

ISLE OF ANGLESEY COUNTY COUNCIL

COMMITTEE:	Standards Committee
DATE:	31 October 2012
TITLE OF REPORT:	Public Services Ombudsman for Wales – Annual Summary of Performance 2011 /12
REPORT BY:	Customer Care Officer
PURPOSE OF REPORT:	For Information

1. Background:

Since 2006 the Public Service Ombudsman's Office has produced an annual report on the work that has been undertaken by his office over the previous 12 months.

The report is largely about service complaints but does include a section on complaints made under the Code of Conduct for Members.

In conjunction with the Annual Report, he also produces an Annual Summary of Performance for each public authority separately and that Summary is attached to this report as Appendix 1.

2. Main Headings in the Summary:- Service Complaints

A. Number of complaints against IOACC received by the Ombudsman's Office

The number of complaints received during 2011/12 were 26 and this represents reduction of 8 from the previous year.

B. Complaints investigated

The number of complaints investigated during 2011/12 were 5 and this represents an increase of 1 from the previous year

C. Comparison of complaints by subject category with Local Authority Average

Of the 7 service areas (please see graph “C” in Appendix 1) IOACC was below the average for all Welsh Authorities in 4 categories, the same as the average in 2 and above the average for the remaining 2 categories. These relate to Benefits Administration and Planning and Building Control.

For 2010/11 there were 9 service areas and the results were 5 below the average, 2 the same as the average and 2 above the average. These related to Roads and Transport and various other.

D. Comparison of complaints received with average adjusted for population distribution (i.e. the number of complaints per head of population)

Taking into account the adjustment, the graphs show that IOACC had 7 more complaints than the average level of complaints compared to double the number for 2010/11.

E. Comparison of complaints investigated adjusted for population distribution

Taking into account the adjustment, the graphs show that the Ombudsman has investigated more than four times the average complaints against IOACC in 2011/12 as compared to three times more than the average in 2010/11.

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

The complaint outcomes for 2011/12 differ to those listed for 2010/11 but the graphs show that IOACC are above the average in 6 categories and the same as the average for 2 for 2011/12 as compared with 7 above and 1 the same for the previous year.

G. Comparison of IOACC times for responding to requests for information with average LA and average All Wales response times 2010/11

No response time data was reported for 2010/11 as complaints against IOACC has not been concluded during the period being reported. However, the figures for 2011/12 show that IOACC is considerably above average for response times of 3-4 weeks and over 6 weeks.

An explanation for these results was requested and it was reported as follows:-

“the ‘clock’ for measuring response times starts when an investigation is commences (i.e. the date on the letters sent to a public body seeking certain information) and the ‘clock’ stops when this office has received a full response – not partial response – from the public body on all the point raised in that initial letter”.

The results are based on 4 cases, 2 of which were responded to within the 4 week limit requested by the Ombudsman with the other 2 cases being joint complaints against Social Services and the local Health Board and this is the reason for the delayed responses.

3. Main Headings in the Summary:- Code of Conduct Complaints

H. Code of Conduct Complaints

The Summary Report does not provide any details as regards comparisons with the average for this category but the Annual Report contains statistical information and this is attached at Appendix 2.

The data shows that for 2011/12, IOACC had 4 cases dealt with and this compares with Wrexham and Neath Port Talbot with 1 case each and Swansea with 41 cases. The majority of Councils (14 out of the 22) had more than 4 cases referred to the Ombudsman.

Main messages and any action required by the Authority in response to the Report.

- In general the Ombudsman says “in reference to the performance of your Council, it is pleasing to note a decrease in the number of complaints received by my office, although this figure remains above the Local Authority average”.
- There is also a note relating to the number of upheld reports issued for IOACC – 6 for 2011/12 as compared with 7 for 2010/11 and despite the decrease, the Ombudsman considers the number to be higher than could be expected for the Authority.

- The Statistical Breakdown at Appendix 3 shows how IOACC compares over all categories of outcomes with the other 21 local authorities.

4. Recommendations:-

1. The Committee is requested to note the contents of the report.

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



01656 644 200

Date: 13 July 2012



James.Merrifield@ombudsman-wales.org.uk

Mr Richard Parry Jones
Chief Executive
Isle of Anglesey County Council
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Llangefni
Anglesey
LL77 7TW

Dear Richard

Annual Letter 2011/12

Following the recent publication of my Annual Report, I am pleased to enclose the Annual Letter (2011-2012) for Isle of Anglesey County Council.

The Annual Letter provides you with a clear and concise breakdown of all complaints received and investigated by my office during 2011/12 in relation to your Council. You will also find details of the time taken by your Council in responding to requests for information from my office, as well as summaries of all reports issued in relation to your Council.

As outlined in my Annual Report, the total number of complaints received by my office about maladministration and service failure increased by 13% compared with 2010/11. Whilst health complaints continue to be the most numerous type of complaints received by my office, Planning and Housing remain the next largest areas of complaint.

It is pleasing to note the increased levels of 'Quick Fixes' and 'Voluntary Settlements' which would often not be possible without the cooperation of public bodies. This means that it has been possible to increase the number of complaints closed at earlier stages without the need for a full investigation (where it is clear that there are no systemic issues associated with the complaint).

Nevertheless, my office had reason to issue a number of Public Interest Reports during 2011/12 which raised serious concerns and failings. A number relate to local authority complaints, I would encourage all councils to revisit these reports, which are available on my website, to ensure that the lessons are learnt. Others relate to health matters but could also have general learning opportunities for local authorities.

I raised concerns in last year's Annual Letters regarding the amount of time taken by public bodies in Wales in responding to requests for information from my office and it is disappointing that this situation has not improved. The statistics for 2011/12 show that average response times for Local Authorities, as well as other bodies in Wales, has worsened to the extent that roughly three quarters of responses are received more than four weeks after they were requested. I continue to urge all Welsh public bodies to assist my staff in progressing their investigations by providing responses in a timely manner.

In reference to the performance of your Council, it is pleasing to note a decrease in the number of complaints received by my office, although this figure remains above the Local Authority average. There has been an increase in the number of complaints taken into investigation in comparison with the figures for 2010/11. The figures indicate that the largest number of complaints continue to relate to Planning and Building Control.

I have also noted that my office has issued a larger number of Upheld reports than could be expected for your Authority, as well as one Public Interest Report. I would encourage your Authority to review these reports to ensure that all lessons have been learnt. Finally, the response times for your Authority also indicate that responses to requests for information from my office could be improved.

Finally, I have outlined my concern at the 49% increase in the number of Code of Conduct complaints received by my office in this year's Annual Report, together with steps which I will consider taking to tackle any emerging practices in respect of such complaints. I have also set out changes designed to promote a local resolution process and reduce the number of complaints by councillors against other councillors which are brought to my office. Consequently, I hope to be able to report a decline in the number of Code of Conduct complaints received next year.

A copy of this letter will be published on our website shortly. If you consider it would be beneficial, I would be glad to meet with you to discuss the contents of this letter and the work of my office.

Yours sincerely

Peter Tyndall
Ombudsman

Appendix

Explanatory Notes

Sections A and B provide a breakdown of the number of complaints about Isle of Anglesey County Council which were received and taken into investigation by my office during 2011-2012.

Section C compares the number of complaints against Isle of Anglesey which were received by my office during 2011-2012, with the local authority average for the same period. The figures are broken down into subject categories.

Sections D and E compare the number of complaints against Isle of Anglesey which were received and taken into investigation by my office during 2011-2012, with the local authority average (adjusted for population distribution¹) during the same period.

Section F compares the complaint outcomes for Isle of Anglesey during 2011-2012, 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 response times of Isle of Anglesey during 2011-2012 with the average response times for all local authorities, and all public bodies in Wales during the same period. Graph G measures the time between the date my office issues 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 Isle of Anglesey Councillors during 2011-2012.

Finally, Section 'I' contains the summaries of all reports issued in relation to Isle of Anglesey during 2011-2012.

In order to assist in measuring performance during 2011-2012, many sections also contain the relevant figures for 2010-2011.

Housing Stock

As with the figures for 2010-2011, the figures for 2011-2012 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.statswales.wales.gov.uk/TableViewer/tableView.aspx?ReportId=16889>. All figures have been rounded to 0 decimal places.

A: Complaints received by my office

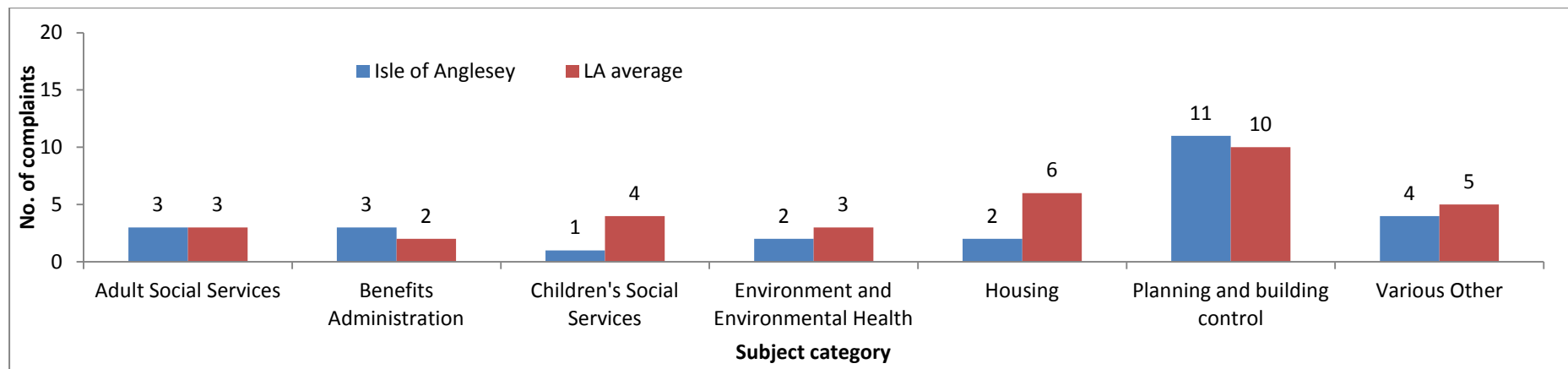
Subject	2011-2012	2010-2011
Adult Social Services	3	2
Benefits Administration	3	1
Children's Social Services	1	1
Education	0	1
Environment and Environmental Health	2	2
Finance and Taxation	0	0
Housing	2	4
Planning and building control	11	11
Roads and Transport	0	5
Various Other	4	7
Total	26	34

B: Complaints taken into investigation by my office

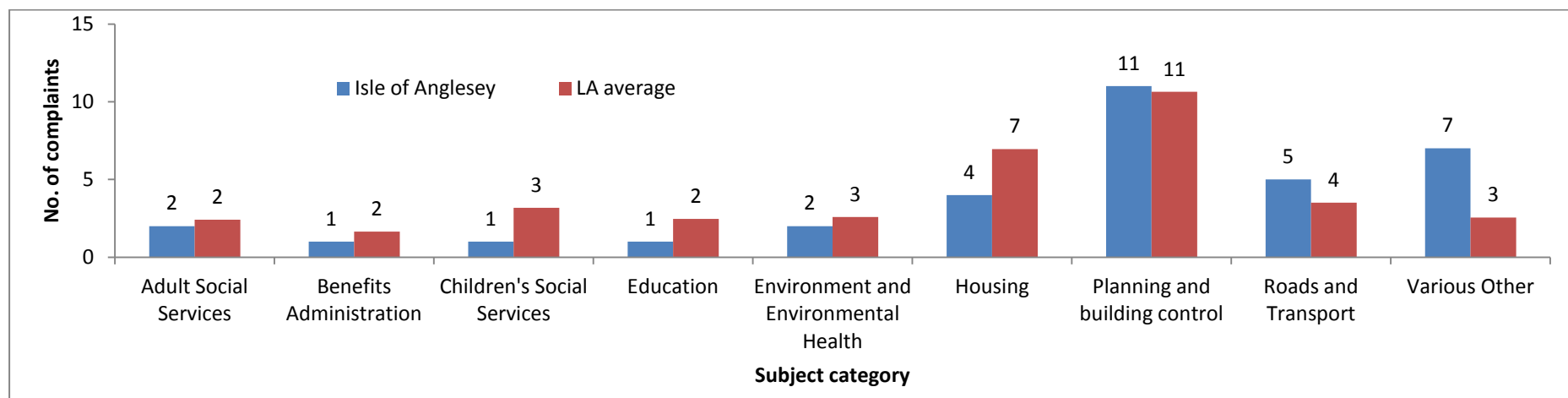
	2011-2012	2010-2011
Number of complaints taken into investigation	5	4

C: Comparison of complaints by subject category with LA average

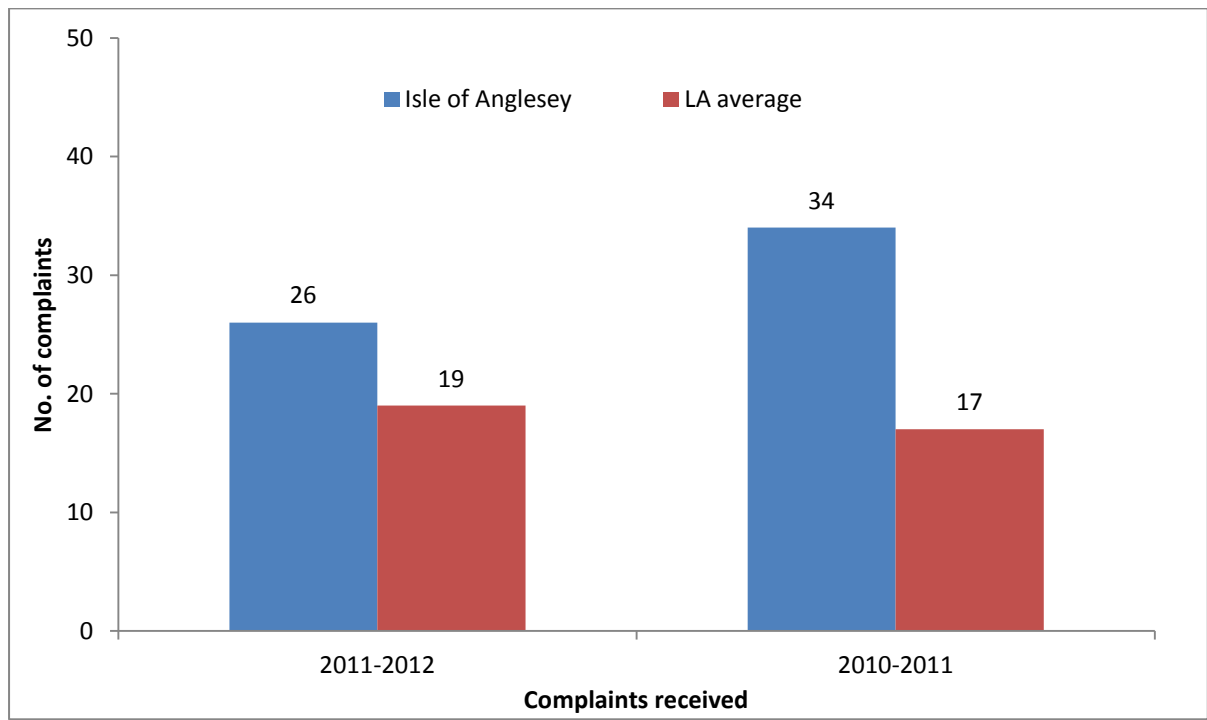
2011-2012



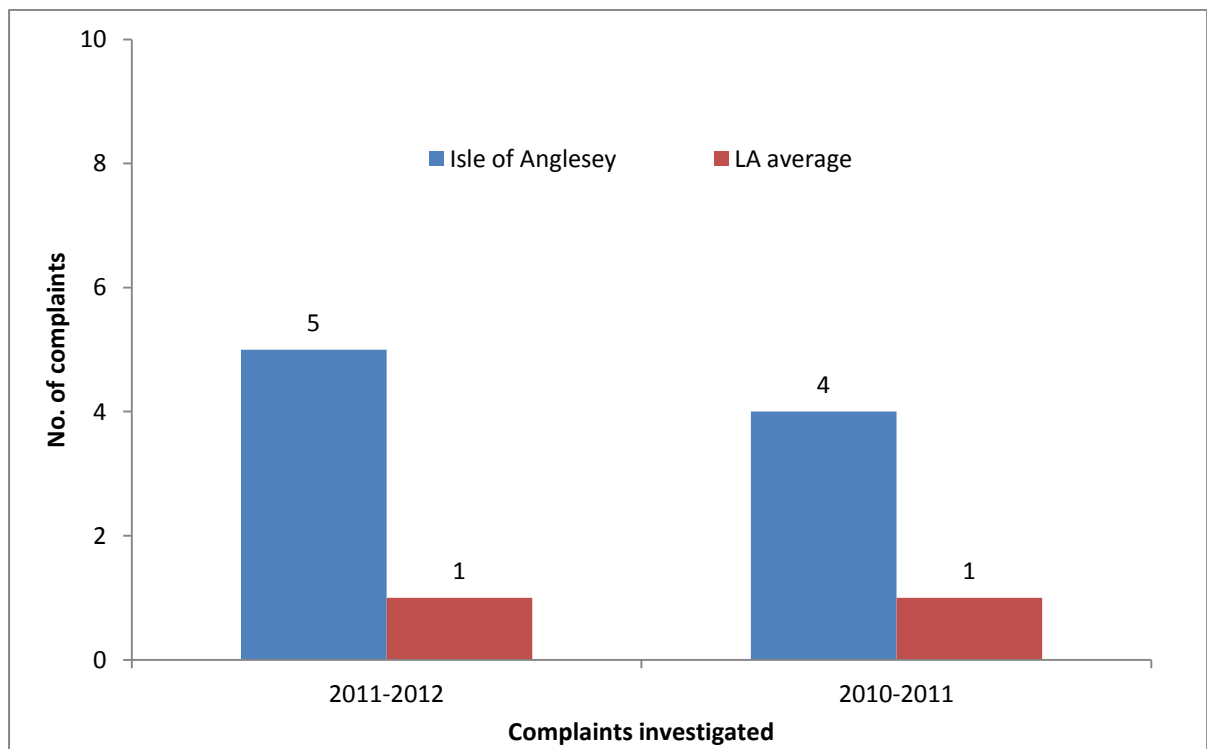
2010-2011



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

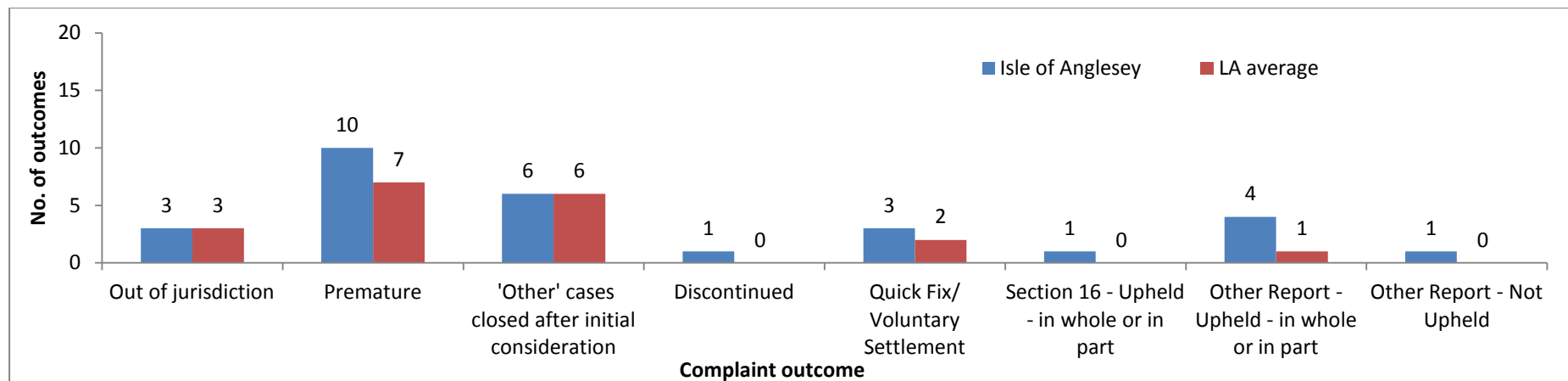


E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

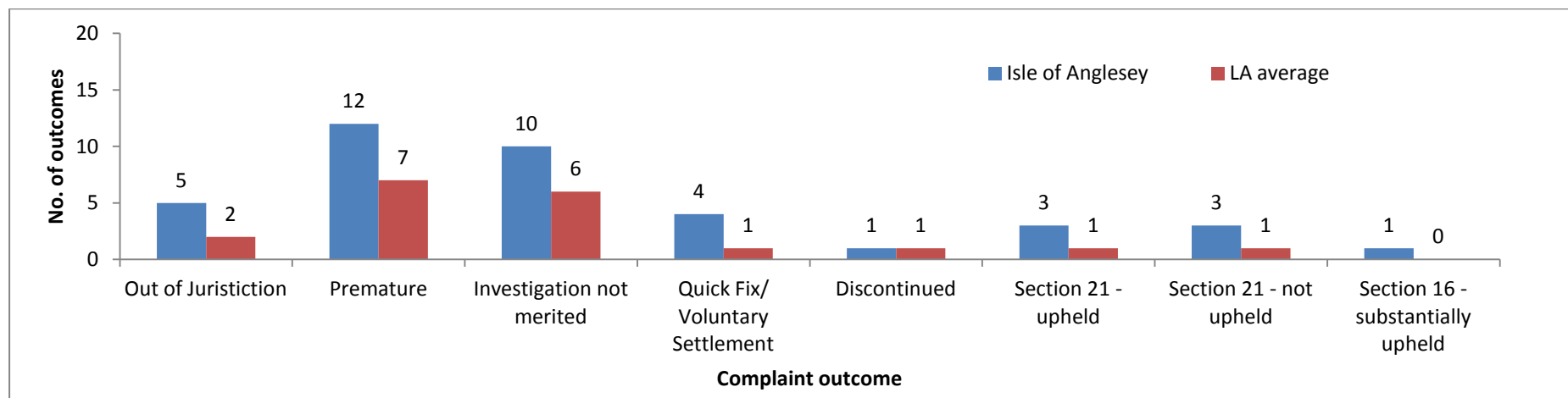


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

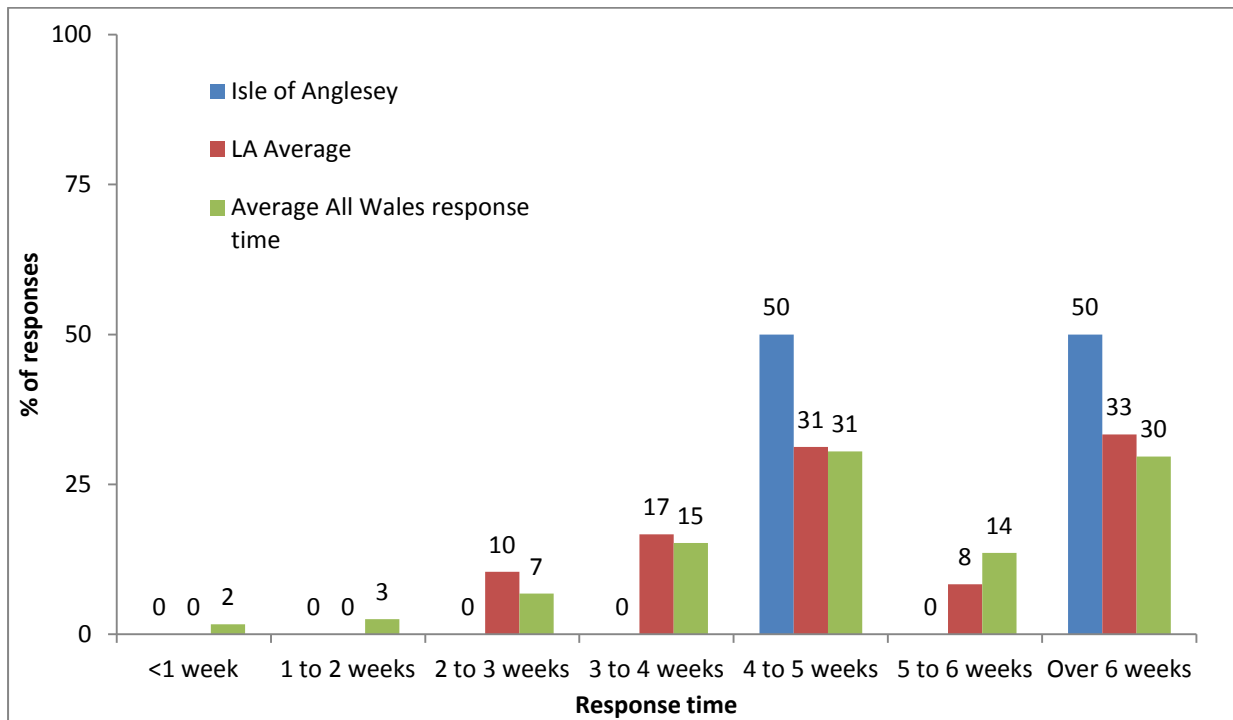
2011-2012



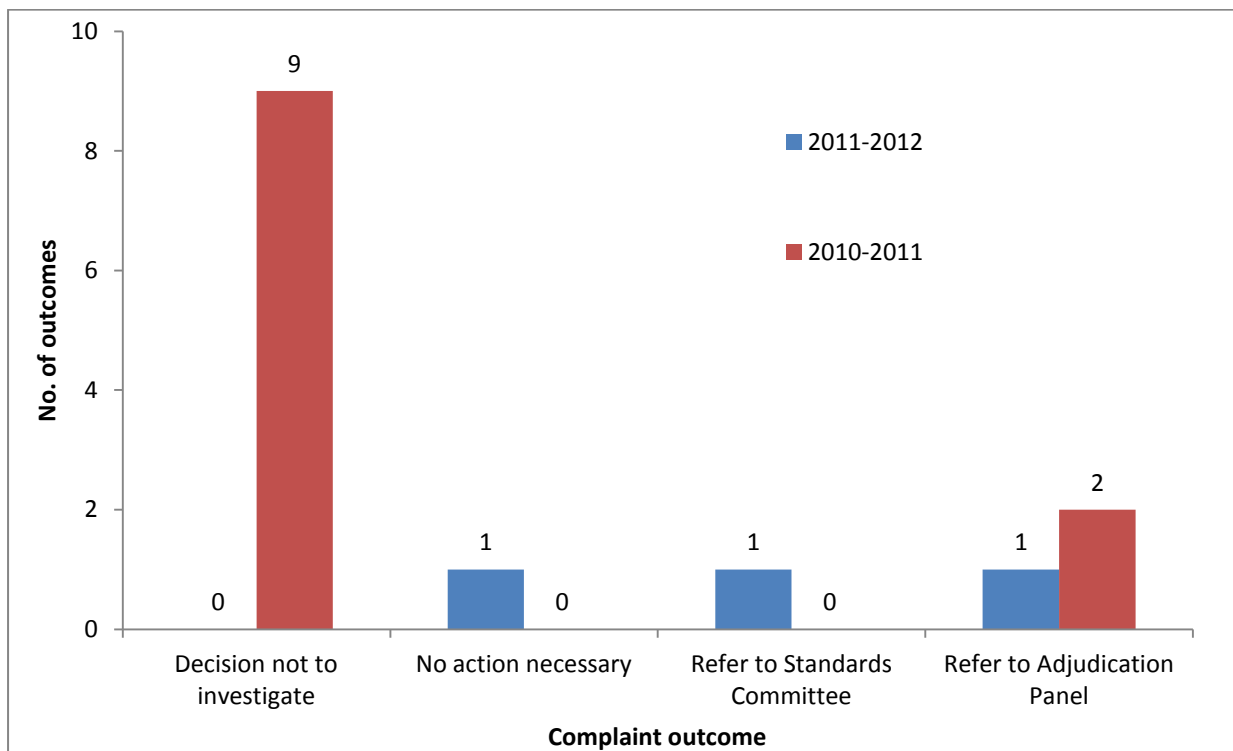
2010-2011



G: Comparison of Isle of Anglesey's times for responding to requests for information with average LA and average All Wales response times, 2011 – 2012



H: Code of Conduct complaints



I: Report summaries

Benefits Administration

Upheld

December 2011 – Housing Benefit – Isle of Anglesey County Council

Mr G complained that the Council had failed to administer his housing benefit claims correctly and that this had resulted in information provided by him not being properly considered. He said that as a result, there was an overpayment of benefit that the Council was seeking to recover. He said that the Council had failed to communicate with him adequately on these matters.

Given the level of information provided, Mr G was advised that a limited investigation would take place, focussing on the manner in which the Council had dealt with its decision on the overpayment and whether it had notified him of his right to request a review in relation to its decision. Mr G was advised by the Ombudsman to exercise his rights of review if he felt the overpayment was incorrect.

The investigation showed that the Council had notified Mr G of his appeal rights and had provided full explanations for its decisions. However, the investigation also found that the Council had delayed for four months in providing written confirmation of a meeting that had taken place on the case and that two letters from Mr G had not been answered until he made a formal complaint. It was held that this represented injustice to Mr G who was left in a position of uncertainty for some time. The complaint was therefore partly upheld on the basis that there had been some communication failings.

The Council accepted that this was the case and agreed to apologise to Mr G and make a payment of £100 for his time and trouble in bringing the complaint.

Case reference 201100607

Housing

Public Interest Reports

June 2011 – Applications, allocations, transfer and exchanges – Isle of Anglesey County Council

Ms A's complaints concerned how the Council dealt with her housing applications and the affordability of her current temporary accommodation. In early 2000, when Ms A was a private sector tenant, she applied to the Council for housing. She said that she had made a number of contacts with Housing Services over the years to try and progress her applications and had raised issues of overcrowding, disrepair and anti-social behaviour. Ms A complained about the length of time she had been waiting to be offered a Council house, particularly as the Council had accepted that it owed her a full homelessness duty in November 2004. Ms A was placed in a succession of temporary accommodation from June 2009. She complained that she was not made aware that the charge for her accommodation was likely to increase as a result of funding changes.

The investigation found serious shortcomings in the way that the Council dealt with Ms A's homelessness and housing applications. Although the Council accepted that it had a homelessness duty towards Ms A, there was no evidence that she was formally offered temporary accommodation before June 2009. The Council subsequently misfiled her homelessness application and it was not progressed for a period of four and a half years. In addition, the Council repeatedly failed to consider all of the available information relevant to Ms A's housing applications in accordance with its Allocations Policy. This led to her not being offered a Council property in September 2005. The investigation also uncovered serious deficiencies in the Council's record keeping. Whilst recognising the Council's later efforts to minimise the impact on applicants of increased charges for its temporary accommodation, the Ombudsman felt that the Council should have had greater regard, at an earlier stage, to its Homelessness Strategy. This was particularly relevant for working applicants who might not qualify for housing benefit.

The Ombudsman found systemic maladministration. He recommended that the Council apologise to Ms A and her family for its failings, and offer her a redress payment of £1500. He also made a number of recommendations for further action by the Council, including the production of up-to-date written procedures on housing allocations and homelessness and further training for relevant officers.

Case reference 200902138

Upheld

September 2011 – Neighbour disputes and anti-social behaviour – Isle of Anglesey County Council

Mrs A's main complaint related to delays in the Council completing repair works at her council property. For example, Mrs A highlighted that when she and her late husband moved into the property they subsequently found that the electric fire had not been connected to the electrical point. She complained that there was a delay in the Council rectifying the matter. Mrs A also referred to the drainage problems that she had experienced at the property. She expressed dissatisfaction that the Council had not carried out a camera survey of the pipework earlier than in fact happened as

she felt that it would have identified breakages in the sewerage pipe. Finally, Mrs A expressed concerns about the installation of the gas central heating system.

The Ombudsman's investigation concluded that the fact that the fire was not connected should have been identified prior to Mr and Mrs A's occupation. To that extent Mrs A's complaint was upheld. However, following investigation no further aspect of Mrs A's complaint was upheld.

Case reference 201001177

Social Services - Children

Not Upheld

September 2011 – Children in care/taken into care etc – Isle of Anglesey County Council

Mrs X had for some time looked after her grandson; to do so, she was registered by the Council as a foster carer. She made a complaint to the Council, listing 12 matters about which she was dissatisfied. These included what she considered to be inaccuracies in some documents, the Council's refusal to change key officers at her request and information being disclosed to third parties without her consent.

The Ombudsman could not investigate those matters which related to court proceedings, or for which Mrs X had a legal remedy (e.g. contact with her grandson). He considered that the responses and explanations which the Council had given to Mrs X had been reasonable, as had its actions since the final court hearing concerning Mrs X's grandson. He did not uphold the complaint.

Case reference 201001207

Roads and Transport

Other reports – Upheld

December 2011 – Other – Isle of Anglesey County Council

Mr W complained that the Council had failed to take effective measures to prevent surface water ponding on the road outside his property and that as a consequence, surface water was washed onto the house by passing vehicles and caused problems associated with dampness. He also complained that when the Council undertook a highway drainage scheme, it failed to provide a footway wide enough to comply with current standards for disabled users, and that the Council failed to deal with his complaints in a satisfactory manner.

Mr W's complaint about the surface water ponding was not upheld. The information showed that the Council had addressed the matter, and had acted reasonably in implementing a scheme which was intended to address the problem even though Mr W disagreed with it. The Council had also provided Mr W an opportunity to inspect and perhaps install a damp proof course at the front of his property. Although the Council was not able to provide satisfactory records relating to the inspection, cleaning and maintenance of the new drainage scheme, ponding problems had not occurred to the same extent as had been the case prior to the completion of the scheme. The Council has also introduced procedures for the inspection and recording the inspection and maintenance of its gulley systems on a regular basis.

The complaint about the footway was also not upheld. The Council had considered the needs of disabled persons, and its view that it was not reasonably practicable to widen the footway was one it was entitled to reach.

However, Mr W's complaint about the way the Council dealt with his complaint was upheld. It was not apparent that his request that a further matter be considered as part of his complaint was adequately dealt with. As a consequence, he was put to the trouble of pursuing the matter further with the Council and his Assembly Member.

The Council agreed to make a payment of £100 to Mr W. It is also taking steps to adopt the new public services model complaints policy in line with recent guidance issued by the Welsh Government.

Case reference 201001744

Various Other

Upheld

March 2012 – Licensing – Isle of Anglesey County Council

Mr B and Ms M complained to the Ombudsman that the Council's licensing department had failed to take appropriate action to revoke a taxi driver's licence to operate as a taxi driver. They complained that the Council had failed to investigate the concerns they had raised about the taxi driver after he received convictions for battery and harassment.

The Ombudsman found that whilst the Council had made appropriate enquiries to establish the circumstances surrounding the taxi driver's convictions, it had failed to document the evidence it had gathered during the course of its investigation. The Ombudsman had no reason to question the Council's decision that the taxi driver was a fit person to hold taxi driver licence. However, he considered that the investigation procedure lacked transparency which is likely to have given Mr B and Ms M the impression that the decision had been biased and unfair.

The Ombudsman, whilst not critical of the Council's decision itself, upheld the complaint because of failings in the investigative process. He recommended £400 in redress to Mr B and Ms M for their time and trouble in pursuing the complaint and that the Council takes steps to remind staff of the need to document investigations. He also asked the Council to satisfy itself that there was sufficient documentary evidence on file to justify its decision about the fitness of the taxi driver to hold a licence. He also recommended that the Council conducts an audit of investigation files and to report the findings to him. A recommendation was also made in relation to complaint handling.

Case reference 201100377

COUNTY/COUNTY BOROUGH COUNCILS APPENDIX 2

County/County Borough Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	4		1					5
Bridgend	3							3
Caerphilly	6	1			1			8
Cardiff	5				1			6
Carmarthenshire	7						1	8
Ceredigion	4							4
Conwy	9							9
Denbighshire	5				1	1	1	9
Flintshire	8				2		1	11
Gwynedd	2							2
Isle of Anglesey					1	2	1	4
Merthyr Tydfil	3							3
Monmouthshire	7							7
Neath Port Talbot	1							1
Newport	2				1			3
Pembrokeshire	7				1			8
Powys	5		1					6
Rhondda Cynon Taf	8					1	1	10
Swansea	38	1					2	41
The Vale of Glamorgan	12							12
Torfaen	5				1		1	7
Wrexham	1							1
TOTAL	142	2	2	9	4	3	6	168

COUNTY/COUNTY BOROUGH COUNCILS *APPENDIX 3*

County/County Borough Council	Out of Jurisdiction	Premature	'Other' cases closed after initial consideration	Discontinued	Quick Fix/ Voluntary Settlement	S16 Report - Upheld - in whole or in part	Other Report Upheld - in whole or in part	Other Report - Not Upheld	Withdrawn	Total Cases Closed
Blaenau Gwent	1	1	3		2		1			8
Bridgend	2	12	8		3			2		27
Caerphilly	6	21	20		5			1	1	54
Cardiff	12	32	27		8	1	9	1		90
Carmarthenshire	7	19	25		5	1	1	4		62
Ceredigion	4	10	9		2		1	2		28
Conwy	5	9	6		4					24
Denbighshire	1	17	11	1	4		2		1	37
Flintshire	4	13	13	2	3		1			36
Gwynedd	6	17	8		5		2		1	39
Isle of Anglesey	3	10	6	1	3	1	4	1		29
Merthyr Tydfil	8	1	4		3					16
Monmouthshire	4	20	12		1		1			38
Neath Port Talbot	6	19	9		1		1	1		37
Newport	3	5	7	2	2		1			20
Pembrokeshire	4	9	20		4			1		38
Powys	7	11	9		3		2			32
Rhondda Cynon Taf	4	28	16		4		2			54
Swansea	7	20	21		5		4		1	58
The Vale of Glamorgan	6	12	11	1	2					32
Torfaen	3	11	8	1	1			1		25
Wrexham	9	15	15		8	1	1	1		50
TOTAL	112	312	268	8	78	4	33	15	4	834