

SCOTTISH BORDERS 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 legal and administrative issues and 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 30 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 10, which was 31% of the total determined, and proportionally a significant reduction 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.

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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>.

Scottish Borders 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	Authority Complaints	complaints as % of total
Building Control	1	0	0	0	0%	20	2%
Consumer protection	0	0	0	0	0%	3	0%
Economic development	0	0	0	0	0%	4	0%
Education	0	0	3	1	4%	67	5%
Env Health & Cleansing	3	2	4	2	7%	69	5%
Finance	1	0	4	4	14%	123	9%
Fire & police boards	0	0	0	0	0%	1	0%
Housing	1	0	5	3	11%	394	30%
Land & Property	3	1	0	0	0%	31	2%
Legal & admin	2	2	4	4	14%	66	5%
National Park Authorities	0	0	0	0	0%	2	0%
Other	4	1	0	0	0%	6	0%
Personnel	0	0	0	0	0%	29	2%
Planning	12	7	14	10	36%	243	18%
Recreation & Leisure	0	0	0	0	0%	21	2%
Roads	6	5	3	2	7%	71	5%
Social Work	6	3	4	2	7%	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	1	0	0%	20	2%
Total	39	21	42	28		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	11	10
	Out of jurisdiction	9	10
	Discontinued or suspended before investigation	0	1
	Withdrawn / Failed to provide information before investigation	2	0
Examination	Determined after detailed consideration	0	8
	Report Issued - Not Upheld	2	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		24	32

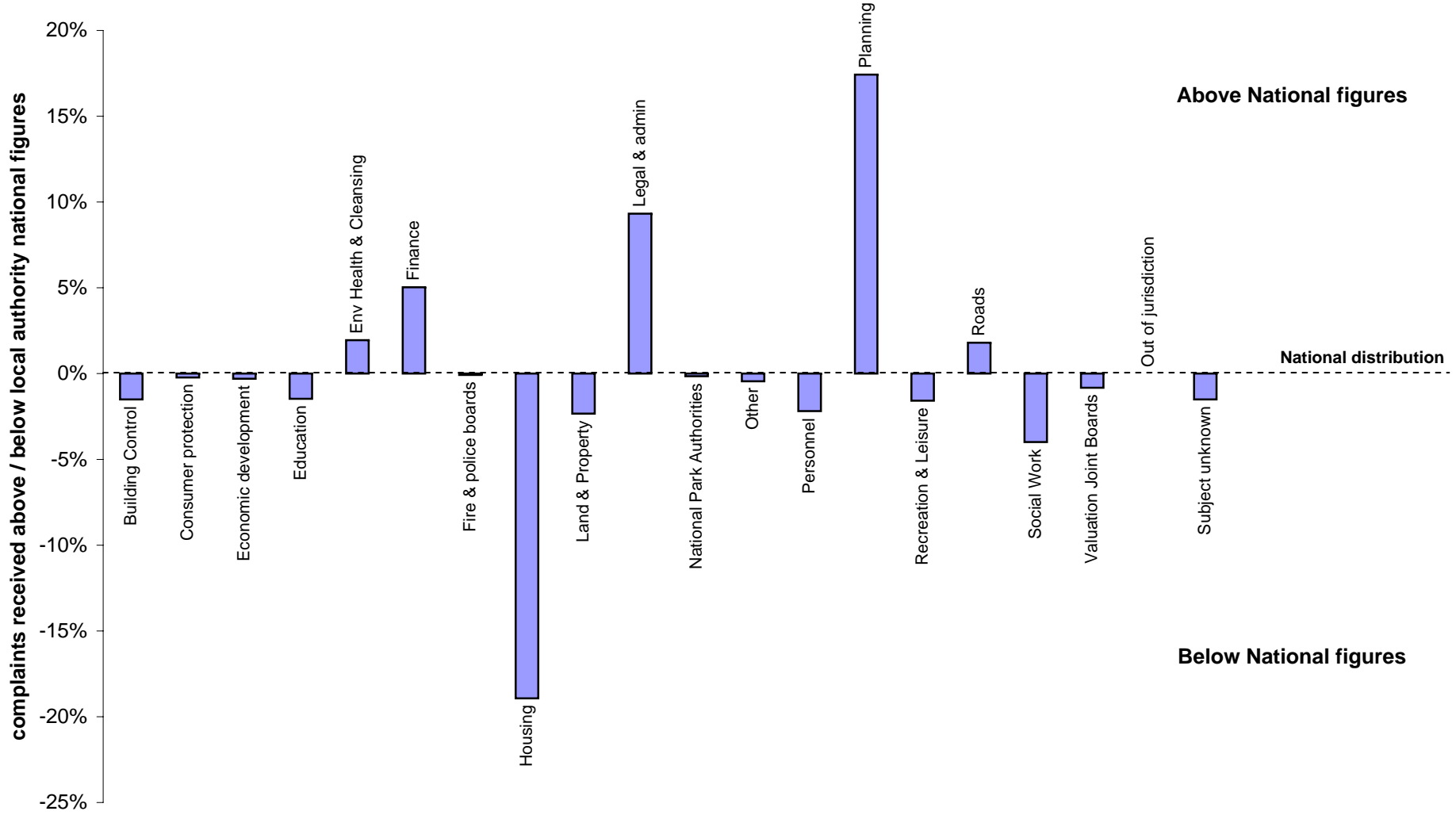
Note about comparing 2007-08 complaint numbers to the previous year:

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: Scottish Borders Council proportions compared to the distribution of all local authority complaints received



Scottish Borders Council and Scottish Executive Education Department

	Case Ref	Summary	Finding	Recs	Recommendation(s)
19/12/07	200400363 200400840	<p>(a) the Council failed in their duty under the Standards in Scotland's Schools etc Act 2000, with regard to Mr A's educational needs following an episode of ACD (no finding);</p> <p>(b) the Council failed to ensure good professional management and to follow advice on good practice guidelines (not upheld);</p> <p>(c) the Council failed to disclose a prior 'gentleman's agreement' whereby an adolescent mental health unit rather than the Council's Educational Psychology Service took a lead role (upheld);</p> <p>(d) the Council abrogated their duties and responsibilities as education authority without notifying Mr and Mrs C or Mr A (not upheld);</p> <p>(e) an educational psychologist was directed by her line manager, for specious reasons, not to attend meetings at the School on 6 March 2003 (not upheld);</p> <p>(f) the Council's replies to Mr C's correspondence failed to answer his specific questions (not upheld);</p> <p>(g) in handling Mr C's formal complaint, the Chief Executive rewrote the complaint and failed to answer detailed points (not upheld);</p> <p>(h) the Chief Executive's response of 27 January 2004 to a request from SEED for information contained misleading statements and factual inaccuracies (not upheld);</p> <p>(i) SEED rewrote his letter of complaint to them of 30 September 2003 and failed to address all the issues (partially upheld);</p> <p>(j) SEED repeatedly failed to answer specific questions posed of them (not upheld);</p> <p>(k) SEED failed to address or explain why they did not deal with alleged breaches in duties detailed under the Standards in Scotland's Schools etc Act 2000 (partially upheld);</p> <p>(l) SEED failed to take appropriate action when informed of Mr C's concerns about factual inaccuracies in the Council's Chief Executive's response to them of 27 January 2004 (not upheld); and</p> <p>(m) SEED failed to answer questions posed by Mr C and passed their reply off as being substantive (not upheld).</p>	Partially upheld	YES	<p>The Ombudsman recommends that the Council should give consideration to ensuring a more formal approach is adopted in informing and consulting with parents of children in future like circumstances, and particularly where there has been a significant absence from school.</p> <p>With reference to SEED, the Ombudsman makes no recommendation on the basis that they have advised her that instructions have been issued to avoid a recurrence of matters where the complaint was partially upheld. However, she suggests that SEED may wish to take steps to ensure that their policy and practice in relation to exercising their default powers is fully publicised.</p>

Scottish Borders Council

	Case Ref	Summary	Finding	Recs	Recommendation(s)
23/05/07	200502416	(a) the Council did not correctly identify a planning application as a Schedule 2 development or deal with it appropriately (not upheld); and (b) there were delays in responding to the Group's complaints and concerns (partially upheld).	Partially upheld	YES	(i) ensure that, where appropriate, planning officers include sufficient detail in their reports on planning applications to demonstrate they have fully considered the EIA Regulations; and (ii) emphasise to staff the importance of keeping complainants informed of the progress of any formal complaint and of the stage of the complaints process at which their complaint has been considered.
19/03/08	200602421	(a) the Council built a footpath adjacent to Mrs C's property which directed pedestrians onto her land (upheld); and (b) the Council's response to Mrs C's complaint about this was inadequate (upheld).	Upheld	YES	(i) apologise to Mrs C and her husband for not consulting with them about the impact of the new footpath on their privacy; and (ii) ensure that there is appropriate consultation with residents likely to be affected by 'Safer Routes to School' projects. The Council have accepted the recommendations and will act on them accordingly.