

SCOTTISH BORDERS 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 20 complaints about the Council, compared to 28 in the previous year. Table 2 shows the outcomes of complaints determined by the SPSO in 2008-09.

Graphs: The first graph provides a visual representation of the information from the right side of Table 1. You'll see that in 2008-09 your Council was above the national average in terms of complaints about planning. Your Council was below the average for complaints about education. We received fewer complaints about finance than in the previous year.

The second 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 26 on the graph, below the average. You'll see from Table 2 that the actual number of premature complaints for your Council was 11 out of a total of 22 complaints determined (50% of the total for your Council). This was an increase on the previous year's figure of 10 out of 32 (31% of the total for your Council). This doesn't represent a large increase in numbers, but shows an increase in the *proportion* of complaints we determined to be premature, against a reduction in the overall number of complaints we received about your Council.

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 four complaints about your Council in 2008-09. We upheld one, partially upheld another and did not uphold two. Summary sheets for these complaints are attached, which also summarise 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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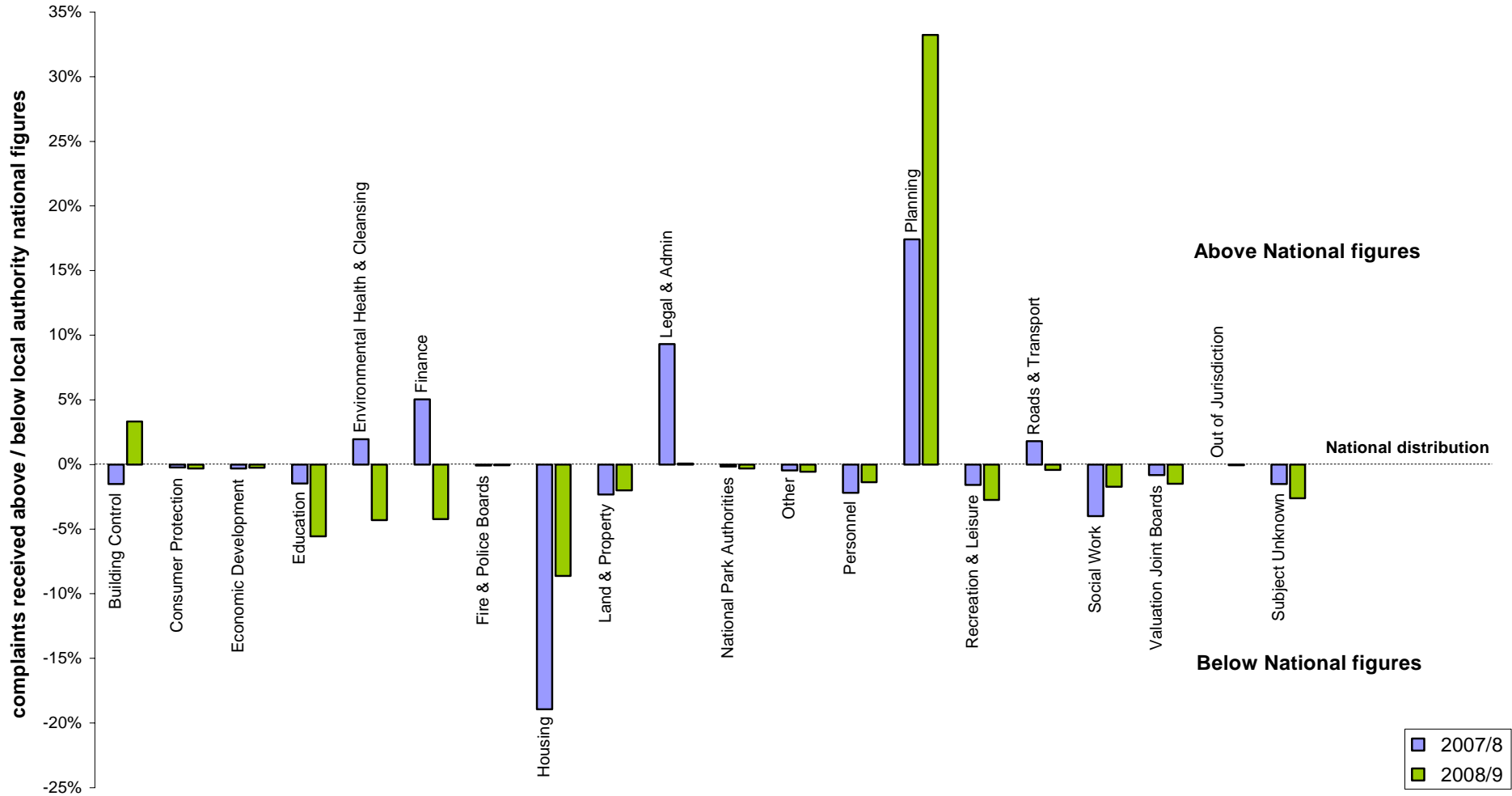
We hope that you find this summary information useful. If you have any enquiries about the statistics, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or email awhite@spsso.org.uk. Fuller statistical reports are available on our website at: <http://www.spsso.org.uk/statistics/index.php>.

Scottish Borders 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%		2	1	5%	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	3	1	4%	67	5%		0	0	0%	89	6%	
Environmental Health & Cleansing	4	2	7%	69	5%		1	0	0%	69	4%	
Finance	4	4	14%	123	9%		3	1	5%	148	9%	
Fire & Police Boards	0	0	0%	1	0%		0	0	0%	1	0%	
Housing	5	3	11%	394	30%		4	4	20%	459	29%	
Land & Property	0	0	0%	31	2%		0	0	0%	32	2%	
Legal & Admin	4	4	14%	66	5%		1	1	5%	79	5%	
National Park Authorities	0	0	0%	2	0%		0	0	0%	5	0%	
Other	0	0	0%	6	0%		1	0	0%	9	1%	
Personnel	0	0	0%	29	2%		0	0	0%	22	1%	
Planning	14	10	36%	243	18%		13	10	50%	269	17%	
Recreation & Leisure	0	0	0%	21	2%		0	0	0%	44	3%	
Roads & Transport	3	2	7%	71	5%		2	1	5%	87	5%	
Social Work	4	2	7%	148	11%		2	2	10%	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	1	0	0%	20	2%		1	0	0%	42	3%	
Total	42	28		1,329			30	20		1,604		

Complaints received by subject: Scottish Borders Council proportions compared to the distribution of all local authority complaints received



Scottish Borders Council

Table 2

Complaints Determined by Outcome		<i>2007/8</i>		<i>2008/9</i>	
		<i>All Local Authority</i>		<i>All Local Authority</i>	
Assessment	Premature	10	760	11	923
	Out of Jurisdiction	10	154	2	102
	Withdrawn or failed to provide information before investigation	1	178	3	158
	Discontinued or suspended before investigation	0	42	0	12
Examination	Determined after detailed consideration	8	240	2	279
Investigation	Report issued: not upheld	0	82	2	25
	Report issued: partially upheld	2	62	1	22
	Report issued: fully upheld	1	23	1	15
	Withdrawn or failed to provide information during investigation	0	4	0	1
	Discontinued or suspended during investigation	0	13	0	9
Total		32	1,558	22	1,546

Scottish Borders Council

Published	Case Ref.	Summary	Decision	Recommendation(s)
17/09/08	200602079	the Council demonstrated poor complaints handling by not adequately responding to the complaint Mr C made, regarding their Homecare Charges (upheld).	upheld	(i) ensure that all emails (and all manner of contact) are responded to, and responded to in good time, and that the Council adhere to their complaints handling procedure in this regard; (ii) seek to improve communication between Council departments when handling complaints and enquiries, such as in this case that involved the Social Work Department and Legal Services Department. This should include considering at what point the Customer Care Manager should be involved to co-ordinate and lead procedures. In addition, when a complaint or enquiry (formal or informal) is passed to another Council department for further action, the reason for this is explained to the complainant; and (iii) offer an apology to Mr C for the inadequate manner his complaint was dealt with. The Council have accepted the recommendations and will act on them accordingly.
17/12/08	200601561	the Council: (a) failed to guide Ms C through the Council's complaint's process or respond adequately to her complaint regarding the Homecare charges levied against her late aunt (not upheld); (b) postponed and delayed the Complaints Review Committee Hearing (the Hearing), which extended over the time period allowed for the Hearing to sit and report (upheld); and (c) delayed in forwarding a copy of the Hearing Report to Ms C (upheld).	partially upheld	apologise to Ms C for the delay to the Hearing taking place, and for the delay in forwarding her a copy of the Hearing Report. The Board have accepted the recommendations and will act on them accordingly.
18/02/09	200703245	that the handling of Mr and Mrs C's complaint by the CRC was inadequate (not upheld).	not upheld	apologise to Mr and Mrs C for the distress caused by the concerns raised by the CRC about the adequacy of the information provided to them prior to the CRC hearing. The Council have accepted the recommendation and will act on it accordingly.

Scottish Borders Council and Forestry Commission

Published	Case Ref.	Summary	Decision	Recommendation(s)
21/05/08	200601037 (200602206, 200602601 <i>about Forestry Commission Scotland</i>)	(a) the Council, as planning authority, failed properly to exercise their powers of development control and enforcement both with regard to the general planning situation at the Depot and with regard to temporary planning consents for the Business (not upheld); (b) the Forestry Commission, as developers, allowed activities to commence ahead of obtaining planning consent and made errors in their proposals to the detriment of Mr and Mrs C (partially upheld to the extent that some activities began before planning consents were granted); and (c) the Forestry Commission, as owners of the Depot and landlords of the Business, failed to act with diligence in dealing with issues of indecency, noise, wind blown dust and disturbance to Mr and Mrs C at anti-social hours (not upheld).	not upheld	The Ombudsman has no recommendations to make.