

FLINTSHIRE COUNTY COUNCIL

APPENDIX 1

REPORT TO: **STANDARDS COMMITTEE**
DATE: **MONDAY, 3 NOVEMBER 2014**
REPORT BY: **MONITORING OFFICER**
SUBJECT: **PUBLIC SERVICES OMBUDSMAN'S ANNUAL LETTER 2013/14**

1.00 PURPOSE OF REPORT

1.01 To receive and note the Annual Letter of the Public Service Ombudsman for Wales, copy attached as Appendix 1.

2.00 BACKGROUND

2.01 The Annual Letter provides a clear and precise breakdown of all complaints received and investigated by the Ombudsman's office during 2013/14 in relation to the Council. These cover both complaints about services provided by the Council and complaints about councillors under the Code of Conduct.

2.02 The number of complaints reduced slightly from 40 to 39 putting Flintshire below the Welsh average adjusted for population distribution.

- The number of complaints taken to investigation fell from 4 to 3.
- The time for responding to complaints has reduced to a maximum of 4-5 weeks whereas in the previous year a quarter of all complaints took over 6 weeks for the Council to respond to.

2.03 I have set out below a table showing the trends for complaints by outcome under the Code of Conduct for the year 2013/14. It is pleasing to note the very small number of complaints.

Stage	Year 2011/12	2012/13	2013/14
Not investigated	9	4	3*
No evidence of breach	0	0	0
No further action	2	0	0
Refer	0	0	0
Withdrawn	0	0	0

*1 still being considered

2.04 During the year three complaints were made under the Local Resolution Procedure and were resolved by the Monitoring Officer or Deputy Monitoring Officer.

3.00 CONSIDERATIONS

3.01 The Committee is asked to note the findings in the Annual Letter.

4.00 RECOMMENDATIONS

4.01 That the Standards Committee makes any recommendations it believes appropriate with regard to the letter.

5.00 FINANCIAL IMPLICATIONS

5.01 None

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 Appendix 1 - Annual Letter of the Public Service Ombudsman for Wales

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Contact Officer: Gareth Owens
Telephone: 01352 702344
Email: gareth.legal@flintshire.gov.uk

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



James.Merrifield@ombudsman-wales.org.uk

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

Dear Mr Everett

Annual Letter 2013/14

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2013/14) for Flintshire County Council.

Whilst health complaints have continued to rise, and remain the most numerous type of complaint, there has also been a noticeable increase in social services complaints. This suggests that service user discontent with social service provision is now beginning to manifest itself in a similar way to service users of health provision. My office will continue to monitor this area of growth, particularly in view of the changes to the Ombudsman's jurisdiction as a result of the Social Services and Well-being (Wales) Bill and the changes to the statutory social services complaints procedure. This growth is clearly a matter of concern, and I would urge local authorities to monitor trends in the complaints made to them in this area of service delivery.

In reference to the overall performance of county and county borough councils in Wales, my office has issued fewer reports, compared with 2012/13. There has also been a slight drop in the number of cases closed by way of 'quick fix' or 'voluntary settlement'- In view of the benefits to all parties in resolving certain types of complaints quickly and without the need for full investigation, I would encourage all Councils to be receptive to redress proposals from my office which would enable cases to be resolved in this way. Finally, the figures show that the largest number of complaints relate to 'Planning and Building Control' and 'Housing', followed by complaints about 'Children's Social Services' and 'Roads and Transport'.

I have issued nine Public Interest Reports during 2013/14, the majority of which related to health complaints. Some of these reports have identified serious failings in respect of clinical care provided to patients, and the lessons to be learnt from such reports are most relevant to health bodies. However, other public interest reports have identified failings in respect of making reasonable adjustments to accommodate a patient's deafness; acting in accordance with, or implementing guidelines; and, incomplete record-keeping. These are serious failings which could potentially occur within any public body or service provider, and I would therefore encourage you to review all public interest reports to identify any lessons which may apply to your Council.

In reference to the amount of time taken by public bodies in Wales in responding to requests for information from my office during 2013/14, whilst there has been an increase in the percentage of responses received within four weeks, 36% of responses from public bodies have taken more than 6 weeks. I have outlined my concerns in the Annual Report over the way in which complaints are handled, and have also previously referred to 'delay', and the consequences of it, in The Ombudsman's Casebook. Clearly, there remains work to do to ensure that public bodies are providing information promptly and I would encourage all bodies to consider whether their performance in this area warrants further examination.

In reference to your Council, the figures indicate that neither of the numbers of complaints received or investigated exceeds the local authority averages, and both have decreased in comparison to 2012/13. The largest single area of complaint is again 'Housing' followed by 'Planning and Building Control'. In reference to complaint outcomes, my office has issued three 'upheld' reports against your Council in 2013/14. There have also been an above-average number of quick fixes and voluntary settlements. Finally, I am pleased to note that two-thirds of responses from your Council were received within four weeks of the date they were requested.

The new Ombudsman will be taking up his post in August and I am sure he will be in touch at an appropriate time to introduce himself and possibly to discuss some of the above matters. Finally, following the practice of previous years, a copy of the annual letters issued to county and county borough councils will be published on the PSOW's website.

Yours sincerely

Professor Margaret Griffiths
Acting Ombudsman

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2013/14, 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 2013/14. Section C compares the number of complaints against the Council which were received by my office during 2013/14, 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 2013/14. 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 2013/14, 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 2013/14 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 2013/14. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2013/14.

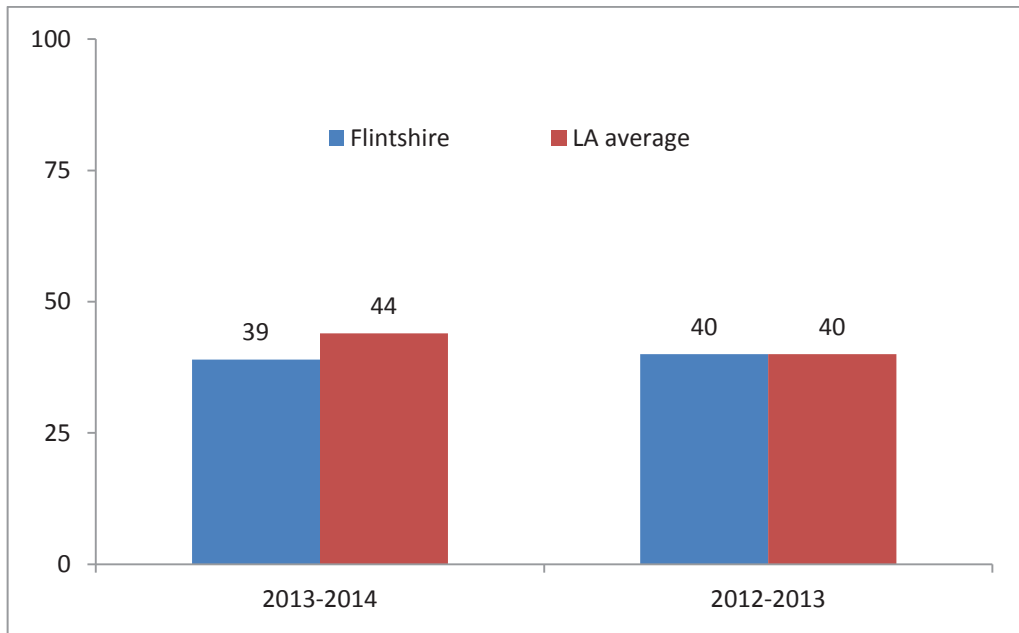
Housing Stock

As with previous exercises, the figures for 2013/14 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

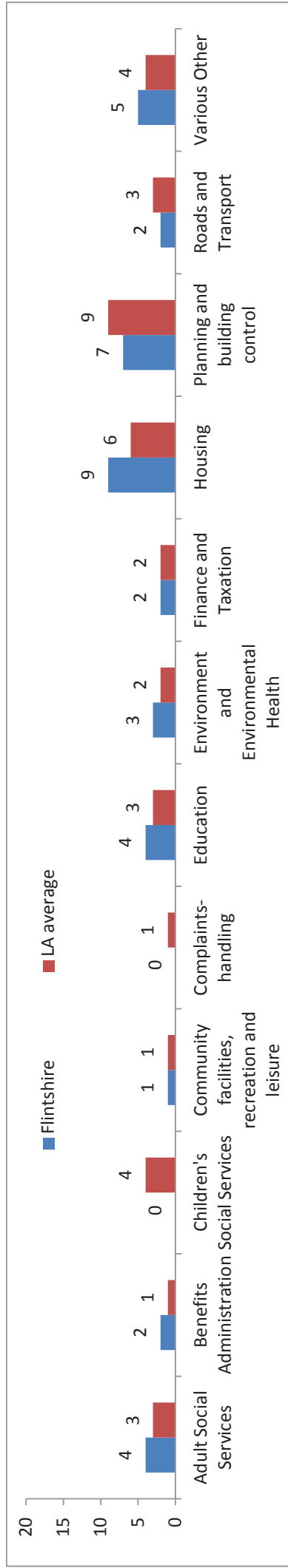


B: Complaints received by my office

Subject	2013/14	2012/13
Adult Social Services	4	3
Benefits Administration	2	0
Children's Social Services	0	3
Community facilities, recreation and leisure	1	0
Education	4	1
Environment and Environmental Health	3	6
Finance and Taxation	2	2
Housing	9	11
Planning and building control	7	6
Roads and Transport	2	2
Various Other	5	6
Total	39	40

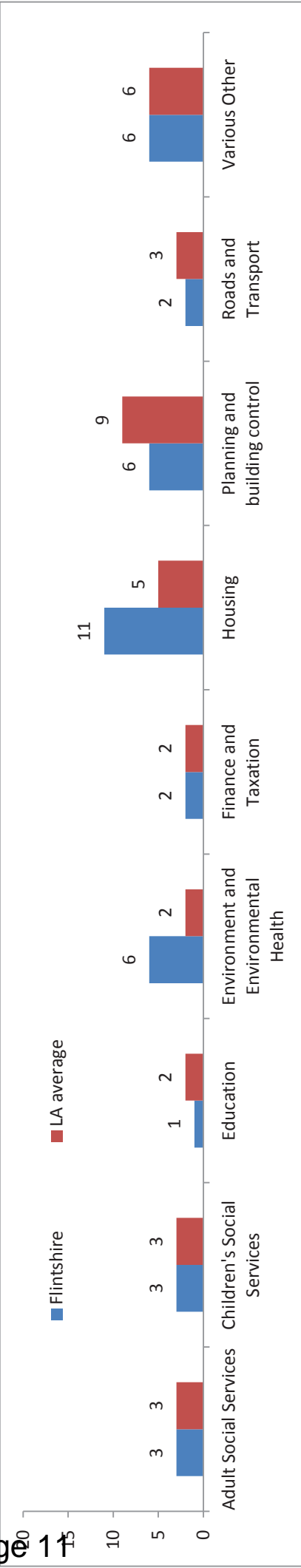
C: Comparison of complaints by subject category with LA average

2013/14



2012/13

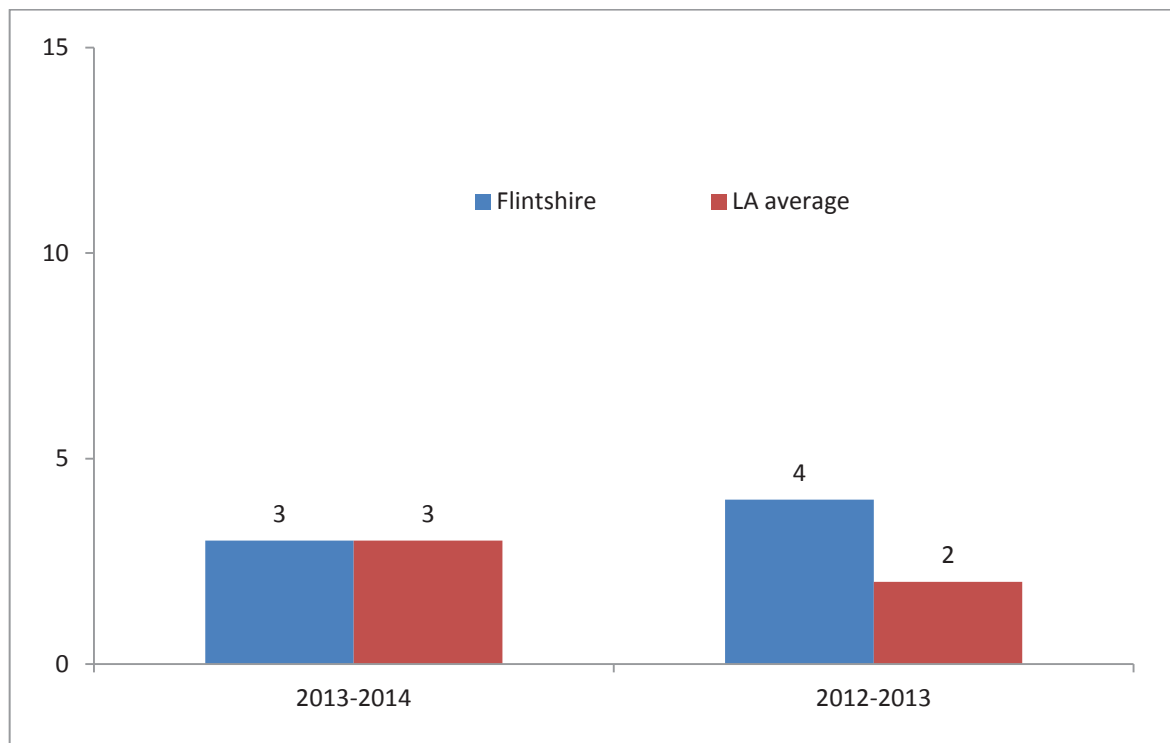
Page 11



D: Complaints taken into investigation by my office

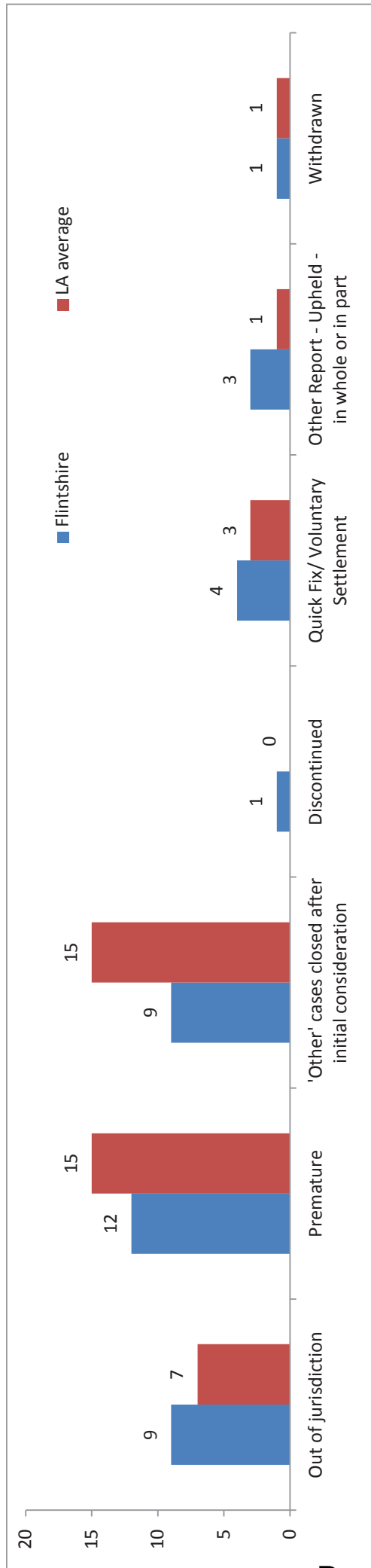
	2013/14	2012/13
Number of complaints taken into investigation	3	4

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

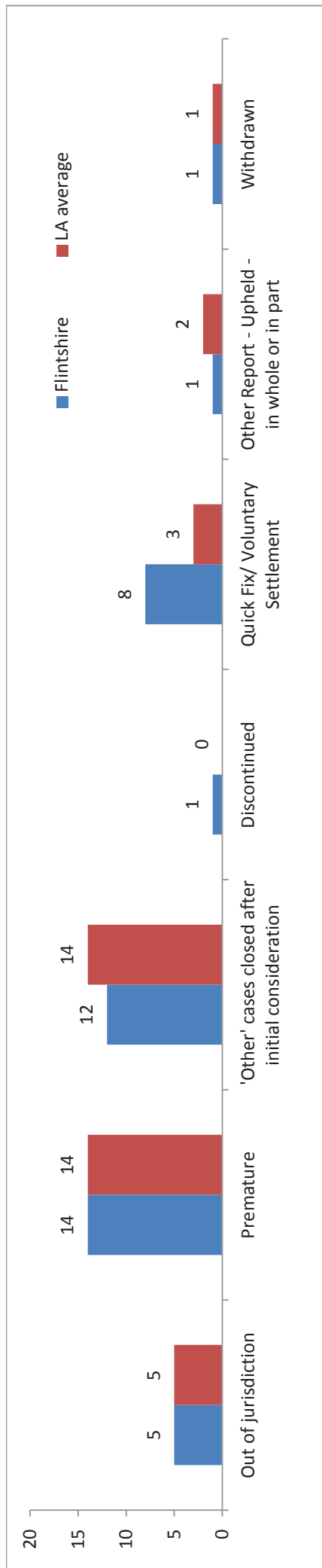


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

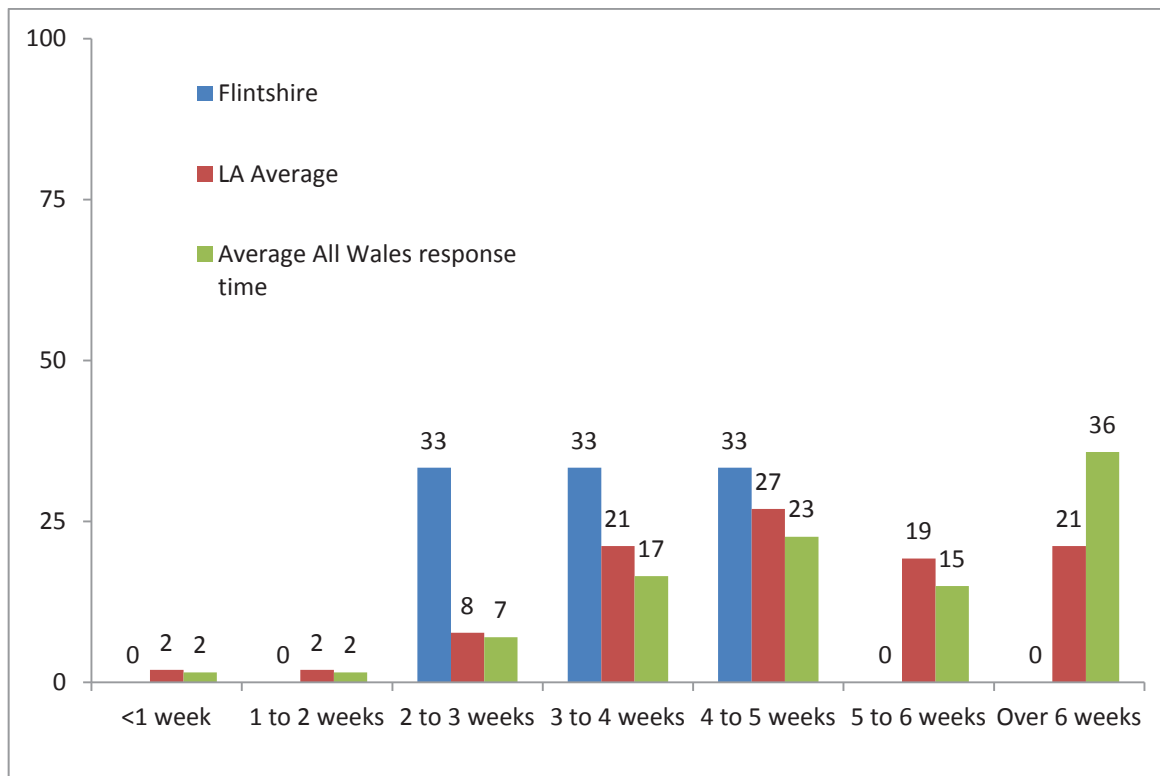
2013/14



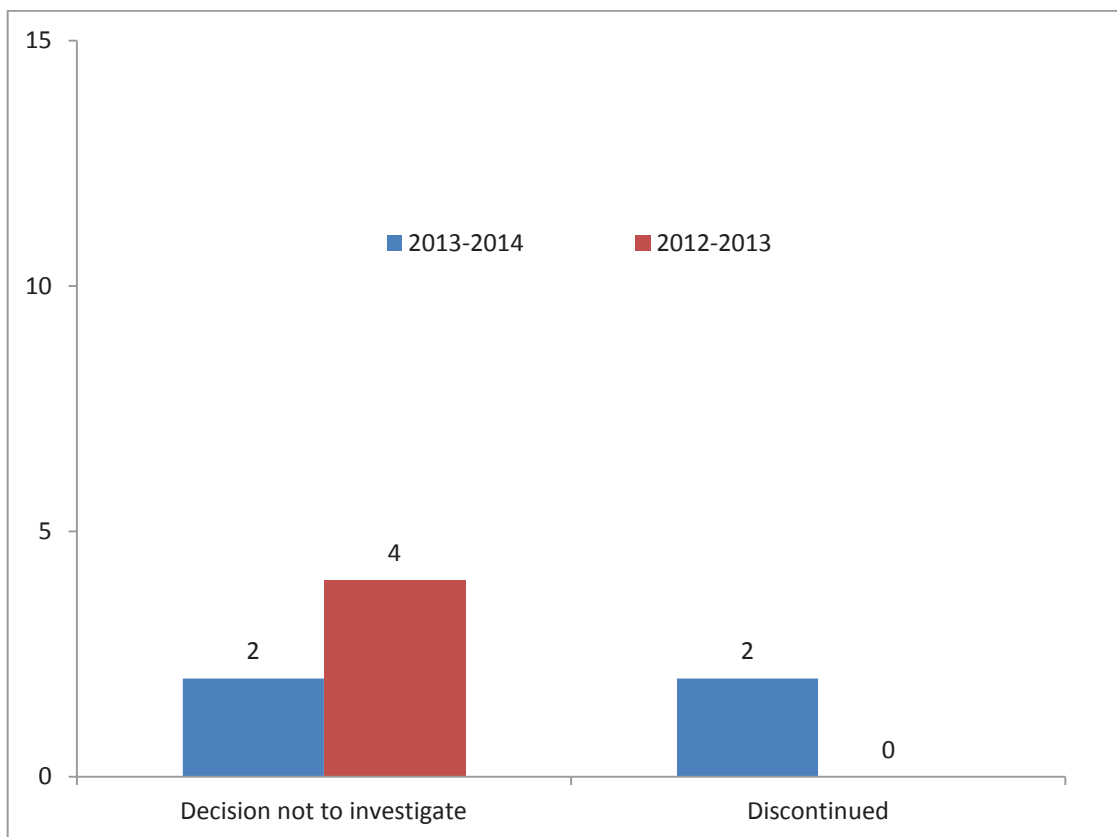
2012/13



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)



H: Code of Conduct complaints



I: Summaries

Community Facilities, Recreation and Leisure

Quick fixes and Voluntary settlements

April 2013 – Hall letting/leisure centres/museums and libraries/other indoor facilities

Mr B complained that the length of the ice skating lessons he attended had been reduced and the prices increased, without prior warning. He complained that he was told all skaters were informed in writing of these changes, yet he and nobody he spoke with had received notification. Another skater who had complained received an offer of a discount, but he had not been offered this.

The decision to change the lessons and prices was a discretionary one. However the information Mr B had been provided about being informed in writing was incorrect, and the Council explained this error and apologised for it. The Council also confirmed its intention had been to offer Mr B a discount, but the email it had sent him offering this had been unclear and did not appear to offer this. The Council agreed to apologise for the confusing message it had given regarding this, and to re-offer the discount.

Case reference 201300046

Environment and Environmental Health

Upheld

May 2013 – Noise and other nuisance issues – Flintshire County Council

Mr S (together with other local residents) complained about Flintshire County Council's response to complaints of noise nuisance from a nearby motocross course.

The Ombudsman found that while the matter had been going on longer than Mr S and the residents would have wished, in general, the Council's actions did not amount to maladministration, save for one period in 2010 when it had failed to take legal action within the necessary timescales when it had evidence to suggest that a noise abatement notice had been breached. The Ombudsman upheld the complaint to that extent only.

The Ombudsman also generally found that the Council's responses to Mr S's complaints about how it had dealt with the matter were broadly acceptable. He did identify some failings. These principally related to delays in providing responses or information and to one instance where there was a failure to explain why a Council officer disagreed with Mr S's account of a site visit. The Ombudsman also upheld this part of the complaint to the extent of the minor failings identified.

The Ombudsman recommended that the Council should:

- a) formally apologise to Mr S for the failings identified;
- b) ensure Mr S is kept up to date with progress in addressing the noise arising from the motocross activities.

The Council agreed to implement these recommendations.

Case reference 201201918

Quick fixes and Voluntary settlements

Flintshire County Council – Refuse collection, recycling and waste disposal

Case reference 201303605 – October 2013

Mr H complained his recycling and refuse collections kept being ignored, leading to his rubbish smelling and attracting pests, despite him complaining to the Council several times.

The Ombudsman office contacted the Council, which arranged for a supervisor to visit Mr H to discuss where he was placing his refuse. With Mr H's agreement, the supervisor agreed to visit the property weekly to check the refuse was being collected until Mr H was satisfied the problem has been resolved.

August 2013 – Refuse collection, recycling and waste disposal – Flintshire County Council

Mr P complained that he has a long-standing complaint with the Council over his rubbish collection. He says that he has experienced repeated problems with rubbish and recycling collections. He said that even though he contacted the Council repeatedly the service does not improve.

Following contact from the Ombudsman's office, the Council stated that it was aware of previous issues but understood these had been resolved. The Council advised that Mr P would now be placed on the weekly monitoring list and receive a weekly phone call to check that the rubbish and recycling had been collected.

Case reference 201302913

Planning and Building Control

Upheld

Flintshire County Council – Unauthorised development Case reference 201300866 – October 2013

Mr J complained that Flintshire County Council had failed to take action in a timely manner in relation to unauthorised development on neighbouring land following court action being taken in 2010. He also complained that the Council had failed to keep him up to date with what was happening.

The Ombudsman found that while the planning enforcement action in this case had been going on for a long time, this did not amount to maladministration due to the complexity of the case. He did not uphold this element of the complaint. The Ombudsman did find that there were some occasions when there was delay in the Council responding to Mr J's enquiries. He upheld the second part of the complaint to that extent. The Ombudsman recommended that the Council should:

- a) apologise to Mr J for the fact there were sometimes delays in responding to him.
- b) notify Mr J at appropriate intervals of progress being made with the enforcement action.

The Council agreed to the above recommendations.

Social Services - Adult

Upheld

August 2013 – Services for vulnerable adults – Flintshire County Council

Mr R made this complaint on behalf of his son, Mr I, who is an adult with learning disabilities. Mr R complained that Flintshire County Council's ("the Council's") decision to stop funding Mr I's transport to and from his day service placement ("Placement B"), for one day each week, following the introduction of its Transport Policy ("the Policy"), was unreasonable because the cost of this transport exceeded Mr I's mobility allowance. He suggested that the Council had not taken this decision properly. He also indicated that he was dissatisfied because the Council would not allow its existing contractor to continue transporting Mr I on the day for which it had withdrawn funding, even if he (Mr I) paid the Council or this contractor for such transport on that day.

The Ombudsman upheld Mr R's complaint because he considered that the Council did not take the decisions it made about the withdrawal of Mr I's transport properly. He recommended that the Council should amend the Policy. He asked the Council to ensure that its appeal process addresses the failings that he had identified. In view of such findings, the Ombudsman recommended that the Council should satisfy itself that, following the introduction of its Policy, it took its decisions to withdraw transport from 213 other service users properly. He asked the Council to complete another transport assessment, a unified assessment and a full financial assessment in respect of Mr I. He recommended that the Council should resume transporting Mr I to and from Placement B on the relevant day, pending the outcome of his new transport assessment.

The Ombudsman asked the Council to write to Mr I, Mr R and Mrs R to apologise for the failings found. He recommended that it should calculate how much it has cost Mr and Mrs R to transport Mr I to and from Placement B since it withdrew Mr I's transport, and send Mr I a cheque for that amount. He asked it to ensure that it shares his investigation report with its Social and Health Care Overview and Scrutiny Committee. The Council agreed to comply with these recommendations. It also resumed transporting Mr I to and from Placement B on the day for which it had withdrawn funding, and had done so prior to the Ombudsman issuing the final investigation report in respect of Mr R's complaint.

Case reference 201201212

Various Other

Quick fixes and Voluntary settlements

Flintshire County Council – Poor/No communication or failure to provide information

Case reference 201303191 – October 2013

Mr A complained to the Ombudsman about delays by the Council in its administration of an application for a loan from the Welsh Government's Houses into Homes scheme. Upon receipt of the complaint, the Ombudsman contacted the Council, which agreed to do the following to settle the complaint:

- a) urgently consider Mr A's complaint under stage 2 of its corporate complaints procedure;
- b) re-consider its position in relation to some of the evidence requirements for the loan in view of the delay.