

## 2009-10 Statistics Tables – Explanatory Notes and Commentary

### Tables:

Attached are summary details of the complaints that the SPSO received and determined about your Council in 2009-10. Table 1 details the number of complaints (by our subject categories) received for your Council for 2008-09 and 2009-10, alongside the total of local authority complaints for these years. In previous years we have used this table to show the total of all contacts (enquiry calls and complaints) that we received about your council. This year we have not included enquiry calls, as feedback has shown that it is more meaningful for you if we concentrate on the actual complaints received. We recorded 33 complaints about the Council, compared to 35 in the previous year.

Table 2 shows the outcomes of complaints determined about your Council by the SPSO in 2009-10. Received and determined numbers do not normally tally exactly, as figures tend to include cases carried forward from the previous year.

**Graph of prematurity rates:** The anonymised graph shows, for each Council, the percentage of complaints that we received and determined as premature, against the national average in 2009-10 (55%). This represents a decrease on the 2008-9 average of 60%, which is to be welcomed. Figures have been rounded up or down to the nearest whole percentage.

We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of your 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 18 on the graph, just above the average. You will see from Table 2 that the actual number of premature complaints for your Council was 23 out of a total of 41 complaints determined (56% of the total for your Council). The previous year's figure was 18 out of 30 (60% of the total for your Council). The proportion of premature complaints has therefore reduced against an increased number of complaints determined.

*NB We do not adjust our figures to mitigate the impact of housing stock transfer. It is evident, however, that there is 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 is a disproportionately high incidence of prematurity in housing complaints.*

### Reported Complaints and Recommendations

We investigated and reported on four complaints about your Council in 2009-10, of which we upheld one, and partially upheld three. Attached is a summary sheet showing all these complaints, and summarising 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 reviewers 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 provided, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or by emailing [awhite@sps.org.uk](mailto:awhite@sps.org.uk). Statistical reports are available on the SPSO website at: <http://www.sps.org.uk/statistics/index.php>.

Table 1

Complaints Received by Subject		North Ayrshire Council	Complaints as % of total	Sector Total	Complaints as % of total
<b>2008-09</b>	Building Control	0	0%	27	2%
	Consumer protection	1	3%	5	0%
	Economic development	0	0%	4	0%
	Education	2	6%	89	6%
	Environmental Health & Cleansing	1	3%	69	4%
	Finance	0	0%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	13	37%	459	29%
	Land & Property	1	3%	32	2%
	Legal & admin	3	9%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	0	0%	9	1%
	Personnel	0	0%	22	1%
	Planning	5	14%	269	17%
	Recreation & Leisure	0	0%	44	3%
	Roads & Transport	2	6%	87	5%
	Social Work	6	17%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	1	3%	43	3%
	<b>Total</b>	<b>35</b>		<b>1,604</b>	
<b>2009-10</b>	Building Control	1	3%	36	2%
	Consumer protection	1	3%	10	1%
	Economic development	0	0%	2	0%
	Education	0	0%	94	5%
	Environmental Health & Cleansing	0	0%	71	4%
	Finance	2	6%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	11	33%	432	25%
	Land & Property	1	3%	33	2%
	Legal & admin	2	6%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	0	0%	11	1%
	Personnel	1	3%	24	1%
	Planning	4	12%	264	15%
	Recreation & Leisure	1	3%	73	4%
	Roads & Transport	0	0%	94	5%
	Social Work	3	9%	199	11%
	Valuation Joint Boards	1	3%	19	1%
	Subject Unknown or Out Of Jurisdiction	5	15%	128	7%
	<b>Total</b>	<b>33</b>		<b>1,734</b>	

Table 2

Complaints Determined By Outcome			North Ayrshire Council	
			Sector Total	
2008/09	Assessment	Premature	18	923
		Out of Jurisdiction	1	102
		Discontinued before Investigation	5	170
	Examination	Determined after detailed consideration	5	279
	Investigation	Report issued: complaint not upheld	0	25
		Report issued: complaint partially upheld	1	22
		Report issued: complaint fully upheld	0	15
		Discontinued during Investigation	0	10
		<b>Total</b>	<b>30</b>	<b>1,549</b>
	2009/10	Assessment	Premature	23
Out of Jurisdiction			1	118
Discontinued before Investigation			4	194
Other			0	17
Examination		Determined after detailed consideration	9	409
Investigation		Report issued: complaint not upheld	0	13
		Report issued: complaint partially upheld	3	25
		Report issued: complaint fully upheld	1	12
		Discontinued during Investigation	0	6
		<b>Total</b>	<b>41</b>	<b>1,837</b>

North Ayrshire Council

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
20/05/2009	200702097	(a) Council officials did not respond adequately to Mr C's representation to them about alleged breaches of confidentiality by one of their officers (upheld); and (b) Council staff lied to Mr C about staff contacts with journalists. Mr C considers that there has been an abuse of power (not upheld).	partially upheld	The Ombudsman had already made informal recommendations to the Council which were accepted and acted on by them. Consequently, the Ombudsman has no further recommendations to make.
17/06/2009	200701748 200801358	(a) mishandled the planning proposals relating to the extension of a residential property; (upheld) and (b) failed to deal properly with Mr and Mrs D's representations about these proposals (not upheld).	partially upheld	(i) review their procedures to ensure that these contain clear advice on reporting to the Planning Committee where premature works have been carried out, whether or not these form part of the representations to a development proposal; (ii) formally apologise to Mr and Mrs C and Mr and Mrs D for the shortcomings identified in this report; (iii) make a payment of £500 to Mr and Mrs C and also to Mr and Mrs D towards their expenses; and (iv) examine and consider improvements in how they handle correspondence in any ongoing service review.  The Council have accepted the recommendations and will act on them accordingly.

North Ayrshire Council and Ayrshire and Arran NHS Board

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
23/12/2009	200701747 200800670	(a) during the period May 2006 to September 2007 the Board failed to provide appropriate care to address Mr C and his family's deteriorating health, resulting from the Council's alleged failure to fulfil their duties towards Mr C and his family (not upheld); (b) during the period May 2006 to September 2007 the Board failed to put in place a programme of intervention to meet Child C's needs (not upheld); and (c) during the period May 2006 to September 2007 the Board failed to provide proper care to alleviate the distress caused to Mr C and his family from the effects of his son's disability (not upheld). (d) from March 2005 to May 2008, the Council failed to properly assess Mr C and his family's needs for support from social work services and subsequently provide this support, in accordance with procedure (not upheld); (e) the Council failed to inform Mr C that from 6 April 2008 Child C would lose his right to all his 'banked hours' (upheld); and (f) the Council failed to allocate Child C a new social worker, after the previous one left in December 2007 (not upheld).	partially upheld	(i) re-instate Child C's unused hours of support for the period 25 October 2005 to 25 April 2008; and (ii) take note of both the Ombudsman's Mental Health Adviser (Adviser 1)'s and the Ombudsman's Psychiatric Adviser's comments on multi-agency working in this case, and seek to implement Adviser 1's suggestions at paragraph 128, in particular, the suggestion that stakeholders 'regroup' to re-establish and commit to effective future collaborative working arrangements, including a set of principles upon which future care should be based.  The Ombudsman recommends that the Board take note of both the Ombudsman's Mental Health Adviser (Adviser 1)'s and the Ombudsman's Psychiatric Adviser's comments on multi-agency working in this case, and seek to implement Adviser 1's suggestions at paragraph 128, in particular, the suggestion that stakeholders 'regroup' to re-establish and commit to effective future collaborative working arrangements, including a set of principles upon which future care should be based.  The Board and the Council have accepted the recommendations and will act on them accordingly.