

Our ref: NB/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 3 August 2015



James.Merrifield@ombudsman-wales.org.uk

Dr Helen Paterson
Chief Executive
Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dear Dr Paterson

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 Wrexham County Borough 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 by my office, from 53 in 2013/14 to 57 in 2014/15. The largest number of complaints related to 'Housing', which was significantly above the average. My office investigated one complaint against your Local Authority during 2014/15; the response to the request for information was received more than six weeks after it was requested. My office issued one 'upheld' and one 'not upheld' report in relation to your Local Authority.

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, Wrexham County Borough 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.

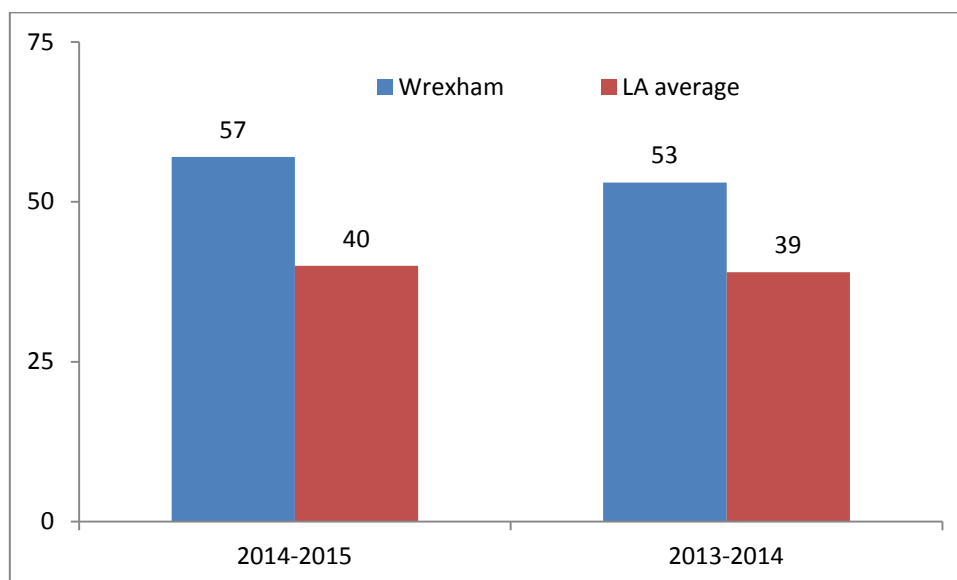
Housing Stock

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

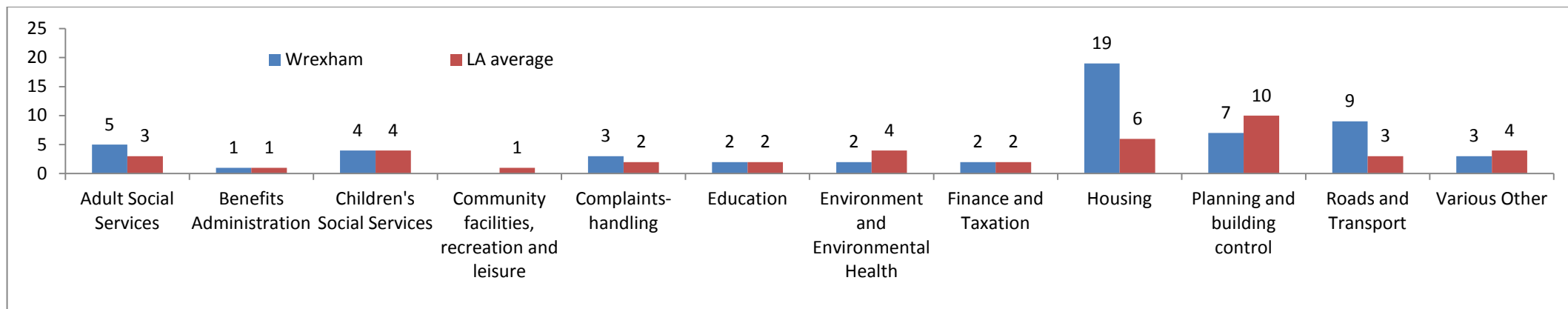


B: Complaints received by my office

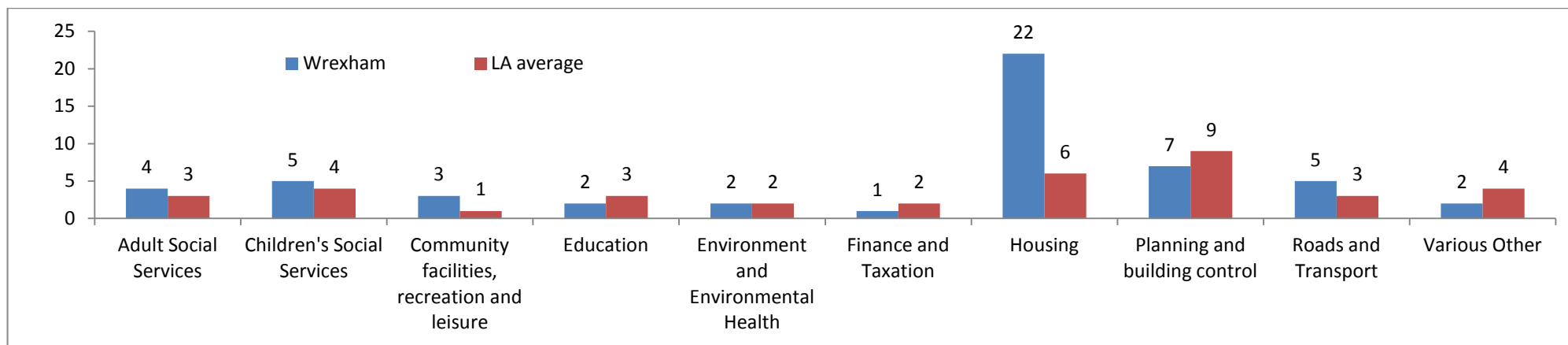
Subject	2014/15	2013/14
Adult Social Services	5	4
Benefits Administration	1	0
Children's Social Services	4	5
Community facilities, recreation and leisure	0	3
Complaints-handling	3	0
Education	2	2
Environment and Environmental Health	2	2
Finance and Taxation	2	1
Housing	19	22
Planning and building control	7	7
Roads and Transport	9	5
Various Other	3	2
Total	57	53

C: Comparison of complaints by subject category with LA average

2014/15



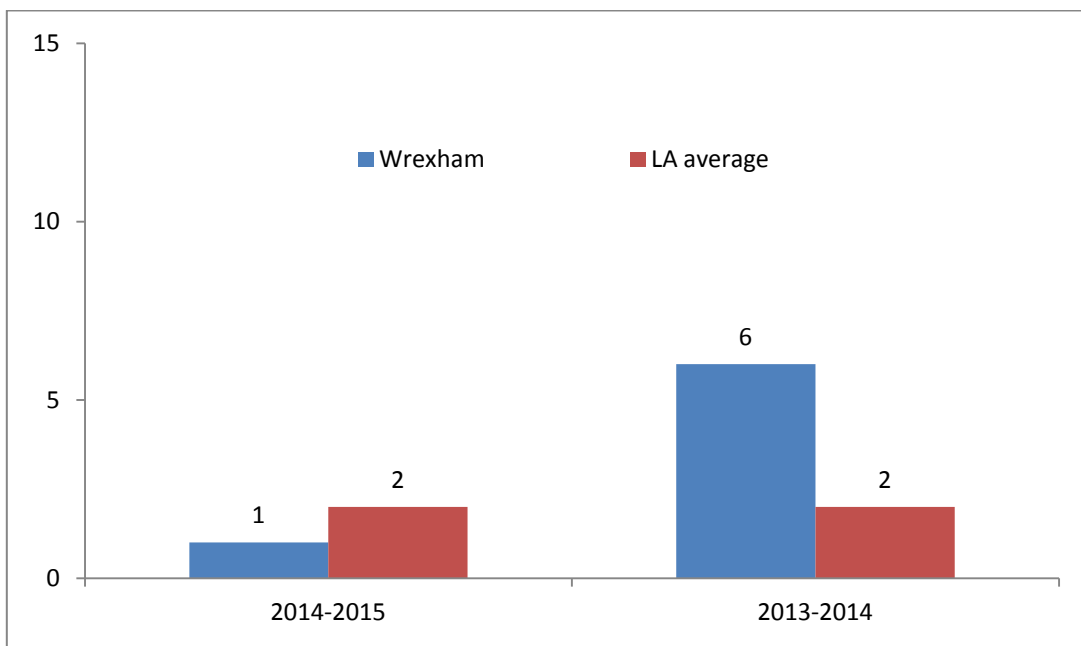
2013/14



D: Complaints taken into investigation by my office

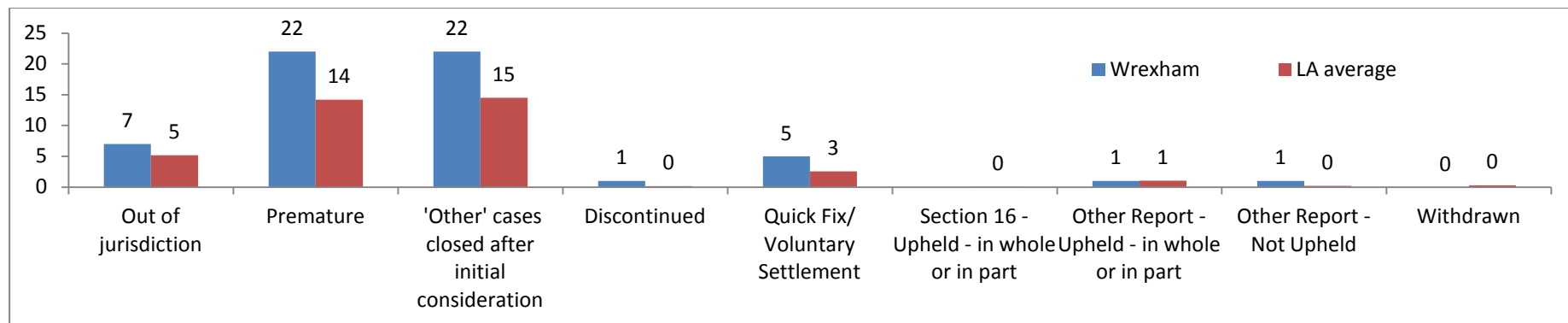
	2014/15	2013/14
Number of complaints taken into investigation	1	6

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

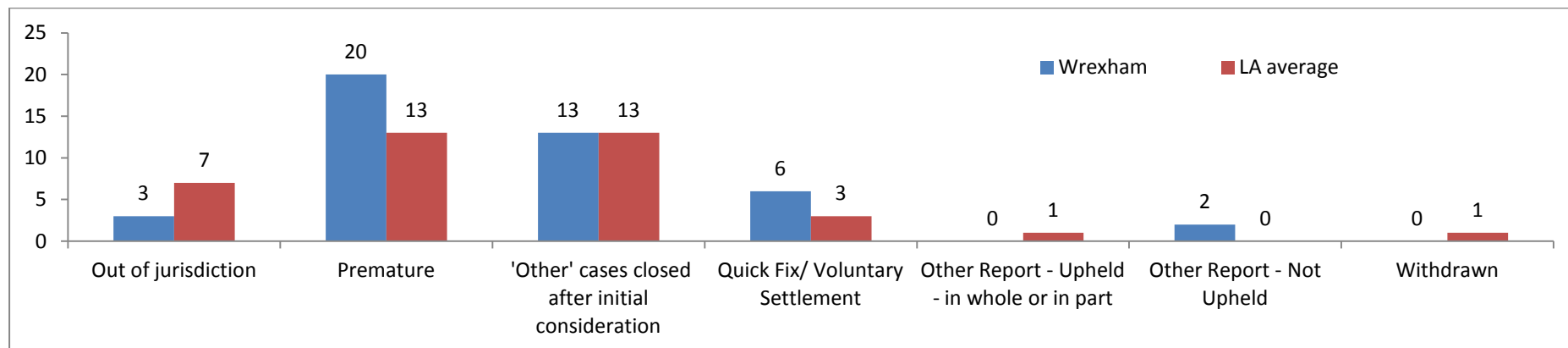


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

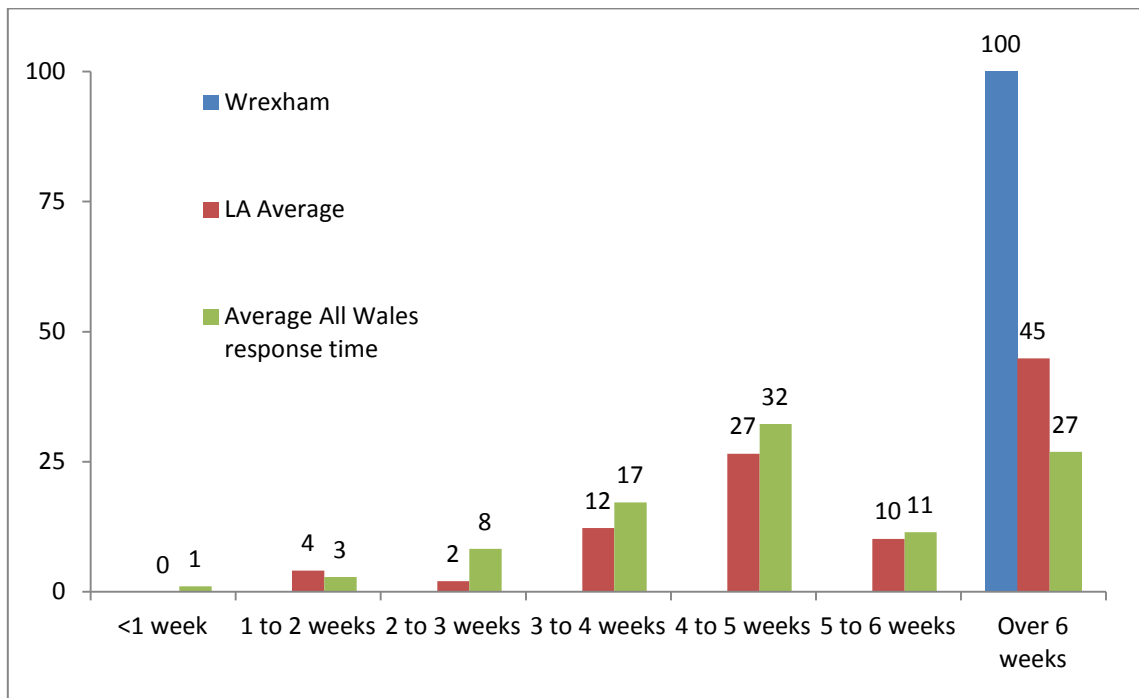
2014/15



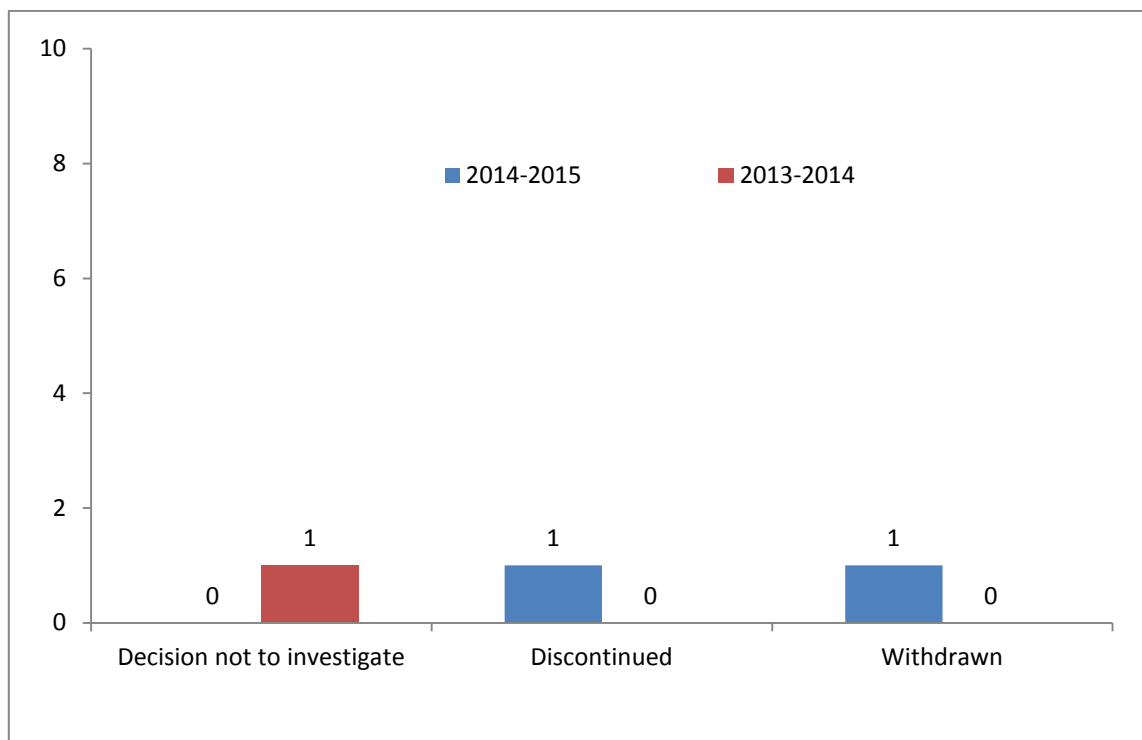
2013/14



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

Housing

Other reports – Upheld

Wrexham County Borough Council – Homeless person issues

Case reference 201304248 – Report issued March 2015

Ms A complained about the way that the Council dealt with her housing and homelessness applications between September 2011 and September 2013. Having arranged storage of her furniture with a private storage firm in December 2011, Ms A highlighted that the delays in dealing with her housing and homelessness applications meant a longer period of having to pay monthly storage charges when she was placed in Council owned furnished temporary accommodation (“TA”). She subsequently fell into arrears. Ms A, who suffered from depression, detailed the emotional and financial impact that the Council’s failings had had on her.

The Ombudsman agreed with the Council’s initial findings when it investigated Ms A’s complaint that the Council had taken an “unacceptable” length of time to accept its main homelessness duty to provide Ms A with permanent accommodation. The Ombudsman’s investigation also found procedural deficiencies in the handling of Ms A’s homelessness and housing applications, together with breaches of the Council’s statutory duties. Throughout Ms A’s case, the Ombudsman’s investigation found repeated examples of poor record keeping including key documentation (for example Ms A’s housing application) having been mislaid. Given the administrative, procedural and statutory failings identified, the Ombudsman upheld Ms A’s complaint against the Council.

Finally, from a complaints-handling perspective, the Ombudsman concluded that the Council’s investigation while it had identified the central failing (in terms of Ms A’s homelessness application) had been insufficiently robust. As a result, the extent of the failings and the impact on Ms A had not been recognised. It had also compromised the Council’s ability to learn lessons. Given this failing, the Ombudsman upheld this aspect of Ms A’s complaint.

The Ombudsman made the following recommendations:

- a) the Council’s Chief Executive should apologise in writing to Ms A for the Council’s failings;
- b) the Council should make a payment to Ms A of £3,000 in recognition of the failings and injustice caused to Ms A that I have outlined above;
- c) the Council should consider bringing in an external suitably qualified independent housing expert to carry out an audit of its housing and homelessness services to establish whether they are fit for purpose. If this is done, the audit should take place within three months of this report being finalised;
- d) the Council should review the training that it provides to its homelessness staff particularly in relation to the Council’s statutory duties and provide additional training where necessary. Any additional

training should be provided within three months of this report being finalised;

- e) the Council should remind officers of the importance of record keeping and demonstrate the steps that it has taken to reinforce this;
- f) the Council should review its approach to affordability in relation to temporary accommodation, particularly in relation to applicants who have ongoing storage costs or who are on a low income and not entitled to housing benefit. It should also look to develop a policy on the application of its discretionary powers to recover charges where its protection of possessions duties are triggered ;
- g) the Council should review its administrative and case management processes to ensure that there is clear audit trail both in terms of documentation and decision making ;
- h) the Council should reinforce to staff the importance of fully documenting the rationale behind decisions particularly when discretion is being applied;
- i) when applying its discretion, for example in relation to penalty points, the Council should ensure that it takes steps to fully explain its reasoning in its written communication to the applicant;
- j) the Panel considering Part VI suitability reviews should develop a much more robust process for the presentation and evaluation of evidence underpinning its decision. If it has not already done so, the Panel should look to develop more detailed minutes that more fully demonstrate the rationale behind its decisions;
- k) the Council should review whether there is a need to either develop or incorporate into its ASB policy, a specific policy and procedure in relation to its temporary accommodation.

Quick fixes and Voluntary Settlements

Wrexham County Borough Council – Tenancy rights and conditions / abandonment and conditions

Case reference 201402485 – August 2014

Ms Z complained that the Council had failed to provide answers to eleven issues that residents from a care home in the County Borough area had raised during a consultation regarding the changes to their care provision. Ms Z had complained to the Council, which investigated the complaint, but the issues raised remained unanswered.

Following contact from the Ombudsman's office, the Council agreed to write to Ms Z providing a reply to each of the eleven issues raised in her letter.

Planning and Building Control

Other reports – Not upheld

Wrexham County Borough Council – Rights of way and public footpaths

Case reference 201305742 – Report issued July 2014

Mrs A complained on behalf of herself and others about the Council's handling of a planning proposal. The matter involved the Council applying to itself for an expansion and refurbishment of a junior school, construction of a staff car park and the stopping up of a road. Mrs A said that the Council consulted widely at the scheme development stage, via a private company. It acquired much feedback, including that the development would prevent easy access to a health centre and pharmacy, which would inconvenience many older and disabled people. She said that the feedback was not provided to the Planning Committee, which subsequently approved the proposal.

The Acting Ombudsman appreciated the problem that had arisen for many local people because of the development. However, she concluded that the consultation at the development stage was not part of the planning process. Moreover, the formal consultation that the Council had undertaken regarding the planning proposal was sound. The Acting Ombudsman did not identify significant failings on behalf of the Council or any unreasonableness in its decision-making. On that basis, the Acting Ombudsman did not uphold the complaint.

Quick fixes and Voluntary settlements

Wrexham County Borough Council – Handling of planning application

Case reference 201402959 – August 2014

Mr S's complaint related to planning applications he submitted for a dropped kerb ("first application") and to build a bungalow ("second application") at the back of his property. Mr S said that after his first application was approved by the Council, and he had spoken to a member of staff who had confirmed the approval of the first application, he submitted his second application paying the £80 application fee. Mr S then received a letter explaining that his second application was denied and that his first application had been rescinded. Mr S had been refunded the application fee of £100 in respect of his first application but not for his second.

Following contact from the Ombudsman's office, the Council agreed to refund Mr S the £80 for the second application.

Roads and Transport

Quick fixes & Voluntary settlements

Wrexham County Borough Council - Parking

Case reference 201307214 - May 2014

Ms D complained that the footway outside her home was set at such an angle that the bottom of her vehicle caught on the surface when she entered and exited her driveway. She complained to the Council on several occasions over an 18 month period.

The Ombudsman's investigation discovered that the Council had not responded to Ms D directly and that there was an absence of records to support its assertion that staff had visited the address to assess the problem. The Ombudsman recommended that the Council take the following steps to resolve the complaint:

- a) arrange a site visit to meet with Ms D and her neighbour, who had also complained about a similar problem, and accurately record the meeting and any decisions conveyed to Ms D;
- b) write a letter of apology for the inappropriate response made to her initial complaint and confirm the decisions made in relation to the best way forward to resolve the problem;
- c) waive any fees payable for an application by Ms D to drop the kerb, should it be necessary to do so as a result of the site visit meeting.

Social Services - Children

Quick fixes and Voluntary settlements

Wrexham County Borough Council – Children in care/taken into care/'at risk' register/child abuse/custody of children

Case reference 201404263 – December 2014

Miss T complained that the Council had made incorrect comments in a child protection meeting about her personal hygiene and the fact that she did not like to engage in social activities.

It was established that the matters complained of were incorrectly used in the child protection meeting. The Council agreed to write a letter of apology to the complainant and offer a payment of £250 for time and trouble taken to make the complaint.