

Our ref: MG/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 15 July 2014



James.Merrifield@ombudsman-wales.org.uk

Mr D Bryn Parry-Jones
Chief Executive
Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Dear Mr Parry-Jones

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 Pembrokeshire 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, there has been a decrease in the numbers of complaints received and investigated, compared with 2012/13. The largest single number of complaints related to 'Planning and Building Control', which is now noticeably above the local authority average. My office has issued one 'upheld' report against your Council during 2013/14, whilst one investigation was discontinued. Finally, whilst the response time displayed in relation to your Council represents one case, it is disappointing to note that this response took more than six weeks.

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.

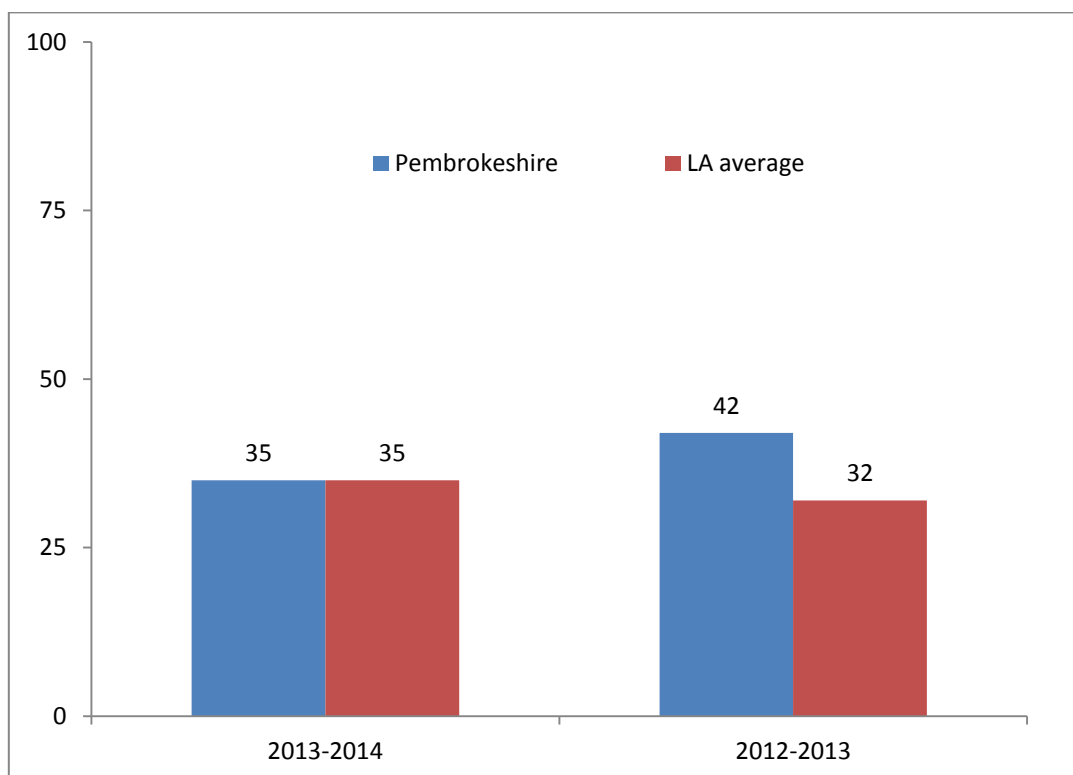
Housing Stock

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

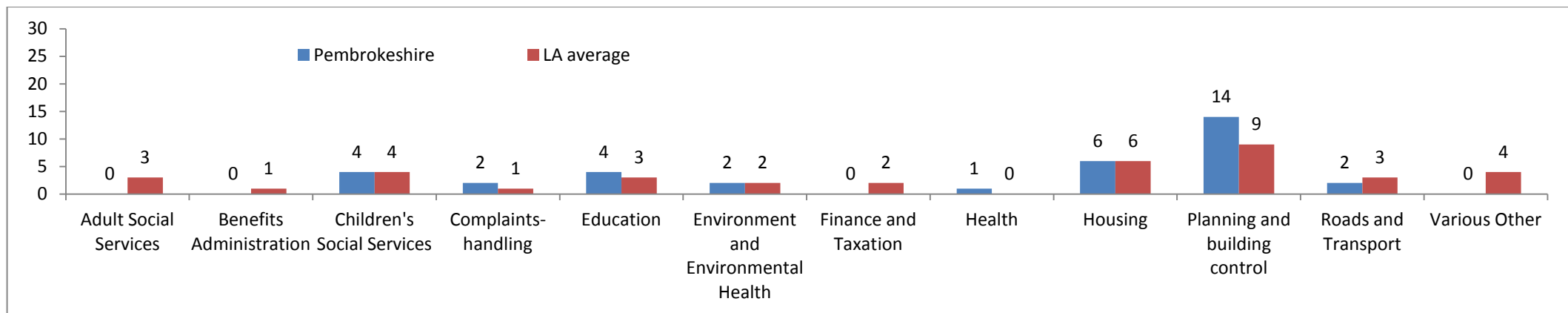


B: Complaints received by my office

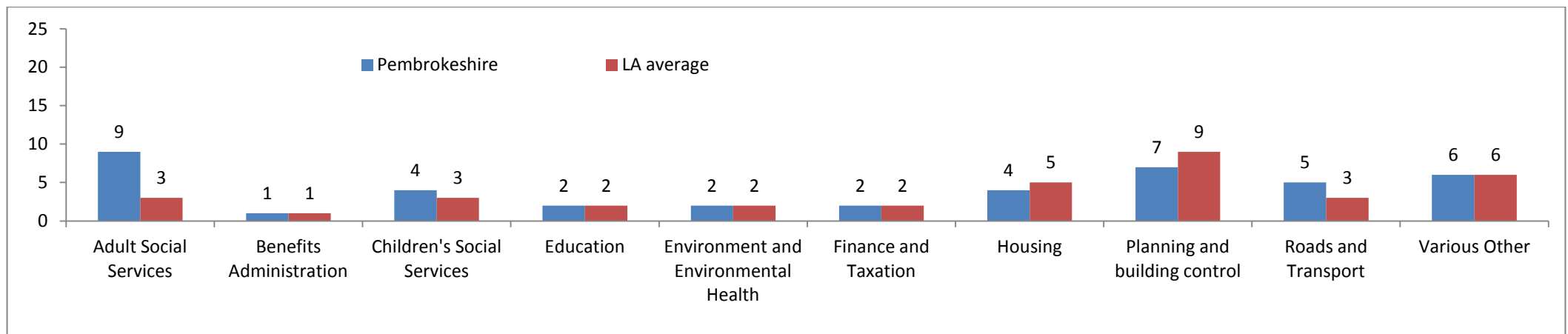
Subject	2013/14	2012/13
Adult Social Services	0	9
Benefits Administration	0	1
Children's Social Services	4	4
Complaint-handling	2	0
Education	4	2
Environment and Environmental Health	2	2
Finance and Taxation	0	2
Health	1	0
Housing	6	4
Planning and building control	14	7
Roads and Transport	2	5
Agriculture and Fisheries	0	0
Various Other	0	6
Total	35	42

C: Comparison of complaints by subject category with LA average

2013/14



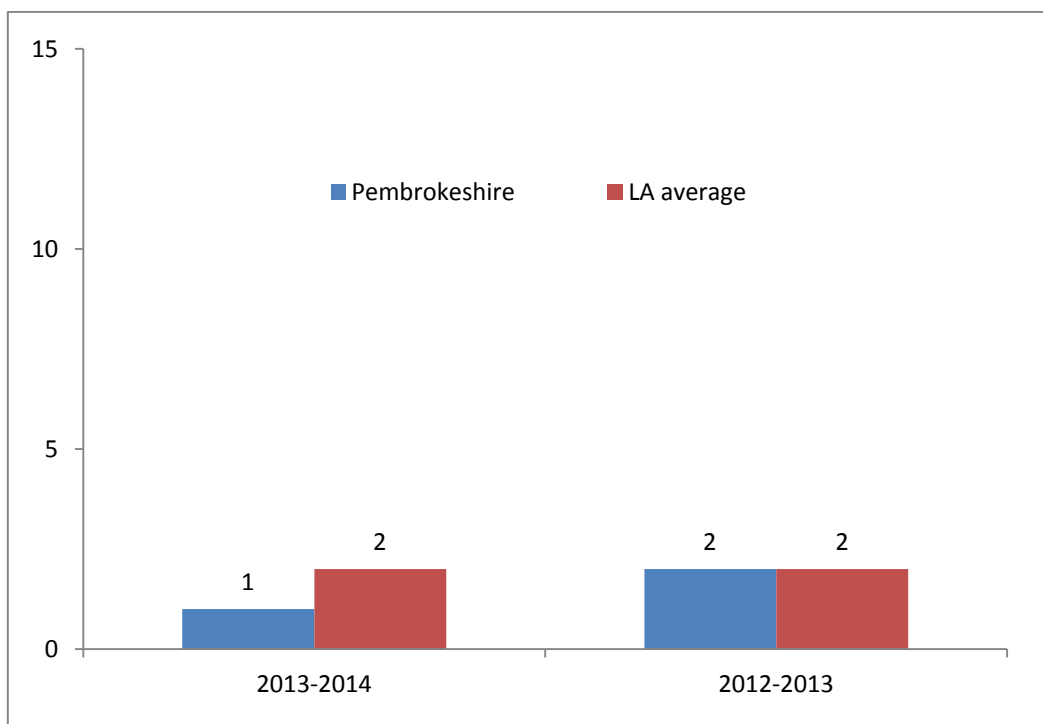
2012/13



D: Complaints taken into investigation by my office

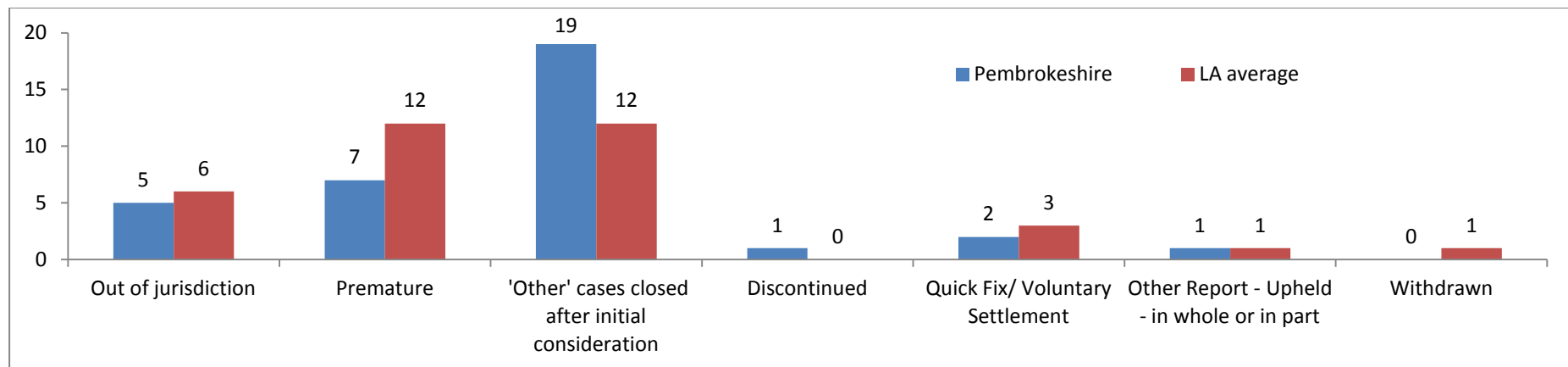
	2013/14	2012/13
Number of complaints taken into investigation	1	2

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

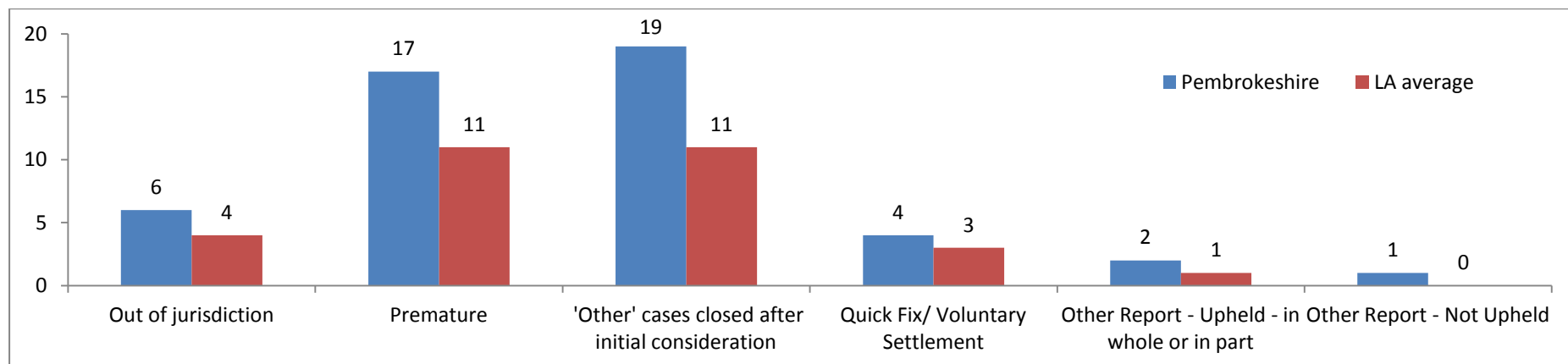


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

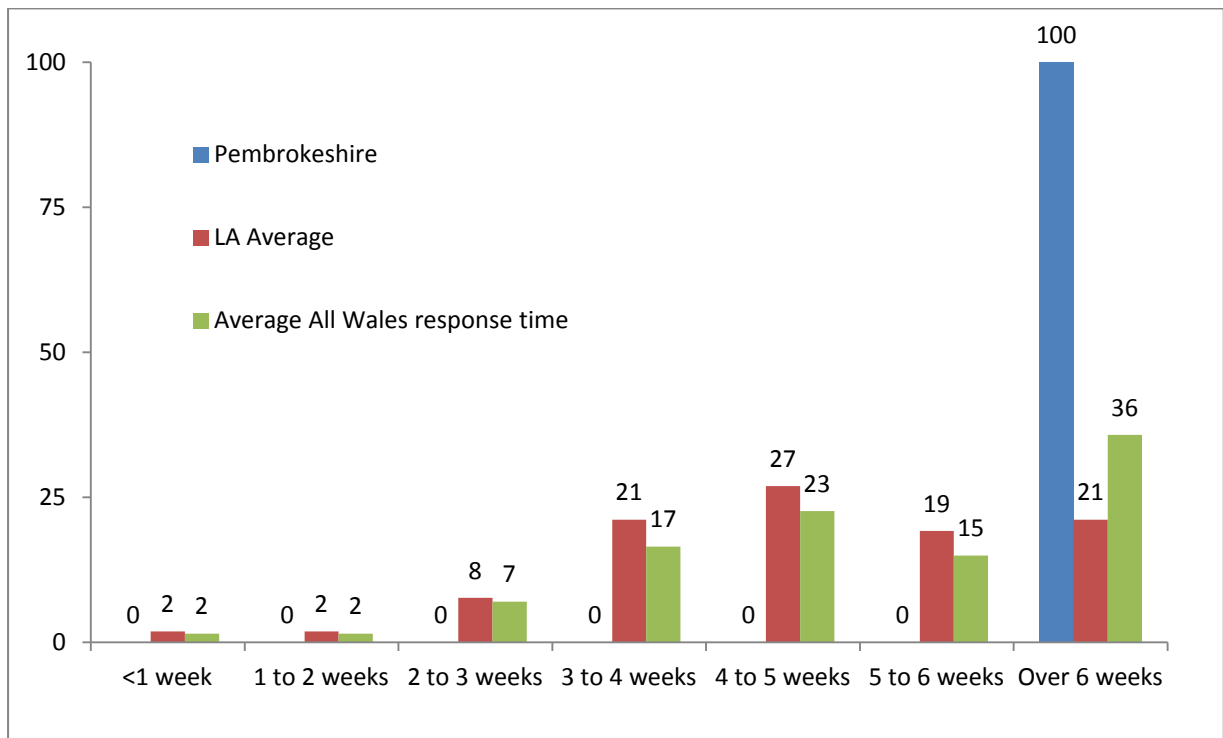
2013/14



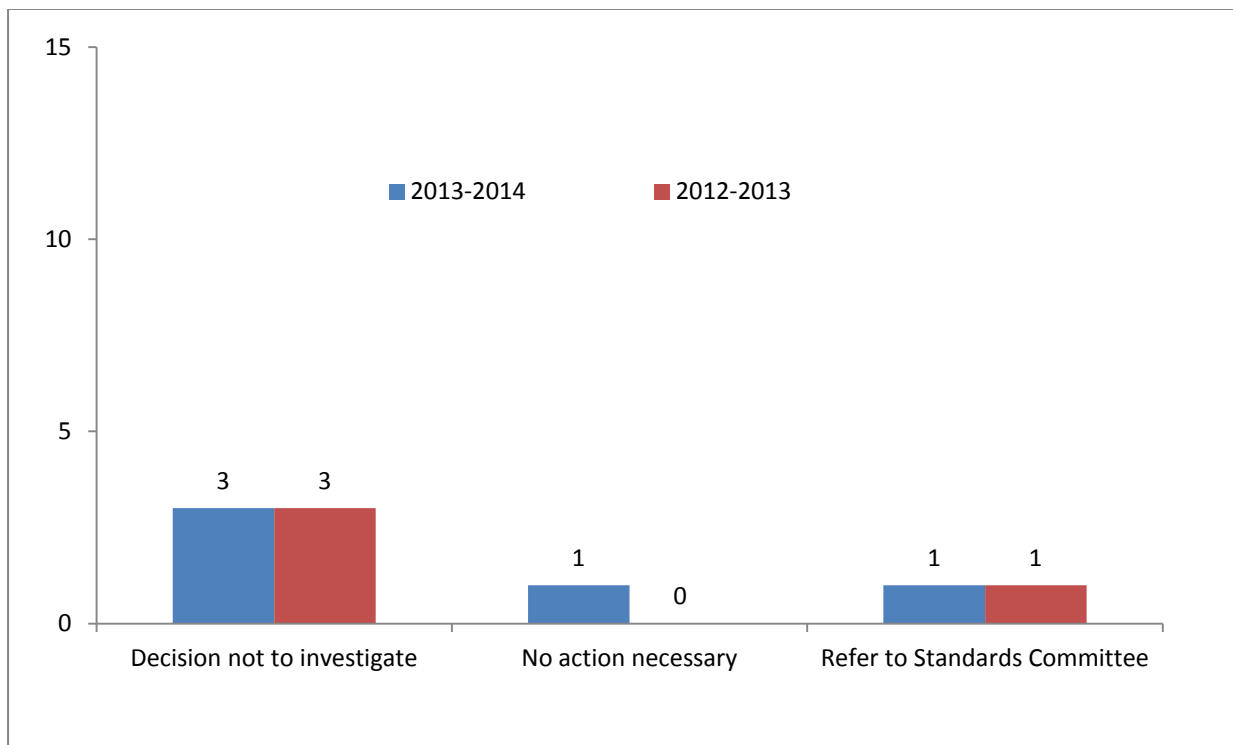
2012/13



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

Housing

Quick fixes and Voluntary settlements

Pembrokeshire County Council – Repairs and maintenance

Case reference 201303683 – October 2013

Mr R complained that he had not been paid for the damages caused by his cupboard falling off the wall. Mr R alleged that the cupboard fell due to a faulty bracket. Mr R stated that this incident was reported to the Maintenance Dept in July 2013, however, was still waiting for his replacement cupboard in October.

Mr R also stated that he had completed the claim form and returned it to the repairs dept in order for his claim to be processed for damages.

The Ombudsman's office contacted the Council, which advised that it had agreed with Mr R a time and date for his cupboard to be repaired/replaced. However, the Council advised that it had not received any form of completed insurance claim from Mr R. Mr R was informed that, if he wished to proceed with his claim, the Ombudsman would expect him to provide the Council with all the necessary information.

Pembrokeshire County Council – Repairs and maintenance

Case reference 201304002 – October 2013

Mr R complained that the Council sent a 'cowboy worker' to his property to repair a cupboard and it was left unfinished. The Ombudsman's office contacted the Council, which advised that, at the time when the tradesman attended Mr R's property, the type of cupboard required was incomplete but it was thought better to commence the replacement and return when the doors were obtained from the supplier. Mr R had since been contacted and agreed the date on which the doors could be fitted.

Social Services – Adult

Upheld

July 2013 – Services for people with a disability – Pembrokeshire County Council

The complaint was about shortcomings in the support offered to Mr and Mrs Y and their family by Pembrokeshire County Council (Social Services). Mrs Y said, for periods between 2005 and June 2011, the Council failed to:

- properly review and reassess the needs of Mr and Mrs Y and those of her family, which included not providing carer assessment in a timely manner;
- finalise the outcome of reviews, determine entitlement and arrange services/allocate funding within a reasonable timescale;
- adequately take into account the views of Mrs Y and her family about the needs of Mr Y leading to a delay in his discharge from hospital in 2011;
- fully accept the findings of the independent Stage 2 complaints investigation.

The Ombudsman recognised the complexity of the circumstances and noted that the Council's actions were not wholly unsatisfactory. However he found there were consistent shortcomings in respect of the assessment and review processes and he was of the view that the Council failed to fully comply with the relevant statutory guidance.

The Ombudsman was of the view that the nature of Mr and Mrs Y's conditions meant that Social Services should have offered more proactive support. He also raised concern about the assessment and support offered to individual family members in their distinct roles as carers. The Ombudsman upheld this first element of the complaint.

The Ombudsman also considered the provision of services and allocation of funding and he particularly highlighted the period between 2008 and 2009 where there were shortcomings. He was also concerned that in all likelihood the more general deficiencies in carrying out assessments and reviews had led to some detriment to the family. To the extent of his findings he upheld this second element of the complaint.

The Ombudsman did not uphold the third element of the complaint as he did not find any evidence to suggest that Mr Y's discharge had been significantly delayed. The Ombudsman also considered that the family's view had been taken account of at this time.

The Ombudsman noted that the Council did recognise some failings in its complaint response but was of the view that its apology lacked clarity in parts and was insufficient. He upheld this fourth element of the complaint.

The Ombudsman made the following recommendations:

- the Council should apologise to Mrs Y for the shortcomings identified and to provide financial redress of £4,500 in recognition of the likelihood that the family missed out on receiving additional support; this also took account of the shortcomings in the Council's response to the complaint;
- the Council should also ensure that the family received reassessment/review in line with relevant guidance;

- the Council should produce a programme of work following an audit it carried out; and,
- the Council should ensure that there was a coherent relationship between the direct payments administration and assessment and care management processes.

Case reference 201202192