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

**On:** 30 November, 2015

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

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**Heading:** **Scottish Public Services Ombudsman - Annual Report 2014/15**

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**1. Summary**

- 1.1 The Scottish Public Services Ombudsman (SPSO) has issued his 2014/15 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 deals with complaints in relation to local authorities, health, Scottish Government and devolved administration, housing associations, water, and further and higher education.
  - 1.3 The report highlights that during the period covered by the report, the SPSO handled 4895 complaints leading to over 1400 recommendations for improvement to public services.
  - 1.4 The SPSO sends authorities an annual letter about their complaint numbers. This year the SPSO is asking organisations to confirm to him that the learning from SPSO complaints has been discussed at a senior level by signing and returning a learning and improvement statement. The aim is to ensure that lessons are being learned and mistakes are not repeated.
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**2. Recommendations**

- 2.1 That the SPSO's 2014/15 Annual Report be noted;
- 2.2 That it be noted that of the 62 complaints against Renfrewshire Council determined by the SPSO in 2014/15 none were the subject of a detailed report to the Scottish Parliament; and
- 2.3 That the actions taken by Renfrewshire Council in relation to complaints handling be noted.

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### 3. **Background**

- 3.1 Local Government remains the sector about which the SPSO receives most complaints, being 38% of the SPSO's total caseload for 2014/15. During the period covered by the report the SPSO received 1880 complaints about local government compared with 1750 in the previous year. Complaints about the NHS have gone up by 25% over the past two years.
- 3.2 The report refers to their being fewer premature complaints, being 34% compared with 51% five years ago which is positive for complainants and organisations as it suggests that people are getting their complaints dealt with at the right place and using the SPSO properly as the last stage in the process.
- 3.3 The report highlights that in all areas apart from health, the SPSO is prevented from considering the merits of discretionary decisions by organisations under jurisdiction, although they do consider whether any discretionary decisions were made properly. Some of the decisions people take to the SPSO are made through the democratic process where the decision-makers are democratically accountable. However, the SPSO indicates that complainants are frustrated that the SPSO cannot test the judgements of non-elected officials, particularly in planning where there is no alternative route for objectors to challenge the decision and which leads to high levels of dissatisfaction with the complaints process.
- 3.4 As indicated in paragraph 1.3 above, the SPSO made 1400 recommendations during the period of the annual report. The SPSO makes recommendations to try to redress any injustice done to the individual and to help the problem from happening again. Each recommendation is issued with a deadline for implementation. The SPSO follows up any recommendations made and requires evidence of actions taken, including action to make broader changes if appropriate. Where it appears to the SPSO that the hardship or injustice has not been remedied he may lay before the Scottish Parliament a special report on the matter. There have been no such reports in relation to Renfrewshire Council.
- 3.5 The SPSO publishes the majority of their investigations on their website and in their monthly reports to raise awareness of key recommendations. The Head of Corporate Governance passes apposite information from these monthly commentaries to relevant Council officers.
- 3.6 No complaint details for specific organisations are included in the report. However, information has been received separately from the SPSO, in his annual letter, which indicates that the number of complaints received by him relative to Renfrewshire was 63 compared with 52 in 2013/14 and 45 in 2012/13.

- 3.7 During the period of the report, the SPSO determined 62 complaints relative to Renfrewshire compared with 57 in 2013/14. Received and determined numbers do not tally as complaints determined include cases carried forward from previous years. As indicated in paragraph 2.2 above, of the 62 complaints against the Council determined by the SPSO during 2014/15, none were the subject of a detailed report to the Scottish Parliament.
- 3.8 Of the 62 complaints referred to at paragraph 3.7 above (2013/14 figures in brackets) 34(21) were premature; 4(12) were out of jurisdiction; 14(9) were withdrawn; in 4(7) no outcome was achievable; 1(2) was resolved; 1(2) complaint was not upheld; 3(1) complaints were fully upheld; and 1(3) complaint was partly upheld.
- 3.9 Statistics in relation to the areas in which complaints were made are detailed in the appendix to this report. The subjects are the SPSO's and may not relate directly to the way Renfrewshire Council services are organised. The main subjects of complaint in Renfrewshire during the period (2013/14 figures in brackets) were (1) housing (housing); (2) finance (finance); (3) legal & admin (social work), and (4) social work, planning and environmental health & cleansing. Nationally the top three complaints were housing, social work and planning.
- 3.10 The SPSO continues to place importance on facilitating the voluntary resolution of complaints. Renfrewshire reflects this approach and services are encouraged to accept responsibility where things have gone wrong, make changes where appropriate to procedures, rectify the situation if possible and apologise to the complainer.

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## Implications of the Report

1. **Financial** – none.
2. **HR & Organisational Development** – none.
3. **Community Planning** – none.
4. **Legal** – none.
5. **Property/Assets** – none.
6. **Information Technology** – none.
7. **Equality & Human Rights** - 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. 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 & Safety** – none.
9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none.

**List of Background Papers:** e-mails from SPSO's office with details of Renfrewshire complaints.

**Author:** Lilian Belshaw, Democratic Services Manager  
(tel: 0141 618 7112/email: [lilian.belshaw@renfrewshire.gcsx.gov.uk](mailto:lilian.belshaw@renfrewshire.gcsx.gov.uk))

**APPENDIX**

<b>Complaints received by subject</b>	<b>2014/15</b>	<b>2013/14</b>
Housing	29	16
Finance	6	10
Legal & Admin	5	0
Social Work	4	5
Planning	4	5
Environmental Health & Cleansing	4	3
Education	3	4
Roads & Transport	2	2
Building Control	1	2
Land & Property	1	1
Recreation & Leisure	1	2
Welfare Fund – Community Care Grants	1	0
Consumer Protection	1	0
Subject unknown or out of jurisdiction	1	1
Other	0	1
Total	63	52