

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



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Date: 9 July 2013



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Mr Iwan Davies  
Chief Executive  
Conwy County Borough Council  
Bodlondeb  
Conwy  
LL32 8DU

Dear Mr Davies

### **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 Conwy 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, I note that the number of complaints received and investigated has remained at a similar level to those recorded in 2011/12. As with 2011/12, 'Planning and Building Control' remains the single largest area of complaint, whilst the majority of complaint outcomes were classed as 'premature'.

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 distribution<sup>1</sup>) 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.

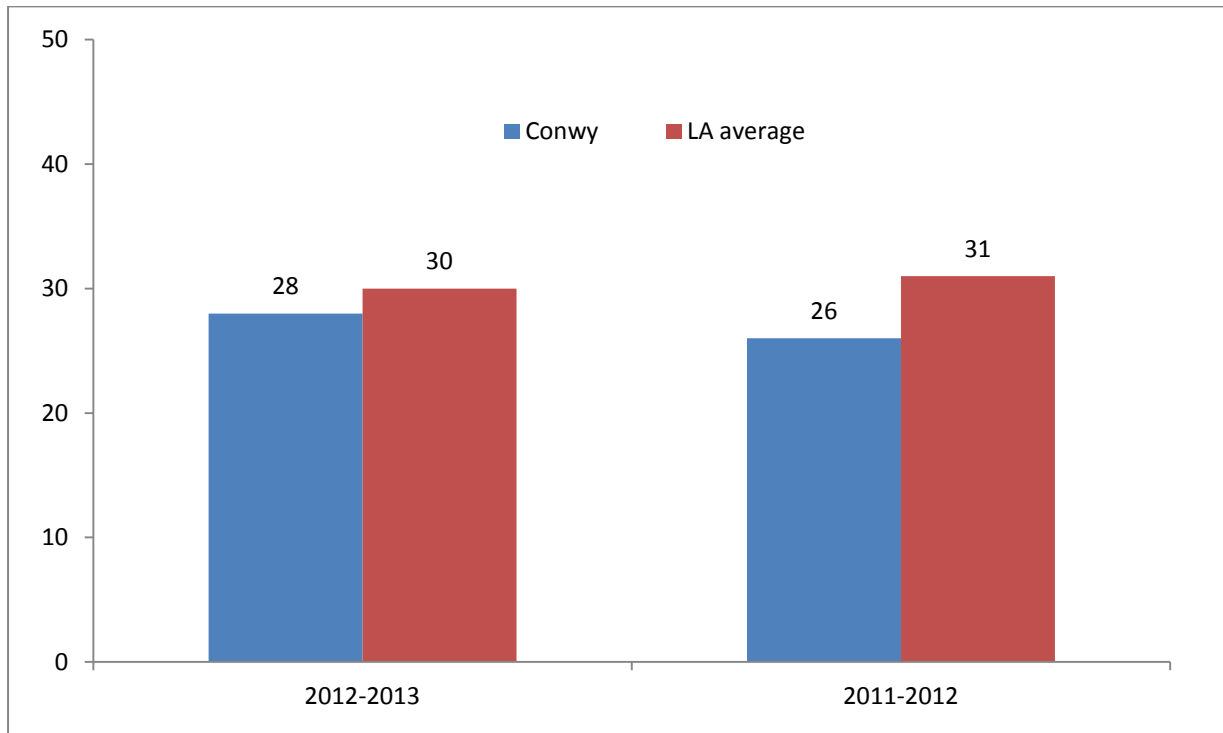
### **Feedback**

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](mailto:james.merrifield@ombudsman-wales.org.uk).

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<sup>1</sup> <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**

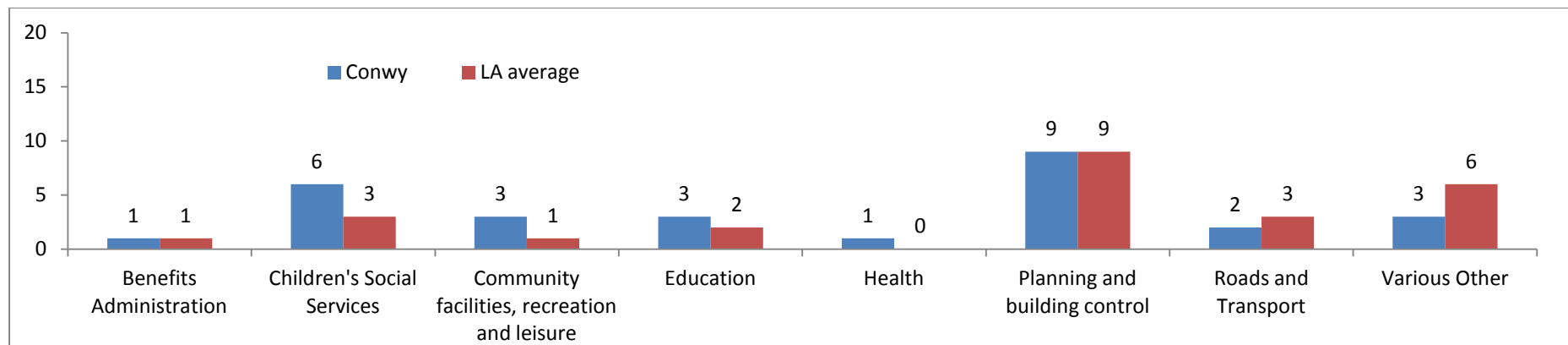


**B: Complaints received by my office**

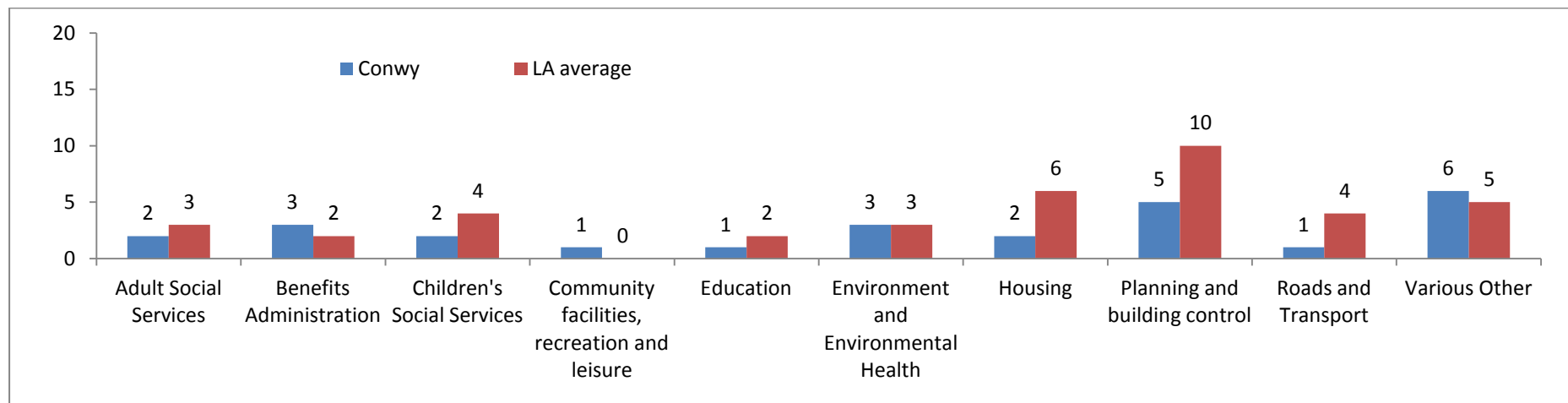
| Subject                                      | 2012-2013 | 2011-2012 |
|--|-----------|-----------|
| Adult Social Services                        | 0         | 2         |
| Benefits Administration                      | 1         | 3         |
| Children's Social Services                   | 6         | 2         |
| Community facilities, recreation and leisure | 3         | 1         |
| Education                                    | 3         | 1         |
| Environment and Environmental Health         | 0         | 3         |
| Health                                       | 1         | 0         |
| Housing                                      | 0         | 2         |
| Planning and building control                | 9         | 5         |
| Roads and Transport                          | 2         | 1         |
| Various Other                                | 3         | 6         |
| <b>Total</b>                                 | <b>28</b> | <b>26</b> |

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

**2012-2013**



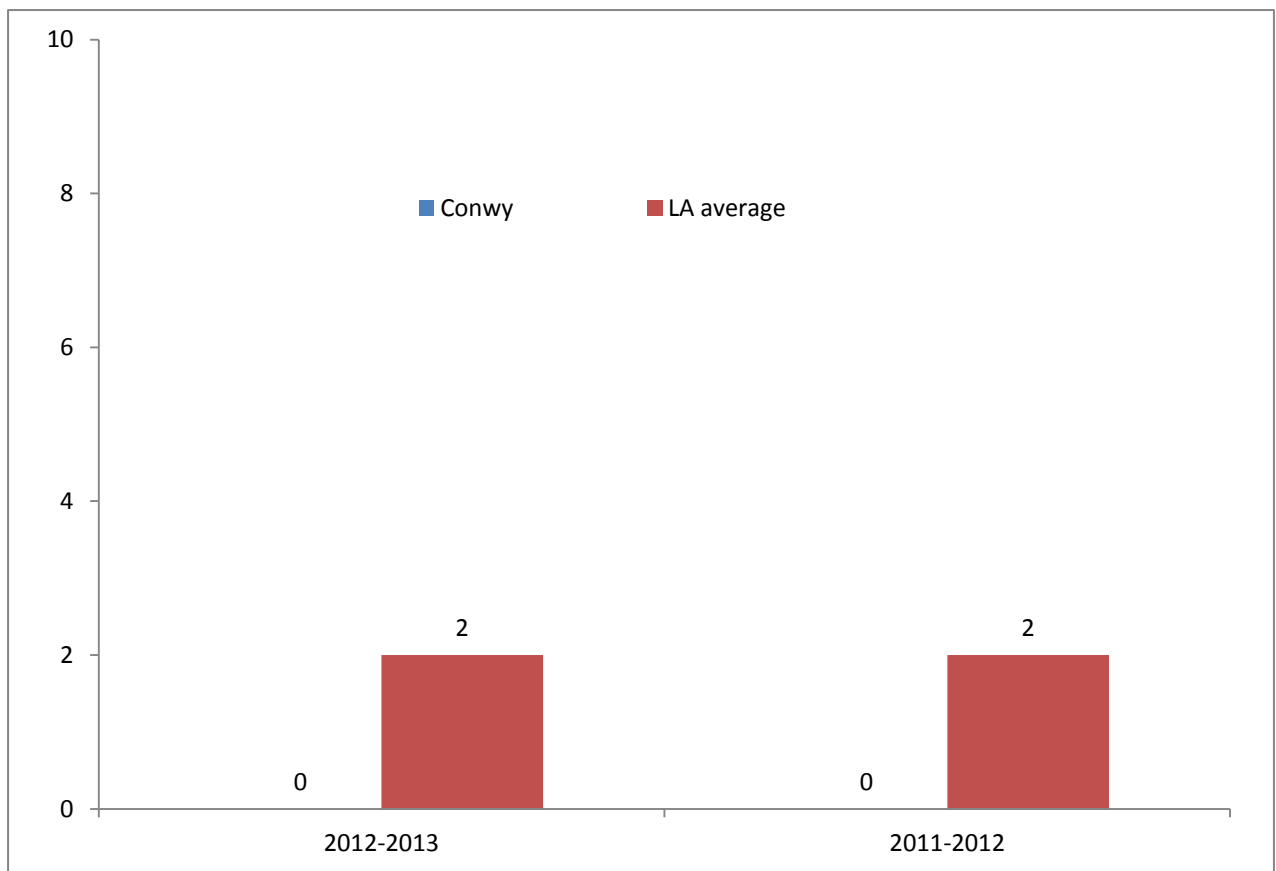
**2011-2012**



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

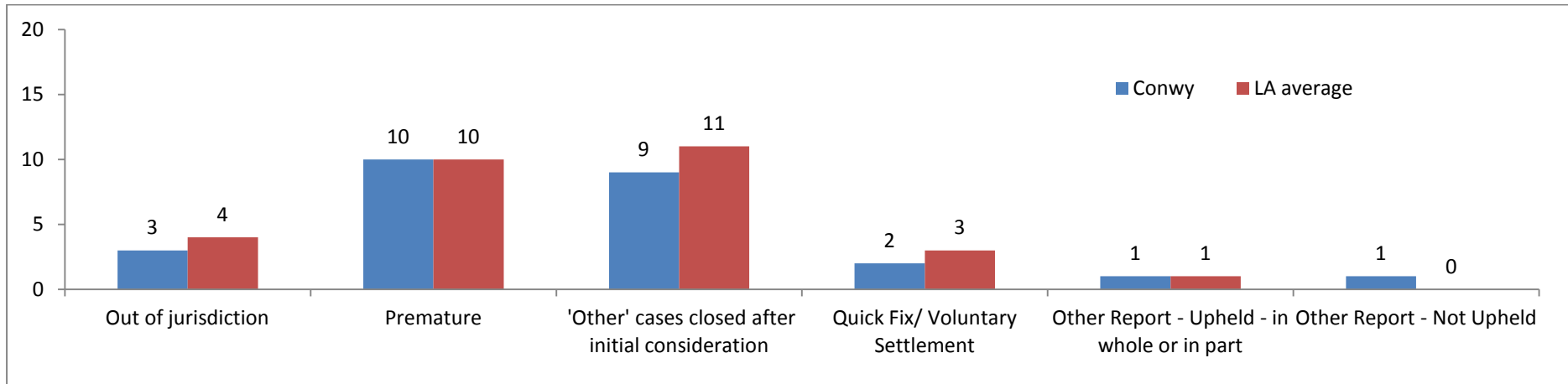
|   | 2012-2013 | 2011-2012 |
|---|-----------|-----------|
| Number of complaints taken into investigation | 0         | 0         |

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

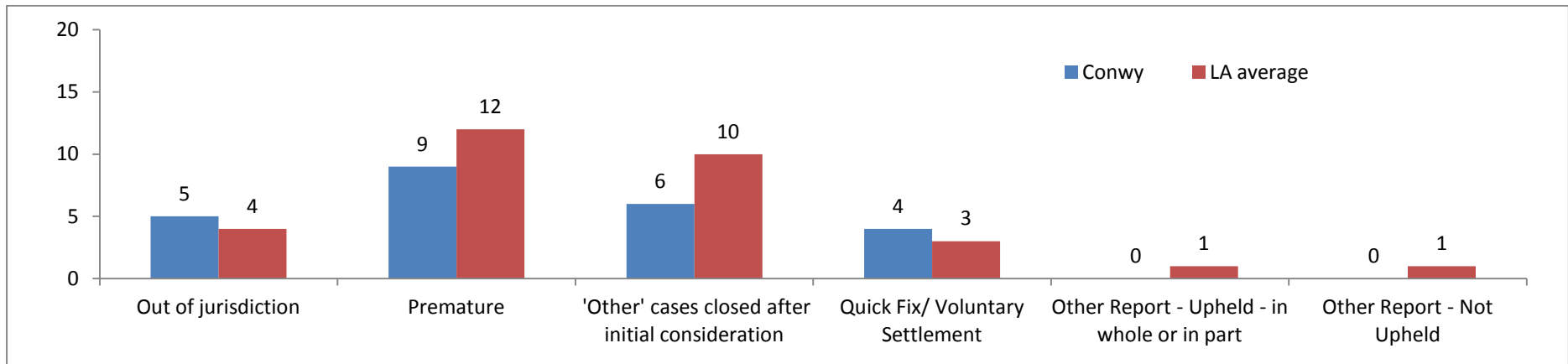


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

**2012-2013**

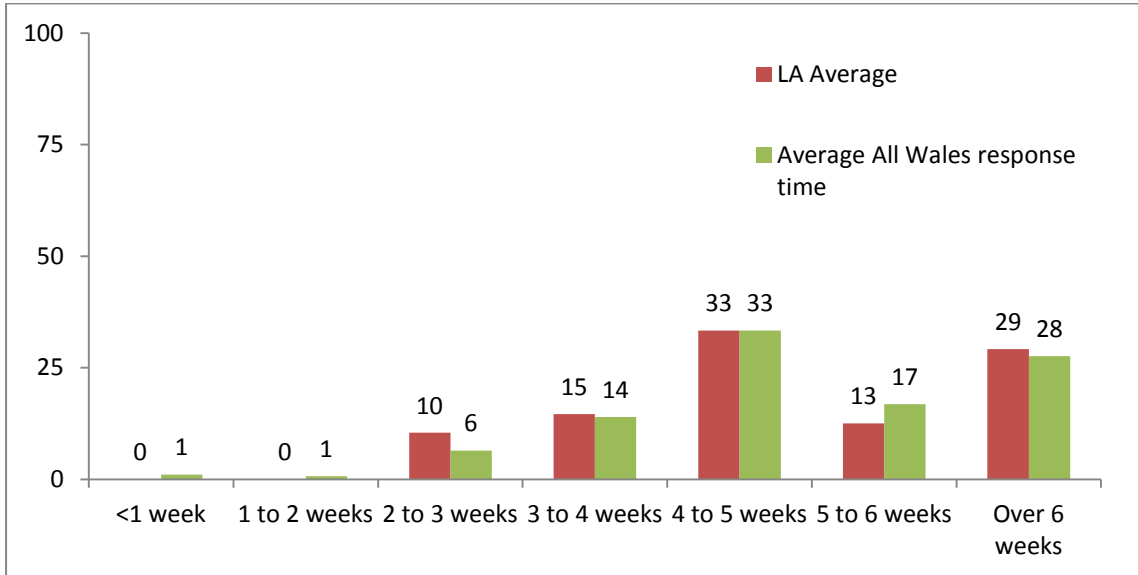


**2011-2012**

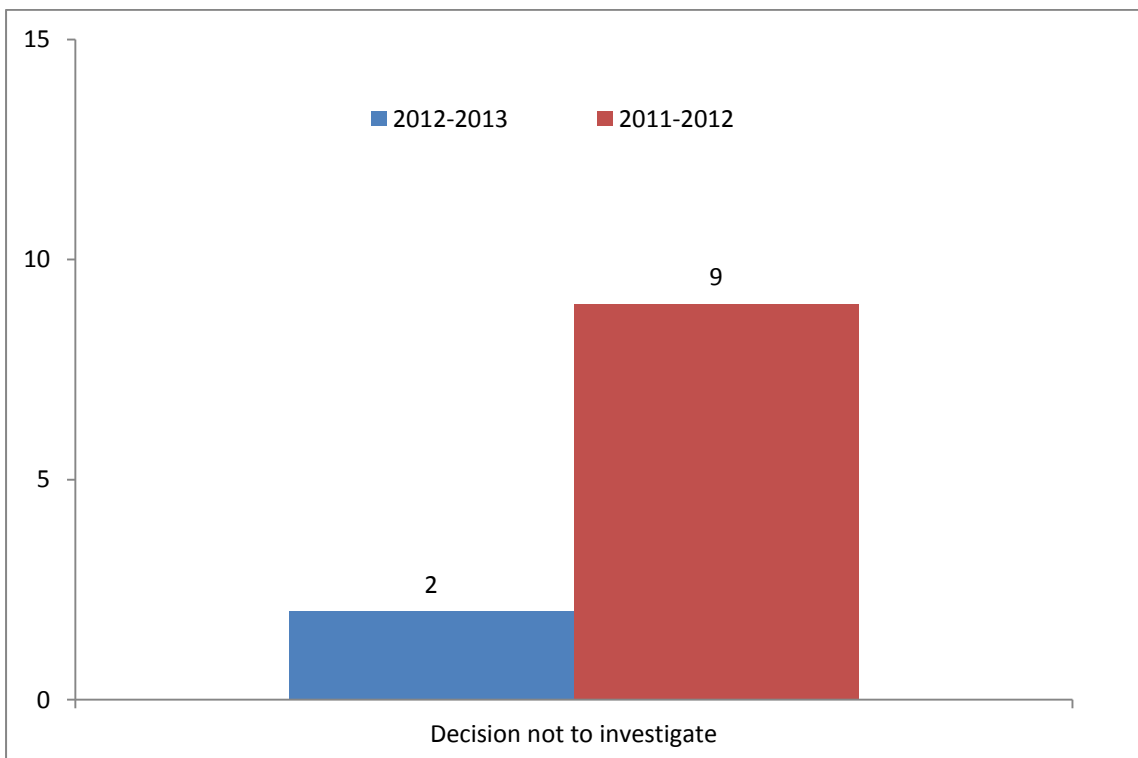


**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2012 – 2013 (%)**

Graph G relates to those investigations which were commenced during 2012-2013. As there were no investigations commenced against Conwy, there are no response times for Conwy. However, we have included the average Local Authority response times and the average response times for all bodies in Wales for your information.



**H: Code of Conduct complaints**





## **I: Report summaries**

### **Education**

#### **Quick fixes and Voluntary settlements**

##### **November 2012 – School transport – Conwy County Borough Council**

Mrs A complained that she felt she was being discriminated against in relation to the Council refusing to provide transport for her child to attend an all English speaking school. In her letters of complaint to the Council, she had requested an appeal against this decision, but as yet, the Council had not responded to her requests. On receiving Mrs A's complaint, my office contacted the Council which agreed to convene an Appeal Panel, scheduled for 10th December 2012.

**Case reference 201202703**

## **Social Services - Children**

### **Not Upheld**

#### **November 2012 – Other – Conwy County Borough Council**

Mrs C had a number of concerns about how the Council had fulfilled its statutory duty to her granddaughter, B, who was subject of a care order. Specifically, she complained that the Council, as corporate parent, had not taken sufficient steps to ensure that B was either taken by her foster carers to, or examined at, regular dental appointments. Consequently, it was said B had undergone a number of extractions under general anaesthetic.

The investigation found there was evidence that B had been taken to a number of dental appointments at which it was documented that she refused to undergo a full examination, borne out of her phobia of dentists. More regular appointments had been scheduled, and had taken place, so that B could build up a relationship of trust with her dentist so that, hopefully, she might overcome her fear. Equally, the Ombudsman found that B, in law, was of sufficient age, and understanding, to refuse to consent to undergo simple dental examinations if she so wished. Guidance issued to dentists also echoed the view that patients could refuse to consent to investigations or treatment and that such a decision should be respected. As a “looked after child” the Council was also shown to have complied with its duty to ensure B had medical reviews. The Ombudsman did not uphold the complaint.

**Case reference 201103280**

### **Quick Fixes & Voluntary Settlements**

#### **July 2012 – Other – Conwy County Borough Council**

Ms D expressed concern about the welfare of her 10 year old son who resides with her estranged husband and, according to her, is subject to maltreatment at Mr D’s hands (Mr D suffers with an incurable illness and was said to be given to outbursts of violence).

The complaint details were forwarded to Conwy Children’s Services, who conducted a visit to Ms D and obtained further information. As in previous instances, the allegation was assessed and found to be groundless. Ms D appeared to be satisfied with this outcome.

**Case reference 201201422**

## **Various Other**

### **Upheld**

#### **March 2013 – Other – Conwy County Borough Council**

Mr S complained to the Ombudsman that the Council failed to consult with him or his neighbours when it decided to stage the Commonwealth Ultra Distance 24 Hour Road Race along a section of the road in which he lives in Llandudno.

Mr S complained that the decision to hold the event at this location gave rise to considerable disruption, inconvenience and noise-disturbance. Mr S also complained that, in not providing him with an opportunity to make representations about the proposal or to participate meaningfully in the decision making process, the Council failed to comply with the terms (and the spirit) of its Customer First Charter. The Ombudsman upheld Mr S's complaint.

The Council accepted the Ombudsman's recommendations to provide Mr S with an apology and to pay him £150 in recognition of the time and trouble incurred in pursuing his complaint about this matter. The Ombudsman also recommended that the Council incorporates into event planning policies, measures designed to ensure that, in future, meaningful and timely engagement with affected residents takes place when a given event intrudes into the life of a residential area.

**Case reference 201103444**