

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 211 complaints about the Council, compared to 193 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 15 on the graph, just above the average. You will see from Table 2 that the actual number of premature complaints for your Council was 125 out of a total of 218 complaints determined (57% of the total for your Council). The previous year's figure was 118 out of 197 (60% of the total for your Council). The proportion of premature complaints has therefore reduced slightly 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 seven complaints about your Council in 2009-10, of which we upheld two, partially upheld three and did not uphold two. Attached is a summary sheet showing all these complaints, and summarising any 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. 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. Statistical reports are available on the SPSO website at: <http://www.spsso.org.uk/statistics/index.php>.

Table 1

Complaints Received by Subject		The City of Edinburgh Council	Complaints as % of total	Sector Total	Complaints as % of total
2008-09	Building Control	10	5%	27	2%
	Consumer protection	0	0%	5	0%
	Economic development	3	2%	4	0%
	Education	4	2%	89	6%
	Environmental Health & Cleansing	10	5%	69	4%
	Finance	38	20%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	56	29%	459	29%
	Land & Property	5	3%	32	2%
	Legal & admin	6	3%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	1	1%	9	1%
	Personnel	2	1%	22	1%
	Planning	19	10%	269	17%
	Recreation & Leisure	1	1%	44	3%
	Roads & Transport	12	6%	87	5%
	Social Work	20	10%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	6	3%	43	3%
	Total	193		1,604	
2009-10	Building Control	18	9%	36	2%
	Consumer protection	0	0%	10	1%
	Economic development	0	0%	2	0%
	Education	8	4%	94	5%
	Environmental Health & Cleansing	9	4%	71	4%
	Finance	38	18%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	58	27%	432	25%
	Land & Property	2	1%	33	2%
	Legal & admin	11	5%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	0	0%	11	1%
	Personnel	4	2%	24	1%
	Planning	28	13%	264	15%
	Recreation & Leisure	3	1%	73	4%
	Roads & Transport	8	4%	94	5%
	Social Work	13	6%	199	11%
	Valuation Joint Boards	0	0%	19	1%
	Subject Unknown or Out Of Jurisdiction	11	5%	128	7%
	Total	211		1,734	

Table 2

Complaints Determined By Outcome			The City of Edinburgh Council	
			Sector Total	
2008/09	Assessment	Premature	118	923
		Out of Jurisdiction	11	102
		Discontinued before Investigation	22	170
	Examination	Determined after detailed consideration	40	279
	Investigation	Report issued: complaint not upheld	0	25
		Report issued: complaint partially upheld	3	22
		Report issued: complaint fully upheld	1	15
		Discontinued during Investigation	2	10
		Total	197	1,549
	2009/10	Assessment	Premature	125
Out of Jurisdiction			13	118
Discontinued before Investigation			22	194
Other			9	17
Examination		Determined after detailed consideration	41	409
Investigation		Report issued: complaint not upheld	2	13
		Report issued: complaint partially upheld	3	25
		Report issued: complaint fully upheld	2	12
		Discontinued during Investigation	1	6
		Total	218	1,837

The City of Edinburgh Council

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
22/07/2009	200800154	(a) the Council failed to follow their own, and the Department for Work and Pensions, guidance when administering the Tenant's housing benefit account (upheld); (b) the Council failed to adequately investigate the Tenant's personal circumstances before deciding to pay housing benefit to the Tenant (upheld); and (c) the Council's communication was poor (upheld).	upheld	(i) pay any outstanding amounts to cover rent arrears for the period 20 November 2006 to 23 September 2007 to Mr C in one single payment; (ii) remind their staff of their procedures for advising interested parties of decisions made in relation to Local Housing Allowance accounts; and (iii) apologise to Mr C for failings identified in this report. The Council have accepted the recommendations and will act upon them accordingly.
19/08/2009	200802060	the Council: (a) failed to serve Mr C and Ms D as part owners of the tenement with statutory notices issued on 13 October 2004 (not upheld); (b) failed to update their records on ownership and keep Mr C and Ms D informed of progress on the contract (upheld); and (c) failed to respond sympathetically to Mr C and Ms D's request to be given sufficient time to pay accounts for nearly £7,600 of which they had no prior forewarning (not upheld).	Partially Upheld	(i) the statutory notice intimation and relevant subsequent correspondence include an appropriate statement for the recipient to contact the Council to alert them to any change in ownership; (ii) in the case of commercial properties included in statutory notices, Corporate Property and Contingency Planning institute a practice of checking with the Scottish Assessors Association website to ascertain whether there has been a pertinent recent change of ownership which would require them to update their ownership records; and (iii) in the light of the failure to communicate with Mr C and Ms D and update them, the Council consider whether it is appropriate to levy the full administration charge. The Council have accepted the recommendations and have acted on them accordingly.
19/08/2009	200802077	the Council unfairly altered to Mr C's detriment the list of recipients for works instructed by the Council as a result of statutory notices served by them (not upheld).	Not Upheld	The Ombudsman has no recommendation to make.
23/09/2009	200802763	(a) failed to inform Ms C as a co-owner of the service of statutory notices on 24 June 2005 (upheld); (b) and their agents failed to update Ms C on the progress of the works (upheld); and (c) delayed in serving the accounts for the works until September 2008 and failed to give Ms C appropriate opportunity to make financial arrangements (not upheld).	partially upheld	(i) review their procedures in updating their database on property ownership to ensure that the database is current; and (ii) consider whether, given their failures to issue Ms C with the statutory notice and to directly update her, there is scope for them to commute part of their administration charge in respect of the contract. The Council informed the Ombudsman that they accepted the findings in the report, and had set in place action in implementation of the recommendations including the waiving of a third of their administration charge.
18/11/2009	200801344	(a) the Council too broadly defined the works required, instructed significantly different work than set out in the notices, included extensive renewal and rebuilding instead of repair and limited replacement, and allowed additional work of betterment/improvement (partially upheld); and (b) Council officers sought to mislead Mr C by maintaining that renewals or replacements constituted general repair work (not upheld).	partially upheld	review the extent that they were responsible for the delays and increase in contract price and commute part of their administration charge.
17/02/2010	200700596	in 2007, the respite care offered by the Council did not reasonably meet the assessed needs of Miss A (not upheld).	not upheld	The Ombudsman has no recommendations to make.

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
17/02/2010	200802232	<p>(a) the Council changed their policy regarding street traders' licensing in the area where Mr and Ms C operate without consulting them (upheld);</p> <p>(b) Mr and Ms C were inappropriately charged for both non-domestic rates and street trader's licences (upheld);</p> <p>(c) the handling of the temporary licence applications was inadequate (upheld); and</p> <p>(d) the Council delayed unreasonably in dealing with the complaint (upheld).</p>	upheld	<p>(i) ensure that full written consultation is undertaken with those directly affected by any proposed change to street trading policy in future;</p> <p>(ii) remind staff involved in drafting reports to Council committees of the importance of ensuring that accurate information is presented;</p> <p>(iii) reimburse Mr and Ms C for the cost of the two temporary licence applications and take steps to ensure that information provided to applicants is clear and accurate;</p> <p>(iv) ensure that when officers are making a recommendation to the Licensing Sub-Committee to refuse a temporary licence application, the reasons for recommending refusal are clear and consistent;</p> <p>(v) ensure that, when a decision is made to refuse a temporary licence application under paragraph 5(3)(d) of Schedule 1 of the 1982 Act, the Council provides an adequate explanation for the 'good reason' which justified the refusal to the applicants;</p> <p>(vi) remind staff within the licensing department of the Council's stated timescales for responding to complaints and the importance of keeping the complainant updated if there is to be a delay in responding to a complaint; and</p> <p>(vii) apologise to Mr and Ms C for the failings identified in this report.</p>