

# THE CITY OF EDINBURGH 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 finance, housing and roads, and below in terms of 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 11 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 101, which was just over half 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**

In 2007-8 we investigated 28 complaints about your Council, of which we upheld seven, partially upheld ten and did not uphold a further eleven. We have attached a summary sheet showing these complaints, and summarising 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, where she believes that there are lessons that may be learned. You will also be aware that Complaints Investigators will be following up to find out what changes have been made as a result of recommendations.

We discontinued one complaint about your Council at investigation stage and closed another; these complaints were not reported on.

In your Council, the investigated complaints related to a range of Council activities. Although the Ombudsman appreciates that the Council have already taken steps to improve complaint handling and provide training for staff, she wishes to draw to your attention the fact that there were recommendations relating to complaint handling in nine of the investigated cases, and to appropriate record-keeping or communication in seven of the cases.

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

## The City of Edinburgh Council

Table 1

Received by Subject	2006/7		2007/8			All Local Authority	
	Total Contacts	Complaints Only	Total Contacts	Complaints Only	complaints as % of total	Complaints	complaints as % of total
Building Control	6	5	8	6	4%	20	2%
Consumer protection	0	0	0	0	0%	3	0%
Economic development	0	0	2	2	1%	4	0%
Education	8	2	5	5	3%	67	5%
Env Health & Cleansing	14	3	15	11	7%	69	5%
Finance	37	13	36	25	15%	123	9%
Fire & police boards	0	0	0	0	0%	1	0%
Housing	91	44	69	54	33%	394	30%
Land & Property	7	2	6	5	3%	31	2%
Legal & admin	11	6	10	8	5%	66	5%
National Park Authorities	0	0	0	0	0%	2	0%
Other	6	1	1	1	1%	6	0%
Personnel	6	2	3	1	1%	29	2%
Planning	30	22	22	17	10%	243	18%
Recreation & Leisure	2	1	1	0	0%	21	2%
Roads	19	12	17	13	8%	71	5%
Social Work	18	8	19	13	8%	148	11%
Valuation Joint Boards	0	0	0	0	0%	11	1%
Out of jurisdiction	2	0	1	0	0%	0	0%
Subject unknown	11	1	5	3	2%	20	2%
<b>Total</b>	<b>268</b>	<b>122</b>	<b>220</b>	<b>164</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	55	101
	Out of jurisdiction	17	12
	Discontinued or suspended before investigation	4	28
	Withdrawn / Failed to provide information before investigation	18	4
Examination	Determined after detailed consideration	10	21
Investigation	Report Issued - Not Upheld	7	11
	Report Issued - Partially Upheld	5	10
	Report Issued - Fully Upheld	3	7
	Discontinued during investigation	1	1
	Withdrawn / Failed to provide information during investigation	0	1
<b>Total</b>		<b>120</b>	<b>196</b>

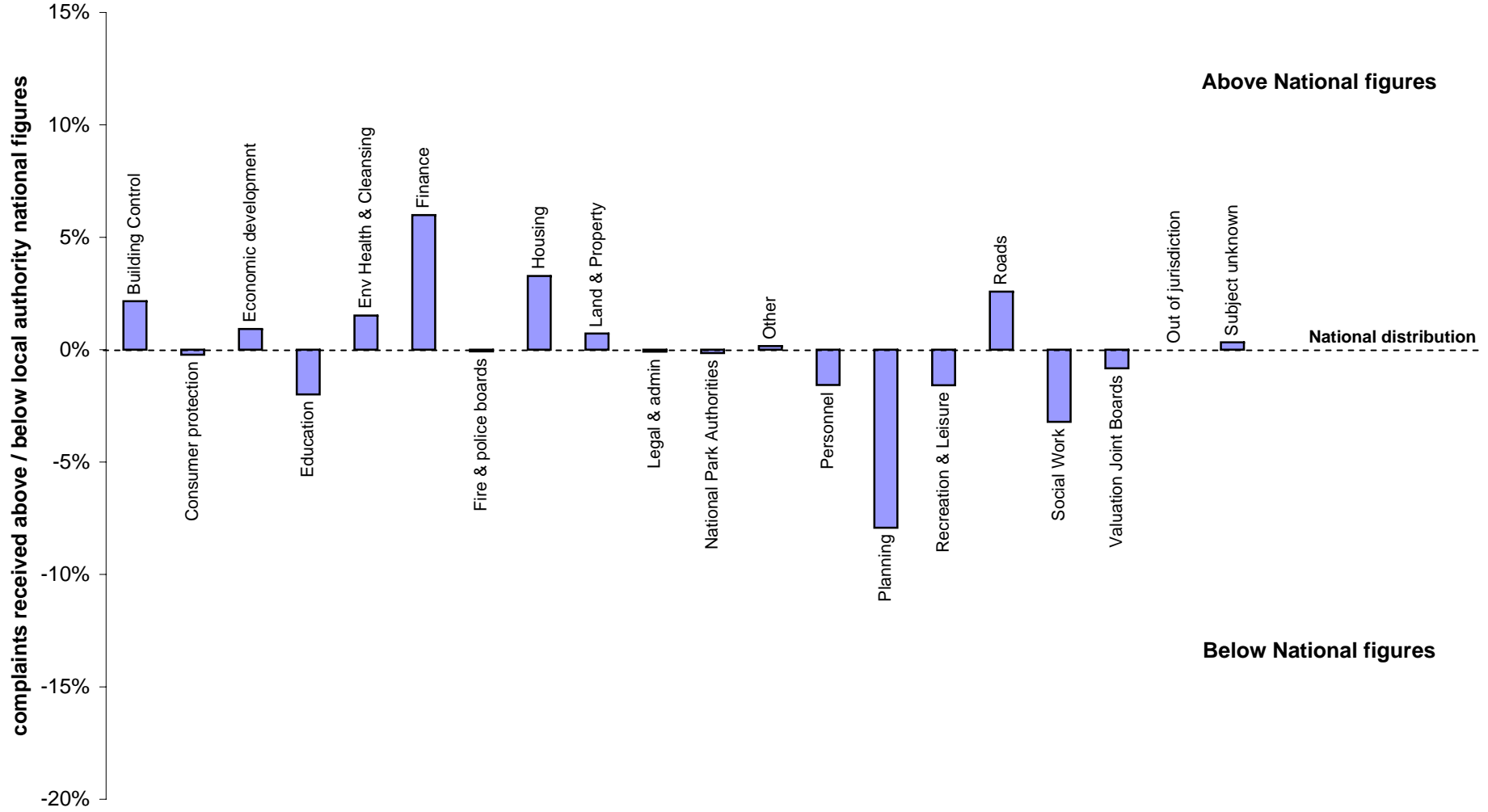
Note about comparing 2007-08 complaint numbers to the previous year:

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: The City of Edinburgh Council proportions compared to the distribution of all local authority complaints received**



**The City of Edinburgh Council and Historic Scotland**

	Case Ref	Summary	Finding	Recs	Recommendation(s)
19/12/07	200500739 200500763	<p>(a) entry was made to Mr C's property by an officer of Historic Scotland without requisite consent (upheld);</p> <p>(b) Historic Scotland knowingly gave misleading, inaccurate and out of date information to the Council (upheld to the extent that Historic Scotland gave misleading and inaccurate information about what they had decided);</p> <p>(c) Historic Scotland colluded with the Council to enable the listing of his home (not upheld);</p> <p>(d) Historic Scotland failed to establish or follow correct procedures by listing the building immediately following service of the BPN (not upheld);</p> <p>(e) Historic Scotland were inept and incompetent in their production of the listing description of the property (upheld);</p> <p>(f) an officer from Historic Scotland who appeared on a national radio programme misled the listening public (no finding);</p> <p>(g) Historic Scotland neglected to inform Mr C, in their letter of 7 December 2004, of his rights and entitlement to come to the Ombudsman (not upheld);</p> <p>(h) the pre-planning application advice given to him by the Council was faulty (not upheld);</p> <p>(i) the Council's procedures in validating his planning application were faulty (not upheld);</p> <p>(j) the Council's planning officer's report to committee on the BPN was misleading, incomplete and biased (not upheld); and</p> <p>(k) the Council colluded with Historic Scotland (not upheld).</p>	Not upheld (Council element)	YES	The Ombudsman recommends that Historic Scotland apologise to Mr C for the failings identified in the report. She commends Historic Scotland for changes they have made to their procedures for deciding on listing, but recommends that Historic Scotland review the events considered in this report and consider whether they should take further steps to ensure that their decision making and communication processes are clear.

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23/05/07	200402197	(a) failed to require that Mr C and Mrs D be re-notified when an amended planning application was received from Mr C and Mrs D's neighbour (no finding); and (b) failed to keep adequate records (upheld).	Partially upheld	NONE	The Ombudsman has no recommendations to make.
23/05/07	200502683	(a) the decision of the Council to sell some but not all of the land to Miss C (not upheld); and (b) the decision of the Council to remove some of the gardening on the land retained by them (not upheld).	Not upheld	YES	(i) clarify their policy on 'piecemeal' sales; and (ii) clarify the maintenance arrangements for the land with Miss C. The Council have accepted the recommendations and will act on them accordingly.
23/05/07	200503204	(a) the decision of the Council to sell the land (not upheld); and (b) the decision of the Council to allow a neighbour to garden some land owned by the Council (not upheld).	Not upheld	YES	(i) ensure all relevant staff dealing with a land purchase application are informed when complaints are being considered; (ii) ensure that complainants are kept informed of the progress of their complaint; and (iii) clarify the maintenance arrangements for the land with Mrs C. The Council have accepted the recommendations and will act on them accordingly.
20/06/07	200501752	(a) offered Mrs D a house which was not habitable (not upheld); (b) failed to carry out works which they are required to do under the Tenancy Agreement (partially upheld); (c) failed to take action to address racial harassment Mrs D was experiencing, in particular, they failed to promptly remove racist graffiti (not upheld); and (d) failed to provide details of their Racial Harassment procedure when requested to do so (upheld).	Partially upheld	YES	(i) highlight to officers the importance of maintaining written records of contacts with tenants and potential tenants, in particular in respect of missed appointments; (ii) review their adherence to their documented repairs policy; (iii) highlight to staff the importance of ensuring good communication between staff and members of the public; and (iv) ensure that sufficient training has been carried out to ensure that staff are familiar with their responsibilities under the Council's Racial Harassment procedure.
20/06/07	200503141	the Council have not dealt adequately with noise nuisance from a local bus station (upheld).	Upheld	YES	(i) undertake a thorough review of the complaints handling procedures of the departments involved to ensure that complainants and Council staff understand how complaints should be processed and dealt with. On this point the Ombudsman draws the Council's attention to the Valuing Complaints initiative produced by the Ombudsman's office; (ii) develop appropriate policies and procedures for dealing with noise nuisance; (iii) take noise readings to assess the adequacy of the arrangements already put in place; and (iv) apologise to Mr C for their poor handling of his complaint. The Council have accepted the recommendations and will act on them accordingly.
20/06/07	200503579	inadequate information was given about the standards required for a property to qualify as a house in multiple occupation (partially upheld).	Partially upheld	NONE	The Ombudsman has no recommendations to make.

20/06/07	200602052	the Council would not allow Mrs C to have a local taxicard if she also held a national concessionary bus pass (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
18/07/07	200600946	the Council failed to deal with Ms C's concerns about the fireplace appropriately (upheld).	Upheld	YES	The Ombudsman recommends that the Council: (i) within three months, follow up the evidence disclosed in this report and consider whether there are grounds to review their decision to take no further enforcement action; (ii) emphasise to Enforcement Officers the importance of obtaining entry and making proper enquiries; and (iii) apologise to Ms C for failing to deal with her concerns appropriately. The Council have accepted the recommendations and will act on them accordingly.
18/07/07	200601372 200601373 200602604	the Council failed to take appropriate action once they were alerted by the complainants that they had not been notified of their neighbour's planning application (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
22/08/07	200600152	the Council: (a) unfairly excluded Mr C from their offices (upheld); and (b) sent Mr C his council tax file in the post against his express wishes and in inadequate packaging (no finding).	Partially upheld	YES	(i) adopt a detailed policy for dealing with alleged instances of inappropriate behaviour on the part of customers and ensure that decisions to restrict access to Council offices or otherwise restrict contact with an individual are: properly documented; preceded, where appropriate, by a warning; well justified and communicated clearly to the individual concerned; and subject to internal review and appeal mechanisms; and (ii) apologise to Mr C for the unfair way in which he was excluded from their offices and for failing to provide him with an adequate and detailed explanation regarding the grounds of his exclusion. The Council have accepted the recommendations and will act on them accordingly.
22/08/07	200601258	(a) the Council did not follow procedure when letting the house (not upheld); and (b) the Council did not carry out necessary repairs efficiently (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
19/09/07	200502873	(a) Mr and Mrs A were wrongly pursued for arrears of council tax (upheld); and (b) the Council did not handle Mr C's complaint about this matter correctly (upheld).	Upheld	NONE	The Ombudsman has no recommendations to make.

19/09/07	200603479	(a) response in not treating Mr C's letter of 6 December 2005 as an appeal was unreasonable (upheld); and (b) administration of Mr C's correspondence and investigation of his complaint was inadequate (upheld).	Upheld	YES	(i) introduce a system to record all council tax appeals on receipt. Target dates should be set to ensure that all appeals are actioned within ten days of receipt, and where appropriate cases are referred to the Valuation Appeals Committee within two months of receipt, unless additional information has been requested. Management information should be produced to provide assurance to senior managers that management and legislative targets are being met, or to identify the need for remedial action to be taken in good time where the targets have not been met. The Ombudsman asks that the Council inform her on the introduction of this recommendation; and (ii) review their complaints handling process, introduced in 2006 to ensure it properly identifies the root causes of complaints and uses this information to identify service improvements. The Council have accepted the recommendations and will act on them accordingly.
19/09/07	200700035	(a) failed to correct, despite three attempts to do so, an error on Mrs C's council tax account, which led to incorrect demands and a summary warrant being issued against her (upheld); and (b) failed to handle Mrs C's complaint appropriately and in line with their complaints procedure (upheld).	Upheld	YES	The Ombudsman recommends that the Council provide training for their staff on the terms of their complaints procedure and on the importance of following that procedure when complaints and concerns are raised by members of the public. The Council should also bring this report to the attention of all staff dealing with council tax matters, in order to ensure that the type of repeated errors that occurred in this case are less likely to occur in future. The Council have accepted the recommendation and will act on it accordingly.
24/10/07	200501269	the Council: (a) disregarded Mrs C's objections (not upheld); (b) did not adhere to their own policies in determining the application (not upheld); and (c) failed to deal with Mrs C's complaint appropriately (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.



24/10/07	200600977	<p>the Council:</p> <p>(a) revoked the consent granted to Mr C in 1998 to fell trees covered by a TPO without a valid reason and without informing him of this fact (upheld);</p> <p>(b) gave Mr C erroneous information about the legislation governing TPOs (upheld); and</p> <p>(c) gave incorrect information to the PLI about the management plan in place for the Scheduled Ancient Monument (SAM) and trees on Mr C's land (upheld).</p>	Upheld	YES	<p>(i) apologise to Mr C for wrongly informing him that the consent granted to him to fell the trees had expired;</p> <p>(ii) formally request the necessary information from Mr C on the trees to be felled so that their knowledge on the tree work is up-to-date;</p> <p>(iii) apologise to Mr C for giving him erroneous information about the legislation governing TPOs and about the statutory time limit placed on the removal of the trees;</p> <p>(iv) remind staff of the importance of giving accurate information in response to enquiries from members of the public;</p> <p>(v) apologise to Mr C for the fact that they gave incorrect information about the management plan to the PLI; and</p> <p>(vi) take steps to investigate how this error occurred and to ensure that officers are in possession of accurate information when responding to a PLI.</p> <p>The Council have accepted the recommendations and will act on them accordingly.</p>
24/10/07	200601406	<p>the Council:</p> <p>(a) did not correctly handle Ms C's claim for compensation (upheld); and</p> <p>(b) did not respond appropriately to her concerns (upheld).</p>	Upheld	YES	<p>(i) pass a copy of this report and the information provided by them relating to location X and location Y to their Claims Handlers for re-consideration of the claim;</p> <p>(ii) apologise to Ms C for the delays in processing her claim;</p> <p>(iii) ensure that all organisations working on their behalf are aware of the Council's complaints procedure, and the Ombudsman's role within this, and are given guidance on how to respond if complaints are made relating to work undertaken for the Council;</p> <p>(iv) review actions taken in response to previous reports and ensure that these would also remedy the problems identified in this report or undertake appropriate action to do so; and</p> <p>(v) apologise to Ms C for the faults in the complaint handling identified in this report.</p> <p>The Council have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.</p>
24/10/07	200601887	<p>(a) the Council were unreasonable in the way they treated Ms C as an objector to a previous application for the same project (not upheld); and</p> <p>(b) there were failings in the way the Council handled Ms C's complaints about this matter (upheld).</p>	Partially upheld	YES	<p>(i) apologise to Ms C for failing to give a full response to her complaint; and</p> <p>(ii) confirm that recent improvements to their complaints handling system address the issues highlighted in this report.</p> <p>The Council have accepted the recommendations and will act on them accordingly.</p>

21/11/07	200502234	(a) Ms C received conflicting advice about whether the replacement of the linoleum in her flat was her responsibility (upheld); (b) there was a lack of clarity about what sort of support would be offered to Ms C by Care Housing (not upheld); and (c) there were delays in dealing with Ms C's formal complaint to the Council (not upheld).	Partially upheld	NONE	The Ombudsman has no recommendations to make.
19/12/07	200500263	(a) the Council's actions in carrying out relevant repairs were inadequate (not upheld); and (b) the Council failed to provide temporary accommodation (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
20/02/08	200400224	the Council: (a) failed in their statutory duty to offer appropriate full-time education to Child C suitable for his needs (no finding); (b) failed to provide Mr and Mrs C as parents with adequate and sufficient information to make an informed choice of school for Child C and to ensure smooth transitional arrangements and liaison between schools (not upheld); (c) failed, following Child C's exclusion from School C in September 2002, to take timely and appropriate steps to deal with the exclusion and to support Child C and Mr and Mrs C (upheld); (d) failed to deal in an appropriate and timely manner with Mr and Mrs C's placing request for Child C to attend a residential school in England (partially upheld); and (e) dealt inappropriately with two complaints Mr and Mrs C submitted (partially upheld).	Partially upheld	YES	(i) review the problems confronted by Mr and Mrs C in securing appropriate suitable education to meet Child C's needs; (ii) apologise to Mr and Mrs C for their failures identified in the report; and (iii) review the implementation of the Council's complaints procedures particularly with regard to services for children and young people.
20/02/08	200502567	the Council: (a) failed to ensure that the expense was reasonably incurred (not upheld); (b) failed to ensure that the extent of the work carried out was reasonable and not excessive (not upheld); (c) failed to correspond within a reasonable period with regard to various correspondence relating to the matter (not upheld); (d) failed to correspond for a period of more than one year with regard to the matter (not upheld); (e) failed to confirm the outcome of the 'appeals' of the cases (not upheld); (f) failed to take positive action to try to produce a solution (not upheld); (g) failed to provide an effective Customer Complaint process (upheld); (h) failed to issue Statutory Notices and corresponding invoices correctly (not upheld); (i) failed to issue Statutory Notices timeously (not upheld); (j) failed to adequately warn Mr C and other owners and occupiers that scaffolding was due to be erected outside their properties (not upheld); and (k) used threatening and bullying language with regard to pursuing payment of the invoices sent in September 2005 (not upheld).	Partially upheld	YES	(i) apologise to Mr C for the confusion and omissions in their handling of his complaints; and (ii) make clear to complainants what the various stages in their complaints process are, which department they should expect to receive communication from, how to progress their complaints through the process, indicate clearly when the Council believe that the process has been completed and what they can do if they remain dissatisfied in each specific case. The Council have accepted the recommendations and will act on them accordingly.
20/02/08	200602550	(a) changes to parking on the Street were introduced without any road safety assessments being carried out by the Council (not upheld); and (b) the decision to make changes to parking did not take account of the fact that the Council had granted planning permission for the Development, which led to 100 additional cars using the Street (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.

20/02/08	200603359	<p>(a) Mr C's neighbour received planning permission to erect a sun room which breached planning guidelines (not upheld);</p> <p>(b) the Council advised Mr C that Permitted Development Rights (PDR) had been withdrawn, when in fact this was not the case (not upheld); and</p> <p>(c) the Council advised Mr C that the fence at the rear of his property required planning permission, only to advise him later that the fence did not require planning permission (upheld).</p>	Partially upheld	YES	<p>(i) make a full formal written apology to Mr C for providing conflicting and confusing information in relation to the fence at the rear of his property; and</p> <p>(ii) consider ways of ensuring that relevant staff seek advice when complicated and sensitive situations arise.</p>
20/02/08	200604111	<p>the Council:</p> <p>(a) failed to ensure that Mr N complied with the requisite notification of his proposals (partially upheld);</p> <p>(b) failed to take action on a neighbour notification received by Mr C on 16 March 2006 which was clearly invalid (partially upheld);</p> <p>(c) failed to respond to Mr C's request of 25 April 2006 for information on when the Application would be considered and if he could address the Development Quality Sub-Committee (upheld); and</p> <p>(d) compiled a report on the Application without a site visit by a planning officer and which contained errors of fact and incorrect interpretation of their own policies (not upheld).</p>	Partially upheld	YES	<p>apologise to Mr C for their identified failings.</p> <p>The Council have accepted the recommendation and will act on it accordingly.</p>