

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 planning and recreation and leisure, and below the average for complaints about social work.

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 9 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 11, 55% 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 three complaints about your Council in 2007-08, of which we upheld one and partially upheld two. 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.

All the recommendations made related to procedure, two of them in respect of complaints handling.

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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>.

Midlothian Council

Table 1

Received by Subject	2006/7		2007/8			All Local Authority Complaints	
	Total Contacts	Complaints Only	Total Contacts	Complaints Only	complaints as % of total	Complaints	complaints as % of total
Building Control	0	0	1	1	5%	20	2%
Consumer protection	0	0	0	0	0%	3	0%
Economic development	0	0	0	0	0%	4	0%
Education	0	0	0	0	0%	67	5%
Env Health & Cleansing	3	2	2	1	5%	69	5%
Finance	2	1	1	1	5%	123	9%
Fire & police boards	0	0	0	0	0%	1	0%
Housing	8	5	10	6	32%	394	30%
Land & Property	2	2	0	0	0%	31	2%
Legal & admin	1	1	1	0	0%	66	5%
National Park Authorities	0	0	0	0	0%	2	0%
Other	1	0	1	0	0%	6	0%
Personnel	1	1	0	0	0%	29	2%
Planning	4	2	6	5	26%	243	18%
Recreation & Leisure	1	1	3	2	11%	21	2%
Roads	1	1	2	2	11%	71	5%
Social Work	2	0	1	1	5%	148	11%
Valuation Joint Boards	0	0	0	0	0%	11	1%
Out of jurisdiction	0	0	0	0	0%	0	0%
Subject unknown	0	0	0	0	0%	20	2%
Total	26	16	28	19		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.spsa.org.uk/statistics>.

Table 2

Complaints Determined by Outcome		2006/7	2007/8
Assessment	Premature	9	11
	Out of jurisdiction	3	0
	Discontinued or suspended before investigation	0	2
	Withdrawn / Failed to provide information before investigation	2	1
Examination	Determined after detailed consideration	3	3
	Report Issued - Not Upheld	1	0
Investigation	Report Issued - Partially Upheld	0	2
	Report Issued - Fully Upheld	0	1
	Discontinued during investigation	0	0
	Withdrawn / Failed to provide information during investigation	0	0
Total		18	20

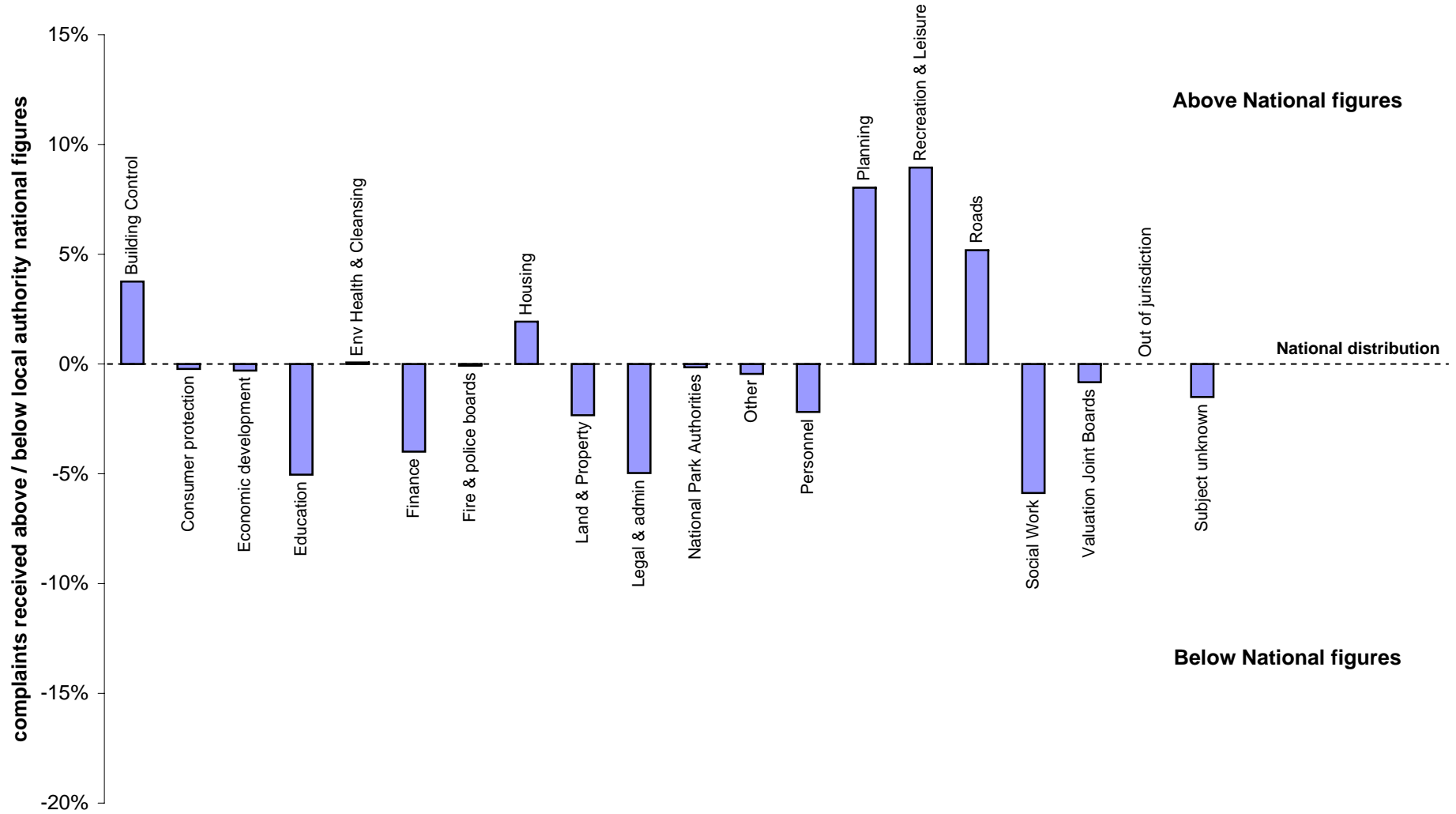
Note about comparing 2007-08 complaint numbers to the previous year:

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.spsa.org.uk/statistics>.

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



Midlothian Council

	Case Ref	Summary	Finding	Recs	Recommendation(s)
22/08/07	200500239	the Council failed to take appropriate action in response to complaints made by Mr and Mrs C regarding the anti-social behaviour of two local residents including the consideration of witness statements and video evidence (partially upheld).	Partially upheld	YES	(i) apologise to Mr and Mrs C for failing to formalise their complaint into the Council's Feedback Procedure at the correct time; (ii) ensure any future complaints by Mr and Mrs C are dealt with in accordance with current procedural requirements; and (iii) ensure that staff involved with complaints of the same or a similar type are adequately trained in current Council procedures. The Council have accepted the recommendations and will act on them accordingly.
24/10/07	200603409	the Council failed to give advance notification of the fact that the complainant's family's three-interment lair would only be able to hold two interments (upheld).	Upheld	YES	The Ombudsman recommends that the Council review their procedural document, and include in it guidance to staff on what action should be taken should lairs be found to be unsuitable for their intended number of interments upon opening, whatever the reason for the problem. The Council have accepted the recommendation and will act on it accordingly.
20/02/08	200502418	(a) there was delay by the Council in responding to correspondence from Mr C and his representatives (partially upheld); (b) there were flaws in the Council's anti-social behaviour policy/procedures (not upheld); (c) there was inaction or inappropriate action taken by the Council in response to complaints about anti-social behaviour (partially upheld); and (d) the Council handled Mr C's complaint poorly (not upheld).	Partially upheld	YES	(i) review the guidance given to members of staff preparing reports and documentation for CRCs to ensure that panel members are fully aware of all relevant legislation, guidance and policy and provided with all relevant documents held by the Council; (ii) highlight in guidance to CRC panel members that they should remain sensitive to the needs of disabled complainants; and (iii) use this complaint as a case study with complaints handling staff to emphasis the importance of dealing with complaints as a whole and of being flexible in their approach. The Council have accepted the recommendations and will act on them accordingly.