

ISLE OF ANGLESEY COUNTY COUNCIL

COMMITTEE:	Audit Committee
DATE:	23 September 2014
TITLE OF REPORT:	Public Services Ombudsman for Wales – Annual Summary of Performance 2013 /14
REPORT BY:	Head of Council Business / Monitoring Officer
PURPOSE OF REPORT:	For Information

1. Background:

Since 2006 the Public Services Ombudsman for Wales (PSOW) has published an annual report on the work undertaken by his office over the previous 12 months, producing an Annual Summary of Performance for each public authority.

The PSOW's current Summary Report is attached at **Enclosure 1**. This covering report seeks to put the PSOW's Report in context, and provide a year on year comparison of our performance from 2011/12.

The focus is on service complaints, but there is a section on complaints under the Members' Code of Conduct.

2. Main Heading – Service Complaints

A. Comparison of complaints across Wales, adjusted for population

The number of complaints received by the PSOW against IOACC has fallen from over 50% more than the local authority average in 2010/11; to over 27% more in 2011/12; to over 28% more in 2012/13 and to over 23% more for 2013/14.

B. Complaints received

The number of service complaints received, about this Council by the PSOW during 2013/14, was 26 which is one more than 2012/13, the same as for 2011/12 and down by 9 from those received during 2010/11.

C. Comparison of complaints by subject category with local authority average

The categories tend to vary every year, depending on the nature of the complaints received.

However,

D. Complaints accepted for investigation

Of the 26 complaints in 2013/ 14, none was selected for investigation. This compares with 2 out of 25 in 2012/13 and 5 out of 26 during 2011/12.

E. Comparison of complaints investigated, adjusted for population

As noted above, the PSOW did not investigate any complaints against IOACC during 2013/14 so, there is no comparative data available.

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

As noted above, the PSOW did not investigate any complaints against IOACC during 2013/14 so there is no comparative data.

G. Comparison of IOACC times for responding to requests for information with average local authority and average all Wales response times 2010/11

As noted above, the PSOW did not investigate any complaints against this Council during 2013/14 so there is no comparative data available.

For information, the way that average response times are calculated is:-

“the ‘clock’ for measuring response times starts when an investigation is commenced (i.e. the date on the letters sent seeking information) and the ‘clock’ stops when the PSOW’s office has received a full response – not a partial response –on all the points raised in that initial letter”.

This does not reflect the fact that initially the authority is asked to provide the PSOW with information within 20 working days. Neither does it reflect any agreements between local authorities and the PSOW for further time to provide information in complex cases.

H. Enclosure 2 contains a Summary of Internal Concerns and Complaints 2013/14

3. Main Heading - Conduct Complaints

The PSOW’s Summary Report does not provide any comparison with the average for this category, but it contains statistical information. This is at **Enclosure 3.**

In all, the number of closed Code of Conduct complaints across Wales is down by 48 and the data shows that for 2013/14 IOACC, with 2 closed cases, shared equal 2nd place with Ceredigion Council as compared to equal 13th place with Blaenau Gwent and Caerphilly in 2012/13 (6 closed cases).

The highest recorded number of closed cases was for Swansea with 30 closed cases and the lowest recorded number was 1 for Conwy, Wrexham and the Vale of Glamorgan.

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

- The PSOW notes that there is a noticeable increase across Wales in social services complaints, but this is not reflected in the data for IOACC.
- The PSOW's Report shows that IOACC is improving against its own historical performance and against the Wales average.

A copy of the full PSOW's Annual Report is at:-

<https://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>

- In addition, the IOACC's own service complaints data is published on the Website on a rolling monthly basis at:-

<http://www.anglesey.gov.uk/council-complaints-statistics/111531.article>

- The IOACC's own Code of Conduct Complaints data is published quarterly on the Standards Committee Agenda

5. Recommendation:-

To note the contents of the Report and its attachments.

Our ref: MG/jm

Ask for: James Merrifield

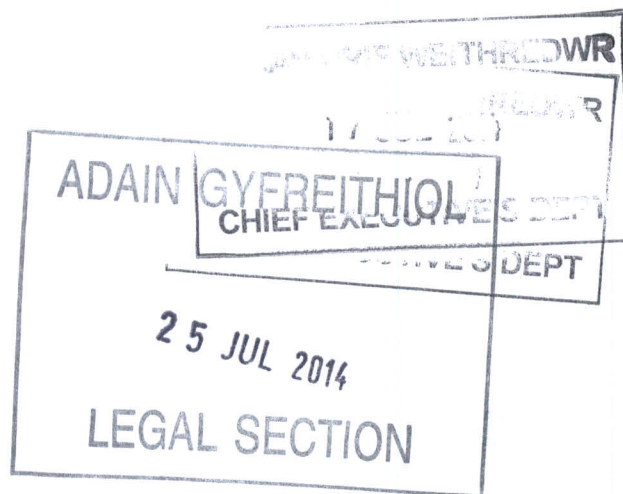
Your ref:

 01656 644 200

Date: 15 July 2014

 James.Merrifield@ombudsman-wales.org.uk

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



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 Isle of Anglesey 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, whilst there has been a slight increase in the number of complaints received, compared with 2012/13, my office has not commenced any investigations against your Council in 2013/14. The largest single area of complaint is again 'Planning and Building Control'. My office has issued one 'upheld' report and one 'not upheld' report against your Council during the past year. Finally, as my office did not commence any investigations against your Council during 2013/14, there were no response times recorded in relation to your Council.

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

A handwritten signature in blue ink, appearing to read 'S. de Griffiths', written in a cursive style.

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.

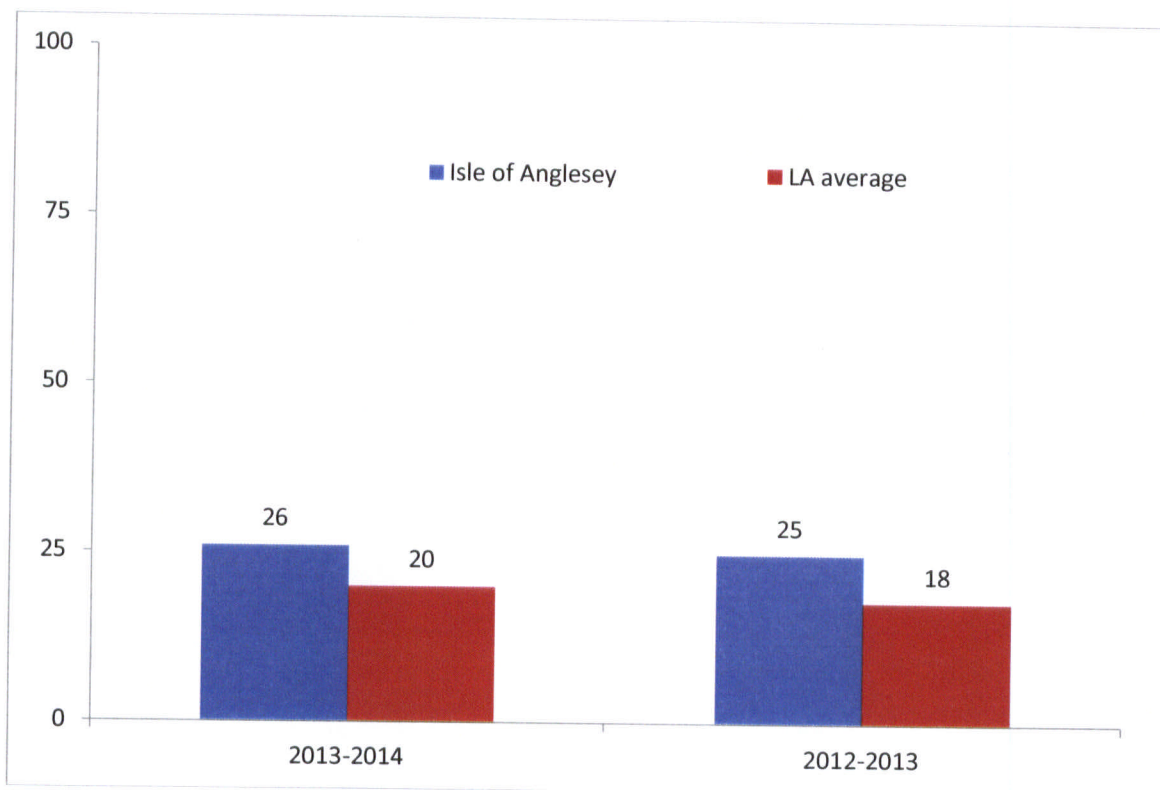
Housing Stock

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

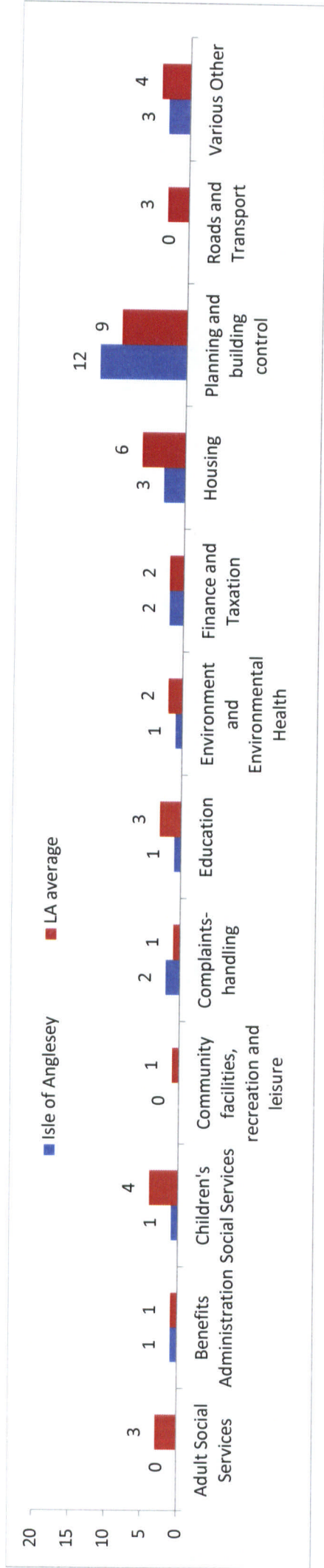


B: Complaints received by my office

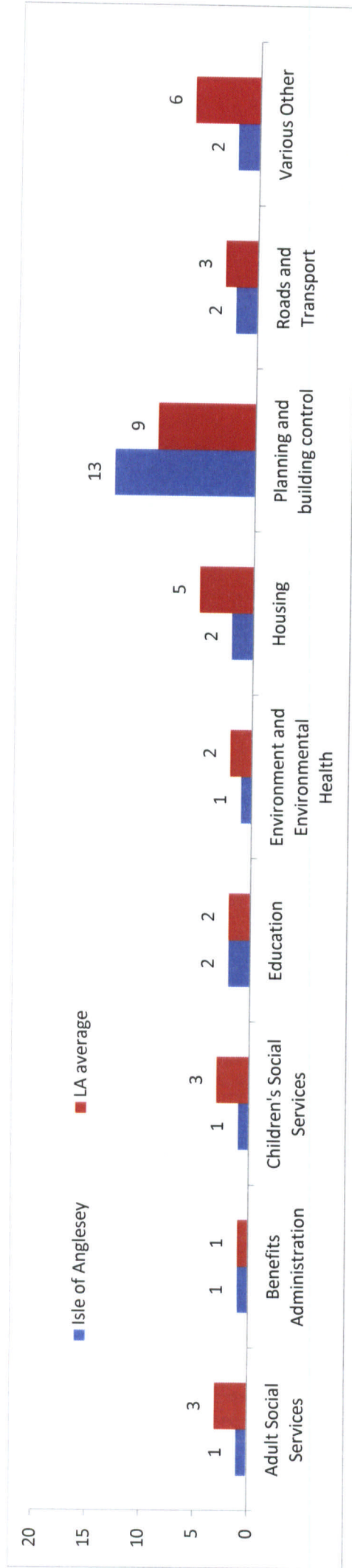
Subject	2013/14	2012/13
Adult Social Services	0	1
Benefits Administration	1	1
Children's Social Services	1	1
Complaint-handling	2	0
Education	1	2
Environment and Environmental Health	1	1
Finance and Taxation	2	0
Housing	3	2
Planning and building control	12	13
Roads and Transport	0	2
Various Other	3	2
Total	26	25

C: Comparison of complaints by subject category with LA average

2013/14



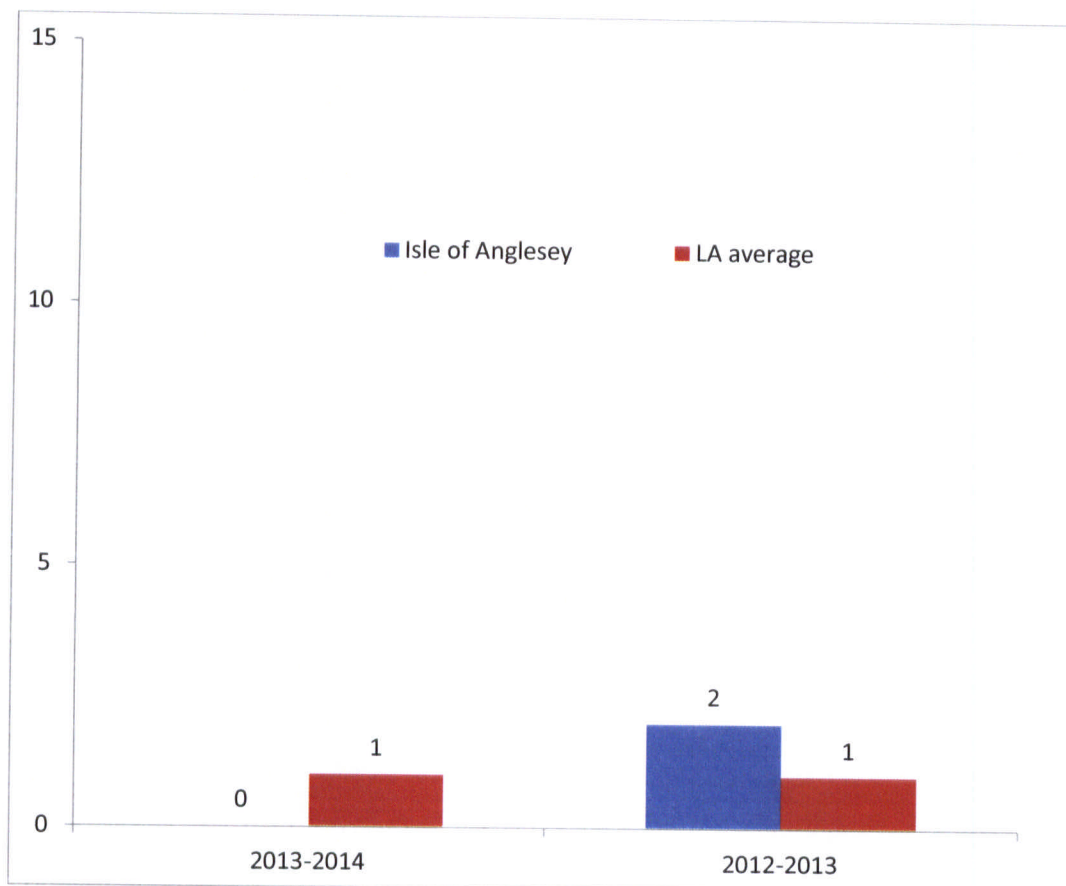
2012/13



D: Complaints taken into investigation by my office

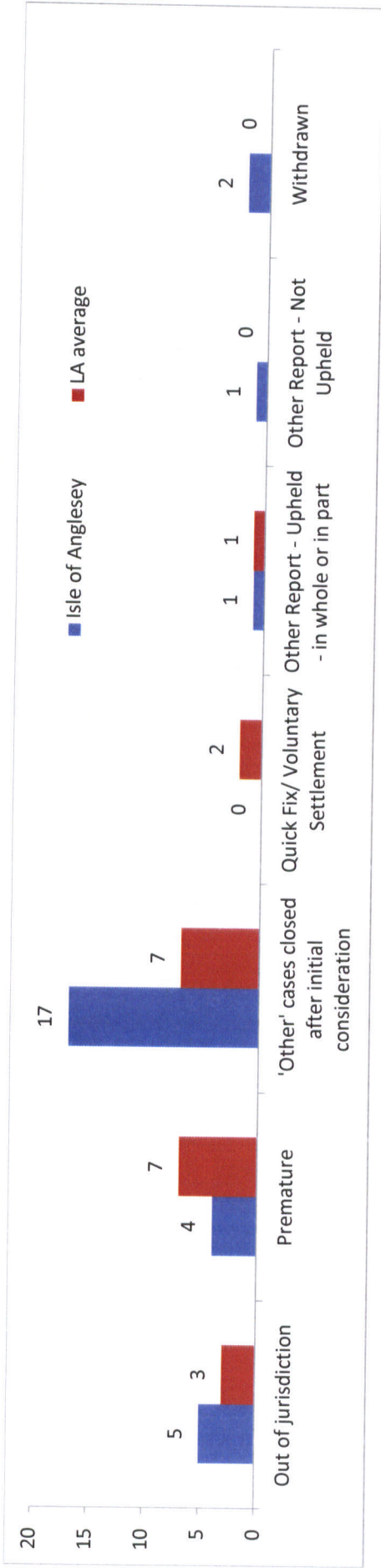
	2013/14	2012/13
Number of complaints taken into investigation	0	2

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

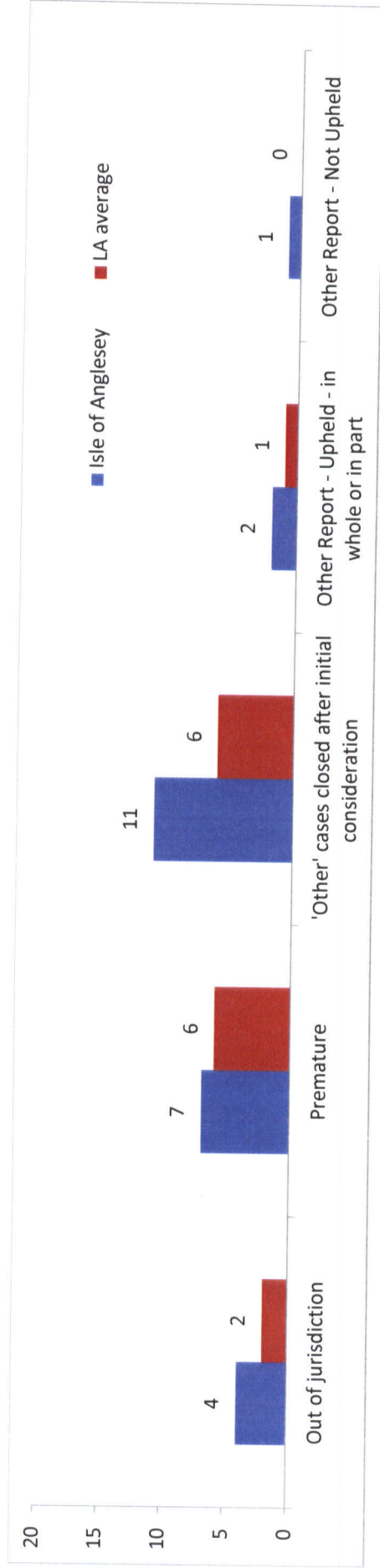


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

2013/14

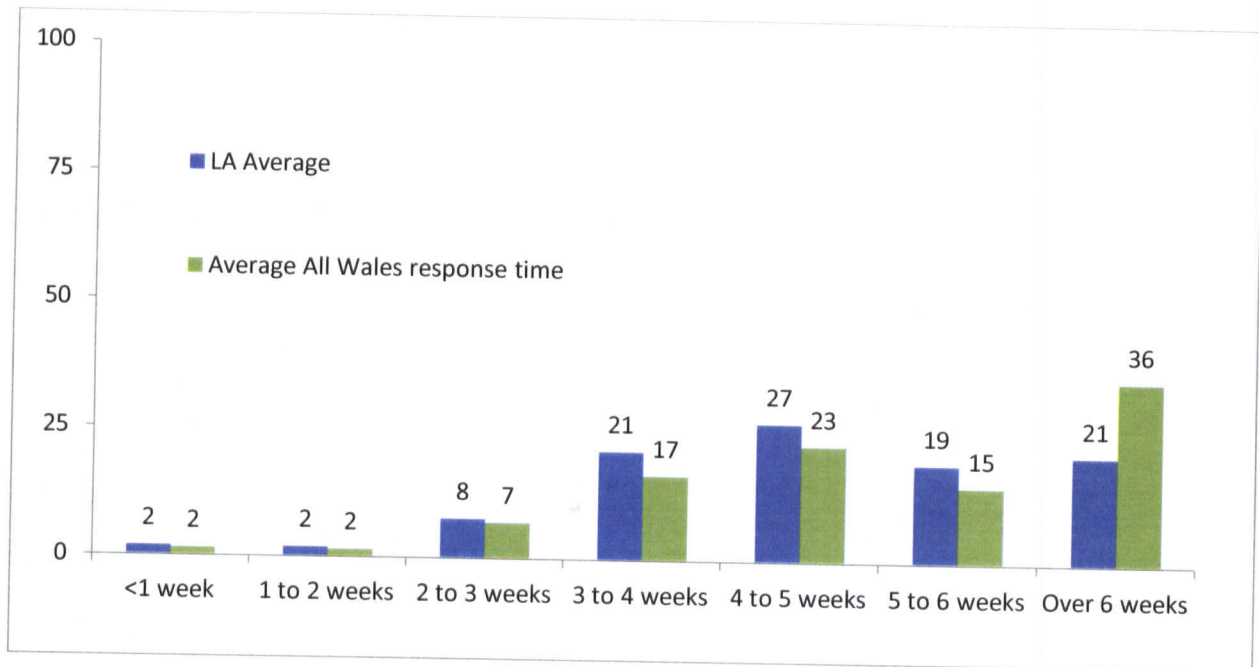


2012/13

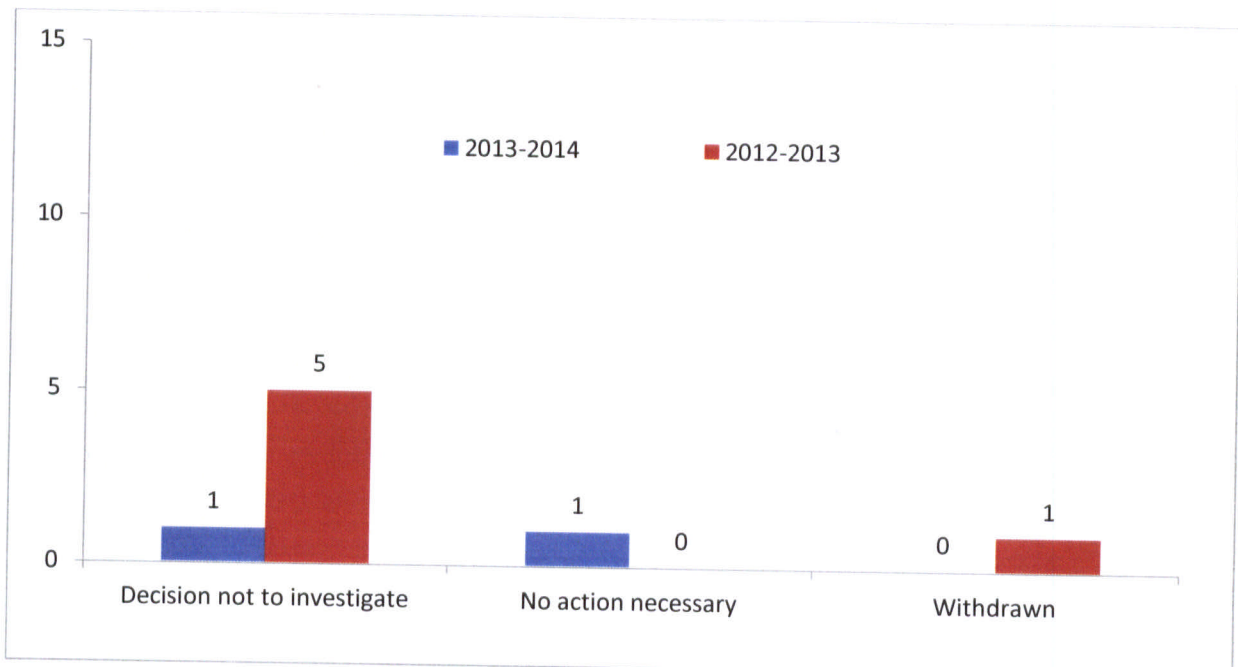


G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2013/14 (%)

Graph G relates to those investigations which were commenced during 2013/14. As there were no investigations commenced against Isle of Anglesey, there are no response times for Isle of Anglesey. However, we have included the average Local Authority response times and the average response times for all bodies in Wales for your information.



H: Code of Conduct complaints



I: Summaries

Finance and Taxation

Upheld

May 2013 – Finance and Taxation – Isle of Anglesey County Council

Mr D is the executor of his late sister's estate ("the estate"). On 28 December 2012, he complained to the Ombudsman that he was dissatisfied with the service he had received from the Council. He said that in August 2012 he returned a cheque to the Council with a request that it be reissued to the estate. He said that instead, the Council offset the cheque against a Council Tax account. He also said that the Council lost the Grant of Probate and failed to handle his complaints about the matter properly.

The investigation considered The Council Tax (Administration and Enforcement) Regulations 1992 as amended ("the Regulations") and guidance issued by the Ombudsman in March 2008, entitled "Principles of Good Administration" and "Principles for Remedy" ("the Guidance"). The Regulations are silent on how such matters should be dealt with; the Council should therefore have considered the Guidance.

I concluded that the decision about what to do with the cheque was not one for the Council to take; the cheque did not belong to the Council, it belonged to the estate. I also determined that there was a delay in the Council's consideration of Mr D's complaint. The Council's handling of Mr D's request, the loss of the Grant of Probate and its consideration of his complaint was maladministrative. I upheld his complaint and recommended that the council should apologise; cover the direct costs of replacing the Grant of Probate; pay an additional £50 for Mr D's time and trouble and revised its applicable procedures.

Case reference 201203447

Planning and Building Control

Not Upheld

Isle of Anglesey County Council – Handling of planning application Case reference 201203899 – Report issued February 2014

Councillor A complained, on behalf of a local action group, about the grant of planning permission for a large-scale marina development. The complaint alleged:

- that the Council failed to adequately publicise the proposals, or to engage with the public over the significant development;
- that consideration of the application did not take sufficient account of policy documents and plans;
- that insufficient consideration was given to the impact of the proposed development on the conservation area and the environment.

The Ombudsman took advice on the complaint from an experienced planning consultant. The Ombudsman identified failings in the officer's report to the Planning Committee of the Council, and was critical of the interpretation which the Council had put on a letter from the Welsh Government. However, she was content that the report was on the whole adequate and fair, and that the errors and failings which she identified were not material to the decision to grant permission for the development. Nevertheless, she asked the Council to reflect on her report with a view to avoiding such failings in the future.

Casebook and Lessons Learned

Introduction & Background

1. This Report constitutes a summary of the concerns and complaints received by the Council, and dealt with under the Concerns & Complaints Policy for the period 1st April 2013 (when the Policy was introduced) up to the 31st March 2014. (This Report does not cover Social Services who have their own complaints Policy)
2. For the first time the Council recorded "concerns" in addition to formal complaints.
3. During the period, 92 concerns were recorded and 66 formal complaints were received (1 was withdrawn prior to investigation). The number of formal complaints received has fallen from 79 in 2012/13; 89 in 2011/12 and 72 in 2010/11.
4. The concerns and complaints per Service are shown below:-

Service	Number of concerns	Number of complaints	Number of complaints upheld
Education	5	4	1 (partly)
Education / Transport (joint complaint)	-	1	-
Electoral Services	-	1	-
Finance	8	16	3 upheld & 1(partly)
Finance / Housing (joint complaint)	-	1	-
Finance/Legal (joint complaint)	-	1	1 (partly)
Highways	4	5	-
Housing	9	11	1
Housing/Legal (joint complaint)	-	1	1 1 (partly)
Legal / Land Charges (joint complaint)	-	1	1
Leisure	10	1	1 (partly)
Maritime	-	3	1
Planning	4	10	1 (partly)
Planning /Highways (joint complaint)	-	1	-
Property	-	2	1 (partly)
Property & Maritime	1	1	-

Property/Legal (joint complaint)	-	1	-
Waste	11	4	1 (partly)
Yr Oriel (negative comments)	40	-	-

5. The overall rate of responses sent within the specified time limit is 79% for formal complaints (i.e. within 20 working days). When responses are late, a "holding response" is sent to keep the complainant informed of progress.

Service	Number of complaints	Number of late responses
Education	4	
Education / Transport (joint complaint)	1	
Electoral Services	1	
Finance	16	3 (3, 4 & 6 days late)
Finance / Housing (joint complaint)	1	
Finance/Legal (joint complaint)	1	
Highways	5	1 (40 days – very complex issue)
Housing	11	3 (1, 10 and 18 days late)
Housing/Legal (joint complaint)	1	
Legal / Land Charges (joint complaint)	1	1 (22 days late as needed input from Council's Insurers)
Leisure	1	
Maritime	3	2 (1 & 2 days late)
Planning	10	
Planning /Highways (joint complaint)	1	1(2 days late)
Property	2	1 (13 days late)
Property & Maritime	1	
Property/Legal (joint complaint)	1	
Waste	4	1(6 days late)

6. Of the 65 formal complaints, 7 were upheld in full, 8 partly upheld and 50 not upheld. Two complaints were referred to the Public Services Ombudsman for Wales but these were not investigated.
7. The Council also records compliments received and 545 were recorded during this period with 2275 positive comments also being received at Yr Oriol.

Service	Compliments
Environmental Services	13
Finance	8
Highways	60
Housing	33
Human Resources	21
ICT	39
Leisure	7
Planning	131
Policy	3
Property & Maritime	5
Trading Standards	145
Waste	93
Yr Oriol	2275

8. Lessons Learned

The new policy places an emphasis on learning lessons from complaints and thereby improving services. The issues noted below were identified as lessons learned but neither required any formal action plans to be put in place:-

- The need for better communication between Services, as well as with the public, was identified. This arose following an emergency call out on a Sunday and due to a delay in forwarding the relevant information to the Service on the following Monday, the customer made a complaint. This would not have happened had communications been prioritised at the beginning of the working week.
- The Council should formulate policies for specific equalities issues. This is being worked on but an incident in one of the Leisure Centres highlighted an issue. The complaint was successfully resolved with both parties content with the outcome.

- Other minor system and training issues were also identified and these have been addressed at service level.

COUNTY/COUNTY BOROUGH COUNCILS

County/County Borough Councils	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	2		1					3
Bridgend	4							4
Caerphilly	4			2			1	7
Cardiff	5		1				1	7
Carmarthenshire	1						3	4
Ceredigion	2							2
Conwy	1							1
Denbighshire	2						2	4
Flintshire	2	2						4
Gwynedd	4							4
Isle of Anglesey	1			1				2
Monmouthshire	1	2						3
Newport	8							8
Pembrokeshire	3			1	1			5
Powys	1		2					3
Rhondda Cynon Taf	14						1	15
Swansea	22	2	5	1				30
The Vale of Glamorgan							1	1
Torfaen	5			1				6
Wrexham	1							1
Total	83	6	9	6	1	1	9	114