

THE HIGHLAND 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 planning, and below average for complaints about housing and 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 23 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 30, representing 39% 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 six complaints about your Council in 2007-08, of which we partially upheld two and did not uphold 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.

We discontinued one complaint about your Council at the investigation stage; this complaint was not reported on.

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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>.

The Highland 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		Complaints		
Building Control	0	0	1	1	2%	20	2%	
Consumer protection	1	0	0	0	0%	3	0%	
Economic development	0	0	0	0	0%	4	0%	
Education	3	2	3	0	0%	67	5%	
Env Health & Cleansing	3	0	1	1	2%	69	5%	
Finance	6	0	10	5	9%	123	9%	
Fire & police boards	0	0	0	0	0%	1	0%	
Housing	19	11	14	10	17%	394	30%	
Land & Property	3	1	0	0	0%	31	2%	
Legal & admin	6	4	5	3	5%	66	5%	
National Park Authorities	0	0	0	0	0%	2	0%	
Other	1	0	2	0	0%	6	0%	
Personnel	0	0	3	2	3%	29	2%	
Planning	34	23	38	27	47%	243	18%	
Recreation & Leisure	2	2	1	1	2%	21	2%	
Roads	2	0	4	4	7%	71	5%	
Social Work	10	4	7	2	3%	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	2	3%	20	2%	
Total	94	47	91	58		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	22	30
	Out of jurisdiction	10	13
	Discontinued or suspended before investigation	1	6
	Withdrawn / Failed to provide information before investigation	2	4
Examination	Determined after detailed consideration	1	17
	Report Issued - Not Upheld	0	4
Investigation	Report Issued - Partially Upheld	4	2
	Report Issued - Fully Upheld	1	0
	Discontinued during investigation	0	1
	Withdrawn / Failed to provide information during investigation	0	0
Total		41	77

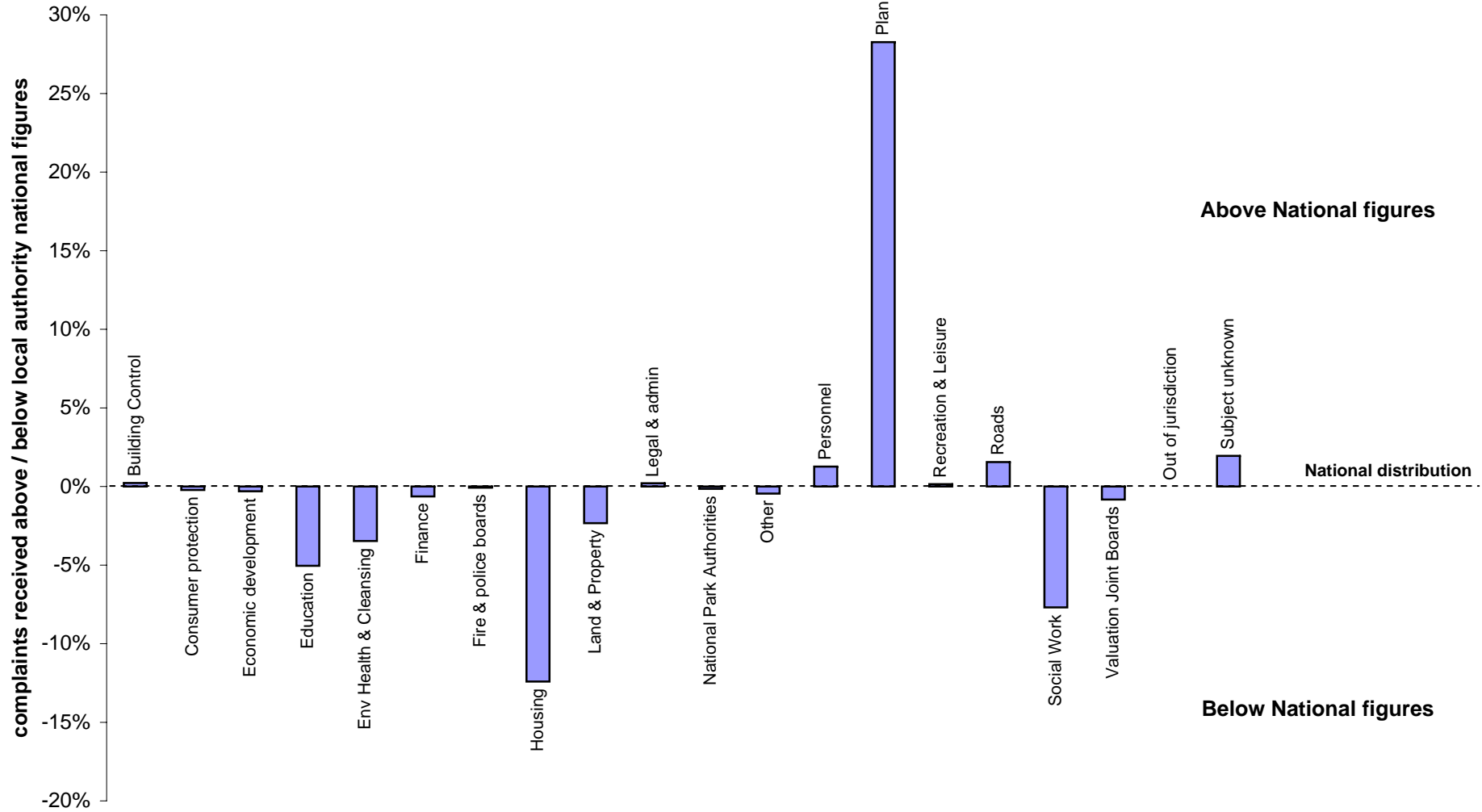
Note about comparing 2007-08 complaint numbers to the previous year:

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 Highland Council proportions compared to the distribution of all local authority complaints received



The Highland Council

	Case Ref	Summary	Finding	Recs	Recommendation(s)
23/05/07	200502225	(a) the Council failed to notify Mr and Mrs D of outstanding Council Tax in a timely manner (not upheld); (b) contradictory information was provided by the Council regarding Mr and Mrs D's Council Tax account (not upheld); (c) inadequate checks were undertaken by the Council prior to taking formal action (not upheld); (d) an inadequate explanation was provided by Council staff for the error which occurred in relation to the handling of Mr and Mrs D's Council Tax account (not upheld); and (e) the investigation carried out by the Council into Mr and Mrs D's complaint was inadequate (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
23/05/07	200503214	(a) a staff member's lack of knowledge of relevant legislation which sets out a tenant's right to buy (RTB) their council rented property resulted in a delay in the processing of the application (not upheld); and (b) the Council's actions delayed the processing of the application unnecessarily and the clarification of Mrs A's eligibility to buy her Council house (not upheld).	Not upheld	NONE	The Ombudsman has no recommendations to make.
19/09/07	200501241	a council finance officer at an interview in Mr C's home on 1 June 2004 gave Mr C and Mrs A misinformation which led Mrs A to sell her home at a price less than she expected and for Mrs A, Mr C and their adult son (Mr B) to sustain financial loss (not upheld).	Not upheld	YES	review the circumstances of the complaint to establish whether in similar circumstances an earlier conclusion could be reached on the question of residence for benefit purposes and whether there were additional steps they could take to help ensure that claimants are fully advised about regulations and entitlement. The Council have accepted the recommendations.

19/09/07	200600426	<p>(a) the Council failed to undertake public consultation between 2001 (when the project was first raised as a possibility) and December 2003 (when outline planning approval was subject to public consultation) (not upheld);</p> <p>(b) the Ross and Cromarty Planning Committee (the Planning Committee)'s decision to grant outline planning approval was taken to anchor the PPP2 project and with a view to finding a solution to educational provision for schools throughout the Highlands, rather than being based on site specific and local planning considerations (not upheld);</p> <p>(c) the Council failed to take account of an Electoral Reform Society Ltd managed referendum which took place in February 2005 and which asked the question 'Are you in favour of the new Dingwall Academy being built on the existing playing fields?' 73.5% voted 'No' (not upheld);</p> <p>(d) the process by which the Planning Committee reached its decision was flawed because members of the community who attended the planning meeting of 16 February 2004 did not get the chance to make any representations without having previously submitted written objections (not upheld);</p> <p>(e) the Council failed to ensure that Dingwall Community Council (the Community Council) sought and represented local opinion (not upheld);</p> <p>(f) the Council failed to advise the Chairman of the Community Council to step aside given his alleged conflict of interest (not upheld);</p> <p>(g) the Council failed to consider advice from the Scottish Executive when they decided to build a new school on a flood plain (not upheld);</p> <p>(h) the Council failed to carry out an Environmental Impact Assessment (EIA) before making their decision to site the school (not upheld);</p> <p>(i) in correspondence with the complainant, the Council failed to clarify who made the decision to site the school on the playing fields or the rationale for making that decision (not upheld);</p> <p>(j) the Council failed to follow their own guidelines by not having a Sustainable Design Statement for the project (not upheld);</p> <p>(k) the Outline Business Case (OBC) that was presented to the Education, Culture and Sport Committee (the ECS Committee) in its consideration of a course of action regarding PPP2 was too short, one-sided, inaccurate and contradictory to allow the ECS Committee to reach a well informed and balanced decision (not upheld); and</p> <p>(l) the Planning Committee's decision to approve the reserved matters application on 11 April 2005 went against the requirement of the Local Plan (the Local Plan) (not upheld).</p>	Not upheld	NONE	The Ombudsman has no recommendations to make.
20/02/08	200500617	the Council failed over a number of years to ensure that the proprietors of the adjacent premises provided adequate car parking (partially upheld).	Partially upheld	NONE	The Ombudsman has no recommendations to make.

19/03/08	200600763	(a) Mr C was not given an explanation for the reasons why the development plot was affected by a change of circumstances or why the definitive advice given to him in October 2004 did not apply (not upheld); (b) Mr C's objections to planning permission were not taken into account and he was not advised that planning permission was granted on 6 April 2006 (upheld); and (c) the Council delayed in responding to Mr C's correspondence (not upheld).	Partially upheld	YES	emphasise to staff that care should be taken in responding to correspondence and that replies given to members of the public address the concerns raised and be made in a timely fashion. She also recommends that the Council apologise to Mr C for failing to advise him from the outset that planning permission had been granted.
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