

Kenneth Lawrie
Chief Executive
Midlothian Council
Midlothian House
Buccleuch Street
DALKEITH
EH22 1DN

16 July 2012

Dear Mr Lawrie

Annual letter 2011-12: complaints to SPSO about Midlothian Council

This letter contains the SPSO's complaints statistics about your council for the 2011-12 financial year. It gives information about the numbers of complaints that we received and determined about your council. It also highlights the number of premature complaints (those that came to this office too early, before completing your complaints process) and those complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and their outcome.

Please note that if the number of complaints for your council is very low, the data is unlikely to be statistically meaningful for comparing with that of other bodies, though it may be useful for your council to reflect on its own year-on-year statistics.

Trends in complaints

Last year, I stated my disappointment at the unacceptably high level of upheld and premature complaints about all sectors that were determined by SPSO. In 2011-12, the level of overall upheld complaints - those that were 'fit for SPSO' and where I upheld all or part of the complaint - went up from 34% in 2010-11 to 39%. In the local authority sector the level of upheld complaints rose from 29% to 32%. These complaints have been looked at in great detail by local authorities prior to my involvement, and yet in around a third of cases, I am still finding fault.

The overall level of premature complaints fell from 45% to 43% and I note that in the local government sector the level fell from 55% to 52%.

In this letter, I draw attention to the figures of upheld and premature complaints for your council.

Statistics

Comprehensive statistical information about all the sectors under our remit is available at the following link: www.spsso.org.uk/statistics. In summary, in 2011-12, the SPSO:

- received **3,918** complaints (**12% more** than last year)
- received **1,527** complaints about local authorities (**5% less** than last year)
- resolved **3,748** complaints (**12% more** than last year)
- resolved **1,497** complaints about local authorities (**4% less** than last year)

The attached pages provide information about the complaints we handled about your council in 2011-12. The first table shows complaints received by primary subject area, both about your council and overall about councils, for the past two years. The second table shows the outcomes of the complaints we handled about your council in the past two years. It also highlights the rate of premature and fully/partly upheld complaints and overall rates for councils in the past two years.

The upheld/partly upheld outcomes relate to complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and which were determined at the Early Resolution (ER) 2 or Investigation (INV) 1 or 2 stages of our process. ER2 and INV 1 are investigations that conclude in a decision letter, and INV 2 concludes in a full investigation report. Since June 2011, we have published outcomes of complaints that were 'fit for SPSO' on our website. These are searchable (by sector, organisation, subject etc) and can be accessed at <http://www.spsso.org.uk/our-findings>.

The Complaints Standards Authority (CSA)

A strong focus of our work over the past year has been on improving standards of complaints handling across all sectors, with an emphasis on early resolution by organisations. As you are aware, in the course of 2011 our complaints standards authority

developed, through a working group of local authority representatives, a model complaints handling procedure (CHP) for councils, which was published on 28 March 2012. Under the terms of the SPSO Act 2002 all councils now have a duty to comply with the model CHP and to submit compliant CHPs, or detailed plans for implementation, to the SPSO by 14 September 2012. Positively, indications are that most are moving towards compliance or have a compliant CHP ready for implementation. Compliance will be monitored by Audit Scotland in conjunction with the SPSO and in line with the principles of the Shared Risk Assessment (SRA) arrangements. There is much more information about the model CHP and a wealth of advice, support and guidance on the CSA's website at www.valuingcomplaints.org.uk.

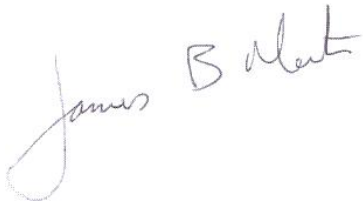
Using complaints information

Under the model CHP, councils are obliged to adopt a more rigorous and systematic approach to gathering and using information about complaints. From 2013 your council will be required to provide more detailed information on your complaints performance, through performance indicators being built into existing self-assessment arrangements, and the information in this annual letter will form just one part of the complaints reporting your council provides. A list of these indicators was provided in the model CHP implementation guide sent to you in March 2012. The statistics we give here should help your council reflect on and identify ways to improve your complaints handling, and it may be helpful to consider:

- what action you can take to promote early resolution of complaints, monitoring in particular the balance between complaints resolved at the frontline and those escalated through the process
- what you can do to reduce the level of premature complaints
- whether the subjects of complaints brought to SPSO meet your expectations
- any variance in complaints figures across your departments
- how to share the learning from our recommendations with staff across the organisation
- how our recommendations are monitored and actioned at senior level and how service changes and improvements are managed
- how you tell service users about action taken to improve services as a result of complaints resolved locally and through SPSO recommendations.

As ever, I value feedback about our work and would welcome any comments about this summary or any other aspect of our service.

Yours sincerely

A handwritten signature in cursive script that reads "James Balent". The signature is written in a light grey or blue ink.

Jim Martin
Ombudsman

Local Authority Complaints Determined 2011-2012

Stage	Closure Category	Midlothian Council	Sector Total
Advice	Matter out of jurisdiction (discretionary)	0	18
	Matter out of jurisdiction (non-discretionary)	0	20
	No decision reached	7	258
	Outcome not achievable	2	10
	Premature	19	729
Advice Total		28	1035
Early Resolution 1	Matter out of jurisdiction (discretionary)	2	53
	Matter out of jurisdiction (non-discretionary)	2	43
	No decision reached	1	52
	Outcome not achievable	0	28
	Premature	1	51
Early Resolution 1 Total		6	227
Early Resolution 2	Fully Upheld	0	10
	No decision reached	0	3
	Not upheld	0	78
	Partly Upheld	0	14
Early Resolution 2 Total		0	105
Investigation 1	Fully Upheld	0	6
	No decision reached	0	12
	Not upheld	1	63
	Partly Upheld	0	38
Investigation 1 Total		1	119
Investigation 2	Fully Upheld	0	6
	No decision reached	0	2
	Not upheld	1	2
	Partly Upheld	0	1
Investigation 2 Total		1	11
Total		36	1497

Premature total	20	780
Premature %	56%	52%
Fit for SPSO Total (ER2, Inv 1 & 2)	2	235
Total uphold/partly upholds	0	75
% Upholds/Partly Upholds of Fit for SPSO	0%	32%

Local Authority Complaints Determined 2010-2011

Stage	Closure Category	Midlothian Council	Sector Total	
Advice	Premature	17	768	
	Body Out of Jurisdiction	0	0	
	Out of Jurisdiction (Discretionary)	0	8	
	Out of Jurisdiction (Non-Discretionary)	0	28	
	Outcome Not Achievable	1	13	
	No Decision Reached	7	249	
	Other	0	0	
	Total	25	1066	
	Early Resolution 1	Premature	2	78
		Body Out of Jurisdiction	0	0
Out of Jurisdiction (Discretionary)		0	41	
Out of Jurisdiction (Non-Discretionary)		0	44	
Outcome Not Achievable		0	24	
No Decision Reached		1	41	
Total		3	228	
Early Resolution 2	Premature	0	13	
	Out of Jurisdiction (Discretionary)	0	9	
	Out of Jurisdiction (Non-Discretionary)	0	1	
	Outcome Not Achievable	0	1	
	No Decision Reached	0	11	
	Fully Upheld	0	10	
	Partly Upheld	1	8	
	Not Upheld	0	60	
	Total	1	113	
	Investigation 1	Outcome Not Achievable	0	0
No Decision Reached		0	7	
Fully Upheld		1	27	
Partly Upheld		1	16	
Not Upheld		0	89	
Total		2	139	
Investigation 2		No Decision Reached	0	0
	Fully Upheld	0	6	
	Partly Upheld	0	5	
	Not Upheld	2	5	
	Total	2	16	
Total Complaints		33	1562	

Premature Total	19	859
Premature %	58%	55%
Fit for SPSO Total (ER2, Inv 1 & 2)	5	268
Total uphold/partly upholds	3	72
% Upholds/Partly Upholds of Fit for SPSO	60%	27%

	Midlothian Council	Complaints as % of total	Total	Complaints as % of total
Complaints received by subject 2011-12				
Building Control	0	0%	42	3%
Consumer protection	1	3%	10	1%
Education	0	0%	77	5%
Environmental Health & Cleansing	0	0%	40	3%
Finance	0	0%	73	5%
Fire & Police Boards	0	0%	1	0%
Housing	12	32%	341	22%
Land & Property	1	3%	30	2%
Legal & admin	1	3%	44	3%
National Park Authorities	0	0%	1	0%
Other	0	0%	12	1%
Personnel	1	3%	11	1%
Planning	3	8%	210	14%
Recreation & Leisure	0	0%	23	2%
Roads & Transport	0	0%	96	6%
Social Work	7	19%	182	12%
Valuation Joint Boards	0	0%	9	1%
Subject Unknown or Out Of Jurisdiction	11	30%	325	21%
Total	37	100%	1527	100%
<i>Complaints as % of sector</i>	2%		100%	

	Midlothian Council	Complaints as % of total	Total	Complaints as % of total
Complaints received by subject 2010-11				
Building Control	1	3%	50	3%
Consumer protection	0	0%	8	0%
Economic development	0	0%	3	0%
Education	2	6%	102	6%
Environmental Health & Cleansing	0	0%	54	3%
Finance	2	6%	122	8%
Fire & Police Boards	0	0%	1	0%
Housing	8	26%	343	21%
Land & Property	0	0%	33	2%
Legal & admin	1	3%	60	4%
National Park Authorities	0	0%	5	0%
Other	0	0%	15	1%
Personnel	1	3%	14	1%
Planning	5	16%	241	15%
Recreation & Leisure	0	0%	25	2%
Roads & Transport	0	0%	98	6%
Social Work	7	23%	226	14%
Valuation Joint Boards	0	0%	12	1%
Subject Unknown or Out of Jurisdiction	4	13%	192	12%
Total	31	100%	1604	100%
<i>Complaints as % of sector</i>	2%		100%	