

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



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Date: 9 July 2013



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Mr Paul Matthews
Chief Executive
Monmouthshire County Council
County Hall
Cwmbran
NP44 2XH

Dear Mr Matthews

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 Monmouthshire County 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, there has been a large decrease in the number of complaints received by my office compared with 2011/12, which is now also below the average. As with the previous year, the largest single area of complaint remains 'Planning and Building Control'. In reference to your Council's response times, it is disappointing to note that half of responses to requests for information from my office were received more than six weeks after they were requested.

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 distribution¹) 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

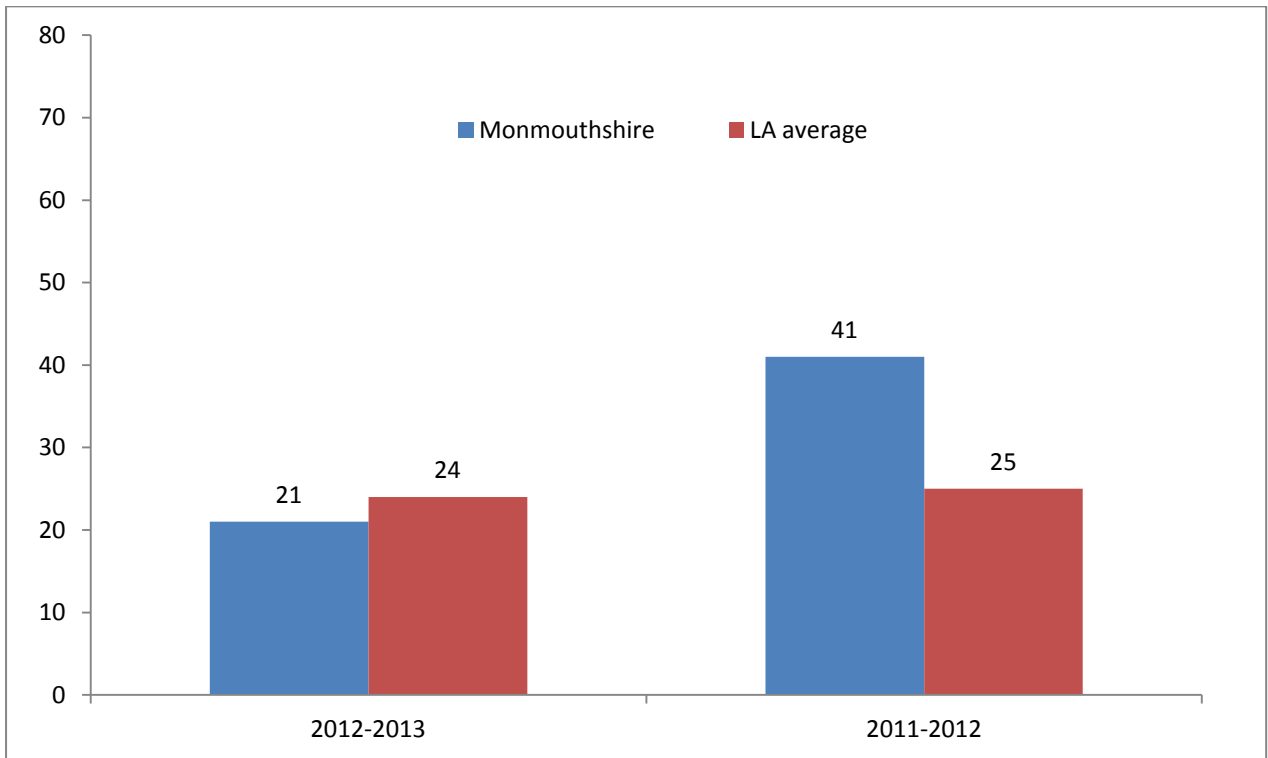
As with previous exercises, the figures for 2012-2013 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where local authorities have retained their housing stock.

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.

¹ <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

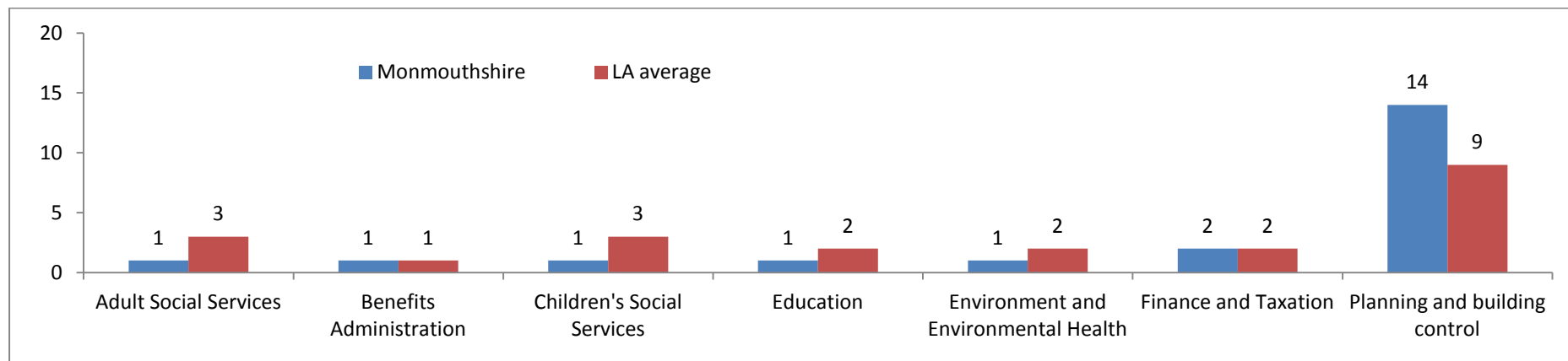


B: Complaints received by my office

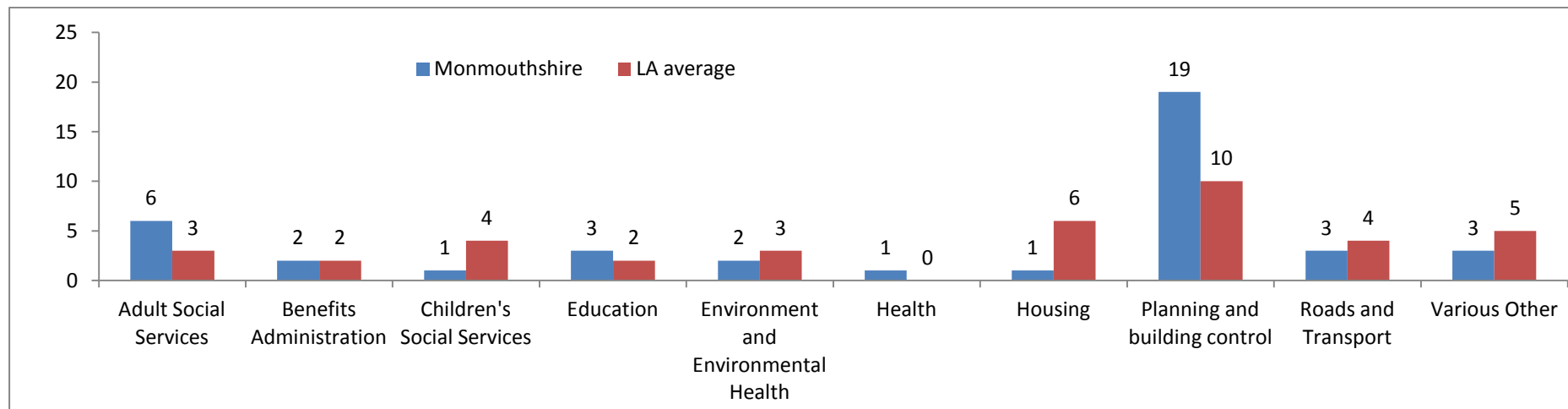
Subject	2012-2013	2011-2012
Adult Social Services	1	6
Benefits Administration	1	2
Children's Social Services	1	1
Education	1	3
Environment and Environmental Health	1	2
Finance and Taxation	2	0
Health	0	1
Housing	0	1
Planning and building control	14	19
Roads and Transport	0	3
Various Other	0	3
Total	21	41

C: Comparison of complaints by subject category with LA average

2012-2013



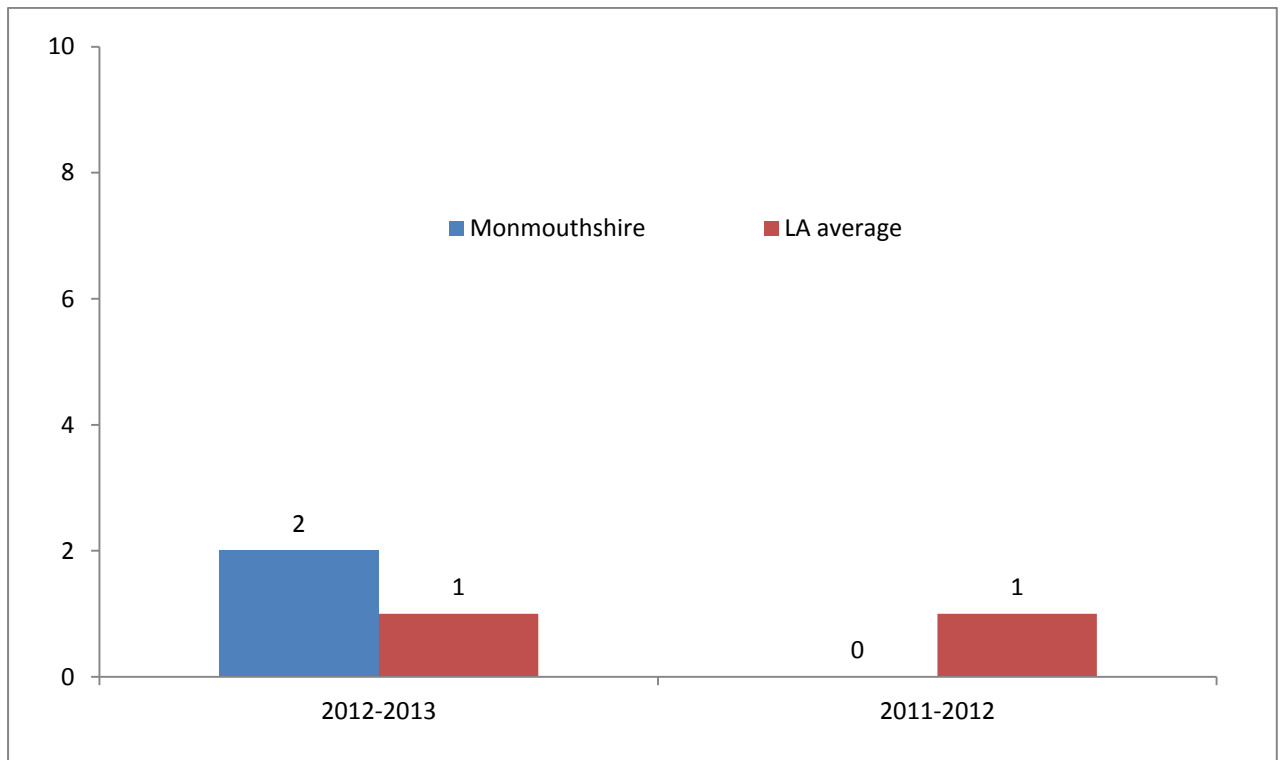
2011-2012



D: Complaints taken into investigation by my office

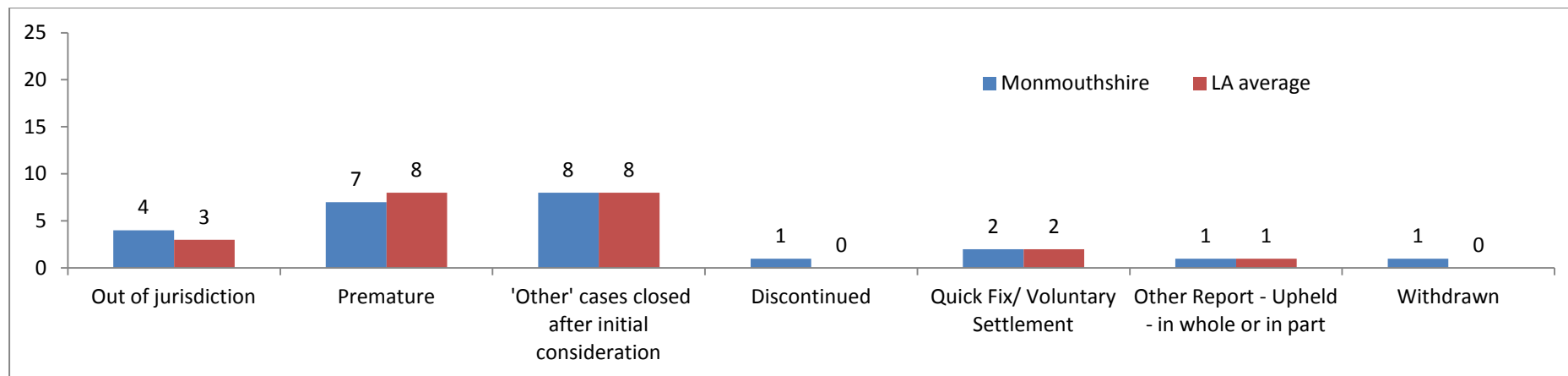
	2012-2013	2011-2012
Number of complaints taken into investigation	2	0

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

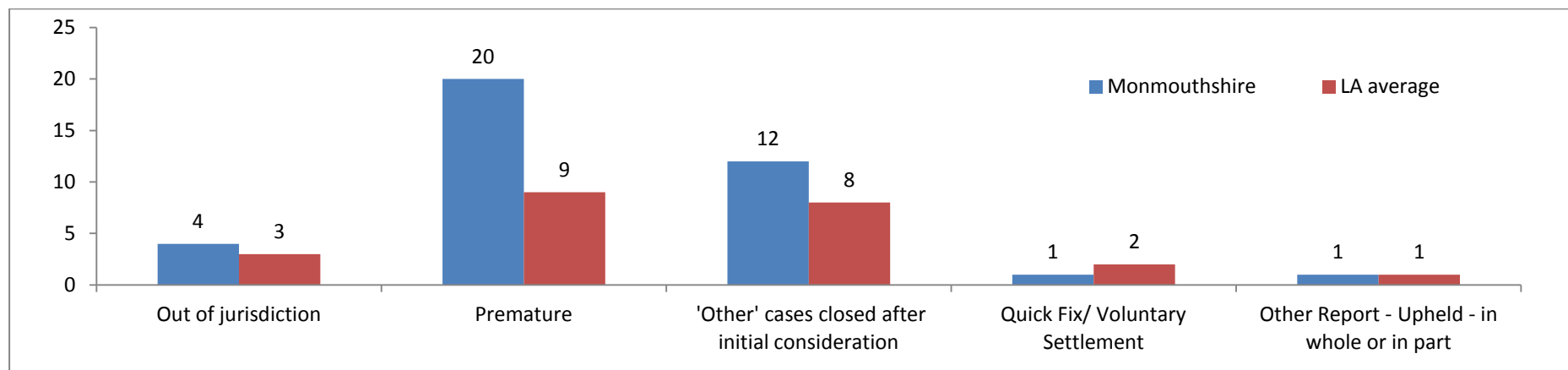


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

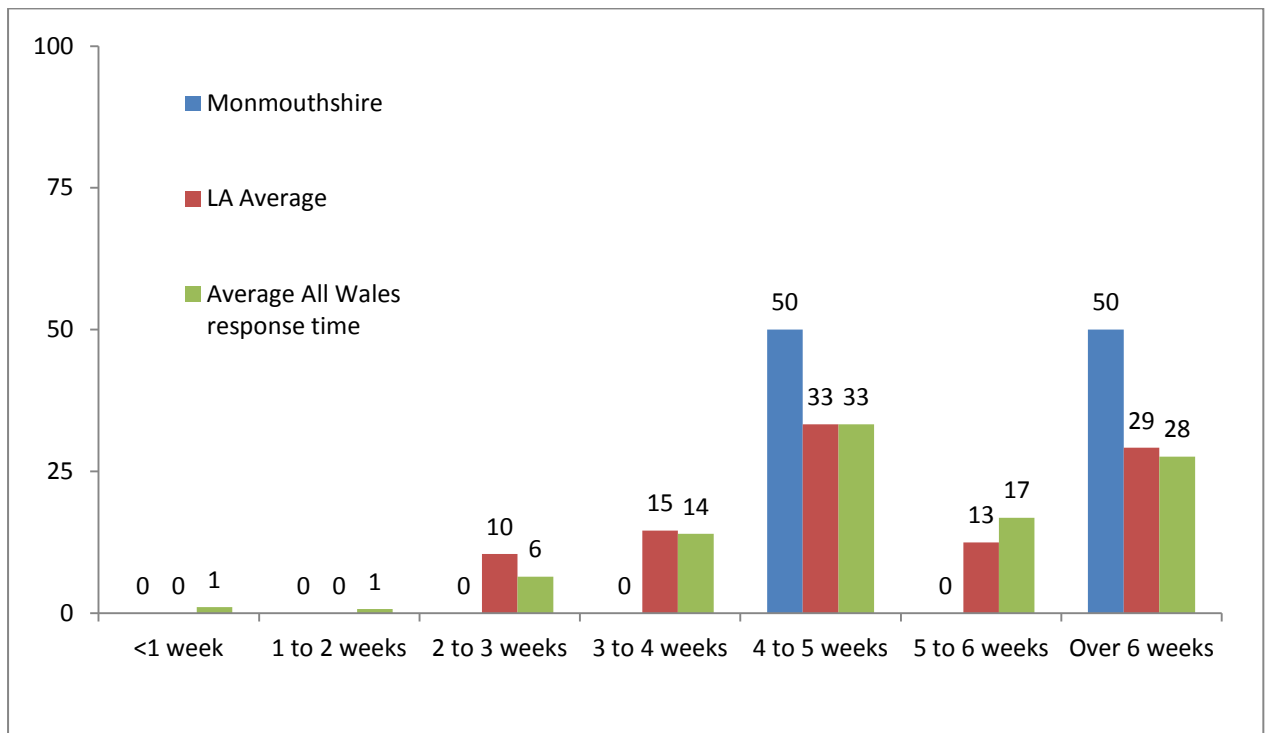
2012-2013



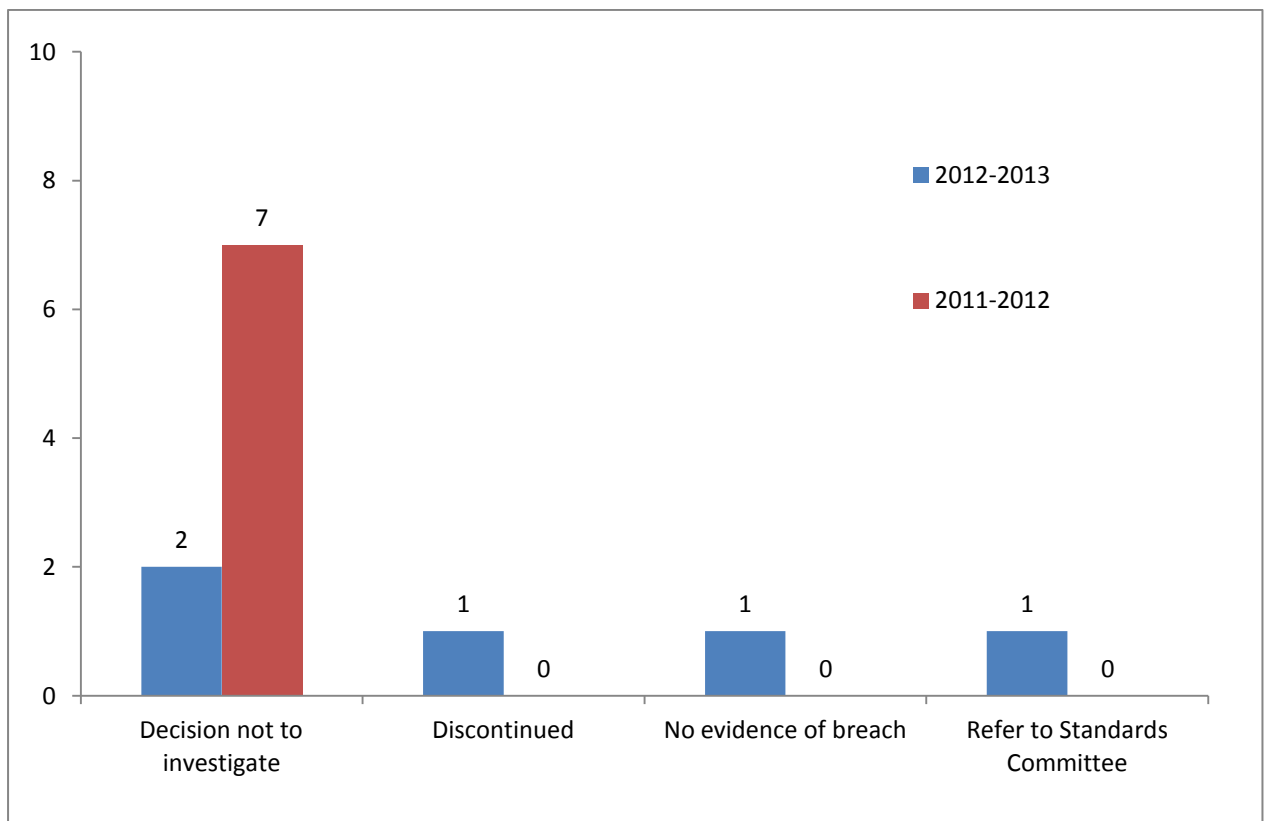
2011-2012



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



H: Code of Conduct complaints



I: Report summaries

Finance and Taxation

Quick fixes & voluntary settlements

March 2013 – Finance and Taxation – Monmouthshire County Council

Mr B raised a number of concerns about the Council's administration of his council tax and its response to his complaints about the matter. Whilst many of Mr B's concerns related to matters that the Ombudsman was not able to investigate, preliminary enquires established that there were some factual errors in the Council's correspondence with him that had caused confusion and contributed to some arrears payments being made to the wrong account. In a letter addressed to Mr B's brother, the Council also incorrectly stated that debt recovery action was not being taken in respect of an account that they were both liable for. The Council went to court three weeks later and obtained a liability order against Mr B and his brother for the debt.

My office contacted the Council which agreed to apologise to Mr B and make him a payment of £100 in recognition of his lost opportunity to attend court in respect of the liability order. Mr B's arrears payments were also transferred from the wrong account to the account of his choice and he was provided with up to date statements for all of his accounts.

Case reference 201202962

Social Services – Adult

Upheld

October 2012 – Services for vulnerable adults – Monmouthshire County Council

Ms A complained about Monmouthshire County Council (“the Council”) regarding its decision-making and actions in relation to her mother, Mrs A. Ms A said that Mrs A lives in her own home with her son present. She said that Mrs A, who is 97 years old, is confined to one room, which is poorly heated in a home that has been allowed to deteriorate. In addition, her son does not allow many visitors and she can only see her mother with him present and for short periods. Ms A considers that the Council should have moved her mother into residential care in her best interests and has failed to protect her.

The Ombudsman found that the Council has acted reasonably in making finely balanced best interests decisions in Mrs A’s case via the correct process and took appropriate action to care for and protect Mrs A. He did not uphold the bulk of the complaint on that basis whilst informing the Council that it should continually monitor the situation carefully and empathised with Mrs A in what is a distressing situation. The Ombudsman upheld one aspect of the complaint concerning the provision of information.

Case reference 201103101

Quick Fixes & Voluntary Settlements

June 2012 – Other – Monmouthshire County Council

Mrs M complained that Monmouthshire County Council prevented her from visiting Mrs D during a Protection of Vulnerable Adults (“POVA”) investigation involving allegations about Mrs M’s husband’s conduct towards Mrs D. There was also a separate police investigation regarding Mr M connected to certain of the allegations made. Mrs M was not named in the allegations and was not part of the POVA investigation but says she was prevented from having any proper contact with Mrs D.

During the POVA investigation, Mr M was not to have any contact with Mrs D and whilst Mrs M was not named in the allegations against her husband, the Council had to consider the potentially positive social benefit to Mrs D and balance the potential impact of such visits from Mrs M, due to the risks involved in allowing such contact, in view of her relationship to her husband. It was agreed that Mrs M should have supervised contact to see Mrs D and the Council tried to facilitate this, although Mrs D’s health did have an impact on this arrangement. The Council apologised to Mrs M for shortcomings identified in facilitating supervised contact to Mrs D and explained its position in this regard. It was found that its explanation and reasons for the decisions taken were reasonable, in all the circumstances of the case.

The Ombudsman suggested however that it may assist both the Council and individuals (in similar situations to Mrs M) to introduce impact assessment forms. These forms could be completed where an individual is not named in a POVA investigation, but the impact of visits to the vulnerable adult need to be considered. The Council agreed to take the suggestion forward to the Gwent Wide Adult

Safeguarding Board, who operate under the All Wales POVA procedures, as a practice learning case and to initiate dialogue with all the POVA partners involved in that multiagency meeting about introducing and undertaking impact assessment forms for all local authorities in Gwent.

Case reference 201104051