

# COMHAIRLE NAN EILEAN SIAR

## 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 14 complaints about the Council, compared to 11 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 25 on the graph, below the average. You will see from Table 2 that the actual number of premature complaints for your Council was six out of a total of 12 complaints determined (50% of the total for your Council). The previous year's figure was six out of 11 (55% of the total for your Council). The proportion of premature complaints has therefore reduced against a slightly increased number of complaints determined. As, however, the figures on which this is based are very small, proportions may be less meaningful than they are when based on larger numbers.

*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 one complaint about your Council in 2009-10, which we upheld. Attached is a summary sheet showing this complaint, and the recommendations made. You will 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		Comhairle nan Eilean Siar	Complaints as % of total	Sector Total	Complaints as % of total
<b>2008-09</b>	Building Control	0	0%	27	2%
	Consumer protection	0	0%	5	0%
	Economic development	0	0%	4	0%
	Education	4	36%	89	6%
	Environmental Health & Cleansing	0	0%	69	4%
	Finance	1	9%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	0	0%	459	29%
	Land & Property	0	0%	32	2%
	Legal & admin	1	9%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	0	0%	9	1%
	Personnel	1	9%	22	1%
	Planning	0	0%	269	17%
	Recreation & Leisure	0	0%	44	3%
	Roads & Transport	1	9%	87	5%
	Social Work	3	27%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	0	0%	43	3%
	<b>Total</b>	<b>11</b>		<b>1,604</b>	
<b>2009-10</b>	Building Control	0	0%	36	2%
	Consumer protection	0	0%	10	1%
	Economic development	0	0%	2	0%
	Education	4	29%	94	5%
	Environmental Health & Cleansing	0	0%	71	4%
	Finance	0	0%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	0	0%	432	25%
	Land & Property	0	0%	33	2%
	Legal & admin	1	7%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	0	0%	11	1%
	Personnel	2	14%	24	1%
	Planning	4	29%	264	15%
	Recreation & Leisure	0	0%	73	4%
	Roads & Transport	0	0%	94	5%
	Social Work	2	14%	199	11%
	Valuation Joint Boards	0	0%	19	1%
	Subject Unknown or Out Of Jurisdiction	1	7%	128	7%
	<b>Total</b>	<b>14</b>		<b>1,734</b>	

Table 2

Complaints Determined By Outcome			Comhairle nan Eilean Siar	
			Sector Total	
2008/09	Assessment	Premature	6	923
		Out of Jurisdiction	0	102
		Discontinued before Investigation	1	170
	Examination	Determined after detailed consideration	3	279
	Investigation	Report issued: complaint not upheld	1	25
		Report issued: complaint partially upheld	0	22
		Report issued: complaint fully upheld	0	15
		Discontinued during Investigation	0	10
		<b>Total</b>	<b>11</b>	<b>1,549</b>
	2009/10	Assessment	Premature	6
Out of Jurisdiction			3	118
Discontinued before Investigation			2	194
Other			0	17
Examination		Determined after detailed consideration	0	409
Investigation		Report issued: complaint not upheld	0	13
		Report issued: complaint partially upheld	0	25
		Report issued: complaint fully upheld	1	12
		Discontinued during Investigation	0	6
		<b>Total</b>	<b>12</b>	<b>1,837</b>

Comhairle nan Eilean Siar

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
21/10/2009	200701741	<p>the Council:</p> <p>(a) failed to honour a commitment to admit Child A to a class at School X (upheld);</p> <p>(b) acted unreasonably in refusing to consider enrolling Child A in individual classes (upheld); and</p> <p>(c) handled a complaint about these matters inadequately (upheld).</p>	upheld	<p>(i) ensure that all future responses to the Ombudsman are based on a review of the evidence available;</p> <p>(ii) put in place a policy and guidance for dealing with requests for support for home-educated children. As part of the process of creating the policy, they should consult with local teachers; the parents of home-educated children, children themselves and other local authorities. They should ensure that the policy is in line not only with the legislation but the guidance issued by the Scottish Government;</p> <p>(iii) remind all staff of the need to ensure that statements about decisions made by the Council are evidence-based and that, where advice is sought in coming to a decision, this is appropriately noted;</p> <p>(iv) undertake an audit of their complaints handling processes and procedures. This audit should be undertaken within three months of this report and be reported at quarterly intervals over the next 12 months (15 months in total) to the Ombudsman. The audit should demonstrate significant improvement over this time and show that the recommendations made in this and previous reports about complaint handling have been implemented;</p> <p>(v) ensure investigations of complaints are evidence-based; and</p> <p>(vi) apologise to Mr C and Child A separately and in full for the failings identified in this report including the events of 20 August 2007 and the distress caused.</p> <p>The Council have accepted the recommendations and will act on them accordingly.</p>