

Our ref: PT/jm

Ask for: James Merrifield

Your ref:



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Date: 9 July 2013



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

Dear Dr Paterson

### **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 Wrexham County Borough 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 noticeable decrease in the numbers of complaints received and investigated by my office compared with 2011/12, whilst 'Housing' remains the single largest area of complaint. There have been an above average number of 'premature' complaints to my office, whilst it should also be noted that there have been an above average number of 'upheld' reports issued by my office in relation to your Council. There were no recorded response times for your Council.

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 distribution<sup>1</sup>) 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.

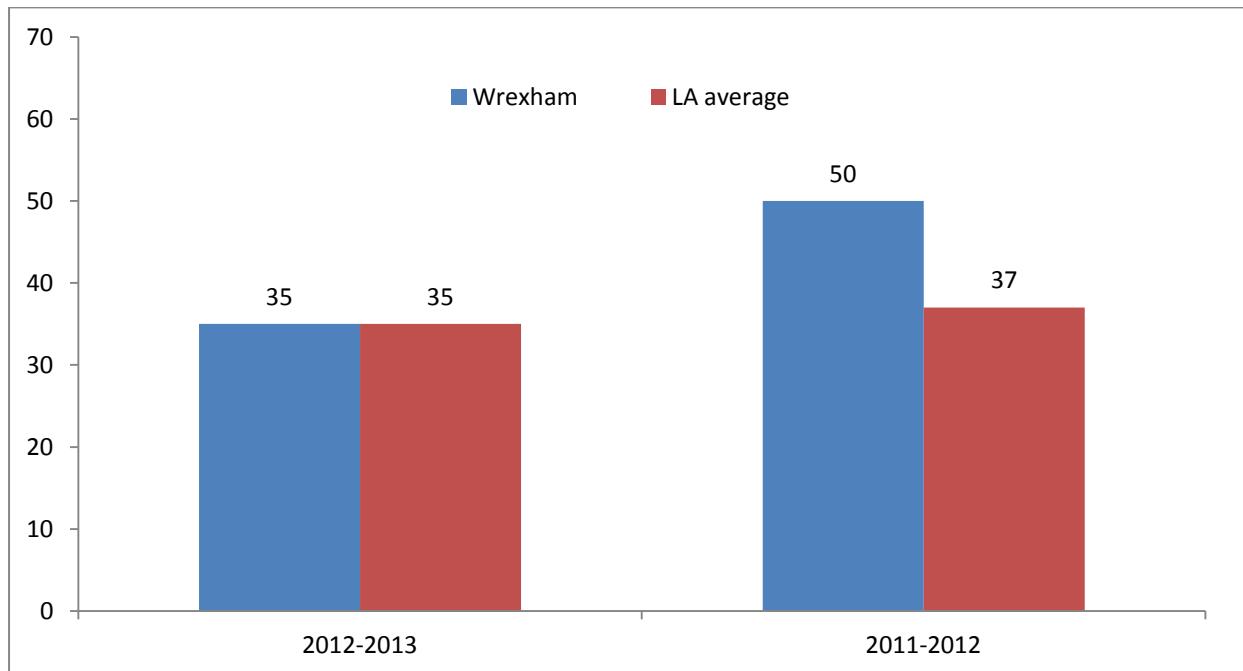
### **Feedback**

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](mailto:james.merrifield@ombudsman-wales.org.uk).

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<sup>1</sup> <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**

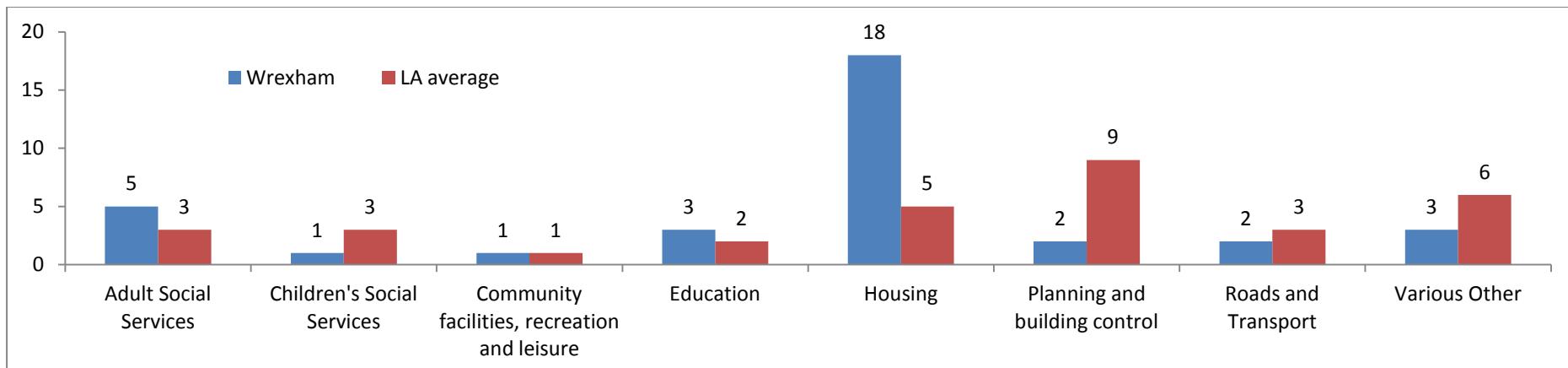


**B: Complaints received by my office**

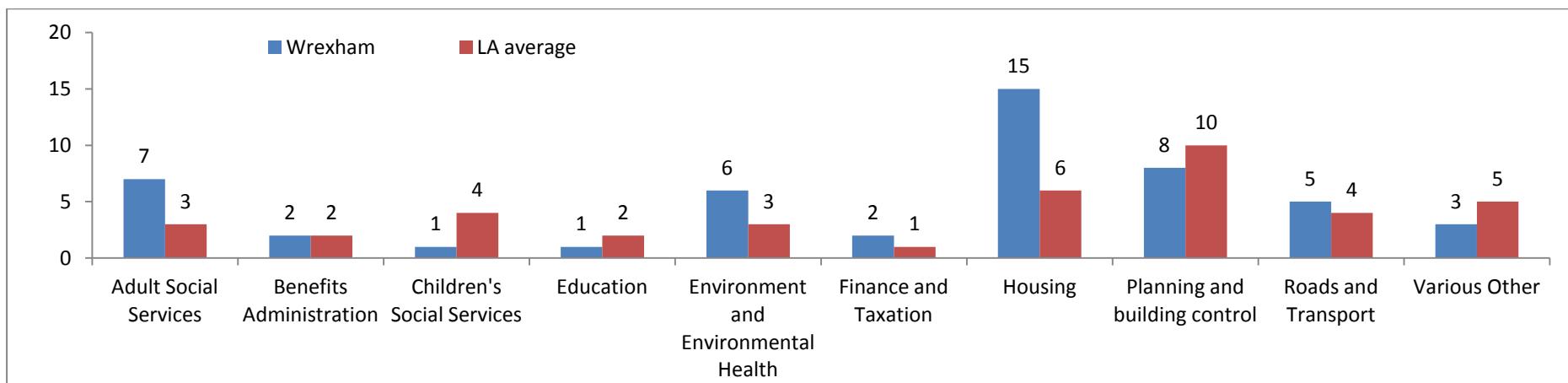
Subject	2012-2013	2011-2012
Adult Social Services	5	7
Benefits Administration	0	2
Children's Social Services	1	1
Community facilities, recreation and leisure	1	0
Education	3	1
Environment and Environmental Health	0	6
Finance and Taxation	0	2
Housing	18	15
Planning and building control	2	8
Roads and Transport	2	5
Various Other	3	3
<b>Total</b>	<b>35</b>	<b>50</b>

### C: Comparison of complaints by subject category with LA average

2012-2013



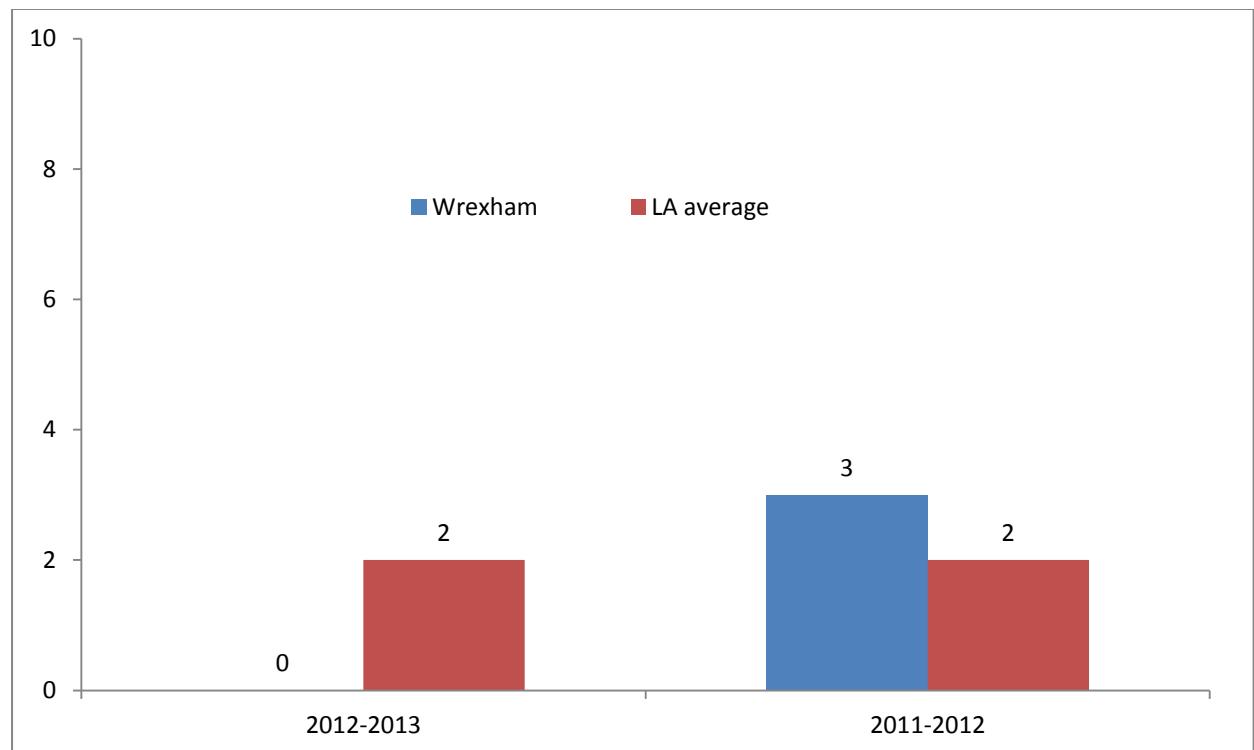
2011-2012



**D: Complaints taken into investigation by my office**

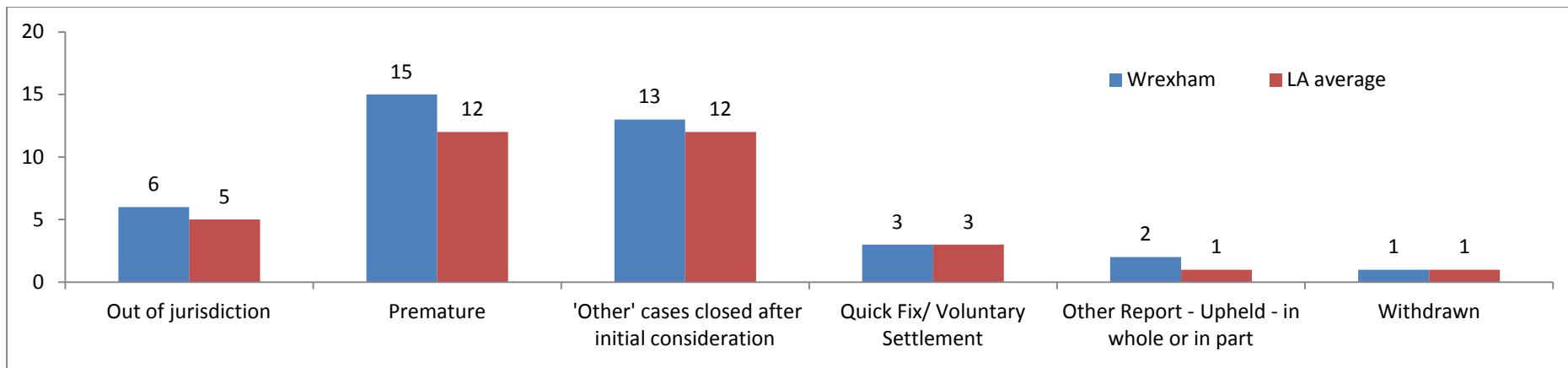
	<b>2012-2013</b>	<b>2011-2012</b>
Number of complaints taken into investigation	0	3

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

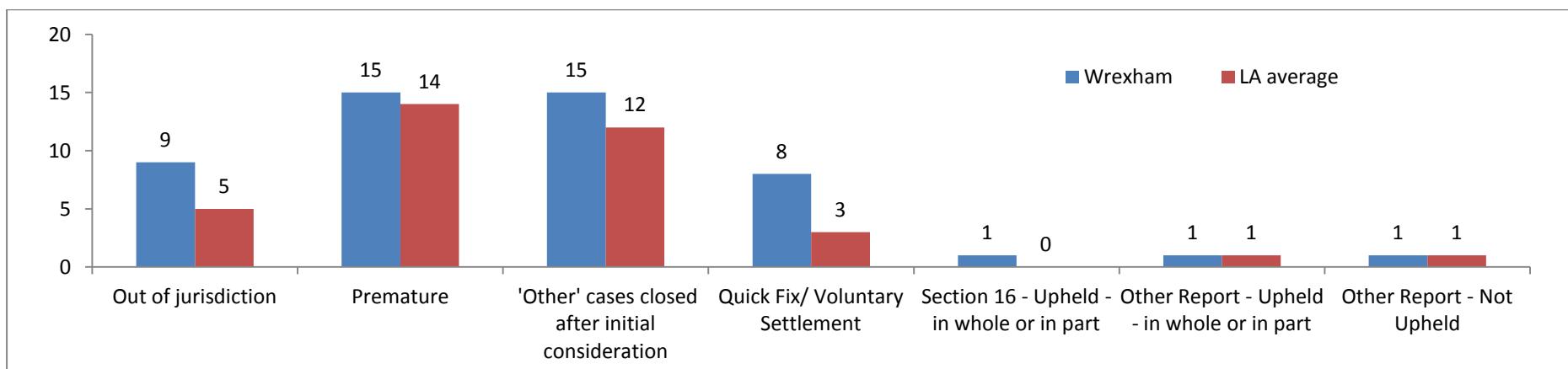


**F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution**

**2012-2013**

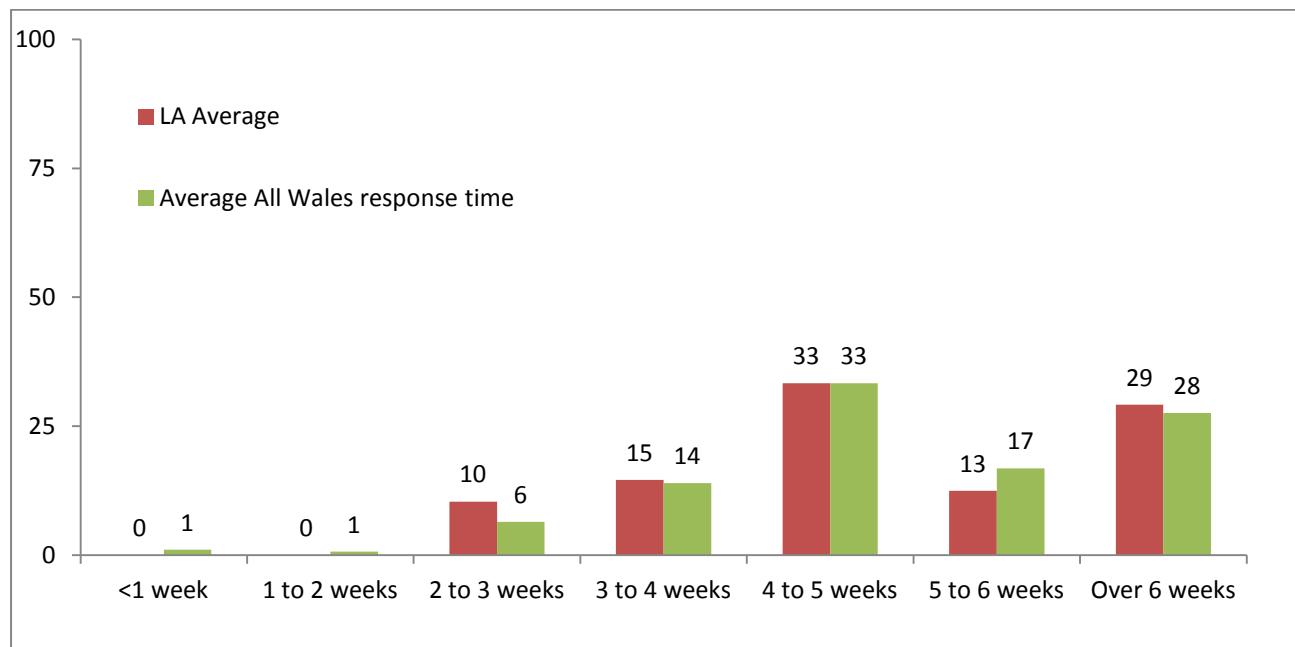


**2011-2012**

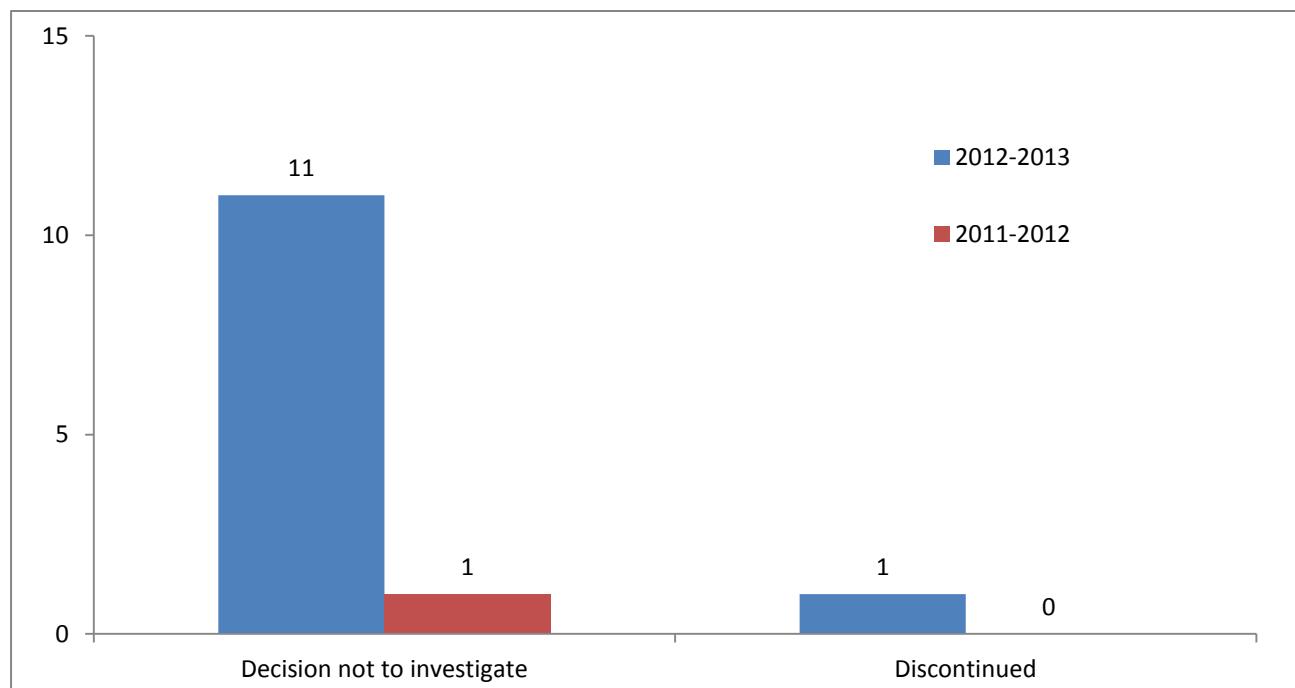


**G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2012 – 2013 (%)**

Graph G relates to those investigations which were commenced during 2012-2013. As there were no investigations commenced against Wrexham, there are no response times for Wrexham. 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: Report summaries

### Housing

#### Quick fixes and Voluntary settlements

##### **January 2013 – Repairs and maintenance – Wrexham County Borough Council**

Mr M complained that there was poor communication and delays in the Council's responses to his concerns, and that it had failed to adequately address his concerns. Following contact from my office, the Council agreed to formally apologise to Mr M about the delays, and to consider the outstanding concerns through its corporate complaints procedure.

##### **Case reference 201203813**

##### **January 2013 – Repairs and maintenance – Wrexham County Borough Council**

My office received contact from a support worker who had concerns regarding the health of the complainants, Mr and Mrs C. The support worker advised that Mrs C has a life-limiting illness. Despite having contacted the Council many times, the Council had failed to address concerns about living conditions at the complainants' property which the Support Worker considered were exacerbating the Mrs C's health problems (and causing problems for her son).

My office discussed consent with the support worker and advised that any feedback following contact with the Council would be provided directly to the complainants. The support worker agreed that the complainants would be happy to be contacted.

My office contacted the Council, which confirmed that it had failed to consider the complaint through its own complaints procedure. The Council advised it would inform the complainants that the complaint would be formally considered and to apologise for the delay.

##### **Case reference 201203982**

##### **November 2012 – Repairs and Maintenance – Wrexham County Borough Council**

Shortly after Ms B moved into a Council property the Council noted that there had been considerable damage to a carpet and charged her £300 for a new carpet. The Council explained that its records showed that the carpet was new at the start of her tenancy and that the fraying that occurred could only have happened during the time she lived at the property. Ms B was unhappy with the Council's decision especially as she considered that it would have been difficult to damage a new carpet so badly during the length of time she had lived at the property.

Following further enquiries, Ms B established that the original information provided by the Council was incorrect and that the carpet had in fact been fitted six months before she had moved in. My office asked the Council whether it would consider reducing the recharge. The Council accepted that incorrect dates were provided and advised that it was prepared to cancel the recharge entirely. The complaint was settled on this basis.

##### **Case reference 201202422**

## **Social Services - Adult**

### **Upheld**

#### **October 2012 – Services for vulnerable adults – Wrexham County Borough Council**

Ms M was an adult with severe learning disabilities who lived alone. She received 24-hour support, provided jointly by the Council's Community Living Service ("the CLS") and an independent agency. Mr and Mrs H were Ms M's relatives. They complained to the Ombudsman that, due to changes to the CLS, the Council intended to change the way it provided care for Ms M. As part of the Project which considered the proposed changes, the Council re-assessed Ms M's support needs. Mr and Mrs H said that the assessment was incorrect and that it resulted in the Council reaching a flawed decision to outsource Ms M's care package.

The investigation found that the Council was entitled to take a strategic decision to outsource part of the CLS, but the manner in which it took decisions was flawed. In taking the strategic decision, the Council failed to give due regard to the General Duty (Disability Discrimination Act). The Council also failed to consult service users before deciding to outsource the service. Further, during the Project, the Council failed to document the process for determining which individual care packages were to be outsourced. The Council also failed to comply with:

- section 47 of the NHS and Community Care Act 1990, as it did not inform the individuals and their advocates that it was making decisions about their care packages;
- section 3 of the Disabled Persons (Services, Consultation and Representation) Act 1986, as the individuals and their advocates were denied the opportunity to express their views and have them taken into account before decisions were taken.

The Council also failed initially to deal with the Mrs H's complaint using the statutory guidance. Following intervention from this office, the Council did then consider the complaint.

Despite the Council's failings in this case, the investigation concluded that the injustice to Ms M was limited because the Council had given a commitment that services would be retained at existing levels when outsourcing took place. The Ombudsman made a number of recommendations, including that the Council should:

1. apologise to Ms M and her family and pay redress for the anxiety caused about the uncertainty of her future care arrangements;
2. share the lessons learned from the investigation with other councils in Wales, via the Association of Directors for Social Services Cymru;
3. complete a thorough review of the Outsourcing Project and apply the lessons learned from the review to future similar Council projects;
4. review the Social Services' planning function to confirm that it complies with current legislation and statutory guidance, and
5. review and revise its Adult Social Care Complaints Procedure to ensure that it complies with relevant legislation and statutory guidance and undertake an audit of

Adult Social Care Complaints submitted since 2009 to identify any complaints that have previously been inappropriately rejected.

Lastly, the Ombudsman said that, if the Council intended to proceed with the outsourcing of Ms M's support package, he would expect to see a copy of the planned transition arrangements.

**Case reference 201100412**

**May 2012 – Services for vulnerable adults – Wrexham County Borough Council**

Mrs A's complaint concerned the Council's failure to provide her daughter Miss M with the full care package allocated to her following an assessment in 1997, and the subsequent respite care. She also complained about the Council's subsequent decision in 2010 to formally reduce Miss M's care package without a further reassessment of her needs.

The Ombudsman's investigation concluded that the Council's decision to formally reduce Miss M's care package without a reassessment of her needs was maladministrative and Mrs A's complaint was upheld. Amongst the recommendations the Ombudsman made were that:

- the Council carry out an assessment of Miss M's needs by an officer who has not previously been involved in the case and that an agreed care plan should be developed following the reassessment.
- the Council provide training to all its social services staff who have responsibility for carrying out such assessments
- the Council ensures that its staff was aware of the importance of keeping complete and accurate care records.

The Ombudsman was pleased to note that the Council having recognised its failings, offered financial redress of £10,000.

**Case reference 201100078**

**Quick fixes and Voluntary settlements**

**April 2012 – Services for people with a disability – Wrexham County Borough Council**

Mr & Mrs A submitted a complaint stating that Wrexham County Borough Council had failed to make suitable adaptations to their home following Mr A's discharge from hospital where he had undergone an amputation. They complained that, as Mr A was in a wheelchair, he was unable to access appropriate bathing facilities and had to sleep on the sofa as he was unable to get upstairs. Mr & Mrs A state that Mr A required a stair lift and a ramp at both the front and rear of the property. They complained that they had asked the Council for help with making suitable adaptations to the property but that they experienced difficulty in doing so as they had been referred between the Social Services and Occupational Therapy departments without answers.

The Ombudsman contacted the Artificial Limb and Appliance Centre (ALAC) who advised that Mr A is currently receiving physiotherapy with the Limb Team. The

Ombudsman also contacted Chirk Hospital who advised that it received Mr A's referral on 13 March 2012 and placed him on its urgent waiting list for assessment. It hoped to complete its assessment at the end of April 2012. The Ombudsman was advised that the Health Board was able to make minor adaptations to a property, but any major adaptations would need to be approved and completed by the Council.

The Ombudsman wrote to the Council to ascertain whether it had received either a complaint or a request for adaptation from Mr & Mrs A, and if it had not, if it would consider the complaint to the Ombudsman as a request for adaptation. The Council responded stating that it had received a referral for an assessment of Mr A's needs and that it had been in contact with Mr & Mrs A over a period of some weeks and had discussed the issue of home adaptations with them. It also advised that Mr A had been offered equipment and some minor adaptations to the home. A carer's assessment was also being carried out for Mrs A. The Council also stated that it would send a letter to Mr & Mrs A explaining the situation. The Council was, however, unable to carry out an assessment of Mr A's long term needs or for major adaptations to the home at that time as he was still in rehabilitation. It would, however, continue to work with Mr & Mrs A in so far as it could.

**Case reference 201103983**