

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



[James.Merrifield@ombudsman-wales.org.uk](mailto: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 2014/15**

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Denbighshire County Council.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am

keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, whilst the number of complaints received has decreased compared to 2013/14, this figures remains above average. My office has investigated four complaints in 2014/15, compared to two complaints in 2013/14. In reference to complaint outcomes, my office issued one 'upheld' report in 2014/15. I am concerned that three-quarters of responses to requests for information from my office took more than four weeks.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence to your contact officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on the PSOW's website.

Yours sincerely



Nick Bennett  
Ombudsman

Copy: Leader, Denbighshire County Council

## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Council which were received by my office during 2014/15, 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 2014/15. Section C compares the number of complaints against the Council which were received by my office during 2014/15, 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 2014/15. 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 2014/15, 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 2014/15 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 2014/15. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2014/15.

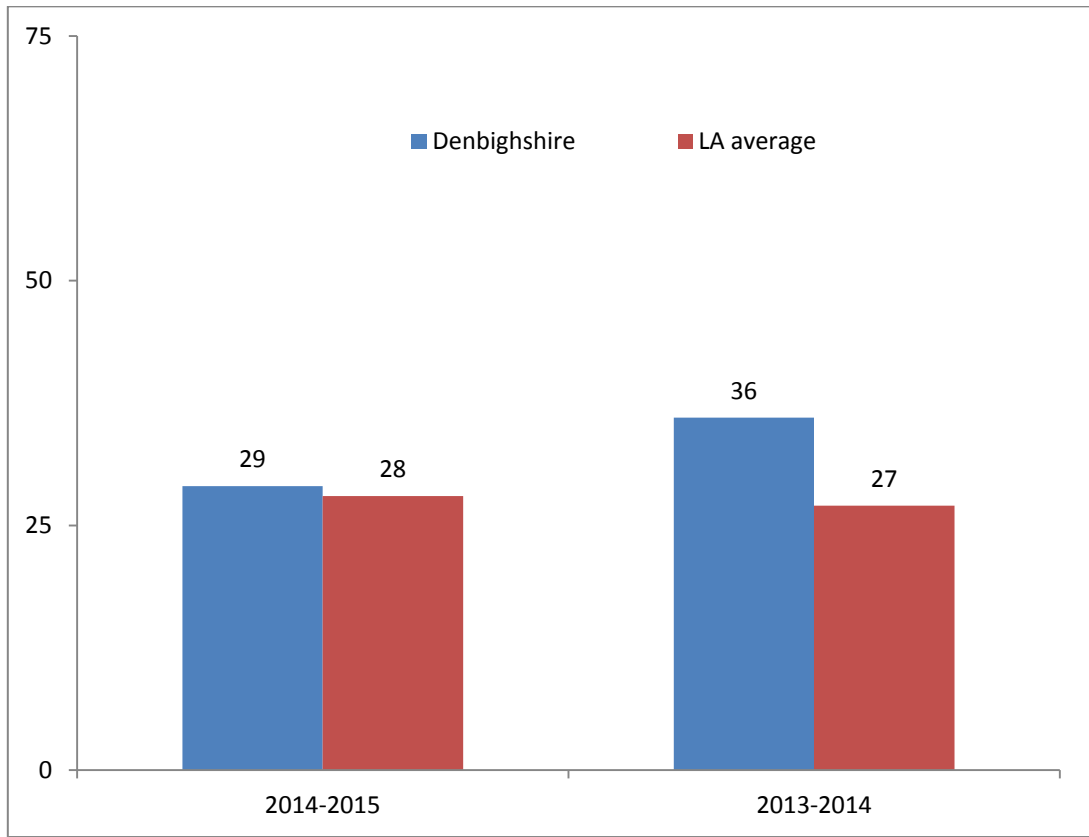
### **Housing Stock**

As with previous exercises, the figures for 2014/15 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**

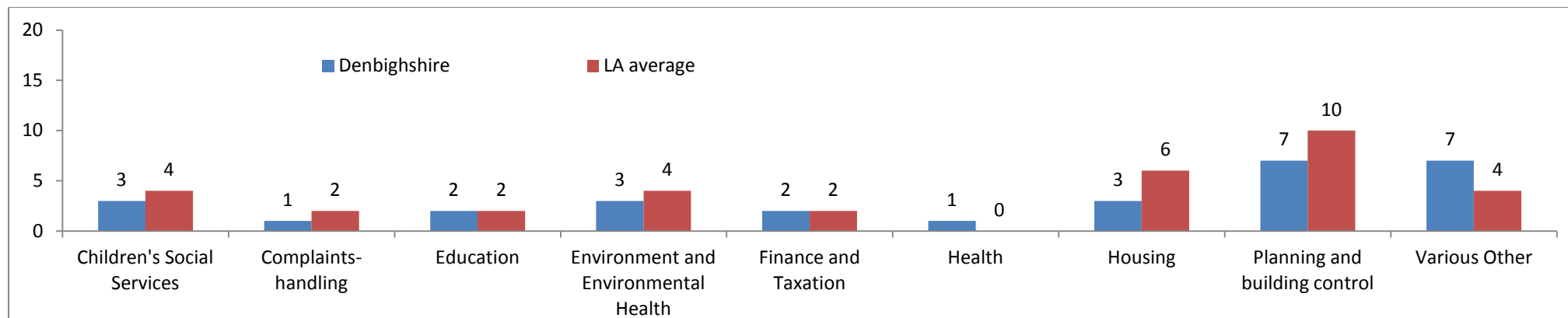


**B: Complaints received by my office**

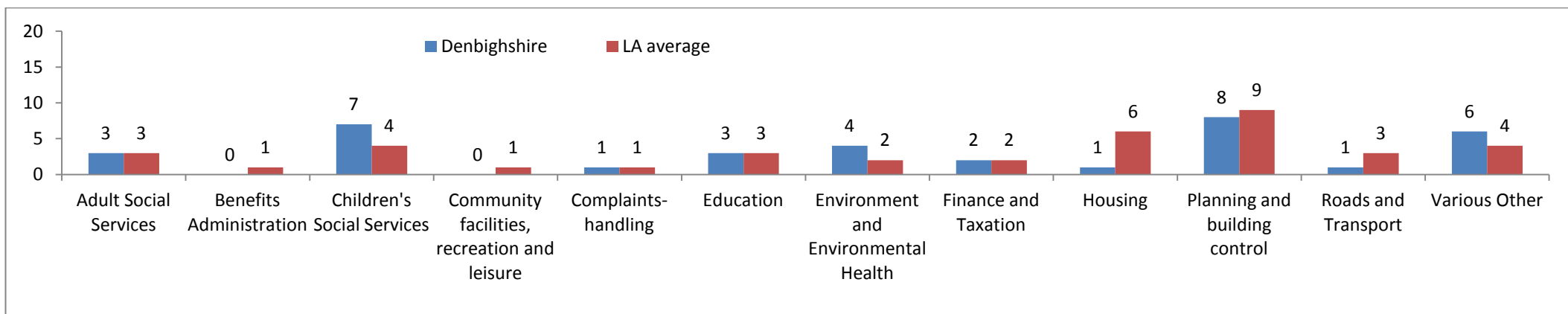
Subject	2014/15	2013/14
Adult Social Services	0	3
Children's Social Services	3	7
Complaints-handling	1	1
Education	2	3
Environment and Environmental Health	3	4
Finance and Taxation	2	2
Health	1	0
Housing	3	1
Planning and building control	7	8
Roads and Transport	0	1
Various Other	7	6
<b>Total</b>	<b>29</b>	<b>36</b>

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

2014/15



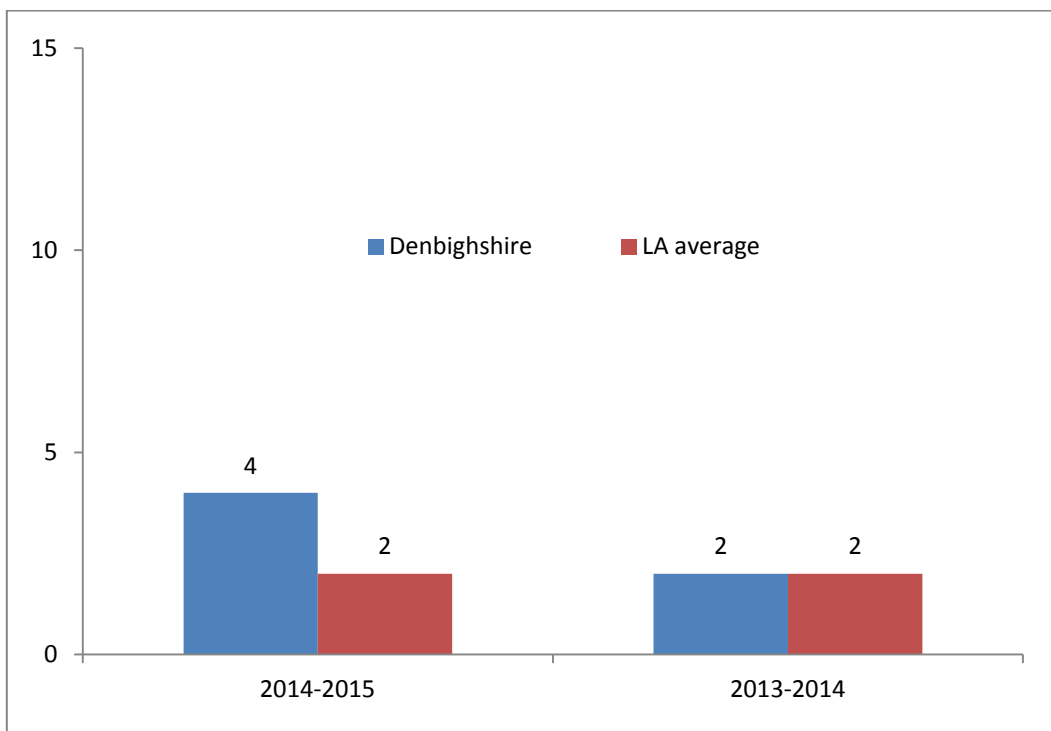
2013/14



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

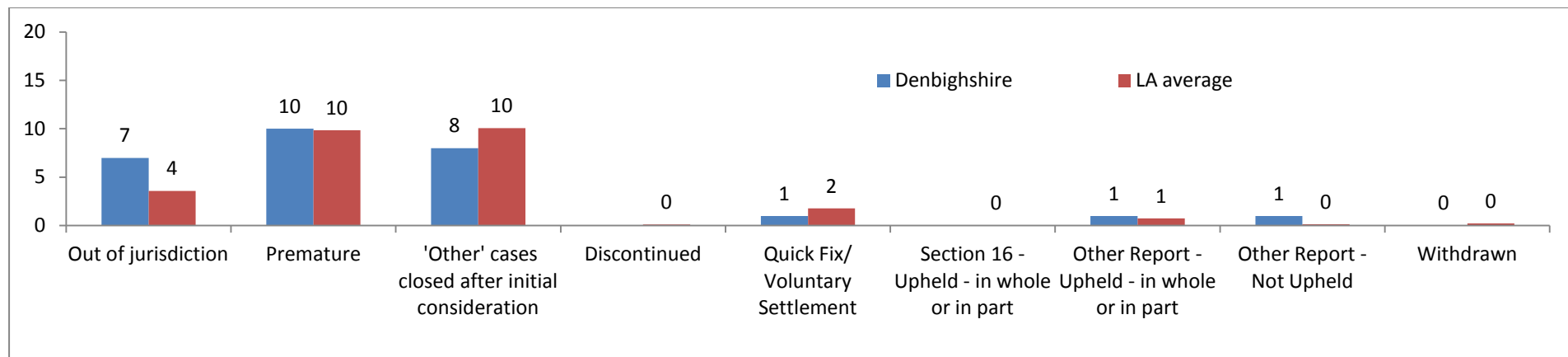
	<b>2014/15</b>	<b>2013/14</b>
Number of complaints taken into investigation	4	2

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

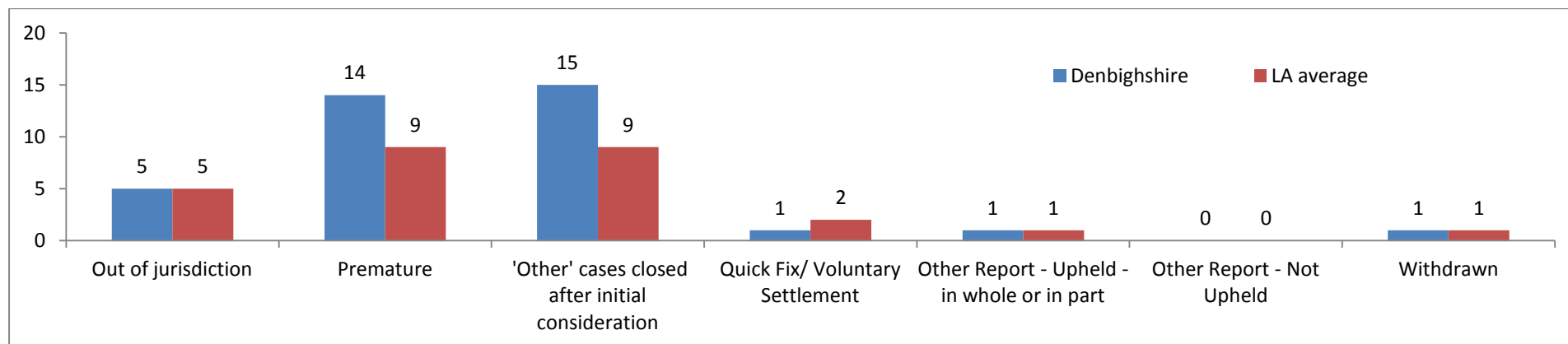


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

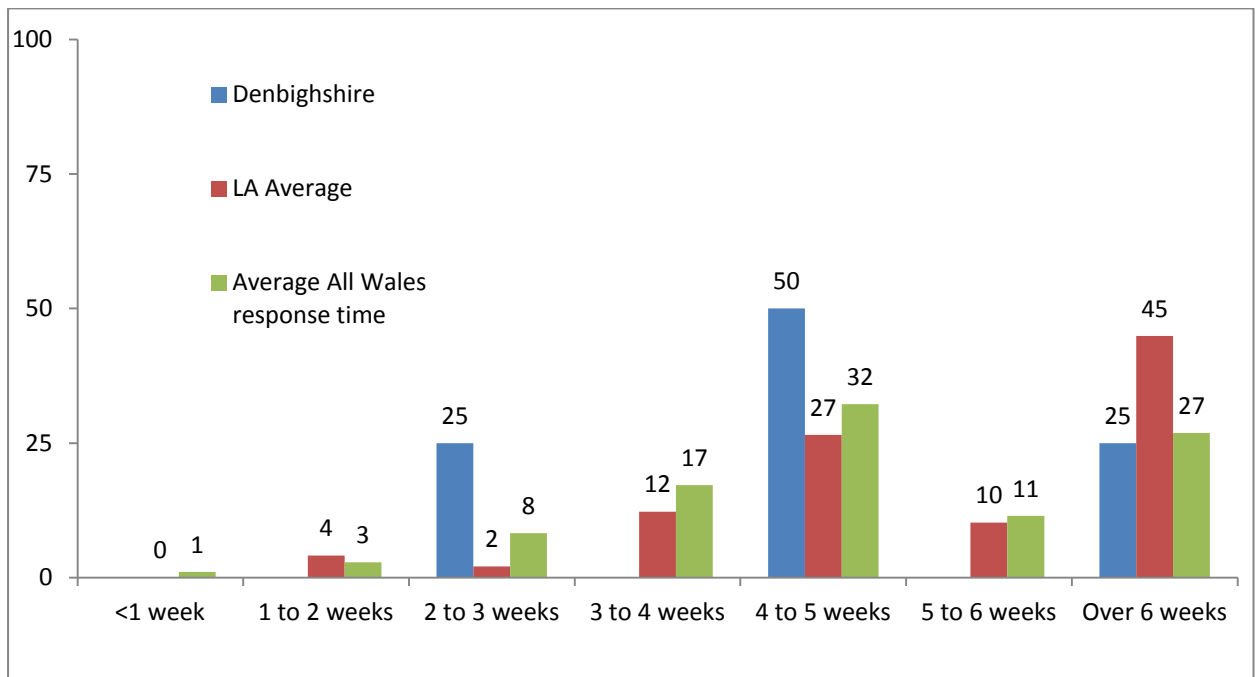
**2014/15**



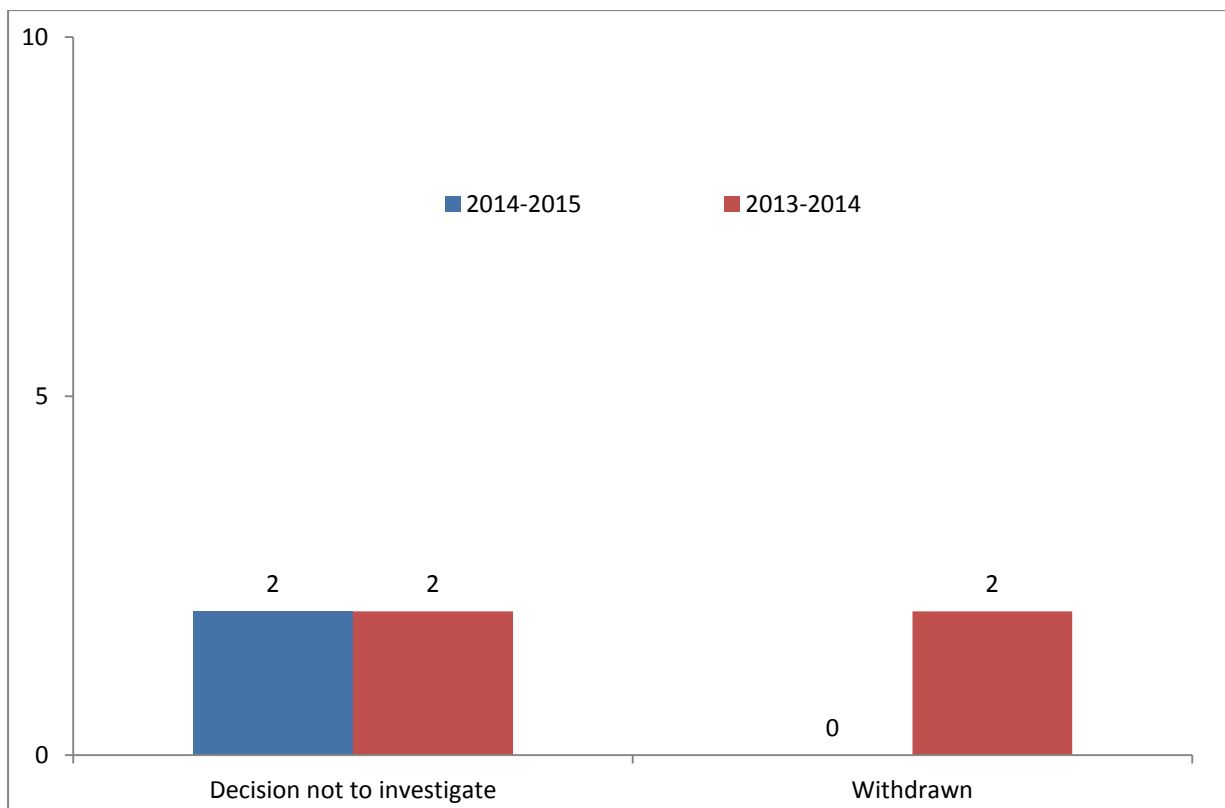
**2013/14**



**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)**



**H: Code of Conduct complaints**





## **I: Summaries**

### **Health**

#### **Other reports - Upheld**

##### **Denbighshire County Council – Other**

##### **Case reference 201400421 – Report issued October 2014**

Mr P complained about the Protection of Vulnerable Adults (POVA) investigation following an incident when the district nurse had failed to gain access to his mother's home. Mr P's mother was found unwell later the same day and was admitted to hospital. He was also unhappy with the way the Health Board dealt with his complaint about the response by the District Nursing Service ('the DNS').

The Ombudsman found shortcomings in the Council's direction of the POVA investigation, which was not sufficiently robust. The initial decision taken at the strategy meeting was based on inadequate information. The Council also failed to start a health-led investigation into the response of the DNS, at the outset, which muddled and delayed matters. Overall, the process was protracted and reactive to prompts from the family. A number of changes to the outcome were made before a final POVA decision was reached which took into account the finding of a "failure to follow process" reached in the Health Board investigation.

It was not unreasonable for the Health Board to delay its own investigation initially, pending the outcome of the POVA investigation, but progress was slow and its poor complaint handling added to the delay.

The Ombudsman recommended that:

- a) the Council and the Health Board should apologise to Mr P and make a payment of £500 (£300 to be met by the Council) for the delay;
- b) the Council should provide details of the results of audits of POVA arrangements to test that the process was robust, informed and rigorous;
- c) the Health Board should produce evidence to this office to show that audits have been completed to test the recording of the following:
  - emergency or second contact at the DNS base
  - individual patient care planning (taking into account visiting patterns and patient preference).

## **Housing**

### **Other reports – Not upheld**

#### **Denbighshire County Council – Homeless person issues Case reference 201401240 – Report issued February 2015**

Mr S complained that the actions of the Council's Homeless Prevention Officer ("the HPO") in finding him accommodation, caused him and his family to become homeless. Mr S said that the HPO gave the impression that he was acting as the landlord's agent and he had acted in good faith and upon the instruction of the HPO when he submitted his notice to his landlord. Mr S also complained that members of staff within the Homelessness and Housing Options Team acted in a disrespectful, discourteous and unprofessional manner. Mr S complained that the Council dismissed his complaint and that it failed to consider the impact that the HPO's actions had on him and his family, particularly in light of his son's diagnosis of Autism Spectrum Disorder and Attention Deficit Hyperactivity Disorder.

The investigation concluded that the HPO was not acting as the landlord's managing agent, neither did he cause Mr S and his family to become homeless. The extent of disrepair of the property did not become apparent until it became vacant. However, the Council was not reasonably aware of the condition of the property, in order that it could make arrangements for repairs to be completed prior to Mr S signing the tenancy agreement. It was also apparent that, given the way that Mr S's son had reacted when visiting the property, it was unlikely that he would have agreed to accept the property. The Council had taken reasonable steps to ensure that Mr S was placed in alternative accommodation. With regards to the conduct of members of staff, the Council had carried out an investigation into Mr S's concerns, and it had outlined its position. The complaint was not upheld.