

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



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Acting Chief Executive
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Dear Sir/Madam

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 Caerphilly County Borough 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, there has been a large decrease in the number of complaints received and investigated by my office compared with 2011/12, and these figures are now also below the average. In reference to complaint outcomes, I note that the number of 'premature' complaints has more than doubled compared to 2011/12, whilst the number of 'upheld' reports issued by my office is above the average. I am pleased to note that all responses to requests for information from my office were received within four weeks of the date 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

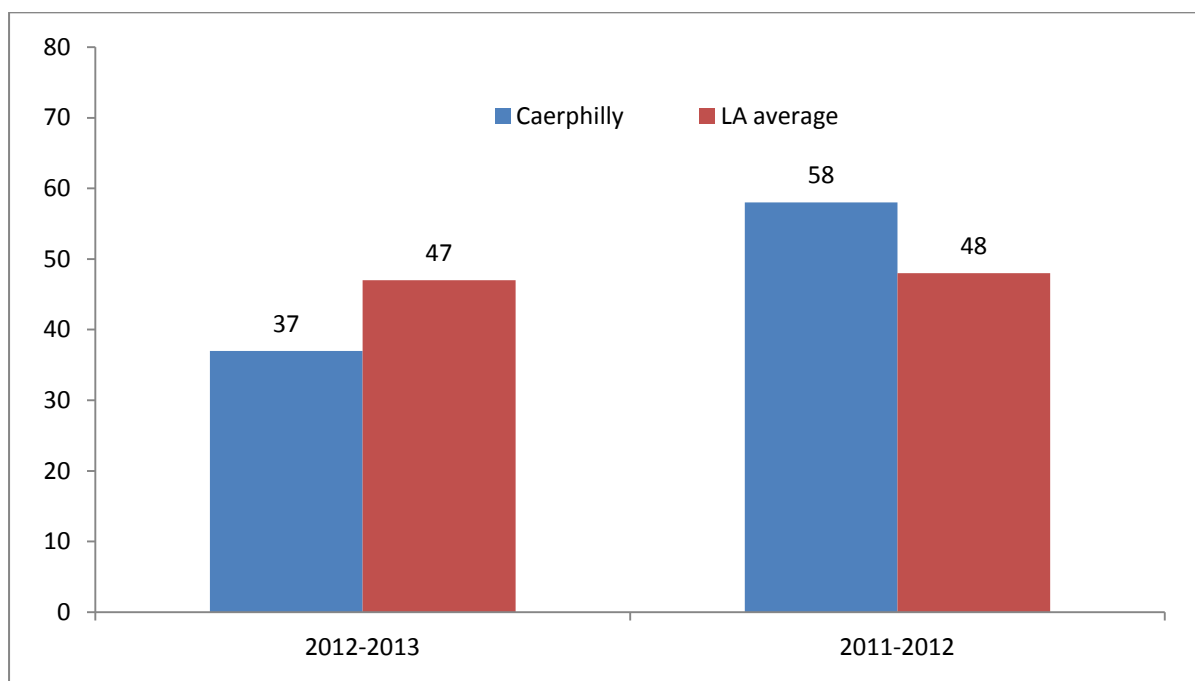
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

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

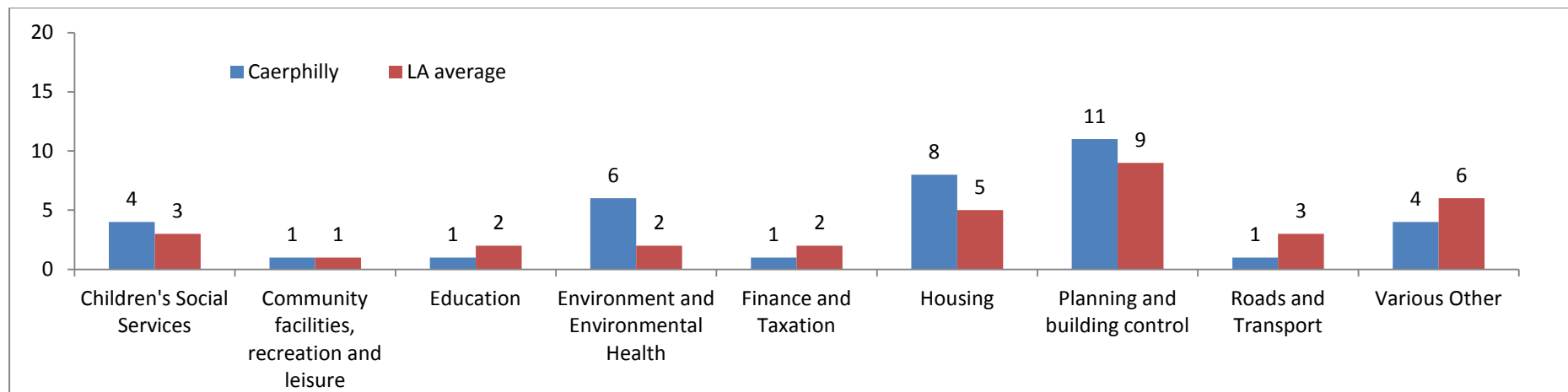


B: Complaints received by my office

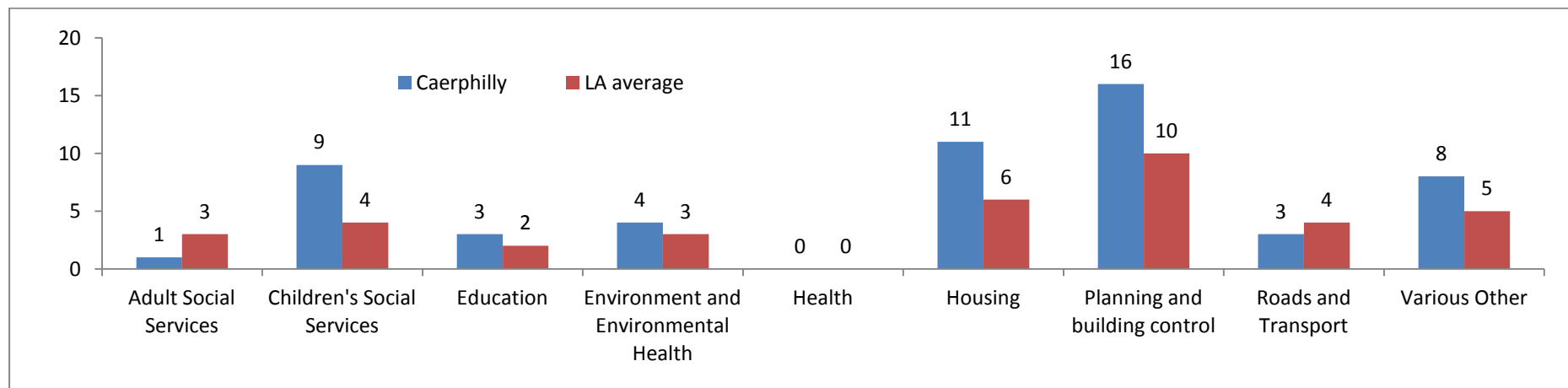
Subject	2012-2013	2011-2012
Adult Social Services	0	1
Benefits Administration	0	1
Children's Social Services	4	9
Community facilities, recreation and leisure	1	0
Education	1	3
Environment and Environmental Health	6	4
Finance and Taxation	1	2
Housing	8	11
Planning and building control	11	16
Roads and Transport	1	3
Various Other	4	8
Total	37	58

C: Comparison of complaints by subject category with LA average

2012-2013



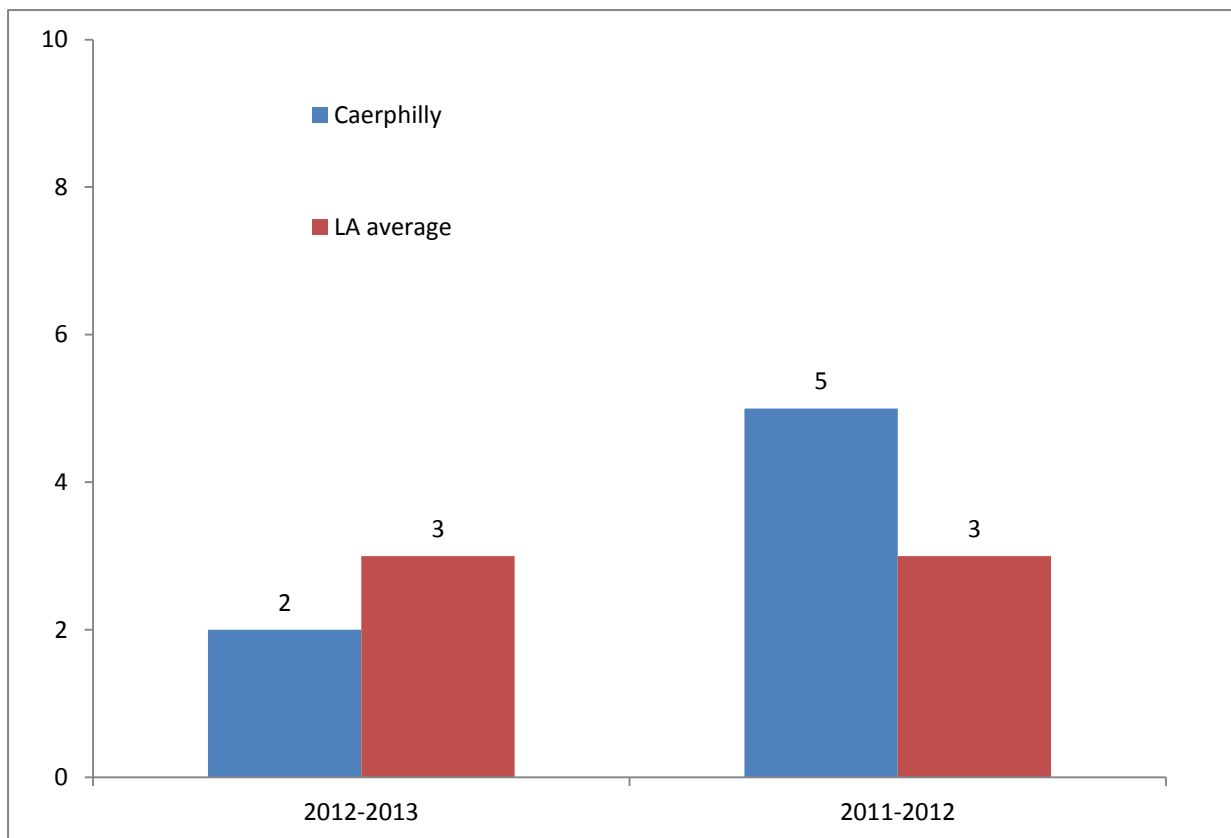
2011-2012



D: Complaints taken into investigation by my office

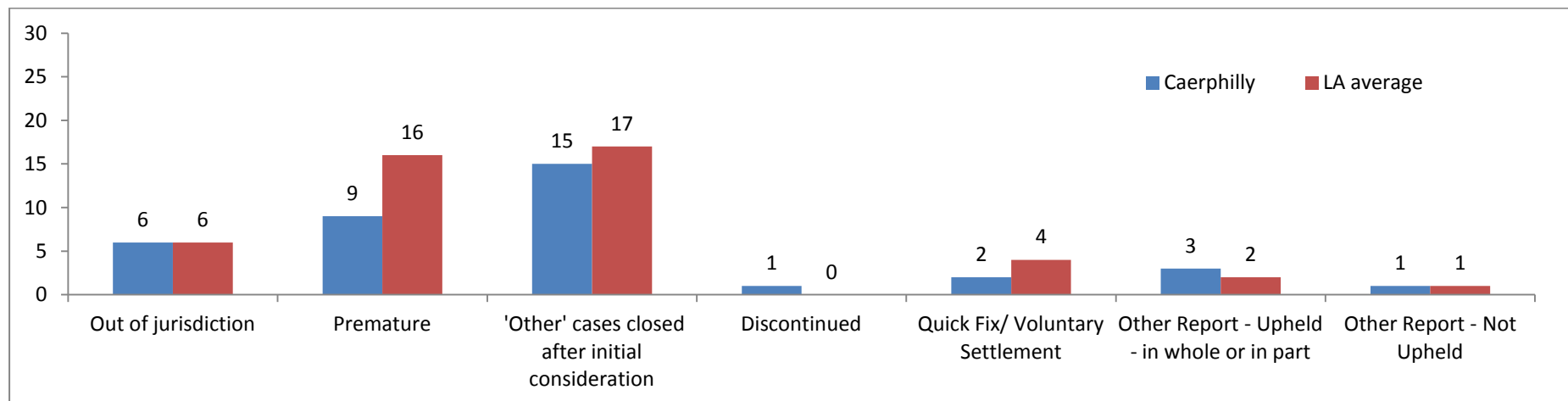
	2012-2013	2011-2012
Number of complaints taken into investigation	2	5

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

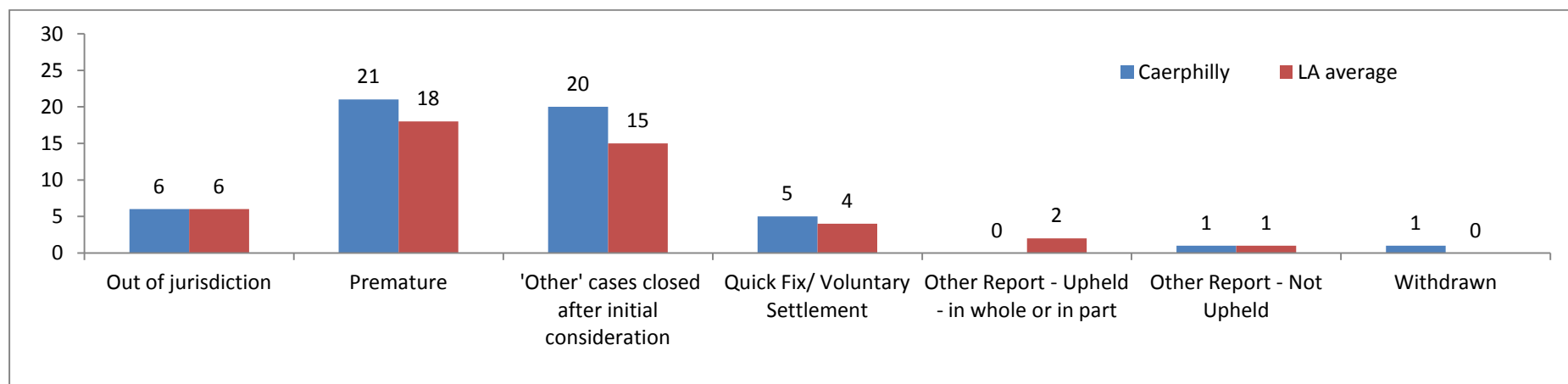


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

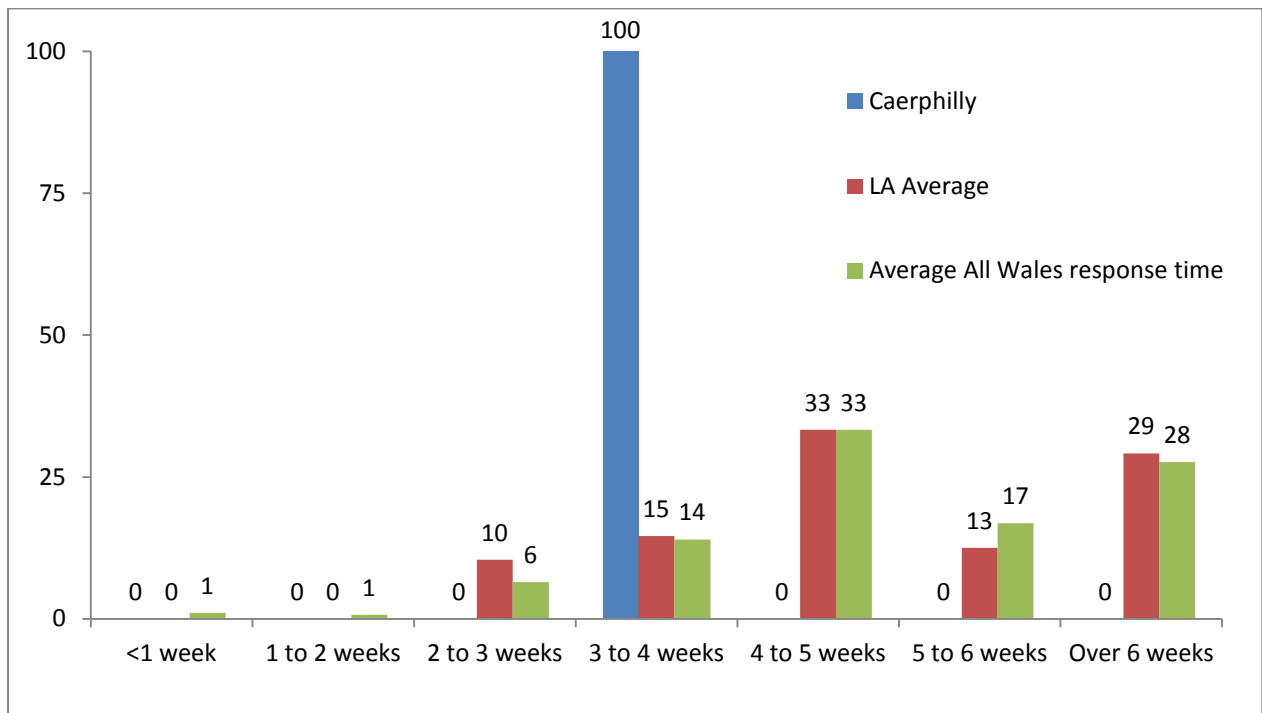
2012-2013



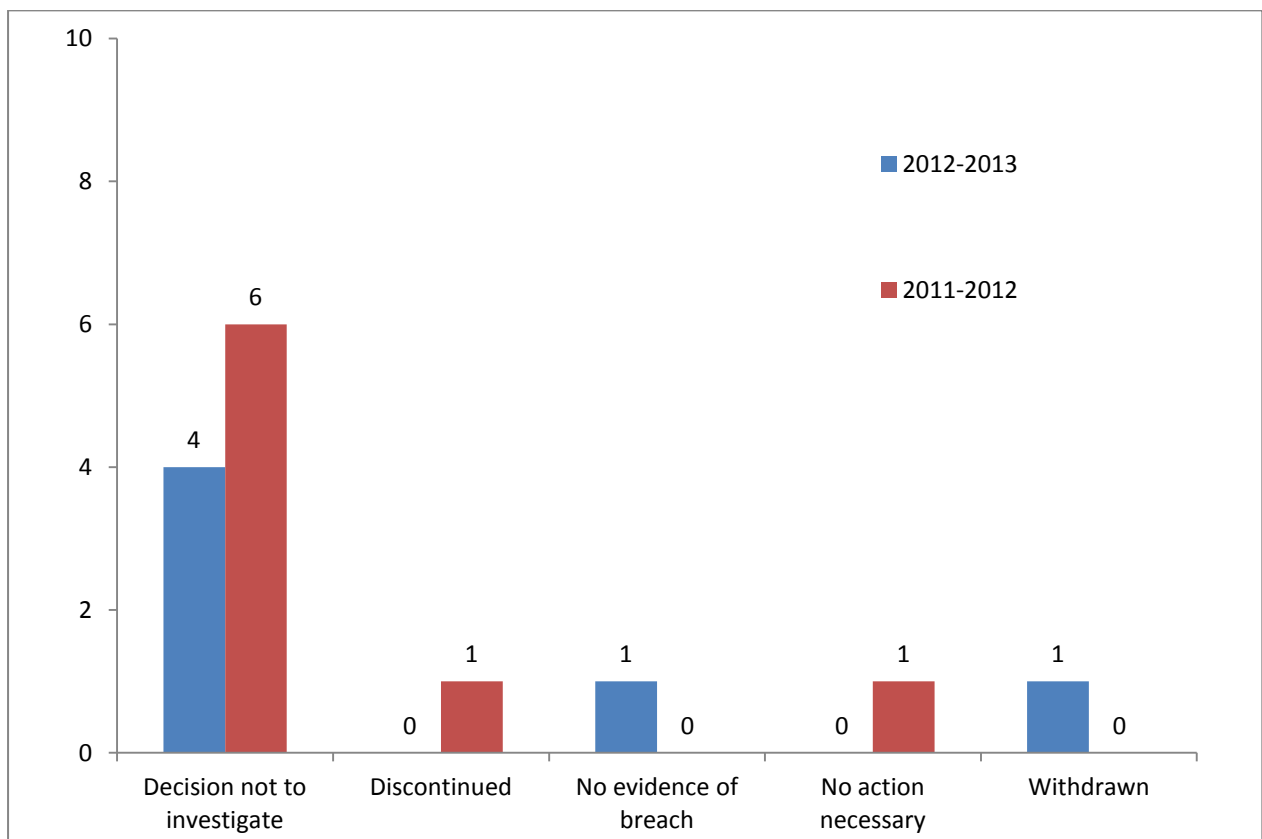
2011-2012



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

Health

Upheld

June 2012 – Continuing care – Aneurin Bevan Health Board & Caerphilly County Borough Council

Mr F cared for his wife, Mrs F, at home with assistance on a daily basis from carers provided and funded by the Council. Mrs F had Alzheimer's disease. An application was made for continuing health care (CHC) funding for Mrs F because the Council considered that her needs had increased. No decision on eligibility was made for over a year by the Health Board until just prior to Mrs F's death. The Ombudsman found that there were shortcomings in the Health Board's systems that resulted in its failure to reach a decision on Mrs F's eligibility. This failure and the delays overall in this case were unacceptable. There was also a lack of clarity about the need for night care for Mrs F and/or a night sitting service to Mr F as a carer.

The Ombudsman recommended that the Health Board apologise to Mr F for the identified failings and that it should ensure that improvements were made to its systems for considering all CHC eligibility applications.

Case reference 201001820 & 201002050

May 2012 – Appointments/admissions/discharge & transfer procedures – Aneurin Bevan Health Board, Cwm Taf Health Board & Caerphilly County Borough Council

Mrs C complained about aspects of the care and treatment of her severely disabled husband following his admission to Prince Charles Hospital (PCH) in February 2009. PCH is managed by Cwm Taf Health Board. Mr C was transferred to Ystrad Mynach Hospital (YMH) from where he was discharged home in June 2009. YMH is managed by Aneurin Bevan Health Board. Caerphilly Council's social services were also involved in Mr C's care.

The Ombudsman's investigation found that as Mr C's ability to communicate was very limited, his capacity should have been assessed under the Mental Capacity Act 2005 (MCA). Despite Cwm Taf HB and Caerphilly social services being in agreement with the need for this, Cwm Taf HB failed to carry out an assessment. This meant that, at best, Mr C was given very little choice about his care and treatment, and about whether he remained in hospital, and, at worst, he was detained in hospital against his will. This was therefore a significant failing and the complaint was upheld. Cwm Taf and Aneurin Bevan Health Boards agreed with the Ombudsman's recommendation to provide training to staff about their responsibilities under the MCA.

The Ombudsman investigated a number of other complaints. He concluded that it had taken too long to discharge Mr C from hospital, and asked the authorities to consider how the process can be speeded up. He also upheld a complaint that Mr C was allowed to remain constipated for several days. But he did not uphold complaints relating to mouth care and provision of antibiotics, or that it was inappropriate to consider the possible need to instigate the Protection of Vulnerable Adults procedure.

Finally, the Ombudsman upheld Mrs C's complaint that the three bodies failed to provide a joint or cohesive response to her complaints.

Case reference 201002841, 201100156 & 201100157

Housing

Quick fixes and Voluntary settlements

November 2012 – Group or block repairs/improvements grants – Caerphilly County Borough Council

Ms Y complained about the Council's Home Improvement Agency Service's failure to properly oversee a grant aided scheme of conversion of a property she owned. Ms Y considered that the time taken to complete the project was unacceptable. She also complained about the Council's Building Control Section and issues relating to its failure to issue a Building Regulations completion certificate for the property. The investigation found that there was evidence of delays in completing the work at the property. However, most of the delays were not caused by shortcomings on the part of the Council but arose as a result of unforeseen works needed at the property.

The investigation found that there was no evidence of unremedied maladministration, apart from delays resulting from the Council's inadequate supervision of the water connection to the property and as a result of the non-attendance of the contractor. The investigation found no evidence of maladministration on the part of the Council's Building Control Section in relation to this matter. The completion certificate could not be issued until a fire (resistance) safety test could be undertaken, which the Council had been prevented from doing.

To resolve the complaint, the Council agreed to offer Ms Y £1842 to reflect 1 month's lost rent as a result of the contractor's failure to attend and 3 months and 10 days lost rent because of delay in arranging the water connection to the property.

Case reference 201200965

Social Services – Adult

Not Upheld

May 2012 – Services for vulnerable adults – Caerphilly County Borough Council

Mr A complained about the manner in which the Council handled a complaint that one of its support staff had caused distress to his relative, who has a learning disability. In particular, Mr A was concerned that his relative was interviewed as part of the complaint process which he stated caused further upset. The Ombudsman found that, given the nature of the allegation, the Council had followed appropriate procedures in considering the matter under POVA, and that its decision not to progress the allegation to the formal investigation stage was reasonable.

The Ombudsman therefore did not uphold the complaint. However, the Ombudsman did note that the Council's record keeping could be improved as it was unable to demonstrate from its POVA documentation any detailed planning for its interview or that the service user's capacity had been properly assessed.

Case reference 201101204

Social Services - Children

Upheld

February 2013 – Other – Caerphilly County Borough Council

Mr and Mrs A complained that Caerphilly County Borough Council had failed to address the behavioural problems of child B, a child that they had been fostering for approximately three years. Mr and Mrs B said that the Council's failure to provide appropriate support services contributed to the subsequent breakdown of the placement and to child B's removal from their care. Mr and Mrs A also complained about the Council's complaints process and that it delayed in notifying them of the decision not to investigate their complaint under Stage 3.

The Ombudsman partly upheld the complaint. The Ombudsman found that the interventions and support services provided to child B were appropriate and there was no evidence to suggest that a lack of support or services led to the breakdown in the placement. However, the Ombudsman found that the Council failed to have a proper transitional plan in place for the move and that the planned timing of the new placement was influenced by financial considerations. The Ombudsman also found inadequacies in the complaints process.

The Ombudsman recommended that the Council apologise to Mr and Mrs A and reflect on the failings highlighted in the report to ensure that similar failings do not occur in future cases.

Case reference 201101123

Quick Fixes & Voluntary Settlements

May 2012 – Children taken into care etc – Caerphilly County Borough Council

Ms B called the Ombudsman's office with a complaint against Caerphilly County Borough Council. Ms B made a complaint last July and had still not received a full response from the Council. Her complaint related to her 3 year old son running out of their home and being found 20 minutes later by a woman, who then reported Ms B to Social Services. Ms B had been trying to remove her son's name from a register but she felt the Council was not keeping her up to date.

Caerphilly County Borough Council was contacted to clarify whether it was acting upon Ms B complaint and the points she raised. The Council said that the complaint was not straight forward. While considering this complaint, the Council decided that a policy needed reviewing and that was why the complaint was taking longer than normal. This needed to be completed before it would finalise its response to Ms B complaint. The Council advised that a final response should be sent out in the next month.

Case reference 201200665