

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



James.Merrifield@ombudsman-wales.org.uk

Dr Mohammed Mehmet
Chief Executive
Denbighshire County Council
Council Offices
Wynnstay Road
Ruthin
Denbighshire
LL15 1YN

Dear Dr Mehmet

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 Denbighshire 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 there has been a small decrease in the number of complaints received by my office, compared with 2012/13. The largest single area of complaint was 'Planning and Building Control', whilst, taken together, Adult and Children's Social Services complaints have doubled – a general area of concern to which I have referred above. My office issued one 'upheld' report against your Council during 2013/14, whilst there was again a large number of 'premature' complaints. In reference to your Council's response times, it is disappointing to note that all responses were received more than five weeks after 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.

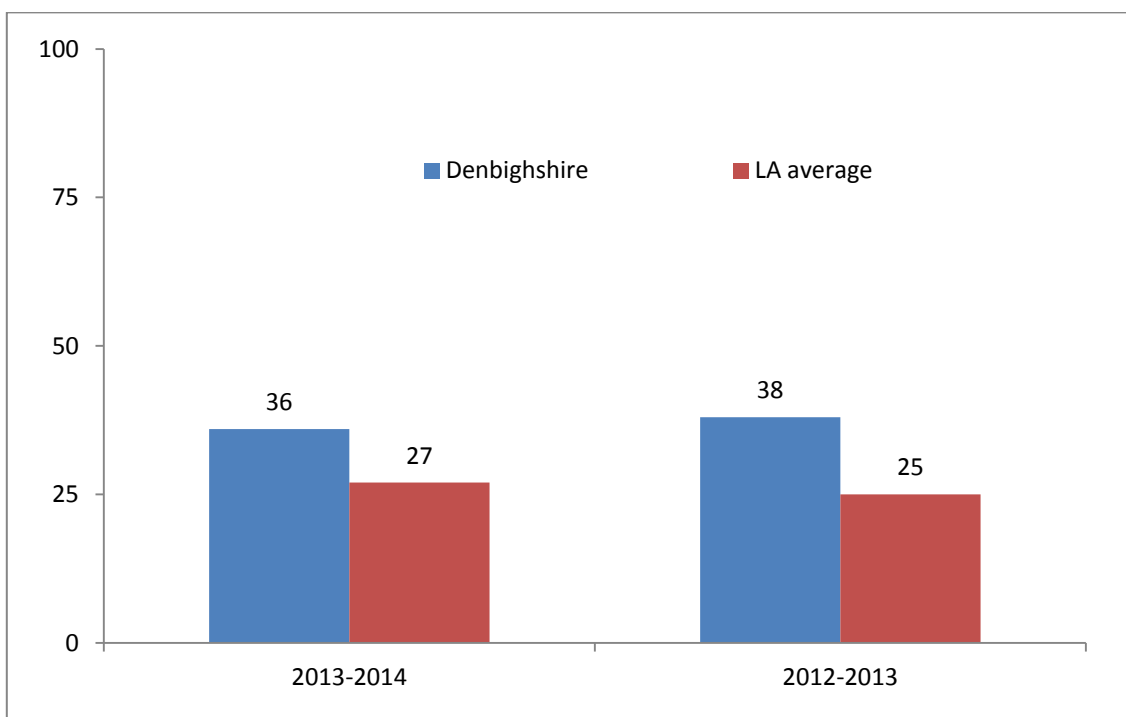
Housing Stock

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

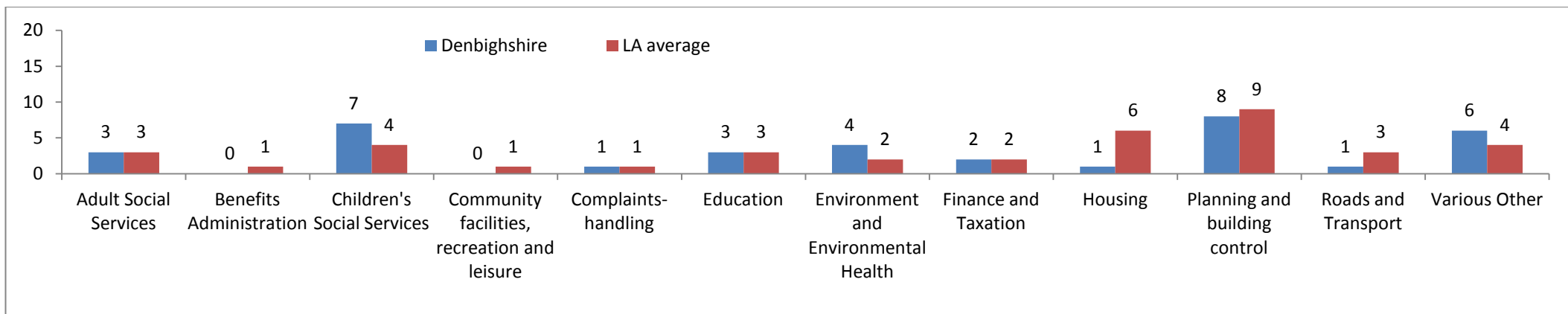


B: Complaints received by my office

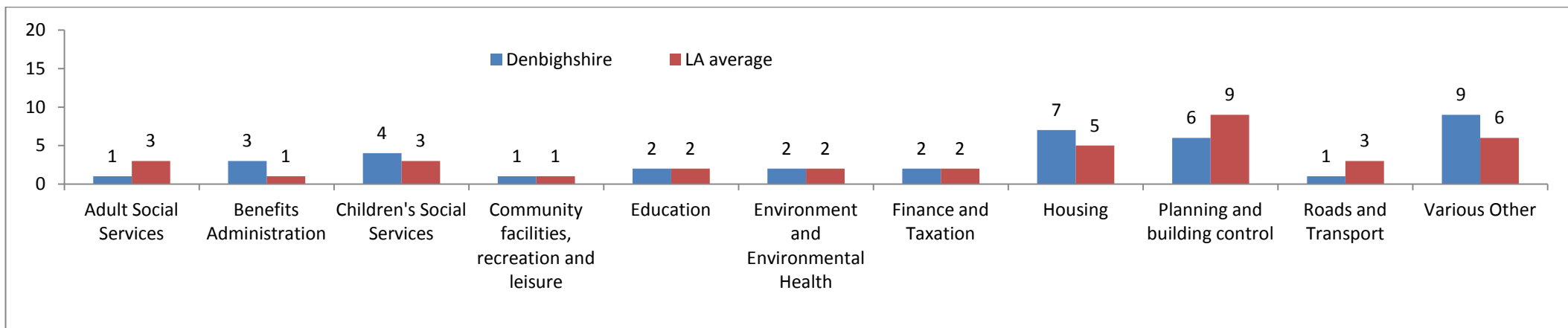
Subject	2013/14	2012/13
Adult Social Services	3	1
Benefits Administration	0	3
Children's Social Services	7	4
Community facilities, recreation and leisure	0	1
Complaints-handling	1	0
Education	3	2
Environment and Environmental Health	4	2
Finance and Taxation	2	2
Housing	1	7
Planning and building control	8	6
Roads and Transport	1	1
Agriculture and Fisheries	0	0
Various Other	6	9
Total	36	38

C: Comparison of complaints by subject category with LA average

2013/14



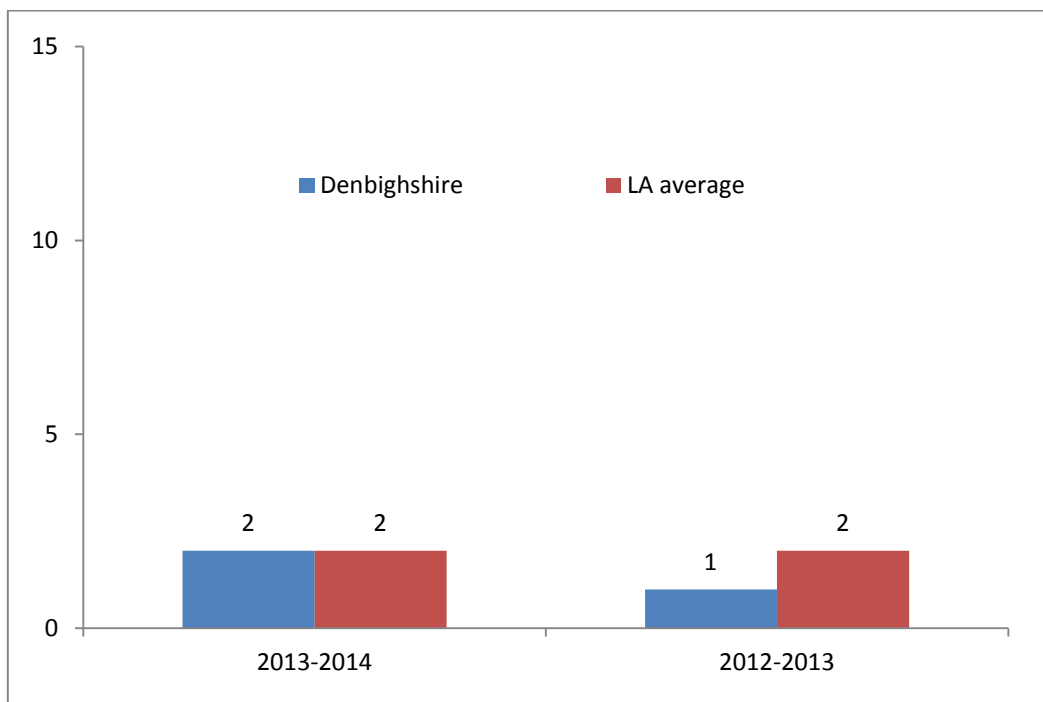
2012/13



D: Complaints taken into investigation by my office

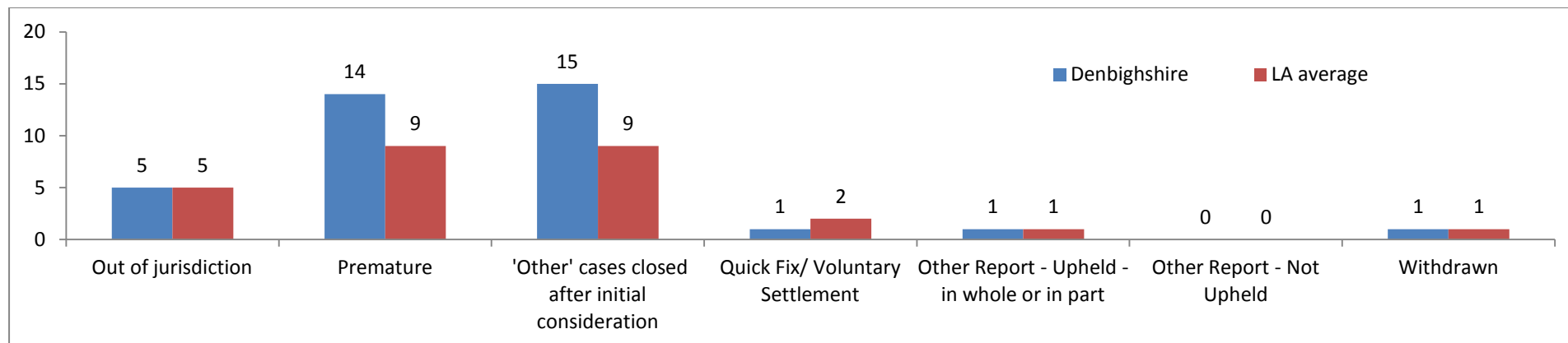
	2013/14	2012/13
Number of complaints taken into investigation	2	1

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

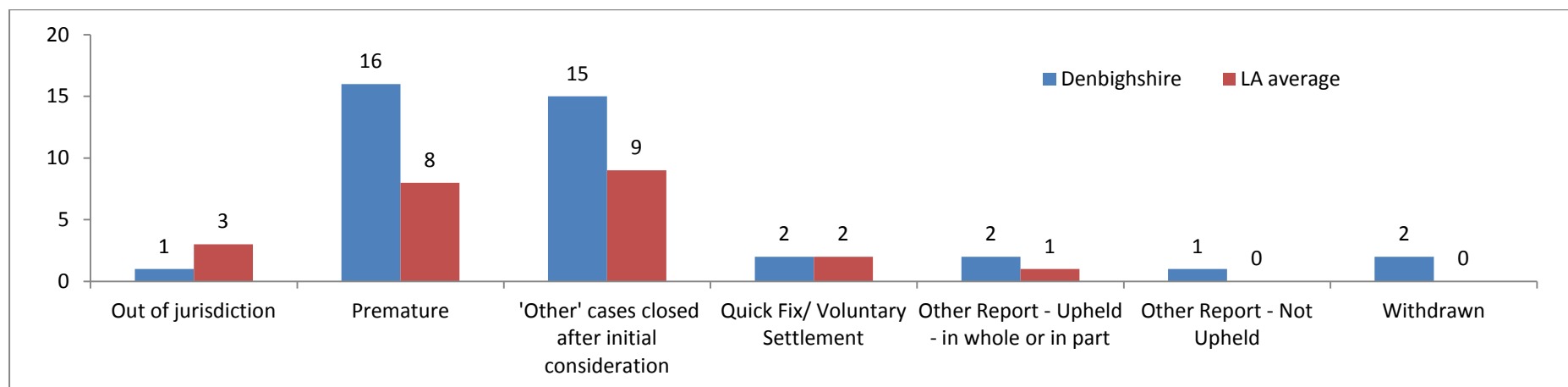


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

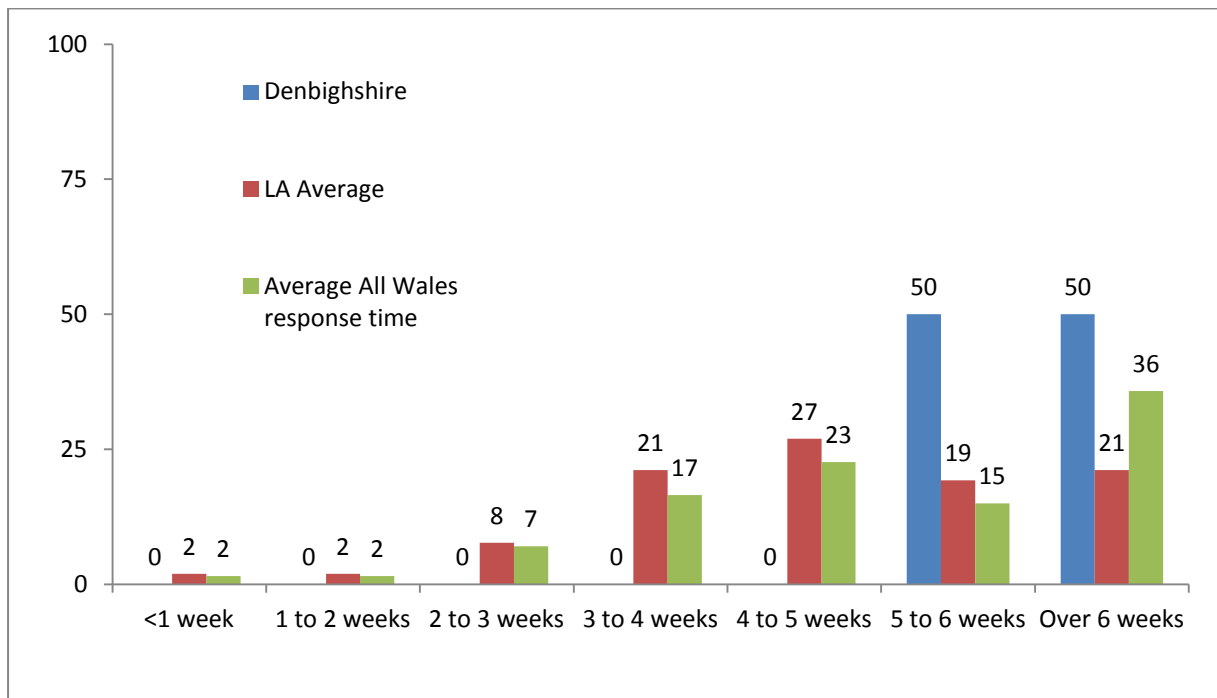
2013/14



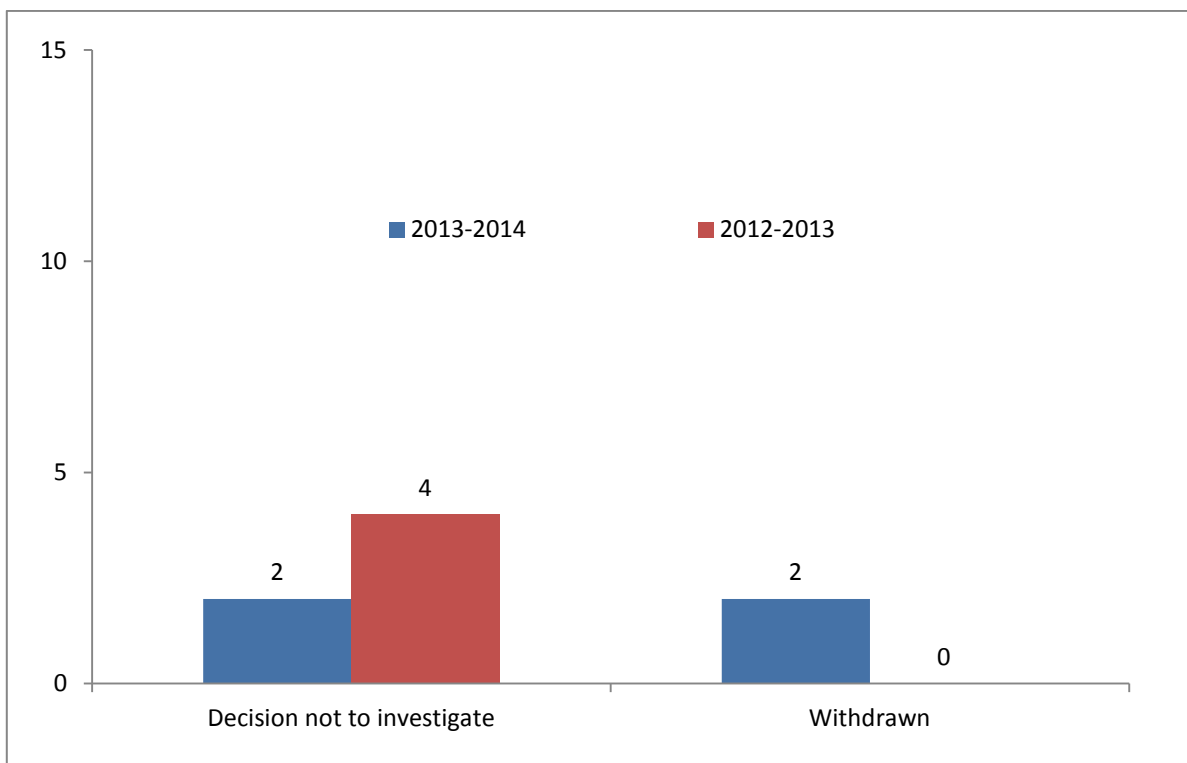
2012/13



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

Social Services – Adult

Upheld

April 2013 – Services for vulnerable adults – Denbighshire County Council

Mr A and Mrs B complained about Denbighshire County Council. The complaint was about many issues relating to the care provided to Miss C, particularly during the last months of her life, whilst she was in receipt of domiciliary care from a care agency (the Agency). Miss C was diagnosed with cerebral palsy at a young age. The Council partly funded and contracted with the Agency to provide Miss C with domiciliary care on its behalf. A complaint was also made about the Council's complaints handling process, in particular, regarding its second Stage 2 investigation report.

Mr A and Mrs B also complained about the Care and Social Services Inspectorate for Wales' (CSSIW) actions following the Council's complaints investigation, specifically, that it failed to undertake its own investigation of the issues raised in their complaint to the Council.

Having reviewed all the available information and documentation, and having obtained a professional view from two of the Ombudsman's professional advisers, the complaint was partly upheld against the Council. The Ombudsman found that there were inadequacies in the Council's care review and contract monitoring role which the Council accepted. However, the Ombudsman concluded that the overall standard of care provided to Miss C was reasonable. Issues about potential vulnerability and adult protection concerns were fully considered during the investigation. The Ombudsman concluded that Miss C had the mental capacity to make her own decisions and that the issues raised as part of the complaint did not meet the threshold of significant harm for triggering adult protection processes. The Ombudsman found some inadequacies in the second Stage 2 investigation report and its recommendations but in general, concluded that the Council's complaints process was reasonably managed.

The Ombudsman concluded that from a regulatory perspective, the action taken by CSSIW in response to the complainants' concerns had been appropriate. The complaint was not upheld against CSSIW.

The Ombudsman recommended that the Council provide Mr A and Mrs B with a written apology for the failings identified and provide evidence of the action taken to ensure that it effectively carries out its assessment and contractual role in circumstances where care is provided on its behalf by an agency.

Case reference 201104048

Social Services - Children

Quick fixes & Voluntary settlements

September 2013 – Other – Denbighshire County Council

Mrs B complained that the Council had failed to provide services to support her family in caring for her son, who has autism and a number of complex needs. She also complained that communication between professionals and the family had been poor.

In a meeting with Mrs B, the Council apologised for its failings and updated Mrs B on the implementation of the previously agreed “corrective action plan”. It put in place a package of support for Mrs B’s son, including partially funding a college placement and making direct payments to Mrs B to assist the family to access support for him at weekends and holidays.

Case reference 201301441