

REPORT TO: SCRUTINY COMMITTEE - 18TH NOVEMBER, 2009

REPORT ON: ANNUAL REPORT 2008/2009 SCOTTISH PUBLIC SERVICES OMBUDSMAN

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 559-2009

1.0 PURPOSE OF REPORT

To consider the Annual Report 2008/2009 from the Scottish Public Services Ombudsman.

2.0 RECOMMENDATIONS

It is recommended that the Committee note the contents of the Annual Report 2008/2009 from the Scottish Public Services Ombudsman.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 MAIN TEXT

4.1 The Scottish Public Services Ombudsman recently published his Annual Report for 2008/2009. A copy of the report is available on www.spsso.org.uk/webfm_send/2350. Separately, a statistical summary prepared by the Ombudsman relative to Dundee is appended hereto. In terms of the number of complaints the City Council had 29, out of the total for Scottish local authorities of 1,604. If Dundee City Council had received its per capita proportion of complaints then this would have equated to 45 complaints. Therefore the actual number of 29 is relatively a good performance compared to all other Scottish local authorities.

4.2 With reference to Case Ref 200603559, the Ombudsman did not uphold Mrs C's complaint but did recommend that the Council investigate restoring the steps to their previous design prior to the most recent renewal. The Council subsequently investigated this possibility, however, due to the most recent Building Regulations the old design of step would not comply as a result of the size of treads and risers in the old design.

As a result of this, a design for new steps developed in conjunction with Mrs C was agreed and installed. The new steps are a temporary structure such as that commonly used for ramps for wheelchair users, the advantage of this is that if Mrs C's circumstances change there is the capacity to change the access arrangements.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

6.0 CONSULTATIONS

This report has been subject to consultation with the Chief Executive and the Director of Finance.

7.0 BACKGROUND PAPERS

Annual Report 2008/2009 from Scottish Public Services Ombudsman.

Patricia McIlquham
Depute Chief Executive (Support Services)

DATE: 5 November 2009

DUNDEE CITY 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 29 complaints about the Council, compared to 30 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 social work. Your Council was below the average for complaints about planning. We received more complaints for your Council about housing 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 28 on the graph, below the average. You'll see from Table 2 that the actual number of premature complaints for your Council was 12 out of a total of 26 complaints determined (46% of the total for your Council). This was an increase on the previous year's percentage of 15 out of 38 (39% of the total for your Council). Of course, this doesn't represent an increase in numbers, which in fact dropped, but shows an increase in the *proportion* of complaints we determined to be premature.

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 only one complaint about your Council in 2008-09, which was not upheld. Attached is a summary sheet for this complaint, summarising the recommendation 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>.

Dundee City Council

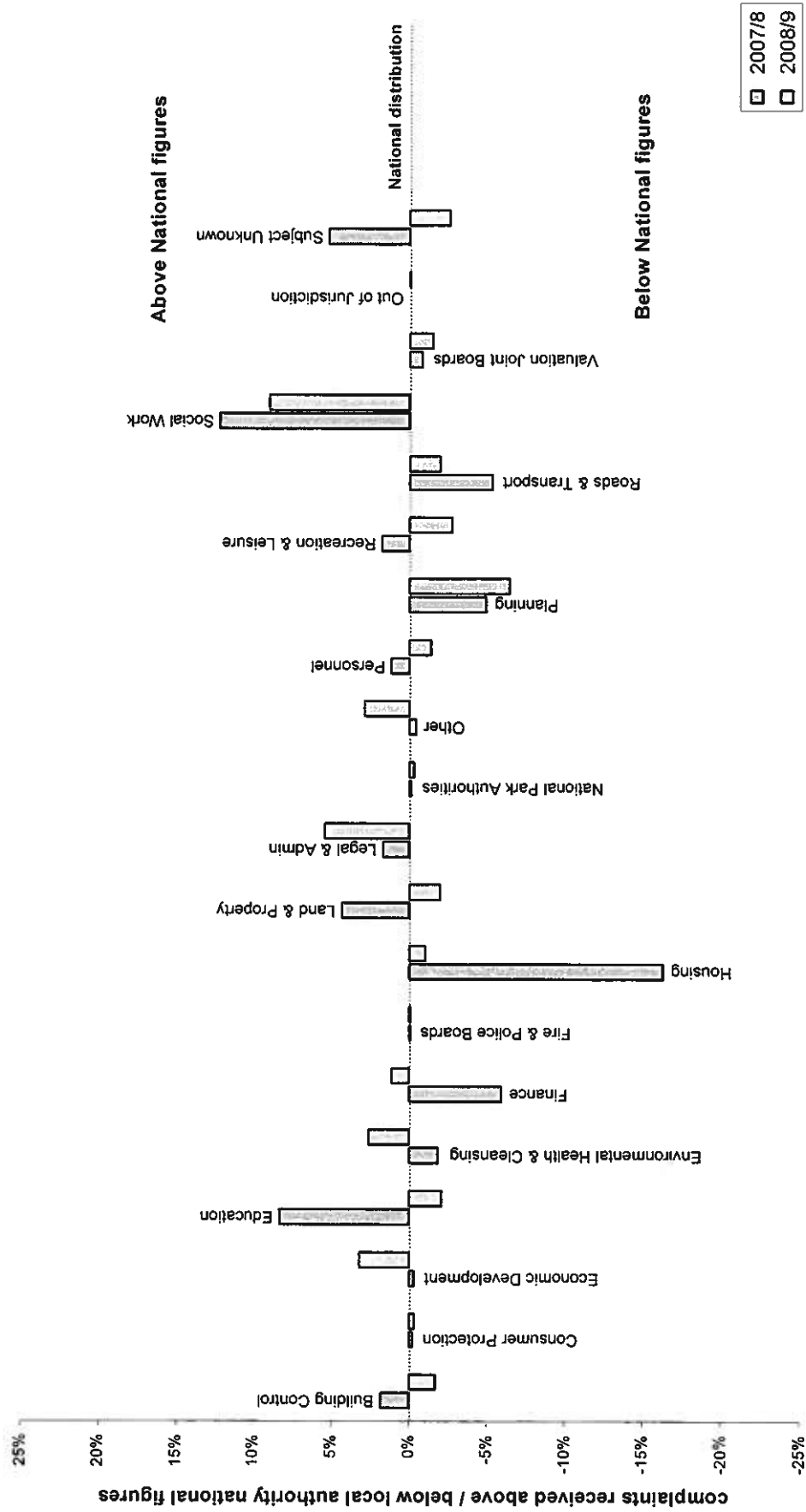
Table 1

2007/8

Received by Subject	2007/8		Complaints		complaints	
	Total	Complaints	complaints	Authority	complaints	as % of total
	Contacts	Only	as % of total	Complaints	as % of total	
Building Control	1	1	3%	20	2%	
Consumer Protection	0	0	0%	3	0%	
Economic Development	0	0	0%	4	0%	
Education	4	4	13%	67	5%	
Environmental Health & Cleansing	1	1	3%	69	5%	
Finance	2	1	3%	123	9%	
Fire & Police Boards	0	0	0%	1	0%	
Housing	8	4	13%	394	30%	
Land & Property	4	2	7%	31	2%	
Legal & Admin	3	2	7%	66	5%	
National Park Authorities	0	0	0%	2	0%	
Other	0	0	0%	6	0%	
Personnel	1	1	3%	29	2%	
Planning	4	4	13%	243	18%	
Recreation & Leisure	2	1	3%	21	2%	
Roads & Transport	0	0	0%	71	5%	
Social Work	10	7	23%	148	11%	
Valuation Joint Boards	0	0	0%	11	1%	
Out of Jurisdiction	0	0	0%	0	0%	
Subject Unknown	2	2	7%	20	2%	
Total	42	30		1,329		

	2008/9		Complaints		complaints	
	Total	Complaints	complaints	Authority	complaints	as % of total
	Contacts	Only	as % of total	Complaints	as % of total	
	0	0	0%	27	2%	
	0	0	0%	5	0%	
	1	1	3%	4	0%	
	1	1	3%	89	6%	
	2	2	7%	69	4%	
	3	3	10%	148	9%	
	0	0	0%	1	0%	
	8	8	28%	459	28%	
	0	0	0%	32	2%	
	3	3	10%	79	5%	
	0	0	0%	5	0%	
	1	1	3%	9	1%	
	1	0	0%	22	1%	
	3	3	10%	269	17%	
	0	0	0%	44	3%	
	1	1	3%	87	5%	
	6	6	21%	188	12%	
	0	0	0%	24	1%	
	0	0	0%	1	0%	
	0	0	0%	42	3%	
Total	30	29		1,604		

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



2007/8
 2008/9

Dundee City Council

Table 2

		2007/8	2008/9	All Local Authority
Complaints Determined by Outcome	Premature	15	12	923
	Out of Jurisdiction	7	5	102
	Withdrawn or failed to provide information before investigation	4	3	158
	Discontinued or suspended before investigation	0	0	12
	Determined after detailed consideration	4	5	279
	Report issued: not upheld	5	1	25
	Report issued: partially upheld	2	0	22
	Report issued: fully upheld	0	0	15
	Withdrawn or failed to provide information during investigation	0	0	1
	Discontinued or suspended during investigation	1	0	9
Total	38	26	1,546	

Dundee City Council

Published	Case Ref.	Summary	Decision	Recommendation(s)
20/08/08	200603559	the Council did not respond reasonably to Mrs C's request for suitable adaptations to the front entrance of her house to assist her access (not upheld).	not upheld	give full consideration to the reinstatement of the original layout of Mrs C's steps and any other measures that may assist Mrs C in accessing her property.

Local Authority Prematurity Rates

