

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Mr Colin Everett
Chief Executive
Flintshire County Council
County Hall
Mold
Flintshire
CH7 6NR

Dear Mr Everett

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 Flintshire 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, there has been a slight increase in the number of complaints received in 2014/15, compared to 2013/14. The largest single number of complaints in 2014/15 related to Planning and Building Control. My office investigated one complaint during 2014/15 and issued one 'upheld' report. I am pleased to note that the responses to requests for information from my office were received within four weeks of the date requested.

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, Flintshire 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.

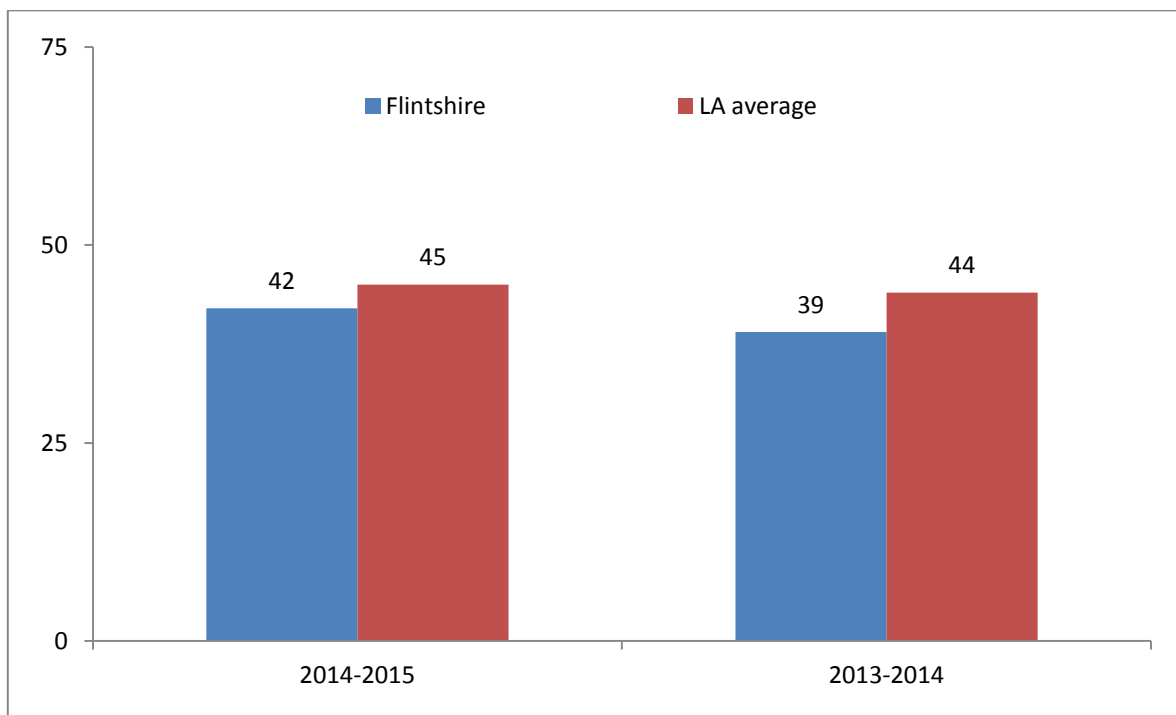
Housing Stock

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.

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

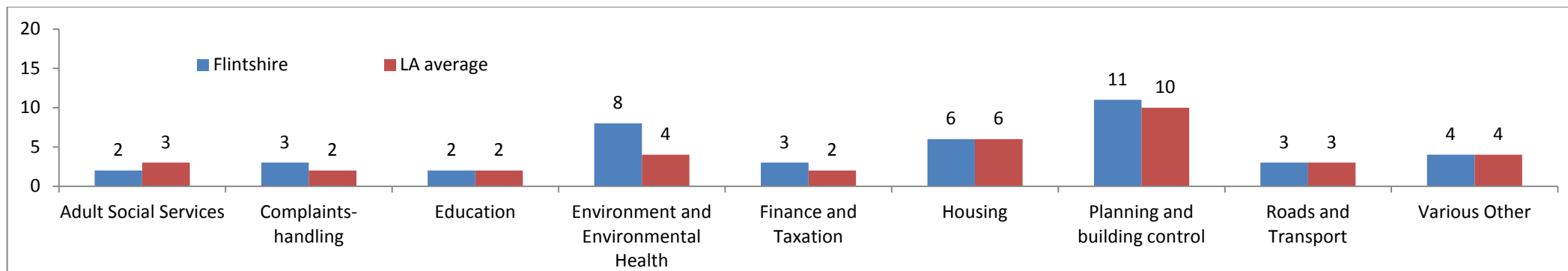


B: Complaints received by my office

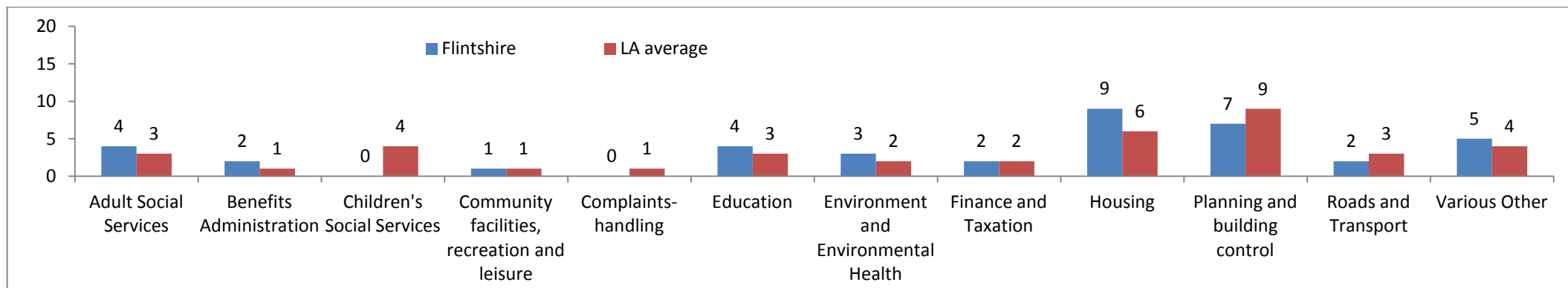
Subject	2014/15	2013/14
Adult Social Services	2	4
Benefits Administration	0	2
Children's Social Services		0
Community facilities, recreation and leisure	0	1
Complaints-handling	3	0
Education	2	4
Environment and Environmental Health	8	3
Finance and Taxation	3	2
Housing	6	9
Planning and building control	11	7
Roads and Transport	3	2
Various Other	4	5
Total	42	39

C: Comparison of complaints by subject category with LA average

2014/15



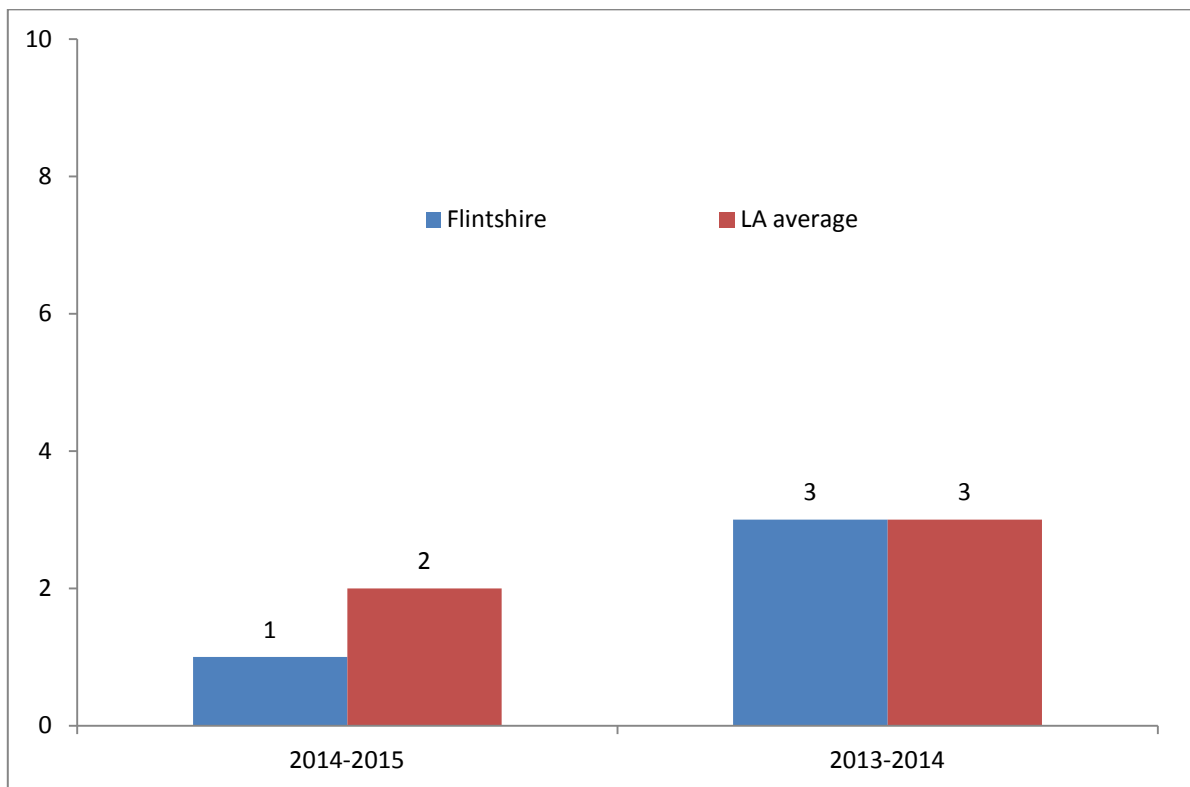
2013/14



D: Complaints taken into investigation by my office

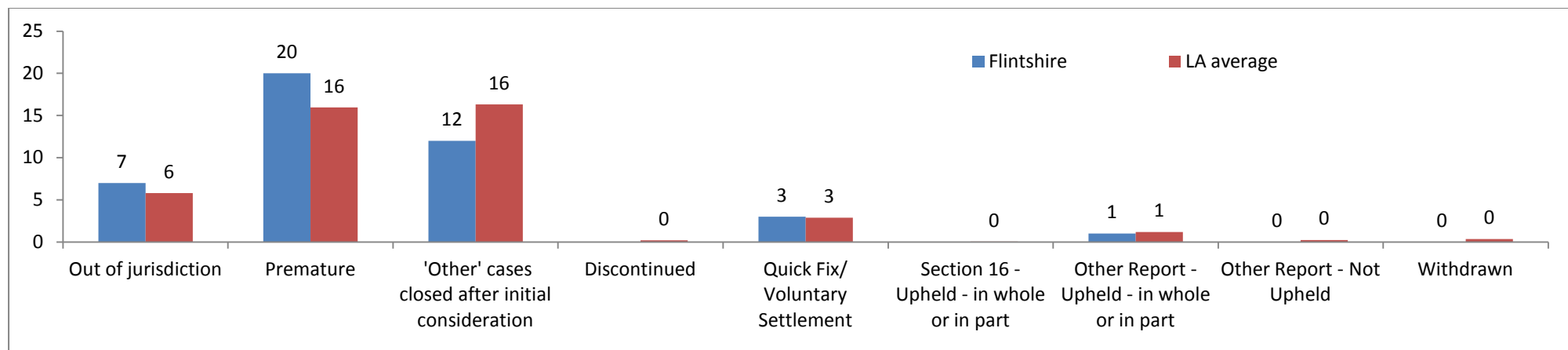
	2014/15	2013/14
Number of complaints taken into investigation	1	3

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

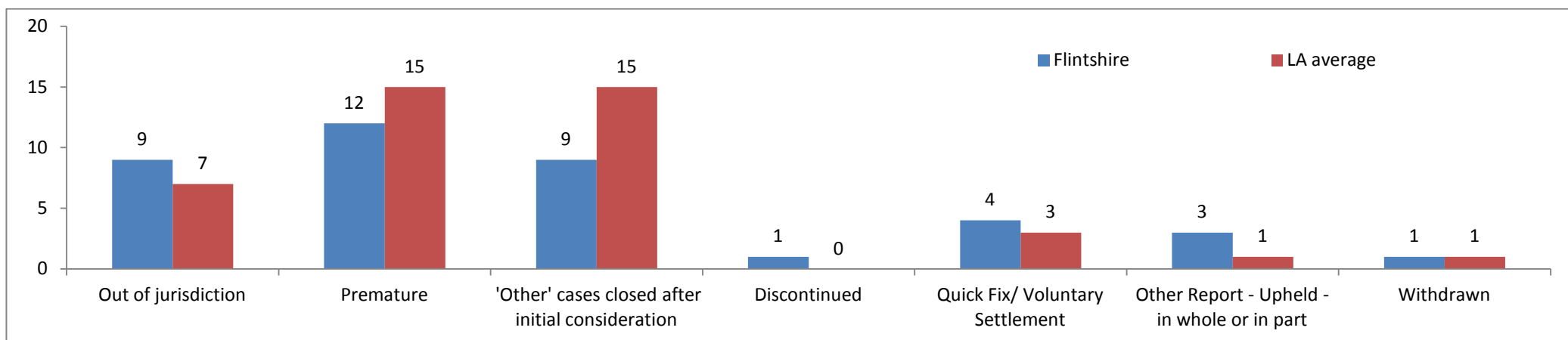


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

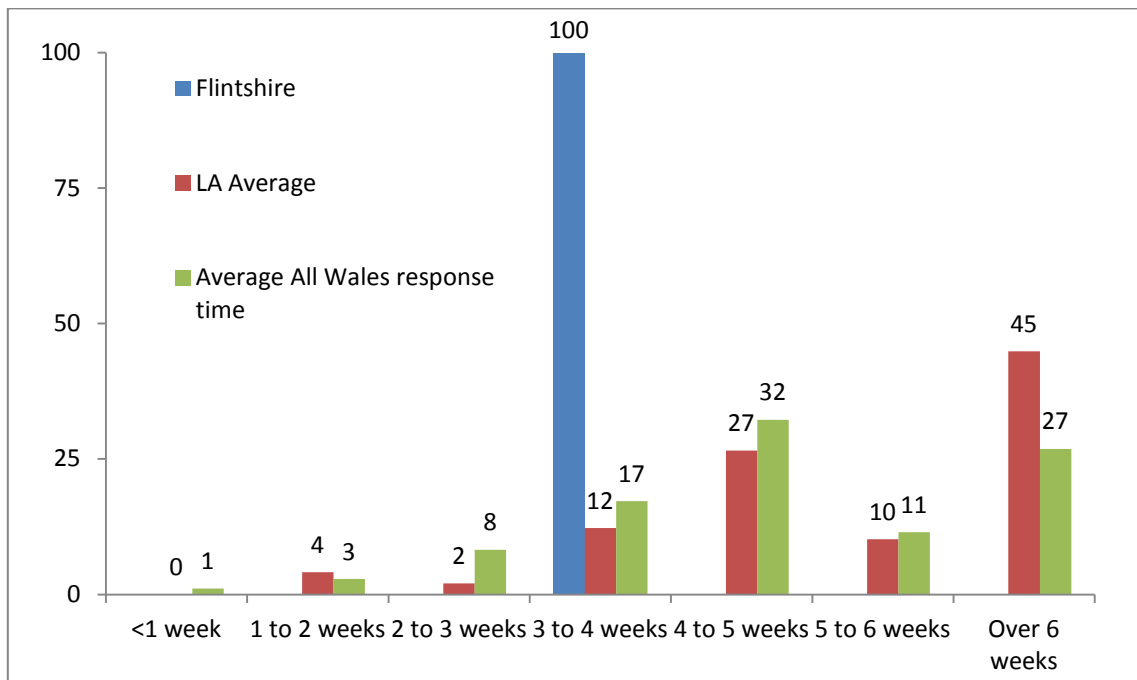
2014/15



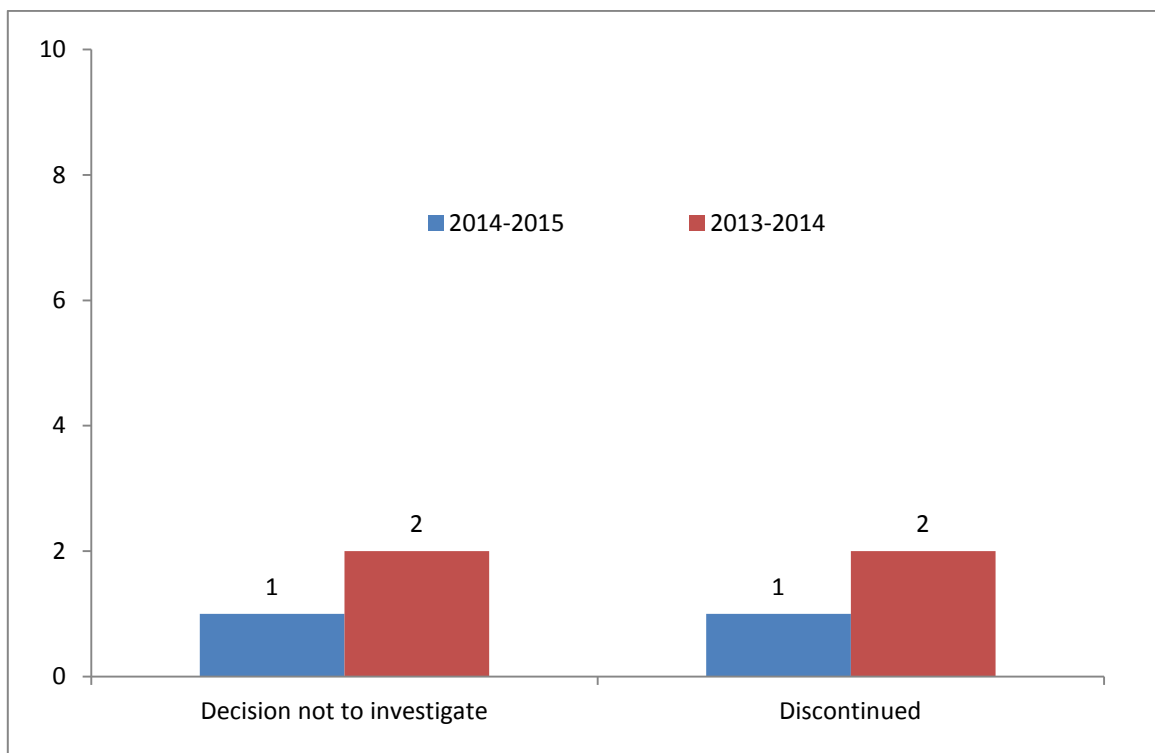
2013/14



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

Environment & Environmental Health

Quick fixes and Voluntary settlements

Flintshire County Council – Cleansing/public conveniences/streets etc Case reference 201405687 – December 2014

Mr A complained that the Council had failed to fully empty his wheelie bin. The Council said that it was his fault for compacting down the rubbish too tightly and had refused to return to make the collection again. Mr A disputed that the rubbish had been compacted.

On receipt of the complaint, the Ombudsman contacted the Council and it agreed to make arrangements for a supervisor from its Recycling Service to contact Mr A to discuss the problems he had been experiencing and to establish whether there was anything further that the Council needed to do.

Flintshire County Council – Refuse collection, recycling and waste disposal Case reference 201304427 – April 2014

Mr A complained on behalf of his elderly mother, Mrs B, about the Council's kerbside recycling assisted service. Mr A said that, since registering for the service, more than one in three collections had been missed or partially missed. Although Mr A had been complaining since August 2012, the poor service had persisted.

Following contact from the Ombudsman's office, the Council expressed regret that Mrs B had continued to experience problems with its service and agreed to undertake the following steps to settle the complaint:

- make a redress payment of £125 each in recognition of Mr A and Mrs B's time and trouble in pursuing the complaint and the inconvenience caused by the poor service;
- undertake a review of its missed collection reporting to ensure that the processes in place are identifying and responding to repeat missed collections/problematic properties at the earliest available opportunity;
- ensure that lessons learned from complaints are being captured and fed back to the service area to inform improvements in service delivery;
- in view of the protracted difficulties experienced in Mrs B's case, the Council would consider commencing unannounced spot checks of her collections;
- the Council's Head of Streetscene also offered to write personally to Mrs B and apologise.

Social Services - Adult

Other reports – Upheld

Flintshire County Council – Services for vulnerable adults

Case reference 201302611 – Report issued July 2014

Mr T complained about the adequacy of a protection of vulnerable adults (POVA) investigation carried out by the Council after he raised concerns about a period of respite care his wife had in a care home in 2011. He also complained about an investigation carried out under stage 2 of the statutory social services complaints procedure into his concerns about the care home and the Council's social services department. Mr T also complained about a mental capacity assessment and best interests meeting carried out by the Trust while his wife was an inpatient. In particular he felt this process unnecessarily delayed his wife's discharge from hospital.

The Acting Ombudsman found that there were some failings in the POVA investigation. In particular, the initial strategy meeting failed to adequately identify the scope of the investigation, the people to be interviewed or the evidence to be considered. The investigation itself and the consideration of the outcome were also insufficiently robust. The Acting Ombudsman upheld this part of the complaint.

The Acting Ombudsman did not uphold the complaint about the stage 2 investigation. She found that the relevant guidance was largely complied with and that the investigation was robust. She did suggest that it may have been beneficial for the stage 2 investigation report to have contained more explicit recommendations.

The Acting Ombudsman also did not uphold the complaint against the Trust. She found that the Trust was justified in carrying out the mental capacity assessment and best interests meeting. While this did cause Mrs T to stay in hospital a little longer than would otherwise have been the case, this did not cause her any detriment (and in fact her condition improved in the meantime).

The Acting Ombudsman recommended that the Council should:

- a) apologise to Mr T for the failings identified in relation to the POVA investigation;
- b) provide the staff involved with additional training on the relevant POVA policy and procedures;
- c) amend its internal complaints guidance to make clear that recommendations should be included in reports of stage 2 investigations where appropriate;
- d) consider whether further action needs to be taken to review the standards of care at the care home involved.