

2008-9 Statistics Tables – Explanatory Notes and Commentary

Tables: Attached are summary details of the contacts and complaints about your Council that the SPSO received and determined in 2008-09. Table 1 details total contacts (by our subject categories) received for your Council for 2007-08 and 2008-09, alongside the total of local authority complaints for these years. We recorded 23 complaints about the Council, compared to 21 in the previous year. Table 2 shows the outcomes of complaints determined by the SPSO in 2008-09.

Graphs: The first graph provides a visual representation of the information from the right side of Table 1. You'll see that in 2008-09 your Council was above the national average in terms of complaints about legal & administrative matters, planning and social work. Your Council was below the average for complaints about housing.

The second graph shows for each Council the percentage of complaints that we received and determined as premature, against the national average in 2008-9 (60%). We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of the organisation. The graph does not reflect the number of premature complaints that we received about your Council, but shows how your Council, proportionately, compares against the average for Scottish local authorities. Your Council is number 31 on the graph, well below the average. You'll see from Table 2 that the actual number of premature complaints for your Council was 8 out of a total of 26 complaints determined (31% of the total for your Council). This was a decrease on the previous year's figure of 11 out of 24 (46% of the total for your Council).

NB We don't adjust any of our figures to mitigate the impact of housing stock transfer. It's evident, however, that there's a tendency for authorities that retain housing stock to receive more complaints and to fall higher within the prematurity graph than those that have undertaken stock transfer. This is to be expected given that housing complaints are usually the largest category of complaint and that there's a disproportionately high incidence of prematurity with housing complaints.

Complaints and Recommendations Reported to Parliament

We reported on four complaints about your Council in 2008-09, of which we upheld one, partially upheld two and did not uphold one. Attached is a summary sheet showing these complaints, and summarising the recommendations made. As you are no doubt aware, in appropriate cases the Ombudsman may make recommendations where a complaint is not upheld, if he believes that there are lessons that may be learned. SPSO Complaints Investigators also follow up to find out what changes have been made as a result of recommendations. We discontinued one complaint about your Council at the investigation stage, and did not report on that complaint.

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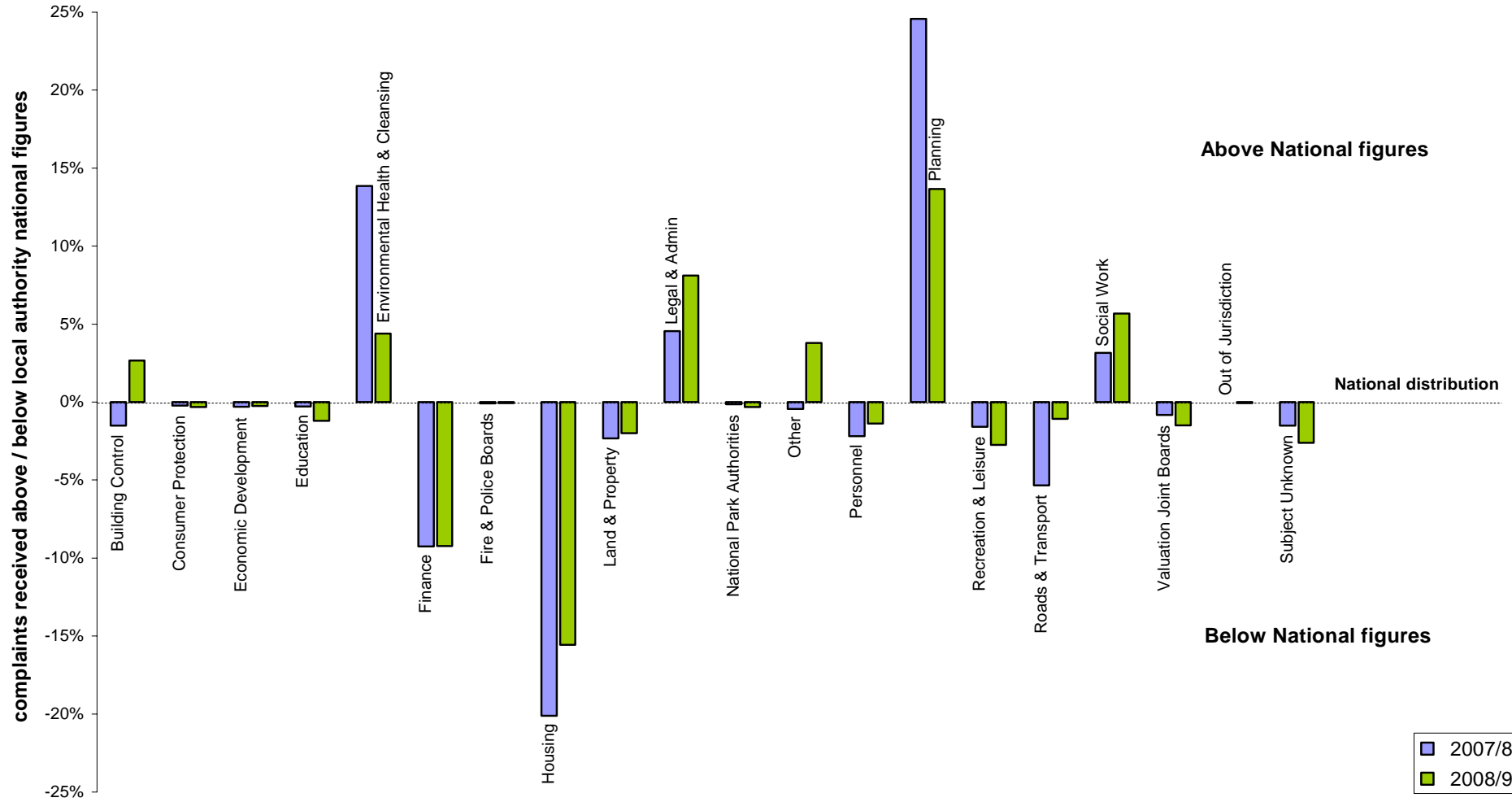
We hope that you find this summary information useful. If you have any enquiries about the statistics, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or email awhite@spsso.org.uk. Fuller statistical reports are available on our website at: <http://www.spsso.org.uk/statistics/index.php>.

The Moray Council

Table 1

Received by Subject	2007/8			2008/9						
	Total Contacts	Complaints Only	complaints as % of total	All Local Authority Complaints	complaints as % of total	Total Contacts	Complaints Only	complaints as % of total	All Local Authority Complaints	complaints as % of total
Building Control	2	0	0%	20	2%	2	1	4%	27	2%
Consumer Protection	0	0	0%	3	0%	0	0	0%	5	0%
Economic Development	0	0	0%	4	0%	0	0	0%	4	0%
Education	4	1	5%	67	5%	1	1	4%	89	6%
Environmental Health & Cleansing	5	4	19%	69	5%	2	2	9%	69	4%
Finance	1	0	0%	123	9%	1	0	0%	148	9%
Fire & Police Boards	0	0	0%	1	0%	0	0	0%	1	0%
Housing	4	2	10%	394	30%	3	3	13%	459	29%
Land & Property	0	0	0%	31	2%	0	0	0%	32	2%
Legal & Admin	3	2	10%	66	5%	3	3	13%	79	5%
National Park Authorities	0	0	0%	2	0%	0	0	0%	5	0%
Other	0	0	0%	6	0%	1	1	4%	9	1%
Personnel	0	0	0%	29	2%	0	0	0%	22	1%
Planning	10	9	43%	243	18%	9	7	30%	269	17%
Recreation & Leisure	0	0	0%	21	2%	0	0	0%	44	3%
Roads & Transport	0	0	0%	71	5%	1	1	4%	87	5%
Social Work	5	3	14%	148	11%	5	4	17%	188	12%
Valuation Joint Boards	0	0	0%	11	1%	0	0	0%	24	1%
Out of Jurisdiction	0	0	0%	0	0%	0	0	0%	1	0%
Subject Unknown	0	0	0%	20	2%	0	0	0%	42	3%
Total	34	21		1,329		28	23		1,604	

Complaints received by subject: The Moray Council proportions compared to the distribution of all local authority complaints received



The Moray Council

Table 2

Complaints Determined by Outcome		<i>2007/8</i>		<i>2008/9</i>	
			<i>All Local Authority</i>		<i>All Local Authority</i>
Assessment	Premature	11	760	8	923
	Out of Jurisdiction	2	154	2	102
	Withdrawn or failed to provide information before investigation	2	178	4	158
	Discontinued or suspended before investigation	1	42	0	12
Examination	Determined after detailed consideration	4	240	7	279
Investigation	Report issued: not upheld	1	82	1	25
	Report issued: partially upheld	1	62	2	22
	Report issued: fully upheld	1	23	1	15
	Withdrawn or failed to provide information during investigation	1	4	0	1
	Discontinued or suspended during investigation	0	13	1	9
Total		24	1,558	26	1,546

The Moray Council

Published	Case Ref.	Summary	Decision	Recommendation(s)
23/07/08	200601167	Mr C considers that information provided by the Council about the funding application in a letter to an MSP dated 22 March 2006 and in a letter to him dated 5 July 2006 was incorrect (upheld).	upheld	The Ombudsman recommends that the Council apologise to Mr C for the failings identified in this report. The Council have accepted the recommendation and will act on it accordingly.
17/09/08	200700383	(a) failure to provide an alternative (permanent) campsite for gypsy/travellers (not upheld); and (b) failure to deal effectively with the environmental problems arising from an unauthorised campsite (upheld).	partially upheld	(i) notify her when permanent facilities have been set up; (ii) consider taking appropriate enforcement action, where it is established that there is unacceptable behaviour on the unauthorised campsite contrary to their code of acceptable behaviour; and (iii) review their protocol to ensure that the rights of the settled community are given equal consideration to those of the gypsy/travellers. The Council have accepted the recommendations and will act on them accordingly.
17/12/08	200503543	the Council: (a) failed when handling the complaint (not upheld); and (b) mishandled what Mr and Mrs C described as their de-registering as foster carers (not upheld).	not upheld	reflect on their handling of this complaint with a view to giving further consideration in future to signposting individuals to the Complaints Procedure to express their dissatisfaction with a Council service. The Council have accepted the recommendation and will act on it accordingly.
18/02/09	200701108	(a) failure by the support organisation representing the Council (the Organisation) to provide accurate information to Ms C about her application for direct payments (partially upheld, to the extent that there was a failure to refer Ms C back to the Council for appropriate advice); (b) a delay in processing Ms C's application (upheld); and (c) failure to conduct a proper investigation into Ms C's complaint against the Organisation (upheld).	partially upheld	(i) have regard to the failures identified in this report when they undertake their planned review of their direct payments procedure; (ii) give appropriate support and assistance to Ms C to help her decide what help she needs to receive in her home and maintain this after implementation of any service offered by the Council; (iii) make a payment of £750 to Ms C in recognition of service failure and an additional sum of £250 for time and trouble; and (iv) as a matter of priority, take steps to implement a complaint process which is open, capable of proper audit and accessible by service users. The Council have accepted the recommendations and will act on them accordingly.