

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



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Date: 15 July 2014



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

Dear Mr Davies

### **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 Conwy County Borough 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 there has been a small increase in the number of complaints received by my office, compared to 2012/13. However, as with 2012/13, my office has not investigated any complaints during the past year. The largest areas of complaint remain 'Children's Social Services' and 'Planning and Building Control'. It is pleasing that, for the second year running, my office did not commence any investigations against your Council. Accordingly, there are no response times recorded in relation to your Council.

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.

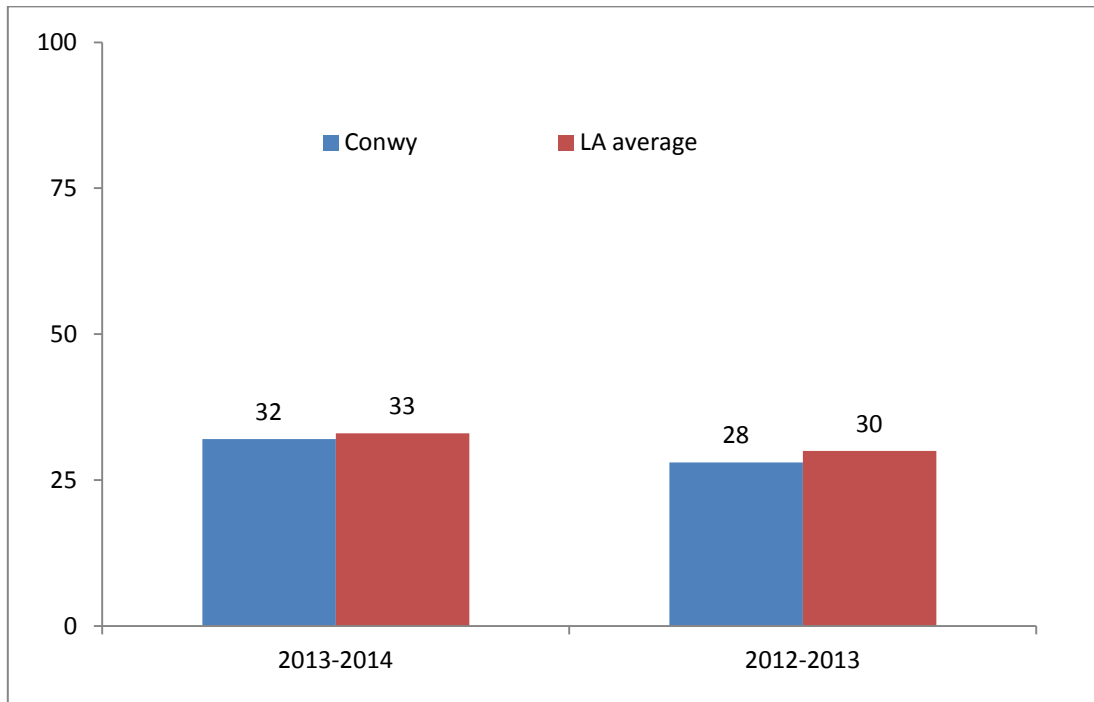
### **Housing Stock**

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

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

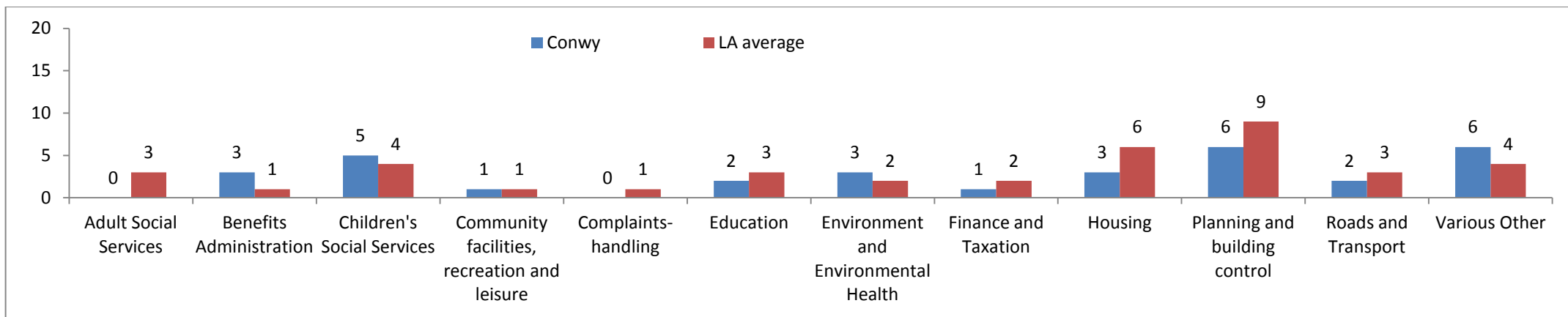


**B: Complaints received by my office**

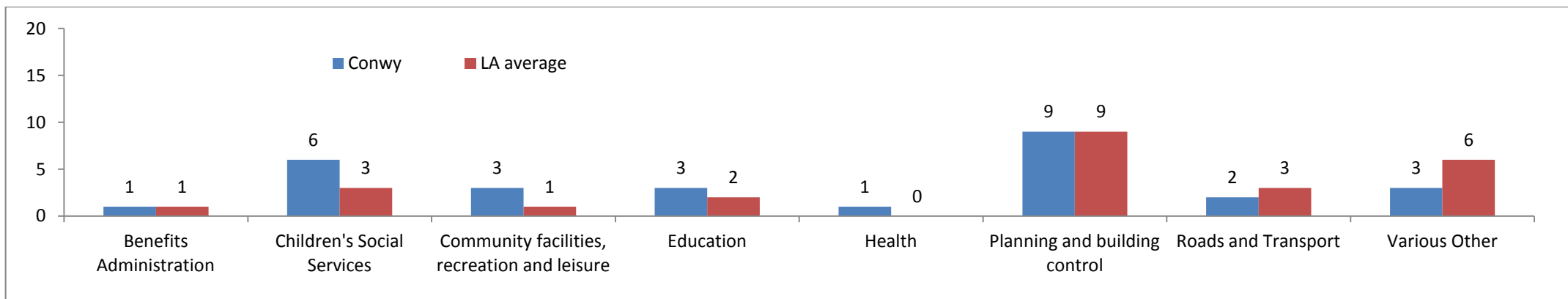
Subject	2013/14	2012/13
Adult Social Services	0	0
Benefits Administration	3	1
Children's Social Services	5	6
Community facilities, recreation and leisure	1	3
Education	2	3
Environment and Environmental Health	3	0
Finance and Taxation	1	0
Health	0	1
Housing	3	0
Planning and building control	6	9
Roads and Transport	2	2
Various Other	6	3
<b>Total</b>	<b>32</b>	<b>28</b>

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

**2013/14**



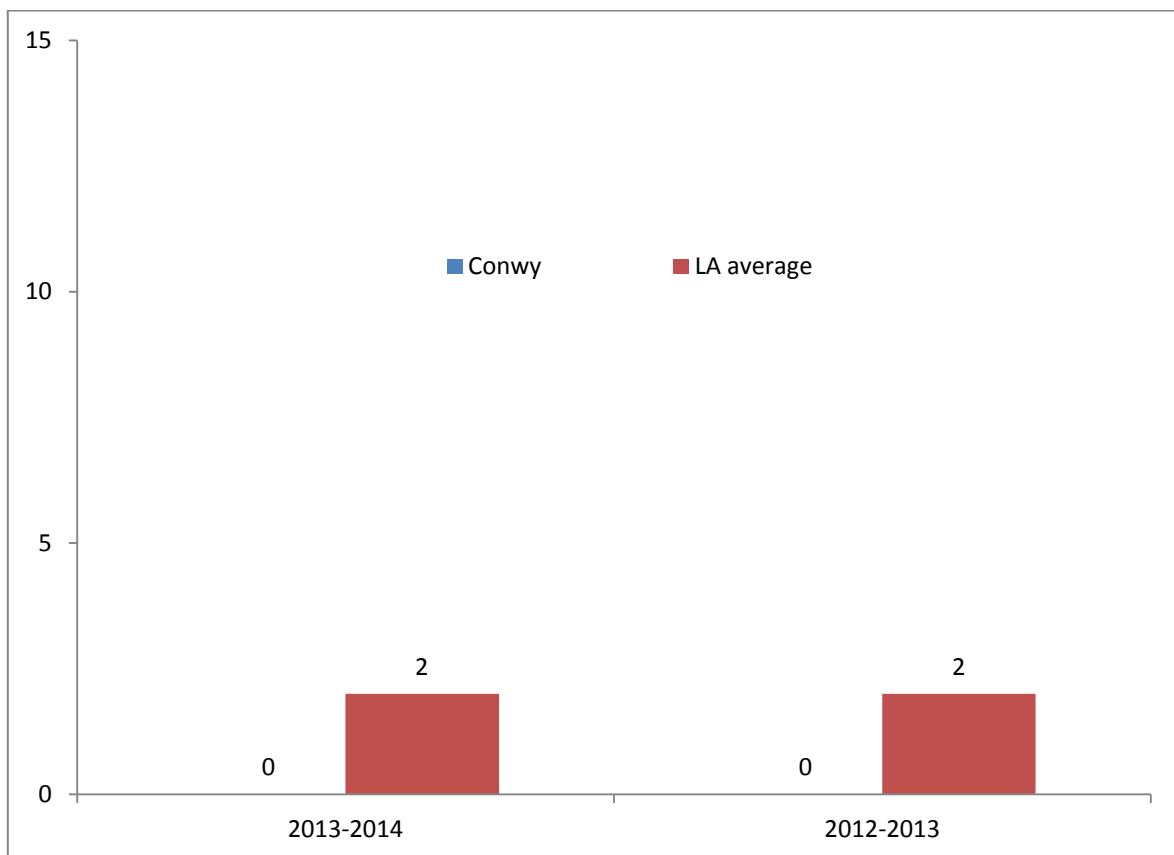
**2012/13**



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

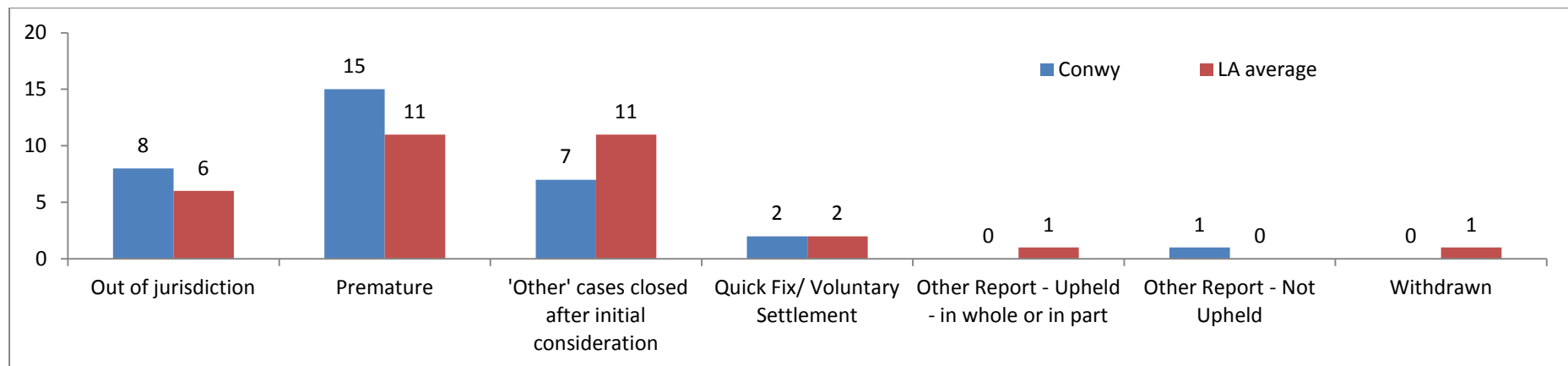
	2013/14	2012/13
Number of complaints taken into investigation	0	0

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

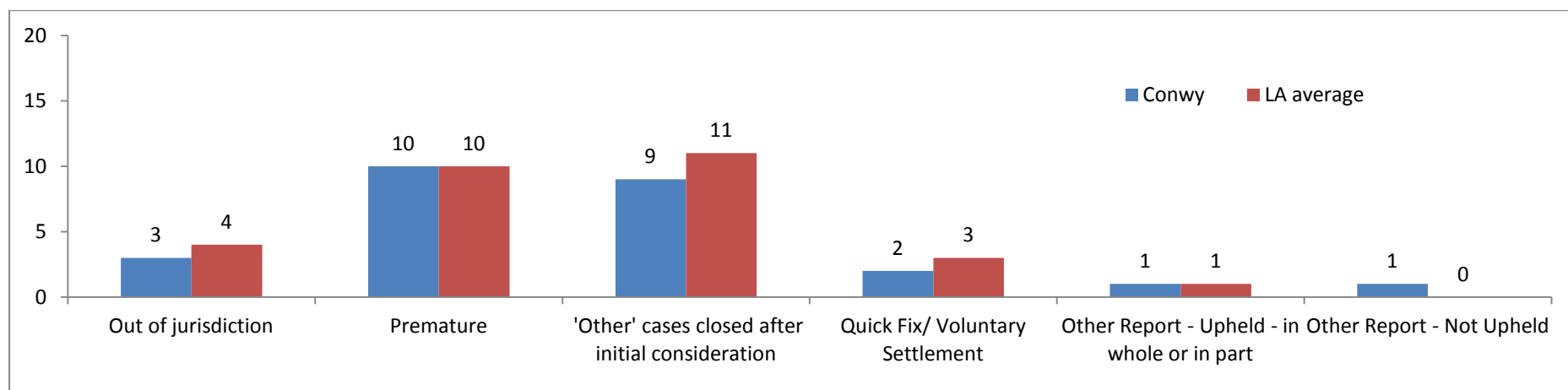


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

**2013/14**

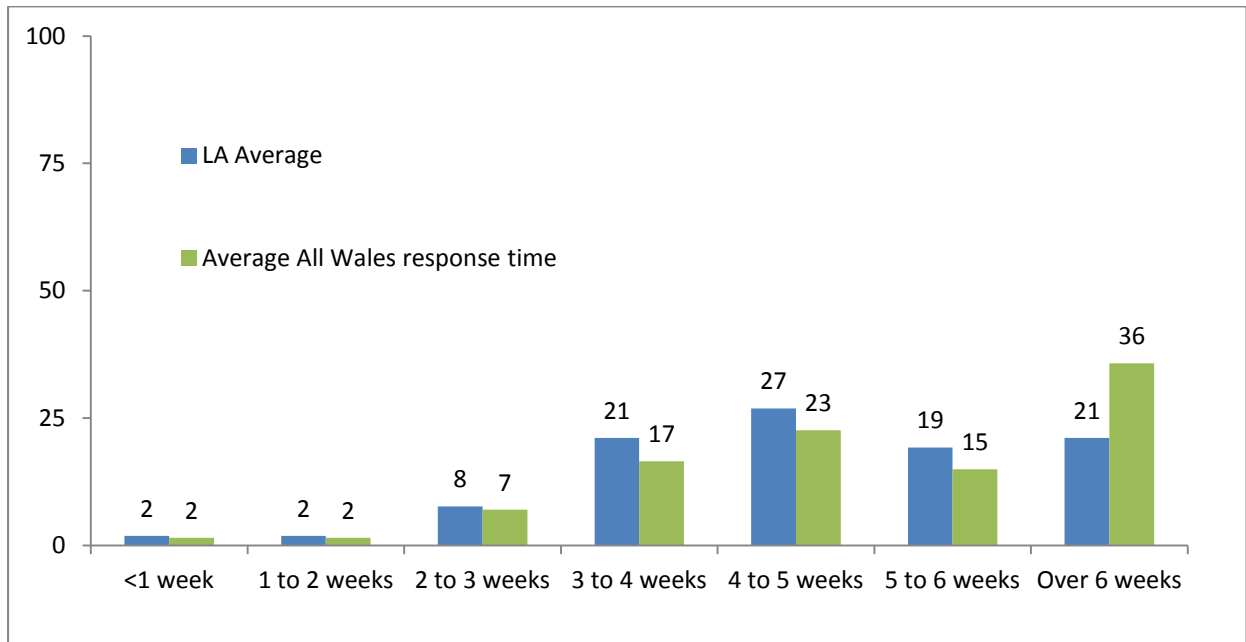


**2012/13**

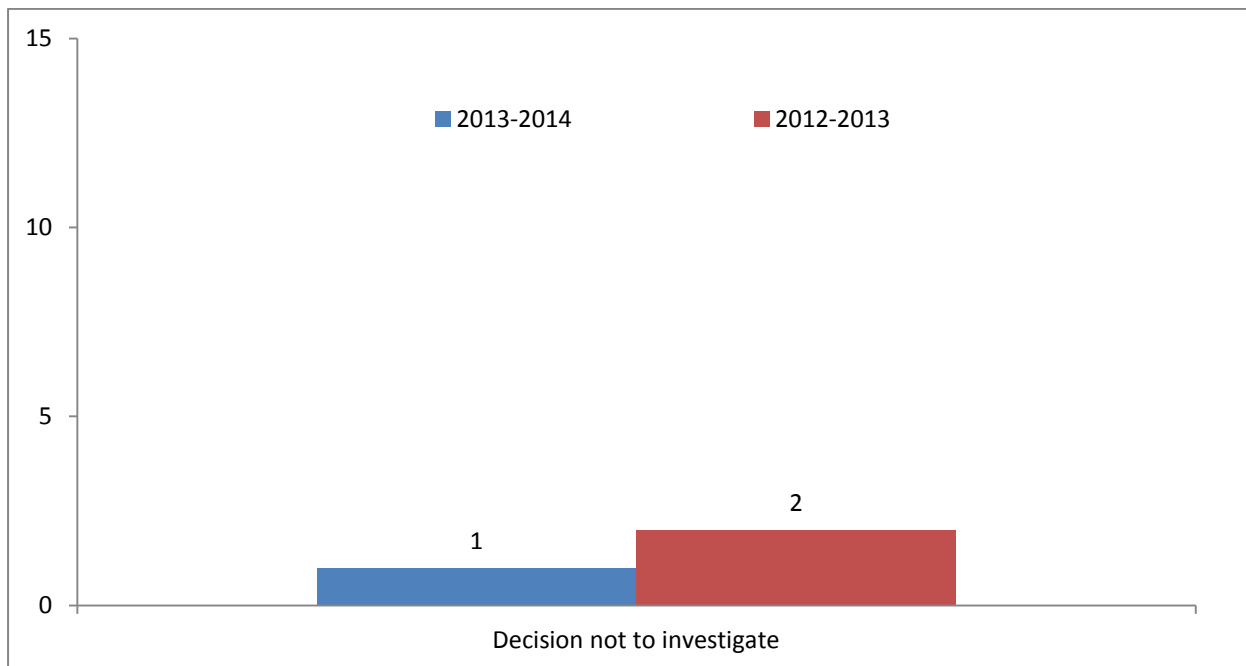


**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)**

Graph G relates to those investigations which were commenced during 2013/14. 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: Summaries**

### **Benefits Administration**

#### **Not Upheld**

##### **September 2013 – Council Tax Benefit – Conwy County Borough Council**

Ms D complained that Conwy County Borough Council had miscalculated her entitlement to Council Tax Benefit (CTB) and Housing Benefit (HB) and, in seeking to recover over-payments, had unfairly resorted to court action. Ms D also complained about a series of related errors and failures by the Council in the administration of her benefit entitlements, including the failure to take account of travelling expenses, the misplacement of documents and the improper withholding of benefit payments.

The Ombudsman is unable to consider matters that have been the subject of court proceedings and, as such, the investigation focussed on Ms D's complaints about related administrative issues. On the basis of an extensive examination of records and correspondence, the Ombudsman concluded that the Council's administration of Ms D's claims for CTB and HB were reasonable (given that Ms D did not always provide sufficiently detailed and timely information about her changing circumstances). The administration was also conducted in accordance with relevant regulations. The Ombudsman did not uphold the complaint.

**Case reference 201103755**

## **Planning and Building Control**

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

#### **Conwy County Borough Council – Tree management/TPOs/High Hedges Case reference 201204936 – March 2014**

Mr W's complaint related to trees which are owned by the Council, and situated at the rear of his property. Mr W complained that the branches overhung his fence line and could potentially cause damage to his fencing. Also, that the trees shed a substantial fall of leaves and other debris, following which he had no choice, but to carry out additional maintenance to his garden. Mr W complained that whilst the Council had previously agreed to remove the overhanging branches, these works had not materialised.

Upon receiving the complaint, the Investigating Officer contacted the Council for its comments on the complaint. The Council explained that the trees in question are protected by a Tree Preservation Order, therefore works to these trees are restricted, unless an application is made to the Council's Regulatory Services Department. However, the Council explained that it had pruned the overhanging branch and it would carry out other works to tidy up the woodland.

The Investigating Officer was satisfied that the action which the Council had said it had taken was reasonable and would resolve the complaint.

#### **May 2013 – Tree management/TPOs/High Hedges – Conwy County Borough Council**

Mr W's complaint related to trees which are owned by the Council, and are situated at the rear of his property. Mr W complained that the branches overhung his fence line and could potentially cause damage to his fencing. Also, that the trees shed a substantial fall of leaves and other debris, following which he had no choice, but to carry out additional maintenance to his garden. Mr W complained that whilst the Council had previously agreed to remove the overhanging branches, these works had not materialised.

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The Investigating Officer was satisfied that the action which the Council had said it had taken was reasonable and would resolve the complaint.

#### **Case reference 201204936**

## **Social Services – Adult**

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

#### **July 2013 – Services for older people – Conwy County Borough Council**

Mr A complained on behalf of his late mother, Mrs J, about the Council's failure to reimburse her charges for residential care after she had left hospital following compulsory detention under section 3 of the Mental Health Act 1983. Although the Council had accepted that charges may not be made for such after-care services, it disputed that it had a duty to refund Mrs J's accommodation costs to her estate. Mr A also complained that, despite repeated requests since April 2012, the Council had failed to provide his solicitors with a copy of the document it had relied on to turn the claim for re-imburement of the residential care costs down.

Mr A's substantive complaint related to assessments and decisions that were undertaken between 1996 and 2002. His complaint was therefore substantially out of time for the Ombudsman's consideration. However, in view of Mr A's outstanding concerns, the Ombudsman's office contacted the Council. It has now provided Mr A's solicitors with a copy of the relevant document and it has also agreed to reimburse Mr A's legal costs for the work undertaken on his case since April 2012 as a result of the Council's unreasonable delay.

**Case reference 201204762**