

**To:                      Audit, Scrutiny & Petitions Board**

**On:                      28 November 2016**

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**Report by:           Director of Finance and Resources**

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**Heading:            Scottish Public Services Ombudsman – Annual Report**

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## **1.      Summary**

- 1.1.    The Scottish Public Services Ombudsman (SPSO) has issued his 2015/16 annual report. The report is available on the SPSO's website at [www.spsso.org.uk](http://www.spsso.org.uk)
  - 1.2.    The SPSO is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities. Local government remained the sector about which the SPSO received most complaints, 1722 (37.45%) from a total of 5358 complaints and enquiries, with the National Health Service again receiving the second highest number of 1512 (32.88%).
  - 1.3.    The SPSO sends authorities an annual letter about their complaint numbers. Again this year he is asking authorities to confirm that SPSO complaints are reviewed at a senior level by signing and returning a learning and improvement statement. The Chief Executive submitted a letter to the SPSO to that effect on 14 September 2016.
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## **2      Recommendations**

- 2.1    That the SPSO's 2015/16 Annual Report be noted; and
  - 2.2    That it be noted of the 52 complaints against Renfrewshire Council determined by the SPSO in 2015/16 none were fully investigated, only one was partly upheld and none were the subject of a report to the Scottish Parliament.
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### 3 Background

- 3.1 The report intimates that in 2015/16 the SPSO saw some reduction in overall caseload but an increase in the complexity of cases. Nationally, in 2015/16 the SPSO received 5358 complaints and enquiries, compared with 5667 in the previous year, a decrease of 5% in overall contact; they handled 4636 complaints, 3% less than in 2014/15; the overall rate of upheld complaints investigated rose from 50% to 54% with wide variations within and across sectors. Of the 4636 complaints handled, 891 went to full investigation, 861 of which resulted in a report to the Scottish Parliament. The SPSO made 1524 recommendations for redress and improvements to public services, 6% more than in 2014/15. The proportion of complaints that reached the SPSO before completing authorities' procedures (premature complaints) dropped from 34% to 31%.
- 3.2 The SPSO advises that they have set up a new unit to focus on supporting authorities' learning from complaints and help them prevent repeat failings and bring about long-lasting improvements.
- 3.3 No complaint details for specific organisations are included in the report. However, information is received separately from the SPSO, in his annual letter, which indicates that the number of complaints received by him relative to Renfrewshire was 56 compared with 63 in 2014/15 and 52 in 2013/14.
- 3.4 The SPSO will not generally consider a complaint unless the complainer has gone through the Council's complaints procedure fully. The Board receives an annual report on the Council's complaints performance. In 2015/16 the Council received 6860 complaints, compared with 5725 in 2014/15. The annual report on the Council's complaints will be submitted to a future meeting of the Board.
- 3.5 During the period of the report the SPSO determined 52 complaints relative to Renfrewshire compared with 62 in 2014/15 and 57 in 2013/14. Received and determined numbers do not tally as complaints determined include cases carried forward from previous years. Of the 52 complaints determined by the SPSO during 2015/16, none were fully investigated, only one was partly upheld and none were the subject of a report to the Scottish Parliament. The SPSO indicates that a low uphold rate suggests a robustness in the authority's handling of complaints.

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Outcome	2015/16	2014/15	2013/14
Premature	28	34	21
Out of jurisdiction	10	4	12
Withdrawn	9	14	9
No outcome achievable	2	4	7
Resolved	0	1	2
Not upheld	2	1	2
Fully upheld	0	3	1
Partly upheld	1	1	3
Total	52	62	57

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- 3.6 The main subjects of complaint in Renfrewshire during the period are as follows, with 2014/15 figures in brackets. The subjects are the SPSO's and may not relate directly to the way Renfrewshire Council services are organised. Housing 19(29); Education 8(3); Social Work 6(4); Finance 6(6); Roads & Transport 5(2); Legal & Admin 4(5); Recreation & Leisure 2(1); Planning 1(4); Environmental Health & Cleansing 1(4); Economic Development 1(0); Personnel 1(0); Consumer Protection 1(1); Building Control 0(1); Welfare Fund/Community Care Grants 0(1); Land & Property 0(1); other 1(1).
- 3.7 The report also refers to the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016, which comes into force on 1 April 2017, and abolishes the existing social work complaints process which required that, where a complainer was not satisfied with the response received from the Council in respect of their complaint concerning certain social work matters, they were able to refer the matter to a review committee. Matters previously dealt with by this Appeals Panel will, with effect from 1 April 2017, be handled in the same way as complaints about other Council services, in terms of the Council's complaints handling procedure. This means that where a complainer is unhappy about the way a complaint about the social work service has been dealt with, their recourse will be to refer the matter to the SPSO and not to an Appeals Panel within the Council. A report on this matter will be submitted to a future meeting of the Council.
- 3.8 This annual report records the final year of the SPSO's 2012-16 strategic plan. The 2016–20 strategic plan has been put out to public consultation.
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### **Implications of this report**

1. **Financial Implications** – none
2. **HR and Organisational Development Implications** – none
3. **Community Plan/Council Plan Implications** – none
4. **Legal Implications** – as detailed in the report
5. **Property/Assets Implications** – none
6. **Information Technology Implications** – none
7. **Equality and Human Rights Implications**
  - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

- 8. **Health and Safety Implications** – none
  - 9. **Procurement Implications** – none
  - 10. **Risk Implications** – none
  - 11. **Privacy Impact** – none
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**List of Background Papers** – none

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