

# NORTH LANARKSHIRE COUNCIL

## 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 below the average for complaints about planning.

### 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 6 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 64, representing 57% 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](mailto: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 five 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.

Four of the recommendations related to provision of information.

We discontinued two complaints about your Council at the investigation stage; these complaints were not reported on.

.....

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](mailto:awhite@spsso.org.uk). Fuller statistical reports are available on the SPSO website at: <http://www.spsso.org.uk/statistics/index.php>.

## North Lanarkshire 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		Authority Complaints		
Building Control	1	1	1	1	1%	20	2%	
Consumer protection	0	0	0	0	0%	3	0%	
Economic development	0	0	0	0	0%	4	0%	
Education	10	6	4	4	4%	67	5%	
Env Health & Cleansing	7	2	4	4	4%	69	5%	
Finance	12	10	8	4	4%	123	9%	
Fire & police boards	0	0	0	0	0%	1	0%	
Housing	86	28	76	54	51%	394	30%	
Land & Property	6	3	8	6	6%	31	2%	
Legal & admin	3	1	5	5	5%	66	5%	
National Park Authorities	0	0	0	0	0%	2	0%	
Other	2	1	2	1	1%	6	0%	
Personnel	2	1	5	5	5%	29	2%	
Planning	18	8	12	9	8%	243	18%	
Recreation & Leisure	1	1	1	1	1%	21	2%	
Roads	6	4	3	2	2%	71	5%	
Social Work	14	9	9	6	6%	148	11%	
Valuation Joint Boards	0	0	1	1	1%	11	1%	
Out of jurisdiction	2	0	0	0	0%	0	0%	
Subject unknown	4	0	3	3	3%	20	2%	
<b>Total</b>	<b>174</b>	<b>75</b>	<b>142</b>	<b>106</b>		<b>1,329</b>		

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	38	64
	Out of jurisdiction	7	10
	Discontinued or suspended before investigation	2	14
	Withdrawn / Failed to provide information before investigation	7	1
Examination	Determined after detailed consideration	6	12
Investigation	Report Issued - Not Upheld	5	3
	Report Issued - Partially Upheld	5	5
	Report Issued - Fully Upheld	2	1
	Discontinued during investigation	1	2
	Withdrawn / Failed to provide information during investigation	1	0
<b>Total</b>		<b>74</b>	<b>112</b>

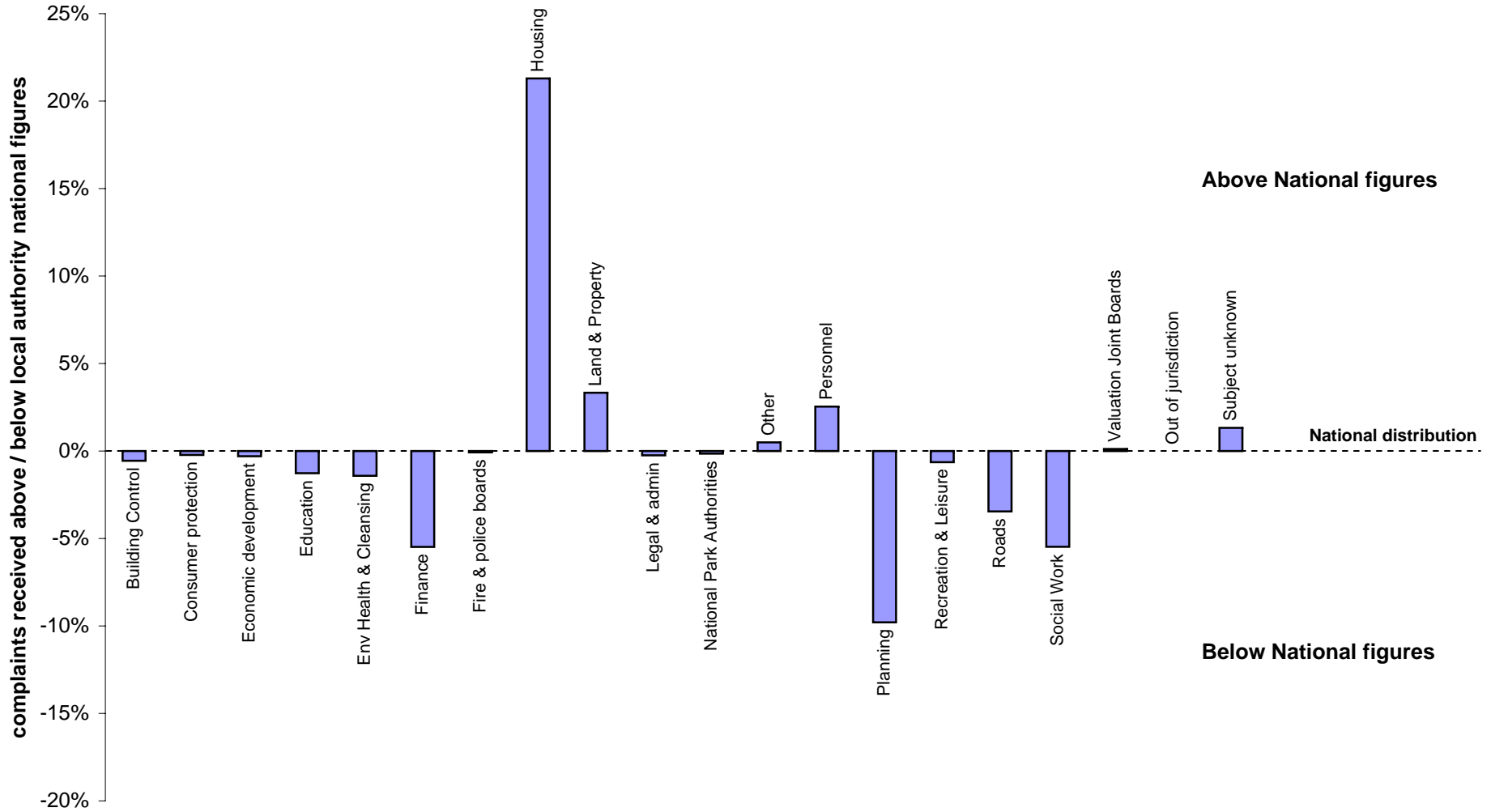
Note about comparing 2007-08 complaint numbers to the previous year:

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: North Lanarkshire Council proportions compared to the distribution of all local authority complaints received



North Lanarkshire Council

	Case Ref	Summary	Finding	Recs	Recommendation(s)
23/05/07	200502948	(a) the Council did not properly investigate a complaint against the head teacher and witness statements were not sought (partially upheld); (b) the Council failed to adhere to an undertaking to provide a corrected minute (partially upheld); (c) the Council failed to abide to an agreement concerning home tuition (no finding); (d) the head teacher inappropriately sought information about a private meeting (not upheld); (e) the head teacher failed to enter properly into the spirit of mediation (not upheld); and (f) the Council failed to provide a proper explanation for the reasons why a photograph of her son had been publicly displayed (upheld).	Partially upheld	YES	The Ombudsman recommends that the Council apologise to Mrs C for the fact that an unfavourable minute was issued; for the fact that information on home tuition was not made available earlier; and for the time and trouble she spent trying to establish the circumstances which took place with regard to the photograph. In addition, the Ombudsman recommends that the Council: (i) always provide clarification of the process required in the preparation of home tuition work, for instance as was clarified to Mrs C in August 2006 (see paragraph 18); and (ii) review their existing complaints procedure where it concerns head teachers, in order to exclude the possibility of them investigating complaints made against themselves.
20/06/07	200601123	(a) Ms C was not advised properly of the circumstances involved (not upheld); (b) insufficient information was obtained and the school failed to seek medical help (not upheld); (c) on his return to school, Ms C's son was unreasonably required to participate in PE (not upheld); and (d) although Ms C's son identified those involved, the school failed to report this to the police (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
18/07/07	200503076	the information on the sign at the gates of the cemetery, which played a large part in Mr and Mrs C's decision to have their child interred there, was inaccurate (upheld).	Upheld	YES	The Ombudsman recommends that the Council: (i) reconsider their decision not to close the cemetery gates in light of the discrepancy between the decision and the Rules, and thereafter install signage that accurately reflects the security of the cemeteries and ensure that the Rules are compatible with the outcome of the decision; and (ii) addresses the specific injustice caused to Mr and Mrs C by apologising to them for the distress caused by the misleading signage and, whilst reconsidering their decision as noted in (i) above, the Council take action to ensure that paragraph 36 of the Rules is properly enforced. This could take the form of regular security checks being made in cemeteries outside manned hours or further liaison with the Police to ensure adequate patrols are made of cemeteries. The Council have accepted the recommendations and will act on them accordingly.
18/07/07	200600085	(a) have proper regard to site levels in the development (not upheld); (b) ensure that appropriate plans were made available to enable neighbours properly to gauge the effect of the proposed development on their privacy (not upheld); and (c) insist that the play area for the development was incorporated within the development rather than adjacent to existing housing (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.

18/07/07	200600970	(a) have proper regard to site levels in the development (not upheld); (b) ensure that appropriate plans were made available to enable neighbours properly to gauge the effect of the proposed development on their privacy (not upheld); and (c) insist that the play area for the development was incorporated within the development rather than adjacent to existing housing (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
18/07/07	200601380	(a) neither the Council nor their predecessor informed Mrs C or her ex-husband of the land conveyed in 1992 to Mr and Mrs Z (not upheld); (b) the Council did not inform Mrs C beforehand that they intended to erect a fence at the gable of her home (no finding); (c) the Council's Area Housing Manager failed to keep an undertaking to get back to Mrs C after consulting with the Council's Cartographic Services (upheld); and (d) the Council had not responded to the concern Mrs C had expressed about difficulties in presenting her domestic refuse for uplift (no finding).	Partially upheld	YES	issue an appropriate letter of apology to Mrs C for their failure to get back to her on (c). The Council have accepted that recommendation.
22/08/07	200600243	(a) the Council failed to inform Mr C and his neighbours about the transfer of ownership (upheld); and (b) Mr C and other users of the Yard were not given the opportunity to purchase or to lease the Yard with access rights (not upheld).	Partially upheld	YES	apologise to Mr C and his neighbours for not informing them directly of the change in ownership. The Council confirmed that they accepted that recommendation.
19/09/07	200500253	the Council: (a) lost an earlier transfer application from Mr and Mrs A (no finding); (b) delayed unduly in putting Mr and Mrs A's request for special case consideration before the appropriate committee (upheld); (c) made an inappropriate offer of re-housing after Mr and Mrs A were granted special case consideration (not upheld); and (d) unfairly removed their special case status for refusing that offer (not upheld)	Partially upheld	YES	(i) apologise to Mr and Mrs A for the delay identified in paragraph 33. (ii) should take steps to review their record-keeping with regard to special case consideration to avoid recurrence. The Council have accepted the recommendations and will act on them accordingly.
20/02/08	200700122	the Council: (a) did not properly respond to Mrs C's request for re-housing because of threats to her son (not upheld); (b) unreasonably requested that Mrs C sign an undertaking not to request adaptations in her current flat (partially upheld); (c) infringed Mrs C's human rights and her rights as a disabled person by failing to install adaptations following her move (partially upheld); and (d) unreasonably failed to repair or remove damaged asbestos panels in Mrs C's bathroom (not upheld).	Partially upheld	YES	apologise to Mrs C for the inconvenience caused to her by failing to have proper regard to her assessed needs. The Council have accepted the recommendation and will act on it accordingly.