


Our ref: PT/jm

Ask for: James Merrifield

Your ref:

 01656 644 200

Date: 9 July 2013

 James.Merrifield@ombudsman-wales.org.uk

Mr Colin Everett
Chief Executive
Flintshire County Council
County Hall
Mold
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CH7 6NR

Dear Mr Everett

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 Flintshire County Council.

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 that there has been a small increase in the number of complaints received by my office compared with 2011/12, although this figure is level with the average. There has also been an increase in the number of complaints taken into investigation by my office, which is above the average. As with 2011/12, the largest single areas of complaint remain 'Housing' and 'Planning and Building Control'. It is pleasing to note a large increase in the number of quick fixes and voluntary settlements, which is more than double the average, whilst the number of 'upheld' reports is below the average. However, it should also be noted that a quarter of requests for information by my office were received more than six weeks after they were requested.

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

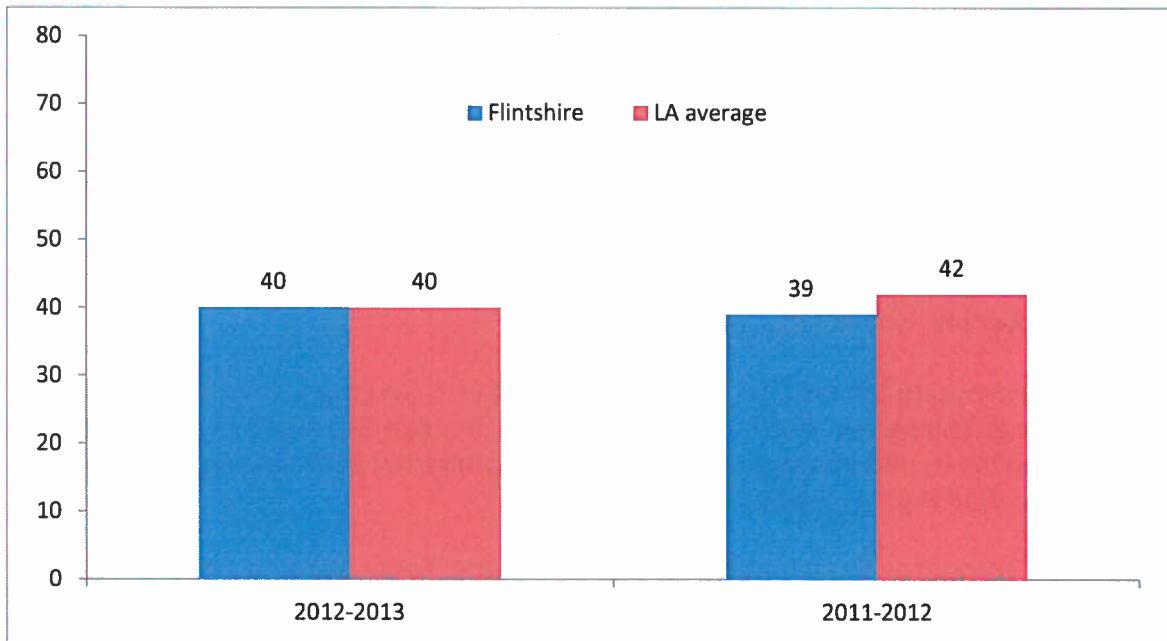
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

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

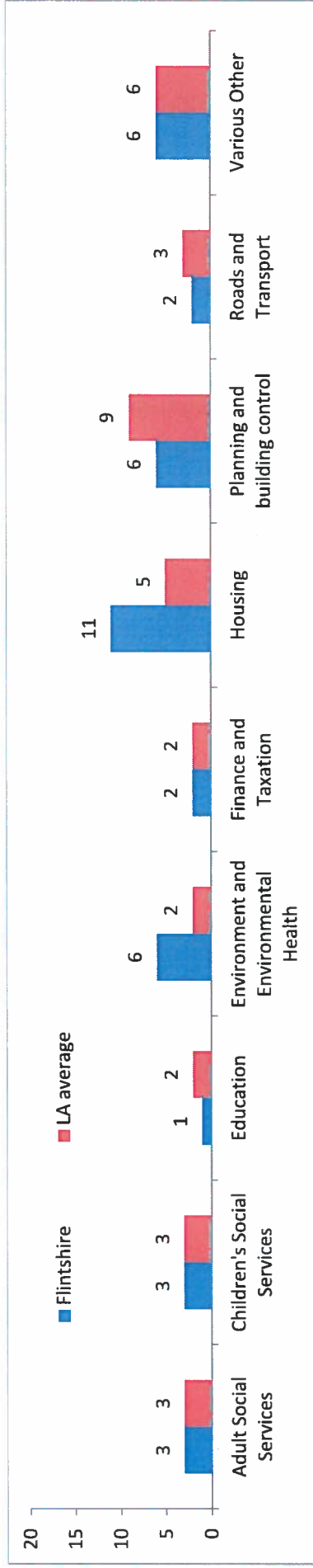


B: Complaints received by my office

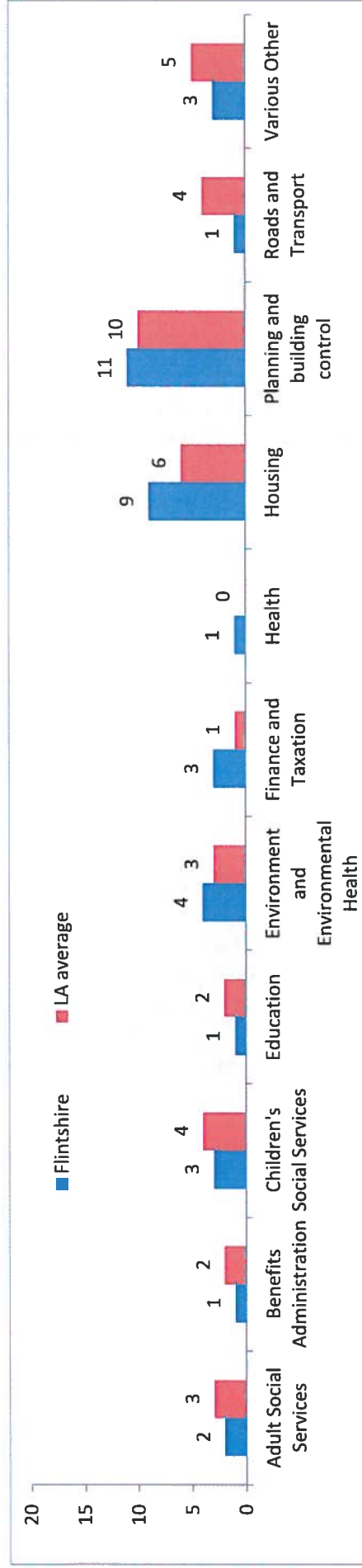
Subject	2012-2013	2011-2012
Adult Social Services	3	2
Benefits Administration	0	1
Children's Social Services	3	3
Education	1	1
Environment and Environmental Health	6	4
Finance and Taxation	2	3
Health	0	1
Housing	11	9
Planning and building control	6	11
Roads and Transport	2	1
Various Other	6	3
Total	40	39

C: Comparison of complaints by subject category with LA average

2012-2013



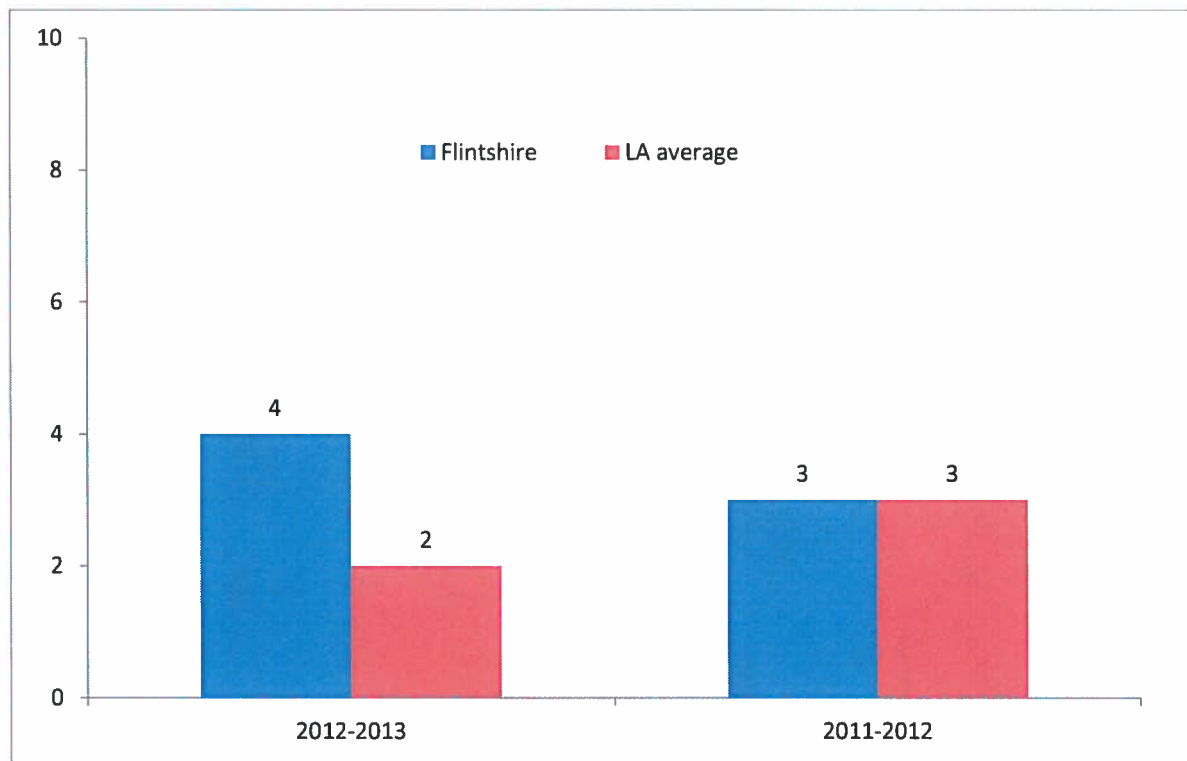
2011-2012



D: Complaints taken into investigation by my office

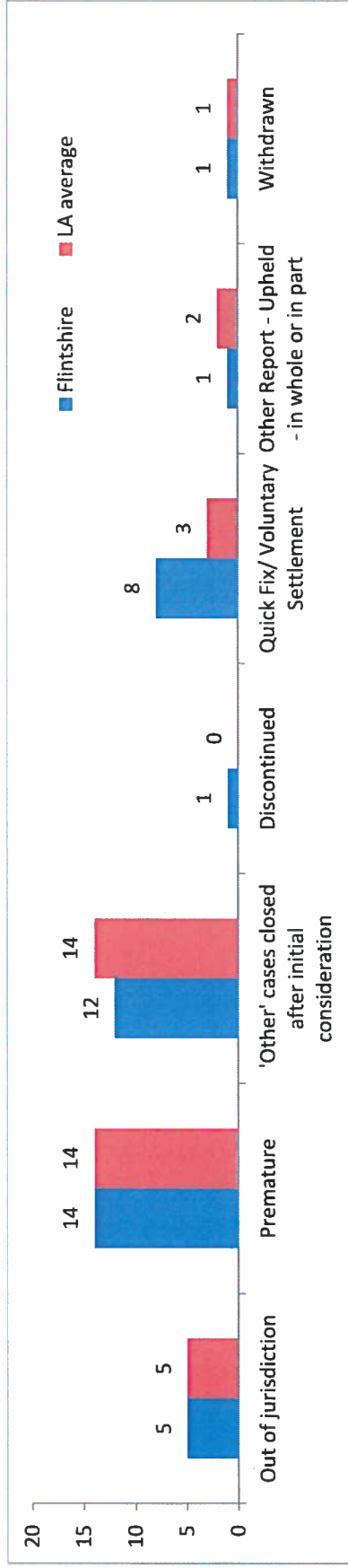
	2012-2013	2011-2012
Number of complaints taken into investigation	4	3

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

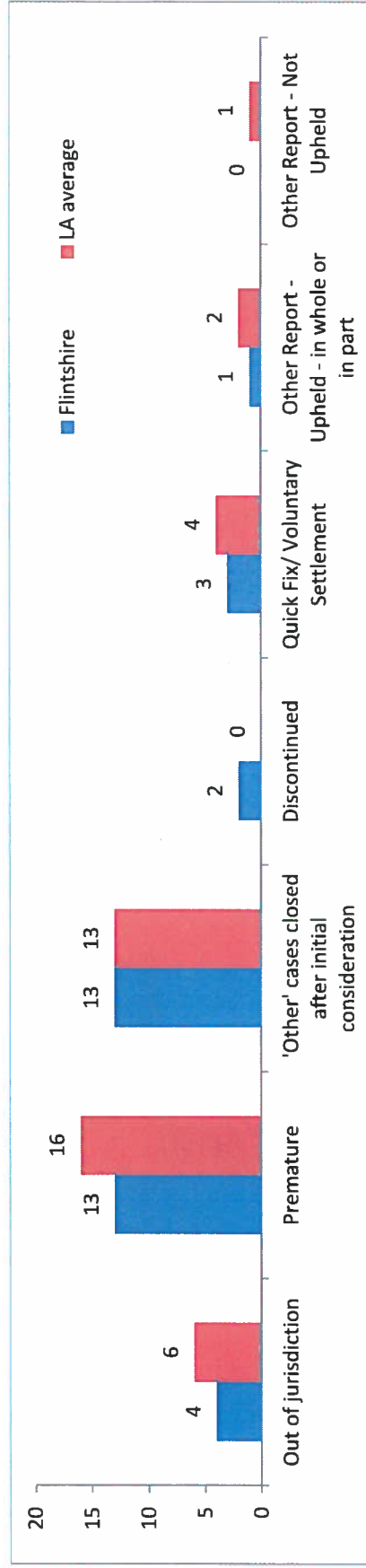


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

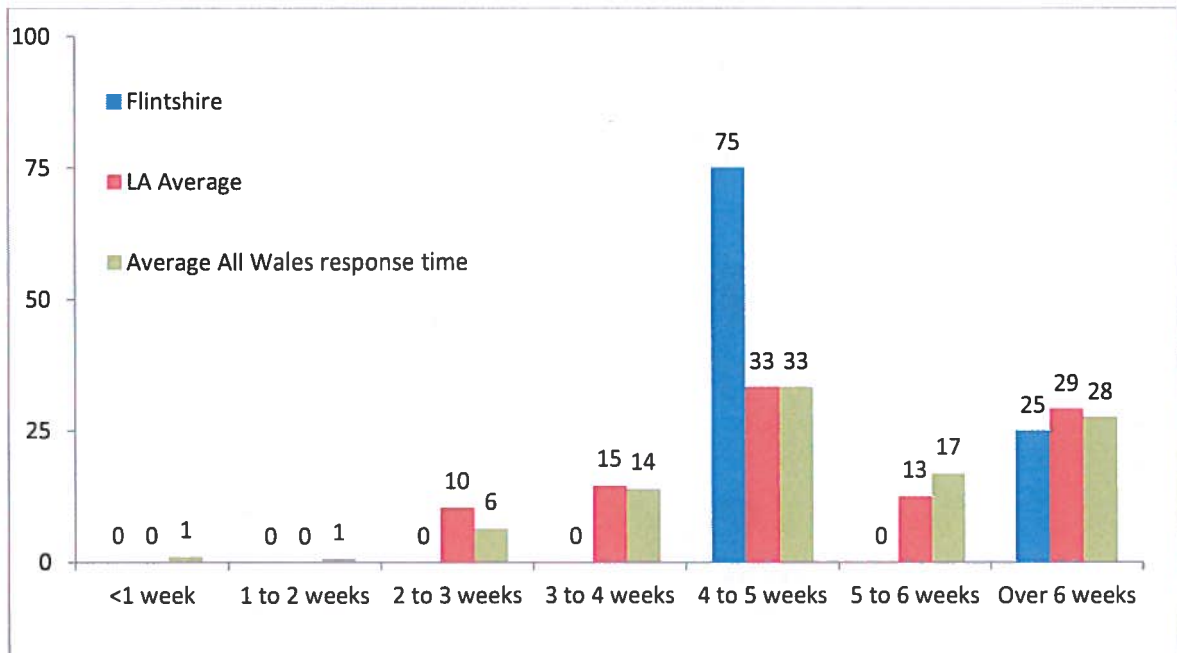
2012-2013



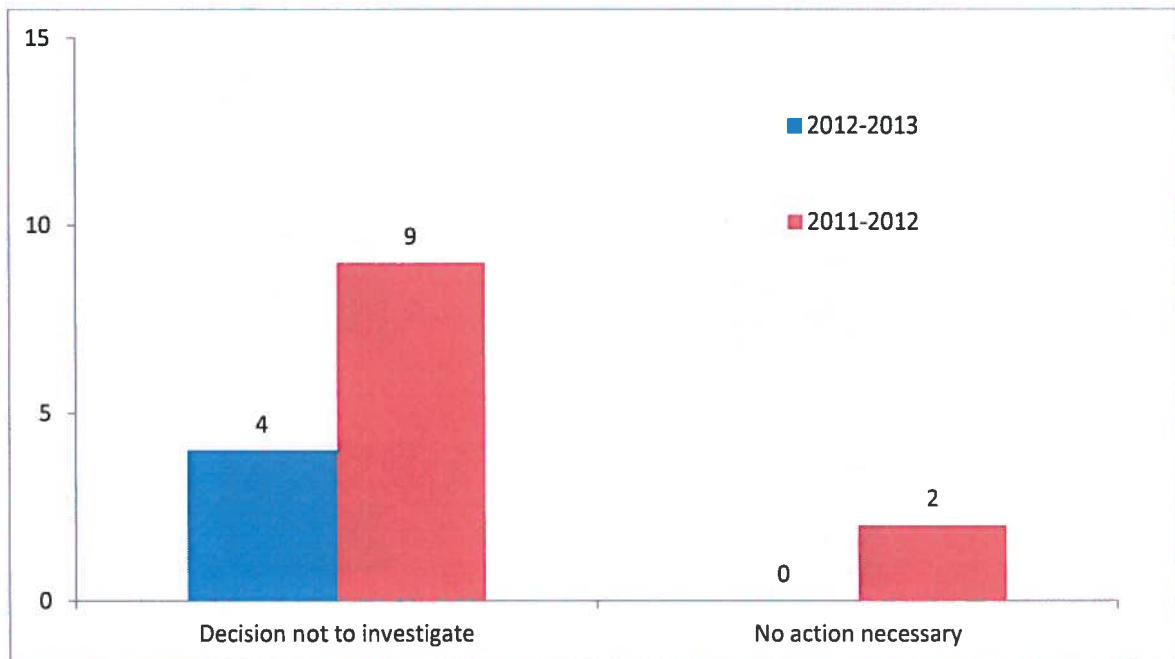
2011-2012



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

Education

Quick fixes and Voluntary settlements

November 2012 – Special Educational Needs – Flintshire County Council

Mrs W complained that the Council had not updated C's (her daughter's) Statement of Special Educational Needs (SEN) for the last four years. She also complained that she had not received an adequate explanation as to how the decision was reached to place C in a taxi from the Education Centre with another young person on 18 January 2012. Mrs W complained that the Council had made no provision for C's education from 18 January, when C stopped attending the Education Centre.

Whilst the Ombudsman found a number of procedural and administrative errors on the part of the Council in dealing with the matters complained about, he was satisfied that the settlement reached was reasonable and adequate to put matters right for C. The Council took steps to review C's SEN. It apologised to Mrs W and C for the distress caused to them by the decision to place her in a taxi with another young person on 18 January. The Council agreed to provide a maths tutor for C for 3 hours a week and a Teaching Assistant, initially for 6 hours a week but rising to 15 hours.

The Ombudsman reminded the Council of its obligations to C as a relevant child with an SEN, including its obligation to ensure that C's SEN is reviewed on an annual basis.

Case reference 201103485

Environment and Environmental Health

Quick fixes and Voluntary settlements

April 2012 – Noise and other nuisance – Flintshire County Council

Mr S had complained about his neighbour and noise nuisance due to motorbike scrambling.

The Council had agreed to provide a substantive response to his previous complaint. Unfortunately this was not forthcoming and the situation had escalated.

The Council agreed to meet with Mr S to go over relevant caselaw and provide a full explanation for its actions. It agreed to apologise for not providing a substantive response previously and for another letter which had been less than helpful.

Case reference 201200356

Housing

Quick fixes and Voluntary settlements

December 2012 – Other – Flintshire County Council

Miss A disputed the Council's assertions that she was liable for a bond claim of £525.00 that it said she owed for damages caused to her private rented accommodation. She complained unsuccessfully to the Council.

Based on the facts of the case, the Ombudsman felt there was scope to reach a settlement on Miss A's complaint. In response to the Ombudsman's approach, the Council accepted that there were insufficient grounds for holding Miss A liable for the £525.00. The Council made it clear that it would not seek to recover the money from Miss A. Amongst the settlement proposals that the Council agreed to was the following:

- that the Chief Executive would apologise in writing to Miss A for the Council's shortcomings in dealing with her complaint. In addition, the Council would pay Miss A the sum of £250.00 in recognition of the distress and inconvenience that these shortcomings had caused her.
- that the Council would review Miss A's case to consider what lessons could be learnt to prevent a recurrence. The Council would also take steps to implement, within a timely manner, any measures/actions identified as being required. The Council was asked to provide the Ombudsman's office with a copy of its findings.

Case reference 201202484

January 2013 – Other – Flintshire County Council

Mr C complained that the Council had failed to carry out repairs to the wet room at his property. He said that the wet room is suffering from damp and that the shower, sink and toilet are all outdated and in a poor condition. He requested that the Council renew the wet room. He stated that he had previously raised his concerns with the Council, and provided documents to us to demonstrate this, but complained that it has not resolved the problem.

My office contacted the Council, which confirmed that a response was due to be sent shortly. Once sent, the response included an apology for its failure to issue a more prompt response. The Council subsequently completed the work.

Case reference 201203250

Social Services - Children

Upheld

January 2013 – Other – Flintshire County Council

The complaint was about the failure of the Council's Social Services department to deal appropriately with a referral from a Health Professional, made on 22 October 2009, about Mrs X's circumstances at that time. Mrs X had one younger child (child X) and had encountered problems with her more recent pregnancy. The referral to Social Services was made in child X's name and suggested that Mrs X was very likely to have already undergone a termination of pregnancy.

The complaint was underpinned by Mrs X's view that Social Services had no reason to be involved in her situation and once it became involved that it was unclear on the basis of its involvement and caused distress to the family.

Having taken account of his independent professional Adviser's view, the Ombudsman found that there were significant shortcomings in the management of this case. He said that the Council received a Child Protection referral in the name of child X but did not deal with it satisfactorily. The Ombudsman was of the view that the referral was inappropriately managed outside of the statutory framework and guidance.

The Ombudsman pointed out that the decision-making process in relation to the later change of referral status from Child Protection to 'child in need' was not evidenced, and said that the manner in which it had been reclassified was unsatisfactory.

The Ombudsman was concerned at the outset that the Council had failed to adequately check whether a termination of pregnancy had taken place. He also pointed out that, if the Council was of the view early on that this was not a child protection referral, then it had no basis for carrying out enquiries without parental consent. He was also concerned about the lack of clarity around who the referral related to and the nature of it. This subsequently resulted in an unclear unannounced visit being made to Mrs X in mid-November. The Ombudsman also criticised the record keeping in this case. He was also concerned about the Council's response to the stage 2 investigation.

The Ombudsman concluded that, although Social Services had a responsibility to investigate the circumstances as originally referred, there were significant shortcomings in the approach it subsequently took. To the extent of his findings, the Ombudsman upheld the complaint.

The Ombudsman recommended that the Council provided an apology and redress payment of £500 in light of the distress to Mrs X and the time and trouble incurred. He also recommended that staff be reminded of the relevant frameworks and that recording practices be improved. He also made a recommendation in relation to the Council's response to complaints and finally recommended that the practice matters raised form part of the Council's Quality Assurance programme.

Case reference 201200164

Quick fixes and Voluntary settlements

April 2012 - Other - Flintshire County Council

The Ombudsman received a complaint from Mr D. Mr D's complaint was in relation to Children's Social Services and the lack of support he felt he had been offered since the adoption of four small children in December 2009. Mr D questioned why the post adoption support could not be supported by Conwy Social Services, as that was where he resided. He was also unhappy with the length of time the Council were taking to respond to his complaint.

On receiving this information, the Ombudsman contacted the Council and requested that they wrote to Mr D apologising for the delay in responding to his complaint. The Ombudsman also requested that a full response was sent to Mr D within the next 30 working days. The Council agreed to this action, therefore the file on Mr D's complaint was closed.

Case reference 201104006

