
To: Audit, Risk and Scrutiny Board

On: 23 November 2020

Report by: Director of Finance & Resources

**Heading: Scottish Public Services Ombudsman
 (SPSO) Annual Report 2019/20**

1 Summary

- 1.1 The Scottish Public Services Ombudsman (SPSO) has issued her 2019/20 annual report. The report is available on the SPSO's website at 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. The health sector was the sector about which the SPSO received most complaints (36%) from a total of 4,332 complaints and enquiries, with local authority cases receiving the second highest number of 1,327 (31%), which was the same percentage as last year.
- 1.3 The statutory functions of the Ombudsman, together with a look at the complaints process and a look forward to the coming year are set out within the SPSO's report.

2 Recommendations

- 2.1 That the SPSO's 2019/20 Annual Report be noted; and
 - 2.2 That it be noted of the 47 complaints against Renfrewshire Council determined by the SPSO in 2019/20 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 three 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; and
- 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.

4 Complaints Overview

4.1 The report advised that in 2019/20 the SPSO saw an increase in overall caseload compared with the previous year. Nationally, in 2019/20 the SPSO received 5,901 complaints and enquiries, compared with 5,895 in the previous year. There were 4,332 complaints received compared to 4,188 in 2018/19 and 1,569 enquiries compared to 1,707 enquiries in 2017/18.

4.2 Of the 4,332 complaints handled, 588 went to full investigation compared to 711 in 2018/19, 1,562 were about the health sector and 1,327 complaints were about local authorities. As in previous years, the health sector continued to account for the largest proportion of cases received in 2019/20.

4.3 Of the 588 complaints investigated, the SPSO upheld or partly upheld 58% of complaints. It was noted that this was the third year in a row that the uphold rate had remained stable. The number of investigations completed was lower than predicted because of the impact of Covid-19. Historically, many of the investigations were completed in the final quarter of the year. This year, Covid-19 had a significant impact on the numbers of cases closed because of the hiatus in delivering services and the impact on staff resources.

4.4 Of the investigations completed in Scotland as a whole, 7 cases were reported in full as public investigation reports (compared with 14 the previous year). Typically, public reports cover more serious complaints, often with wider significance to other organisations and which may be more complex and resource intensive. None of these related to Renfrewshire. The SPSO made 1,038 recommendations for redress and improvements to public services compared to 1,160 in 2018/19.

- 4.5 The proportion of complaints that reached the SPSO before completing authorities' procedures (premature complaints) dropped again from 20% to 19% which is a steadily decreasing figure due to the designing, monitoring and promoting of the Model Complaints Handling Procedures.
- 4.6 No complaint details for specific organisations are included in the report. However, information was received separately from the SPSO, indicates that the number of complaints determined by the SPSO relative to Renfrewshire was 47 in 2019/20 compared with 47 in 2018/19 and 48 in 2017/18.

Outcome	2019/20	2018/19	2017/18
Premature	13	10	18
Out of jurisdiction	4	6	6
Withdrawn	11	13	10
No outcome		2	5
Resolved		5	2
Not upheld		0	1
Fully upheld		1	0
Some upheld		1	3
Proportionality	19	9	3
Total	47	47	48

- 4.6 Of the 47 complaints determined by the SPSO during 2019/20, none went to investigation stage.
- 4.7 Of the 54 cases that were received in 2019/20 relative to Renfrewshire, the main subjects of these are as follows, with 2018/19 figures in brackets. The subjects are the SPSO's and may not relate directly to the way Renfrewshire Council services are organised: Housing 7(6); Education 6(0); Social Work 7(4); Finance 8(5); Roads & Transport 5(5); Legal & Admin 1(5); Planning 4(3); Environmental Health & Cleansing 12(12); Personnel 0(0); and Subject Unknown 4(4).
- 4.8 It should be noted that received and determined numbers do not tally as complaints determined include cases carried forward from previous years.
- 4.9 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.
- 4.10 In 2019/20 the Council received 7,633 complaints, compared with 8,200 in 2018/19. The annual report on the Council's complaints will be considered at a future meeting of the Board.

5 Looking Forward

- 5.1 The SPSO recognised that Covid-19 and lockdown would have long-reaching impacts but were committed to delivering their statutory functions. The report noted that lockdown would impact on all areas of their business for years to come, but acknowledged that it was important not only to cope with lockdown and keep delivering their business but also to learn for the future in terms of how they investigated, how they worked differently and how they kept their services accessible.
- 5.2 The implementation of the Independent National Whistleblowing Officer role for the NHS Scotland would not go live as predicted on 1 July 2020. The SPSO had been consulting with the Scottish Government and other stakeholders about what would be the best time, recognising that there would be no ideal time. They were considering the impact on the NHS of lockdown easing, the impact of the usual winter flu season and the need to prepare for a possible second wave of COVID-19 and were equally mindful of the need to ensure that support to enable the NHS to adopt the new Whistleblowing Standards were in place.

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
12. **COSLA Implications** – None
13. **Climate Risk** - None

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