

## 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 126 complaints about the Council, compared to 87 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 5 on the graph, well above the average. You will see from Table 2 that the actual number of premature complaints for your Council was 81 out of a total of 128 complaints determined (63% of the total for your Council). The previous year's figure was 61 out of 89 (69% of the total for your Council). The proportion of premature complaints has therefore reduced against an increased number of complaints determined, although it still represents a high level of premature complaints received about your Council.

*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 five complaints about your Council in 2009-10, of which we partially upheld three and did not uphold two. Two of these were the subject of a joint report. Attached is a summary sheet showing all these complaints, and summarising any 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		South Lanarkshire Council	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	6	7%	89	6%
	Environmental Health & Cleansing	1	1%	69	4%
	Finance	6	7%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	41	47%	459	29%
	Land & Property	4	5%	32	2%
	Legal & admin	2	2%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	0	0%	9	1%
	Personnel	0	0%	22	1%
	Planning	14	16%	269	17%
	Recreation & Leisure	1	1%	44	3%
	Roads & Transport	5	6%	87	5%
	Social Work	7	8%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	0	0%	43	3%
	<b>Total</b>	<b>87</b>		<b>1,604</b>	
<b>2009-10</b>	Building Control	2	2%	36	2%
	Consumer protection	0	0%	10	1%
	Economic development	0	0%	2	0%
	Education	7	6%	94	5%
	Environmental Health & Cleansing	8	6%	71	4%
	Finance	7	6%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	48	38%	432	25%
	Land & Property	3	2%	33	2%
	Legal & admin	4	3%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	1	1%	11	1%
	Personnel	0	0%	24	1%
	Planning	14	11%	264	15%
	Recreation & Leisure	3	2%	73	4%
	Roads & Transport	7	6%	94	5%
	Social Work	13	10%	199	11%
	Valuation Joint Boards	0	0%	19	1%
	Subject Unknown or Out Of Jurisdiction	9	7%	128	7%
	<b>Total</b>	<b>126</b>		<b>1,734</b>	

Table 2

Complaints Determined By Outcome			South Lanarkshire Council	
			Sector Total	
2008/09	Assessment	Premature	61	923
		Out of Jurisdiction	5	102
		Discontinued before Investigation	4	170
	Examination	Determined after detailed consideration	14	279
	Investigation	Report issued: complaint not upheld	1	25
		Report issued: complaint partially upheld	2	22
		Report issued: complaint fully upheld	2	15
		Discontinued during Investigation	0	10
		<b>Total</b>	<b>89</b>	<b>1,549</b>
	2009/10	Assessment	Premature	81
Out of Jurisdiction			7	118
Discontinued before Investigation			18	194
Other			0	17
Examination		Determined after detailed consideration	17	409
Investigation		Report issued: complaint not upheld	2	13
		Report issued: complaint partially upheld	3	25
		Report issued: complaint fully upheld	0	12
		Discontinued during Investigation	0	6
		<b>Total</b>	<b>128</b>	<b>1,837</b>

South Lanarkshire Council

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
20/05/2009	200801890	<p>(a) the Council unreasonably awarded empty property relief to the tenant after Mrs C had already been awarded it (not upheld);</p> <p>(b) the Council's decision to award empty property relief to the tenant was wrong because he was using the premises for storage purposes and they were not empty (partially upheld to the extent that the Council did not make more reasonable enquiries beforehand to inform their decision making process on how to classify a property as 'empty');</p> <p>(c) the Council incorrectly interpreted The Non-Domestic Rating (Unoccupied Property) (Scotland) Regulations 1994 (the Regulations) to mean 'non-trading' (partially upheld to the extent that the Council did not make more reasonable enquiries beforehand to inform their decision making process on how to classify a property as 'unoccupied');</p> <p>(d) the Council failed to notify Mrs C that the tenant had been awarded the relief (upheld);</p> <p>(e) the Council's application form is misleading as it refers to 'empty property' rather than 'unoccupied' and does not warn applicants that they may lose the exemption if someone with a prior interest in the property makes a successful application at a later date (upheld); and</p> <p>(f) the Council wrongly continued to pursue Mrs C for the £343.51 they alleged she owed (not upheld).</p>	partially upheld	<p>(i) take the issue of non-domestic rates for discussion to the Scottish Association of the Institute of Revenues, Rating and Valuation (IRRV) before making any changes to their current procedures;</p> <p>(ii) should conduct a full review of their policies and procedures on this matter, following discussion with the IRRV, and provide clear guidance notes for staff to ensure that customers are kept informed of any changes to awards already made; and</p> <p>(iii) amend their application form to explain the definition of unoccupied property relief and include appropriate caveats/warnings. Rating notices should similarly be reworded to avoid confusion.</p>
22/07/2009	200701640	<p>the Council:</p> <p>(a) failed to consider properly objections relevant to the application (not upheld);</p> <p>(b) included misleading and incorrect information in their report to the planning committee (not upheld);</p> <p>(c) granted planning permission against relevant planning policies (not upheld);</p> <p>(d) failed to apply Building Research Establishment guidance properly in relation to sunlight (not upheld);</p> <p>(e) failed to calculate correctly sunlight availability in relation to Mr and Mrs C's property (not upheld);</p> <p>(f) failed to allow Mr C to give personal statements to the planning committee (not upheld); and</p> <p>(g) failed to handle Mr and Mrs C's formal complaint in line with the Council's complaints procedure (not upheld).</p>	not upheld	The Ombudsman has no recommendations to make.
24/03/2010	200801197 200801300	<p>(a) alternative sites for the New School were not properly considered (upheld);</p> <p>(b) the number and wording of planning conditions were inappropriate (upheld); and</p> <p>(c) the monitoring and approval of the conditions relating to flood prevention were not carried out properly (not upheld).</p>	partially upheld	<p>(i) remind staff of the need to ensure evaluation tools are not only used but used appropriately;</p> <p>(ii) review their policy on standard conditions and consider providing guidance to planning officers about when these should and could be altered;</p> <p>(iii) review their policy on the appointment of consultants, in an effort to avoid situations where they and an applicant or developer are using the same advisers and, where this is not possible, ensure this is noted and managed; and</p> <p>(iv) apologise to Mr and Mrs C and Mr D for the failings identified in this report.</p>

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
24/03/2010	200801246	the Council acted unreasonably in their decision not to fund a place for Mr A at Henshaws College (not upheld).	not upheld	<p>(i) apologise to Mr A for the delay to the introduction of his personal care package and the subsequent gap in his personal development;</p> <p>(ii) review their procedures to ensure that service users are provided with details of proposed care packages prior to being asked for their acceptance; and</p> <p>(iii) pay Mr A an appropriate sum that adequately reflects the hardship and injustice experienced by the family as a consequence of the considerable delay in putting in place a care package for him.</p> <p>At the time of publication, the Council have accepted recommendations (i) and (ii) and will act upon them accordingly. They have not accepted recommendation (iii).</p>