

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 and planning, 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 12 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 27, which was just over half of the total determined, and proportionally was slightly less than in 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 nine complaints about your Council in 2007-08, of which we upheld one, partially upheld four, and did not uphold a further four. 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>.

East Lothian 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	3%	20	2%
Consumer protection	0	0	0	0	0%	3	0%
Economic development	0	0	0	0	0%	4	0%
Education	3	1	1	0	0%	67	5%
Env Health & Cleansing	2	0	3	2	5%	69	5%
Finance	4	2	5	3	8%	123	9%
Fire & police boards	0	0	0	0	0%	1	0%
Housing	23	14	18	15	41%	394	30%
Land & Property	2	0	1	0	0%	31	2%
Legal & admin	2	0	1	1	3%	66	5%
National Park Authorities	0	0	0	0	0%	2	0%
Other	1	1	0	0	0%	6	0%
Personnel	0	0	0	0	0%	29	2%
Planning	13	7	12	10	27%	243	18%
Recreation & Leisure	2	2	3	2	5%	21	2%
Roads	7	2	3	1	3%	71	5%
Social Work	7	4	3	2	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	4	0	2	0	0%	20	2%
Total	71	34	53	37		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

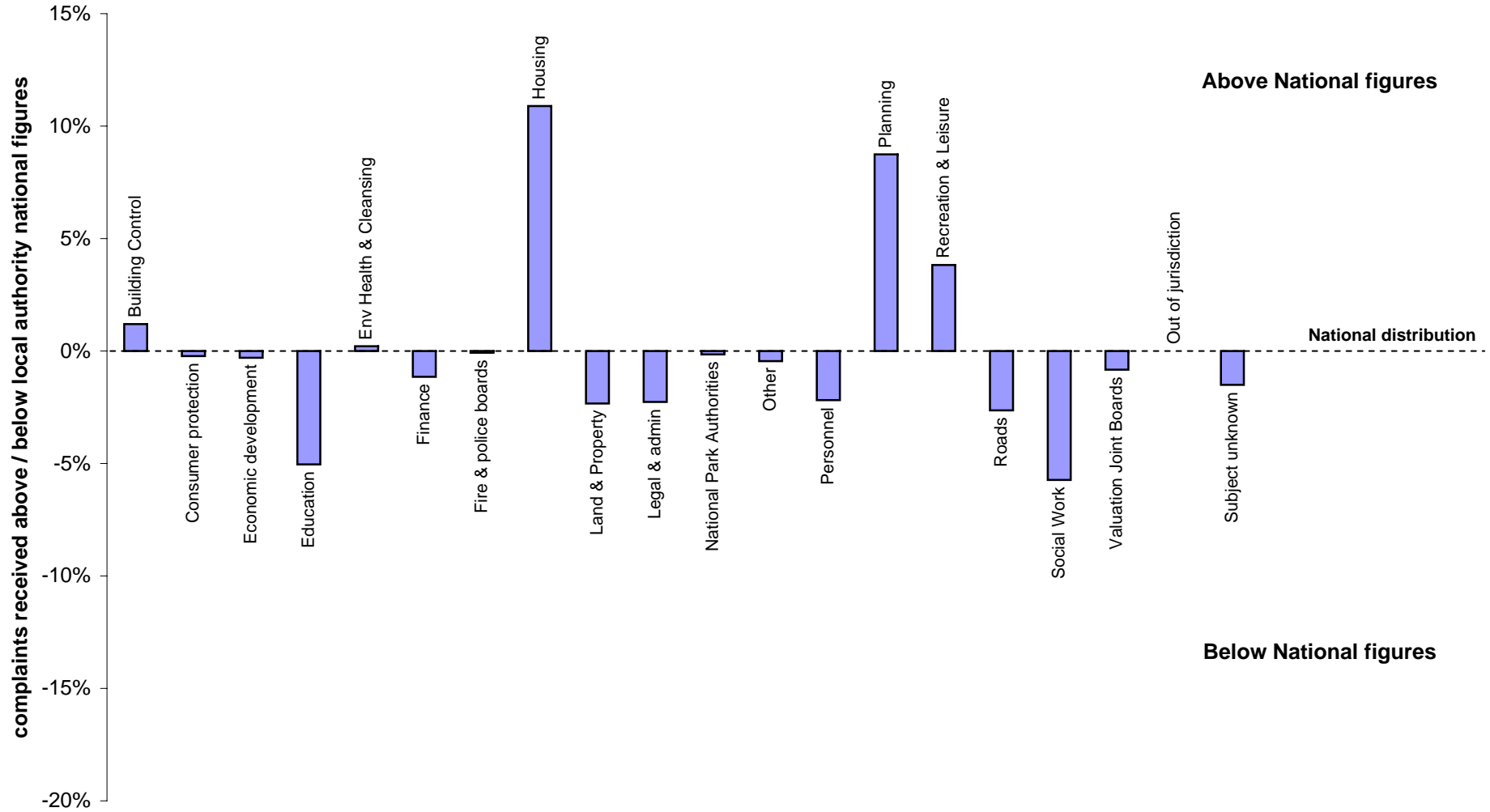
Complaints Determined by Outcome		2006/7	2007/8
Assessment	Premature	17	27
	Out of jurisdiction	4	2
	Discontinued or suspended before investigation	0	2
	Withdrawn / Failed to provide information before investigation	3	7
Examination	Determined after detailed consideration	2	6
	Report Issued - Not Upheld	4	4
Investigation	Report Issued - Partially Upheld	1	4
	Report Issued - Fully Upheld	0	1
	Discontinued during investigation	0	0
	Withdrawn / Failed to provide information during investigation	0	0
Total		31	53

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: East Lothian Council proportions compared to the distribution of all local authority complaints received



East Lothian Council

	Case Ref	Summary	Finding	Recs	Recommendation(s)
20/06/07	200500176	Ms C was provided with inaccurate and misleading information about administration charges that the Council would make (upheld).	Upheld	YES	(i) make a courtesy payment of £100 to Ms C; (ii) apologise to Ms C for the misunderstanding and lack of clarity in their documents; and (iii) advise owners of methods of payment, reasons for charges and methods of calculation in writing at the beginning of the common repairs process.
20/06/07	200503516	(a) the Council failed to take appropriate action when they became aware that the issue of loss of privacy had not been considered at the planning application stage (upheld); and (b) the Council did not respond appropriately to Mrs C's complaint (not upheld).	Partially upheld	YES	(i) approach Mrs C to seek her agreement in pursuing a joint reference to the District Valuer for an assessment of the impact of the overlooking only from the balcony on the value of her home with a view to the Council reimbursing Mrs C for any loss in value ; and (ii) should also meet the costs of the reference.
18/07/07	200601118	the Council did not have proper regard to: (a) policy statements in the Structure Plan and Local Plan and their obligations under sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the 1997 Act) in considering and determining the applications (not upheld); and (b) the views of objectors and did not refer the matter to the Council's Planning Committee for determination (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
18/07/07	200601169	the Council did not have proper regard to: (a) policy statements in the Structure Plan and Local Plan and their obligations under sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the 1997 Act) in considering and determining the applications (not upheld); and (b) the views of objectors and did not refer the matter to the Council's Planning Committee for determination (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.

18/07/07	200601472	(a) the Council were unreasonable in requiring her to pay an access charge of £69 (not upheld); and (b) the Council failed to explain sufficiently the new system to tenants (partially upheld).	Partially upheld	YES	The Ombudsman recommends that: (i) in the particular circumstances which applied to Ms C, the Council reconsider their demand that she pay the £69 access charge; and (ii) in this case, as there appeared to be some confusion about access visits and requests for access visits, the Ombudsman suggests that the Council review the terms of their standard letters and those of British Gas. The Council have declined to accept the Ombudsman's recommendations.
19/09/07	200602645	the Council: (a) unreasonably failed to take action to obtain Anti Social Behaviour Orders against named persons (not upheld); and (b) did not respond to the Sporting Organisation within stated timescales (upheld).	Partially upheld	NONE	The Ombudsman has no recommendations to make.
21/11/07	200603087	(a) the Council's decision to include the value of the property in their calculation of Mrs C's financial assessment was administratively flawed (upheld); and (b) the Council failed to provide adequate legal advice to the Social Work Complaints Review Committee who upheld Mrs C's complaint (not upheld).	Partially upheld	YES	undertake a new financial assessment of Mrs A's assets, disregarding the nominal value of the property disposed of in 1994. The Council have accepted this recommendation and will act on it accordingly.
23/01/08	200500394	the Council failed to ensure that their contractors, who had access to the homes of vulnerable people, including Mrs C's father, had sufficient procedures in place to ensure that their employees were suitable to do so (not upheld).	Not upheld	YES	(i) works with its Adult Protection Committee to establish good practice guidelines for Council and contractor employees working in the homes of vulnerable people; and (ii) considers including in its revised Corporate Procurement Procedures manual, guidance on the protection of vulnerable people when work is being carried out on their homes. The Council have accepted the recommendations and will act on them accordingly.
23/01/08	200603033	the Council: (a) in preparing their proposals for the play area, failed properly to apply their own Local Plan policies and to anticipate the likely detrimental effect to residents in the development in which Mr C resides (not upheld); and (b) delayed unduly in taking appropriate action on noise nuisance and detriment to privacy, preferably by relocating the play area (not upheld).	Not upheld	YES	following the period of their proposed monitoring, relevant officers of the Council report to the appropriate Committee on options for the play area including the residents' request that it be closed and relocated elsewhere. The Council informed me that they would agree a programme of monitoring with affected property owners and would report the results, together with any residents' views to the Council's Cabinet. The report would include a recommendation as to what further action, if any, should be taken with respect to the location and operation of the play area.