

Statistics Tables – Explanatory Notes and Commentary

Attached are summary details of the enquiries and complaints about your Council that the SPSO has received and determined.

The first document attached shows (in Table 1) details of total contacts (by complaint subject) received for your Council for 2006-07 and 2007-08, along with the total of local authority complaints for 2007-08. Table 2 shows the outcomes of complaints about your Council determined by the SPSO in 2007-08.

Please note that, as the notes accompanying the tables explain, we changed our incoming logging procedures in April 2007, which has implications for comparing 2007-08 complaints data with previous years. The total numbers of contacts (enquiries plus complaints) received for each year are not affected and are therefore directly comparable. However, the figures shown as 'complaints only' in Table 1 are recorded on a different basis in each year and are, therefore, not directly comparable. Similarly, the change to our logging procedure has affected comparison of cases determined between 2006-07 and 2007-08 in Table 2.

The second document attached is a visual representation of the information from the right side of Table 1. You will see that in 2007-08 your Council was above the national average in terms of complaints about housing.

Prematurity rates

A graph is also enclosed showing for each Council the percentage of complaints that we identified as premature, and the national average for all Councils. Your Council is number 4 on that graph. We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of the organisation concerned. Please note that the graph does not reflect the number of premature complaints that we received about your Council, but shows how your Council, proportionally, compares against the average for all Scottish local authorities. The actual number of premature complaints for your Council was 35, 67% of the total determined, and proportionally an increase on the previous year.

Please note that no adjustments have been made in the graph to estimate the impact of housing stock transfer. It is evident, however, that there is a tendency for authorities that retain housing stock 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 is a disproportionately high incidence of prematurity with housing complaints.

The SPSO considers it important that organisations have the chance to resolve complaints through their own procedures and we are actively working with service providers with the aim of reducing the number of complaints that reach us prematurely. You will be aware that our Valuing Complaints website (<http://www.valuingcomplaints.org.uk/>) contains information designed to assist with such issues, and that our Outreach Team (ask@spsso.org.uk) are pleased to answer enquiries about how we can support your Council.

Investigated Complaints and Recommendations

We investigated six complaints about your Council in 2007-08, of which we upheld one, partially upheld two and did not uphold three. We have attached a summary sheet showing these complaints, and summarising any recommendations made. As you are no doubt aware, where she thinks it appropriate, the Ombudsman may make recommendations even where a complaint is not upheld, if she believes that there are lessons that may be learned. You will also be aware that SPSO Complaints Investigators will be following up to find out what changes have been made as a result of recommendations.

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

Falkirk Council

Table 1

Received by Subject	2006/7		2007/8		complaints as % of total	All Local Authority Complaints	complaints as % of total
	Total Contacts	Complaints Only	Total Contacts	Complaints Only			
Building Control	1	1	1	1	2%	20	2%
Consumer protection	0	0	0	0	0%	3	0%
Economic development	0	0	0	0	0%	4	0%
Education	0	0	2	2	4%	67	5%
Env Health & Cleansing	4	3	3	3	7%	69	5%
Finance	4	3	4	2	4%	123	9%
Fire & police boards	0	0	0	0	0%	1	0%
Housing	26	14	27	23	50%	394	30%
Land & Property	2	2	1	1	2%	31	2%
Legal & admin	4	2	2	1	2%	66	5%
National Park Authorities	0	0	0	0	0%	2	0%
Other	2	1	0	0	0%	6	0%
Personnel	4	4	0	0	0%	29	2%
Planning	10	6	7	6	13%	243	18%
Recreation & Leisure	0	0	1	1	2%	21	2%
Roads	1	1	3	3	7%	71	5%
Social Work	0	0	5	3	7%	148	11%
Valuation Joint Boards	0	0	0	0	0%	11	1%
Out of jurisdiction	0	0	1	0	0%	0	0%
Subject unknown	1	0	0	0	0%	20	2%
Total	59	37	57	46		1,329	

Note about comparing 2007-08 complaint numbers to the previous year:

Please note that we made a change to our logging procedures in April 2007 which has implications for comparing 2007-08 complaints data with previous years. Of the total number of local authority complaints received in 2007-08, we estimate that approximately 33% could previously have been classed as enquiries. This does not affect the number of total contacts (enquiries + complaints) received.

For more information please see the full explanation at <http://www.sps.org.uk/statistics>.

Table 2

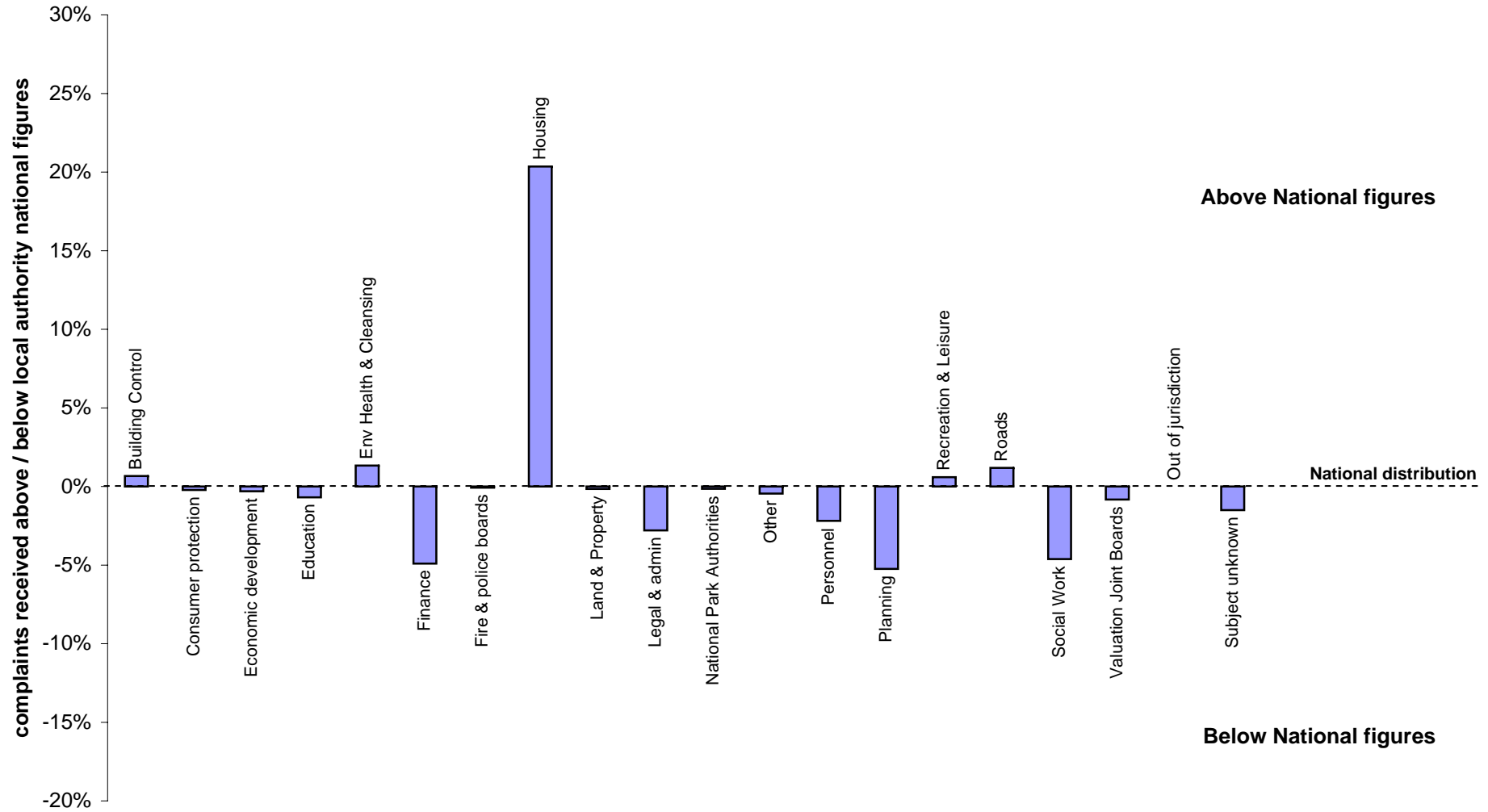
Complaints Determined by Outcome		2006/7	2007/8
Assessment	Premature	26	35
	Out of jurisdiction	8	4
	Discontinued or suspended before investigation	0	5
	Withdrawn / Failed to provide information before investigation	2	0
Examination	Determined after detailed consideration	4	2
	Report Issued - Not Upheld	0	3
Investigation	Report Issued - Partially Upheld	2	3
	Report Issued - Fully Upheld	1	0
	Discontinued during investigation	0	0
	Withdrawn / Failed to provide information during investigation	0	0
Total		43	52

Note about comparing 2007-08 complaint numbers to the previous year:

Please note that we made a change to our logging procedures in April 2007 which has implications for comparing 2007-08 complaints data with previous years. Of the total number of local authority complaints determined at the assessment stage in 2007-08, we estimate that approximately 39% could previously have been classed as enquiries. There has been no change to cases determined at examination or investigation stages.

For more information please see the full explanation at <http://www.sps.org.uk/statistics>.

Complaints received by subject in 2007/8: Falkirk Council proportions compared to the distribution of all local authority complaints received



Falkirk Council

	Case Ref	Summary	Finding	Recs	Recommendation(s)
23/05/07	200601894	(a) in December 2005 the Council erroneously refused Mr C's application to buy his Council house (not upheld); and (b) the Council sent Mr C bills for council tax although he is exempt (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
24/10/07	200600453	the Council: (a) in considering his neighbour's application did not have proper regard to Mr C's objections (not upheld); (b) did not give proper regard to central government advice in the form of Planning Advice Note 46 on planning and crime prevention (not upheld); and (c) did not properly consider Mr C's requests that they close the footpath, or assist with heightening his boundary wall, or themselves erect a high fence abutting his wall (not upheld).	Not upheld	YES	Although not upholding the complaint the Ombudsman recommended that the Council consider whether it can use powers contained in the Antisocial Behaviour etc Act 2004 to address the problems of vandalism, graffiti and antisocial behaviour which Mr C is experiencing. The Council accepted with qualification the recommendation.
24/10/07	200603413	(a) the Council failed to deal with the Complainants' verbal request that decking be considered as a NMV to planning permission (upheld); (b) a formal application for decking to be considered as a NMV failed to receive a timely response (upheld); and (c) the Council failed to hold proper file notes (partially upheld).	Upheld	YES	(i) emphasise to staff the importance of acknowledging documentation sent to them. Also, that if in the process of consideration decisions are taken about how matters are being handled, these are also shared with the complainant; (ii) make the Complainants a fulsome apology for their oversights with regard to the complaint and their failure to deal with the application in a timely manner; and (iii) emphasise to staff the importance of properly recording meetings, including the date of the meeting, any decision(s) reached, the names of those involved, the name of the person recording the note and the date the note was written. Thereafter, ensure that the note is correctly placed in the file.

19/12/07	200500791	(a) the Council failed to properly consider the potential issues of overshadowing and loss of amenity caused by the extension (not upheld); (b) planning officers failed to consider the impact of the development on the surrounding conservation area (not upheld); (c) the planning report on which the decision to grant consent was based was inaccurate as it was considered that a neighbouring area of ground contained trees protected under a Tree Preservation Order when they did not (not upheld); (d) the development would establish an unacceptable precedent (not upheld); (e) the Council held inaccurate records on Councillors details (not upheld); (f) planning officers failed to refer the application to committee (not upheld); and (g) the extension was contrary to the Local Plan (not upheld);	Not upheld	NONE	The Ombudsman has no recommendations to make.
23/01/08	200604065	(a) mishandled Ms C's application for housing benefit (upheld); (b) failed to ensure she was not sent a notice concerning eviction proceedings (upheld); and (c) had allowed inappropriate email correspondence referring to Ms C (not upheld).	Partially upheld	YES	review their Rents System to consider whether they could introduce a process of monitoring manual holds on accounts. The Council has accepted the recommendation and will act on it accordingly.
19/03/08	200604017	(a) the Council failed to consult with users of the lock-up garage site (the Site) with regard to permissions that they had given to facilitate construction work at Mr and Mrs D's house (not upheld); (b) the Council failed to expedite action after they had been informed that users of the Site were being obstructed and inconvenienced (partially upheld); and (c) officers of the Council gave misleading information to residents through the local councillor (upheld).	Partially upheld	YES	look at the circumstances of the consent granted in this case with a view to ensuring that future consents anticipate that activities related to the siting of a skip on Council land are regulated and the consequences of non adherence with any conditions are stated.