

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 16 October 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Chris Burns
Interim Chief Executive
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
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Dear Mr Burns

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 Caerphilly 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 notable increase in the number of complaints received compared to 2013/14, although this figure remains below the average. The largest area of complaint is Planning and Building Control. My office investigated two complaints in 2014/15. In reference to the time taken in responding to requests for information from my office, all responses took between four and five weeks. However, one of these cases was received within the time-limit agreed by the Ombudsman's Investigator.

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, Caerphilly 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.

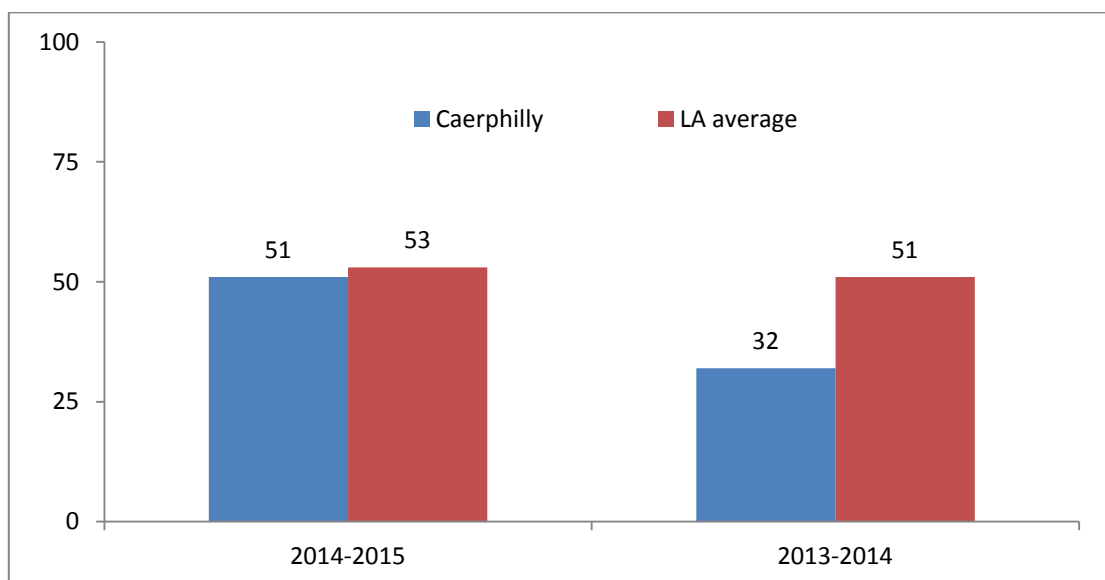
Housing Stock

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.

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

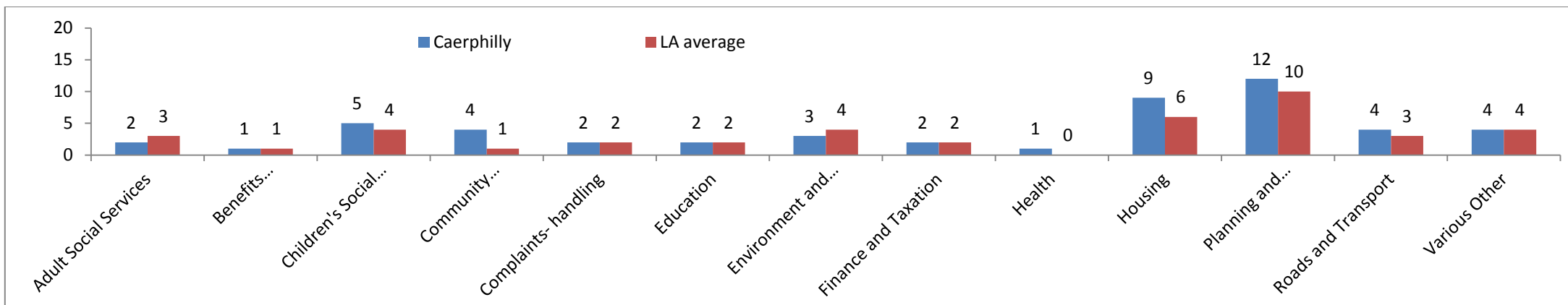


B: Complaints received by my office

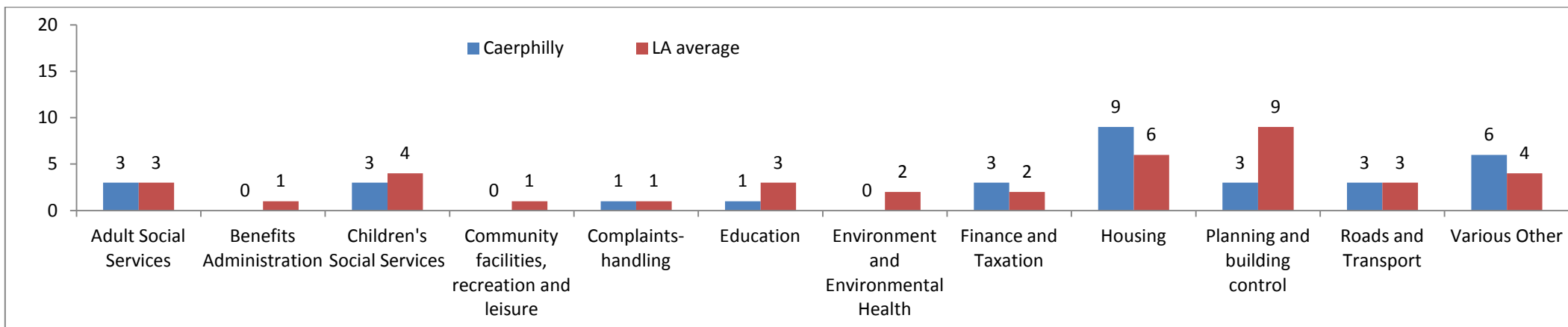
| Subject | 2014/15 | 2013/14 |
|--|-----------|-----------|
| Adult Social Services | 2 | 3 |
| Benefits Administration | 1 | 0 |
| Children's Social Services | 5 | 3 |
| Community facilities, recreation and leisure | 4 | 0 |
| Complaints-handling | 2 | 1 |
| Education | 2 | 1 |
| Environment and Environmental Health | 3 | 0 |
| Finance and Taxation | 2 | 3 |
| Health | 1 | 0 |
| Housing | 9 | 9 |
| Planning and building control | 12 | 3 |
| Roads and Transport | 4 | 3 |
| Various Other | 4 | 6 |
| Total | 51 | 32 |

C: Comparison of complaints by subject category with LA average

2014/15



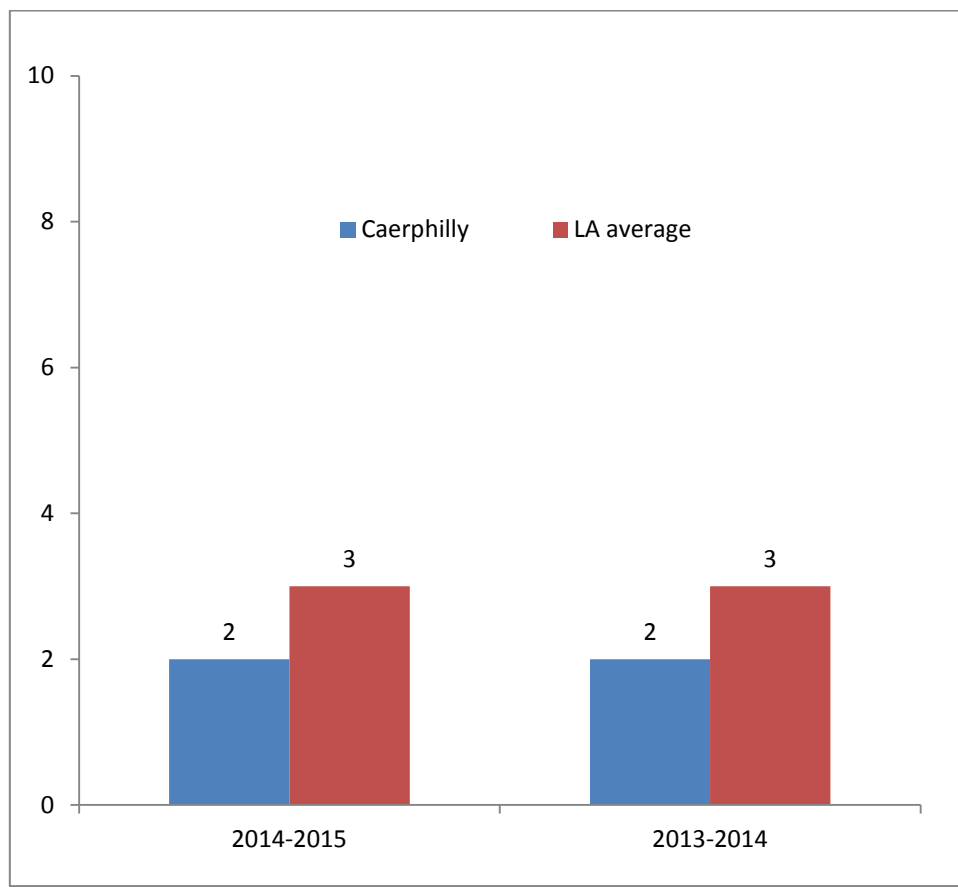
2013/14



D: Complaints taken into investigation by my office

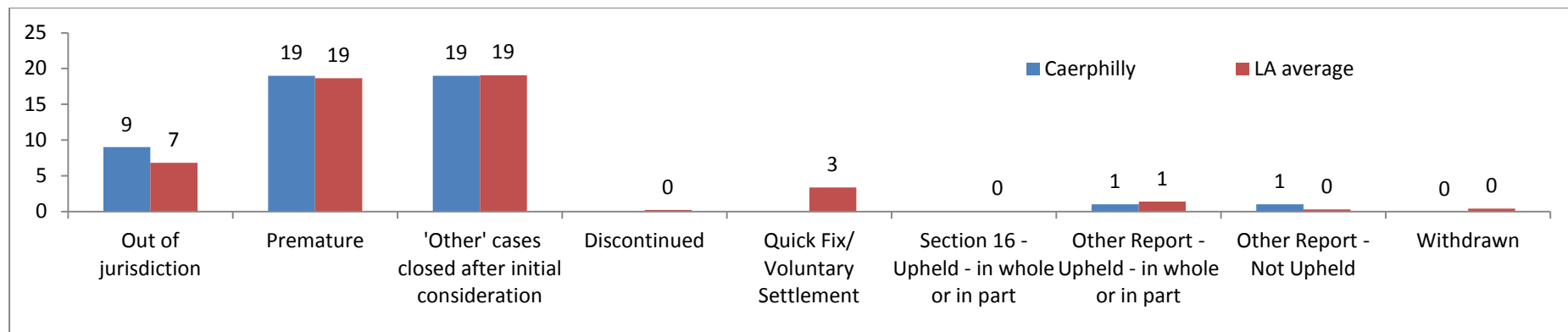
| | 2014/15 | 2013/14 |
|---|---------|---------|
| Number of complaints taken into investigation | 2 | 2 |

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

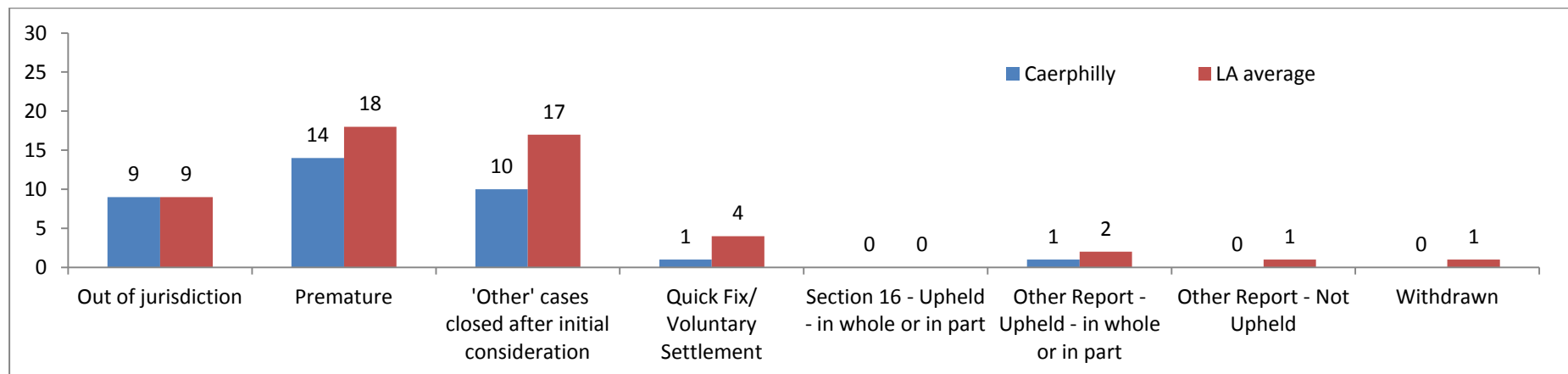


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

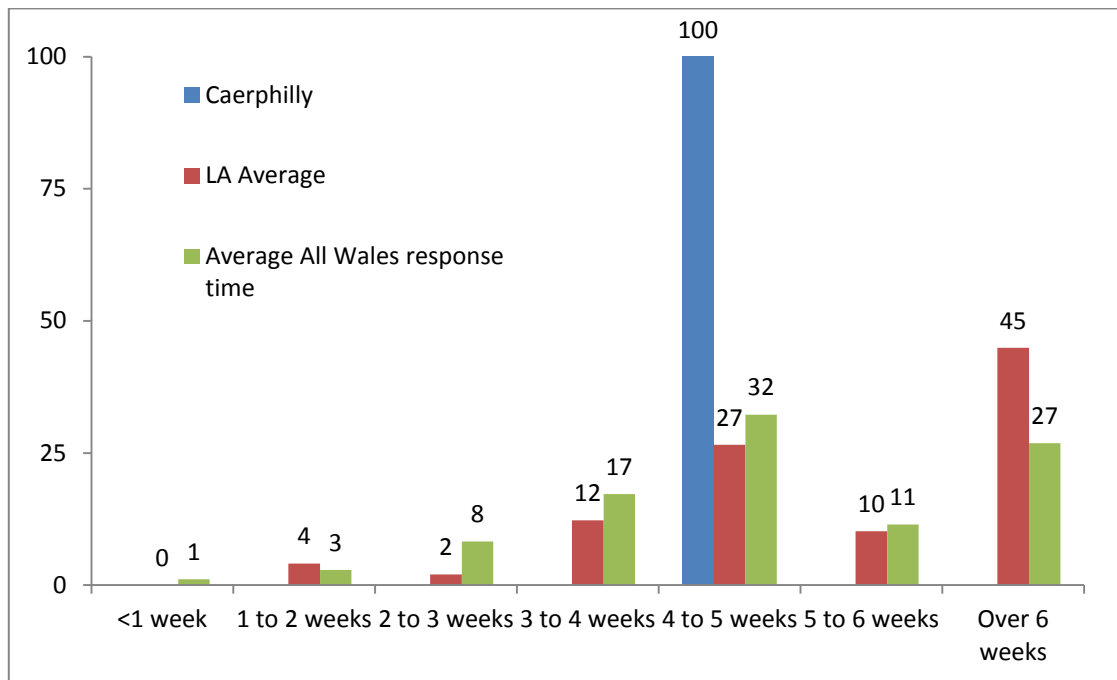
2014/15



2013/14

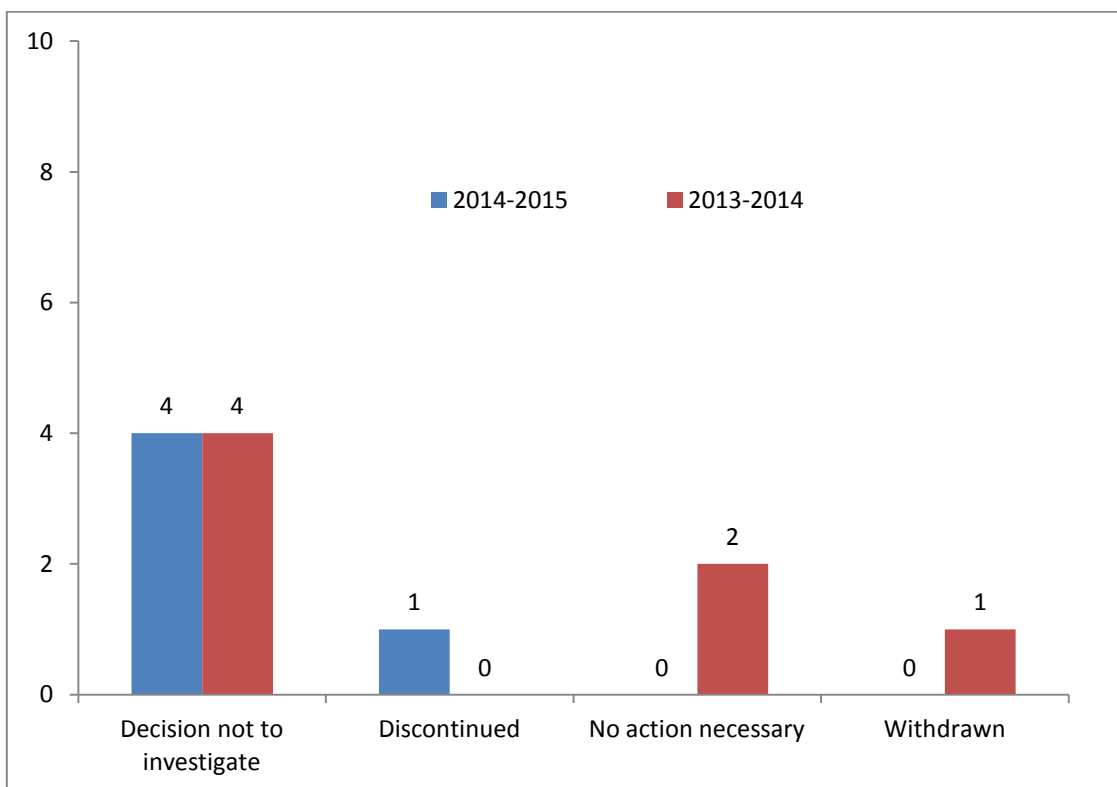


G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



*One of the above cases was received within the time-limit agreed by the Ombudsman's Investigator.

H: Code of Conduct complaints



I: Summaries

Education

Other reports – Upheld

Caerphilly County Borough Council – Applications, allocations, transfer and exchanges

Case reference 201301753 – Report issued October 2014

Miss A's complaint centred on the Council's handling of her housing application over the preceding years and the way it had let properties on "Street 1". Miss A's caring responsibilities meant she only wished to be considered for accommodation in "Street 1". Miss A also expressed dissatisfaction with the way the Council had dealt with her complaint.

The Ombudsman's investigation identified shortcomings in the Council's administration of Miss A's housing application which led to periods when her housing application was not dealt with as efficiently or effectively as it should have been. Such administrative inadequacies included documentation being mislaid, Miss A's housing application not being appropriately pointed, as well as instances of poor record keeping.

The Ombudsman's investigation also found evidence that Miss A's housing application had, for a period of time, been erroneously cancelled (in 2002) and this was coupled with other administrative failings. To the extent set out in the report Miss A's complaint was upheld. The Ombudsman identified periods in respect of Miss A's housing application where, although there were administrative failings, this did not cause Miss A personal injustice. In those instances, Miss A's complaint was not upheld.

The investigation also found that there was a failure by the Council to recognise when its statutory homelessness duties were engaged and, to that extent, this aspect of Miss A's complaint was upheld.

Finally, given the failings identified, the Ombudsman concluded that the Council's response to Miss A's complaint had not been as robust, transparent, or open as it could have been in acknowledging failings in the administration of her housing application. The Ombudsman therefore upheld this aspect of her complaint.

The Ombudsman recommended the following:

- a) within one month of the report being finalised, the Council's Acting Chief Executive should apologise to Miss A for the failings identified. In addition, the Council should in recognition of the impact of those failings on Miss A, which included the uncertainty as to whether she may have been offered accommodation in 2002, make a payment to her of £500;
- b) within one month of the report being finalised, the Council's Housing Services should remind its housing allocation staff of the importance of ensuring, where supported by the facts, enquiries were made where

- necessary to ensure applicants' housing applications are correctly pointed in accordance with its lettings policy;
- c) within one month of the report being finalised, the Council should provide appropriate training to relevant housing staff on the Council's Corporate Records Management Policy;
 - d) within two months of the report being finalised, the Council's Housing Services should develop guidance on the factors for consideration when considering applying discretion in relation to the removal of time points;
 - e) once the guidance was in place, the Council's Housing Services should remind its housing allocation staff of the need to consider applying discretion at the point when the discretionary decision on the removal of time points was being exercised. Housing allocation staff should also be reminded of the need to demonstrate that discretion has been considered;
 - f) within three months of this report being finalised, if it had not already done so, the Council's Housing Services should provide training to relevant housing staff, including allocation staff, on the circumstances when the Council's homelessness duties may be triggered and the steps that should be taken. The Council's Housing Services should also review its documentation to satisfy itself that it supported the early recognition of when the Council's homelessness duties may be triggered and thus engaged;
 - g) the Council should within the timescales specified within the recommendations provide documentary evidence to this office of compliance with the recommendations above; and,
 - h) finally, in the interim period before the Council's Housing Services introduced its new lettings policy in 2015, where its housing allocation staff had reason to review a housing application that had had time points removed, the application should be reviewed against the guidance developed at (d) above.

Other reports – Not upheld

Caerphilly County Borough Council – Other Case reference 201306043 – Report issued February 2015

Miss A complained that Caerphilly County Borough Council, as local education authority (“LEA”), had failed to provide adequate support to enable her son, B, to sit his exams when he was not able to attend school regularly during year 11 due to intermittent stomach pains.

The Ombudsman noted that, on the basis of the medical evidence the LEA had received, B did not meet the criteria for home tuition. A range of alternative provision was offered for B, including work being sent home for B, B attending school for reduced hours and receiving extra support in school, and rest breaks in exams and controlled assessments. The Ombudsman concluded that the LEA’s actions were reasonable, and that it could not have done more to assist the school and B. He noted that the LEA had no obligation to provide education for B once he was no longer of compulsory school age, and therefore its agreement to fund some distance learning for B was reasonable. He did not uphold the complaint.