

To: Audit, Risk and Scrutiny Board

On: 22 January 2024

Report by: Director of Finance & Resources

Heading: Scottish Public Services Ombudsman (SPSO) Annual Report 2022/23

1 Summary

- 1.1 Rosemary Agnew, the Scottish Public Services Ombudsman (SPSO) has issued her 2022/23 annual report. The report is available on the SPSO's website at https://www.spsso.org.uk/sites/spsso/files/communications_material/annual_report/Annual%20Report%20and%20Financial%20Statements%202022-23.pdf
 - 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.
 - 1.3 The report advised that Public Service cases received in 2022/23 decreased in comparison to 2021/22.
 - 1.4 It was noted that the health sector was the sector about which the SPSO received most complaints, with local authority cases receiving the second highest number. Nearly two-thirds of cases received were about health and local authorities.
 - 1.5 The statutory functions of the Ombudsman, together with the complaints process and a look forward to the coming year are set out within the SPSO's report.
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2 Recommendations

- 2.1 That the SPSO's 2022/23 Annual Report be noted; and
 - 2.2 That it be noted of the 35 complaints against Renfrewshire Council determined by the SPSO in 2022/23 none went to public investigation.
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3 **Background**

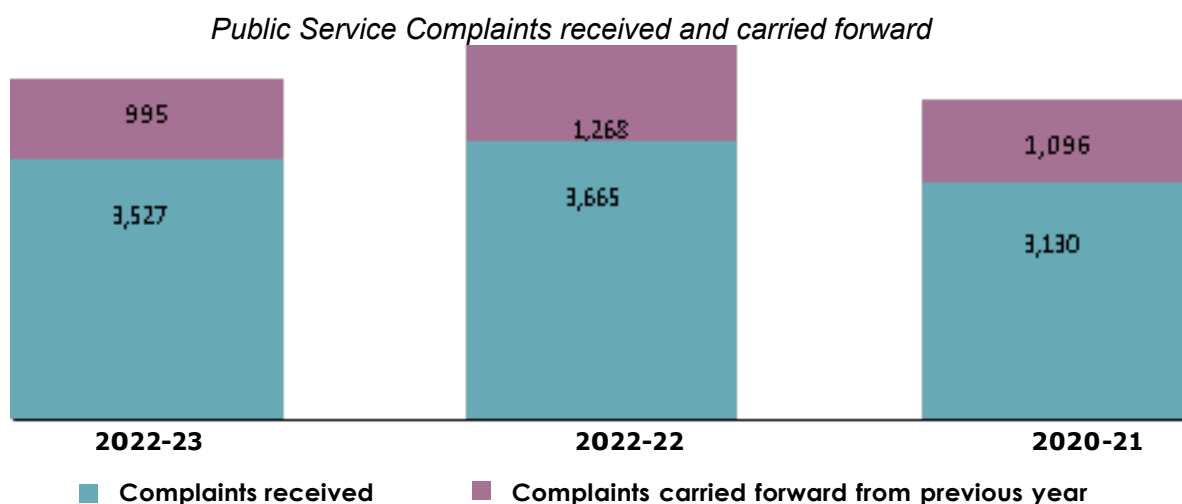
3.1 **SPSO Role and Function**

The SPSO has a wide remit which covers a variety of functions and services. There are four distinct statutory functions:

- the final stage for complaints about most devolved public services in Scotland;
- powers and responsibilities to publish complaints handling procedures and monitoring and supporting best practice in complaints handling;
- independent review service for the Scottish Welfare Fund with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications; and
- Independent National Whistleblowing Officer for the NHS in Scotland; the final stage for complaints about how the NHS considers whistleblowing concerns and the treatment of individuals concerned.

4 **Complaints Overview**

4.1 The report advised that case numbers received in 2022/23 reduced slightly in comparison to the previous year. The slight fall in cases received this year meant that complaint numbers were at pre-pandemic levels.



4.2 The report noted that nationally, in 2022/23 the SPSO received 3,527 complaints and enquiries (4,522 in total when including complaints carried over from last year) compared with 3,665 complaints received in 2021/22 and 3,1830 in 2020/21.

4.3 Of the 3,527 complaints handled, 192 went to full investigation compared to 284 in 2021/22. A breakdown of Public Service complaints which were closed at assessment and after investigation is outlined in table below:

Type	2022-23	2021-22	% change	2020-21
Total cases closed after investigation	192	284	-32.4%	420
Upheld in full	77	102	-24.5%	145
Upheld in part	42	71	-40.8%	101
Not upheld	61	100	-39%	157
Not duly made, or withdrawn	6	7	-14.3%	12
Outcome unachievable	0	1	-100%	0
Resolved	6	3	100%	5
Total number of cases closed (at assessment and after investigation)	3,829	3,492	9.7%	3,176

4.4 Cases closed overall rose by a 9.7% following on from a 10% rise in 2021/22. This was despite the challenges faced and it also reflected the impact of additional temporary staffing resources and changes to their processes to improve efficiency.

5 Public Service Complaints Received

5.1 The table below shows the breakdown of public service complaints by sector and remains generally consistent with previous years. Once again, health is the highest subject of complaint followed by local authorities. Nearly two-thirds of cases received were about health and local authorities.

Cases determined by sector

Authority Sector	Complaint	Enquiry	Total
Colleges	24	0	24
Health	1,322	5	1,327
Housing Associations	355	2	357
Joint Health and Social Care	171	0	171
Local Authority	1,151	2	1,153
Other	54	1,034	1,088
Prisons	273	1	274
Scottish Government & Devolved Administration	192	0	192
Universities	209	1	210
Water	78	1	79
Total	3,829	1,046	4,875

5.2 Of the investigations completed in Scotland as a whole, two cases were reported in full as public investigation reports (down from seven the previous year). These are cases where they decide to publish the investigation in full because there is evidence of significant personal injustice or hardship, systemic failure, significant complaints handling failures, or it is a test/precedent case. Neither of these cases involved Renfrewshire Council.

5.3 Cases that are not published in full as public investigation reports are usually published as decision summaries. Public reports and decision summaries can be found in the 'Our findings' section of their website.

6 Premature Public Service Complaints Rate

6.1 A premature complaint is one that has not been considered by the public body first. There was a significant reduction in premature public service complaints this year. The actual number of premature complaints received decreased by 41% (460 in 2022/23 compared to 783 in 2021/22). This reflected the work that had been done during the year to develop their online complaint form as it provided complainants with greater assistance in assessing when their complaint was ready to be sent.

7 Complaints in relation to Renfrewshire Council 2022/23

7.1 No complaint details for specific organisations are included in the report. However, information received separately from the SPSO, indicated that the number of complaints received by the SPSO relative to Renfrewshire was 35 compared with 43 in 2021/22 and 31 in 2020/21. Of the 35 cases 22 were completed at the early resolution stage and 13 reached the advice stage

7.2 Complaints Determined in relation to Renfrewshire Council 2021/22

Stage	Outcome Group	Renfrewshire Council
Advice	A&G - Complaint submissions - mature	2
	A&G - Complaint submissions - premature	5
	A&G - Enquiries	6
	Organisation not in jurisdiction	0
	Unable to proceed	0
	Total	13
Early Resolution	Cause and impact test not met (s 5 (3))	0
	Discretion – Insufficient benefit would be achieved by investigation	4
	Discretion – alternative action proposed	3
	Discretion – Alternative route used or available	0
	Discretion - Good complaint handling	7
	Discretion – referred back	3
	Discretion - Resolved - both parties satisfied with proposed outcome	1
	Member of the public test not met (s 5 (6))	0
	Organisation not in jurisdiction	0
	Premature	0
	Right of appeal to court/tribunal/Scottish ministers (s 7 (8))	0
	Subject matter not in jurisdiction	0
	Time limit (s 10)	1
	Unable to proceed	3
Total	22	
Investigation	Fully upheld	0
	Not duly made or withdrawn	0
	Not upheld	0
	Resolved	0
	Some upheld	0
	Total	0
Total	35	

- 7.3 Of the 35 cases in 2022/23 relative to Renfrewshire, the main subjects of these are as follows, with 2021/22 figures in brackets. The subjects are the SPSO's and may not relate directly to the way Renfrewshire Council services are organised: Education 5 (4); Environmental Health & Cleansing 6 (6); Finance 3 (4); Housing 7 (9); Legal & Admin 2 (2); Personnel 0 (0); Planning 3 (3); Roads & Transport 0 (1); Social Work 7 (4); Subject Unknown/Out of Jurisdiction 2 (1); and Welfare Fund – Community Care Grants 0 (0).
- 7.4 The SPSO will not generally consider a complaint unless the complainer has gone through the Council's complaints procedure fully. In 2022/23 the Council received 9,155 complaints, compared with 9,193 in 2021/22. The annual report on the Council's complaints was considered at the meeting of this Board held on 22 August 2023.

8 Looking Forward

- 8.1 The SPSO recognise they still have much to do and will be focusing on
- continuing to reduce the time taken to allocate and investigate complaints;
 - building on their stakeholder engagement to drive up complaint handling standards and improve the complaint journey for complainants;
 - developing people-centered and rights-based complaint handling, that focuses on outcomes and resolution;
 - developing to equip themselves with skills to both deliver and develop their service; and
 - improving accessibility to justice through complaints, especially for people who do not currently have access to their services.

Implications of the Report

Financial – None

HR & Organisational Development – None

Community Planning – None

Legal – None

Property/Assets – None

Information Technology – None

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.

Health & Safety – None

Procurement – None

Risk - None.

Privacy Impact – None

COSLA Implications – None

Climate Risk - None

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