

# CLACKMANNANSHIRE COUNCIL

## 2008-9 Statistics Tables – Explanatory Notes and Commentary

**Tables:** Attached are summary details of the contacts and complaints about your Council that the SPSO received and determined in 2008-09. Table 1 details total contacts (by our subject categories) received for your Council for 2007-08 and 2008-09, alongside the total of local authority complaints for these years. We recorded 5 complaints about the Council, compared to 9 in the previous year. Table 2 shows the outcomes of complaints determined by the SPSO in 2008-09.

**Graph:** The graph shows, for each Council, the percentage of complaints that we received and determined as premature, against the national average in 2008-9 (60%). We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of the organisation. The graph does not reflect the number of premature complaints that we received about your Council, but shows how your Council, proportionately, compares against the average for Scottish local authorities. Your Council is number 8 on the graph, above the average. You'll see from Table 2 that the actual number of premature complaints for your Council was 4 out of a total of 6 complaints determined (67% of the total for your Council). This was an increase on the previous year's figure of 6 out of 11 (55% of the total for your Council). This doesn't represent an increase in numbers, but shows an increase in the *proportion* of complaints we determined to be premature. It is also, however, based on a very low number of complaints received.

*NB We don't adjust any of our figures to mitigate the impact of housing stock transfer. It's evident, however, that there's a tendency for authorities that retain housing stock to receive more complaints and 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's a disproportionately high incidence of prematurity with housing complaints.*

### Complaints and Recommendations Reported to Parliament

We reported on one complaint about your Council in 2008-09, which we partially upheld. Attached is a summary sheet for this complaint, summarising the recommendations made. As you are no doubt aware, in appropriate cases the Ombudsman may make recommendations where a complaint is not upheld, if he believes that there are lessons that may be learned. You will also be aware that SPSO Complaints Investigators follow 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, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or email [awhite@spsso.org.uk](mailto:awhite@spsso.org.uk). Fuller statistical reports are available on our website at: <http://www.spsso.org.uk/statistics/index.php>.

# Clackmannanshire Council

Table 1

Received by Subject	2007/8			All Local Authority Complaints			2008/9			All Local Authority Complaints		
	Total Contacts	Complaints Only	complaints as % of total	Total Contacts	Complaints Only	complaints as % of total	Total Contacts	Complaints Only	complaints as % of total	Total Contacts	Complaints Only	complaints as % of total
Building Control	0	0	0%	20	2%		0	0	0%	27	2%	
Consumer Protection	0	0	0%	3	0%		0	0	0%	5	0%	
Economic Development	0	0	0%	4	0%		0	0	0%	4	0%	
Education	0	0	0%	67	5%		0	0	0%	89	6%	
Environmental Health & Cleansing	0	0	0%	69	5%		1	0	0%	69	4%	
Finance	0	0	0%	123	9%		0	0	0%	148	9%	
Fire & Police Boards	0	0	0%	1	0%		0	0	0%	1	0%	
Housing	6	5	56%	394	30%		4	4	80%	459	29%	
Land & Property	0	0	0%	31	2%		0	0	0%	32	2%	
Legal & Admin	1	1	11%	66	5%		0	0	0%	79	5%	
National Park Authorities	0	0	0%	2	0%		0	0	0%	5	0%	
Other	0	0	0%	6	0%		0	0	0%	9	1%	
Personnel	0	0	0%	29	2%		0	0	0%	22	1%	
Planning	1	1	11%	243	18%		2	1	20%	269	17%	
Recreation & Leisure	0	0	0%	21	2%		0	0	0%	44	3%	
Roads & Transport	0	0	0%	71	5%		0	0	0%	87	5%	
Social Work	3	2	22%	148	11%		0	0	0%	188	12%	
Valuation Joint Boards	0	0	0%	11	1%		0	0	0%	24	1%	
Out of Jurisdiction	0	0	0%	0	0%		0	0	0%	1	0%	
Subject Unknown	0	0	0%	20	2%		0	0	0%	42	3%	
<b>Total</b>	<b>11</b>	<b>9</b>		<b>1,329</b>			<b>7</b>	<b>5</b>		<b>1,604</b>		

## Clackmannanshire Council

Table 2

<b>Complaints Determined by Outcome</b>		<b>2007/8</b>		<b>2008/9</b>	
		<b>All Local Authority</b>		<b>All Local Authority</b>	
Assessment	Premature	6	760	4	923
	Out of Jurisdiction	0	154	0	102
	Withdrawn or failed to provide information before investigation	1	178	0	158
	Discontinued or suspended before investigation	0	42	1	12
Examination	Determined after detailed consideration	2	240	0	279
Investigation	Report issued: not upheld	1	82	0	25
	Report issued: partially upheld	0	62	1	22
	Report issued: fully upheld	0	23	0	15
	Withdrawn or failed to provide information during investigation	0	4	0	1
	Discontinued or suspended during investigation	1	13	0	9
<b>Total</b>		<b>11</b>	<b>1,558</b>	<b>6</b>	<b>1,546</b>

Clackmannanshire Council

Published	Case Ref.	Summary	Decision	Recommendation(s)
23/04/08	200602270	<p>School 1:</p> <p>(a) failed to provide Miss C with a date on which her exclusion would finish and on which she could return to School 1 (upheld);</p> <p>(b) told Miss C that she would not be able to return to School 1 until the outcome of her appeal was known. Miss C believed that she should have been allowed to return while her appeal was pending (not upheld);</p> <p>(c) failed to tell Miss C and Mrs C who would attend a meeting at School 1 on 6 February 2006 (upheld);</p> <p>(d) failed to inform the Director of Services to People that Miss C had been excluded (not upheld);</p> <p>(e) failed to give Miss C direct teaching input while she was excluded from School 1 for a month (upheld);</p> <p>(f) unnecessarily called a school in another Council's area (School 2) on 20 March 2006 despite the fact that Mrs C had already informed the Council's staff that they were moving to another town outwith the Council's area (not upheld);</p> <p>(g) released Miss C's personal information to School 2 even though, at that time, she did not attend there (not upheld);</p> <p>(h) intentionally and unnecessarily caused alarm to School 2 by telling them about Miss C and her family on 20 March 2006, which gave a bad impression of Miss C at School 2 where she was not yet a pupil (not upheld);</p> <p>(i) intentionally sent a record of Miss C's exclusion to School 2 on 21 March 2006 even though the Council had lifted the reference to exclusion from the file prior to 15 March 2006 (not upheld);</p> <p>(j) failed to inform School 2 that Miss C had returned to School 1 on 27 February 2006 (not upheld);</p> <p>(k) failed to enrol Miss C with the Scottish Qualifications Authority (SQA) at the same time as enrolling all other pupils (not upheld);</p> <p>(l) failed to enrol Miss C with the SQA towards the end of April 2006 when School 2 called urgently regarding Miss C's exam timetable (not upheld);</p> <p>(m) failed to inform the SQA of Miss C's change of address when enrolling her with the SQA at the end of May (not upheld);</p> <p>(n) failed to provide satisfactory reasons why Miss C was not allowed to go on a school trip in May 2005 and unfairly discriminated against Miss C by not allowing her to go on the trip (not upheld);</p>	partially upheld	<p>(i) either review their Exclusion Policy to match their normal practice or take steps to ensure that their normal practice is in line with their current Exclusion Policy;</p> <p>(ii) apologise to Miss C for not providing her with the direct teaching input to which she was entitled during her exclusion; and</p> <p>(iii) remind relevant officers at School 1 of the requirements of the Exclusion Policy so that, in future, arrangements are made for pupils with a Stage 3 exclusion to be provided direct teaching input.</p> <p>The Council have accepted the recommendations and will act on them accordingly.</p>

Clackmannanshire Council (continued)

Published	Case Ref.	Summary	Decision	Recommendation(s)
		<p>The Council:</p> <p>(o) 'nagged' Mrs C and Miss C to consider enrolling at two other schools in the Council's area (School 3) and (School 4), even though Mrs C had made clear that she wished Miss C to return to School 1 (not upheld);</p> <p>(p) refused to accept Mrs C and Miss C's decision to return to School 1 during a meeting on 22 February 2006 (not upheld);</p> <p>(q) inappropriately called School 4 about Miss C without the consent or knowledge of Miss C or Mrs C (not upheld);</p> <p>(r) inappropriately requested that Mrs C enrol Miss C at School 4 when Mrs C had never thought of enrolling her there (not upheld);</p> <p>(s) repeatedly pressed Mrs C and Miss C to reconsider enrolling Miss C at either School 3 or School 4, causing emotional harm to them (not upheld);</p> <p>(t) School 3 failed to respond to Mrs C's email requesting that Miss C attend School 3 (not upheld);</p> <p>(u) School 3 ignored Mrs C's emails in which she said that she had changed her mind and wanted Miss C to stay at School 1 (not upheld);</p> <p>(v) School 3 inappropriately sent an email to Mrs C requesting a meeting with the rector of School 3 even though Mrs C had already stated that she wanted Miss C to return to School 1 (not upheld);</p> <p>(w) School 3 inappropriately requested, over the telephone, that Mrs C attend a meeting even though she had already informed School 3 and the Council that Miss C wanted to go back to School 1 (not upheld); and</p> <p>(x) School 3's actions referred to in complaints (v) and (w) were done with the intention of putting Miss C off returning to School 1, possibly on the instructions of the Council (not upheld).</p>		