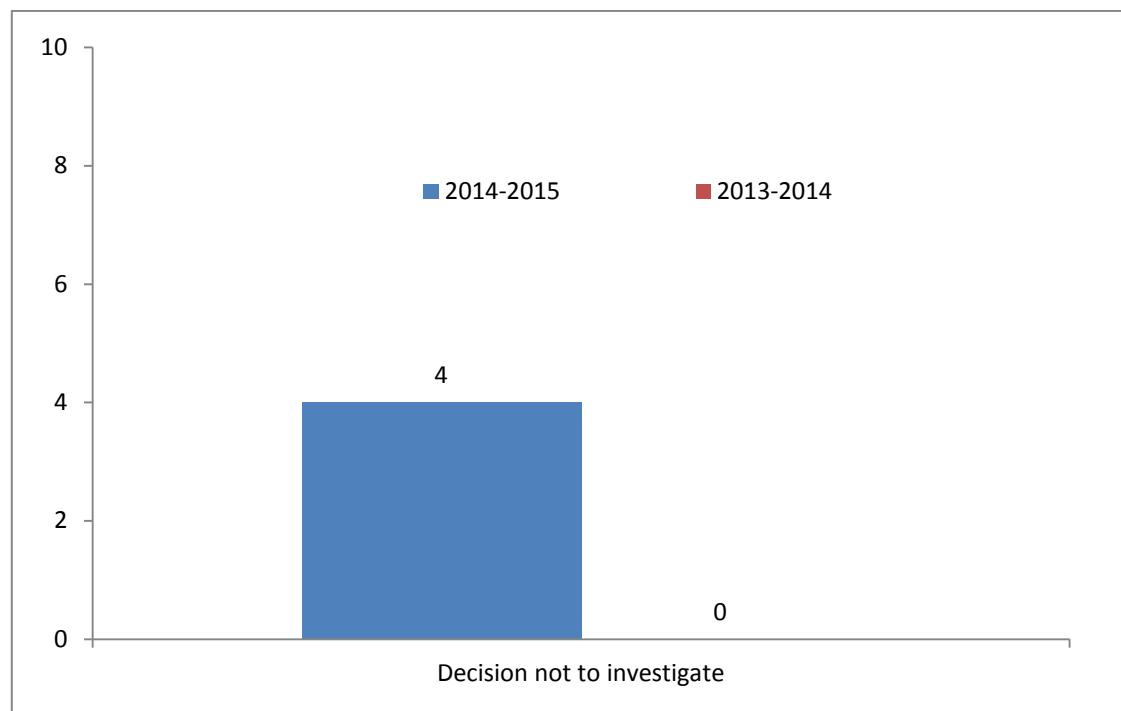
**2013/14**



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



**H: Code of Conduct complaints**



## I: Summaries

### **Planning and Building Control**

#### **Other reports – Upheld**

##### **Merthyr Tydfil County Borough Council – Handling of planning application**

##### **Case reference 201302961 – Report issued August 2014**

Mr H complained that the Council had failed to instigate enforcement proceedings in relation to a development without planning permission (a concrete footpath and floodlights) adjacent to a ménage, which caused flooding onto his access road. Mr H also complained that the Council's handling of his complaint and the lack of timely responses to his concerns.

The Ombudsman's Adviser had no criticism that enforcement had not been pursued, as the Council had considered the flooding to be a private matter. The Council had not recorded nor investigated Mr H's complaint and the complaints procedure had not been explained to Mr H. It was upheld that the letter against enforcement should have contained an explanation for the reason not to do so. It was also found that the Council had not investigated Mr H's complaint.

The Council agreed to implement these recommendations within 20 days:

- a) apologise for failing to explain reasons that it was not expedient to instigate enforcement proceedings;
- b) apologise and pay £250 for not investigating Mr H's complaint;
- c) consider adopting the Welsh Government's Model Concerns and Complaints Policy;
- d) review their policy to incorporate paragraph 30, TAN 9, when a decision is made not to instigate proceedings that letters should explain the reason(s) for that decision.